

Legislative Assembly of Alberta

Title: **Monday, November 7, 1994**

1:30 p.m.

Date: 94/11/07

[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: **Presenting Petitions**

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

MR. COLLINGWOOD: Thank you Mr. Speaker. I beg your leave to introduce a petition signed by 1,722 individuals from Alberta, from all over Canada, and indeed from all over the world calling upon the Legislative Assembly to urge the government to not allow the excavation and development of Horseshoe Canyon into a golf course and to designate Horseshoe Canyon as a provincial park, for the viewing of all Albertans and for the viewing of future generations.

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

MR. HENRY: Thank you, Mr. Speaker. I would beg your leave to present a petition on behalf of residents of Alberta. It petitions the Legislative Assembly to urge the government not to restructure the education system in a way that does not ensure adequate input and involvement from all Albertans.

Thank you.

head: **Reading and Receiving Petitions**

MR. N. TAYLOR: Mr. Speaker, I'd ask that the petition I presented to the House on May 26 asking that the Sturgeon hospital be included in the health district in the Westlock area rather than where it is now be read.

CLERK:

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

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

MR. BRACKO: Thank you, Mr. Speaker. I request that my petition of May 30 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.

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

MR. HENRY: Thank you, Mr. Speaker. I would ask that the petition I tabled in this Assembly on October 18 regarding ECS funding now be read and received.

CLERK:

We, the undersigned residents of Alberta petition the Legislative Assembly to urge the Government of Alberta to continue to recognize the importance of, and fully support, the provision of Early Childhood Services to children in this province.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I would request that the petition which I presented on October 19 on behalf of Edmonton-Avonmore and area residents regarding the Grey Nuns hospital be now read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the government to maintain the Grey Nuns hospital in Mill Woods as a full-service, active hospital and continue to serve the southeast end of Edmonton and surrounding area.

head: **Notices of Motions**

MR. SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you very much, Mr. Speaker. I wish to give oral notice that tomorrow I will introduce Bill 59, the Miscellaneous Statutes Amendment Act, 1994 (No. 2).

head: **Tabling Returns and Reports**

MR. DINNING: Mr. Speaker, while the Prime Minister and other Premiers were out sight-seeing in China yesterday, Alberta's Premier, Ralph Klein, was hard at work. He was meeting with a number of business leaders to assist them in taking advantage of the Alberta advantage and at that time tabled and made public a strategic discussion paper, Targeting Asia Pacific, Alberta's proposed plan to assist and support Alberta businesses to take advantage of the Alberta advantage in the Asia Pacific Rim.

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

MR. CARDINAL: Thank you, Mr. Speaker. I'm pleased to file four copies of the Metis Settlements Appeal Tribunal '93-94 annual report.

MRS. MIROSH: Mr. Speaker, in keeping with Research Makes Sense, the buttons that have been passed around to all members of the Assembly by the University of Alberta, I am filing now a news release outlining the established and emerging areas of research excellence.

MR. TRYNCHY: Mr. Speaker, I'd like to file the annual report '93-94 for Alberta Public Safety Services.

MR. SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. I'd like to file four copies of a survey done by John Yerxa Research in September of 400 people in the city of Edmonton showing that a clear two-thirds of all women oppose live peep shows and that even nearly one-half of males also oppose live peep shows.

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

MR. GERMAIN: Thank you, Mr. Speaker. At the request of the Dickinsfield School Parent Association, an association in Fort McMurray, Alberta, I would like to file four copies of a record of one of their resolutions in which they urge the government to restore as part of the education curriculum 400 hours of kindergarten instruction.

head: **Introduction of Guests**

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

MS CARLSON: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to the all Members of the Legislative Assembly a very close personal friend of mine. Ms Deregowski is accompanied today by 71 of her classmates from Holy Family school and teachers Daryl Chichak, Beth Devlin, Tina Madron, Cole Macedo, and Angela Vona. I ask that they all stand and receive the traditional warm welcome of this Assembly.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm delighted to introduce to you and through you 25 examples of Alberta's most precious resource, our young students. They are members of the Mill Creek school, and they are accompanied today by Mrs. Marilyn Tywoniuk and Ms Kim Bech, a helper. I would ask all of them to rise and receive a cordial welcome. They are seated behind me in the members' gallery.

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

MR. BENIUK: Thank you, Mr. Speaker. I would like to introduce seven students who are from the YYC school in my riding. They are accompanied by their teachers Ms Hunchak and Mr. Grable. I would ask that they rise and receive the warm welcome of the Assembly.

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

MR. HENRY: Thank you very much, Mr. Speaker. It's my pleasure to introduce to you and through you to members of the Assembly a good friend of mine and a volunteer in my constituency office, a retired employee of the Edmonton Telephones Corporation. Ms Mirella Brignolo is in the public gallery, and I would ask that she stand and receive the very warm welcome of the Assembly.

MR. SPEAKER: Order please. Before the next order the Chair begs the Assembly's indulgence. It missed a tabling that is required. If we might revert to tablings?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

head: **Tabling Returns and Reports**
(*reversion*)

MR. SPEAKER: Hon. members, I table with the Assembly the response from the Ethics Commissioner as submitted to the Speaker's office today. The response is in respect to the investigation relating to the release of confidential information by the Minister of Family and Social Services and the Member for Edmonton-Highlands-Beverly. Copies of the Ethics Commissioner's response are being distributed to members.

head: **Ministerial Statements**

1:40 **University of Alberta Research Grants**

MRS. MIROSH: Mr. Speaker, it is with great pleasure that I rise today to recognize the outstanding work being done in areas of research at the University of Alberta. Last Friday I participated in a news conference at the university, where three significant announcements were being made that will impact research in the province of Alberta. This announcement is significant in that it demonstrates that the federal government, the provincial government, the private sector, and the universities will work together: the establishment of the headquarters, with federal funding of \$17.25 million, for the Protein Engineering Network of Centres of Excellence. This centre was rated as the number one network in Canada in competition for networks of centres of excellence phase two funding.

The importance, Mr. Speaker, of this centre is highlighted by the fact that protein research has a profound effect on the quality of life. Enhanced proteins are being used in the treatment of infectious diseases, in the food and chemical industries, and show vast potential for improving other industrial products. PENCE research focuses on three main areas in particular: medical applications, enzymes for use in pulp and paper industries, and technology development. While this research will certainly benefit Albertans, it will also enhance the lives of people everywhere. PENCE will seek to improve links between basic research discoveries and their application for therapeutic and commercial use, which in turn provides social and economic benefits to Albertans.

Mr. Speaker, the economic benefit to research is a reality. The University of Alberta research resulted in \$14.1 million in royalties, industrial grants, and contracts and agreements in the past year. The university is also being awarded \$1.5 million in grant money over five years by the Social Sciences and Humanities Research Council to a research team based at the Faculty of Arts to produce an integrated history of women's writing in the British Isles. This is the largest humanitarian grant ever given to researchers at the University of Alberta.

In making this announcement, the university has demonstrated its willingness to stand up and be counted and be accountable for the work it is doing. This series of firsts truly puts the university in a leadership role, and I would like to congratulate the chairman of the board of the University of Alberta, John Ferguson; Martha Piper, the vice-president of research; Dr. Bob Hodges, the protein engineering network leader; and Dr. Pat Clements for her \$1.5 million SSHRC grant.

Thank you, Mr. Speaker.

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

DR. MASSEY: Thank you, Mr. Speaker. The Liberal opposition joins the minister in recognizing the fine research being done at the University of Alberta and in fact in all the universities across the province. Last year the University of Alberta brought in over \$80 million of research funding. Cited in a publication called *Discoveries*, this research is diverse and covers investigations from classics to zoology.

This morning's paper carries the annual ranking of universities across the country by *Maclean's* magazine. The University of Alberta and the University of Calgary in this ranking of schools with medical doctoral programs remain in the top 10. They are there based on the decades of research to build their fine library collections, their research capability, the quality of their faculty and support staff, the per student dollar allocations, and the positive course evaluations undertaken by their students.

While the government basks in the success of the University of Alberta today, the question to be answered is: what is being done now to ensure that they will remain in those top rankings in the future? Will slashing \$200 million from budgets help? Will limiting academic freedom by attacking tenure help? Will dictating the specific hours researchers must teach help? Creating world-class educational institutions does not happen overnight. It is predicated on wide community support and the support of the government. The minister distributed buttons with the logo Research Makes Sense. May I suggest to her the logo for her consideration for another button: Education Cuts Are Nonsense?

Thank you, Mr. Speaker.

head:

Oral Question Period

Government Reorganization

MRS. HEWES: Mr. Speaker, you reminded us today in your prayer of our duty to Albertans. Well, contrary, this government is embarking on an insidious program not only to dismantle accountability but to dismantle parliamentary democracy. This is contrary to all the advice given to the government by the Ethics Commissioner and the Auditor General. "Housekeeping" and "liberating," two words used by the Labour minister last Friday in a radio debate, are simply code words for avoiding responsibility for governing. My questions are to the Minister of Labour, the hon. House leader. Mr. Minister, how can you introduce legislation in which your government abdicates accountability?

MR. DAY: Well, Mr. Speaker, as you made clear last week and as we'll continue to do this week, this particular piece of legislation being referred to is taken and is being approached as any other legislation. It's introduced; we invite input. You know, there have only been three people speaking to this Bill so far in the Assembly. We're still at second reading, and already the Liberals are saying: the sky is falling, and civilization is going to cease to exist. We are taking the same process with this piece of legislation as with every piece of legislation. We put it out. This is clearly an issue of centralized, big government that the Liberals want as opposed to decentralized government that we would like. We are open to discussion, and as the debate continues, we will be looking for information that could make this Bill improved and meet concerns of Albertans.

Speaker's Ruling Anticipation

MR. SPEAKER: Order please. Before we continue on this line of questioning, the Chair had given notice to the hon. member

that we weren't going to pursue the same line of questioning on a Bill that has received second reading on the Order Paper. The Chair is anticipating making a statement on this subject at the appropriate time following question period, but if the hon. member's questions truly do relate to Bill 57, as would appear from the answer by the hon. Government House Leader, then this line of questioning should not continue.

MRS. HEWES: Mr. Speaker, with respect, the minister is the one that drew that conclusion not me. Superficial speeches don't make it in the House.

Government Reorganization

(continued)

MRS. HEWES: Mr. Speaker, how does government by corporate board qualify as accountable and responsible to Albertans?

MR. DAY: Mr. Speaker, despite the coyness of the hon. member, she is specifically referring to Bill 57, to which I will continue specifically to refer. That's what the radio show was about on Friday. It was very clearly on that. At that time and also right here in the Assembly the member across the way suggested, for instance, that on this and other related types of legislation, since she doesn't want to refer to a Bill specifically, there had been silence on this side of the House in terms of people speaking for this type of legislation, without mentioning a particular one. I then stood in the House and read to her a very significant list, a long list of names of people on the government side who had spoken to it and asked her to acknowledge that indeed she was wrong. She would not acknowledge that she was wrong.

Then I proved and showed categorically how the Bill cannot address pollution standards, cannot address, for instance, privatization of things like health care and children's services and prisons. We already have a Bill on the table right now in the Legislature directly addressing the issue of some services in the Justice department because Bill 57 cannot. It is not government by regulation, because Bill 57 specifically prohibits these organizations from coming up with regulations. It all has to be done by the government through the minister. This is not the type of Bill that is being discussed by the member, and she will not say that she is wrong. I can't do anything about that, Mr. Speaker.

1:50

MRS. HEWES: Mr. Speaker, determined I am; coy I am not.

Mr. Speaker, to the minister: will the minister now do the honourable thing and withdraw 41 and 57?

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

Confidentiality of Social Services Records

MR. DICKSON: Mr. Speaker, thank you. We expect ministers of the Crown to know the law and to follow it. When the Minister of Family and Social Services referred the issue to the Ethics Commissioner, he knew already full well that the Ethics Commissioner could do nothing with such a case. His referral to the Ethics Commissioner was simply an attempt, and a transparent one at that, to deflect attention and to buy time. My question to the hon. Minister of Justice is this: will the minister now do what should have been done in the first place and order a full judicial inquiry into the conduct of this Minister of Family and Social Services?

MR. SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. As hon. members are aware, the Ethics Commissioner has just given out his decision with respect to the allegations made against the hon. Minister of Family and Social Services. The sanction that is being suggested at the end of that decision is that "no sanction is recommended as no breach of the Conflicts of Interest Act has occurred." That was the question before the Ethics Commissioner. If the hon. member opposite has evidence of something else or wishes to provide me with more information that he thinks justifies a further inquiry, I'm very happy to meet with the hon. member opposite and discuss it with him further.

MR. DICKSON: Mr. Speaker, in terms of a supplementary question I go back to the Minister of Justice and say: since it's clear that we see from the report here that there is no officer in this province to safeguard the rights of citizens when it comes to confidential information, no safeguard against the abuse by a minister of the Crown, will the government now proceed to proclaim the freedom of information and personal privacy law without delay?

MR. EVANS: Mr. Speaker, there is a reference here in the Ethics Commissioner's report that does suggest that once the privacy commissioner is in place, there may be reference to that privacy commissioner. I know we are moving forward on that as quickly as we can. The responsibility for that legislation rests with my colleague the Minister of Public Works, Supply and Services, and perhaps he would like to augment my answer.

MR. SPEAKER: Supplemental question.

MR. DICKSON: Thanks, Mr. Speaker. Five months and we're still waiting.

My question is to the Acting Premier, then, in terms of my final supplementary. How many more breaches of privacy have to occur before the Minister of Family and Social Services is asked to resign?

MR. DINNING: Mr. Speaker, it is the self-righteous indignation of a wanna-be Liberal leader over there that is reprehensible in this Assembly. You know, this matter has been raised by this member for only one reason, and that is to score political points on the back of some young child who the Minister of Family and Social Services in consultation with the Member for Edmonton-Highlands-Beverly was trying to assist. I think it's deplorable, and Albertans know it's deplorable. [interjections]

Highway Construction

MR. GERMAIN: I thought, Mr. Speaker, that the Member for Calgary-Buffalo was going to leave the House all calmed down for me.

Mr. Speaker, recently the minister of transportation admitted that a contractor was doing private work for the minister at the minister's expense while at the same time working for the government. Now, that minister and all ministers know that they must be scrupulously careful to avoid any appearance that they are obtaining a benefit or an advantage while in office. That minister's contractor received \$29 million worth of government work in the previous four years and continues to do so. My question

today is to the minister of transportation. How much work has your driveway paver received this year from the provincial government?

MR. TRYNCHY: Mr. Speaker, I wouldn't be aware of those numbers, but every contract that is let in transportation in any given year is public knowledge. All he has to do is research it.

MR. SPEAKER: Supplemental question.

MR. GERMAIN: Thank you, Mr. Speaker. Then I ask the minister of transportation what steps he took to ensure that the unit price being paid by the government to the contractor was not higher than the unit price being obtained on his own driveway. [interjections]

Speaker's Ruling Allegations against a Member

MR. SPEAKER: Order please. [interjections] Order please. The line of questioning is just full of innuendos, and the Chair is not going to permit any more questions that are full of innuendos.

Beef Exports

MR. TANNAS: Mr. Speaker, there have been a number of reports over the weekend concerning problems experienced with beef shipments from Cargill's High River plant destined for export to the United States. My questions, then, are to the minister of agriculture and rural development. These reports have contained some fact and a lot of speculation, given the importance of exports to the United States to Alberta's beef industry. Can the minister of agriculture and rural development outline the facts on the issue to this Assembly?

MR. SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. Yes, I certainly am pleased to do that. This is an important question to a very meaningful part of our agricultural industry. To start with, there were 600 boxes of material placed on a truck; 75 of those boxes contained tripe. The 75 boxes of tripe were rejected and sent back. Once the material was sent back, the paperwork processing was done and completed, and there were assumptions made that indeed the physical transfer had taken place. The truck was then dispatched back to the border, arrived at the border with this rejected material clearly identified as rejected, clearly identified as sealed. So it was a human error that took place. It's an unfortunate human error but one that did happen.

MR. SPEAKER: Supplemental question.

MR. TANNAS: Thank you, Mr. Speaker. Again to the same minister: could the minister explain whether the roasts, loins, steaks, and so on were rejected as being tainted or contaminated thus leading to the Cargill shutdown due to the border closure?

MR. PASZKOWSKI: Mr. Speaker, there was no tainted or contaminated meat in this shipment. I think it's very clear that we have to identify the fact that it was 75 boxes of tripe that were sent back. The beef itself was in excellent condition. Tripe is an ethnic food and one that has a specific use. It was again, as I mentioned, not contaminated beef. There was nothing wrong. Canada has an excellent inspection process. It's every bit as good

if not better than the American inspection process. Cargill has had a good record in the past and I'm sure will continue to have a good record in the future.

MR. TANNAS: Again to the same minister, Mr. Speaker: what measures will the minister take to limit any damage to Alberta's beef industry due to this incident?

MR. PASZKOWSKI: Well, I think it's important that the facts are clearly on the table and are clearly identified. Our inspection process was thorough, and if anything, it's a reassurance of our inspection process because the material was identified. So if nothing else, it shows that our inspection process is fully qualified and fully able to deal with the issue.

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

Wine Store Contracts

MR. BRACKO: Thank you, Mr. Speaker. I'd like to table four copies of a letter from an individual who is very concerned about his business. This government wants to give up its authority and responsibility. If the current record is any indication of how it intends to run its household, then Albertans have a lot to fear. This government intends to eliminate the rights of wine store owners to sue the government by voiding contracts between the ALCB and the private sector. To the minister responsible for the ALCB: can you explain why you instructed your lawyers to coerce a settlement by telling wine store owners that their contracts will be void, leaving them powerless in the courts?

