

Legislative Assembly of Alberta

Title: **Monday, October 24, 1994**

1:30 p.m.

Date: 94/10/24

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

At the beginning of this week we ask You, Father, to renew and strengthen in us the awareness of our duty and privileges as members of this Legislature.

We ask You also in Your divine providence to bless and protect the Assembly and the province we are elected to serve.

Amen.

head: **Introduction of Visitors**

MRS. MIROSH: Mr. Speaker, I'd like to introduce to you and through you to members of the Assembly Her Excellency Laurine Fenton, high commissioner for the organization of east Caribbean states. She represents the interests in Canada of six countries: Grenada, Dominica, Montserrat, St. Kitts, St. Vincent, and St. Lucia. Her Excellency was appointed high commissioner to Canada in September 1993, and this is her first visit to our province. I've had the opportunity of having a wonderful lunch with Her Excellency along with business people in Alberta. She is seated in the Speaker's gallery, and I would ask that the high commissioner rise to receive the warm welcome from the Assembly.

head: **Presenting Petitions**

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

MR. HENRY: Thank you very much, Mr. Speaker. I beg your leave to present a petition signed by various Albertans. The petition calls upon the government of Alberta, when making its cuts to education funding, to do so in such a way that the classroom is not affected by those cuts.

Thank you.

head: **Reading and Receiving Petitions**

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

DR. NICOL: Thank you, Mr. Speaker. I request that the petition I submitted on May 18 concerning the government's commitment to the Children's hospital in Calgary be read and received, please.

CLERK:

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

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission I would like to have the petition which I tabled in this Assembly on June 1 regarding the importance of full funding for kindergarten now read and received.

CLERK:

We, the undersigned residents of Alberta, petition the Legislative assembly to urge the government to continue funding kindergarten at

the current level, allowing each and every child in Alberta the opportunity to receive 400 hours of kindergarten instruction.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I'd request that the petition I presented regarding the Sturgeon general hospital be read and received.

CLERK:

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

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

MR. SPEAKER: The hon. Member for Taber-Warner.

MR. HIERATH: Thank you, Mr. Speaker. As chairman of the Select Special Auditor General Search Committee I would like to table the report of the Select Special Auditor General Search Committee.

Thank you.

MR. SPEAKER: The hon. Member for Taber-Warner.

MR. HIERATH: Thank you, Mr. Speaker. As Chairman of the Select Special Chief Electoral Officer Search Committee I would like to table the report of the Select Special Chief Electoral Officer Search Committee. Copies were distributed to members on September 7.

Thank you.

head: **Notices of Motions**

MR. DAY: Mr. Speaker, I'd like to propose the following motion:

Be it resolved that the report of the Select Special Auditor General Search Committee, appointed by this Assembly on November 9, 1993, and revived on May 18, 1994, be now received and concurred in.

head: **Introduction of Bills**

Bill 45 Alberta Health Care Insurance Amendment Act, 1994 (No. 2)

MR. SPEAKER: The hon. Member for Olds-Didsbury.

MR. BRASSARD: Yes, Mr. Speaker. I request leave to introduce a Bill being the Alberta Health Care Insurance Amendment Act, 1994 (No. 2).

Mr. Speaker, this Bill addresses three issues. First, it resolves a technical problem in the legal interpretation of the mandate of Alberta Blue Cross by clarifying the definition of pharmaceutical goods and services provided by Blue Cross; second, it provides for release of information to the council of the Alberta Pharmaceutical Association for the purposes of practitioner investigations; and finally, it sets out authority and guidelines for the release of information routinely collected by the Alberta health care

insurance plan. That information includes basic personal data on registrants of the plan along with diagnosis and services provided as reported by health care professionals. This legislation is consistent with legislation in other provinces and with the provisions of Alberta's freedom of information and protection of privacy Act.

[Leave granted; Bill 45 read a first time]

MR. DAY: Mr. Speaker, I move that Bill 45, the Alberta Health Care Insurance Amendment Act, 1994 (No. 2), as just introduced, be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

Bill 54

Alberta Corporate Tax Amendment Act, 1994

MR. DINNING: Mr. Speaker, I request leave to introduce Bill 54, the Alberta Corporate Tax Amendment Act, 1994. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

Mr. Speaker, this legislation implements changes to the Alberta royalty tax credit which were announced in the February 24, 1994, budget.

[Leave granted; Bill 54 read a first time]

Bill 55

Loan and Trust Corporations Amendment Act, 1994

MR. DINNING: Mr. Speaker, I beg leave to introduce Bill 55, the Loan and Trust Corporations Amendment Act, 1994.

Among other things, Mr. Speaker, this Bill will allow an Alberta incorporated loan or trust corporation to continue as a loan or trust corporation in other provinces or under federal jurisdictions.

[Leave granted; Bill 55 read a first time]

Bill 56

Nova Corporation of Alberta Act Repeal Amendment Act, 1994

MR. HLADY: Mr. Speaker, I request leave to introduce Bill 56, the Nova Corporation of Alberta Act Repeal Amendment Act, 1994.

This Bill provides for the amendment of the Nova Corporation of Alberta Act Repeal Act. Its aim is to clarify the process of Nova's transition to full regulation under the Gas Utilities Act.

[Leave granted; Bill 56 read a first time]

1:40

MR. DAY: Mr. Speaker, I move that Bill 56, the Nova Corporation of Alberta Act Repeal Amendment Act, 1994, as just introduced, be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

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

MRS. BURGNER: Thank you, Mr. Speaker. I'd like to table the 1993-94 annual report for the Seniors Advisory Council for Alberta. This was distributed to all members on September 5.

MR. HIERATH: As chairman of the Standing Committee on Legislative Offices I would like to present the report of the Auditor General for the year ended March 1994, which is submitted pursuant to section 19(4) of the Auditor General Act.

MR. SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. I would like to table today calculations prepared by the taxpayer-funded opposition research staff, one of the best in the nation, that point out all too well that the hundred million dollars the government had committed on the Bovar loan guarantee would cover the cost of two years' tuition, books, supplies, and financial assistance to enable 5,000 of our aboriginal people to upgrade their education.

head: **Introduction of Guests**

MR. SPEAKER: The hon. Member for Taber-Warner.

MR. HIERATH: Thank you, Mr. Speaker. I would like to introduce two constituents of mine to you and to the Assembly. I would like Ron Burr and Belinda Pack to rise and receive the warm welcome of this Assembly.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly two school groups that are visiting the Legislature today from the constituency of Sherwood Park. The first school that I'd like to introduce includes 31 visitors from Wes Hosford school, including teacher Marilyn Macyk, the grade 6 teacher, and parents Debbie Mohn and Kim Toreson. They are seated in the members' gallery, and I'd ask them to now rise and receive the traditional warm welcome of the Assembly.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. The second group I'm introducing today to you and to Members of the Legislative Assembly is 21 visitors from the Pine Street school in Sherwood Park. They are accompanied today by teacher Ken Werenka, aide Anna Sikora, and parents David Dingle, Marnie Oviatt, and Lorna Stacy. They are seated in the public gallery, and I'd ask them to rise and receive the warm welcome of the Assembly.

Thank you.

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

MR. MITCHELL: Thank you, Mr. Speaker. It's my pleasure to introduce to you and to the Members of the Legislative Assembly 56 students from St. Martha elementary school in the riding of Edmonton-McClung. They are accompanied today by their principal, Mr. Syl Bartoszewski, by teachers Mrs. O'Brien and Mrs. Yarovenko, and by three parents who are here to help out, Mrs. Smyth, Mrs. Byrne, and Mrs. Heppell. I would ask that they stand in the gallery and receive the welcome of the Members of the Legislative Assembly.

head: **Oral Question Period**
Energy and Utilities Board Appointment

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

MRS. HEWES: Thank you, Mr. Speaker. This Assembly is governed by a conflict of interest law. On Friday the Premier broke the spirit and the letter of that law by announcing the appointment of the Deputy Premier as chairman of the Alberta Energy and Utilities Board. It's a double standard. My first question is to the Premier. Mr. Premier, how can you have announced this appointment without first clearing it with the Ethics Commissioner?

Speaker's Ruling
Sub Judice Rule

MR. SPEAKER: Hon. members, section 22 of the Conflicts of Interest Act provides that any matter referred to the Ethics Commissioner shall not be inquired into by members of this Assembly. It's the Chair's information that the Liberal caucus did send a fax referral of this matter to the Ethics Commissioner, and the Chair feels that until the Ethics Commissioner declines jurisdiction, this matter shouldn't be pursued.

MRS. HEWES: Mr. Speaker, the Ethics Commissioner has not accepted the responsibility to deal with this. I don't see why the question isn't in order, sir.

MR. SPEAKER: Well, the Chair certainly stands to be corrected as to the most recent information. The Chair hadn't been advised by the Ethics Commissioner that he had not accepted the complaint by the hon. leader's party, but if the hon. leader states that the Ethics Commissioner has not accepted it, has not accepted jurisdiction . . .

AN HON. MEMBER: It said on the radio. [interjections]

MR. SPEAKER: Well, we will not take what the radio says, but if the hon. member can give her personal undertaking that the commissioner has declined to accept the complaint, then we may be able to proceed.

MRS. HEWES: Mr. Speaker, I have not had any confirmation that it's been accepted, and my understanding is that he can't deal with it until the appointment's been made. Is my question in order, sir, or not?

MR. SPEAKER: Well, the Chair will leave it to the hon. member. If the hon. member can assure the Assembly that the Ethics Commissioner has not accepted the complaint for investigation, then we can proceed.

MRS. HEWES: Sir, what I can tell you is that I have made the request. I have not had any confirmation one way or the other.

MR. SPEAKER: Hon. Government House Leader, on this point.

MR. DAY: Just on the point. I believe the indication is . . . [interjections]

MR. SPEAKER: The Chair is not accepting this as a point of order. The Chair is accepting this as a source of information as to whether or not the hon. member says that she has no informa-

tion on the thing. Maybe the hon. Government House Leader does have some information on it.

MR. DAY: Well, Mr. Speaker, correct me if I'm wrong, but in areas like this the correct wording, the jurisdiction is given to the act of it being "referred to." It doesn't say that it has been fallen over in wonderful acceptance. It has been "referred to," as the member opposite should know. It's been referred. [interjections]

MR. SPEAKER: Order please. The Chair is in somewhat a difficult position, primarily because of what the opposition caucus has done. The opposition caucus really can't have its cake and eat it too. As the Chair understands the facts, the opposition caucus did refer this matter to the Ethics Commissioner.

AN HON. MEMBER: And he said that he can't do anything.

MR. SPEAKER: That is what we have not heard. We have not heard the Ethics Commissioner say that he cannot deal with it.

MR. WICKMAN: I heard it this morning on the radio.

MR. SPEAKER: Well, the hon. member can say all he wants about what he heard on the radio. The Chair finds it very difficult for the very people who have referred something to the Ethics Commissioner to now come into the House and say that they want to pursue the matter. They should not complain if their own action precludes them from pursuing this matter under section 22 of the Act, because it's quite clear: a referral takes it out of discussion of this Assembly.

1:50

MRS. HEWES: Mr. Speaker, this speaks directly to the conflict of interest legislation. I've told you exactly as it stands. The commissioner apparently cannot make any decision about dealing with it until the appointment, which has been announced, is in fact made. That's the timing problem that I'm having, sir.

MR. SPEAKER: The Chair would like to find out as much as possible what the true facts are on this. Perhaps with the indulgence of all members of the House we could move to the second main question and perhaps return to this question.

MRS. HEWES: Certainly, Mr. Speaker.

Energy and Utilities Board Appointment
(continued)

MRS. HEWES: Mr. Speaker, it's apparent that the appointment was made in haste and lacks integrity. I would like to ask the Premier if he doesn't believe that the Premier of the province should uphold the laws of the province.

MR. KLEIN: Well, you know, Mr. Speaker, the hon. acting leader – and she's doing a lot of acting right now – of the Liberal Party should know, should have great knowledge about these kinds of things. Perhaps she would like to share the details of the contract she was given by Pierre Elliott Trudeau when she became chairman of the CNR. She has great knowledge of these matters.

Mr. Speaker, the Conflicts of Interest Act does not call for a mandatory or automatic six-month cooling off period, and, by the way, that Bill was supported entirely by the Liberals. I recall the hon. Member for Redwater standing up and speaking eloquently

about this Bill. It does say that a former minister should not accept a contract or accept employment with a provincial agency with which he had had "significant official dealings" in the past year. It further goes on to define "significant official dealings" as "directly and substantively involved" in the agency. Now, to my knowledge Mr. Kowalski was never at any time substantively or directly involved with the ERCB or the Public Utilities Board. He was simply not involved with those agencies in any way, shape, or form.

MRS. HEWES: Mr. Speaker, it's incredible to me that the Deputy Premier wouldn't be intimately involved, incredible to the people of Alberta.

Mr. Speaker, to the Premier then: can the Premier explain the changes in all cabinet portfolios in light of the Premier's recent comments in Lethbridge that barring photographic evidence of a serious moral sin or signs of immoral politicking, the cabinet of today will be the cabinet carrying the Tory flag into the next election? Your quote, Premier, your quote.

MR. KLEIN: Mr. Speaker, I'm indeed flattered that the hon. member would think that I could be that eloquent.

MRS. HEWES: It's your quote there.

MR. KLEIN: Well, there must have been some imaginative writing, because it certainly doesn't sound like my language. Notwithstanding that, Mr. Speaker, they will never know what it's like because they will never be in this position. There is something that's called the Premier's prerogative, and the Premier can do these things, and things change.

MR. MITCHELL: Mr. Speaker, I'm going to begin by quoting George Govier, who was an extremely well-respected former member and former chairman of the ERCB between 1948 and 1978. He says: the appointment of a politician to the chairmanship of the newly named Energy and Utilities Board, however well-qualified for his former duties, is little short of scandalous. He goes on to say: today is a sad day for Albertans and Alberta's energy industries. To the Premier: if the Premier had found good enough reasons to fire the Deputy Premier from his cabinet, how could he possibly have found good enough reasons to hire him to head up this important independent Energy and Utilities Board?

MR. KLEIN: There was nothing ever said about anyone being fired, Mr. Speaker. Mr. Kowalski brings 20 years of good, solid public service to this position, and I guess Mr. Govier is entitled to his opinion. On the other hand, I have heard from many well-respected Albertans who have said that this is a good appointment.

MR. MITCHELL: In hiring one of the most intensively partisan and political Members of this Legislative Assembly to head up this important Alberta Energy and Utilities Board, how does the Premier answer Mr. Govier's further charge that this appointment disregards the fundamental tradition of independence of the board from the government?

MR. KLEIN: Providing the order in council goes through – and it hasn't gone through yet. The appointment has not been made, but stay tuned. Stay tuned. Mr. Speaker, the individual charged with the chairmanship of the new Alberta Energy and Utilities Board will be charged with the very serious responsibility of making adjudications based on the evidence presented. There is a presumption here. There is a presumption, and it's a false and

a very, very vicious presumption that there is going to be bias or this is going to be tainted. No one questioned the hon. acting leader of the Liberal Party's adjudication powers and her powers to function when she ran CN Rail, and that was a pure, absolutely blatant patronage appointment. No one questioned her ability to do that. I would say: let things unfold, and if there is a breakdown or if there is negligence in the discharge of one's duty, then we will deal with it at that particular time, but I don't believe it will happen.

MR. MITCHELL: You have to wonder, Mr. Speaker, whether negligence in the discharge of duty is one of those things that the Premier didn't want to talk about at the press conference on Friday afternoon.

My third question, Mr. Speaker, is: how does the Premier explain to Albertans why he has now recently broken two clear promises, first with the loan guarantee to Bovar and now with this blatantly political patronage appointment of one of his good old boy buddies?

MR. KLEIN: Well, the Liberals know all about appointing good old boy buddies, because their federal cousins have been masters at that particular trade in the past.

Mr. Speaker, relative to the Bovar loan guarantee – and, you know, I'm always glad that they get back into these things, because obviously they have nothing else to talk about. I see now through their preambles relative to the loan that hasn't been drawn down on and how it could be spent in other directions that these guys have already spent \$1.2 billion. Only the Liberals can take a hundred million dollar deal and turn it into a \$1.2 billion loss. You know, this is absolutely amazing.

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

2:00

MR. DICKSON: Thank you, Mr. Speaker. I would remind the Premier that there's also a presumption that when a minister of the Crown makes a commitment, the government is bound by it. On May 9, 1994, the Minister of Energy stated to this House, and I quote:

Right now we're going through the process of choosing the new chair for this board, a process that we've adopted throughout government to advertise for this chair position and have an open competition for the chair of this new board.

