

## Legislative Assembly of Alberta

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

**8:00 p.m.**

Date: 94/11/07

[Mr. Deputy Speaker in the Chair]

MR. DEPUTY SPEAKER: Please be seated.

[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: Order. I call the committee to order.

### **Bill 46 Hospitals Amendment Act, 1994**

MR. CHAIRMAN: Before commencing the evening's deliberations, a ruling on the amendment to Bill 46.

#### **Chairman's Ruling Admissibility of Amendment**

MR. CHAIRMAN: The Member for Spruce Grove-Sturgeon-St. Albert introduced an amendment to Bill 46 this afternoon. That member had and still has the floor. The Member for Innisfail-Sylvan Lake raised a point of order that the amendment was not in order. Section 3 of Bill 46 repeals section 58 of the Act. The amendment seeks to strike section 3 and then itself amend section 58.

*Beauchesne* 694 states that you can make an amendment to omit a clause. *Beauchesne* 698(6) says that "an amendment to delete a clause is not in order." These two seem to cancel each other out. *Erskine May* comes down on the side of saying that an amendment to delete a clause is not in order, pages 491, 492.

The precedents that the Chair was able to find on short notice were not helpful. There is a case in 1986 when Chairman Schumacher ruled an amendment out of order on this general principle. The solution is to review the amendment to section 3 of the Bill to determine its effect. If its effect is to defeat the principle of the Bill as already agreed, it would not be then admissible. The purpose of the Bill is to allow the Crown to recover health costs for personal injuries brought about as a result of someone else's act or omission. That is what sections 4 and 5 of the Bill do.

Section 58 of the Act deals with the right of a person insured under health care to recover costs. The Crown is subrogated by that section 58 to the right of recovery of the injured person. That means that the Crown is substituted in place of the injured person in terms of suing the wrongdoer.

Section 4 of the Bill gives the Crown its own right to recover costs; that is, the Crown will no longer need to be subrogated if Bill 46 becomes law. That would render section 58 redundant. Furthermore, section 58 of the Act as it exists would be in conflict with sections 81 and following which are to be put into the Act by virtue of this Bill. For example, the proposed section 81 contained in section 4 of the Bill says that the Crown may recover for any health services that the injured person receives. The amendment proposed by Spruce Grove-Sturgeon-St. Albert limits the costs which can be recovered to certain specific items.

Clearly, the two cannot coexist. Therefore, the amendment to section 3 of the Bill is not admissible.

The Chair notes that the Member for Spruce Grove-Sturgeon-St. Albert might have an argument. The amendment to section 58(7) had been proposed as an amendment to section 81(1)(a) of section 4 of Bill 46. In that case the amendment would specify what the Crown could recover in the way of costs. But as *Beauchesne* says at paragraph 698(3): "An amendment is out of order if it is offered at the wrong place in the bill." This amendment cannot be saved.

The amendment also seeks to amend Bill 46 by striking out sections 4 and 5 of the Bill. Those sections deal with the Crown's right to recover health costs. They comprise 95 percent of the Bill and contain the fundamental principle and purpose of this Bill. These amendments are clearly out of order under *Beauchesne* 698(5), which says:

An amendment which is equivalent to a negative of the bill, or which would reverse the principle of the bill as agreed to at the second reading stage is not admissible [in committee].

Acceptance of these amendments by the committee would render the Bill meaningless. This would mean that a committee of the Assembly was reversing the decision of the Assembly at second reading. This cannot be done.

Finally, while there is no requirement for members to have Parliamentary Counsel review amendments before they are introduced since the Chair will decide what is in order, it does give a great deal of time for members to talk to Parliamentary Counsel beforehand. Even if counsel does not agree with the member and the member still introduces the amendment, the issues are by then sufficiently crystalized to make a decision easier for the Chair and save the Assembly some time. The Chair will table this ruling and attachments.

With that brief admonition in mind, are we ready to proceed?