2:00

MR. SPEAKER: The hon. Minister of Municipal Affairs.

DR. WEST: Yes, Mr. Speaker. Two things: this Bill is in committee, and also I will refrain from commenting on this because of the sub judice rule that we have here. There is a case before the court. [interjections]

Speaker's Ruling Sub Judice Rule

MR. SPEAKER: Order please. The Chair would like to enquire of the minister: are there actions pending against the government relative to this matter?

DR. WEST: Absolutely, Mr. Speaker.

MR. SPEAKER: Then we will move on.
The hon. Member for Cypress-Medicine Hat.

Birth Control Implant

DR. L. TAYLOR: Thank you, Mr. Speaker. Some constituents of mine have raised a concern about Norplant, a birth control drug. Could the Minister of Health explain the procedure to be followed for the drug to be accepted for use in Alberta and why this particular drug has been accepted?

MRS. McCLELLAN: First of all, Mr. Speaker, let me make it very clear that the approval of a prescription drug is granted by Health Canada not by the government of Alberta. However, recently we did add Norplant to our drug benefit list effective October 1. Recommendations for additions to that list are made

to us by an expert committee, and drugs on that list are available to people who are involved in our programs.

I should say, Mr. Speaker, that my approval for that to come forward on our list in no way is an approval of the drug, because that was previously granted by Health Canada. It is simply another option for birth control methods that are available to Alberta families.

DR. L. TAYLOR: Since Norplant may cause difficulties in young females that are still growing, will the minister put an age limit on it below which it cannot be administered?

MRS. McCLELLAN: Mr. Speaker, certainly I recognize that all prescription drugs are not considered useful for everyone. However, I think the best choice as to whether to grant a prescription should be made by a physician in consultation, certainly, with the person receiving the prescription and in consultation with the pharmacist. I know that the College of Physicians and Surgeons of Alberta has delivered the information on this particular drug to its members. I have confidence in the physicians in this province to appropriately prescribe drugs. So at this point I don't have any consideration of placing a legislative limit on it. However, the member raises an interesting point, and I'd be happy to discuss it with him.

DR. L. TAYLOR: Since it is possible for girls as young as 12 years of age to receive this and other birth control drugs without parental consent or knowledge, will the minister change the regulations to make parental consent mandatory; for instance, parental consent to age 16 and from 16 to 18 years of age parental knowledge?

MRS. McCLELLAN: Mr. Speaker, that's a very complex question actually, because Canadian case law has determined that young people in fact are capable of providing informed consent about medical treatments including the use of contraceptives. In 1993 the college reviewed this matter, and it concluded that young people can make informed consent, while recognizing that a physician has a very important role in whether to prescribe or not to prescribe. For that reason, I believe physicians do make those decisions very carefully. I think each individual is different. I think that for young girls each situation is different as well. I will take the member's suggestion under consideration and further discuss this with the college and others involved in it.

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

School Board Amalgamations

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. This government has managed to alienate democratically elected boards to the point where they've taken the government to court in various cases. There are currently a whole series of lawsuits pending on various grounds ranging from constitutional issues to equality between public and separate school boards. I have a question for the Minister of Education. Why is it that the minister and his sizable bureaucracy were unable to foresee that trampling on democratic rights would result in court action?

MR. JONSON: Well, Mr. Speaker, given that in our view there has been no trampling on democratic rights and that the overall thrust of our efforts and our concentration in Alberta Education and I'm sure at the grass roots across this province in education

is on classrooms and not courtrooms, I find the hon. member's comments irrelevant.

MR. VAN BINSBERGEN: Mr. Speaker, the trampler never recognizes trampling I think.

I'd like to ask this, Mr. Speaker. If the minister had truly consulted with all the stakeholders, would he not have discovered their opposition to his plans?

MR. JONSON: Mr. Speaker, we've had extensive consultations. Because of the nature of the hon. member's question I'll just take a guess. You know, it's sort of like a multiple choice question. Assuming the hon. member is talking about amalgamation and regionalization, I would like to point out that, first of all, there was considerable support and considerable indication from the Alberta School Boards Association itself that they wanted to see nonoperating school jurisdictions eliminated, that they wanted and they were prepared to co-operate in the reduction of the number of school boards in the province.

During the months of January and February a year ago the minister was all across the province meeting with school boards in zone meetings or individually. After that we established a plan. We made an official announcement. We established an implementation team chaired by the hon. Member for Lacombe-Stettler. That team met extensively across this province, issued information, provided recommendations. Several months were established whereby voluntary amalgamations and regionalizations could take place.

Mr. Speaker, there had to be a deadline. The activity had to come to a conclusion, and fair notice was given of that. We're following up on that.

MR. VAN BINSBERGEN: Well, Mr. Speaker, there wasn't much listening going on I think on the part of the minister.

Since the minister claims to be concerned about the education of Alberta's children, how does he explain the fact that scarce education dollars are being used in the courts rather than the classroom?

MR. JONSON: Mr. Speaker, I have no idea, and I don't think that I should have to even speculate on that. As I've said, I view the dollars for education as dollars that should be spent in the classrooms and on the students of this province, and I do not see anyone who has indicated to me why our plan is not serving the best interests of students in this province. We do not need all this court action.

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

Disabled Persons' Programs

MR. DUNFORD: Thank you, Mr. Speaker. Lethbridge-West constituents support a more efficient and effective health care system. Many services are coming under scrutiny, but the net seems to be catching the mentally and physically challenged. These people are not sick. They have a disability that challenges their everyday activities, but they are not sick as we would look at it in an illness model. So many constituents are concerned about the transfer of services for persons with disabilities to the Department of Health and more specifically to come under regional health authorities. My question is to the Minister of

Health. Is it a Department of Health initiative to provide these services under regional health authorities?

2:10

MRS. McCLELLAN: Well, Mr. Speaker, by way of explanation, some 200,000 Albertans receive personal and technical supports for disabilities. These are not necessarily and may well not be health related. Our funding collectively in government is somewhere between \$300 million and \$400 million per year.

Mr. Speaker, in 1990 the Premier's Council on the Status of Persons with Disabilities recommended that co-ordination occur because these services were provided by a number of departments. Following that initiative, the minister responsible for that council drew together the departments that were involved in delivering programs and developed a process for a stakeholder review, and a community supports model is what has emerged. The Department of Health has been asked to simply play the lead role in the planning and development of a co-ordinated program for delivery of services to persons with disabilities.

MR. SPEAKER: Supplemental question.

MR. DUNFORD: Yes, Mr. Speaker. Given the explanation by the minister, then can I assure my constituents who have raised the point with me that these services for the mentally and physically challenged will not be under the regional health authorities?

MRS. McCLELLAN: Mr. Speaker, the next stage of the process very clearly is to plan how to deliver those programs in a co-ordinated fashion, and until that process has concluded and the discussions with stakeholder groups and interested persons occurs, I would not want to suggest that one way or another is best to deliver those services.

MR. SPEAKER: Supplemental.

MR. DUNFORD: Yes. Thank you, Mr. Speaker. To the same minister: when will mental health, which has been studying regionalization, be submitting their report on their findings and recommendations?

MRS. McCLELLAN: I believe the hon. member is referring to the business plan for the Provincial Mental Health Board. [interjection] Yes. I would expect to receive that probably next week, Mr. Speaker.

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

Home Care

MRS. SOETAERT: Thank you, Mr. Speaker. Early discharge from hospital is creating havoc for rural areas trying to cope with greatly increased demands for home care services. Furthermore, a person like Harvey Ball, who last year qualified for 38 hours of home care service per week, is now told that because of budget restraints he is only allowed 13 and a half hours. This man has MS, a degenerative disease, which unfortunately means that his condition will only worsen. My question is to the Minister of Health. Why won't the Minister of Health recognize that home care funding is totally inadequate? Who's going to take care of the people who do not have family support?

MRS. McCLELLAN: Mr. Speaker, first of all, I believe that Alberta has a home care program that is unequalled in any other province in Canada. The funding to home care has tripled in the last few years, and in fact the program itself has been widened and expanded to include persons under the age of 65.

When we announced our three-year business plan this spring, we announced very clearly that \$110 million, additional dollars, would be moved from the acute care sector to home care, to community supports, of which home care is an important part. Recognizing that there are many more discharges from acute care facilities early, which is I think very positive for patients, additional dollars have been allocated this year, 5 and a half million dollars additional to both Calgary and Edmonton, who are certainly hospitals who do a lot of the discharge.

I have said that I will await the business plans from the other regions to find out how they are going to utilize these dollars. I think that's the important part, that we have a very good plan to ensure that the people with highest needs, which the member might be discussing with that person, receive the care that they require.

MR. SPEAKER: Supplemental question.

MRS. SOETAERT: Thank you, Mr. Speaker. I'd like to table four copies of Mr. Ball's self-management care agreement. My supplemental to the Minister of Health: why is it that an individual like Harvey Ball, who only six months ago would have received sufficient home care, now is told that he barely qualifies.

MRS. McCLELLAN: It is not this minister's habit or propensity to discuss individuals' health services and how they are delivered on the floor of this Legislature. Mr. Speaker, if I receive a letter from the individual, I will respond directly on his individual concerns. However, the health units and the hospitals in this province are responsible for delivering home care, and if a person is having difficulty accessing those programs, they should deal directly with them. Certainly, if I hear directly from an individual, I will respond directly to them.

MRS. SOETAERT: Why is it that people like Harvey Ball will be forced into a long-term care facility? That does not save dollars, Madam Minister. Why are you allowing these things to happen?

MRS. McCLELLAN: Mr. Speaker, I have outlined, I think, to you the increased funding that we have made to that program over the years and certainly the increased funding that we are providing to that program now. I cannot answer on an individual case in this Legislature without having the facts and without seeing the letter. I will not respond on an individual case without that information, and I certainly will not do it here.

MR. SPEAKER: The hon. Member for Wainwright.

Trade with China

MR. FISCHER: Thank you, Mr. Speaker. As part of the Premier's participation in the Team Canada trade mission to China with the Prime Minister an announcement has been made regarding the opening of a new trade office in Harbin, in the province of Heilongjiang. My question to the Minister of Agriculture, Food and Rural Development: what factors led to the decision that a new trade office focusing on agricultural products would be established in Harbin?

MR. SMITH: Good question.

MR. PASZKOWSKI: Thank you to the hon. Member for Wainwright for the question. It is a good question. Indeed in order to maintain the objective of this minister, which basically is that agriculture is our future and not our past, in order to maintain the objectives of our three-year plan, which basically are to increase our production, to increase our processing, and to thus increase our export potential – we feel that this allows us to expand our dimensions as far as Canada is concerned. China is a very major customer in our process of development, and we feel that this is an excellent opportunity to work closer with our opportunities that exist in that part of the world.

MR. SPEAKER: Supplemental question.

MR. FISCHER: Thank you. What are the anticipated costs in setting up this office?

MR. PASZKOWSKI: Though the final contracts aren't as yet established, the office and the human resources element of maintaining this office will be in the area of a thousand dollars per month.

MR. N. TAYLOR: Point of order, Mr. Speaker.

MR. FISCHER: What types of activities will be undertaken by this new office to promote the Alberta advantage and the return on our investment to it?

MR. PASZKOWSKI: Mr. Speaker, China is our third largest customer, and I think it's important to note that. China is also a country in this world that shows tremendous potential for the products that we in Alberta produce. The northern part of China particularly is the area that we are focusing on. In the past we've been sending items like wheat and barley to China, but there is tremendous opportunity in that country with its vast population, with its vast area. There is a tremendous opportunity for agriculture from Alberta to expand its market opportunities: things like forages, things like meat, things like animal genetics, barley and wheat, which we're already doing, malt, tremendous opportunities for environmental technology as well as the opportunities that are presented with our agricultural technologies. So we consider China as one of the major opportunities of agriculture in the future of this province.

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

2:20 Freedom of Information Legislation

MR. SEKULIC: Thank you, Mr. Speaker. Despite being unanimously passed by this Assembly this past spring, the government continues to drag its feet on the freedom of information Act. Given this lack of progress, open, honest, and accountable don't appear to be the priorities of this government. To the minister of public works: even the Ethics Commissioner in his response today has suggested that Alberta needs an information and privacy commissioner. How much longer will Albertans have to wait before a commissioner is in place?

MR. THURBER: Mr. Speaker, there is a Legislature committee that has been given the power to select different people, such as the Ombudsman, the freedom of information commissioner, the

Ethics Commissioner, those five officers who report to the Legislature. That process will be carried out by that Legislature committee, and at that point in time, hopefully some time in the first part of next year, that committee will be selecting or shortlisting the privacy commissioner. Then there's also the process to go through for implementing the access to the information. As you are aware, there's a great deal of information, and the process has to be determined as to how to access that.

MR. SPEAKER: Supplemental question.

MR. SEKULIC: Thank you. To the same minister: will the minister commit to following the unanimous recommendations of the Premier's all-party panel and ensure that the new information and privacy commissioner will hold no other jobs?

MR. THURBER: Mr. Speaker, as I've mentioned several times now, the process will be that that committee will shortlist and bring forward some names to be put into place as the privacy commissioner, and then, as I said before, there's a process that has to be gone through to actually access the information.

MR. SPEAKER: Final supplemental?

Driver Licensing

MR. DOERKSEN: Mr. Speaker, the 1993 vital statistics released recently reflect that fatality rates from motor vehicle accidents are highest among younger drivers. My question to the Minister of Municipal Affairs is: is the minister considering the introduction of legislation commonly referred to as graduated licensing?

MR. SPEAKER: The hon. Minister of Municipal Affairs.

DR. WEST: Thank you. Graduated licensing has been brought forward in many other provinces as well as by some of the insurance councils of Canada. Where we are at with it is that we are reviewing a lot of the material that's been sent forth to the department. But there are some concepts within graduated licensing that need a broader discussion with Albertans, such things as, first of all, how we would address in rural Alberta that nobody could drive on a highway with a 110 kilometre an hour limit. They say in the graduated licence proposal that nobody under 18 could drive except on 100 kilometre an hour roads. Now, the vast majority of the major highways in Alberta are at 110. Therefore that access would be limited.

There's also the number of passengers and the hours of operation. If you shut down at 11:30 at night and then allow them to start again at 5:30 or 6 in the morning – these are young drivers – then in rural Alberta with many of our sports operations and many of the farming operations that go on and where those drivers 18 and less are used on the farm, of course, you would preclude them from those operations. I think that perhaps that would be unattainable.

The other factor is that we have said that if insurance companies do indeed want to restrict the operations of certain drivers, then why not make it a caveat on the insurance? If the insurance was null and void between 12 and 6 in the morning, 12 a.m. to 6 a.m., then of course the parents and the other people would have the responsibility of withdrawing that person from the highway because they wouldn't have any insurance on that vehicle if they were caught driving and were involved in an accident.

I think there are other options here that we could look at. One of the major options of course is to look at our probationary licence and use only portions of the recommendations from the graduated licensing program.

MR. DOERKSEN: My final supplementary, Mr. Speaker: are drivers under the age of 18, for whom it is illegal to consume alcohol, permitted the standard .08 tolerance level?

DR. WEST: The simple answer to this question – and it's going to open some eyes in this province – is yes, and how ridiculous that is. You are not to consume alcohol in this province under the age of 18, yet if you're stopped on the side of the highway and you're tested for breath alcohol and you're 17 years of age and you're under .08, you pass. If you're .07, obviously at that level you've been drinking.

The answer to your question is yes, but there is one of the things in graduated licensing that we should support, and I will be looking at that, zero tolerance in drivers under the age of 18. I'm glad the member brought this forward. In fact, there's good discussion to have zero tolerance with any driver.

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

Tenure for Academic Staff

DR. MASSEY: Thank you, Mr. Speaker. A Tory tradition continues, and agreements mean nothing. [interjections]

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

The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. Agreements mean nothing, be it with hospital boards, school boards, or even wine boutiques. Now university and college boards have been ordered to open contracts and to make academic freedom a matter of management rights. To the Minister of Advanced Education and Career Development: why are you holding a club over the heads of faculty to force compliance by March 1?

MR. ADY: Mr. Speaker, I can certainly understand why the hon. professor across the way would have a concern with this. My understanding is that he in fact is a tenured professor, so if that is in fact true, certainly he would have some concern with that.

Let me say that I did write a letter to the faculty associations and to the administration boards of the institutions requesting that they open up their collective agreements and ensure, first of all, that academic freedom as we know it, the ability to write and speak, is protected. There is no threat to that, but where the contract does call for job security, that is something that has evolved over time in those collective agreements and perhaps should be reviewed so that institutions can make strategic decisions as they restructure their system.

MR. SPEAKER: Supplemental question.

DR. MASSEY: Thank you, Mr. Speaker. How will universities attract world-class researchers when their positions can be wiped out at the whim of overzealous administrators?

MR. ADY: Mr. Speaker, I don't see that happening. I think that the hon. member is overreacting through some interest that he may have in this. I'm not sure.

MRS. SOETAERT: Point of order, Mr. Speaker.

MR. ADY: Certainly the best and the brightest never have cause to fear in any circumstance. Really all that the letter asks is that they make it so that the institutions can make those decisions to lay off staff, to dismiss staff when, first of all, they have no program and have no students but have a faculty there that they must continue to pay. Mr. Speaker, it doesn't make sense in today's world.

MR. SPEAKER: Final supplemental.

DR. MASSEY: Thank you, Mr. Speaker. Does the minister consider the loss of academic freedom an appropriate price to pay for the dubious claim of better management?