She went on to say:

It's very important that this happen to show the respect and the independence of the new board as we go through this process.

My question to the Premier: why compromise and taint this key new agency even before it gets started?

MR. KLEIN: Well, again, Mr. Speaker, that is an assumption. It's an assumption. It's an opinion. I mean, nothing has happened. We have a perfectly qualified individual who is about to assume those duties, who will do a fantastic job, who will bring years and years of administrative experience to this particular job.

There was indeed a publicly advertised competition for the chair of the newly created Alberta Energy and Utilities Board, and as the Auditor General suggested, the expertise of the Public Service Commissioner was used to shortlist suitably qualified candidates for appointments to the board. I can tell you this, and I would challenge the hon. member to answer the question as well: why did they not select anyone? You know why? It's not rocket science, Mr. Speaker. They didn't select a person because they

were not satisfied that one single candidate met all of the selection criteria.

MR. DICKSON: Mr. Speaker, my supplementary question, then, to the Premier is: will the Premier announce that he will suspend the appointment at least until the review of the Paddle River dam fiasco and the review of the Alberta Special Waste Management Corporation are concluded?

MR. KLEIN: Mr. Speaker, neither one of those things has anything to do with the minister. The last time I looked, the Alberta Special Waste Management Corporation was under the jurisdiction of the minister of the environment. It's now my hon. friend's responsibility, and good luck with it, Ty.

Mr. Speaker, if every time the Liberals suggested we should suspend something until something is investigated, absolutely nothing would take place; nothing would be done. Everything would come to an absolute standstill.

MR. SPEAKER: Final supplemental.

MR. DICKSON: Thanks, Mr. Speaker. Since Albertans are unable to trust the Premier's promises, will he legislate, will he bring into law a commitment to hire on the basis of merit and not on the basis of cronyism?

MR. KLEIN: Mr. Speaker, I don't see this as cronyism. I see it as appointing with the concurrence of my cabinet and through an order in council a person who brings a wealth of administrative experience to a very important government agency. I would just ask the opposition to stay tuned. Stay tuned and watch with great eagerness, watch with great eagerness, as indeed we're watching with great interest the involvement of Mr. Justice – I'm sorry – the hon. Member for Edmonton-Glengarry's career as things move on.

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

Economic Development

DR. OBERG: Thank you, Mr. Speaker. In the early 1980s Brooks was especially hard hit by the national energy program due to its large dependence on the oil industry, and indeed the population actually dropped 5 to 10 percent. Oil and gas is still the largest cumulative employer in the region, but over the past month two announcements have increased our economic diversity substantially: the first a \$15 million ethanol plant and the second, which was announced on Friday, the sale of Lakeside industries. My question for the Premier in his role as economic development minister is: please explain the economic repercussions of the IBP purchase of Lakeside. [interjections]

MR. KLEIN: Obviously they don't want to hear about things good. You know, they don't like to get out from under the dome and travel Alberta, because what they will see throughout Alberta and especially in Brooks and that area is "no vacancy" signs. They will see "help wanted" signs. They will see almost full employment. They don't want to see that, nor do they want to know about the 400 new jobs this deal will create – 400 brand-new jobs – and bring tremendous stability to the agricultural industry in that area.

MR. SPEAKER: Supplemental question.

DR. OBERG: Thank you, Mr. Speaker. To the Provincial Treasurer: were there any government incentives that led to the decision to start an ethanol industry in Brooks?

MR. DINNING: Mr. Speaker, the ethanol industry benefited in Brooks just as the ethanol industry across the province benefited in that this grain-based fuel is exempt from tax, much because of the spearheading of my colleague from Wainwright, who encouraged the government to take this important step to encourage the further use, the diversified use of grains in our province. We're rich in grain. All the more reason why its diversified use ought to be into the area of fuel. So, as I understand it, this plant in Brooks, benefiting from this incentive that's available across the industry, is going to provide ethanol for export into the United States, again just like IBP has done, creating new jobs in an area of the province which is ripe for those new jobs, and we want to see more of it across the entire province.

MR. SPEAKER: Final supplemental.

DR. OBERG: Thank you, Mr. Speaker. My second supplemental is to the newly appointed Minister of Environmental Protection. Why were nearly 6,000 acres of beautiful, scenic Brooks' farmland involved in the sale of Lakeside to IBP?

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

MR. LUND: Well, thank you, Mr. Speaker. I also want to indicate how important this development is to the agriculture industry. I'm sure that the hon. Member for Grande Prairie-Smoky, the minister of agriculture, will be only too pleased to add to it when he's available.

The situation with the 6,000 acres: yes, the company is a foreign company. However, the land that's around the packing plant and the feedlot is critical for the disposal of the waste from the feedlot, and of course there's going to be some more land used in the expansion of the packing plant. Since it was so critical to the operation of the plant, it was deemed necessary to allow the sale to go ahead even to a foreign company.

Electoral Boundaries

MR. BRUSEKER: Mr. Speaker, the judgment from the Alberta Court of Appeal on the reference regarding Alberta's electoral boundaries states in part:

We think that a new and proper review is essential . . . before the next general election. We reject any suggestion that the present divisions may rest until after the 2001 census.

And it continues: "This cannot be permitted to continue if Alberta wishes to call itself a democracy." My question to the Premier: will the Premier commit now, as requested by the Alberta Court of Appeal, to redraw the boundaries before the next general election?

2:10

MR. KLEIN: Mr. Speaker, I'm not in a position honestly to make that kind of a commitment. I haven't had an opportunity to read the judgment, nor have I had an opportunity to discuss it with the Minister of Justice and with my colleagues in caucus and in cabinet. I notice that the hon. member was reading from one page. I'm certain there are many more pages in that particular document, and perhaps I would like to hear from the Justice minister as to what he has to say about it. I have not seen the report. As I understand it, it just came down.

MR. SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. To supplement the hon. Premier's comments, the judgment was rendered today. It will not in fact be public until tomorrow, but the Liberal Party as one of the parties to the reference have a copy, hon. Premier. That's how they're pulling from a 29-page judgment one sentence and attempting to encapsulate the decision in one sentence. Well, I'm afraid the world does not operate that way. It is a very lengthy and substantive judgment by the Court of Appeal. We are currently reviewing it, and I would point out that the bottom line of the decision is that the electoral boundaries are valid and that the election held on June 15, 1993, was valid.

MR. BRUSEKER: That's not quite true either, Mr. Speaker. [interjections] That's what I said: it's not true. So it's a good thing that we have the whole document here.

Mr. Speaker, the document shows the problem that happens when you have politicians drawing their own boundaries. So when the Premier reads it and when he has the time to digest it and decides that the boundaries do need to be redrawn, will he commit that in fact we will have the boundaries drawn by an independent commission, which is one of the things recommended in the report?

MR. KLEIN: Well, we will look at that, but we went through that exercise with an independent commission, and not even the Liberals, you know, could agree with the findings of that particular exercise. Certainly we would like to do these things as independently as possible, but sometimes it simply doesn't work out. It doesn't even work out for those guys. [interjections]

Speaker's Ruling Decorum

MR. SPEAKER: Order. Will the hon. Member for Spruce Grove-Sturgeon-St. Albert please, please, again for the umpteenth time of asking, try to control herself.

The hon. Member for Calgary-North West.

Electoral Boundaries (continued)

MR. BRUSEKER: Thank you, Mr. Speaker. My final supplementary, then, to the Premier or to the Minister of Justice if he cares to answer, because he seems to be more involved with this. Will you review the decision and . . .

AN HON. MEMBER: He should be.

MR. BRUSEKER: He should be. Yes, I know, but apparently he's not.

Will you now commit to doing the right thing for Alberta's electoral boundaries, as the report recommends, review them and redraw them before the next general election?

MR. SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. As I mentioned earlier, we are currently reviewing this decision. It is a very significant and complex decision, making a number of recommendations and talking about a number of issues that were before it on the reference, specifically talking about the need for "gradual and

steady' change," and that's a quote from page 27 of the judgment. One of the recognitions in the judgment is that the society of Alberta is gradually changing from a largely rural society to a largely urban society and that that creates additional pressures on those who create electoral boundaries to deal reasonably and properly with the Constitution that we have and the need for effective representation in this Legislative Assembly. We are going to look at this judgment very, very carefully and take the appropriate measures to deal with it in an appropriate way.

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

Jasper School Board

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

MRS. GORDON: Thank you, Mr. Speaker. On Thursday last the hon. Member for West Yellowhead gave a member's statement regarding the Jasper school district. As chair of the implementation team on regionalization and/or amalgamation of school boards I concur that this particular school district is indeed one of a kind. Our committee, having met with Jasper trustees, deliberated the uniqueness of their situation extensively. However, educationally we felt that 539 students were insufficient numbers to allow them to stand alone and as such recommended they be joined with Yellowhead school division and Grande Cache school district to form the Grande Yellowhead regional division board. My question is to the Minister of Education: how can we ensure, Mr. Minister, that the municipal component of this relationship is maintained in accordance with Parks Canada and to the satisfaction of the taxpayers in Jasper?

MR. SPEAKER: The hon. Minister of Education.

MR. JONSON: Mr. Speaker, yes. Through the work of the committee that the hon. member chaired I am certainly aware of the municipal status that that school board has. It is my information that the Canadian Parks Service is undertaking a review of municipal government in national parks in Canada, and specifically this review pertains to Jasper. We will be working with the Parks Service in their review. I understand that the Department of Municipal Affairs will also be involved to ensure that there is an alternative form of government to provide municipal services for Jasper.

You would perhaps note in a previous answer, Mr. Speaker, that the actual implementation date for amalgamating Jasper with the greater West Yellowhead division is delayed until 1996.

MR. SPEAKER: A supplemental question.

MRS. GORDON: Thank you, Mr. Speaker. To the same minister: how many trustees will Jasper be allowed on the new regional board, and will they have a say in some key decisions that must be made in advance of their effective date, such as the hiring of a superintendent and secretary-treasurer or the location of central office? [A cellular telephone rang]

Speaker's Ruling Electronic Devices in the Chamber

MR. SPEAKER: If there's some type of electronic device that really is not supposed to be in here, the Chair would expect that piece of equipment to be removed posthaste.

Jasper School Board

(continued)

MR. JONSON: Mr. Speaker, the Jasper school district will have one representative on the interim board. It is also my understanding that Jasper will have observer status both in terms of the initial planning committees which are being formed as well as on the board during the year that we have ahead of us in terms of planning for the new jurisdiction.

MR. SPEAKER: Final supplemental.

MRS. GORDON: Thank you, Mr. Speaker. It's nice to see that the members opposite are quiet so that the people in Jasper can find out what's happening in their district.

Will the decision to make Jasper school district a ward in Grande Yellowhead regional division adversely affect the delivery of education services to Jasper students?

MR. JONSON: Mr. Speaker, in my view, no, that will not be the case. The two jurisdictions being referred to are known as innovative school jurisdictions in this province. I think that they will benefit from the joint operation of administration in a more efficient and effective manner. They also, I think, have a great deal to share and learn from each other. I think we should keep in mind that it is not always the smaller jurisdiction that learns from the larger in these amalgamations and regionalizations, and I am sure that in this particular case Jasper will have a great deal to contribute and provide by way of benefits to West Yellowhead.

2:20 Energy and Utilities Board Appointment

(continued)

MR. DALLA-LONGA: Mr. Speaker, I'd like to table four copies of an advertisement for the chair of the Alberta Energy and Utilities Board published by *The Bulletin*.

Mr. Speaker, on April 25 the Minister of Energy assured the energy industry that the independence and autonomy of the EUB appointment would be respected by the government when she got up in the House and said, and I quote: "It's not the government's intent to have political patronage in this appointment." This past weekend I've had numerous discussions with members of the oil industry who have resoundingly stated that this latest appointment was nothing but – nothing but – blatant political patronage. My first question is to the Minister of Energy. Why did you compromise the interests of the energy industry by agreeing to this blatant political patronage appointment when there were other candidates that were obviously better qualified and had actually applied for the job?

MRS. BLACK: Mr. Speaker, first of all, I'd like to clarify a few comments that the hon. member has made. It's also been reported by the news media in interviews from our news gallery that this appointment that is coming forward has been supported by the industry. The president of the Canadian Association of Petroleum Producers is supportive of this appointment, in fact is looking forward to it, as is the president of the Calgary Chamber of Commerce. That's been played in most of the media accounts. So I think it's inaccurate to say that the industry is not supportive of this appointment. That is quite frankly not the case. I, too, have had meetings and telephone conversations with members of the industry, and they are quite supportive, in fact are looking forward to the talents that this gentleman brings to the table, his

long years of administrative capabilities. So that was a clarification of the initial question.

The actual question came insofar as the process, and if the hon. members will remember back to last spring, we did advertise for this position quite extensively. We asked the Public Service Commission to carry out a search for the position of chair of the newly amalgamated boards, and that process was followed through by the Public Service Commission. Applications did come in, and they were reviewed, and there was not a successful candidate that came forward from that process, Mr. Speaker.

MR. DALLA-LONGA: My second question is to the Minister of Energy. Well, then, could the minister tell us how the Member for Barrhead-Westlock meets the technical and professional requirements described and posted in this job description?

MRS. BLACK: Mr. Speaker, I take appointments in Energy very, very seriously, and when I look at the qualifications of this member, now former member, of government, I don't think anyone can question the ability that this gentleman has. I would like to refer to that advertisement and clearly say what some of the qualifications were. In the ad that appeared in *The Bulletin*, it clearly says:

As Chair, your immediate challenge is to amalgamate the two boards into a single, cohesive organization and to work with the Department of Energy to align administrative and support functions within the Ministry of Energy to eliminate overlap and duplication.

I think the former Minister of Economic Development and Tourism is very qualified in performing those functions, and I look forward to working with him.

MR. DALLA-LONGA: Mr. Speaker, my final question once again is to the Minister of Energy. How has the minister helped the oil industry by agreeing to the appointment of an individual who has on numerous occasions had his own personal conduct on morals and ethics called to question in this Assembly?

Speaker's Ruling Reflections on a Member

MR. SPEAKER: Order. The minister need not respond to that type of innuendo and allegation. Those are absolutely unfounded and not worthy of the hon. Member for Calgary-West.

Day Care

MR. DUNFORD: Mr. Speaker, proposed legislation introduced last week deals with changing private baby-sitting levels from three to six children. To the Minister of Family and Social Services: what assurances do parents have that child care providers will provide a safe environment for children in care?

MR. CARDINAL: Mr. Speaker, there are over 634 day care centres out there, and they are monitored. Each one is monitored on an individual basis. There are unannounced visits made by the licensing officers on an ongoing basis, and as problems arise, we deal with them on an individual basis. Just a bit over a year ago a new policy manual was introduced, which the operators follow, and the licensing officers, of course, follow that also as a policy from the department.

In addition to that, Mr. Speaker, we have over \$35 million invested in operating allowances, taxpayers' dollars, and we want to make sure that Albertans get the best value for their dollar and that children are protected.

MR. SPEAKER: Supplemental question.

MR. DUNFORD: Yes, Mr. Speaker. Again to the minister: how many licensing officers does Alberta Family and Social Services have across Alberta?

MR. SPEAKER: The hon. minister.

MR. CARDINAL: Thank you very much, Mr. Speaker. At this time we have 38 licensing officers in Alberta, and there are four visits taken to each individual centre throughout the year. In addition to that, we are looking at new, innovative ways of setting up visitations in Calgary in particular and Edmonton and possibly Red Deer, the larger centres.

MR. SPEAKER: Final supplemental.

MR. DUNFORD: Yes, Mr. Speaker. Given that the legislative initiative would seem to approach the area of day homes to a greater extent than perhaps day care centres or just a simple private baby-sitting situation, how specifically are family day homes monitored?

MR. SPEAKER: The hon. minister.

MR. CARDINAL: Yes, Mr. Speaker. There are over 2,800 approved family day homes out there providing over 8,000 spaces for children. These are approved and monitored agencies such as the day care centres. In addition to that, I know that in this House there's been a number of questions in relation to the changes. I just want to advise the Assembly that out of the 12 jurisdictions in Canada, 50 percent of those covering over 18 million Canadians either have five or six as a guideline for children.

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

Environmental Protection

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'd like to welcome the newest minister to the front bench with a question this afternoon. The new Minister of Environmental Protection has in this Assembly made his views known on environmental protection. He has expressed concern that environmental impact assessments will have a negative effect on economic development, and he has wondered how the sterilization of large tracts of land under Special Places 2000 will add to economic development. The previous minister was a strong advocate for Special Places 2000, and I hope that the new minister will take note. To the Minister of Environmental Protection: Mr. Minister, will you set aside personal biases for economic development and be the strongest public defender of the environment in your government?