The hon. Member for Calgary-North West, rising on this or rising to proceed with Bill 46.

MR. BRUSEKER: I wonder if I might ask a question, Mr. Chairman, because I wasn't clear on one section in your decision. As I understood the Chair's ruling – and I'm not disputing; I'm trying to understand in my own mind for future reference – you were concerned that section 3 that we've got, section 58(1) and 58(7), would be in conflict with a subsequent part of the Bill, but the amendment suggests that we delete those parts of the Bill. If they aren't there, they can't be in conflict, so I'm wondering how that follows.

MR. CHAIRMAN: Well, thank you, hon. Member for Calgary-North West. The basic conflict here would appear to the Chair to be that you can't undo in committee stage what in principle has been agreed to at second reading. This would more appropriately have been offered at second reading, where you're talking about the principle of the Bill. We are now dealing with the details of the Bill, and that detail is so fundamental to the principle of it, it would undo, and you cannot undo in committee what you have done in second reading. Now, I can explain that clearer by repeating some of my comments earlier.

Having accepted that, we may now hear any further comments with regard to the Chair's ruling. We do have more?

The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you for that ruling on that amendment, but indeed we have yet another, and this one has been signed by

Parliamentary Counsel. Am I getting ahead of myself, Mr. Chairman?

MR. CHAIRMAN: Yes.

MR. SEVERTSON: We have to vote on that one yet.

MR. CHAIRMAN: No, there's no vote. The Chair wanted to clear up the matter of the ruling. If anyone has an additional point of clarification, fine. Otherwise, we'll now proceed with the Bill before committee stage. In that case, if there are none seeking further clarification, then we will entertain the hon. Member for Calgary-North West and whatever he may wish to add to this debate.

#### Debate Continued

MR. BRUSEKER: Thank you, Mr. Chairman. I would like to move an amendment, and there are copies immediately beside you to be distributed. Yes, there are sufficient for all members of the Assembly. I'm moving this on behalf of the Member for Edmonton-Glenora, whose name appears on the amendment. If I may just briefly speak to this amendment then.

8:10

MR. CHAIRMAN: While they're being distributed, the Chair would comment that the necessary signatures are indeed attached to the amendment that Calgary-North West is proposing on behalf of his colleague from Edmonton-Glenora.

We would now invite the hon. member.

MR. BRUSEKER: Thank you, Mr. Chairman. If I may just read it into the record for *Hansard*. Mr. Sapers to move that Bill 46 be amended by adding the following to section 4 after subsection 103(2):

104 A special committee of the Legislative Assembly must begin a comprehensive review of this Act within 3 years after part 5 of this Act comes into force and must submit to the Legislative Assembly, within one year after beginning the review, a report that includes a financial analysis as to the benefits and costs of implementing this Act, and any amendments recommended by the committee.

Mr. Chairman, just briefly by way of explanation – I don't think this needs a lot of discussion. This amendment I think is fairly straightforward. The purpose of the amendment is simply that should indeed Bill 46 be passed and we do have an amendment to the Hospitals Amendment Act, 1994, passed, then what this amendment suggests is that we should review the impact of this decision, that perhaps ultimately will be made here in a matter of a few short days, and that we should review this on a regular basis. The amendment simply says: let's check it after three years, and let's make sure that the proposed changes or what is being sought in Bill 46 indeed is working.

This clause, if you are having a sense of déjà vu, Mr. Chairman and other members of the committee, is a familiar clause. I think that members will recall seeing a clause similar to this in the freedom of information and right to privacy legislation. I guess it's kind of a clause that simply says: let's check it over. I guess it's much in keeping with the spirit of the three-year business plans that the government has introduced for most of the departments of the government that says: "Let's look at it for three years. In three years' time let's reassess, re-evaluate, and go on from there." That's simply all that the amendment proposes to do.

Thank you.

MR. CHAIRMAN: The hon. Member for Innisfail-Sylvan Lake on the amendment.