2:30

MR. ADY: Mr. Speaker, is the hon. member indicating that job security is part of academic freedom; in other words, that one can be assured of a job no matter what the circumstances are? Academic freedom has always been defined as the ability to speak and write without fear of retribution. Now, that's protected. Why the hon. member would continue to say that academic freedom has something to do with job security – and that's all that's being discussed here – just really gives me some concern about why he can't understand what's really happening here.

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

School Achievement Tests

DR. OBERG: Thank you, Mr. Speaker. [interjections] A school principal recently gave me a copy of a directive . . . [interjections]

MR. SPEAKER: Order please. The Chair would like the hon. member to start again because of the excessive noise.

DR. OBERG: Thank you, Mr. Speaker. A school principal recently gave me a copy of a directive received regarding achievement tests. In it they are instructed to collect and secure all 1992, '93, and '94 achievement tests as well as destroy all copies. It goes further to state that the teachers must not use assessment forms to plan for classroom instruction. My question for the Minister of Education is: why these cloak-and-dagger security tactics when all that is needed is a bank of questions in a computer that randomly creates the exams?

MR. JONSON: Mr. Speaker, with respect to the provincial achievement tests, we have responded to the recommendations from teachers in the province I think in a number of ways that acknowledge their professional status. First of all, one of the requests that came forward is that they would like to be able to use these test results as they see fit in the establishment of the final marks of students or at least as a vehicle to develop those marks. Therefore, we've gone to a system which will allow that to occur.

Secondly, they raised the issue as to why these tests could not be marked in the schools or in the school jurisdictions. We've responded to that as well. In addition to that, we are providing and developing diagnostic materials, sample questions, kits which will be provided to teachers so that they can be clear on what is expected in these achievement tests and prepare for them.

Mr. Speaker, the important thing here is that classroom teachers, who I assume are the people that the hon. member is

referring to – during the year I don't think I'm exaggerating to say that they would probably administer 15 or 20 tests – I'm sure keep secure their semester tests and their final tests. They might modify them from year to year, but they keep those tests secure. For the provincial tests we're asking no more.

MR. SPEAKER: Supplemental question.

DR. OBERG: Thank you, Mr. Speaker. Mr. Minister, in my humble opinion this directive calls into question the professionalism of teachers by insinuating that they would cheat to allow their students to achieve higher marks. Can you lay this concern to rest?

MR. JONSON: Mr. Speaker, I really have great difficulty with the hon. member's question referring to professionalism. I don't claim to be an expert on these things, but I assume – I think I'm quite correct on this actually – that when the lawyers of this province give bar examinations to their students, you cannot get those examinations. You have no access to it if you are a student. You're expected to prepare for it, and you have to write it.

I also think, just possibly, Mr. Speaker, that when it comes to the College of Physicians and Surgeons, the professors, the doctors that are providing those examinations . . .

MR. HENRY: We're talking grade 3 now.

MR. JONSON: We're talking about adult students here too.

When they provide those examinations, they do not give the students who are writing those examinations the questions ahead of time or access to them. Likewise, Mr. Speaker, neither do the professors who are the instructors in the courses that those students are taking. This is the important point, I think. There is nothing insulting to the profession of teaching by security being kept on the examinations that people have to take on a provincewide basis.

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

Seniors' Extended Health Benefits

MR. YANKOWSKY: Thank you very much, Mr. Speaker. This year Alberta's seniors have seen major restructuring of their programs. Enhanced health benefits is one program that was in, was out, and now is finally back in Alberta health care again. This has left seniors confused, worried, and wondering what's next. My questions are all to the minister responsible for seniors. When will the final decision on enhanced health benefits be announced?

MR. MAR: Mr. Speaker, the issue of what is to be done with extended health benefits, which cover eyeglasses and teeth, has been the subject matter of a great deal of consultation and a great deal of discussion. As the hon. member knows, the original plan was to put extended health benefits within the Alberta seniors' benefit program. It has now been returned to the Health department; accordingly, the Minister of Health will be dealing with the extended health benefits program.

MR. SPEAKER: Supplemental question.

MR. YANKOWSKY: Thank you, Mr. Speaker. Will the decision be binding, or will seniors have an opportunity to argue that proposal?

MR. MAR: Mr. Speaker, as I indicated to the hon. member earlier, this matter of how to deal with extended health benefits, which seniors did indicate was a very important health-related matter to them, was the subject matter of a great deal of discussion and a great deal of consultation. Accordingly, it'll be now the responsibility of government to examine those discussions and examine all of the suggestions that have been made and come up with the final plan that will be made available.

MR. SPEAKER: Final supplemental.

MR. YANKOWSKY: Thank you, Mr. Speaker. What is your immediate advice to seniors? Should they look after their eyes and teeth before Christmas?

MR. MAR: Mr. Speaker, people should always look to their good health.

MR. SPEAKER: Could we have the unanimous consent of the Assembly for reverting to Introduction of Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

The hon. Minister of Family and Social Services.

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

MR. CARDINAL: Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to the Assembly three guests from the county of Athabasca: Berkley Ferguson, the reeve; Ed Koehler; and Joe Gerlach. I'd like them to rise and receive the traditional warm welcome of the Assembly.

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

The Chair has received numerous indications that people have points of order that they wish to argue and respond to. The hon. Opposition House Leader.

Point of Order
Sub Judice Rule

MR. N. TAYLOR: Mr. Speaker, this one may be sort of a nonstarter in a way. The hon. Minister of Municipal Affairs begged off answering the question under the strength that it was sub judice. Well, now, even if sub judice doesn't apply, of course the minister, as I well know, has every right not to say anything. He can just grunt, if he wishes, and it's quite parliamentary, and he often does that too. But now he brought on sub judice. I know you filed something earlier, and there was a great deal of action in the past on what really makes sub judice, because carried to its utmost extent, nobody on either side of the House could bring up anything that was contemplated in a lawsuit. But, in general, we've had the tendency to use *Beauchesne* 507(2), where it says: "In civil cases the convention does not apply until the matter has reached the trial stage." So I think that is a fairly good one. Mind you, as I mentioned, whether or not you decide yes or no, it's not going to make the minister suddenly answer, but he sort of gave a patina of education when he said sub judice, when really he just didn't want to answer.

2:40

MR. SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. I refer to *Beauchesne* 507. It is rather interesting that 507(1) says:

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

Then it goes on in 507(2) to talk about the matter reaching trial stage. Clearly, in the matter that is before the courts now pursuant to a statement of claim by a number of wine shop owners that was filed back in July of this year, the matter is not yet before the courts in the sense of being at trial, but there has been a statement of claim filed. There has been a statement of defence filed on behalf of the defendants, the Queen in right of the province of Alberta and the Alberta Liquor Control Board. I would ask for your clarification as to whether this does in fact put us in a position that sub judice would apply.

MR. SPEAKER: Order please. Before doing that – and the hon. Member for Edmonton-Glengarry may still wish to intervene – I think all members should understand that our Standing Orders are broader than paragraph 507. Our Standing Order 23(g) indicates that matters that are "pending in a court" are not to be discussed. That is broader than being set down for trial, as *Beauchesne* indicates.

The hon. Member for Edmonton-Glengarry.

MR. DECORE: Well, Mr. Speaker, we've had a discussion about this before. It was my understanding after dealing with the Premier in my capacity as Leader of the Opposition that we both agreed that changes needed to be made to that particular rule. The matter was put over, as I recall, to the then House leader and our House leader at that time to resolve the matter. Now, it hasn't been resolved, and my request is that you take it under advisement and that you come forward with a ruling.

It's my information, after having researched this matter, that we apply a very narrow test in Alberta compared to other provinces and to the House of Commons. One of the things that the Premier told me when we discussed this matter was that the government itself was precluded from answering issues that should be answered. Now, you can use this process of the courts and abuse that process by simply having somebody file a statement of claim, and you can never answer a question ever, because now there are changes to the Alberta Rules of Court that say that the one-year prohibition on a statement of claim no longer applies. That statement of claim goes on and on and on and on.

So I think it now is incumbent upon the Chair to take this under advisement and to give us the kind of ruling that ensures that people before the courts don't get prejudiced. I think there's a higher duty in the criminal court than there is on a civil matter. Clearly, this is a case where a statement of claim has been issued. It may not get to trial for three or four or 10 years, and I don't think that it serves the cause of democracy by having the government or anybody given the opportunity of saying: well, I can't answer because of sub judice.

MR. SPEAKER: The Chair will review what has been said and also review the report of the Committee on Parliamentary Reform, which dealt with this, and see if there can be some clarification.

The hon. Opposition House Leader.

Point of Order
Legislative Secretaries

MR. N. TAYLOR: The other one, Mr. Speaker – I'm sorry I couldn't find it, because I think you've done some ruling on it already – is the question of parliamentary secretaries. The hon.

Member for Wainwright asked a question. I think that if he's considered a parliamentary secretary – I don't know – 413 in *Beauchesne* says:

Parliamentary Secretaries who are clothed with the responsibility of answering for the Government ought not to use the time of the Question Period.

Now, I know that officially they're not parliamentary secretaries in the rules of order. They're sort of hermaphroditic critters, I hear, that we can't get any paternity for. It would still seem that if they choose to take the taxpayers' money and they act like parliamentary secretaries – the old adage, you know: if it walks like a duck and looks like a duck and especially quacks like a duck . . .

MR. DINNING: It must be a Liberal.

MR. N. TAYLOR: It is a duck.

MR. DINNING: It's a Liberal.

MR. N. TAYLOR: It is a duck. The hon. member with his usual witty replies is butting in, Mr. Speaker.

MR. SPEAKER: The Chair has a comment on this subject arising from something that happened last week. If the matter is still not clarified after that's finished, the Chair will hear further representations, but the Chair anticipates being able to deal with that matter.

The hon. Member for Spruce Grove-Sturgeon-St. Albert.

Point of Order Allegations against a Member

MRS. SOETAERT: Thank you, Mr. Speaker. Standing Order 23(h), allegations. The Member for Edmonton-Mill Woods asked about issues facing advanced ed because he sees the erosion of the ability of universities to attract good faculty to Alberta when conditions here become significantly different from those offered elsewhere. The Member for Edmonton-Mill Woods is no longer on staff. His question was directed to clarify conditions of employment at the U of A. The minister responded by degrading the member and implying that his only concern about tenure was self-interest. The Member for Edmonton-Mill Woods is one of the most credible and committed people in Alberta in his efforts to ensure quality education in Alberta, and I would expect the minister of advanced ed to apologize and withdraw his remarks.

MR. ADY: Mr. Speaker, I think it's admirable that the hon. member has been a professor. It's an admirable thing to claim on his résumé, and certainly I would not degrade the fact that he was a professor at the esteemed University of Alberta. By all means, he's to be commended for his accomplishments, and I certainly would be the first one to do that.

However, the hon. member was standing in his place indicating that I was doing something to academic freedom. That's not the case nor is there any intent in that letter that went from my office that would threaten that in the least. It has to do with job security. Surely the hon. member, with his background, should know the difference between academic freedom and job security. I wanted him to clarify that, because in his earlier statements in response to the ministerial statement he again accused me of attacking academic freedom. The member has a copy of the letter. He knows the contents of it, and academic freedom is not threatened.

Mr. Speaker, I in no way see that there's a point of order before the House.

MR. SPEAKER: The Chair has also received notice from the hon. Member for Edmonton-Mill Woods that he has a point of order, and the Chair is wondering whether it is associated with this point of order. The hon. member.

Point of Order Imputing Motives

DR. MASSEY: Yes, Mr. Speaker. Standing Order 23(i), imputes false motives. The issue isn't academic freedom. The issue was imputing false motives. I'm offended by the minister when he implies that I act in self-interest rather than in the interest of Albertans. I'm no longer an employee at the university. I'm not on leave. I have no continuing contract. The minister is well aware of that, and I would beg relief.

MR. ADY: On the purported point of order I would like to take the member opposite's comments sincerely and apply that standard to their side of the House because of the outrageous innuendo that prefaces almost every question, Mr. Speaker. I am delighted to see he is offended, and I would say that we apply the same standard right across the House. [interjections]

MR. SPEAKER: Order. Are there any more contributions to be made with respect to this point of order? The hon. minister wishes to . . .

2:50

MR. ADY: Well, Mr. Speaker, again, I understand that the member opposite was a tenured professor when he was at the University of Alberta. I have no information whether he still has tenure or whether he doesn't, and that was really the part of my comment: that he was a tenured professor. As far as imputing motives, if there's some self-interest involved there by protecting that, I have no way of knowing, so I'll just leave it at that.

MR. SPEAKER: The Chair is going to examine *Hansard* with regard to what in fact the minister did say and will rule on this tomorrow.

Point of Order Factual Accuracy

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

MS HANSON: Thank you, Mr. Speaker. I cite *Beauchesne* 408(2). The hon. Provincial Treasurer informed the House that the minister of social services had given me a certain document that's been under question with consultation. There was absolutely no consultation between the minister of social services and myself. That's my statement.

MR. SPEAKER: The Chair will treat this as a disagreement between members as to what the facts are.

The hon. Member for St. Albert indicated that he had a point, but I believe that it will be dealt with in the ruling that the Chair has promised arising out of his question.

Speaker's Ruling Questions to Nonministers

MR. SPEAKER: There are three matters from last week. The first the Chair wishes to deal with is: questions by or to chairmen of standing policy committees, legislative secretaries, chairmen of committees of the Legislature. It arises from last Thursday,

November 3, 1994, when the Member for Redwater raised an issue with the Chair concerning questions to chairmen of standing policy committees. The Chair would like to review the rules relating to the scope of questions to nonministers during question period.

One, questions may be put to chairmen of standing policy committees but must relate to procedural matters and the agenda of the respective committee. Chairmen may supplement answers given by members of Executive Council but only – and the Chair emphasizes only – within their narrow range of responsibility. Members are referred to the Chair's ruling of October 7, 1993, on this issue found at pages 772 and 773 of *Hansard*.

Two, questions may be put to members who chair certain statutorily created bodies or commissions even though they are not members of Executive Council. This is a departure from British parliamentary practice. Such questions must relate directly to their responsibilities as an executive of the board or commission. The question should not be on matters for which the government would be accountable. These members may also supplement answers by ministers but only within their narrow range of responsibility.

Three, questions may be directly addressed to members who chair committees of the Assembly. Such questions would have to relate to the committee. It would be highly irregular for these chairmen to be allowed to supplement the answer of a minister as these members chair committees of the Assembly and their responsibilities do not relate to government but to the Assembly.

Four, as the Chair indicated on October 26, 1994, the position of legislative secretaries in this Assembly is similar to that of chairmen of standing policy committees as they are not members of Executive Council.

The Chair reminds members that the purpose of question period is to hold the government of the day accountable and to seek information from the government. The individuals who hold the offices to which the Chair has referred are not members of Executive Council, and the scope of their answers is accordingly limited.

Having reference to the comments made by the hon. Member for Redwater concerning salary of a chairman of standing policy committees, the Chair would remind all members that factual accuracy is something hon. members should strive for so that inaccurate information or innuendo is not left in the public domain. The hon. Member for Redwater was very careless with the figures he used regarding a standing policy committee's salary.

Point of Order

Supplementary Responses

MR. SPEAKER: The second matter relates to augmenting responses to questions. It has been a long-standing practice of this Assembly to allow ministers to add to, or augment, answers that they have previously given in question period. It is also a practice to allow ministers to answer a question on a later day. The question arose Thursday, when the Minister of Agriculture, Food and Rural Development gave an answer to a question taken on notice earlier. The hon. Member for Redwater sought to turn this into an opportunity for debate. The Chair has to say that that is irregular.

The question is: what can the member who asked the original question do after the augmented response or delayed answer is given? The answer is that the member who asked the original question is allowed one further question with respect to the augmented response or delayed answer. See page 596 of *Hansard* for July 17, 1986. At that time, the House leaders agreed to this procedure, and it has since become the practice of this Assembly.

Augmented responses or delayed answers are not an opportunity to open up a debate. A member can pursue the matter in a subsequent question period instead.

Speaker's Ruling Anticipation

MR. SPEAKER: Now, finally, these comments I think have some applicability to the lead question of today's question period. Following on the heels of Thursday's question period, it appears that a course correction is in order in terms of the application of the rule against anticipation in question period. The rule against anticipation is contained in Standing Order 23(e), which states:

A member will be called to order by the Speaker if . . . that member anticipates, contrary to good parliamentary practice, any matter already on the Order Paper or on notice for consideration.

This rule conserves the Assembly's time and energy by directing debate towards the most effective vehicle and making sure that the same matter is not dealt with twice. *Beauchesne* states the rule as follows:

A matter must not be anticipated if it is contained in a more effective form of proceeding than the proceeding by which it is sought to be anticipated, but it may be anticipated if it is contained in an equally or less effective form.

This is from paragraph 512.

There is an element of judgment involved for the Speaker in applying this rule. As *Beauchesne* says:

The Speaker must have regard to the probability of the matter anticipated being brought before the House within a reasonable time.

See paragraph 513.

With respect to the estimates, it is the long-standing practice of this Assembly that questions about a department on the day that the estimates for that department are being called in Committee of Supply are not in order because they anticipate the detailed consideration of the estimates by the Committee of Supply. Questions about the department on any other day are in order.

However, the rule is quite different with respect to Bills. The practice of this Assembly was clearly set out in the Speaker's rulings in 1988, 1989, and 1991. The Chair will table the relevant excerpts from *Hansard* with this ruling. On June 15, 1989, Speaker Carter said this:

Questions can be developed and not ruled out of order if a Bill has been introduced in the Assembly. Once the Bills reach second reading stage, then they're going to be ruled out of order in terms of question period. Questions developed after a Bill's introduction should not be detailed and should relate to the general policy [of the Bill] rather than a clause-by-clause examination of the Bill.