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

MR. LUND: Thank you, Mr. Speaker. I want to assure the hon. member and this House that as the minister of the environment I intend to look after the environment. I am committed to the government's goals of deregulation and intend to streamline and make the department more efficient. I will also be looking at all of the rules, regulations, and legislation and seeing whether they meet the needs of Albertans and the environment today.

2:30

MR. COLLINGWOOD: Mr. Speaker, it sounds like privatization.

My supplemental to the Minister of Environmental Protection: how will you demonstrate to the new economic development minister that your role as Minister of Environmental Protection is just as important as his in the future of Alberta?

MR. LUND: Mr. Speaker, I don't see that there's any conflict. In fact, I believe development can occur at the same time as we're protecting the environment. The fact is that things may be somewhat different, but nevertheless the environment can be protected while we proceed with development.

MR. KLEIN: I would think that the hon. Member for Sherwood Park would fully understand the concept of sustainable development. That is precisely what we are attempting to achieve. That indeed is the policy of this government. I'll be working very closely with the Minister of Environmental Protection, and he'll be working very closely with me and other ministers as well to make sure that whatever is done in this province in terms of creating new jobs and new economic opportunities will not be done at the expense of the environment, and indeed we will achieve sustainable development.

MR. COLLINGWOOD: Mr. Speaker, my supplemental to the Minister of Environmental Protection: notwithstanding the Premier's backtracking on Special Places 2000, will you indeed commit to completing that initiative as your first priority in this ministry?

MR. SPEAKER: The hon. minister.

MR. LUND: Well, thank you, Mr. Speaker. I want to make the House aware that in fact we will be dealing with Special Places 2000. I have as a private member expressed some concern with the way that it was possibly going to be implemented. I also am totally aware of the concepts. I think we need to have a balance, we need to have community input, and I'll be working with my colleagues in cabinet in order to come up with a solution.

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

Cancer Treatment

MR. HERARD: Thank you, Mr. Speaker. My questions are to the Minister of Health. Cancer patients in my constituency are concerned with media reports that Calgarians wait two to three weeks longer than Edmontonians to receive needed cancer radiation treatment. An article in today's print media quotes a director of radiation oncology as saying that Edmonton has no waiting list because they have enough resources but that the Tom Baker centre in Calgary clearly does not. To the minister: is there a shortage of radiation equipment in Calgary, and if so, what is the minister doing to rectify the problem?

MRS. McCLELLAN: Mr. Speaker, first of all, the Alberta Cancer Board, as you know, is a provincial program, and the primary site for cancer treatment is Edmonton at the W.W. Cross. However, there is the Tom Baker centre in Calgary, which is a very valuable addition to cancer treatment, as well as some regional treatments in some areas. A couple of things have contributed to extraordinary waiting lists in Calgary. One was some repairs that were required on one of the linear accelerators in Calgary that required some time down, but in addition to repairing that one, a new linear machine is being put in place in

Calgary. That will certainly aid it, but I think the important thing for us all to understand is that there is no waiting list for emergency treatment.

MR. SPEAKER: Supplemental question.

MR. HERARD: Thank you, Mr. Speaker. Since there is a perception in Calgary that Calgary hospitals receive fewer health care dollars than Edmonton hospitals, could that translate into longer waiting lists for cancer treatment?

MRS. McCLELLAN: The cancer program in this province is separate from other programs, from the acute care budgets, and Mr. Speaker, members would remember that when we had some reductions, there were less effects in the cancer area, understanding the need for this treatment. But I do believe that the new machine in Calgary will greatly assist in that situation. The growing incidence of cancer and the need for treatment is a concern to us, and I believe that the Alberta Cancer Board is providing us very good advice and information to deal with that.

MR. SPEAKER: The time for question period has expired. Might we briefly revert to Introduction of Guests before proceeding to the next item?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.
The hon. Member for Sherwood Park.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. I had made the introduction of a school group that had been visiting us today in the Legislature, and we realized that the group was on their tour and not seated in the gallery at the time. So with your leave I would like to again introduce to you and through you to members of the Assembly the 27 visitors from Pine Street school in Sherwood Park. They are accompanied today by teacher Ken Werenka, aide Anna Sikora, and parents David Dingle, Marnie Oviatt, and Lorna Stacy. I'd ask them to rise and receive the warm welcome of the Assembly.

Thank you.

Privilege
Confidentiality of Telephone Records

MR. SPEAKER: Hon. members, on May 31, 1994, the Member for Clover Bar-Fort Saskatchewan gave notice that she wished to raise a question of privilege in relation to comments made by the Member for Barrhead-Westlock concerning certain international telephone calls or charges allegedly made by members of the opposition. This notice was accepted by the Chair under Standing Order 15(5) and was raised at the earliest opportunity. The Member for Clover Bar-Fort Saskatchewan presented her case on June 1. The Member for Barrhead-Westlock was not present at the time, and he presented his case on October 19, 1994, after the House had returned following its adjournment. The Chair is now prepared to rule.

The basis for the question of privilege arose from an exchange that occurred during question period on May 31, 1994, when the Member for Barrhead-Westlock referred to an opposition phone list that arrived in a brown bag to his office. He referred to certain places outside of Canada which were purportedly on the

list. In arguing her question of privilege, the Member for Clover Bar-Fort Saskatchewan indicated that access to the phone records of the opposition constituted an obstruction of her duties as a member of this Assembly.

There is no question that obstructing or interfering with a member's parliamentary duties is a very serious matter. Maingot states in his book *Parliamentary Privilege in Canada* at page 200:

Any attempt by improper means to influence a member in his parliamentary conduct is a breach of privilege.

However, Maingot then states:

What constitutes an improper means of interfering with members' parliamentary work is always a question depending on the facts of each case.

The Chair has reviewed the sections in *Beauchesne* that were cited by the Member for Clover Bar-Fort Saskatchewan. It appears to the Chair that this situation differs from the matters that are referred to in *Beauchesne* as there was no deliberate interference with the telephone records of members. In this instance the Member for Barrhead-Westlock stated that the document arrived in his office without his "knowledge, consent, or inducement." The word of all hon. members is taken as the truth in this House. It appears to the Chair that there must be some deliberate or intentional act required to constitute interference with members in order to constitute a breach of privilege. From his statements in this House it appears that the member did not use any influence to obtain the telephone records from any government file, member's office, or any other place where such records may be kept.

While the greatest respect must be accorded to members of this Assembly in conducting their parliamentary duties so as not to interfere with the discharge of their duties, there is no evidence in this instance of any such deliberate interference. The Chair would like to caution all members – and this applies to members on all sides of the House – that while disclosure of information relating to the activities of members may not necessarily constitute a breach of privilege, it is not a practice to be encouraged. The Chair would hope that members would exercise restraint in the use of information that may be found in documents that are innocently received. Based on the facts presented in this matter, the Chair finds that there is not a prima facie case of breach of privilege.

head: **Orders of the Day**

head: **Government Motions**

2:40 **Chief Electoral Officer**

28. Moved by Mr. Day:

Be it resolved that the Legislative Assembly concur in the report of the Select Special Chief Electoral Officer Search Committee and recommend to His Honour the Honourable the Lieutenant Governor that Mr. Derm Whelan be appointed as Chief Electoral Officer for the province of Alberta pursuant to section 3(1) of the Election Act.

[Motion carried]

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

Bill 41
Government Organization Act

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

MR. SMITH: Thank you, Mr. Speaker. It gives me great pleasure to move second reading of the Government Organization

Act and talk briefly about the purpose of the Bill, generally housekeeping in nature except for the establishment of Alberta registries and the labour statutes delegation schedule.

While this Bill might appear to be lengthy, about 30 pages consist of amendments that change the reference to the ministers and their departments to reflect the changes in names as a result of the cabinet appointments after the last election. Each time new designations for ministers are established, new department Acts have to be created by statute. This Bill will allow departments to be established or indeed disestablished administratively instead of by separate statute. The former Public Service Administrative Transfers Act has been included to make it more effective. We now allow regulations to be transferred, and it's a much more expeditious manner of doing business reflecting the modern age in which we live.

Secondly, the Bill consolidates in one statute and standardizes the wording of all the standard powers of members of Executive Council: the authority to appoint staff, experts, advisory, and administrative boards and committees and to establish programs, to delegate, to enter into agreements, to set fees, to give grants, and to acquire property. Generally, these powers have been set out in each of the existing department Acts. Some of the powers have been expanded – that is, delegation and fee setting – consistent with the government's business plan of being able to reflect the move into the private sector.

Some department Acts, Mr. Speaker, allowed their ministers to give guarantees. All these guarantees provisions have been deleted. The authority is now centralized under the Financial Administration Act, bearing in mind that there still are a number of Acts that do allow for guarantees, for example the Alberta opportunity Act. Some provisions of these Bills currently included in the department Acts – that is, education, environment, municipal affairs, consumer and corporate affairs, and transportation – have been moved to other Acts administered by those ministers.

The other major changes, Mr. Speaker, are the creation of Alberta registries and the ability for the Department of Labour to delegate some of its statutory authority. Also, the board of review which is established under the Criminal Code is given some legislative protection.

I look forward, Mr. Speaker, to hearing the remarks of all members on this Bill and moving it towards second reading. Thank you very much.

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

DR. PERCY: Thank you, Mr. Speaker. At this stage if we're to discuss the Bill in principle, since it's a Bill that spans a number of departments and pulls together a number of common elements, it's difficult because it's more than housekeeping. The DROs are discussed in here, the corporate registries, the sections dealing with loan guarantees, and when one assesses this Bill, I think it's sort of a piece-by-piece approach.

Let me start off by saying that I certainly support the effort to try to combine common elements and make it easier to assess legislation and to facilitate the operation of government. On the other hand, Mr. Speaker, what this Bill does is continue a trend we have seen since this government was elected, and that trend is to, in a sense, allow for government by regulation as opposed to legislation.

This continues the incremental trend that we've seen, Bill after Bill after Bill, where things can be decided by the Executive Council, where the organization and structure of that government

is being decided by the Executive Council. I think that move really puts all hon. members of this Legislature at a disadvantage both on this side of the House and the private members on the other side of the House because it is part of the role of this Legislature to ensure that the rules of the game are fairly played, that changes in the structure of government are fairly debated in the House, and once one, in a sense, opts for regulatory framework, we're not left with any ability to do so except when things go wrong and then to point fingers. The legislative approach allows, then, the scrutiny here. It allows for concerns about potential shortfalls or shortcomings of proposed changes in legislation to be debated. So, in part, I have concerns in principle, Mr. Speaker, with some elements of this Bill that increase the amount of regulatory or discretionary power allocated to the Executive Council.

In terms of some specific elements, I'd like to deal again with issues to highlight my concerns, for example, with a focus on one element. That deals with loan guarantees that are included in here because that is an issue in which this government and certainly this government under Premier Getty have found themselves in significant hot water time after time to the tune of at least 2 and a half billion dollars. I would note that what this Bill attempts to do on one hand, Mr. Speaker, is consolidate the power of granting loan guarantees in the hands of the Provincial Treasurer. That, I think all hon. members would agree, is a step in the right direction, to consolidate it so a single individual is responsible for granting loan guarantees and approving them and assessing the element of risk associated with each. One would hope this centralization in one minister's office would give all hon. members some sense of comfort that this was going to be done right.

On the other hand, Mr. Speaker, when one assesses the Bill, although it amends section 74 of the Financial Administration Act, it still leaves in place the ability of the Provincial Treasurer to grant loans and loan guarantees through Treasury Board minute and through Treasury Board directive. Neither of those allow for public scrutiny as does order in council. The use of order in council at least gives some visibility to guarantees that are being generated, whereas Treasury Board minute and Treasury Board directive are not subject to scrutiny unless things go wrong, and then you see it crop up in the public accounts in the subsequent year as a loss in one form or another.

So on one hand the Bill appears to have a reasonable intent: centralize. On the other hand, Mr. Speaker, it still allows tremendous discretion on the part of the Provincial Treasurer. When this comes to Committee of the Whole, we certainly will be proposing that the recommendations of the Financial Review Commission be followed and that in fact all loan guarantees be debated in this House so that they can be subject to public scrutiny. As I say, that is a recommendation not of the Liberal Party, it's a recommendation of the Financial Review Commission, and since many of those recommendations have in fact been adopted by this government, we think this is one whose time has come and it should be implemented. In fact, had those provisions been in place, had the recommendations of the Financial Review Commission been adopted at the time they were proposed, Bovar would not have come as a surprise to so many members on that side of the House and to so many members on this side of the House, because it would have been subject to discussion here in the Legislature.

2:50

So again, on one hand there is a reasonable move in this Bill to centralize decision-making with respect to loan guarantees in the hands of the Treasurer. On the other hand, it still leaves in place

for the Treasurer the ability through Treasury Board minute and Treasury Board directive to offer guarantees, and it still neglects one of the most important recommendations made by the Financial Review Commission about public scrutiny and debate within the Legislature regarding loan guarantees should they be issued down the road.

Now, again the Provincial Treasurer has been careful to say that they're not ever going to remove the right to offer loan guarantees. If that's the case, if the government retains the right to offer guarantees in those circumstances where they think they're appropriate, then they should be debated here in the Legislature and not done through the cloak of secrecy, through Treasury Board minute or Treasury Board directive.

Other issues come to mind when one looks at this Bill. On one hand, Mr. Speaker, again assessing the principle, it's an effort to streamline legislation that's in place, but I think all hon. members would agree that when one goes through this Bill and you try to put each of the amendments in the context of the statutes they amend, it's difficult to get an overall impression of what the legislation does. It's my view that the effort to combine and simplify, as I mentioned, provides a significant element of discretion on the part of government through the Executive Council and dilutes even further the ability of the Legislature to constrain government behaviour. At least force them to go through the steps of justifying particular types of changes.

Again, when we come to Committee of the Whole, we'll focus specifically on various items that are in the Bill where we may wish to introduce amendments, but in terms of other areas that exist in the Bill – I mean, the effort in principle is laudable: to eliminate duplication, overlap, and streamline and standardize government operations. But this flexibility is done at a cost of legislative scrutiny. At some point in the deliberations of this House we have to ensure that there is accountability directly in the House. The more that this is made discretionary, the less likely it is, then, that the opposition or private members can prevent mistakes from happening. We will be in the position of suggesting legislative changes after the fact or how these mistakes could have been prevented. So in terms of some of the issues of principle that are embodied in this Bill, I think you will see the hon. opposition through amendments attempting to ensure greater legislative review and shift this Bill away from its great reliance on discretion.

Now, it's also interesting that when one looks at this Bill, one has to be in a sense disappointed that some elements of commonality or streamlining aren't there. I'm struck, when I read the just issued annual report of the Auditor General for 1993-94, where the Auditor General talks about a framework of accountability, and he talks about a common framework that should be housed within Treasury. The report refers to the productivity plus program, and it talks about a number of mechanisms of accountability. This Bill, the Government Organization Act, ought to in a sense set up a framework by which we can ensure enhanced productivity across departments, a Bill that should by its very nature ensure a common framework to ensure output measurement, performance benchmarking: none of these are contained in the Bill.

So on one hand, the hon. member calls it a housekeeping Bill. On the other, though, it continues this trend of shifting from legislation to discretion, and it omits the very things that I think members on both sides of the House would like to see: explicit benchmarking, explicit mechanisms to assess performance and to tie those to legislation either through appropriations Bills or the like. It neglects entirely any focus on incentive programs such as

productivity plus and ensuring a common structure to those programs across departments and a common framework of accountability. So in that sense the Bill is housekeeping in that it tends to neglect the very important issues that have been set out in the latest Auditor General's report about building accountability into the structure of government.

One would think a Bill like this which tries to pull all the common elements together – the one common element you'd like to have in place would be a common incentive program, a common set of measures on benchmarks and performance, and have those standardized across departments. This would seem to be the Bill that ought to do that. Instead it's not there. What we have is still a statement by the government that it's going to move in this way, that the business plans are going to assess these types of issues, but I would argue that the best way of ensuring that this happens is in fact to explicitly legislate it. This is where I would have liked to have seen an effort to legislate mechanisms of accountability that would span departments, mechanisms of accountability that would focus on the structure of output measures, mechanisms of accountability that would highlight specific performance indicators you would like to see in general across departments, and a common framework by which you could ensure accountability and legislative review of the targets that are set. A framework in Bill 41 would be ideal to achieve that. But we don't see that, Mr. Speaker, and I think that is a significant shortcoming of the Bill.

Certainly pertaining to the areas in Treasury that I am specifically interested in, the Bill is deficient in the sense, as I say, it purports then to centralize power for loan guarantees, but it still provides tremendous discretion to the Provincial Treasurer to do as he will, and it neglects entirely some very reasonable recommendations of the Alberta Financial Review Commission.