MR. SEVERTSON: Yes. Thank you, Mr. Chairman. I'll just speak very briefly on the amendment. I agree in principle with what the hon. member is proposing. But he did mention in his discussion that it goes along with our three-year business plan, and I guess what I would say is: we'll be doing this all the time in the three-year business plan. I don't think it's necessary to set up a special select committee of the Legislature and do a comprehensive review. The department, through the three-year business plan, will be doing that on a regular basis to see if the cost-effectiveness of this amendment to the Bill will take effect, and this is just adding another bureaucracy to the system. So I would vote that the Assembly reject this amendment.

MR. CHAIRMAN: Before entertaining any further debate on this amendment, I wonder if the committee would give unanimous consent to revert to the Introduction of Guests.

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

The hon. Minister of Public Works, Supply and Services.

head: **Introduction of Guests**

MR. THURBER: Thank you, Mr. Chairman. It's indeed a pleasure for me to introduce to you and through you to the members of the Assembly here tonight one of the true entrepreneurs in the oil patch in the Drayton Valley area Mr. Len Theisen. I would ask that Len rise and receive the warm welcome of this House. He's a good friend and the president of my constituency association.

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

#### Bill 46 Hospitals Amendment Act, 1994 (continued)

MR. VAN BINSBERGEN: Mr. Chairman, I'm in favour of this amendment, which probably does not come as any great surprise. The main reason is that the intent of the amendment is to make sure that the Legislative Assembly is involved once again after three years. I think we're all aware of the many attempts by this government to exclude this Chamber and to keep any discussion out of the public eye. Therefore, this amendment has been introduced for the specific reason that after three years minimum this particular Act will have to be reviewed by a committee established by the Legislative Assembly. I think that anyone who has ever campaigned on the basis of openness and fairness and in favour of publishing any kinds of hitherto kept secret details ought to be in favour of this kind of amendment because it will allow the public to have some input into this through both sides of the Legislative Assembly and particularly the opposition of course.

Therefore, Mr. Chairman, I urge everybody to be very democratic, indeed to pay heed to the basic principles, and to vote in favour of this amendment.

MR. CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. I'd like to speak in support of the amendment, and I would take the Member for Innisfail-Sylvan Lake back to his comments indicating that the intent is to do it. I think that when we look at any sort of legislation, it's very desirable to have a sunset clause to ensure that in fact it's not a program that is put into action without review. Really that's all that is asking at this particular point. As I've indicated, the hon. Member for Innisfail-Sylvan Lake has indicated that the intent is there, so I would expect, by stating that, removing the concern about increasing the bureaucracy to any degree, that he was really speaking in support of it.

With those comments, I conclude my comments.

MR. CHAIRMAN: Any further comments? Are you ready for the question?

HON. MEMBERS: Question.

[Motion on amendment lost]

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

MR. BRUSEKER: Thanks, Mr. Chairman. I just wanted to chat briefly about some of the concerns I have. In particular, I'm looking at page 3, part 5, section 80(h): "'wrongdoer' means a person whose wrongful act or omission results in personal injuries to a beneficiary." When I look at that section, I guess the question that I have to ask the sponsor is: what all falls under the definition of wrongdoer specifically under that section? As I interpret "wrongdoer" there and then looking across the page at the next section under section 81(1) and (2) talking about the Crown having

the right to recover from the wrongdoer the Crown's cost of health services

- (a) for health services that the beneficiary has received for those personal injuries, and
- (b) for health services that the beneficiary will likely receive in the future for those personal injuries.

Mr. Chairman, it seems to me that the intent of this Bill is to foster and develop the insurance industry in the province of Alberta. I'm not sure if this is the Premier's economic development strategy with his new Economic Development Authority. There are so many things that could fall under the title, the definition of "wrongdoer," and I hope that the sponsor of the Bill will address some of those kinds of concerns.