3:00

The Chair now wishes to make its contribution to this impressive list of precedents by stating the rule as follows: one, policy-related questions may be asked in question period about Bills after they have been introduced and before the motion for second reading; two, no question may be asked during the question period about a Bill that is on the Order Paper for second reading, Committee of the Whole, or third reading. The reason is that all of those proceedings are more appropriate and effective times to deal with the Bill for several reasons including, one, the sponsor and the Assembly in general will be prepared to debate in detail the merits of the Bill at those times. Two, all members may speak during those proceedings, and this is important because the sponsor of a Bill is not necessarily a member of Executive Council. The ability of a private member to speak during question period is very limited; therefore, it can be fundamentally unfair to allow questions on the Bill which is into or beyond

second reading during question period. Three, the format of question period, which demands brevity in both questions and answers, is not conducive to debate.

It appears that this course correction is required every so often, having done it in 1988, 1989, and 1991. This being 1994 we were long overdue for a reminder on this. The Chair regrets not having intervened on Thursday when questions were asked on Bill 57. The education of the Chair continues apace.

Thank you.

Point of Order

Explanation of Speaker's Ruling

MR. N. TAYLOR: Mr. Speaker, I was just wondering if you would maybe extend the hearing by two questions. You ruled on parliamentary secretaries. You did mention – and I certainly accept the premise – that they can supplement and they can answer in fields of their expertise. The questioner shouldn't be able to wander all over. I accept that. But you're silent – and maybe you want to take this into consideration down the road – on the question of whether or not they should ask questions. In other words, if they are partly responsible for Executive Council and can supplement Executive Council – *Beauchesne* makes it quite clear in 413 that if they are associated with Executive Council, they shouldn't be able to ask questions. So if the Speaker would take that in abeyance and come down with a ruling in the next while, that would be all right.

The second question, Mr. Speaker, refers to your last one on anticipation. Come springtime in March, if the government continues its practice of not numbering what we're going to do next week, just saying that what's on the Order Paper will be on the agenda, we could conceivably have three or four months where we could not ask a question because it is in second reading stage. The government controls the agenda, and if they don't want too much going on, it won't come up.

I was wondering, Mr. Speaker, if you would look at again – I guess the best way of putting it is: how tangential can a question be to a Bill and still go through? In other words, a Bill can be all-encompassing, like amending the government for instance. I think we have one coming up tomorrow – yeah, it will be tabled tomorrow – on the amendment to the government Act. Well, theoretically that shuts down almost everything because I think there are something like 20 or 25 Bills that are going to be amended in that one encompassing Act. It just seems to me that we're heading into a lot of trouble here where muzzling could take place if all it has to do is be beyond second reading.

This is what I ask the Speaker to look into. This is the second question I ask a ruling on. Shouldn't the Bills we're going to discuss be actually in writing on the Thursday, when we're given the week following, rather than the very broad thing that we're going to discuss everything that's on the Order Paper? That in effect neutralizes or uses a scorched earth policy to make sure that no questions are asked. Yet, as you know, Mr. Speaker, as members of the Legislature we often get – well, I'm sure you do on weekends and occasionally in the evenings – questions from constituents and people who are interested saying, "I hear Bill 42 is before the Legislature. Does this allow this or that?" or Bill 88 or whatever it is. "Can you find out this?" So we're in kind of a ticklish position. It's in second reading, but a little bit like Kathleen Mavourneen: it may be for years, it may be forever before it comes up, yet we're not allowed to ask in the Legislature. I think it should at least be expressly on the Order Paper before we're fended off.

MR. DAY: Well, reflecting on the member's comments. First of all, Standing Orders is quite clear in terms of projected government business. We look at 7(5):

The Official Opposition House Leader may ask one question pertaining to the order of Government business to be brought before the Assembly in the next week.

Then it goes on. Standing Order 9(2) is very clear:

Whenever Government business has precedence, Government Bills and Orders may be called in such sequence as the Government may think fit.

So Standing Orders, first, is very clear.

Now, there's been established a convention here in the Assembly – and it's worked fairly well over the last couple of sessions – that the House leaders will communicate on a daily basis as far as possible to indicate, again as far as possible, in good faith what the order will be. On Thursday, though I was not here, I understand from the Deputy Government House Leader that it was indicated clearly that as far as possible there would be the consideration of Government Bills and Orders as far as the Order Paper is concerned. Following that up today and following the precedent that has already been established, I communicated personally with the Opposition House Leader and said that indeed the order would take place as is on the Order Paper with one exception, which was noted. I don't know how more to improve that, Mr. Speaker.

We could be very hard on this and simply stand on 9(2) and say, "Listen; it's any sequence the government thinks fit," but in fact the practice has been and very carefully on a daily basis – and I would hope that the Opposition House Leader would attest to this – that indeed we communicate as far as we possibly can which items will be dealt with on that particular day. But there's always the chance that something may come up on short notice, and that has to be left to the government. That's why Standing Orders declares that if it's on the Order Paper, it's seen as on the Order Paper and the possibility it may come up that day. We make the commitment to continue the communication in good faith as far as possible, but 9(2) would certainly stand.

MR. SPEAKER: The Chair will not declare anything closed forever, but I think there's a little misunderstanding. The impression the Chair got from the hon. Member for Redwater was that once it appeared on the Order Paper in any form, there would be no questions, which is not quite correct, hon. member. It's certainly not closed after first reading. That's when they appear on the Order Paper. Questions can certainly be asked until after there's been initiation of debate on second reading. I don't think anyone could say that the whole Order Paper can stifle questions on everything, because of course at the beginning most of the matters are there for introduction and first reading. Then they're introduced and they're there for second reading, but until debate on second reading has commenced, questions will be in order.

MR. N. TAYLOR: I stand corrected. I thought it was as soon as it was presented for second reading. You're saying until debate has started on second reading. Thank you. Thank you very much.

head:

Orders of the Day

head:

Government Bills and Orders Second Reading

3:10

Bill 50 Corrections Amendment Act, 1994

[Adjourned debate October 24: Mr. Evans]

MR. SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you very much, Mr. Speaker. I would like to make just a few additional comments, following up on my comments on October 24, on this piece of legislation which is being brought forward by the hon. Member for Calgary-Shaw. On the 24th I tried to make it as clear as possible as to the history of this legislation. I want to begin by just clarifying once again the introductory comments by the Member for Calgary-Shaw, that we already have a number of examples of outsourcing in the corrections system that we have currently in the province of Alberta. Some \$23 million almost is now spent on outsourcing, and it is the intention of this piece of legislation to confirm the practice that has been ongoing in the Department of Justice. I would point out, as the hon. Member for Calgary-Shaw did, that there's about \$8 million that goes to aboriginal justice issues and a number of other outsourcing opportunities as well that deal with what we would consider household matters such as dental care, cleaning, et cetera.

I want to then move on, though, and just speak briefly to the issue which seems to have gotten a fair bit of attention lately, and that is whether we as the government and whether I as the Minister of Justice have already made a decision to privatize the corrections system in the province of Alberta. I have not, and I want to be very clear here. We are looking at a report that should be back in my hands by the end of this calendar year, a report that hopefully will describe and make recommendations as to whether or not privatization of our corrections system in this province is, firstly, possible respecting the safety and well-being of law-abiding citizens in the province; secondly, whether it can be done in an efficient and effective manner consistent with the operations of our corrections institutions today; and thirdly, whether or not there is a cost saving to doing so. Those are issues that will have to be addressed, Mr. Speaker, before any pilot program or any further initiative contemplated in this legislation with respect to privatization would come before me. I want to be just as clear as my predecessor the Minister of Justice was when he stated that there would be no further processing of this initiative, no further decisions made until such time as the report is back in the hands of the Minister of Justice and the recommendations are carefully reviewed and analyzed.

In the event that there are positive recommendations that come back citing the protection of public safety, citing efficiencies and effectiveness of the possibilities of a privatized system, and indicating that there could in fact be a cost saving, then as the Minister of Justice I would look toward a pilot program somewhere in this province where we could have an opportunity to get down to practicalities and instead of talking about theory, see what this initiative would look like from a practical point of view. If, then, after that kind of a process there were some recommendations back that indicated that this could be expanded, well, we'd look at it at that point in time, Mr. Speaker. Again, we are not talking about rushing into anything. The former Minister of Justice was very clear about that, and I want to confirm that I feel exactly the same way that he did, that this is something that we have a responsibility as leaders in this province to look at. I think even the members on the opposite side would recognize that any way government can review and perhaps change its processes that save taxpayers money, work on the same levels of efficiency and effectiveness, and ensure public safety should be reviewed. To not do so I think would be a derogation of the responsibility that the electorate placed in us by electing us as the government of the province of Alberta.

So, again, Mr. Speaker, just one more time – I've said this so many times now, and it just doesn't seem to be getting across, at

least in some sectors of the population and perhaps on the other side of this House: this legislation is permissive. It contemplates and endorses the status quo that we are dealing with now with a number of outsourcing initiatives that we have in the corrections system. It gives us the opportunity to move forward at some time in the future if all of the questions about privatization are answered in the affirmative. It gives us that opportunity to move forward. But if we do move forward, it would be on a pilot program only at this point in time so we will be sure that the safety and the well-being of law-abiding citizens in the province are well served by any change in the corrections system that we have today.

I don't like to take up too much time, Mr. Speaker, but I should make a comment on the current corrections system that we have in this province. It is a very, very effective system. There are a number of interest groups and stakeholders that have recognized that, that have spoken highly of the corrections system that we have in this province. We have respect for the people who must go into the jails of this province and deal with those who have been found guilty and sentenced pursuant to an order of the court, and we are just trying to find ways of improving that system, again improving it in a way that will ensure public safety.

Thank you, Mr. Speaker.

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

MR. DICKSON: Thank you very much, Mr. Speaker. I am pleased to have the chance to speak to Bill 50, because this is a Bill which I have a number of serious concerns with. It was interesting listening to the hon. minister a moment ago speak to this. He made some points that I find troubling. He made the observation that already we have a number of private services, and he talks about this Bill as being nothing dramatically different. Well, it is true that we will have contract psychologists, and it may be true we have certain other programs we contract out. But, you know, Bill 50 is absolutely wide open. What this allows that is not going on in institutions now is to privatize the correctional aspect, to privatize the thing that really goes to public safety. I've had the occasion in the last couple of months to talk to an awful lot of Albertans, and public safety is the issue that comes up time after time after time. As people look at Bill 50, they have far more concerns in terms of public safety than they had before Bill 50 was introduced.

I think it's important that we understand that, yes, we have a system which is doing a reasonable job now in terms of corrections, but you know, it could be made much, much better. When we want to make a system better, typically what we do is go to people who work in the system. I'm not talking about administrators. I'm not talking about deputy ministers. I'm talking about correctional officers. I'm talking about people who deal on a day-to-day basis with inmates, with the institutions, and who are involved in delivering service. If the minister would do as I have done and talk to correctional officers, talk to people in the institutions, he will find that there are plenty of suggestions in terms of how we can cut costs, how we can run our prisons even more efficiently. Yet the government chooses not to do that, and instead what they focus on is jumping into a bold new experiment. I say an experiment because if you look at Bill 50, we have the minister responsible for Bill 50 saying: we don't really know a whole lot in terms of this new experiment. He calls it an experiment. What the government has done is given itself this very expansive kind of enabling power and then the minister is

going to decide just how radically and how dramatically he's going to change their correctional system.

Just to get back to the primary concern: that is, the security aspect of our jails. So that we're clear, Mr. Speaker, I'm not talking now about who does the laundry. I'm not talking about who prepares the food, the meals. I'm not talking about who comes in to provide psychological counseling or psychiatric services. I'm talking about who ensures that the institutions are safe: safe for the community at large, safe for the correctional staff, and safe for the inmates themselves.

3:20

Mr. Speaker, what a lot of Albertans don't realize is that in every jail in this province there is a locked room in which are all kinds of equipment to put down a riot in a prison. We're talking here about tear gas. We're talking about rifles. We're talking shotguns. We're talking all kinds of equipment which is in this locked room. In every institution in this province there is a relatively small group of correctional officers specifically trained, highly trained to be able to intervene in the event of a hostage taking, to step in in the event of a riot, some kind of a disturbance in a jail. Bill 50 would allow this minister to enter into an agreement with a private security firm to have access to that locked room, to have access to the tear gas, to have access to the kinds of equipment that are there in the event of some kind of a disturbance in the institution. There's nothing in Bill 50 that says: this can't happen. It's clearly mandated. It's provided for in this Bill. I don't think Albertans are ready for a private firm that has some security guards, probably at minimum wage or not much above it, to have access to a room full of weapons and say that we're now going to allow these people to ensure that public safety isn't compromised in institutions.

If the minister were genuine in saying that this is going to be no departure from what we do now, one would have expected that Bill 50 would've had some limitations built into it and would say that the security aspect of jails will not be privatized. Simple. It doesn't involve a lot of words, and frankly it would give all members in this House a much greater measure of comfort, but it's not in there, Mr. Speaker. There should be some provision that the use of discipline in institutions is not going to be in the hands of untrained people, but we don't see that in here.

What we have in front of us is a government with a primary focus on shaving costs. Public safety is at the bottom of the list. In fact, every time the minister talked about the advantages that would accrue with Bill 50, he talked about cost saving. He talked about efficiencies, and then public safety was thrown in as if an afterthought. Well, Mr. Speaker, that's not good enough for the people of Alberta. People want public safety at the top of the list, not at the bottom of the list. They want public safety protected and ensured in any tinkering with the correctional system we have now. They're not prepared to embrace and I'm not prepared to embrace this kind of expansive power to the minister to experiment however he sees fit.

We have once again power by regulation. We still have in this province no effective control by the Legislature of regulatory authority. We still have the committee chaired by the Member for Calgary-Shaw. Ironically, the sponsor of the Bill also happens to be the chair of the Committee on Law and Regulations, the committee that's never met at least in the history of this Legislature or at least in this session or the last one. The government has never instructed or mandated that committee to ensure that regulations brought in by this government in fact were congruent with the enabling legislation. So once again I think it's highly

dangerous to give this government the kind of executive authority they want.

Mr. Speaker, I'll just conclude by summarizing my concern that Bill 50 has enormous potential to compromise public safety in this province. It has enormous potential to take a correctional system which now provides a professional kind of protection for Albertans, for staff, and for inmates. My concern is that in the government's haste to shave dollars, they're going to do it in an inappropriate way. I invite all members to defeat Bill 50 and invite the government to come back with a kind of privatized legislation that makes sense and doesn't compromise that important element of public safety.

Thanks very much, Mr. Speaker.

MR. SPEAKER: Order please. Before proceeding further, could there be unanimous consent to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

The hon. Member for Pincher Creek-Macleod.

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

MR. COUTTS: Thank you very much, Mr. Speaker. It gives me great pleasure this afternoon to introduce to you and through you to members of the Assembly some constituents of mine from the town and the district of Pincher Creek. They are here for the Alberta School Boards Association convention over these last two or three days. It gives me great pleasure to introduce board chairman, Bev Thornton, superintendent of Pincher Creek school division, Cliff Elle, and board members, Jim Dyck, John Johnson, and Roy Davidson. They're seated in the members' gallery. I'd ask that they please rise and receive the traditional warm welcome of this Assembly.

head: **Government Bills and Orders**
head: **Second Reading**
Bill 50
Corrections Amendment Act, 1994
(*continued*)

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

MR. DUNFORD: Thank you, Mr. Speaker. I wish to rise in support of second reading of this Bill. I want to make the same remarks to this Legislature that I made to the union representatives who visited me in my office about this particular matter. I'm saying that I am supportive of Bill 50 because it enables us to get on with the pilot project, and that is one of my main interests. I want this issue to be looked at, to be determined, and then we get it behind us. We either go ahead with privatization or we say: "We had a great run at it. It doesn't work, and we're rid of it."

It doesn't matter to me one iota whether a guard at a prison is a person paid by the government or by somebody from the private sector. It concerns me not at all. What I am interested in and what I am concerned about is, first, public safety; second, the welfare of the inmates; and third, the cost. If we can see through a pilot project that a private-sector firm can meet the standards set in terms of public safety for the people of Alberta, then I have no problem with proceeding. If in fact a private-sector firm can provide a level of – I was going to use the word "comfort," but

I don't believe that's the proper word, Mr. Speaker – subsistence perhaps is the word I'm looking for that would meet acceptable standards that the people of Alberta would expect in terms of how that prisoner is dealt with, how that prisoner is fed and housed, then I have no problem with that. Thirdly, I think there would have to be a significant cost savings in order for us to make the difference. If we're looking at simply the saving of 1 or 2 percent, then I say: why should we bother with the hassle? But if in that pilot project it can clearly be seen through analysis and evaluation of the results that there can be significant savings, then I'm all for this initiative.

I say let's get on with it. Let's pass this Bill quickly and get out of here.

MR. BRUSEKER: Mr. Speaker, I will not be supporting this Bill. This Bill is fundamentally flawed, and there are a number of concerns that I have with the Bill and in particular with the principle of the Bill. My constituency has the distinction in this province of having four provincial correctional facilities located within the bounds of Calgary-North West. Those are the Bow River correctional institution, where we have a room reserved for the hon. Provincial Treasurer, the Spy Hill facility, the Calgary Young Offender Centre, and we also have the Calgary Remand Centre – a wide variety of facilities: from a minimum security facility, which is the Bow River correctional institute, to a maximum security facility, which of course is the Calgary Remand Centre. Then we've got medium security in Spy Hill, and we've got at the Calgary Young Offender Centre a facility that must, by the nature of the type of inmate that it houses, deal with a variety of levels of security.