So those are my comments on the principle of the Bill, and I will now turn the floor over to an hon. member.

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

MR. SEKULIC: Thank you, Mr. Speaker. Last week the Government House Leader stated, I believe on Tuesday, that the government was to introduce I think some 17-odd pieces of legislation and that these proposed Bills would be housekeeping Bills. But after having an opportunity to go through some of this paper, these proposed Bills, I think it would be more appropriate, in particular when we refer to Bill 41, the Government Organization Act, to describe this paper blizzard as house reconstruction versus housekeeping. This blizzard of Bills continues, and the themes that I see flowing through the Bills are government by regulation versus government by legislation. It's really unfortunate because some year and a half ago when I was elected to this Legislature, I felt that I would be an important contributor to making Alberta a better place for Albertans and particularly Edmonton-Manning constituents.

MR. DINNING: And you are. You are.

MR. SEKULIC: The Treasurer acknowledges that, and I am very happy with that. If more power is to be concentrated or focused in the regulations, that really takes away from my ability to be a part of making Alberta a better place and giving it yet more advantage. So that's one of the primary concerns I have with this Bill.

The other is that the Bills we've seen coming through in the last week seem to implicitly carry with them potential for new fees. Now, I know that there were promises made by a certain political party during an election some year and a half ago or two years of no new taxes. Perhaps it's a matter of semantics. We're seeing the potential for more fees, and I prefer to call them more new taxes. This is so under this Bill as well.

The other point I have to make, Mr. Speaker, is that this paper blizzard that we've experienced over the last week and a half is hardly the forecast of the hon. Government House Leader.

Specifically to the Bill, the overall objective of Bill 41 appears at first glance anyway to eliminate duplication and overlap and streamline and standardize operations. Now, I think it would be difficult to find any member in the House that would disagree with that in principle because I believe it is correct. We have needed this for the longest time, and if anything, it's late in coming. What I see is that this legislation goes further to give government more flexibility in the way that it conducts business, including the privatization of registry services and the establishment of delegated regulatory organizations, or DROs, in the areas of management . . .

3:00

MR. DINNING: You're opposed to this?

MR. SEKULIC: No. Just listen up here, Mr. Treasurer, and I'll try to enlighten.

. . . of underground storage tanks, boilers, pressure vessels, pensions, professions and occupations, and certain aspects of occupational health and safety.

Bill 41 continues the trend of the government to make decisions by regulation to increase taxes, user fees, and to avoid accountability and responsibility for the provision of programs and services through the Legislative Assembly. Bill 41 is in accord with the philosophy being pursued by this government to streamline government operations through the use of regulation and to progressively devolve programs and services to the private sector through delegation, joint venture arrangements, outsourcing, contracting out, and privatization. This is particularly the case under Bill 41 in such schedule areas as registry services and the establishment of the DROs, as I mentioned, under the labour statutes delegation schedule. The government appears to be attempting to sneak through profound changes in the way it does business, like I mentioned the DROs and the registries, through what it would term a housekeeping Bill.

Other controversial features of Bill 41 which signal a move to government by regulation – although the government has always had the legislative authority to establish departments through regulation under the provision of the Public Service Administrative Transfers Act, it was common practice before the current Premier at least to create departments through legislation. However, the government under this current Premier has seen the restructuring of departments through the Public Service Administrative Transfers Act without the requirement to seek legislative authority. Bill 41 will allow this government to establish departments solely through order in council and certainly eliminate in large part the function of this Assembly. Mr. Speaker, I believe that departments should be established through legislation and must not be permitted to be established through regulation, as we see the direction of this Bill.

Bill 41 gives ministers the authority to establish or operate any programs and services that they consider desirable. Now, when I first went through the Bill, that's one of the first things that jumped out at me, that the ministers would be given such paramount power and that there weren't really concrete or

tangible descriptions of what programs are needed but rather programs or services that they the ministers consider desirable. I think that's taking even more power out of this Assembly. Although the intent of this provision is likely to standardize the provisions found under existing department Acts, it provides the government with an opportunity to devolve essential programs and services to the private sector without subsequent legislative approval if a specification of those programs and services is not found within the attached schedules of Bill 41 or in other legislation.

For example – this is with regards to the Department of Family and Social Services, which Bill 41 does not include in its attached schedule – under the existing Department of Family and Social Services Act the minister is responsible for establishing a board, committee, or council "to assess the standards of care provided by day care facilities as defined in the Social Care Facilities Licensing Act . . ."

- (a) take any action . . . for the promotion of family or social development that he considers appropriate; [and to undertake]
- (b) . . . measures the Minister considers appropriate . . . to ensure the development and provision of services for persons requiring financial, protective, special care or preventative services or other social support, including the establishment, acquisition, maintenance and operation of social care facilities.

These provisions are not expressly contained within Bill 41, and given the recent rumours of privatization of programs within the Department of Family and Social Services, there may be cause for concern that the government may use Bill 41 to abdicate its responsibilities in this area. I would like this in some way to be addressed, and perhaps the minister of social services will later address how Bill 41 will not in fact pose the threat that I perceive it does.

Finally, the amendments to section 74(1) of the Financial Administration Act as contemplated under Bill 41 do not preclude involvement by the government in the private sector through the use of loan guarantees despite promises by this government to get out of the business of being in business. Bill 41 requires that all loan guarantees provided by ministers through order in council under existing department Acts require the approval and execution of the Provincial Treasurer. It should be noted that Bill 41 does not amend section 74(2) of the Financial Administration Act, which allows the Treasury Board to give loan guarantees up to a maximum of \$5 million through such secret mechanisms as Treasury Board minute and Provincial Treasurer's directive. This is another indication of the government's philosophy of governing by regulation, and when I look back to some of the amounts that have been lost – and \$5 million is a substantive sum to be able to just sign away, and I'll refer to it as blindly, or at least blindly to this Legislative Assembly. When we look at the history of this government in terms of loan guarantees and losses, this isn't to be taken lightly, and I think this should be tightened up and the government should live up to its word of no more loan guarantees and definitely get out of the business of being in business.

Mr. Speaker, if there are to be any loan guarantees, as this government seems to be driving towards with this legislation or the clauses within Bill 41 – and I'm certainly opposed to loan guarantees – then I would suggest that there be a requirement that if government does want to continue with some loan guarantees, that all future loan guarantees are to be debated in the Assembly as recommended by the Alberta Financial Review Commission. I think it would have been wise for the government last year, when that recommendation came out through the Alberta Financial Review Commission, to act upon it immediately. This seems to be skirting it rather than addressing it.

Given these concerns, Mr. Speaker, I will not be able to support Bill 41 at this time, and I would look forward to some of the ministers, particularly Family and Social Services, addressing my concerns that I have put forward. With that, thank you.

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

MR. DICKSON: Thank you very much, Mr. Speaker. I hadn't intended to address this this afternoon, but I think there are some points in Bill 41 that are so important that I wanted to be on record at this important stage of second reading outlining the concerns I have with this. There are basically three shortcomings in this Bill. The first one is that this Bill gives effect to a trend, a theme we've seen develop consistently by this government, and I give them credit for consistency, if nothing else, since the election of June 15, 1993, to undercut the whole basis of parliamentary democracy, undermine the principle of ministerial responsibility, and Bill 41 puts the face to it.

Bill 41 is the work plan whereby we take a gigantic leap away from the whole notion of parliamentary responsibility. Bill 41, since we're talking about principle, clearly – clearly – means a massive derogation of power from the Legislative Assembly. I just want to remind the members opposite – and it always pains me to disagree with a member from Calgary, but the sponsor of the Bill I think has lost sight of the fact that Albertans elect us to this Chamber for a reason, and that reason is to be able to provide the kind of scrutiny, to be able to provide the kind of examination on their behalf of legislation. That kind of plenary or residual authority resides in this Chamber, not in the office of the Premier, not in the Executive Council, not in some cabal of deputy ministers and senior bureaucrats. What Bill 41 does is sanction the kind of incremental whittling away of authority of this Chamber, and I think it's time that we recognized that for what it is, recognized that despite the sophistry and the buzzwords Bill 41 is essentially contradictory of the parliamentary democracy that we're supposed to be part of.

My first concern, then, is that kind of derogation. I look specifically at section 16(4) that puts forward what I submit is a preposterous notion if you believe in parliamentary democracy. What section 16(4) suggests is that we may have more than one minister responsible for the same department, for the administration of the same Act. I can think of no other single stake through the heart of parliamentary democracy than that subsection which is going to allow this government to create an ongoing shell game, and that means that in this Chamber half the effort is taken trying to determine which minister is responsible for which statute, which minister is responsible for which programs. We have a devil of a time already, Mr. Speaker, trying to get information, trying to get disclosure even when we know what minister is at least ostensibly responsible. Imagine what difficulties we're going to have when we see the shell game under way, and then those of us that also have been elected by Albertans to do a job here have to try and ferret out which minister is responsible for which program at any given time. It's a bad principle. There's that issue in this Bill.

3:10

The second problem I have with Bill 41 is that we eliminate the statutory basis for departments. The entire system of government we have in this province is based on ministers and departments. I have no problem with allowing for more efficiency in departments, and I have no problem trying to ensure greater collaboration between departments, but you know, those things can be achieved without this kind of incredibly wide-sweeping enabling

legislation. It's too wide. It's too sweeping. As so often happens with this government when what we expect is a measured response to resolve a particular mischief, what we see is a government that comes in with this kind of holus-bolus approach which encompasses absolutely all kinds of powers, creates enormous potential for abuse, which brings me to my third concern, and that is again the business of law and regulations.

Last time I looked my friend from Calgary-*Shaw* was still chairman of that Law and Regulations Committee. [interjection] That powerful but moribund committee. It seems to me that if the government were genuine in terms of saying, "We're bringing in Bill 41 simply to reorganize, but we don't want to undermine the legitimacy of the Legislative Assembly," then what that government would do is immediately request the earnest chairman of the Law and Regulations Committee to start reviewing regulations. That's what that committee is there for. That's what that committee has existed for since 1905 in one form or another, with one title or another, and it's high time that we got back to allowing for MLAs to be able to review those regulations, because without that kind of a safeguard, we see that once again this is entirely government in this province by executive fiat.

Now, the last observation and last problem I have. I draw members' attention to schedule 12, section 14, which deals with PWSS, Public Works, Supply and Services. Members may recall that when we talked about Bill 18, the freedom of information law, we recognized there – and we talked about it in this Chamber – the potential abuse because instead of Bill 18 being primacy legislation, instead of Bill 18 being the last word on management of personal information, access to information, it was something that coexisted with whatever sort of other statutory regimes, regulatory regimes that already exist in the province.

Those of us that apprehended some concern – look at page 79 of Bill 41 and what do we see? Section 14 of that schedule goes on at length giving the Lieutenant Governor in Council power to make regulations. For what? For the management of records, for the destruction of records, for the retrieval of records. Section 14(2)(c): "Prohibiting or restricting or governing the prohibition or restriction of access to records." There is nothing in this section that makes it subordinate to Bill 18. There's nothing in here that recognizes that we're setting up a potential conflict with what we had all hoped and what Albertans were told was going to be paramount legislation. It wasn't made paramount in the fashion that we'd wanted when we debated Bill 18, but we still expected that the government would at least respect a Bill that we only passed less than half a year ago, Mr. Speaker. Just because it hasn't received Royal Assent doesn't mean that Albertans have lost their interest or their desire to have genuine freedom of information in this province. The fact that section 14 has slipped in without any reference to Bill 18, without any acknowledgement that we've tried to set out a single code to cover destruction of documents I think suggests bad faith on the part of the government, and I think for those reasons, I'd be unable to support Bill 41 at second reading.

But I'm an optimist, and I hope that the sponsor of the Bill will be able to speak with ministers, members of the cabinet, and point out to them – government reorganization is something I expect every member here will support. Efficiency we'll support, cutting out waste and abuse we'll support, but it's got to be done in a way that recognizes the paramountcy of this Legislative Assembly. It has to be done a way that recognizes the principle of ministerial accountability, and until those things are achieved, I can't support it. But I'm hopeful that the government will show the same spirit

of co-operation, fairness, farsightedness that we saw elements of in Bill 18 and bring back a substantially modified, restricted Bill 41 which achieves, I think, the real mischief the government wants to achieve without throwing in the kitchen sink and everything else that goes along with it.

Thanks very much, Mr. Speaker.

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

MR. CARDINAL: Thank you, Mr. Speaker. I rise today to speak in support of Bill 41. The Member for Edmonton-Manning mentioned some parts of some potential changes in my department, and I just want to clear up the issue here. The whole child welfare issue in Alberta, of course, is under review by the commissioner that was appointed close to a year ago. After consulting with Albertans, the report will be coming out towards the end of November, but there is no indication anywhere that there's massive privatization of the child welfare system. What I've indicated is that close to 50 percent of children in care are of aboriginal ancestry, and very few of the services, for an example foster homes, provided right now are by aboriginal communities. The time has come for that change. The report will definitely address that issue, where aboriginal communities will be given more opportunity to look after the children that they want to look after and no doubt can do a better job than we can in government. We've been involved in the process over 40 years now, and each year more aboriginal children come in care. Rather than being looked after by aboriginal communities and aboriginal people, they're looked after by nonaboriginal people. The time has come for changes.

Another issue I'm concerned about. The Member for Edmonton-Manning spoke of child welfare privatization or potential privatization. The big concern he had or the Liberal Party has is in relation to the possible privatization of the child welfare system. I don't know what the Liberal policy is these days in relation to the whole child welfare issue, but I have an article here from the *Edmonton Journal* dated I believe the 16th of September that indicated that the candidate from Fort McMurray supports privatization of the provincial prison system and the child welfare system. I don't know what their policy is, Mr. Speaker, if it's a policy of the whole party or if the members running have their own party policies. I don't know.

Thank you.

3:20

MR. SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Yes. I'm rising to speak on this issue, second reading, being traditionally the principle involved. Here is a case very clearly, Mr. Speaker, where if we needed any evidence that this government had been in power for 22 years or more, this is all we'd need. It's called the Government Organization Act, but it could be better to maybe call it the dissolution of the Legislature Act. In other words, there's very little left for the Legislature to do if you were going to follow Bill 41 seriously. Although it's supposed to smooth out and put a lot of things in place, what it does is take the chore of the ordinary member of the Legislature, no matter which side they are on in the House, whether they're in the second and third rows over there or in all three rows over here, and leave them the job of either applauding or booing the decisions by cabinet.

If indeed we're going to try to streamline government, to try to make it smoother, the very first area where they establish departments – there's something the government could have telegraphed a message to the rest of the public, or the cabinet could have just gone to the public and said that they were going to limit the size of cabinet, actually put a limit on the size and the number of cabinet ministers we could create. That clause alone allows the government to create as many cabinet ministers as they wish, and that in itself is of course maybe one of the ways that they try to keep their own supporters in line, because they think there's going to be a big steak, a big chateaubriand, at the end of the rainbow if they behave. They just might expand the cabinet between now and the next election, and they would be in line for that cabinet position. That may be one of the reasons that they are going to limit the cabinet.

We saw today a reference the Premier had made in Lethbridge, I believe, that the cabinet was going to stay in place until the next election. Well, we saw how that changed very fast. I don't think there's anything wrong with changing cabinet, but if indeed we wanted to streamline government, we should probably have some regulation in there limiting government. But what you see, Mr. Speaker, is everything in here is pointed so that the front row, the cabinet – they call themselves the government and too often this is too common. I think cabinet considers themselves government when actually they are the cabinet, and they should have to bring nearly every decision to not only their own caucus but to the Legislature as a whole. I think what happens is their own caucus's power gets taken away when the cabinet knows that they don't have to come and get the opposition's approval. In other words, by cabinet going in and telling the caucus we're going ahead with this or that or the cabinet allows that we're going ahead with this or that, their supporters are stuck with supporting them no matter what happens. Whether it was the Bovar guarantee – you can go on and go all the way back in history, all the way to the Oldman dam or things more recent of other guarantees. Government members, the ordinary members outside the cabinet, are stuck with having to support the cabinet, and that shouldn't be so.

Obviously, what this Act is setting up is giving more power to cabinet. If it gave more power to the whole Legislature, I think I could see that, but it gives more power to cabinet, even going as far as deputy ministers. There's no limit on the number of deputy ministers. Well, this gets a little ridiculous. I think there again this is an obvious effort by the cabinet to try to get assistants, as you want to call them, any number of them, and qualify them or categorize them as deputy ministers. Therefore, they can pay them more money. No, Mr. Speaker, here again everything that you see as you go through this, if you read in detail, is to simplify and make easier the task of the cabinet and force the government's own members to support it so that when it comes to a vote in the Legislature, the backbenchers will have to get behind the cabinet in order to win the vote.