I take it that perhaps this deals with automobile accidents, for example. But suppose you take some more passive kinds of wrongdoings. Smoking, for example, is well known to be an injury-causing kind of activity, and indeed secondhand smoke is known to be a problem for individuals who are exposed to secondhand smoke. Could "wrongdoer" apply to a smoker who causes injury to his or her children by secondhand smoke? I'm asking you the question, hon. member. So is that something that could apply under this definition? Because I don't understand that from what's in here.

8:20

A "wrongful act or omission." Well, I think that most physicians will tell us that we should go out and we should exercise. Now, if someone omits exercising and always takes the elevator instead of taking the stairs, for example, is that an omission of an activity that results in a person having some kind of an illness, perhaps needing a heart bypass or whatever? Or suppose hon. members across the way who are prone to eating

pizza at 11 o'clock at night clog up their arteries with all the cholesterol that's in the cheese in the pizza – we have run into difficulties there – is that a wrongdoing? [interjection] Now he's threatening me to eat pizza late at night. You know, I'm really getting concerned here, Mr. Chairman.

So I guess my question simply deals with a definition of "wrongdoer," because the way it's written here, Mr. Chairman, it is so broad and is so open to interpretation that it could mean virtually anything. I don't know. We've tried a couple of amendments. I don't even know how to begin to try to amend the word "wrongdoer," which means "a person whose wrongful act or omission . . ." It seems to me that's such a broad issue that all Albertans should be a little concerned about that. I hope the sponsor of the Bill will address that particular issue.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Okay. Thank you.

The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Chairman. I thought I tried to explain what wrongdoer is in second reading. Basically if you look at the definition, as you say, on page 3, if you go with (g) and (h) together – and this is third party liability. When you were referring to pizza, there's no third party liability there. That's just inflicting your own casualties on yourself. You can't sue yourself.

MR. BRUSEKER: What if I make you eat pizza?

MR. SEVERTSON: You lost your pizza now.

Settlement in (g) "means an agreement to terminate a legal dispute." So, in other words, the third party and the beneficiary have agreed to a settlement of who is wrong and who is right, and the wrongdoer will be determined in court. In any third party liability, if the two parties can't agree who was at fault, then the courts determine who the wrongdoer is. Quite simply the wrongdoer is anybody that the court finds responsible for a wrongful act or omission. I think that should explain it well enough to the hon. member. What a wrongdoer is will be determined by the courts, nobody else.

HON. MEMBERS: Question.

MR. CHAIRMAN: The question has been called.

[Title and preamble agreed to]

[The sections of Bill 46 agreed to]

MR. SEVERTSON: Mr. Chairman, I move that Bill 46 be reported when the committee rises.

[Motion carried]

### Bill 51

#### Liquor Control Amendment Act, 1994

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

DR. WEST: Thank you, Mr. Chairman. As we looked at Bill 51 in second reading, we studied the principles. I would like to bring forth an amendment to Bill 51 at this stage that has been distributed. I take for granted that it's been distributed.

MR. CHAIRMAN: For the benefit of the committee, the Chair recognizes that the appropriate signatures are attached to the amendment. Just wait a moment.

The hon. Minister of Municipal Affairs is invited to continue on his amendment.

DR. WEST: The amendment comes to section 37.1. As a lead-in to this amendment, I'll read first what the amendment says. It's an extra section under (4).

(5) Notwithstanding subsection (3), in action 9401 10075 in the Court of Queen's Bench, Judicial District of Calgary, the Court of Queen's Bench and any Court that may hear an appeal from that action may determine whether a binding contractual arrangement existed with the Corporation or Her Majesty the Queen in Right of Alberta and whether there was an actionable breach of that contract, and if there was a breach, the Court may award damages.

The reason for this amendment is that there have been discussions ongoing as to the rights of the individuals who had taken this court action and whether they had been crystallized or extinguished by section 37.1(3), which stated:

Any right or benefit that may have arisen under an agreement, policy or representation described in subsection (2) is null and void from the date the agreement, policy or representation was made.