3:30

The concern that I have with this Bill deals with a couple of issues in particular. One that I want to pick up on is the point mentioned by the hon. Member for Lethbridge-West that deals with the issue of safety. Mr. Speaker, on the last two Fridays when I've been back in my constituency, I've had 20 people in my constituency office talking to me, expressing their concerns about this Bill: their concern dealing with safety, their concern dealing with the level of training, and their concern dealing with issues like the safety of not only the public but the inmates and indeed the guards that are working there as well.

There are a number of concerns that have been raised by different authors as well, and I would like to refer to some of those, because there are a number of studies that have been done, all of them in the United States, Mr. Speaker. So all my references indeed will refer to studies that have come out of the United States, because of course that's where the move towards private treatment of facilities such as correctional facilities has indeed gone ahead.

A study by the Economic Policy Institute entitled *Prisons for Profit: Public Justice, Private Interests* by John Donahue comes up with three interesting conclusions that deal with the issue about private prisons. The conclusions are these.

Neither theory nor the limited data which exist suggest that the task of incarceration is very well suited to the advantages offered by profit-seeking organizations – chiefly cost consciousness and an aptitude for innovation.

That's a quote from page 1 of the document.

Mr. Speaker, if you have a profit-seeking organization dealing in the area of public prisons or what used to be at least public prisons, their number one concern is with their shareholders, and what shareholders want is a profit. Now, there's nothing wrong

with wanting a profit, but when you're dealing with an issue like privatization of prisons, then of course the only way that prisons are going to make a profit is if you can keep the place full. What has happened in the United States in a variety of instances is that we've seen prisoners transferred from one jurisdiction to another. In fact, this Bill would allow that, because under section 13 there is a provision that allows for the transference of prisoners from one jurisdiction.

. . . the Government of Canada or the government of another province respecting the rental, purchase or exchange of correctional programs [i.e., incarceration], services and facilities between the jurisdictions.

So in fact this Bill, as the hon. Justice minister has said, is a liberating Bill, an enabling Bill, and it enables a private prison operator to bring prisoners in from other jurisdictions. When that has occurred in the United States in the past, we've had an escalation of the seriousness and violent nature of some of those prisoners increasing because those jurisdictions want to get rid of them. So they end up dumping them into Alberta. I'm not sure that that's something my constituents want in any one of the four facilities that I've got up on the top of the hill in my constituency, Mr. Speaker. So that is one concern that I have there.

Another concern, of course, is that the only way they're going to make a profit is if they can keep the place full. Now, what incentive does any private, for-profit operator of a prison have to work on rehabilitation programs to reduce the rate of recidivism? Mr. Speaker, I would suggest – and I wish this was my line, but I really can't take credit for it – that if we have a private, for-profit prison operator, they're going to have a slogan of "Y'all come back, now." I'm not sure that that's something we want to have happening in our prisons. [interjection] That's something that this Bill would allow, hon. minister, and you should be concerned about that. We want to improve it. You're absolutely correct.

MR. EVANS: The sky is falling.

MR. BRUSEKER: The sky is falling maybe over on that side of the House, Mr. Speaker.

There are some other conclusions that were raised in that same paper, Mr. Speaker. I want to just refer to yet another one, a second conclusion that comes out of that same document from the Economic Policy Institute, and of course I'm sure the free marketers on the other side will always argue, "Well, you know, the free marketplace and competition and everything will work out wonderful if we just allow people to bid on whatever the contract is." But we are dealing with fairly specialized kinds of knowledge that require a considerable outlay of cash. One of the conclusions – this is the second conclusion – is this:

There are serious structural barriers to genuine competition for prison management contracts; not only are incumbent contractors likely to become entrenched, but the quality of performance may be so difficult to monitor and evaluate that quality-based competition is unlikely to develop.

Mr. Speaker, in the United States, as far as I've been able to find out, there are three major suppliers, I guess, of this service, if you will. In Canada at the moment there are none, because none of the jurisdictions, provincial or federal, at this point have privatized the delivery of corrections facilities. So the idea that competition will suddenly occur is difficult to believe or accept when in fact there is no marketplace in this nation at the moment because that avenue hasn't been opened up. This Bill would open it up, and all of sudden there's going to be this wonderful

competition in the marketplace where none exists now. Suddenly we're going to move from none to some level that the government thinks is wonderful and will be a benefit to the province and to the province's Treasury rolls.

The third conclusion that comes out of this document says:

There is a substantial likelihood that government contracts with prison corporations will fully protect neither the interests of the public nor the prison inmates.

Mr. Speaker, my constituency has, as I said earlier, four of the provincial corrections facilities located within the bounds of Calgary-North West. The residents – and in fact I've spoken with all of the community associations within my constituency – are very concerned about a proposal and the Minister of Justice in his opening comments talked about a proposal for a pilot project. The concern that has been voiced to me by residents and community associations within the constituency is: is that pilot proposal going to be in the constituency of Calgary-North West? So far, as I am aware, there has been no public consultation. No one from the Ministry of Justice has come into Calgary anywhere, as far as I'm aware, and certainly not into Calgary-North West and said, "Here's what we propose to do, here's what we want to achieve, and here's how we're going to do it." None of that has happened.

So I'm going to put a question to the hon. Justice minister right now, and I hope that he will take it under advisement, because it's a serious question. Will there be public consultation with affected communities, one of them being my constituency, before a privatization pilot project or wholesale privatization occurs? Will there be public consultation in those communities that are impacted? I think that's a legitimate concern. Whether "the sky is falling" or not, people are concerned, and I am today relaying those words of concern to the Minister of Justice because people in my constituency are concerned. I'm not going to question whether it's right or wrong. I'm saying that there's a concern, and the concern deals with public safety.

The minister in his opening comments talked about this as enabling legislation, that this would just kick things off, and they would do a study, and then they would do a pilot project, and if the pilot project worked out, then indeed they may go ahead and they might go further on a broader scale of privatization. Indeed, Mr. Speaker, just as a suggestion, if that is the proposed sequence – first we do the study, then we do the pilot project, and then we do a broader scale if the pilot project works out – then why not simply wait until the springtime when we're back in this Legislative Assembly yet again and the study is completed? Because the minister has made a commitment that the study will be completed fairly shortly. Why don't we wait until after the study is done and then introduce the Bill rather than doing the Bill and then seeing if the study corroborates what is being proposed by the Bill? For that reason, whether it's good, bad, or indifferent, this is the wrong process: to be introducing Bill 50 before you've had the study done. But that doesn't seem all that terribly different from what the government has done on these kinds of things in the past.

Mr. Speaker, within the Bill itself there are a couple of issues that are of particular concern. Because it's very short, I just want to highlight one particular concern that was raised to me indeed by corrections officers. As you can appreciate, because I have four facilities in my constituency, a number of those corrections officers therefore also live in my constituency. One of the amendments proposed under Bill 50, the Corrections Amendment Act, strikes out in section 10 "employee of the Government of Alberta" and substitutes the word "person." Now, they're concerned with that. It deals with the issue of safety. If that amendment, along with the rest of the Bill, indeed goes ahead,

what it says is that anyone who is employed in a prison anywhere in this province will be considered to be a peace officer. "Peace officer" is the term that's used in the Act.

3:40

That means that the government could, and indeed in some areas has already, contract out, for example, food preparation services within our corrections facilities. By this definition, that privately contracted individual, who may be a wonderful cook and may be terrific in delivering food services to the inmates, will now be considered to be a peace officer. Whether he or she has had some, little, or no training at all, that individual will now be considered to be a peace officer. So when they look at the grand total, they can say: "Well, gee, before we had – and I'm just going to use as an example – a hundred peace officers working in this facility, and we still have a hundred peace officers working in the facility now. Privatization hasn't changed anything." But indeed, Mr. Speaker, privatization will have changed the level of quality and the level of skill and the level of safety that can be provided by those peace officers because some of them may indeed be cooks. Nothing wrong with being a cook, but it's a significantly different role from being a peace officer.

By changing the definitions as this Bill does, indeed it will change the inmate to corrections officer ratio. Now, if you get ratios increasing – in other words, if you have more inmates per active correctional officer or peace officer who is dealing with the inmates on a regular basis – then the safety of the inmates is placed in jeopardy, the safety of the corrections officer or officers could be placed in jeopardy, and indeed if things go wrong and you have an escape, then the safety of the public could be placed in jeopardy. In a nutshell that expresses my big concern with this Bill. There are safety problems, I believe, with this Bill. There are safety problems for the public, for the corrections officers who are working in these facilities, and there are safety problems that could be impacting upon the inmates themselves.

Now, the government has a responsibility. In fact, there's no doubt that with respect to corrections and housing individuals that have broken the law, the government is really the only one right now who is able to perform that particular facility. The government, if it indeed passes Bill 50, washes its hands of looking after the people whom they have chosen to incarcerate because the individual involved has broken the law.

Mr. Speaker, you have to wonder about a government and certainly I wonder about a government that says: we're not going to give the kind of control to our current corrections officers that they need in order to operate the facility at a proper level, but indeed we're going to give all of that control over to a private, for-profit corporation that's looking to make money on this issue. I don't think that makes a whole lot of sense, and it's not particularly consistent as well.

When you look at it, there are a couple of other pieces of research that have gone on in the past. One of them that I'm looking at, Mr. Speaker, comes from the *Journal of Contemporary Criminal Justice*, volume 7, No. 1, March 1991. Again, much of the information that I want to refer to comes from something called the American Federation of State, County and Municipal Employees, otherwise known as AFSCME.

MR. DUNFORD: Otherwise known as a union.

MR. BRUSEKER: Otherwise known as a union. I really don't care, and I agree with the hon. member opposite from Lethbridge-West. I don't think the public is particularly concerned whether

it's a union or whether it is a nonunion facility, and I haven't argued that.

The concern that I've been talking about so far deals with safety, and I want to address the issue of safety from some of the research that has gone on. Now, again, Mr. Speaker, this comes from the *Journal of Contemporary Criminal Justice*. There have been a few privatizations that have been attempted in the United States. In 1990 the Florida Legislature looked at having a privately operated maximum security prison, but they would only award a contract if indeed the savings to the government could exceed 10 percent. Corrections Corporation of America and Wackenhutt Corporation were asked to submit bids. Indeed, when they submitted the tender, both of those corporations failed to reduce costs, and the prisons continued to be operated by the state.

In Tennessee they said again: "We want to try and privatize prisons. We want to come up with a new idea, a new way to save money." So they established a whole series of stringent requirements to safeguard the taxpayers, the inmates, and the corrections employees. They put in such things like:

The contractor had to demonstrate the financial ability to operate a correctional institution; and limits were established on the amount of additional money a contractor could receive . . . Legislation also required contractors to meet insurance standards.

So they laid out a series of criteria before someone could bid on that particular jail, to run it as a private, for-profit facility. With those safeguards put in place by the Tennessee state Legislature, no private contractors submitted bids, not one, because they couldn't meet all of the criteria. Mr. Speaker, the conclusion they came up with – and again this is from that article – was that:

. . . when there is a rigorous requirement of cost comparisons and strict contract reviews. Private contractors don't bid under these circumstances.

So indeed, Mr. Speaker, when you start factoring in safety and trying to provide the same level of service as public employees are currently doing, then indeed the whole trial balloon looks pretty poor.

When you look at some of the other issues – and of course the main issue that the government keeps talking about is the desire to save taxpayers' money. This is another quote.

A comparison between costs at the privately-operated Marion Adjustment Center and the state-operated Blackburn Correctional Complex in Kentucky showed no difference in costs.

No difference in costs, Mr. Speaker. So if indeed we are looking at saving costs – and I have no problem with the concept of saving costs, saving taxpayers' money – you have to look at the whole picture. Indeed, when you look at the whole picture, the evidence simply does not bear out that this is a good process.

When you look at some of the other ones that are around: you've got the Hamilton County Penal Farm in Tennessee; the state of Texas has got four minimum security prisons. In fact, when the state of Texas did an audit following some privatization there, they found that the operators had failed to implement promised educational and job training programs. Indeed, that is a concern as well in this province.

So, Mr. Speaker, when you look at all of the concerns that are before this Legislature in dealing with Bill 50, the conclusion that came forward from this particular study was:

A review of the operations of privately-operated prisons and jails indicates no overwhelming evidence to tout them as an alternative to publicly-operated correctional facilities. . . . If anything, when driven by the need to maximize profits, privately-operated prisons threaten citizens with the loss of control and accountability and do not save money.

So if the only argument that has been before us has been "let's save money", the evidence so far from the United States, from

what I anticipate the Department of Justice will be reviewing, does not bear out the fact that indeed we should propose a privatization program for our correctional facilities because of the fact that evidence to date is inconclusive in driving costs downward.

From that standpoint, as I mentioned before, if we're waiting for a study to occur, I'll be curious to see if indeed that study or the results of that study will be tabled in this Legislature for all members to review. Mr. Speaker, until we see that study, until we have public consultation, I would urge all members to oppose Bill 50.

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. It's my pleasure to address Bill 50 in the Legislature this afternoon. In my opening comments I take the Assembly back to the hon. Member for Calgary-Mountain View's opening comments when he indicated that this legislation really was to provide authority for outsourcing. One of the other initiatives he felt was part of this Bill was to provide a pilot project so that in fact a feasibility study could be conducted. I've just listened to the Member for Calgary-North West present some pretty sound discussion that in fact that's not the case. Privatization does not present or give us the economics that we're looking for here and doesn't actually capture economic feasibility as far as great savings of taxpayers' dollars is concerned. So I would suggest that we have the process somewhat backward here. We should undertake the feasibility study first and then move on to the pilot project if in fact the feasibility study shows some sort of inkling that there are great dollars to be saved. We have many examples we can look at to prove that in North America today.

3:50

I think before we embrace privatization of prisons, Mr. Speaker, we have to explore several aspects, and I'll attempt to outline some aspects that have not been addressed here this afternoon. One aspect I think that's sorrowfully lacking in this particular exercise to date has been the consultation with Albertans. It clearly has been lacking. As we know, there is not an Albertan today that does not have fear about their security, be it on the streets or be it in their homes. This discussion of privatization of prisons, I would suggest, adds to the fear element that presently exists within society.

We could have proceeded along a more sound process here and ensured that the feasibility study was done and Albertans had the opportunity for input. It would have provided Albertans, I would suggest, with some assurance that this undertaking that we are about to embark on has a more sound footing to it. It's a situation where I don't think we have been honest with Albertans. We have not discussed with them publicly or privately what components of prison privatization we are attempting to embrace and capture efficiencies with. I would suggest that when we know the fear element in Alberta, the government has been remiss in that undertaking.

Albertans today certainly question the justice system. We've seen several jaunts around the province, be it with the young offenders or others, and very clearly Albertans have articulated to the committees traveling that there is a concern about the justice system. We have seen some concerns expressed in this Legislature in the last three weeks about the extension – and I'll use that term "extension" – of incarceration. I refer of course to the residential incarceration that the government is presently flirting

with and playing with. So that again has heightened the fear in Albertans' minds.

Now we're at a stage where the government is musing about privatizing prisons. That musing has turned into, as we see today, legislation before us to actually make the move. I have to reiterate, Mr. Speaker, that Albertans have not been consulted on that. It certainly is a situation where we are adding to the fear element in society today. I would suggest that before we move to legislation, Albertans clearly have to have the opportunity to express their concerns to this Legislative Assembly and to this government.

When we talk about privatization – and again I would show that there's a lack of clarity or lack of openness here – this Bill doesn't address and we haven't talked about whether this is simply privatization or expansion of the food services within prisons or if this is privatization of the rehabilitation services within prisons or the education process that goes on within some prisons or whether it's the privatization of employees to actually work in the private sector or whether it's the actual monitoring. Again, openness is important when we're dealing with the Alberta public and their need to be provided with a secure feeling. It might be that we're actually moving to privatize all of the above that I referred to, Mr. Speaker. If that's the case, there can be no argument and no question that we have to certainly get the input of our citizens.

If we privatize any or all aspects of the prison, Mr. Speaker, what this Bill fails to address, as I review it, is what sort of standards have to be met by the company that ultimately privatizes or takes over. We have to address, in my mind, what level of rehabilitation services will be employed within these prisons. It's extremely important, if we are to break the cycle, to have quality rehabilitation cycles within the prison or access to people that are incarcerated so that in fact they can look for a more optimistic life when they leave prison. I think it also has to address what sort of standards we are to meet when we look at the movement of prisoners within the province to access some of those rehabilitation programs. In some cases, where they might be. We have to look at the level of standard when we are providing medical care to prisoners within our prisons. So those caused me some concern because the Bill does not address any sort of standard. It's pretty wide-open, broad legislation. I would suggest that it does not bring a level of comfort to me when I review it.

If we are to look at some of the so-called efficiencies or costs we expect to gain as far as privatization is concerned, I think of some of the activities that are associated with the prisons in Alberta. One area I would look at is the transfer between the prisons and also between the courts for appearances and the likes of that. There has to be a level, of course, or a standard met in that situation. I don't see where this Bill defines who ultimately is responsible for that particular expense. It is a large expense.

If we look at the educational programs I alluded to earlier, Mr. Speaker, that is also a fairly large expense. Is privatization to include the cost of presenting those programs, or is this expensive cost to be borne by the taxpayers of Alberta? Are we separating the cheap aspects of privatization and leaving the rest of the expensive aspects of incarceration or the prisons to be picked up by the taxpayer? I can't determine that when I read this Bill, Mr. Speaker, so it, I would suggest, is not definitive enough.

When we talk about standards, Mr. Speaker, I would have to ask: what standard will we set for the people that work within the prison walls, particularly the corrections officers? Today, if my information is correct, all those that work within the prisons, generally speaking, are graduates of the provincial corrections

college or they're graduates of the Grant MacEwan law enforcement program. I would have a concern that if we moved to privatization, that skill and the skills that are required in those circumstances would not be applied within the prison itself. That strikes me as being a dismantling of the security within.