Now, we go on to other areas. In one of the areas I notice that the cabinet is going to be allowed to establish programs without any reference there that if there are at all any financial costs, they should have come back to the Legislature, but there's no reference that it ever comes back to the Legislature at all. In order to streamline things, cabinet is going to be able to establish programs regardless of the cost, Mr. Speaker, then roll along. There again we have government by cabinet and not government by the majority of the members that were elected.

The people in Medicine Hat or Cypress or parts of Calgary or even parts of northern Alberta that elected PC members had every

right to think that they would have a part in the decision-making processes. This whole setup sets in motion giving the cabinet the power, and the cabinet can then go ahead. Of course, those members that were elected as PC members that are not members of the cabinet are forced to come along whether they like it or not. Now, they may have the odd palace revolt like recently what happened as being portrayed as being a palace revolt rather than just revolting, but the fact of the matter is that I doubt whether there was really a palace revolt. I think that was all worked out in the cabinet. If indeed it was a palace revolt, the secrecy of it is surely much better than happens in our caucus. I think the government members over there were just about as surprised as we were on the weekend when they read what went on, and they probably had very little to do with it.

We go on there, Mr. Speaker, and we look at other items that are in this Bill. I mentioned the fact that the cabinet can establish programs without going back to the Legislature for money. Also the cabinet can sign intergovernmental agreements without going back to the Legislature. Now, that should concern every PC member that was elected that is not a member of cabinet, that we could have a cabinet signing an intergovernmental agreement with Quebec or someone that they themselves didn't know about it. There again I think any intergovernmental agreement, because of the nature of the thing, should have to come back to the Legislature for ratification or a proposal.

The last area that I was going to chat about for a minute, Mr. Speaker, is the transfer of responsibilities. Here under the guise, I suppose, of privatization a cabinet minister is allowed to contract out and transfer responsibilities of programs, Acts, and so on. That has to be a little bit scary because that means that a cabinet member without any knowledge of the average PC member or the average opposition member can make a contract or make a proposal that in effect leaves some members of society with a power that only the Legislature or only the government could have. By this Legislature approving the cabinet minister's right to transfer a responsibility, that cabinet minister is not only transferring a responsibility, he's transferring a responsibility of the whole Legislature. It's not the cabinet minister just transferring a responsibility. It's actually hitting at the very basic underpinning of our Legislature by saying that the cabinet minister can transfer out to private members or other groups in the community some of the duties that the cabinet minister would normally keep unto himself or herself.

Now, the fact of the matter here is that the cabinet is really only the representatives of all members in this legislature. Admittedly they're usually picked from the winning side, but history shows that quite often cabinets are a mixture. When there has been a hung jury or a number of MLAs or MPs, as we've seen in Ottawa, elected, quite often the cabinet will be formed taking people from both sides of the House.

3:30

But the fact of the matter is that cabinet ministers should feel that they owe their allegiance to the House as a whole. All through this area you get something that's laid out more like the Harvard School of Business Administration; in other words, this is laid out like the 8th or 9th Avenue financial moguls of Calgary would lay it out, not the way somebody would that was familiar with government. This whole thing is laid out as if this were a business enterprise. Well, government is not business. This may come as a surprise to some of our backbenchers. They say that it should be run more like business. Well, it is not a business. The whole art of government is making as clear as possible to the

people that voted you in what you are going to do and, in addition to that, going back to the people from time to time and getting their input. It's very much, I suppose, similar to a co-op or something where all the shareholders have an input.

[Mr. Deputy Speaker in the Chair]

Business as a general rule usually has a control group that has control of the corporation, and then they in turn of course do as they wish and hope to keep the majority of the shareholders happy by a little of this and a little of that, a dividend here and a dividend there and mostly report. But control is usually very tightly held, and anybody who's ever gone to an annual general meeting finds it's usually just a rubber stamp.

So the idea that this should be passed because it's more like business is the very reason that it shouldn't be passed, because business unfortunately has a tendency to substitute dictatorship by an individual to dictatorship by a group or a small group, an oligarchy, that controls the corporation. This is what we have here: a small group of the cabinet trying to get more power. This does not streamline the government organization. What it does is concentrate more and more power in the hands of the cabinet at the disadvantage of the elected PC or Liberal member or whatever area that you represent.

This, Mr. Speaker, makes it a very, very worrisome thing indeed, a very, very scary thing, because every trip starts with a small step. A trip to autocratic government or government by a small group always leads with the fact: "Well, don't worry. Just trust our little group. We'll make it more efficient. We'll make it smoother." As Mussolini said: we'll make the trains run on time. So don't worry about giving up your authority, he said to the Italian Parliament years ago. The same with other famous dictators. They always start out with the step: we're going to make it more efficient; the trains will run on time; the food'll be a decent price in the store.

Here again we're going to be more efficient. Cabinet ministers are going to be able to select a number of assistants. The cabinet ministers are going to be able to do things to get their programs in. You won't have to wait. We will have the authority to put it in immediately. You won't have to take all that time and have that silly debate in the Legislature. The cabinet minister will have the ability to just charge in there and do it right away tomorrow. We have this whole concept that pervades this.

It has to be very, very scary indeed, and all I ask is that the caucus members over there, when they next meet in the caucus, say to the cabinet: do you really need all this authority? Can you show in the last 22 years that you've been hung up or hurt in some way or fashion because you didn't have the right to just charge ahead and do this, because you didn't have the right to transfer responsibility, you didn't have the right to hire as many deputy ministers as you want? Well, if you can show that, maybe we should be supporting you.

So I make an appeal to your own caucus to look at it and ask your cabinet: do they really need this? What's so important if they say: "Well, it makes it more efficient. It's housekeeping." Well, there are a lot of famous last words in this world, ones like: we're here from the government; we're here to help you; we'll look at your income tax. Another one is: don't worry; I'll still respect you in the morning. And the third one may be the most famous words of all. Mr. Speaker, the most famous words of all are: just let's make it a little more efficient; we'll make it a little more smooth; we'll give the cabinet a little more chance to get

on. No, I'm afraid that it ranks with all those other famous last words I've told you. You'll live to regret it.

Thank you.

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

MS LEIBOVICI: Thank you, Mr. Speaker. This Bill 41, Government Organization Act, should probably be called government disorganization Act. I looked with anticipation towards the introduction of this Act into the Legislative Assembly, because I've seen reorganizations happen in various organizations, and generally when an area of business or an area of government looks at reorganizing, they look at trying to become more effective, they look at trying to be more efficient, they look at how in fact you can avoid duplication and overlaps. Indeed, I'm sure we'd all agree that in government right now there are a lot of overlaps that occur. There are a lot of times where one department seems to be doing one thing and another department seems to be doing something else, and somehow they never meet together. So when I thought Bill 41, the Government Organization Act, I thought, great, I can just open it to any page and it will tell me how services perhaps have been amalgamated. It will tell me how services to youth and to children have been approved. It would tell me how the environment has been better served through this Act. It would tell me how education has been improved. But when I open it, what it tells me, for instance on page 57, health, is that now the government will have the right to sell, lease, or otherwise land and government health facilities to a health board. Now, what does that have to do with government organization?

I open another page, page 20, and what I see there is that we're talking about the ability of the minister to make regulations to establish a system for the licensing of driver training schools. Perhaps something that is needed; I can't say that I've looked into the system for the licensing of driver training schools lately. But again I wonder: what does that have to do with government organization? Should not this have been the opportunity for this government, who has spent more than a year looking at how to reorganize its departments to provide better service and to provide more efficient service, to make sure that there are no overlaps so in fact there can be dollars saved in the providing of government services. Do I see that? No. What I see instead is a government that has said: "Well, the easiest way out of the dilemma that we've caused is to lay off employees. The easiest way to get out of the dilemma is to say that we're restructuring, to say that we're actually doing something of value, and to ask everybody to take at least a 5 percent cut." That's what I see happening. I don't see that there's any restructuring that has actually occurred within this government.

What we also see is power then being centralized through the use of regulations, power that can do a number of things, amongst them to charge fees. Now, has there ever been any investigation by this government that says that user fees should at least – and I don't agree with them – be revenue neutral? No. All we've seen is that user fees can in fact occur, that there are many spots in here where they can in fact be levied, but there is no indication ever in terms of a directive from this government that says they should be revenue neutral.

Now, I take you to the Auditor General's report that we just received barely two hours ago. When I look on page 93, what it says in here is that there is no reliable information – this is for the Department of Labour – for costing what the services are that are

provided through the department. Yet when I look in here in the Act under Labour, what I see in fact is the ability to delegate out certain – well, not even certain – functions. So once more we haven't got a clue, in terms of this government reorganization, what the benchmarks are, why we're doing it, what the reasons are that we're doing it, that we're doing it for the betterment of providing services. We have an ideologically driven document that in effect does not provide for the reorganization of government at all.

What we are also seeing is that the decisions through this – and you can open it just about to any page and the word "regulations" just jumps right out of it. So we see that the trend of government is to make the decisions through regulations. This trend in effect will provide increased user fees and the voice for the accountability and the responsibility for the provision of the programs and services that we as Legislatures have to overlook what is happening here.

3:40

Now, I've heard and I've seen in the press that there have been leaks out of our caucus. I love when that happens, because I always like to know where those leaks are. I'm there at all the meetings, and somehow what appears in the newspapers is very different than what is in reality. The leaks seem to be that we want to be out of this Legislative Assembly within three weeks because of our leadership. Well, I can tell you right now, just to make sure there's no misconception, that as long as there are Bills like this that are introduced in the Legislative Assembly, Bills such as this, Bills such as Bill 46, such as Bill 49, the corrections Act I believe, we will not be out of this Legislative Assembly in time for the end of the leadership, we will not be out of the Legislative Assembly in time for Christmas, and we will not be out of this Legislative Assembly in time for your by-election. So I'll just let you know . . . [interjections] The by-election. We will stay here, and we will fight these Bills, because they are bad Bills. Bad. [interjections]

Speaker's Ruling Decorum

MR. DEPUTY SPEAKER: Order. Order. The hon. Member for Edmonton-Meadowlark is reminded that when you poke sticks, it may cause reactions. But hopefully we could hear some of the barbs of whatever nature without reacting to them in a way that does not add luster to our Assembly.

Edmonton-Meadowlark, in continuance.

MS LEIBOVICI: Thank you, Mr. Speaker. It's just a pleasure to see that the members on the opposite side are indeed awake.

Debate Continued

MS LEIBOVICI: Again, the emphasis from this government seems to say that they are looking at downsizing, that they're looking at privatizing aspects of government. You would think that when that happens – and again this is what I'd hope to see in this government organization Bill – you would see that there would be a downsizing of cabinet, that in effect there will be a downsizing because there are less functions to oversee, it would appear, because everything's being contracted out. What we've in fact seen since Friday is an expansion of cabinet. We've had two additional members – parliamentary secretaries they're now called – that have joined around the cabinet table. So instead of downsizing, instead of seeing the numbers go down and look at truly, as I said, organizing and reorganizing so that there is an

ability to say that, yes, we are looking at what our business should be in government, what we've seen is an expansion. We've seen just the opposite. So often . . .

**Point of Order
Questioning a Member**

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Shaw is rising on a point of order.

MR. HAVELOCK: Thank you. Thank you for recognizing me. Thank you, Mr. Speaker. I'd just like to know if the hon. member would entertain a question.

MR. DEPUTY SPEAKER: The hon. member is reminded that you only need to say yes or no. If the answer is yes, the question proceeds, and if the answer is no, you continue debate.

MS LEIBOVICI: No. What I would rather see is the hon. member get up and say his piece. He'll have 20 minutes to say his piece, and I'd rather see that than have a question asked. Maybe the hon. member feels that he's been slighted because now all of a sudden there are only five left instead of six. In terms of the Deep Six, now there are only five. What I'd like to point out . . .

MR. DEPUTY SPEAKER: Hon. members, the ability of people to count four or five is really not a matter worth debating. Please let the hon. Member for Edmonton-Meadowlark continue.

MS LEIBOVICI: Just to clarify in terms that now the Deep Six is a Deep Five.

Debate Continued

MS LEIBOVICI: What I'd like to say – and it seems to be that I'm hitting on some raw nerves, because in reality this government is not walking the walk or walking the talk.

**Point of Order
Questioning a Member**

MR. DEPUTY SPEAKER: If the hon. Member for Calgary-Shaw has another point of order, would you please cite.

MR. HAVELOCK: Mr. Speaker, I was just wondering if the hon. member – this is a question – is aware that the parliamentary secretaries actually are not in cabinet, and therefore cabinet has not increased in size.

MR. DEPUTY SPEAKER: That's a good debating point, and if you take the hon. Member for Edmonton-Meadowlark's suggestion, when you have the opportunity to enter into debate, you do so and draw that and any other relevant facts pertaining to the Bill at hand to the attention of the Assembly.

Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. And I guess when the member does broach that particular subject, he'll be sure to let us know how much extra the parliamentary secretaries will be receiving in salaries.

Debate Continued

MS LEIBOVICI: What I would like to continue on is in terms of the fact that this government is going to be continuing its process

of making decisions by regulation and that in effect in terms of the ability to take the programs – and again this is not government reorganization. All it is is saying: well, we'll find someone else to do the work. It doesn't seem that there has been any evaluation in terms of what the work of government should be. So what we're seeing is that there's a slew of different options that government has, whether it's delegation, joint venture arrangements, outsourcing, contracting out, or privatization. Yet when I've asked – and I've asked on numerous occasions – what are the policies for contracting, what are the policies for outsourcing, what are the policies for privatization, I get very curious responses. I get responses that say: well, public works has some kind of policy for tendering over a certain dollar amount, and every other department can do whatever they wish. When I try to find out the exact amounts in terms of how many people have been outsourced, how many people are now rehired, what the cooling off periods for different positions were, because they all seem to differ – the cooling off period for the former Deputy Premier was all of one minute, whereas I've seen other positions that have been unionized positions where the cooling off period is up to a year.

Now, there are some discrepancies there, and before we look at saying, "Yes, under the Government Organization Act we will be allowing to have the delegations occur," we need to have the answers to those questions. There need to be policies put in place that are common across the public service, policies put in place that address those very issues, because otherwise we don't, again, have a government that knows what each hand is doing. We have a government that says that the left hand does this, the right hand does this, and there the twain shall meet. So we've got real problems in terms of that.

If the information is available, perhaps I've just been asking the wrong questions. If there's one common policy for contracting out, for outsourcing, for privatizing the cuts across the whole public service, well, then that I think is something that all Members of the Legislative Assembly should be privy to in terms of information.

Now, there are some problems as well, because right now – and I'll speak specifically in terms of the labour delegation section of this Bill – we know that there's another Bill that's going to be coming forward – that is, Bill 57, in terms of the Delegated Administration Act – that addresses what this Bill addresses. Then I've got Bill 47 that also seems to address what this Bill addresses. So if we're supposed to get our act together and only have one Bill that's common across all areas, why are we having different regulations, different sections and clauses in different Bills? Which one will take precedence? Will it be this one, Bill 41? Will it be Bill 57? Will it be Bill 47? Which one?

We're moving into uncharted territory that this government has no idea where it will lead us. The waters are rough, to say the least, at this point in time, but I don't think we all need to drown on our way through these uncharted waters. But my fear is that that is exactly what's going to happen, that we are going to be embarking on a course that has no evaluation set into it, has no benchmarks from which to work from, and will lead us into an area where we're unsure what the outcomes will be. These are areas that deal with health. They deal with education. They deal with safety. These are all very serious issues that cannot be taken lightly.

3:50

So to conclude my statements for this afternoon, I must say that given the various uncertainties that are in this Bill, given the fact that this is not a government organization Bill as I can see but a

government centralization of power, yet will let other people do the work – we'll take the power, we'll let you do the work, we won't be held accountable, but we can delegate; we can tell you what needs to get done," I will not be voting in favour of this Bill.

Thank you very much.

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

DR. OBERG: Thank you, Mr. Speaker. It's certainly with pleasure that I rise to support this Bill. This Bill does a lot to streamline government, to decrease loan guarantees, and to do all the things that we fought so hard for in our election campaign.

With that, I'd like to move that the debate be adjourned.

MR. DEPUTY SPEAKER: The hon. Member for Bow Valley has moved that the debate on Bill 41 be adjourned at this time. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: The motion is carried.

Bill 46 Hospitals Amendment Act, 1994

[Debate adjourned October 20]

MR. DEPUTY SPEAKER: The hon. Member for Innisfail-Sylvan Lake. [interjections] Hon. members, if you have an objection, please raise it in the form of a point of order.

The question is called. Can the hon. Member for Innisfail-Sylvan Lake continue on? Of course he can, as long as he's within the 20-minute rule. No?