We had continued to do a study of this section, trying to establish with legal counsel whether indeed we had taken any rights away that may have been established beforehand. We did not want to set a precedent that there had been an extinguishment of those rights in the court action. Therefore, this amendment will indeed clarify it for those people that are now before the courts and state once and forever that they have no extinguished rights or crystallized action, and leave it to the courts.

So, Mr. Chairman, I'll stop on the amendment and ask for any questions on it. Otherwise, I would move this amendment.

MR. CHAIRMAN: Are there any questions or comments on the amendment?

The hon. Member for Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Chairman. I guess one set of questions I would have – I think that this is a very good amendment – is whether or not, then, the full set of individuals who thought their rights had in fact been extinguished are covered by this. Are there some individuals who in fact had not gone to the courts but are still in the process of negotiation, or has everybody settled except the group that's before the courts right now that are outlined in the amendment?

DR. WEST: No, Mr. Chairman, everybody else has settled. There is no other action except these that are before the courts at the present time.

MR. CHAIRMAN: Okay.

The hon. Member for St. Albert.

MR. BRACKO: Just a question and then may I speak to it? Just for clarification: the three cases before the courts can go on. Could I have that clarified?

DR. WEST: Absolutely. That's exactly what this amendment does. It states once and for all and clarifies under a notwithstanding clause that there has been no breach of their rights in the court.

MR. CHAIRMAN: Okay.

The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Chairman. I'll support this amendment. It's one that we wanted to introduce also. We have an amendment to do the same type of thing, to allow those who have had contracts with the government in the past to take it to the courts and allow the courts to decide whether there was a breach of contract.

Earlier there was confusion, because the former Justice minister and Minister of Municipal Affairs had said that their cases could go forward, but if you retroactively take away someone's contract, there's no contract. So you can't sue for a contract that isn't there. It's like suing someone you're not married to for divorce and spending a lot of money when there's no end result. To make sure this doesn't happen, this is a good amendment so that they can go to the courts and it can be settled there. This is what the owners had wanted to do and to make sure that it would take part. Also, it would have set a precedent in Alberta for the government to retroactively bring in contracts which could be broken by the government at any time. Small companies would be unable to sue the government with its large resources. So this again is what's needed, and we thank you for bringing this in.

8:30

MR. VAN BINSBERGEN: Mr. Chairman, I would like to commend the minister for bringing in this amendment and for retreating from his original rather high-handed position, which essentially was that the original suits by the wine owners would be null and void. I think congratulations also are in order to the three wine store owners who were able to brave the onslaught and the threat and persisted because they knew they were right. They've been vindicated, I think, by this amendment.

I'm also sorry in the sense that there have been several wine store owners who have felt the need to settle because they were threatened with essentially being faced with red ink in their particular accounts. They felt that they could not stand the expense of going to the courts and taking the government to court. In that sense the bully has won to a certain extent, but in the long run, in the final analysis I would like to say to the Minister of Municipal Affairs: good for finally seeing the errors of your ways.

Thank you.

MR. CHAIRMAN: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Chairman. I, too, give the minister some congratulations. I suppose we would be remiss on this side of the House if we didn't point out that this is what a good opposition is supposed to do. When power runs amok, we're supposed to pull them right in.

I don't want to sound as if I'm looking a gift horse in the mouth or trying to beware of Greeks bearing gifts, which the minister doesn't qualify for, but I was wondering why that complicated amendment when all the minister had to do was withdraw subsections (2) and (3) from section 37.1. Maybe he could tell me why something just as simple as that wouldn't have been sufficient. I'm just wondering why you didn't withdraw subsections (2) and (3) from 37.1 instead of in effect putting in a new clause. On the other hand, you may well be paying the lawyers in your department by the amount of lines they write, in which case, then, it might be necessary.

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

DR. WEST: Yes. There was only one action outstanding, so we dealt with that one specifically. The other is clear on the

direction that we've taken, to level the playing field and to move on into the future from what we had done in the past. That one action was all we were dealing with in this one.