When we talk about privatization with prisoners and guards or corrections officers, what will the ratio be? That standard is not addressed in this Bill. I think that's an important aspect of the corrections system as we have it today. Again, this Bill is negligent in addressing standards as such, and one cannot draw comfort from that lack of information.

I would suggest that if we look at the American model – and we can draw a good example from that – if you follow that privatization model, generally speaking there are lower wages associated with the corrections officers, and there is less training. History will show, Mr. Speaker, that even where we have highly trained and skilled corrections officers, there is the odd escape from prisons, be it from the facility itself or during a transfer. It only stands to reason that if in fact we introduce a lower level of skill to manage prisoners, there will be more people walking away from incarcerated stages and being at large unlawfully.

I would also suggest that when we deal with – and again we can only follow the American example in this situation – employees that are paid somewhat less than the present staff within prisons, we cannot dismiss the possibility that they will be more prone to a substantial financial manipulation or coercion.

These are points, I think, that are extremely important. They speak very clearly of the security of our prisons and ultimately the security of our streets and our homes. I point out several of these lack of standards because I believe they're deficiencies and pitfalls within the Bill that should be addressed before we even proceed any further with this legislation.

There'd be no question, Mr. Speaker, that when we look at privatization and we look at the mind-set and we look at the philosophy that the government of the day is pursuing – and that is privatization under the auspices, supposedly, of gaining financial benefit or a more efficient operation. When we look at that, we also have to balance into it – and I would use a situation like Fort Saskatchewan as an example. If we are to replace – and I would suggest that the savings for a private company that manages prisons is going to come largely at the expense of employee wages, benefits, and the likes thereof. So that to me indicates that those people that work within the prisons of course will be paid less money. If we are to apply that to a situation like Fort Saskatchewan, that has a prison located there – and many of those individuals actually live and reside in Fort Saskatchewan – what we're doing is reducing their expendable income.

[Mr. Deputy Speaker in the Chair]

I think this prison privatization has to go a step further, and we have to explore and determine what the impact on the small communities would be when we privatize due to that lack of expendable dollars. I think we have to also solicit the opinion of the small businesses in those communities who will be impacted in this particular case. There are some false economies that we're pursuing in this. It's much broader than simply looking to reduce the cost of running a prison. There is a fallout to each and every community when we undertake this, and each and every community will be poorer as a result of the reduction of employees within their community and the reduction of the expendable income of those employees.

4:00

I want to explore another issue here that the Bill, in my estimation, did not address, and that was parole or early release. Who controls this process, Mr. Speaker? Is it the individuals that privatized the prison? If it is, I have some concerns. As the hon. Member for Calgary-North West indicated earlier, the ultimate profit that is to be derived from privatization of prisons is closely connected to the occupancy rate. If we are to look at early release, are private prisons going to ensure that early release actually occurs, thereby jeopardizing their bottom line because their occupancy rate is not what they would like? These individuals, whether we like it or not, have rights, and those rights for early release have to be, I think, addressed. It is a gray area in this Bill.

I could take the converse to that particular situation, Mr. Speaker, and indicate that if a prison that has been privatized is running into difficulty with a particularly difficult prisoner, will we at that point have manipulation of reports to ensure that that individual is moved out of their prison early to the streets of Alberta? I don't see the safeguards there to ensure that won't happen. It does cause me concern.

I think the Bill, if in fact we want quality legislation, should provide a level of security to Albertans. It should incorporate within it safeguards against the two examples that I just gave. Hypothetical as they are, certainly I think they have a distinct possibility of happening. Mr. Speaker, before we move any further with this legislation, I think some of these areas have to be clarified.

This government purports to be very business oriented and of a business mind. I would suggest that if that were the case, we would look at the analysis of what has occurred in North America as far as privatization of prisons is concerned, and we would proceed based on that. The hon. member again from Calgary-North West indicated that studies conducted to date certainly do not indicate that we are going to capture much in the way of savings. It probably would be better described as a shifting of costs, Mr. Speaker, because we will at that point reduce the number of prisoners under the care of the Alberta corrections department. It will, when we do the mathematics, indicate that the Alberta public facilities cost more on a per prisoner basis to operate because of the distortion of moving out, and I daresay that the bureaucracy that is associated with it will not be reduced. So I see a distortion entering into this discussion once we've gone to that so-called pilot project.

I would also ask, Mr. Speaker, in dealing with Bill 50: what mandate does this government have to bring American corporations into Alberta and send profit south to the United States of America? I don't believe Albertans think their money should leave this province through American corporations that are contracted to run our prisons. I would also, on expansion of that, say: what authority does this government have to assault some of the small businesses? I used Fort Saskatchewan. Grande Cache would apply. I'm sure Medicine Hat would feel an impact if a prison were privatized and the dollars were brought out of that particular economy.

So it's incumbent in my mind to set in place solid regulations that will address many of the issues that I have brought forth here, be it the parole aspect, be it the standards that are to be met, be they medical, rehab, education. All of those, Mr. Speaker, are critical, and all of them are lacking in this particular Bill. We are left to fill some very dark, gaping holes in this Bill, and I would suggest it's very poor legislation that leaves that much to the imagination.

I have another concern, Mr. Speaker, and I spoke of it earlier. That is that the bottom line is directly related to the occupancy of a facility. What is to prevent – and again we've seen it happen in the United States of America with prison privatization – the transfer of prisoners from Saskatchewan, or B.C. for that matter, into Alberta? Thereby I would suggest that in fact Albertans would be in a process subsidizing those provincial prisoners, and there's potential for added costs there. It should be addressed in the legislation. Let's make sure we move into this particular Bill knowing full well what all the implications are. It's not there.

Another important question, Mr. Speaker, has not been addressed here. I certainly would be very, very enthusiastic to hear some of the members on side opposite tell me what happens if this particular exercise fails. Can we at that particular point suddenly collect enough individuals to move back into running a prison securely or safely?

Another area that's been discussed, but only very briefly, is the liability. If an American corporation comes here, what is the liability if in fact we run into a situation – and we've seen some examples, Mr. Speaker, in the last couple of years. In Alberta we've had several citizens murdered as a result of prisoners being at large unlawfully, and we now have some litigation in those matters. When we look at privatization of prisons, how do we address that liability? Who is ultimately going to be responsible? Is it the Alberta government? Those are questions that have to be answered. If we're not in control of all pieces of the puzzle here, then in fact I think we're stretching the Alberta public out again to probably pay dollars that they shouldn't have to pay.

The other aspect here, Mr. Speaker – and we've talked about it in much of the legislation that's come before us – is the removal of accountability. There are some areas that government clearly should be involved in. One of them, in my estimation, is security of the people, and prisons are a natural extension of that security.

So I would have to ask, in closing, why we would undertake this particular exercise, particularly when we examine analytically the information which is before us in North America that the great savings that has been envisioned with privatization of prisons has not been realized. Clearly those are the facts. I would suggest that if we're simply pursuing privatization to follow a philosophy instead of capturing efficiency for Albertans, we're doing it for the wrong motives, Mr. Speaker. I would suggest to all members of this House to give very serious consideration to how we are ultimately adding to the fear level of Albertans in this province.

Thank you, Mr. Speaker.

MR. DAY: Mr. Speaker, I think there's been some reasoned debate to this point on the Bill. There have been comments and suggestions that both sides would like to digest, I would think, because there's obviously been thought put into it. I do believe that especially once we move to the committee stage, we'll have opportunity to really get into whether there should be any amendments made and whether some of the concerns raised by members opposite would in fact have any basis in fact.

I will continue now with an agreement between myself and the Opposition House Leader and at this point give time for further consideration of this Bill by adjourning debate. I move that we adjourn debate.

MR. DEPUTY SPEAKER: The hon. Government House Leader has moved that the Assembly do adjourn debate on Bill 50, the Corrections Amendment Act, 1994. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: Carried.

4:10

**Bill 57
Delegated Administration Act**

[Adjourned debate October 31: Mr. Woloshyn]

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

MR. WOLOSHYN: Thank you, Mr. Speaker. We've had to date 45 minutes of debate on Bill 57. We've had a bit of hysteria from the opposition in the House during question period on Bill 57.

**Point of Order
Allegations against a Member**

MRS. SOETAERT: Point of order, Mr. Speaker.

MR. DEPUTY SPEAKER: The Member for Spruce Grove-Sturgeon-St. Albert is rising on a point of order.

MRS. SOETAERT: Yes. *Beauchesne* 408, Mr. Speaker. There's been no hysteria over here, just reasoned debate. I'd ask him to withdraw that.

MR. DEPUTY SPEAKER: Hon. member, you have risen on a point of order and cited 408, which one presumes is *Beauchesne* since our Standing Orders don't go so far. The Chair is mystified, to say the least, as to the use of this tactic to enter debate.

Hon. member.

MRS. SOETAERT: Sorry, Mr. Speaker. It was when the Member for Stony Plain mentioned hysteria in this part of the House. There's no hysteria over here, just reasoned debate. So maybe I should have used 23(h), (i), or (j).

MR. DEPUTY SPEAKER: Well, I think the characterization of a general side as either being joyous or hysterical is certainly a debatable point. It's not a point of order either under 408, as erroneously first quoted, nor under the other ones which are directed at a specific member, unless you are volunteering as that specific member. [interjection] No? All right. Let us continue with debate then.

The hon. Member for Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. I am a little bit distressed by the interruption there. However, had the hon. member from Spruce Grove, Sturgeon, Stony Plain, St. Albert or wherever said she objected to the word "hysteria," I'm sure I would have withdrawn it and introduced something that would make her more comfortable, as "uninformed" or whatever else.

Debate Continued

MR. WOLOSHYN: The other thing, Mr. Speaker: we've had a one-hour radio show on this particular Bill. Now, it's unfortunate that we haven't had any reasoned debate yet on the Bill, and that's what I propose to start now. There has been, to say the least, a lot of misinformation circulated about the Bill. I believe

it's important to talk both about what this Bill will do as well as about what this Bill will not do or allow to happen.

Contrary to some of the information circulated by my hon. friends across the way, Bill 57 will not allow delegated organizations to set up and enforce legislation. This is clearly prohibited in the Act. The opposition has suggested that the Bill will allow industries to set their own pollution standards; also not true.

AN HON. MEMBER: Show us where.

MRS. SOETAERT: Cite it.

MR. WOLOSHYN: Pollution and all other standards are contained in Acts and regulations, and with their healthy research budget, if they chose to read the appropriate legislation, they would be well aware of it. A delegated administrative organization, Mr. Speaker, is expressly forbidden from making or amending Acts or regulations.

Now, in second reading we are talking about the principle of the Bill. Those are principles. I hear the chirping coming from the other side of: show me, read it, or whatever. When we go into committee stage, if we ever get to committee stage – maybe tomorrow or the day after tomorrow we should be there – then I would suggest that perhaps at that time we could discuss the clauses very specifically, and I'm sure at that point more of the members across the way would come and support the Bill.

Some people have suggested that the Bill could be used to privatize health care, prisons, child welfare, and other basic government services. Mr. Speaker, it would be completely and totally impossible for this to happen under the clear and specific limits of this Bill.

What other misinformation has been spread about the Bill? It has been alleged that the Act will create profit-making organizations. Nothing could be further from the truth. The Act is specific. It restricts the use of funds raised by a delegated administrative organization to offsetting the costs of delivering the service. That is it, Mr. Speaker. There is no opportunity in this legislation for making and retaining profits. In addition, through the necessity of annual financial audits government can ensure this requirement is being met.

The opposition has stated that because the Act speaks to contracting with a corporation, this means profit making on the backs of Albertans. Mr. Speaker, I'd like to remind the hon. members of the opposition that the word "corporation" does not in itself mean for profit. The city of Edmonton, for example, is a corporation, and I don't hear them censuring the city as a for-profit organization.

Some people continue to refer to this Bill as a Bill whose intent it is to privatize government. Delegation as described by the Bill is very different from privatization. Privatization is government deciding it no longer needs to run something and then getting out of it; for example, a telephone system. Delegation means, quite specifically, Mr. Speaker, that government continues to retain complete control of legislation and standards while getting out of the direct delivery and administration of the program. Now, keep that in mind: standards and legislation remain with the government. No question of it, and it can't be sublet under any section in that Act. However, the delivery and administration of the program is there; for example, registration of petroleum storage tanks.

In addition, through privatization government is no longer responsible for the actions of the private sector. Through

deregulation government continues to be responsible and accountable for the actions of the delegated organization. That's very important. The government cannot shirk its responsibility for what it gives to the DROs, and I think that's something about which all of us would be distressed, if in fact that weren't in there.

Mr. Speaker, there are, quite simply, a variety of programs and services that are of value to specific groups that do not have to be delivered by a government bureaucracy. Let me remind all hon. members that Alberta is still Canada's most governed province at the provincial and local government levels. The government is committed to reorganizing and restructuring itself. Big government is the way of the past, not the way of the future, something that the hon. members across the way I'm sure are agreed on in principle.

What this Bill does is provide a clear road map and structure for an alternative method of service delivery. The value of restructuring will be achieved by finding effective alternative ways to deliver services. I reiterate: effective and efficient alternative ways to deliver the service. That's what the core of the business planning program is about. The business plans do and will identify programs that might benefit from delegation to an administrative body. Mr. Speaker, I might add that these business plans are public and have been public, so any hon. member can look at these plans and almost guess or determine or suggest what services and what department may in fact benefit from this approach.

A delegation, contrary to what some are saying, will be to the users of a program or service. A delegation will not be to outsiders with no involvement or stake in it. Again, contrary to what some are saying, a delegation will be to the users of the service with fees paid by the users of the service, not by the general taxpayer.

MRS. SOETAERT: More user fees.

MR. WOLOSZYN: I hear the comment, "More user fees." The people that I talk to are very comfortable with user fees. [interjections] Yes. And very, very uncomfortable with the broad-brush approach . . . [interjections]

MR. DEPUTY SPEAKER: Order. Through the Chair, please.

MR. WOLOSZYN: I'm sorry, Mr. Speaker.

They are very uncomfortable with the attitude that the government should do anything for anybody at any time at any cost without any desire to check it out and see if there's a better way. I'll give you a good example of a user fee that's appropriate: drivers' licences. Maybe the hon. members would like us to give them out to anybody at no cost at all. Or licence plates: those are user fees. The list goes on and on: registry, access to documents. I had the misfortune to have to get a particular document the other day, and I went through registries. It cost me more than it did a few years ago, but I'll tell you something: I got it within 24 hours. It cost me a few dollars more than it would have last year, but the service was worth the difference. I think, more importantly, if the users of the system are not interested in taking over the operation of the service or program, no one will be forcing them to do it.

4:20

Mr. Speaker, once again I want to make it abundantly clear that this Bill cannot be used for the full privatization of any aspect of government, large or small. It also cannot be used for what has

been hysterically referred to as a mass privatization of government, large or small. This Bill will provide for alternative ways to deliver specific programs to specific user groups. It provides a clear and consistent mechanism to continue to do some of the things that government and stakeholders have already done, stakeholders in the petroleum storage tank area, funeral services, insurance, and in real estate.

Mr. Speaker, we are not interested in delegating authority for basic services in health, social services, or education. These basic services cannot and will not be affected by this legislation. This legislation is a keystone to this government's mandate to restructure government bureaucracy and must go ahead. It provides for a better way to do things. It ensures the involvement and agreement of program users, and most importantly it maintains and ensures government responsibility and accountability. I repeat: it maintains and ensures government responsibility and accountability.

With that beginning of some reasoned debate, Mr. Speaker, I will yield the floor to other speakers.

Thank you.

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

MS LEIBOVICI: Thank you, Mr. Speaker. [interjections]

Speaker's Ruling Speaking Order

MR. DEPUTY SPEAKER: Excuse me, hon. Member for Edmonton-Meadowlark. There are general conventions in debate, and that is that the Speaker should look to the opposite side from whom was last speaking to see whether or not somebody wanted to there. Sometimes when we have one side declining to speak, then we get the same side getting up and speaking a number of times in succession. For those people who are wondering why I selected the opposition after hearing from the government side, that is the reason.

The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. I guess if the government members had taken part in debate over the last year, they would know what the rules are.

Debate Continued

MS LEIBOVICI: Mr. Speaker, I think it is time to provide some facts about Bill 57. When I look at some of the government releases, the damage control documents that they're now starting to put out that say that this is what the opposition says and this is what the government says, it's unfortunate that they still are conducting a campaign of misinformation. When I listen to what some of the debate has been, again it seems that we have a campaign of misinformation.

I think we should make it very clear what this Bill does do. It sets it up within the first four to five clauses. Basically what it says is that a corporation can mean anything registered under the Business Corporations Act. Now, this Act is an Act that allows for profits to be made. An industry is

a business, activity, status or other thing . . .

Thing. What is a thing? When have we seen "thing" in a piece of legislation?

. . . or matter that is regulated or administered by or under an enactment.

And it's funny. "Enactment" is never defined within this piece of legislation as well.

When it talks about what a minister can do in terms of entering an administrative agreement with a corporation, the minister can actually give to that corporation his or her responsibilities. It's a responsibility that the minister can give away and can delegate. It's not an activity; it's a responsibility, a function of government.

When we talk about what the corporation needs to do in order to carry out a minister's – so it might be the Minister of Health's – responsibilities, not activities but responsibilities, all they need to do is have "due regard to the interests of the general public." That's all they need to do. So they can say: well, yeah, I've had due regard to the interests of X, Y, and Z, and I've decided not to regard those interests. Then they can go ahead and do what they wish by this enactment, which again is sort of up in the air in terms of where does that come into being.