Sorry; I'm reading from the Orders of the Day, and I took it as "Mr. Severtson, debate adjourned." In fact, it was adjourned by the hon. Minister of Energy. Although we can't refer to that, the debate is now open.

The hon. Member for Edmonton-Highlands-Beverly then.

MS HANSON: Thank you, Mr. Speaker. To read Bill 46 is to be left with a list of questions and very little concrete information. One thing we have learned in reading the Bill is that in the event that this Bill passes, every Albertan had better go out and buy liability insurance for health care costs in case we get blamed at some future date for someone's injury.

We don't know after reading the Bill under what circumstances an individual could be blamed or fingered as the wrongdoer, and we don't know at all what constitutes a wrongdoer in this context. The Bill is short on details. For example, it doesn't mention whether or not medical records of individuals will be used as court evidence, which would constitute a violation of privacy. It doesn't tell us what happens if a judgment exceeds the individual's insurance coverage, or what happens if the individual has no coverage at all. Will that person have to pay in both cases? People could be saddled with huge long-term medical bills.

What we do know is that the cost to consumers will increase. Government bureaucracy will increase in order to handle the record keeping and the reporting requirements of insurance companies. In fact, it's likely that the costs of administering this

Bill would outweigh the \$10 million that the government hopes to save. Insurance rates are bound to rise, resulting in increased costs for small business, for municipalities and other groups that require liability insurance. Lawyers and insurance companies will probably be the only winners, although the insurance industry claims that they had not been consulted before this Bill was written.

The timing couldn't be worse for the general population. In our province today wages are down and unemployment is up. Thousands of people are taking job training or postsecondary education, but job expectations on graduation are not high with most students. The health care and education systems have been cut drastically, with no real plan before the public except for the downsizing. Thousands of Albertans are struggling, and they're worried about the future. They wonder whether they will be able to pay their utilities and their rent every month, and this is just one more cost to worry about. I think the timing's terrible.

There are no details in this Bill to describe exactly under what circumstances an individual will be deemed a wrongdoer by the Crown. In some instances the fault would be clear, but we don't know how broadly the blame will be applied.

There's another concern about this Bill. Many Canadians regard their publicly supported health care system as perhaps the most important legislation to be enacted in this country for 35 years. There is a concern among some Albertans that Bill 46 paves the way for a requirement that every Albertan must buy health care insurance. This begs the question whether or not this is the beginning of a two-tiered system.

I understand the logic for calling for accountability from drunk drivers, for example, or from a perpetrator who deliberately assaults and injures another person or persons. But I cannot support this Bill because it is too vague, it is ill-timed, it will increase the cost of living for members of the public as well as increase the bureaucracy, and it is unlikely to save the government any money at all.

Thank you.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I'm pleased to be here today to voice my concerns about Bill 46. I'm hoping that the hon. Member for Innisfail-Sylvan Lake has taken this to his constituents and shown them the type of legislation he is supporting, which will virtually take money out of every taxpayer's pocket. That's going to be the bottom line of this Bill. Although this government spews on about no new taxes, this will certainly be money out of your pocket and out of mine and out of my neighbour's and out of anybody's who by chance might be a wrongdoer.

Now, if you look at this Bill, it expands to the third party liability program to recover all the health care costs. The other day the Member for Bow Valley's only example was about a drunk driver. Well, the court system is there to take care of drunk drivers and those who break that law, but instead now the government's going to step in because they'd be a wrongdoer, and the government could sue them and they would have to pay for health care costs. Well, maybe that's okay, but what if the wrongdoer might be someone who owns some property? It might be a winter day up here in northern Alberta – we have those – and it's a little slippery and the renter walks out and slips on the ice and hurts himself, maybe breaks a hip and has to be in hospital

for a while. Now, is the landlord then the wrongdoer? Well, that should worry everybody here. If the landlord is the wrongdoer there, then who's going to pay those health care costs? If that's not even going to be an issue in this Bill, then you better clarify it, because once again we'll probably hear that, oh, that'll be in the regulations. Then it's the old rule by regulation, another common habit of this government.

It's also interesting that the government can sue a wrongdoer, but it seems that the government is closing the doors for civilians to sue a wrongdoer or to sue the government. In the case of the wine boutiques, who are . . .

MR. WICKMAN: It's called a double standard.

MRS. SOETAERT: It's a double standard. Thank you for a little assistance there. The double standard: that's getting to be a common phrase used on this government. Double standard.

Now, I see one advantage to this Bill. If only I were a lawyer, this would mean money in my pocket, because at the end of this battle – and we're going to fight over who's the wrongdoer – I guess our lawyers are going to make money as we battle out if the wrongdoer really owes for everything in this case or part of it or if it wasn't really their fault. Like, if the brakes don't work on the car and you hit somebody, then are you the wrongdoer or is it the mechanic who fixed the car? This makes for exciting legal battles. Perry Mason would probably love this Bill. [interjections]

4:00

Now, let's have a look at the cost to the consumer. Good, I've woken them up. Isn't that exciting? Because I haven't heard any of them speak to this Bill. I wonder if they've consulted with any of their constituents. Not. How about some insurance people? Now, they might like it. This will mean that insurance premiums will go up. They can talk to insurance brokers, and I can see them possibly liking this. This is money. So we've got the insurance people and we've got the lawyers who are going to benefit from this Bill. What about the average Albertan, Mr. Speaker? It's a cause for concern for me.

Now, if the bottom line is that this government wants the wrongdoer to pay, then you'd better look in your own back door and see who the wrongdoer is in all these cases, and you'd better define it. The cost to the consumer is definitely going to increase in order to reduce the government budget by \$5 million to \$10 million. Well, your budget comes from the taxpayers' pockets. It's the same pocket. So I would encourage backbenchers to have a look at this Bill for just a moment. Please don't believe everything the bureaucrats and cabinet feed you. Have a look at it. If insurance premiums are going to increase by more than that to cover the commission, increased costs, and return on investments, costs are probably going to increase 10 to 15 percent. Then, of course, you have to pay the lawyer's fee on top of everything else.

Now, let's have a look at how the government bureaucracy is definitely going to be increased, the government that touts the line that we will decrease bureaucracy. Well, we haven't seen that this week in the increase in pay to a few secretariats. Heavens knows what that job is. Looks like kind of a minister without portfolio kind of budget. We still haven't figured out what ministers without portfolios do. [interjection] Exactly. Heaven knows, they get promoted.

MS LEIBOVICI: That's called downsizing of government.

MRS. SOETAERT: Downsizing of government. Well, they've increased it and spent more money, and then they give jobs to the people who leave. It's a very interesting concept on how we downsize government.

I would urge the government to look at what this Bill will create in bureaucracy. Now, all potential – potential – cases have to be reported to Alberta Health by insurance companies and by individuals who consult with lawyers, and these records will have to be stored and maintained for up to two to two and a half years. Now, this creates an interesting storage problem. Maybe we're renting ministorage out in my riding to hold some of these documents. Well, that would be good for my riding. It would be increased revenue out there. But certainly it won't downsize government, which this government loves to tout but isn't doing. Pity, eh?

Now, any person may be required to provide information to Alberta Health respecting health services provided to a beneficiary. I have some problems with that. That's like personal information out in the public eye, and I have grave concerns about that.

Finally, what will happen if insurance policy limits do not cover the claim? Now we're back in court. Will individuals be required to pay? I don't know about you, but at the moment I couldn't pay if something happened and I had to pay for an entire operation. Heavens knows how you define "wrongdoer." It's going to be very interesting. How about those who don't have any insurance? What's going to happen there? Do we send those people to jail? Oh, no, sorry. We're closing jails in Alberta. I forgot about that. We'll put them on the day parole thing. That's what we'll do, and we'll save money there. Now, I hope *Hansard* can pick up sarcasm. Anyway, does Alberta Health get paid first, ahead of the injured party? This thing is not clear.

This Bill is not a good Bill. It's a bad Bill. I question the Member for Innisfail-Sylvan Lake: who was consulted on this? Just the government bureaucrats? I'm sorry, but they don't tell it all for all Albertans. People, consumers should have a right to have input into this Bill, and they should be made aware. I challenge you to write in your local paper the effects of this Bill. All rural Albertans who get a quote a month or whatever: put it in that local paper and see how many calls you get back. I intend to write a column for my paper, and maybe this is what I'll talk about and see how many calls – actually, what I should do is ask them to call the Member for Innisfail-Sylvan Lake, and then he can report back to me on how many calls he gets. That would work better. Maybe his constituents either don't know that he's put forward this Bill or are afraid to talk to him about it. But I'm sure they're not. I'm sure he's a very approachable man and willing to listen to their concerns.

As I see this, you talk about lower taxes, but in a way you have cost your taxpayers more money by this Bill. It's not even a user fee. It's a mess. Not only are we paying for a mistake of this government – well, who knows who the wrongdoer is – we pay Alberta health care premiums, and then we pay taxes. They're just hitting us again. So the government can sue us. It's very interesting, and it's a very bad Bill.

Mr. Speaker, I don't think you have any problem figuring out that I have grave objections to this Bill. It's a bad Bill, and if this comes about, there are a lot of things we've forgotten. Certainly what is going to happen – are we going to eventually end up where everybody pays the medical health care no matter who the wrongdoer is? Because obviously wrongdoer is an issue. So then they'll probably take out wrongdoer so we both pay no matter what. Is that the intent of this government, to just give all the

responsibilities, what should be taken care of by this government, to the private sector, and eventually they will pay for it? We won't raise taxes, but we will download onto our taxpayer. Well, taxpayers are pretty smart people. They know where money is well spent and where it is not well spent, and I think that if this government gave the regular consumer an actual look at this Bill and made them aware and didn't call it just a simple housekeeping Bill – that's all we're doing this session is a simple housekeeping Bill. This Bill is not fair. It's a mess, and I urge you to tell your constituents about it and wake up and represent the people who elected you.

So, Mr. Speaker, I will not be supporting this Bill. I'm very disappointed in it, and I would hope the Member for Innisfail-Sylvan Lake will certainly have a look at it and let his constituents know about it. It's been a pleasure to speak against Bill 46. It's not a pleasure. It's a sad thing that we have to speak against a Bill. I wish for once this government would come up with a good one, but no, we've got Bill 46, another piece of – what did we call it last term? Horse pucky? Yes, we did.

So thank you, Mr. Speaker, for your time and indulgence. I hope that the members opposite will have a good look at this and have a good talk with their constituents, because, well, the only good thing this Bill does is get Liberal votes. It will certainly get Liberal votes, because this Bill is a bad Bill. They're going to look at it and say: "They put this in? I'm not voting for them again." So in one way, if there's an upside to this Bill, that's it, that the Conservatives will lose votes and the Liberals will get them.

Thank you very much, Mr. Speaker.

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

MR. SEKULIC: Thank you, Mr. Speaker. I, too, rise to speak against this Bill, Bill 46, the Hospitals Amendment Act. [interjections] I know, but it is with good reason that I am opposed to this Bill. I just take a look – in opposition our responsibility is to keep an eye over government and watch government, much like some of the government members in the backbenches, the Deep Four, to ensure that government does things right. When government does things right, in opposition it becomes politically dangerous; you potentially lose some of your market. But if the government does something wrong – and we take a look, for example, at Bovar, or most recently we take a look at this Bill – it's politically, economically, and morally tragic to all of us. So with that, I want to start to analyze this Bill.

This Bill – I guess the Treasurer may be able to put it best, because it's out of the business of being in business – is out of the business of being in health, Mr. Speaker. The only way I could be happy with this Bill is if I were a lawyer, and I'm not. I'm here in the Legislature. I suppose to many people out there it will appeal because this Bill is transferring costs. No longer is the focus of health on health, but the focus of health now is on a bureaucracy, on pushing paper, and I know from what I've read in this Bill that the quantity will be enormous.

4:10

The Bill implies that there's a financial liability which will be enforced using confidential health information. I'm not sure that's an appropriate use of a person's private medical records, yet it's implicit that it can be used, perhaps in a court of law, to have bills paid.

One of my biggest problems is the interpretation of wrongdoer. It is fairly vague, and if we take a look at wrongdoer in the courts right now – and I've spoken with some health care professionals, and many cases go through. It's quite a serious matter that if there's a car accident and there happens to be a pedestrian walking down the street who isn't a part of that accident in the physical sense but has had memories or emotions of the past triggered, they are then admitted to or have need for mental health services. Mental health services are one of the services that are mentioned in here, that if a wrongdoer does something, then there can be a collection for those health services, in this case mental health services.

Now, I take a look at an example: for example, 2.7 million Albertans – that's the population of Alberta – and wrongdoers. If we look at Bovar and at the \$3 billion lost over loan guarantees, I think this could deliver a large amount of stress and duress upon the citizens of Alberta. So the government, in particular the Treasurer and those who signed the loan guarantees, become wrongdoers. Now, the question is: who will pay for those services? I'm not sure.

I take a look at this Bill, and I see an increased bureaucracy. I see increased costs or the potential for increased costs. I don't see those increased costs or the expenditure of new moneys or similar moneys being directed properly, because now they're being directed into courtrooms and not into operating rooms, and I think that's a tragedy.

We spoke on Bill 41, and one of the explicitly stated purposes of Bill 41 was to eliminate duplication and overlap and streamline and standardize government operations. Well, certainly this is going exactly the opposite direction. Instead of eliminating the overlap and the duplication, we're looking at the creation of overlap and duplication and misallocating resources. So I would encourage the government members to assess this Bill. The intent, the principle of liability on a wrongdoer I can appreciate, but this Bill certainly doesn't achieve the desired ends.

The other question I'd have is identifying a wrongdoer. If the wrongdoer is identified and the wrongdoer has liability insurance, it would be a simple process of tracking the insurance and the insurance forwarding the moneys. In events where that's not as clear, what happens? Will the hospital bill then be sent, now that it can't go to the individual liable, the wrongdoer or their insurance company, to the person who received hospital services? That is a real concern. I think the last thing a victim of an accident or a victim of a crime should be thinking about is: can I afford the service I'm just about to get? So I think this requires some more assessment.

The other point is the beneficiary. Instead of referring to an individual receiving health services as perhaps a client or a patient, we now go and call them beneficiaries, because we have a legal implication. I think this Bill represents a move. For example, can the victim or the beneficiary ever be held liable for the costs, a point I brought up earlier? What if they were negligent neither solely or by way of contributory negligence? By costs I would include the costs of the medical intervention or the costs of interest from date of service for the intervention received. There's no mention of that. There is a mention that there are going to be cost-for-interest charges, but I don't think that's explained well enough. An example I have is that a week or so ago my son was at a moms and tots program, and my son happened to collide with another child. I'm not sure how this Bill would apply in an instance like that should one of the children

have had stitches across the forehead from bumping heads. There's an issue of contributory negligence.

The complication we bring to a very simple matter through this legislation is, I think, ridiculous. For that reason, I think this legislation should go back to the drawing board and perhaps be reintroduced in the spring or at some point in the future when we can be assured that the bureaucracy is not going to be increased by this legislation.

With those comments, I'll pass it over to another member of the Legislature.

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

DR. MASSEY: Thank you, Mr. Speaker. The Hospitals Amendment Act, 1994, adds to the Act that was first proclaimed in 1962. Both of these pieces of legislation, raised in the broader context, would have us look at what governments do and just exactly what is the kind of social contract, just what have citizens banded together to do in terms of providing services from which we all benefit. Generally speaking, we've agreed that in areas like education, like welfare, in areas such as health, in areas such as safety and policing there is a role for government and there is an advantage to all of us to band together and to pay for those services and to provide those services for all of the citizenry.

There are a number of assumptions that underlie that social contract. One of those assumptions is that those services will be open to all citizens and that all citizens will be able to access them within limits, and appropriately so. The second assumption is that we'll all pay for the service, and by distributing those costs across the community, they'll make them affordable for all of us. It seems that we get into trouble when groups try to violate one or the other of those principles, and I think we see it, for instance, in private schools where people ask for payment from the public purse for schools that serve private interests and exclude some of our citizens. You see those principles being violated and causing us some difficulty.

I think this Bill strikes at the compact that we have struck in our community in terms of providing basic services to ourselves and to our children. Part of it I think lies in the definition that appears in the Act of a wrongdoer. The Act states that "'wrongdoer' means a person whose wrongful act or omission results in personal injuries to a beneficiary." That, of course, opens the door to all kinds of possibilities for a government intent on privatizing or a government intent on shifting costs to citizens and ratepayers.