HON. MEMBERS: Question.

MR. CHAIRMAN: Okay. The question's been called.

[Motion on amendment carried]

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

DR. WEST: Yes. I appreciate the acceptance of this amendment.

Now to the Bill itself. The principles in it are fairly straightforward in the year-end and as it relates to the warehouse licensing and to the level playing field, so I would call the question.

[Title and preamble agreed to]

[The sections of Bill 51 as amended agreed to]

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

DR. WEST: Yes. I move this Bill be reported when the committee stands.

[Motion carried]

**Bill 52**  
**Child Welfare Amendment Act, 1994**

MR. CHAIRMAN: Are there any further comments or questions?

The hon. Member for Innisfail-Sylvan Lake, whose Bill it is.

MR. SEVERTSON: Thanks, Mr. Chairman. For clarification, are we still on the amendment? I think we're on the last amendment from the hon. member across the way.

MR. CHAIRMAN: Thank you for that clarification. We had moved three amendments known as A1, A2, and A3, and we are now on A3, which is, according to the sheet, item c, section 14 as amended. This was moved by the hon. Member for Edmonton-Highlands-Beverly.

Now we'll ask the hon. Member for Leduc on the third amendment.

MR. KIRKLAND: Thank you, Mr. Chairman. I guess they ran out the clock discussing this amendment at the last sitting that we had. When this Bill came up, I had indicated in my opening comments that I supported the Bill, and I applauded the Member for Innisfail-Sylvan Lake for bringing it forward.

Just to reiterate before we close the debate on the amendment itself, it really attempted to instill in the Bill the opportunity for somebody who had been in an adopted state to extract medical information only and no identity information. That was the essence of that particular amendment. We had a discussion on it at that particular point. I indicated that I was in support of the amendment at that particular time, and my mind has not been changed by the discussion I've heard to that particular point.

The situation that I explained last time, for the benefit of those who missed it, was that in my office in Leduc I was dealing with a woman who has three children that are somewhat medically hampered in their growth. They have what is perceived to be

hereditary-type maladies, I guess, if I could use that term. The woman is an adopted child and would like the opportunity to contact her father for medical information only. She doesn't want to contact the father directly but at least the adoption agency, so they could in turn contact the father and secure medical information so the doctor can treat her children accordingly. That was the reason I spoke in favour of that particular amendment. There was a concern expressed at one point in the debate that by disclosing medical information, in essence we were disclosing identity. That was a very small concern in my mind. I didn't think it was enough of a concern, actually, to stand aside and let the amendment go without support.

So with those comments, Mr. Chairman, I will conclude my comments on the amendment to Bill 52.

HON. MEMBERS: Question.

MR. CHAIRMAN: The question has been called.

[Motion on amendment lost]

MR. N. TAYLOR: Back in debate again – and it's just because some voters came in to see me today. The hon. Member for Innisfail-Sylvan Lake may have already answered these things. I read *Hansard*, and I couldn't find them, but it may well be that you have. There are three quick questions. Does the child's father have to be contacted if there's been an abusive relationship of some sort where they don't want to go back to the father? In other words, if there's been an abusive relationship . . . Kind of an awful racket going on in the corner there.

MR. CHAIRMAN: Order.

**8:40**

MR. N. TAYLOR: . . . with the natural mother and the natural father, does the natural mother have to go back to the father to get permission for adoption? In other words, what are the rights? I gather the father has rights, and he should have rights, but when there's been an abusive relationship and threatening to kill or beat up, I don't know. In other words, are there extenuating circumstances?

Secondly, if an agency goes bankrupt – private agencies, as you know, most of them will ask for \$2,000, \$3,000 down from prospective adopting parents. If they do go bankrupt, is there any compensation? Is there going to be any bonding considered for these private agencies?

Last is: after everything is done, under what conditions do the private agencies' files have to be turned over to the government, if any?