Now, in order to provide a safeguard for the public, the minister does have to have some public consultation, and the public consultation is "at least one public meeting."

DR. PERCY: How many?

MS LEIBOVICI: One. Only one public meeting. Now, the notice for that meeting must be

published in a newspaper . . . at least once not less than 2 weeks prior to the week . . . [and] 10 days prior to the date.

So you can have 10 days prior to the date a notice, perhaps an inch by an inch, within a newspaper – that's I bet a lot bigger than an inch by an inch – advertising a public meeting to take a function, a responsibility of a minister and to contract that out to a corporation – and now we're going to get to that – for a fee. Now again, when we talk about the fee, it doesn't say that's on a cost-recovery basis. What it says is that there is a fee that can be negotiated, and that basically is it.

Now, that's the act we're talking about. It's nice to embellish that in terms of saying: "Oh, well, there are regulations that currently exist, and there are Acts that currently exist." Well, quite frankly, when the wine stores entered into an agreement with the government, they thought they had a contract as well. When employees entered into a contract with their employers, they thought they had a contract as well. When the university professors entered into a contract with their universities, they thought they had a contract as well. This government seems to take great pleasure in saying: "Oh well, that was then and this is now. Sure we signed a document last year and sure we signed a document two years ago, but, you know, if we don't want to keep up with that document, that's fine; that's okay. We can continue on down our road to decide what we will and what we will not honour."

Now, again what we're seeing here is the taking of the scrutiny that we have within the Legislative Assembly and moving that into an area of regulation without the approval of the Legislative Assembly. One of the news releases that I have in my hand says that "delegated administrative organizations" – this is the government saying this – "will carry out administrative functions related to existing or new Acts or regulations." Again we don't talk about the fact that the responsibility of the minister is being delegated out and in fact what we are setting up are new bureaucracies. We're setting up new bureaucracies that will work for profit.

When we talked just recently about Bill 50 and about the jails, one of the points that I was going to bring up was: where are the cost savings? Have there been any examples in terms of saving costs? I think if you look at some of the literature, what we're finding out is that no, that's not the case.

We see also within this particular news release that there are certain areas that supposedly cannot be delegated out, yet one of their own statements in here talks about there being new Acts, new provisions, and new regulations. So just because there may be a regulation right now that says there will be environmental protection, that doesn't mean that that is going to stay, that that's going to last.

Again, in terms of misinformation, and I'm quoting here, "The Act specifically compels Ministers to conduct a public consultation process with all those affected by a proposed DAO." Well, that's not really the case. As I just indicated earlier, all that the legislation says is that there has to be "at least one public meeting." So is one public meeting a public consultation process? It doesn't say in the legislation that there should be a consultation process that is broad enough so that all interests throughout the province can address it. It says, "At least one public meeting."

4:30

There are no real appeal processes, even though again this piece of misinformation says that there are, because it's only if the minister decides to have an appeal. So what happens if perhaps the contract that's given out just so happens to be to an individual who so happens to give a lot of money in terms of campaign donations to somebody's campaign and it so happens that the minister decides not to appeal? Those are the dangers that are inherent with this specific piece of legislation.

We've heard a fair amount of talk that says: "Oh, well; it's okay. We're going to have audited financial statements that must be tabled in the Legislature." In fact, can those statements be discussed? Can those statements be taken apart and scrutinized? Can the Auditor General on a yearly basis – and I guess the question is not "can" but why isn't the Auditor responsible on a yearly basis to perform audits to ensure that there's full public disclosure. Why shouldn't that occur on a regular basis? Why should that be on an exception-only basis? When I hear that we're going to see audited annual financial statements in this Legislative Assembly, yet I see that the freedom of information still hasn't been put into place and I see that we're still trying to get information on corporations such as NovAtel, I wonder in terms of this government's commitment to in fact have these statements tabled and put into place.

I unfortunately did not hear the debate on Friday. The reason I did not hear that debate was that I was meeting with a group of seniors in one of the lodges in my particular constituency. What the seniors said to me was very interesting. What they said was that this is a dangerous Bill, that this is a Bill that has overtones of dictatorship to it, and that this is something we need to continue to fight. They said: why do we need to have a Bill such as this? What would be the government agenda for this? I had to admit that, well, I wasn't quite sure.

When you look at the fact that the deficit will be perhaps eliminated next year, not so much due to this government's interventions as in terms of the energy industry prices and our low dollar, then the question is: why do you need this type of legislation? The answer, I think, is that when you look at the fact that it is a philosophical idea that government is bad and private enterprise is good, that's what the bottom line is. But when you look at history and you look at the past – and I think in order to look at the present and to see what our future is, you need to look at history. You need to see what's happened in the past, and you need to look at how government organizations have grown and the reasons for government organizations growing in certain areas. The reasons were that some things do not lend themselves to a

profit-making mode, that some things are in fact provided cheaper and are provided better and are provided with better quality through the public sector. I think that is where this government has to take a step back and has to look at what in fact makes sense. In this headlong process towards privatization, in this headlong process towards divesting itself of its core functions, I don't think there has been a clear thinking, a clear process defined that says: this is why this government wants to get out of the business of being in government.

Now, we've all sat here and we've all stood here and we've all said, yes, this government should get out of the business of being in business. We've seen numerous examples. We've seen some recently where there were loan guarantees that were signed even after the Premier said that that was then and this is now. What we've seen as a result of that is that we have had a deficit problem. Now we're seeing that the government is saying: okay; we're going to get out of the business of being in business – and I think we should all clap for that one – but we're also going to get out of the business of being in government. And the government says that using the guise that this is just housekeeping legislation, that we shouldn't worry. We shouldn't worry that the responsibility of a minister can be delegated to someone who can then make a profit off that responsibility, that that's okay. What we should recognize is that it's just going to be a few little changes to a few Acts, and in reality it's not going to change much in Alberta.

But then we hear the House leader saying that this is liberating legislation. Well, if it's just housekeeping and all we're doing is changing a few therefore and wherefores and theretos, then what's so liberating about that? The question then is: what are we being liberated from? Are we being liberated from reasoned debate in this Legislative Assembly? Are we being liberated from individuals having the opportunity to see where their tax dollars may or may not be spent? Are we being liberated from – I don't know. I keep thinking in my mind that there must have been a reason for the House leader to say that, and what I keep coming back to is that with this Bill there are major concerns, because there's potential for patronage appointments to the boards and there's potential for a lack of monitoring for the subdelegation of powers to these boards. There are inadequate appeal mechanisms. There's an ability for government to conduct a search and seizure without a warrant, and there's the potential for corporations to charge excessive fees and assessment levies to make big profits. So where's the liberation? I don't see where people are going to be liberated with regards to this particular Act.

Now, we've provided some examples in terms of what could happen with regards to environmental overviews, in terms of what can happen with regards to appointments to administrative authorities. We've also seen that the ministers, once they put forward a particular responsibility or divest themselves of that responsibility, can no longer be sued, so there's no accountability back and forth. We've seen that with some of the previous privatization moves this government has undertaken. What in fact has happened is that there has been an increase in the amount of fees that people pay, an increase in the amount they need to pay for a service or a product, such as with the ALCB, and a decrease with regards to the service provided.

Now, just to show what can happen. Within the Department of Labour now there are fees for certain things that before there weren't necessarily fees for, when you look at things such as mediation that right now will cost \$250 per and another \$50 per hour after eight hours. The first few days of mediation can be free; it depends upon what type of mediation that is. When you look at labour management committees, it will cost \$50 per hour

to have some kind of training being done, workshop workbooks are going to cost \$30, education workshop registration fees are \$75, and seminars for an hourly rate are \$100 and a full day is \$700. I wonder, if people really wish to be educated with regards to these and perhaps where they might be chronic offenders, where that might be an area that they do need to be educated, whether this is something that's wise in terms of long-term costs. Sometimes you need to spend the dollars up front to reap the benefits later on, as within our education system and with our kindergarten children.

4:40

Now, we have a number of areas that potentially could be privatized. Again, we've talked about environment; we've talked about child welfare. There are a number of areas, and the question is: if the government is not aiming to do that, then why do they need all-encompassing legislation such as this? Why is that necessary? Why wouldn't it be just as good to say: this is the area that we're looking at privatizing, these are the reasons, and this is what our long-term plans are with regards to it, whether we want to put that within the three-year business plans, whether we want to actually identify what those areas are.

What I think we're seeing, though, is that the government has a semblance. They say that there are three-year business plans, but when you look at those business plans, what you're seeing is that they are very broad, that they have not been done in consultation with the public with regards to the benchmarks. When you look at the Oregon example, that's exactly what happened. They've got benchmarks that are wonderful, if the government would spend a little bit of time and just look at them. They say that by the year 2001, I think it was, there will be a literacy rate within Oregon of 80 to 90 percent. I have yet to see a benchmark within our three-year plans which says anything like that and shows that that's been done in concert with the public. All I've seen is that the government keeps saying: they want us to do this. "They want us to do this," and I have yet to see who that "they" are.

There's this broad assumption that because there was an election and that election was fought on a deficit and debt platform, that then means this government can try and get out of the business of being in government. When you look at what people across this province are saying, I'm sure that when the government members went back to their home constituencies, there were calls waiting, saying "What are you doing, and why are you doing this?" What are you doing, and why are you doing this? I would think that if the government members picked up the phone to return those calls, then they might well find out that that is what the people on the other end of the line would have been saying.

Now, I think this Act is dangerous. I think this Act leaves us open to government by corporation. I think we're looking at a fundamental erosion of democracy. I am pleased, though, that finally we are seeing government members get up and respond to some of these issues.

Thank you.

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

MS HALEY: I don't often get to win on these, you know.

Thank you, Mr. Speaker. Bill 57 is consistent with this government's commitment to efficient, cost-effective government. Delegated administrative organizations chaired by user-appointed boards would carry out administrative functions related to existing or new Acts or regulations in a cost-effective and efficient

manner. These organizations are not profit-making groups. Let me say that again just for those that are worried about government by corporation: not profit-making groups. They are user-funded organizations, administering and managing specific programs and services.

Delegated administrative organizations would allow government to stop spending taxpayer dollars on services that benefit a clearly defined user group. These are services that don't need to be delivered by government, services like boiler registration – I know that's a big reach for them when they're so worried about health care clinics – or the management of petroleum storage tanks.

Mr. Speaker, under this Act delegation means that government continues to retain control for legislation, standards, service, and delivery. It removes government from the direct delivery and administration of a program. Why should government deliver services if the users can deliver them just as efficiently, maybe even better? That's a question that's very difficult for the opposition to grasp, but it is, nevertheless, the bottom line. We don't have to do everything for everyone all of the time. What is described throughout the Act is a co-operative approach – there's a new term for the opposition as well, co-operative – between stakeholders and the government to develop alternative service delivery models. There can be no delegation to an unwilling participant, and there must be consensus among stakeholders prior to delegation.

Hon. members of the opposition have claimed that this Bill will allow government to delegate services to the private sector on the basis of only one public meeting. Currently government departments can contract out services without public notification; that is, no notification at all needs to be done now. So it's got to be an improvement if we have a meeting, guys. This Act takes the unprecedented step of specifically compelling ministers to conduct a public consultation process with all those affected by a proposed delegated administrative organization. To ensure that all interested individuals are made aware of the intent to delegate authority, the Act ensures at least one public meeting, which we didn't have before. This Act also includes an appeal mechanism for persons affected by delegated administrative organizations.

Albertans have asked for accountable, open, and cost-effective government. I believe Bill 57 meets those criteria. The opposition has stated that this Act will lead to patronage appointments and remove accountability for government ministers. The facts are that it is a user-appointed board, not the minister, that would control appointments. Ministers cannot approve more than 50 percent of the board of directors or a Crown corporation would be created. We are not trying to create more Crown corporations. As well, delegated administrative organizations – cost-recovery corporations funded by their users, not taxpayers – will provide ministers with an audited annual financial statement in an annual report tabled in the Legislature. This is both full disclosure and ministerial responsibility.

The legislation provides a means for government to restructure through delegating authority to users of a program or a service to deliver that program or service. Delegation is very different from privatization. Privatization is government no longer being involved in something. Delegation allows government to remain involved in the manner that it should be involved: setting standards and making laws.

Point of Order

Reading a Speech

MS LEIBOVICI: A point of order.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Meadowlark is rising on a point of order. Which citation, please?

MS LEIBOVICI: *Beauchesne* 473, reading speeches.

MR. DAY: On the point of order, Mr. Speaker.

MR. DEPUTY SPEAKER: Yes, hon. Government House Leader. Do you wish to address . . .

MR. DAY: Mr. Speaker, usually I'm able to work at different things and listen to the speaker at the same time. The remarks by the Member for Three Hills-Airdrie have been so compelling that in fact I have been actually watching fairly closely as the member delivers her comments. Anybody who has been watching closely will know that, like the rest of us in the Assembly, from time to time she refers to her notes, but in fact she is speaking very fluidly on this, making very clear points, the type of points that we have asked the opposition to please listen to and consider, and it may help them with the hysteria which they are presently living under.

MR. DEPUTY SPEAKER: Hon. minister, I think you've made your point.

The Chair would remind hon. members to read the citation:

While it has frequently been ruled that in addressing the House a Member must not read from a written, previously prepared speech, Members have traditionally been allowed to make use of extensive notes when speaking.

The Chair would rule on that matter. Indeed, who among us is not guilty of using written and prepared notes to aid us in speaking?

The hon. Member for Three Hills-Airdrie.

Debate Continued

MS HALEY: Thank you very much, Mr. Speaker. The legislation in Bill 57 provides a means for government to restructure through delegating authority to users of a program or service that deliver the program or service. Delegation is very different from privatization, and I know I said this before, but they obviously weren't listening. Privatization is government no longer being involved in something. Delegation allows government to remain involved in the manner that it should be involved, and I'm repeating this because it's important. What is government for? It is for setting standards and making laws. We do not have to deliver every service or every program to everyone.

In closing, Mr. Speaker, I would again like to offer my support of Bill 57. As delegated administrative organizations have no legislation-making powers, I feel the establishment of an alternative delivery mechanism is in the best interests of program users and all Albertans. There are, quite simply, a variety of programs and services that are of value to specific groups but do not have to be delivered by government bureaucracy, and that is why I am supporting this Bill.

Thank you.

4:50

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

MS CARLSON: Thank you, Mr. Speaker. It's my pleasure to rise and speak against this Bill because I believe that this in conjunction with Bill 41 are no doubt the most regressive pieces of legislation that I've seen go through this Assembly in my time here. I would like to refer for a moment to the Member for Stony Plain's comments when he got up this afternoon and talked about hysteria and debate from this side of the House. Contrary to that, the debate that's been raised here has been very reasoned, and as

pointed out, many of the large holes in this legislation and many of the concerns have been relayed to us from the general public and are not in fact ideas of hysteria that have been dreamed up here on this side of the House. These are significant problems with this Bill, and they need to be fully debated in this House. As my colleague from Spruce Grove-Sturgeon-St. Albert has said, what we have here is reasoned debate. I hope that the government will refrain from their aside comments there and pay attention to what's going on here, because in fact some of this information is going to be very relevant to their decisions on proceeding with this Bill or postponing it, which is what should be happening.

The Member for Stony Plain referred to the DROs as being expressly forbidden from making or amending Acts or regulations. In fact, his colleague the Minister of Labour also said this when he was talking about pollution standards and all other standards as contained in the Acts and regulations. Well, I'd just like to take a moment to address that with regard to what the facts actually are. If we take a look at section 106 of the Environmental Protection and Enhancement Act, it gives the provincial cabinet the power to make regulations . . .

SOME HON. MEMBERS: Don't read. You're reading.

Speaker's Ruling Decorum

MR. DEPUTY SPEAKER: Order. This afternoon we've had both sides reflecting on the appropriateness of the other side and then when it's their opportunity, do the exactly the same. Let us do as we say . . .

MS CARLSON: Not as we do.

MR. DEPUTY SPEAKER: Thank you. I knew there was another part to that.

Could we please let the hon. member say her piece? Those that are most eager to get into debate, we'll attempt to accommodate you when your turn to get up comes.

The hon. Member for Edmonton-Ellerslie.

Debate Continued

MS CARLSON: Thank you very much. So in case, in the duration of all of the heckling that's been going on here in the House, you missed what I was referring to, I will go back and reiterate. The Minister of Labour in earlier debate, Mr. Speaker, talked about pollution standards and all other standards as contained in Acts and regulations, the DAOs being expressly forbidden from making or amending Acts or regulations. Well, let's just address the facts on this issue for a moment.

If we go to section 106 of the Environmental Protection and Enhancement Act, it gives the provincial cabinet the power to make regulations classifying the release of a substance into the environment, exempting any release of a substance from the application of the Act, the concentration of a substance that may be released into the environment, the amount of a substance that may be released, the level of a substance that may be released, and the rate at which a substance may be released into the environment. So these conditions can in fact be changed at the discretion of the provincial cabinet and do not require the authorization of the Legislative Assembly. That does raise some concerns when we're talking about them not having the right to make or amend regulations. Although a delegated regulatory organization cannot amend the terms and conditions of an existing

regulation, the cabinet can amend those terms unilaterally and can subsequently amend the terms and conditions of an administrative agreement by regulation under section 18(1)(a) of Bill 57.

So the question here is: where does cabinet get their direction from? They're going to be getting their direction directly from the delegated regulatory organizations. Therefore, there's a strong argument here to be made that in fact these DAOs do have a great deal of power here and that they will have direct input into making or amending these Acts or regulations. So what we're seeing here really is one more example of who the power behind the throne is. It's certainly not the people who are putting input into this legislative process or the MLAs who are here debating what happens in this Legislative Assembly. Yes, it's more people from behind the scenes, stooges perhaps, that are actually enacting the direction of this government and having the authority to amend and make regulations.