You can start asking some questions. What is a wrongdoer? Is a wrongdoer a father or a mother who fails to get a job and the family goes on welfare? Is that a wrongdoer? Should the government be able to recover from one of these parents the costs of the family that's receiving those kinds of benefits? What about someone who fails to learn in school? Are they wrongdoers because they have failed to take advantage of the system? Should the government be able to turn to them and try to recover the costs of their schooling at that point? There are all kinds. There's a whole world of possibilities out there, and some of them, of course, are probably very far fetched, but maybe not.

We thought it was far fetched, for instance, that there would be an attack on kindergartens in this province, and that was proven otherwise. We thought the financial emasculation of school boards was something that was far fetched and would never happen, but of course that has proven otherwise. We thought the attacks on single parents were something that was far fetched and

never could happen in our province, and it's been proven otherwise. So maybe it's not as far fetched that we should look very carefully at a definition such as this one, of wrongdoer, and to take some care before we endorse what is embodied in this legislation.

4:20

I take note in talking about this particular Bill that the House leader made some comments. His comments were along the line that the Bill reflects the government's intent to deregulate and that this kind of legislation goes a long way to lift the load off the backs of Albertans of excessive government and excessive legislation and excessive regulation. It's rather interesting, because you can take the House leader's comments about the Bill and match those words or set them alongside the words of John Gray, who is writing about the new rights agenda in his book *Beyond the New Right*. In that particular book Gray makes a comment or makes some judgment about the Bush-Reagan-Thatcher legacy, the kinds of things that the new right stood for and tried to do. In assessing the legacy, which was aimed at the very same goals of deregulation, Gray indicates that they had just exactly the opposite effect: there was more regulation, there was more government control over people's lives, and there was a movement not into citizens' hands but movement to the central government. In fact, the new right, the result of their work in government, was just the opposite of what they had intended.

We've seen a little bit of that happening here in this province. As this government, elected in June 1993, continues its work, we've continued to see Albertan pitched against Albertan. We've seen any sense of community being destroyed, and this particular Bill, some of the critics indicate, has that sort of ultimate possibility of pitting family member against family member, Mr. Speaker.

So I think it's a Bill that deserves to be looked at carefully. There will be opportunities for amendments, and the need for those I think is becoming abundantly clear.

Thank you very much.

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

MR. WHITE: Thank you, Mr. Speaker. Speaking briefly to this Bill, it's a small portion of the delivery system of medical service in this province, an amendment thereto. It seems to me that members in this House should always be looking at the net benefit to the average Albertan. I'd like to speak to that in a number of different areas.

Certainly the optics of this particular Bill are nothing but positive in the way of looking to get at the offender or an abuser of the system. In most cases it's in fact not the case at all, and we all understand that. But for the small number of cases that in fact – this is analogous to using a sledgehammer for a pin. I mean, there are very, very few cases where acts of neglect, either by omission or co-omission, can be charged directly to a person and a judgment has to be made to that effect.

Now, when you add insurance rates for one small area and say that now insurance rates for each individual shall ascend in order to cover for this potential liability – the liability is unknown and undefined at this point for the insurance company certainly. It's getting back into an area of liability that hitherto they hadn't been party to until, well, quite some time ago. I think in about the '70s they got out of it. The net cost to the individual, either through their government or through their insurance company, is in fact the same pocket. It is the same disposable income that will have to be limited in order to do it. Now, I don't see any

calculation. We haven't heard anything, we haven't heard, certainly, any debate from that side to say that in effect it is going to be – other than just the platitude: trust me, trust me, trust me; we're the government and we know what we're doing. Well, I for one and the constituents that I represent would dearly like to see some actuarial accounting of where the savings are going to occur.

Now, presumably, if the cost for repair of the damage that is caused to society in general is a societal cost, then all you're really doing is shifting it from one to another and you're adding an awful lot of bureaucracy. I can show you why. There's a make-work project for a number of lawyers. That would be a cost added on top of any medical delivery. We understand that for sure. There is all the administration for the insurance that is added on top of that cost once again. We're adding to the bureaucracy. In fact, the number of bodies to keep track of medical records in this system for the express purpose – a number of the cases will have to be flagged, as the legislation illuminates, the cases that have potential for being recoverable by the Crown. These costs add on and on and on.

Now, who are paying these? I mean, we say that it's society in general, but the fact is that those of us who are above average income – I don't think backbenchers or private members would be classed as being above the average. Regardless, those are the people, at that level and above, who are the ones in the normal case, through income tax and through property tax, that pay the collective tax bill for all of us and cover medical deliveries. So what we're doing here is we're taking it away from the cost of the taxpayer who is above the line and we're delivering it to every single soul. That means from the lowest of the low, the unemployed, to those up to the average income. I suspect that probably the run-of-the-mill average income, the \$45,000 to \$55,000 a year family income – it will have no net effect from which pocket it comes from, save and except the extra costs that'll be delivered.

Speaking to the optics of it now, it sounds so, so good to be able to say to someone, when you're on the street out in the constituency, that, yes, we're doing our best to chase those things. Well, it's analogous to the same situation that we had the big furor over not long ago about the young offenders. If you look at the stats of the young offenders, you'll understand that in fact, as the now former Minister of Justice went to great pains to tell this House a number of times, the stats simply don't back up all of that emotion. Well, we have the same case here, the same thing. All of the Bills, all the drafting of amendments, and all of the ambulance chasing in order to nail the person that made the error in judgment at some point are going to be fruitless, and it's going to add the burden where it should in fact not be.

A number of things speak well of a number of pieces of legislation that are before us, but, Mr. Speaker, this is definitely not one of them. For this body to let this piece of legislation pass without any debate, any answers from that side of the House at all on these points that we've raised about the essence of the Bill is really a tragedy.

Thank you, Mr. Speaker.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. I also will be brief in my comments to the debate on Bill 46. This Bill is a prime example of a Big Brother, new world order agenda Bill. I am certainly going to oppose the Bill and recommend that my colleagues and members opposite also oppose the Bill.

4:30

When I read through the Bill, the term "wrongdoer" just jumped out immediately. As other members have spoken, they have also said that the term "wrongdoer" just seemed to hit them right in the face.

There's a definition on page 3 of the Bill that defines wrongdoer. It says that "'wrongdoer' means a person whose wrongful act or omission results in personal injuries to a beneficiary." Other members have tried to define what a wrongdoer is, but it's difficult to do. It's open to any interpretation. Is a wrongdoer anyone who causes injury to another? Or is a wrongdoer one who causes injury to another because this person is under the influence, whether it's alcohol or drugs? This is all open to interpretation. It is not clearly defined.

Then the Act talks about contributory negligence, where a determination of percentage is specified in the judgment. So if a judgment is brought against a wrongdoer, then there could be what appears to me levels of negligence. You can be assessed a percentage of negligence. I can see the lawyers certainly having a heyday and making an awful lot of money in trying to determine percentages of negligence.

What about wrongdoers who are poor, who have no money? You can't get blood out of a stone. So you bring a judgment against them, but if they are unable to pay, then how do you get money out of them? Will there be other penalties for them?

I also see something here in 98(1):

A beneficiary, insurer, other person or wrongdoer who fails to comply with an order obtained under section 97 is guilty of an offence and is liable to a fine of not more than \$10,000.

Well, if this person is not able to pay the wrongdoer judgment against him, you fine him. How are they supposed to pay the \$10,000 fine? I can see a lot of people being possibly sentenced to a jail term because they cannot pay the wrongdoer's assessment against them and they cannot pay the \$10,000 fine that might be assessed against them. So I'm sure that there will be an option given to them by the judge of so much time in jail. Our jails are overcrowded now, I guess, and then we have a lot of people being turned out of our jails and held under house arrest. I can see a lot of people possibly being under house arrest because they cannot meet obligations under the wrongdoer's Act.

What about wrongdoer's insurance? Is it going to be compulsory? Again it's not spelled out here. It appears to me that if this Bill were to pass, then everyone better have wrongdoer's insurance. Otherwise, if you do wrong to someone and they are injured, you are going to be before the judge and they will be wanting you to pay this person's medical bills, pay their hospital bills, and not only the immediate bills, but they are talking of future bills. So you can be on the hook for the rest of your life if you hurt someone, do wrong to them.

Also, I see that the Lieutenant Governor in Council may make regulations. So this indicates to me that it's a regulatory Bill, as many of the Bills that we have seen introduced by this government have been. This is what we seem to be voting towards. This is very dangerous in that the government does not have to come back to this Chamber in order to pass further laws. They can just make them through orders in council.

So there are all these unanswered questions in this Bill, and the way I see it, it's a very dangerous Bill, a Bill that certainly smacks of the Big Brother aspect. Again, I urge my fellow colleagues, the members opposite to vote against this Bill.

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

MR. DALLA-LONGA: Thank you, Mr. Speaker. I have a few brief comments. I must say that I conceptually agree with this Bill; however, I have some concerns. I've always been in favour of people being responsible for their actions, and I think this is an attempt to do that, to make people responsible for their actions, so conceptually I think the Bill is valid. However, I have some concerns.

There's no doubt that this is downloading and government's attempt to see where it can save money. It goes into every corner.

MR. DINNING: You don't support that?

MR. DALLA-LONGA: No, I don't support downloading.

There are a couple of problems, and I'd just like to address some of them. One of them is how the province is going to go about collecting its money. The Bill seems to try to catch all wrongdoers, and I would suggest that we proceed with this more slowly. I've been involved in litigation cases where the insurance company is being sued by the plaintiff, and the litigation process is mind-boggling. Throw a little government in there and it'll get unwieldy. So I would suggest that we maybe just start off with car accidents or something like that, that they're the only ones that would come under this provision, see how that works and then gradually expand it.

I don't know how we're going to handle this aspect of litigation lawyers. Nobody really wants to get a lot of lawyers involved, and I can't see how we're going to get around it, unless maybe what the government does is piggyback on civil litigation, where if there's a claim made by a plaintiff against the defendant – i.e., the insurance company – the government would piggyback on that legislation. If the government starts hiring its own lawyers, who knows where it's going to end.

I think the privacy argument that was advanced earlier is a bit of a red herring. I think we can . . . [interjections]

Mr. Speaker, would you kindly tell some of these people to quieten down a little?

So we're going to need more lawyers, more judges, and while the government will be saving some costs on this side, it'll be increasing their costs on the other side. I think there's a way of getting around some of those increased costs, because while Albertans are for saving costs, they're not going to be in favour of additional bureaucracy.

This whole Bill will tend to move us into a more litigious society, and we know we don't want to do that. Now, I initially thought: well, what about no-fault insurance? Why can't we do that? I don't think the track record of the success of no-fault insurance in Ontario, for example, has been all that helpful, all that useful.

So the merits, once again, in this Bill are worth having a look at. I would hope that we wouldn't move into going after personal wealth, that claims by the government would only be made against insurance companies.

[Mr. Clegg in the Chair]

I would once again, to reiterate, urge that we maybe look at moving on this concept a little more slowly because this is new ground for us. There's going to be a lot of resistance, and let's just bite off one piece at a time and get it worked out properly. Other than that, Mr. Speaker, fundamentally I'm in agreement with this Bill.

Thank you.

4:40

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

MR. HENRY: Thank you very much, Mr. Speaker. I have a few comments I'd like to make on second reading of Bill 46, the Hospitals Amendment Act, 1994. As I understand it, the intent of the Act is to allow the provincial government's Department of Health health insurance to be able to recover health care costs from parties that may be liable in the case of accident or other wrongdoing that would then be involved in court actions. It would then, after the court action is completed, allow the government to move in and recoup some of its health care costs that were as a result of that accident or a part of that particular litigation.

I can't believe that after all of the rhetoric I've heard from the other side of the House about getting government out of the face of people, about reducing red tape, about ensuring that government redefines its role, and about looking after people, we now have a make-work program for lawyers in this province. Believe me, there are lots of people in this province out of work, Mr. Speaker, and certainly a number of young lawyers out of work, but I would have thought of a more creative way of getting lawyers back to work than Bill 46 seems to be. [interjection] If the hon. Minister of Health would like to enter into debate, I'd be more than willing to allow her her fair share of time on this one. I know she's calling across to us; however, she doesn't seem to want to put that on record.

Mr. Speaker, a couple of things in this Bill aside from the principle of the Bill, which does worry me – I know that the minister finds it hilariously funny. The principle of the Bill that does worry me is that we are potentially tampering with public responsibility to ensure that health care is available and accessible to all and is a public responsibility by foisting the costs onto insurers, onto those who pay insurance premiums. Aside from the principle of the Bill, I have a couple of concerns. I'd like to point to them, and I'll be speaking in more detail, certainly, in Committee of the Whole.

Section 93, I believe, if I can briefly quote from it, says:

An insurer who is notified of circumstances in which the Crown's right of recovery may arise shall, as soon as possible, notify the Director of those circumstances . . .

Et cetera.

There's a subprinciple here which says that the people who are going to pay the money to the government have to take the responsibility, if they perhaps think the government might have a chance of collecting, of calling up the government and saying: "I might have a pool of money here, and you might be eligible to collect it. Come and have a coffee." I've never seen something more absurd in all my life. It's like me driving home, or it's like perhaps the hon. Member for Calgary-West driving home to Calgary, sitting in his home in Calgary and saying: "I'd better phone the police and tell them I was a little bit fast going down Highway 2 and perhaps I should be paying a ticket. Maybe they should come and have a coffee and discuss it with me. I'll see, and if they think that I maybe did go a bit fast, I should pay that ticket."

Mr. Speaker, certainly the government shouldn't be placing third parties in the position of doing its monitoring. Surely to goodness, if the government thinks that there's a legitimate reason to go after moneys here . . . [interjection] You see, now the Provincial Treasurer wants to enter into debate or is having his own debate with the new quasi-minister of economic development.

But surely to goodness, if the government thinks there is a justifiable reason to litigate and to go after money, it's then the government's responsibility to monitor the court actions – most settlements of this kind are either determined by the court or certainly sanctioned by the court – and then be able to act on the basis of that.

MR. YANKOWSKY: They're still making snide remarks about you, Michael.

MR. HENRY: I'm told there are snide remarks coming from the other side. Let them come.

One of the issues that I believe has been touched on in debate that would worry me would be the impact on not only insurance premiums as they stand now – and we know there'll be a large impact on insurance premiums. We'll see, for instance, our auto insurance premiums, not to mention household liability, et cetera, and business liability insurance go up. We'll see our automobile insurance go up anywhere from 10 to 20 percent, depending on whose figures you use. Beyond that, I would think that if the government's going to start recouping health care costs, then the customary purpose of a million dollars liability on one's automobile may not be enough. Some quick calculations in my head tell me that if somebody is severely disabled and requires institutional care, then a million dollars liability, not to mention lawyers' fees and all the other things that go into it and loss of income and whatnot – it would only be a few short years before that would be used up if the government were able to go after those moneys as well.

What's also not clear to me is that if the individual does not have adequate coverage to cover both the costs of the litigation and the costs to the party that was harmed and, as well, on top of that does not have enough coverage to cover the government's health care costs, is the government then going to go after that individual's or that company's personal assets?

I can also point out that we tend to think: so what; we'll have some increased insurance costs, and they'll be passed on to those who drive cars who should be able to afford to pay 10 or 15 percent more. But we're going beyond that, Mr. Speaker. We're talking about other kinds of liabilities, although we tend to talk in terms of automobile accident liability in this Legislature. I would ask if the government has considered the impact on nonprofit and charitable organizations and community groups, who all carry liability insurance, and the increased costs, not only, again, in terms of premiums but the increased coverage that they are likely going to have to take out as a result of this Bill. Has the impact of that financial off-loading been considered by the government? It doesn't seem to me that that has been considered.

I also find it curious in another section. Again, I don't want to go into clause by clause analysis here, but 97(1) speaks about the government's access to information. I'm wondering if what's happening here is that the parties to the initial litigation then bear the cost out of their settlements of the litigation, which could include expert witnesses, which could include examinations, which could include testimonies, et cetera, and then the government goes in and recoups its health care costs and bears none of those costs of the actual initial litigation. Surely to goodness, Mr. Speaker, if a citizen of our province were to run me over and hurt me badly – and I'm sure there are members on the other side who would love to see that happen, but I daresay I would be back in this Legislature to make their lives even more pleasant. If there was an accident and I was hurt and then decided that I had a major reason to litigate and to seek damages from a third party,

who perhaps was at a 14th or 15th anniversary party and had too much to drink and was coming after me with their automobile, if I was to do that, I would have to incur all sorts of potential costs in terms of the litigation. Even assuming that I had a lawyer who would work on contingency, I would have costs, including medical examinations, reports to the court, testimonies from expert witnesses, et cetera, that would be a part of my settlement, in fact. The question that I would raise is: is it fair, then, for another party – i.e., the government under this Bill 46 – to be able to come and recoup its costs without having risked any of the initial costs of the litigation? What I do as a citizen if I begin litigation – again, you can't always get lawyers who will work on contingency. But if I bear the risk of hiring those witnesses, of hiring the legal advice, of going into court and seeking a judgment and winning that judgment, if I do all of the risk and then not only do I as an individual benefit in terms of compensation for my injuries but another party, the government, comes in, then shouldn't that government have borne some of the risk of that initial litigation?