MR. CHAIRMAN: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Chairman. The Member for Redwater had some good questions. Most of that area that he discussed won't be in the legislation itself; it'll be more governed in regulations.

With reference to the abusive situation, at this time I couldn't say definitely, but there is a provision that the father is supposed to be notified. The birth mother herself could contact through the agency. In circumstances they can forgo that.

All the agencies are nonprofit, private agencies. I think under those circumstances, the chances of going broke are a lot less. I would probably say that the director or the department could pick

up those in the process of adoption and finish them off if such a thing did happen.

What was the third question? I can't remember the other question.

MR. CHAIRMAN: Information back to the government.

MR. SEVERTSON: Oh, yeah, the information. They'll be registered with the department, and that information would be available to the department.

HON. MEMBERS: Question.

MR. CHAIRMAN: The question's been called.

[Title and preamble agreed to]

[The sections of Bill 52 agreed to]

MR. SEVERTSON: Mr. Chairman, I move that Bill 52 be reported when the committee rises.

[Motion carried]

**Bill 53**  
**Social Care Facilities Licensing**  
**Amendment Act, 1994**

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

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. I remember vividly when the Premier was being sworn in on December 14, 1992, because these words rang true at that particular time. The words that he spoke were: we will educate our children, care for our seniors, heal the sick, et cetera, et cetera. I thought that was very well said. It seemed to us that was an appropriate standard against which to measure the actions of this government, and as an opposition we have done that ever since. To no one's surprise, we have found that this government has fallen short frequently when measured against that truly golden standard.

More and more people are realizing that the government has nailed the young by cutting education instead of educating them, particularly by cutting the early childhood services program in half. They have nailed the seniors by cutting their benefits and making changes that are so confusing that many of them actually are being docked more than they should be. The healing of the sick - well, I think the jury is still out on that one. All we can say is that the Health budget has been cut drastically and no one knows where it's going to end. All I know is that the number of horror stories in my riding certainly increases on a daily basis.

Now we come to Bill 43, and it fits in with all these broken promises. Is it in the interests of little kids? I think the answer clearly is no, because it involves more deregulating, in effect saying, "Well, little kids are not really worth the kind of scrutiny that we've had thus far." Now any babysitter who decides to look after five kids or fewer under the age of 12 can do so without any outside scrutiny, and I think our kids really are deserving of far more than that. Of course, by doing this, the number of licensed family day homes that have to satisfy requirements will be reduced drastically. There will be fewer inspections by the government, and once again there is a slight financial savings, but I think what is not being taken into account is the potential for

increased cost by the damage that's done to these little kids as they are in unlicensed babysitting places. Once again the government is kind of extricating itself more and more from the business of governing.

Now, what does this Bill do for families? I think that's a crucial item to look at. There will be no standards applied by the government to the babysitters who have five or fewer kids. I know that this government is infatuated with families and all that. They keep consistently looking towards the past, the days of yore when we had families of two parents and probably 10 kids or so and no one had ever heard, at least publicly spoke, of gays and lesbians. Single women with kids were always looked upon as being somewhat scarlet, but that kind of situation is long since gone, and the situation is decidedly different right now.

It may be uncomfortable, but it's time to get used to the reality that we do have, I don't know, some 40 percent of the so-called families being headed by single women, and these women do not have much money to throw around. They certainly are not able to go and search out licensed day cares. They certainly can't go far afield because they haven't got the money for gas, and therefore they will head for the nearest place where they can find anyone to look after their kids, and that may not be the best place. I think to require of those people that they should take greater care in selecting a solid, appropriate babysitter is asking an awful lot when they can barely keep their head above water. So in that sense I think life is made tougher for them and therefore tougher for the kids.

I think, Mr. Chairman, this is really an attack on the regular licensed day cares because they already have lots of open spaces and they will find it hard to survive when in fact the world of babysitters is thrown wide open. I think I'll leave it at that, Mr. Chairman.