Let's take a look at another example of what the minister said in debate on this Bill. The delegation of responsibility to private-sector corporations to set up private health care clinics which are designated to make profits off the sick is not permitted. First of all,

this form of delegation would be prohibited under the Canada Health Act. In addition, the Delegated Administration Act restricts the use of funds raised by a DAO to offsetting the cost of providing a service. No provision exists for a DAO to accumulate or distribute profits.

Well, now let's talk about some of the facts in and around this one. Although in this instance the federal government would be able to withhold the EPF funding under the Canada Health Act, in the event that private health care clinics were established in Alberta, the province could decide to forgo funding under the Canada Health Act. Now, on first reading you would think: why would the province ever forgo that kind of funding? It seems incredible that it would even be something under consideration, but in fact we've seen numerous examples of this government forgoing funding. I'll give you an example out of the Public Accounts Committee. If we look on page 171, October 26, 1994, the Auditor General refers to the social service department's failure to access \$8.5 million from the CAP program under AISH. So when it's convenient, this government has already established a precedent where they will forgo federal funding. It's not much of a step to take to say that this is under discussion and is a possibility here. We have to also remember that the government did not receive full transfer payment funding when it decided to institute extra billing in the province in the 1980s. So this is a significant concern that we have to take a look at in terms of fully discussing what the minister meant when he said that the DAOs would not be used to offset the cost of providing a service. I would like at some future time, perhaps in committee, for the minister to specifically address that concern.

Bill 57 requires that administrative authority raise the required fees and assessment levies from users to offset the costs of program administration and delivery. Well, the Member for Stony Plain says that he doesn't know anyone who opposes user fees, but that is definitely aggressive tax, and every other member in this House I'm sure has received at least one complaint in that regard. Some of us are lobbied by people throughout the province who are adamantly opposed to user fees being implemented in this manner on a regular and ongoing basis. So if in fact our job is to listen to the people of this province, then I would suggest that we do so in this regard.

5:00

Again, the level and amount of the fees and assessment and charges are determined by the minister under section 12(2)(b) and do not require the approval of the Legislative Assembly. So that's a fair amount of power and authority to give one minister, and one has to wonder what criteria and process they will be using to establish how those user fees should be determined and on what basis they will go up. Any past history with this government indicates that it will always be going up on an incremental basis. I think that this Act, if that's the case, needs to address that concern and have put into it, perhaps in the form of an amendment, the actual criteria that they will be using (a) to establish the user fees and (b) to establish how they can increase them over time, because we have never known this province in the recent past to have decreased any of the user fees. In fact, all they do is add on and increase them.

Under this Bill the costs of administration and program delivery are incurred by the administrative authority, and there is no requirement for government funding of administrative authorities. Therefore, conceivably the government could decide to forgo health care transfer payments from federal governments and specify a level of fees, charges, and assessments from users of the service that would allow the authority to recoup its costs in the absence of federal transfer payments. So what we're taking a look at, then, are significantly increased fees for the people of this province, and in particular with regard to health care it represents a tax on the sick. Again, then, who are we imposing the greatest penalties on in this province? Our seniors and children and those who can least afford to pay, but of course the government doesn't care about that part of it.

Let's go on to something else that the Minister of Labour said earlier on in his debate. He talked about the Act compelling ministers to conduct a public consultation process with all those affected by a proposed DAO. The Act ensures at least one public meeting, and the Member for Three Hills-Airdrie referred to this as well. There can be no delegation to an unwilling participant, and there must be consensus among stakeholders prior to delegation. Well, we've seen this happen, this so-called public consultation process in the course of the past 12 months in this province. It has not always been public, and it has not always been open.

So let's talk about some of the facts here. Although section 4(1) of the legislation does require the minister to hold at least one meeting, the cabinet can make regulations regarding the terms and conditions of the meetings without the approval of the Legislature. In addition, the minister can determine the location of the meeting, the time of the meeting, and the information that is considered relevant which will be presented at the meeting. So once again what we have is not an open process. We'll see once again a beginning of public meetings by invitation only, not an open and accessible process to all people in this province. So if you're a friend of the government or you believe in what they're believing in, you'll receive an invitation.

I would hazard to say that these meetings will not be properly published in a format that makes them easily accessible to all people in the province who may want to attend them and in locations that are accessible. One meeting held in an urban centre certainly will not allow access from any rural people in the province who might wish to attend and have input into them and at times will be, I'm sure, designed to convenience members of the government as opposed to those people who want to come and have input into this process. So this is certainly not a move towards open and accessible government, which we are continu-

ally led to believe is the intention of this government. We have seen, in fact, much the reverse on too many occasions to be able to comment on each individual one, but on certainly more than enough of them all of us have received considerable concern from constituents about that.

The minister on October 31 said that Bill 57 is not compelling legislation, that this is permissive legislation, that there's nothing in the Bill which requires the ministers to consult with Albertans beyond one public meeting. Well, that is not a public process, ladies and gentlemen. That does not make the process accessible at all. It says that "the minister," not the Legislature and not the public, "must be satisfied that the corporation will have due regard to the interests of the general public." That's section 3(b). Well, as soon as we are giving in legislation the authority to corporations to determine what will be "due regard to the interests of the general public," what flashes in my mind immediately is NovAtel. The corporation certainly had due regard for the interests of the general public there, the general public being only themselves and their shareholders, not the public at large as what we see as constituents.

We have another example, more recent of course, with Bovar. What was it there that the corporation had in terms of the public interest when they got their hundred million dollar loan guarantee? When we talk about Bovar, did they put the public interest first over their own regards when they agreed and this government agreed to accept hazardous waste from other provinces? Is it in the public's regard here that this corporation accepts subsidies for their operations from this government? Did the government have the general public's best interests in regard when they agreed to do this? I think not. According to the figures that have been provided by Chem-Security (Alberta) Ltd., who is the operator of the plant, a further subsidy of \$101 million will still have to be paid to Bovar even if hazardous waste is accepted from outside of the province. So here we see the best interests of the corporation, not due regard to the best interests of the general public, and examples like that have happened ad nauseam with this government.

So they give us no reason to believe that it's going to be any different here. In fact, when we talk about due regard for the general public with regard to Bovar, there's an independent study prepared by Applications Management in June of '94 which estimates that taxpayer subsidies to Bovar could be as high as \$635 million over the period 1994 to 2008. Well, I don't see any due regard for the general public in the history of this government to date. So you're asking us to just trust you in this regard? I think not.

Now, we've already provided accumulated subsidies in the amount of \$196 million here between 1987 and 1994. A good duration of that time period was under the direction of this current government. When you take a look at one single example like this, you simply have to wonder how, when the government has not had due regard to the interests of the general public, a corporation under their direction would have that kind of due regard, when the corporation has no legislation compelling it to share the information with this Legislature for the scrutiny of the people of this province. This is certainly not a situation that can be overlooked, and it needs serious consideration by the government members. I'm looking forward to seeing what the Minister of Labour is going to come up with in regard to amendments to specifically address this concern, which I am very sure all of my constituents are very interested in.

The Minister of Labour also said that the minister may hear an appeal or refuse to hear it. This is consistent with current practice, and if the minister refuses to hear the appeal, the individual has the right to pursue the matter in the courts. Well, let's once again take a look at what the facts are. Not all administrative authorities are required to have an appeal mechanism in place nor are administrative authorities required by the legislation to establish or maintain funds to compensate a person who suffers a loss as a result of their actions. So, again, the question to the minister: which is right? They're required to have an appeal mechanism in place, or they're not? On what basis can they appeal? On what basis can they not? It certainly isn't clear in terms of reading what the Act says and what the minister shared with us the other day in debate on this Bill as to what the real story is, and I'm sure he'll be very happy to clear that up for us.

5:10

Under section 10(1) of the legislation, "A person who is affected by an action taken or decision made by a administrative authority may" in the absence of an appeal mechanism appeal directly to the minister. The minister may refuse to hear the appeal, or the minister may decide to hear the appeal "in any manner the Minister considers appropriate." Any decision by the minister on review is considered final. So, Mr. Minister, exactly which appeals are you going to hear and which appeals are you not? Would you please provide for us itemized details on what the criteria are going to be to have an appeal accepted and for one that is not?

Mr. Speaker, I would ask that he most importantly address this, because very definitely we want to make sure that it doesn't matter which constituency someone comes from who has an appeal, that it is going to be heard on a reasonable basis and that the same criteria are going to apply to someone from my constituency as it will apply to someone from his constituency, and that regardless of whether or not the person making the appeal is a friend of the government or not known to the government, their appeal is going to have the same process apply to it. There's nothing at all in this Act to address this, and I'm sure that people in this province will be very happy to hear that he's going to address it.

MRS. BURGNER: Pretty interesting stuff.

Mr. Speaker, I would like to recognize some of the very serious comments that have been made on both sides of the House with respect to this particular piece of legislation. We've been in session for a short time this fall, but I think we've finally figured out what we're doing here. We initiate legislation, and we go through the process. We have meaningful discussion and debate, and I would like to thank all members for the comments that they have made and urge the Minister of Labour, who has brought this legislation forward, to take them under serious advisement as we move into the next process.

At this time, therefore, I would like to move that we adjourn debate.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Currie has moved that we do now adjourn debate on Bill 57. 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.

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

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

[Mr. Tannas in the Chair]

MR. CHAIRMAN: I'll call the committee to order.

Bill 46 Hospitals Amendment Act, 1994

MR. SEVERTSON: I adjourned debate, Mr. Chairman.

MR. CHAIRMAN: Indeed you're correct, hon. Member for Innisfail-Sylvan Lake. You did adjourn debate. Do you wish to continue?

MR. SEVERTSON: Yes, Mr. Chairman, just very briefly. Basically, Bill 46 is enabling legislation to expand the recovery of the government costs. Presently, as I said before, the Hospitals Amendment Act, 1994, only recovers the hospital's actual cost. This Bill would expand so we can cover all health care costs. One of the biggest concerns that was brought forward in the previous Bill, Bill 22 in the fall of '92, has been corrected in this Bill. All of 58 is gone, and the part about the insurance companies having to keep their files open because the Crown had the right to recover years down the line has been corrected. We only have six months.

With that, Mr. Chairman, I'll call the question.

MR. CHAIRMAN: Are you ready for the question?

The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Chairman. A few comments regarding Bill 46. I'm very concerned about this Bill, and I certainly will not be supporting it. Several things have not been addressed in committee that certainly should have been. How are we going to define a wrongdoer? The Member for Bow Valley just alluded to the fact that it would be just maybe a drunk driver. Well, sure that's a wrongdoer, but let's look at other situations. What about a person who owns property and somebody slips on the ice. Then is the owner of the property the wrongdoer? I would certainly flag that one to the government. It hasn't even been discussed or mentioned, no amendments put forward to address the issue of wrongdoer.

Chairman's Ruling Decorum

MR. CHAIRMAN: Hon. members, the convention is that we shall have one member standing and speaking, and we had, before some of them sat down, five people standing and speaking.

The hon. Member for Spruce Grove-Sturgeon-St. Albert in continuance.

Debate Continued

MRS. SOETAERT: Thank you, Mr. Chairman. I was just addressing some concerns I have that have not been addressed in committee. Though we were assured that they might be addressed in committee, they obviously haven't been.

Now, the bottom line for this Bill is that more money comes from the taxpayer who pays for health care, and then the government sues them and they pay more. It's a vicious circle with the money coming out of the same pocket all the time.

Generally, I'd say that this is a bad Bill. I'd like to know who was consulted on it. Certainly, no one. It takes more money from the taxpayers. I would urge the backbenchers to know what they are talking about, but since their speeches probably are not prepared and ready to be read, they probably aren't speaking to this in committee.

[Mr. Clegg in the Chair]

I would like on behalf of the Member for Edmonton-Glenora to present this amendment to Bill 46, and while it's being passed out, I'll read it for the benefit of the Assembly. The Member for Edmonton-Glenora moves the following motion. Bill 46 is amended by striking section 3 and substituting the following. Section 58(1)(a) is amended by striking "hospital" and substituting "health care."

Section 58(7) is amended by striking the following:
the difference between the amount that the person, as a beneficiary, is liable to pay to the hospital and the amount for which he would have been liable to the hospital if he were not a beneficiary,
and substituting the following:

- the following, whether provided inside or outside of Alberta:
- (i) in-patient and out-patient services provided in a hospital or other facility;
 - (ii) health services as defined in the Alberta Health Care Insurance Act;
 - (iii) transportation services, including air and ground ambulance services;
 - (iv) public health services;
 - (v) mental health services;
 - (vi) drug services;
 - (vii) any good or service prescribed to be a health service by the regulations.

And Bill 46 be amended by striking section 4 and section 5.

MR. DEPUTY CHAIRMAN: Hon. member, I hesitate to interrupt, but obviously – and you're probably the only member that knows – you haven't cleared this through Parliamentary Counsel, so if you would give just a minute of your time. Our poor parliamentarian here is having a hard time catching up to all your fast talking. So just . . . [interjections]

Point of Order Admissibility of Amendment

MR. SEVERTSON: Mr. Chairman.

5:20

MR. DEPUTY CHAIRMAN: Order. I hear somebody. Have you got a point of order?

MR. SEVERTSON: Well, it's clarification, Mr. Chairman. This amendment says: to amend section 58, and it goes on 58(1) and all that. Under this Bill we repealed section 58, so I don't know how we can have an amendment to section 58, which we propose to repeal.

MR. BRUSEKER: Mr. Chairman, I'm not sure if the member is rising on a point of order, but he's speaking as if this is past tense. This Bill has not yet been passed, so indeed sections 58(1) and (7) as referred to in this amendment still are in force, still are

in existence. What we are proposing is an alternate amendment to section 58 other than what was proposed before.

In fact, the purpose of amendments is to improve the quality of the Bill. What Bill 46, Hospitals Amendment Act, does is offer one amendment to section 58. We are simply offering a different amendment to section 58, which today in the light of November 7, 1994, still is in force and still does exist, and therefore we are proposing that amendment. It hasn't been deleted yet.

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

MR. HERARD: Thank you, Mr. Chairman. I just have a simple question. Has this amendment been approved by Parliamentary Counsel?

MR. DEPUTY CHAIRMAN: At the present time that's what I thought, that maybe the mover of the Bill had a question. Now we've run into another problem. So we'll get it straightened out. Just bear with us, eh?

Well, I always have tough decisions to make, but I think, hon. member, that these are all out of order because in the Bill section 58 is repealed. I'm not a solicitor, and I'm kind of glad to say that, but my expert here believes that they are out of order. It's kind of in reverse of what the ruling is here. So I would have to call them out of order at this time.

Hon. member, if you look in *Beauchesne* under section 698 and read that carefully, it says, "An amendment to delete a clause is not in order, as the proper course is to vote against the clause standing part of the bill." So what we're doing here is kind of in reverse, because it's in the Bill that that be repealed. They are deleting that in the Bill, so I guess you could vote against that, to repeal section 58. But unless you did that, how can we have amendments to section 58?

The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. I would also draw your attention to *Beauchesne* 694. It says:

Amendments may be made in every part of a bill, whether in the title, preamble, clauses or schedules; clauses may be omitted; new clauses and schedules may be added.

So indeed, Mr. Chairman, I think that section is perhaps a little more relevant because the amendment doesn't propose to delete a clause. In fact, we are attempting to improve the clause which does in fact exist. As I said earlier, the Bill is not yet passed. So indeed as we speak today, November 7, 1994, section 58 is still an extant order or section of the Bill. It does still exist. What we are suggesting is that following section 694 of *Beauchesne*, Proceedings on Public Bills, we were attempting to keep the balance of section 58 and improve it. We agree that there are some concerns with section 58 as it currently exists. What we are offering by way of amendment is that rather than repealing the entire section, we're saying: let's keep what's there; let's make some changes to it and improve it so that we can have a better Hospitals Act.

Thank you.

MR. DEPUTY CHAIRMAN: Looking at the clock, hon. Member for Redwater, you have one minute.

MR. N. TAYLOR: I don't know. I actually argue better on a full stomach.

I would move adjournment. [interjection]

MR. DEPUTY CHAIRMAN: Hon. Member for Spruce Grove-Sturgeon-St. Albert, you have the floor if you'd like it.

MRS. SOETAERT: Well, Mr. Chairman, I move that we call it 5:30 and adjourn. How's that? Can't do that?

Well, then I will say, Mr. Chairman, I would like to support this amendment just a bit here, and then maybe you could consider it a little.

MR. SEVERTSON: Mr. Chairman, it was my understanding that you ruled that this amendment was out of order, so how could the member be speaking on the amendment if you ruled that this amendment they propose is out of order. That was my understanding of your ruling.

MR. DEPUTY CHAIRMAN: Okay, hon. members. If I could have your attention, I look up at the clock, and I've been waiting for that clock to hit 5:30, so the committee now will rise, and this matter will get straightened out before we go back into committee. I move that the committee rise.

[Mr. Deputy Speaker in the Chair]

5:30

MR. DEPUTY SPEAKER: The hon. Government House Leader is standing for some reason.

MR. DAY: For the same reason you're sitting, Mr. Speaker: with some question. I believe the committee has simply adjourned in committee automatically at 5:30. I believe that's the state of affairs.

MR. CLEGG: My second name is confusion. I will report that the committee reports progress on Bill 46.

MR. DEPUTY SPEAKER: The hon. Member for Dunvegan has reported some progress on Bill 46. Do you concur in this report?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed? Carried.

[The Assembly adjourned at 5:32 p.m.]