4:50

So the argument that's going to be made if we go ahead with this Bill is that if I'm going to litigate against, again, this person who was at a 14th or 15th anniversary party and had too much to drink and came and knocked me down with his automobile, if I was to believe that I had a case for litigation, would I then not be justified in going to the new Minister of Justice and saying, "I'd like one of your legal beagles to help me with this litigation because if I win this one, you or your Minister of Health or your Provincial Treasurer stand to benefit"? That's not addressed in the legislation. I think it's a major flaw.

The government is fond of saying to the opposition and to the people of Alberta that you can't have your cake and eat it too. Well, I think this is a perfect example that the government shouldn't be able to have its cake and eat it too. The government wants all the benefit of the litigation that goes on, of the work of the courts, but it doesn't want to take any of the risk here. It wants to wait till after the judgment is in. It wants to wait until the work is all done and the risk is all taken.

Now, they claim to have a whole pile of people in the government that have business expertise. Well, I'd like to know where, in whatever business you do, you can stand to benefit greatly and not assume any of the risk. I know we can do that with loan guarantees, and this government knows how to do that, but you shouldn't be able to do it under this piece of legislation.

There's also a question of privacy, and I think that needs to be addressed in the legislation. The Act talks about government gaining access to all records that pertain to a particular case or are "relevant to the Crown's right of recovery." If I as an individual initiate litigation as a result of an accident, I assume that one of the things I would do is collect a pile of information, some of which may be very private in terms of my functioning before and after the accident and perhaps the stress it's placed on myself and my family. As a result of the accident and the situation before and after the action, there may be some information that I might collect and might put in a file with my lawyer in confidence that actually, when we get to the point of being in court or to the point of a settlement out of court, I may not have to use. Now that that information is collected and is in my possession, the way it stands now is that's my private information, if I have not directly used it in the litigation. However, under section 97(2) could it be interpreted that the Crown, because it may believe that I might have some information that may be useful to its case sometime, is able to access that information even though I have chosen to

collect but not release that information? It seems to me that we need to more narrowly define that information to be the information that's been filed for public information that otherwise would be available.

Again, if you agree with the principle of the Bill, which I don't agree with at this point, surely to goodness it wouldn't be unreasonable to say that if information is filed publicly and is easily accessible, then of course the Crown should be able to use that information. And if I have that file at home, why don't I give that to the Crown to use? But that's not what it says. The Bill says that the Crown can go after any piece of information it deems relevant to its case, even that information which for strategic reasons, for reasons of personal nature, or which I and my legal counsel have simply chosen not to divulge but have collected in case we need to divulge it to make the argument.

Again, Mr. Speaker, on the other side of it, if I was a person who had injured somebody and I was having to pay or my insurer was having to pay and perhaps I had collected some information for myself that was damaging to my case and I chose not to enter that because I was litigating and stood to lose, under this Bill I would have to turn that information over to the Crown upon request and order, and that information could then be used against me. It seems to me that there's something fundamentally wrong here when the Crown can come after me, can seek information that I have paid to collect and that I have chosen not to use because it would damage my case, and then use it against me, forcing a larger judgment. Surely to goodness, there's something wrong here.

Again, I find it perplexing that we have a government here who thinks that the way to create jobs in this province, the way to create quality jobs is to make work for lawyers by bringing in Bill 46. It seems to me that part of what the government is trying to do is to divert some attention from what's really happening in terms of health care reform by saying to people: "Don't worry. We're going to find other ways of collecting more money so that we can reduce health care costs."

Mr. Speaker, if you start off with going after cases that have been litigated or settled, what, then, is the next step? Is the next step for the government then to say, "Well, what we're going to do now is we're going to go after other people who may be to blame for health care costs"? So perhaps if I didn't keep my children in when it was cold or didn't have them dressed warmly enough, the government's next Bill is going to come down and say, "Aha, it's your fault that child is having to go to the doctor, so we're going to come after you for that money." Then I'm going to have members on the other side saying, the next time I'm at my physician's: "It's because you're carrying too much weight around. Aha, it's your fault. We're going to come after you." I hear applause from the backbenches. Yes, the peanut gallery speaks again.

There's an old adage – I won't talk about monkeys and peanuts, Mr. Speaker.

MR. YANKOWSKY: Now, now.

MR. HENRY: Now, now.

This is the thin edge of the wedge with regard to blaming in terms of health care systems. I would like to see, if the government really wanted to go on this notion of nonpublic responsibility for health care costs – we're going to start blaming individuals, or we're going to start going after, in a financial way, individuals and bodies – I'd like to see what this government's prepared to do

with alcohol companies. I'm wanting to see what this government's going to do with tobacco companies. Are they going to start going after tobacco companies who push their products even more and more and cause more damage to the health care system?

Mr. Speaker, is this government then looking at going after community leagues who don't maintain their equipment properly because they have no funds to do so? And they can't raise many funds because they're competing with video lotteries and government-sponsored casinos and other games of chance. That's happening, believe me, in this city, and community leagues are struggling to be able to maintain their facilities. Are they the ones, next time some child gets hurt, that are going to be held culpable?

The other question that I have to raise is: by bringing in this Act, will there be any connection between this potential for collection of the health care costs associated with a particular litigation and pressure on the individual to begin litigation? We like to think that we live in a society of litigators, but I daresay, Mr. Speaker, that if you went up and down my street and asked people about certain situations and experiences they've had, you would find that there would be a number of situations where individuals have been hurt or have lost something or are without because somebody else was at fault, yet they've chosen not to litigate because they believe that's not the way you solve all the problems in life and, frankly, that they have some personal responsibility for maintaining themselves and staying on their feet. The next time my neighbour comes over and trips over the rake that has been left on the sidewalk and, yes, hon. Member for Edmonton-Highlands-Beverly, hits himself in the face and ends up with a bloody nose and ends up going to the hospital, is that individual going to get a nice little call a few weeks later saying, "Jeez, how did that happen?" Well, he tells his story. "Well, certainly your neighbour must be at fault. We'll give you the name of a good lawyer." Maybe you can get a little bit of money out of him or out of his insurance company, and then the government will be able to collect its health care costs. Is that what we're leading to? Well, again, what we see and the kinds of questions we're finding in the community about government actions such as this one are: is this the thin edge of the wedge? Perhaps it is.

Thank you very much for your indulgence, sir.

5:00

MR. ACTING SPEAKER: The hon. Member for Innisfail-Sylvan Lake. He's closing debate.

MR. SEVERTSON: Thank you, Mr. Speaker. In closing debate in second reading of Bill 46 I'd like to make a few comments. First of all, I'd like to make the comment that some have suggested that this is a threat to our health care system. In no way will this affect the health delivered to an injured worker or injured person in an accident. What this is about is recovering costs after the fact of the service being delivered. Basically what this Act is is an expansion of a Bill that we've had since 1962, where we have recovered our costs for hospital costs. A number of members mentioned that this could lead to a two-tiered system or the American style of health care delivery, and the comments were made of the high cost of hospitals in the United States. Well, if this is the case, we've had this for 30 years, and it hasn't cost our hospital system any different.

Another aspect that I would like to go into. We are the only province in Canada – all other provinces and the Territories have third-party liability to recover their health care costs. So we're

not leading the way, and I don't think their system has deteriorated to recover their costs.

Presently we have the same system with WCB. Under WCB the injured worker gets his hospital costs, all his health care delivered, and then Alberta Health presents a bill to WCB to be paid. That's a form of employer insurance that has worked well.

Much of the discussion has been on who the wrongdoer is or omission of a wrongdoer. Well, that is quite simply that we determine either by an agreement, by settlement that the parties involved agreed that they were 30 percent, 70 percent, or 100 percent in the wrong or the courts make that determination, the way it is done now. That's what's done in our cases under our present Hospitals Act. I don't believe that we have to have an abundance of legal staff in the Department of Health. Under the Act we have now, Alberta Health, to use the term I think of the Member for Calgary-West, piggybacks on the litigation of a lawyer, and Alberta Health gets charged about 10 percent of the recovered costs for their fees. So I don't anticipate a large number of lawyers added on to carry this Bill forward.

Mr. Speaker, without going into a long debate section by section, I would like to move second reading and look forward to comments in committee stage.

Thank you.

[Motion carried; Bill 46 read a second time]

Bill 47 Safety Codes Amendment Act, 1994

MR. ACTING SPEAKER: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Speaker. It gives me great pleasure to move second reading of Bill 47, the Safety Codes Amendment Act, 1994, on behalf of the Minister of Labour.

The Safety Codes Act provides a framework for developing a comprehensive safety system within Alberta, a system built on the partnership of industry, labour, and municipal and provincial governments. The Safety Codes Act was passed in June of 1991, replacing seven separate Acts and governing nine disciplines, all of which were moved under the Act as of October 1.

[Mr. Deputy Speaker in the Chair]

Since this Act was passed, the government has been preparing for its implementation. The Safety Codes Council and the technical councils have been appointed. The policies governing accreditation and certification and appeal mechanisms have been developed in consultation with council members, and issues such as funding of the council activities have been addressed. Over the past few months the Safety Codes Council has been establishing all of the administrative procedures and mechanisms that are necessary for the council to begin accrediting municipalities, corporations, and agencies and to certify safety code officers, a process that is currently under way.

This Bill proposes amendments to the Safety Codes Act. These changes were drafted in consultation with the safety codes technical councils and are primarily administrative in nature. The proposed changes clarify the council's role in generating operating fees. The Act currently grants the council the authority to establish and charge fees. The proposed additions more clearly define the process for these partners collecting fees. The proposed changes also allow for the establishment of a delegated,

regulatory organization. This organization would operate at arm's length from government to administer portions of the Act.

Finally, these proposed amendments will allow more time for the Safety Codes Council to grandfather safety code officers and provide clarification of a technical nature. The Safety Codes Council is responsible for co-ordinating and promoting the safe design, construction, operation, and maintenance of buildings, equipments, and materials. These changes will clarify their operations in these areas.

Thank you.

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

MR. WICKMAN: I know; she goes first.

MR. DEPUTY SPEAKER: The Chair recognized the hon. Member for Edmonton-Rutherford. Do you wish not to speak?

MR. WICKMAN: No. No. I'll speak after her.

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

MS LEIBOVICI: The hon. Member for Edmonton-Rutherford is just so anxious to speak to this Bill because as usual what we're seeing is a Bill that's been done in haste, and he just wanted to make sure that his hand was up so that he'd be recognized very quickly.

You know, it's unfortunate that the hon. members on the other side of the Legislative Assembly have forgotten what their duties are and that they've forgotten that in a parliamentary democracy what needs to happen is discussion and give-and-take on various issues. They seem to like to believe that they live in a little bit of a dictatorship, that each one in their own seat doesn't have to be accountable to anyone, that they don't have to be responsible to anyone, and that it's a bore and a drag on their time that they should be in this wonderful building where democracy in effect reigns in this province. It's an attitude like that, Mr. Speaker, that in effect brings forward a Bill such as the one we last saw, which was Bill 46, brings forward a Bill such as the Banff Centre Act, brings forward a Bill such as Bill 47 and the next Bill, Bill 48, that we will be addressing. That is the problem with regards to when there's an attitude that everything that one does is right. [interjections]

MR. DEPUTY SPEAKER: Hon. members are reminded that no one has surrendered their right to speak. We would ask the hon. Member for Edmonton-Meadowlark to continue, hopefully without interruption.

MS LEIBOVICI: Thank you, Mr. Speaker. There's lots of room over on this side of the Assembly. [interjections] Come on over.

I heard some words from the hon. member who introduced this piece on behalf of the Minister of Labour that talked about the consultation process that has gone on with regards to this particular Bill. It talked about all the wonderful things that were going to happen as a result of the Safety Codes Amendment Act. When I look at the Bill, it's three pages long, barely. Barely three pages long. What it says in this Bill is that the council will have the authority to collect money and that the council can require a municipality, corporation, accredited agency, or any other

organization that the council can dream up to collect moneys on their behalf.

5:10

This Bill doesn't address the issue of safety. It doesn't address the issue of what will make the Safety Codes Council work more effectively. All it addresses is the fact that there is the opportunity for the council to collect dollars. Now, earlier I talked about the fact that user fees are an issue in and of themselves that needs to be discussed more fully, but we look at the fact that we have organizations outside of government who will now have the ability to levy assessments and that there doesn't seem to be much of an effort to control the fact that these assessments should at least be on a cost recovery basis.

We've heard from at least one municipality so far – and that's the city of Edmonton – that it's recently passed a motion at its council that says very clearly that there is a concern in terms of the provincial fee and the gathering of that provincial fee. We've heard from some of the advisory groups that the minister has in the past relied on in terms of whether or not these Bills are good Bills; in other words, Bills 47 and 48. What we're being told is that the minister did not even consult his own advisory bodies in terms of this Bill. Now, maybe that comes from the view: "Well, we don't need to really consult; we can just talk about consulting. We don't really need to listen to what people say. We can just say we've consulted even though we haven't." Therefore you end up with something that really in effect is not appropriate with regards to the whole issue of safety.

There are a variety of issues that need to be clarified in this particular Bill. They are the definitions, the collections of moneys, when moneys will be collected, who will collect those moneys, what the dollars will be assessed on. Again, if I can refer to the Auditor General's report, that talks about the fact that under the Department of Labour the employment standards branch has no ability – and I'll quote:

Reliable information on the cost of services provided will also be needed should the Branch move to charging fees to recover the costs of administering the Code.

Now, we're dealing with a brand-new body that has taken three years to be set up. The Act has taken three years to be proclaimed in its entirety, and we are now saying, "You will have the ability, you will have the right to levy assessments." In this Auditor General's report we're talking about a branch of the Department of Labour that has been in existence for many years and doesn't have any information. There is no reliable information on the time spent investigating claims, times of claims, cost of claims. Therefore, if you don't have a standard – and this maybe could have been used as a standard, the employment standards branch – on which to base your costs, how will you know what costs should be levied by the council? How will you know what costs should be charged to buy a permit? How will you know how much to charge for a design that an individual wants to put forward?

The Act also talks about something such as "accredited agency." Now, when you look at the Safety Codes Act itself, what it says is that an accredited agency is a person. Now, just think about that. You've got an agency as a person. Does that make any sense? I don't think so. Either you've got an accredited person or you've got an accredited agency that is composed of more than one person.

There is one good thing. What's added in section 36(4) is the term "obsolete," and I will agree that that is a positive change. There are other changes in this Act that we're not quite sure why they've occurred under the clauses where they've occurred. Again, what we're seeing is an Act that's been put together in haste without much thought of what happens as a result of it.

If you look at sections 68(1) and 69(2), we've been told that those are housekeeping changes, but again when you look at the fact that these changes are part of the transitional clauses and the Act has already been amended, then why would you have them under those clauses? It just doesn't make sense. It doesn't flow. It's a nitpicky thing, I agree, but what it indicates to me is a lack of thought, perhaps, in terms of the larger items. If you can't get the small items straight, if you can't get them correct, then the larger items just build on those smaller items, and in effect what you may well have is a horror story at the end of it all.

The other issue, of course, is that this is just another form of taxation. It's another form of downloading, or as our Minister of Municipal Affairs so wisely points out, what is happening is changing the standard of living of people within this province. I would dare to say that that standard of living is going down for most individuals as opposed to increasing. What this text does is say to the municipalities: you collect the dollars on our behalf, but we'll just hide behind the sham that in reality it's not another tax. So there you have the fees that are once more put forward. The municipality and corporations in effect then become a collection agency for council. Is this appropriate?

There are other issues that I'm sure we would more than love to discuss, and in Committee of the Whole we will have the opportunity. We will be bringing forward some amendments in terms of this particular Act. I think that I've made my point very clear that at this point in time we will not be supporting this Bill, that, in effect, what we are doing is looking at fees being charged for the operation of the Safety Codes Council. That is all that is in this Bill. It is not to make the council more effective. It is to get dollars for the operation of the council and to ask other people to collect on behalf of the council. Again, it's nice to fancy up the Bill with the rhetoric that this will be better for employees and for workers within the province, that this will, in fact, make safety an issue that is paramount on individuals' minds. But again in a sense this is almost a money Bill and should be regarded as such.

Given the lateness of the hour, I would like to adjourn debate.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Meadowlark has moved that we now adjourn debate on this Bill. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: Carried.

[The Assembly adjourned at 5:20 p.m.]