Thank you very much.

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

DR. MASSEY: I'd like to speak . . .

MR. CHAIRMAN: If you could indulge the Chair, the Chair was so fixated on the wondrous words of the hon. Member for West Yellowhead that he forgot that we do have a reciprocating engine here. I call on the hon. Member for Calgary-Currie.

**8:50**

MRS. BURGNER: Thank you, Mr. Chairman. I did want to take a few minutes to speak to this Bill. I do support the initiative that brings an opportunity of choice to parents who are looking for care for their children. A number of items of discussion have been raised through my constituency: people who have day cares and the serious concern for children, which is I think the issue that we are talking about tonight, whether or not the children of Alberta will be best served by this type of legislation.

I have a strong feeling that part of the responsibility to assess whether or not a day home would be appropriate does rest with parents. In talking to day care workers, they have a grave concern that a number of parents who access their services do not take the time to assess the staffing or the facilities or the program that's available. So they're extremely concerned that as we allow a larger number of children into a home, those parents would even further abdicate some of their responsibilities. Having said that, there are many of us who, may I say, less than a generation ago were raising our children in our homes without the need of government to monitor, and I'm assuming that with careful

review, we will be able to assess that this is indeed a good choice for parents.

One of the suggestions that came through from my community was perhaps some recognition by government that we monitor this program, and we would look and make sure, having changed the legislation in this way, that we do make an attempt to ensure that these children continue to be cared for. I don't know, Mr. Chairman, whether that would be done on a formal basis or whether it would simply be done through communities, which is more in keeping with government getting out of the face of business. A suggestion was to use something like the Block Watch model, that parents whose children are in homes for care during the day do keep an eye on each other, and things like that.

I just wanted to put it on the table that I am aware and my constituents have made me aware of the concern for the care of children, and I wanted to assure this House that, for myself, this legislation goes forward. I do support it. I do encourage all parents to act responsibly when they select care for their children, and for my constituents we will keep an eye on the success of it so that those children are not at risk.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you for your patience, hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman. It's this kind of legislation that I believe gives men a bad name, because let's face it, it's predominantly men in this Assembly that are making these kinds of laws. The Bill itself essentially denigrates the work of child caregivers and their associates, and the bottom line is that six is too much. Contacts with unlicensed child care workers say that it is just too much to handle. Trying to look after six youngsters less than six years of age, keeping them clean and appropriately involved in worthwhile activities, is an unrealistic expectation of even the most talented worker.

I think the objection to the Bill, Mr. Chairman, is embodied in a letter from the director of the Calgary Family Day Homes. The letter was addressed to the Minister of Family and Social Services and begins with a quote from the minister in this Assembly, indicating that the director is really alarmed with the minister's comments. He says that the minister has really created a dilemma. That dilemma is involved with a new direction for government involvement in child care. He says specifically:

How can the government justify spending money to regulate the quantity and quality of day care and day home spaces, and at the same time give policy approval for more (now six) children to be placed in unapproved and unlicensed private homes!!

The director finds it very difficult to understand how the minister justifies his actions: on one hand, spending money on monitoring child care and then backing away from it and allowing more youngsters, doubling the number of youngsters, that can be in unsupervised or unlicensed situations. He raises the question: is this the first move in the government getting out of child care regulation altogether? Certainly he leaves no question about how he feels on that matter and says that it's akin to the government getting out of regulating corporations, regulating trucking and busing, getting away from regulating hunting and fishing, getting out of teacher certification, getting out of law enforcement, getting out of hospital and medical care licensing, getting out of municipalities and school board affairs, something this government hasn't been doing. In fact, with regulation they've been moving more into their operations. He finds it hard to understand why they would be moving in this direction in terms of child care.

He also indicates that the legislation is going to allow and expose more children to improper care. He thinks it is a blatant disregard in terms of what we know about children, what we know about caring for children, and that it runs in the face of all our experience, including research on the subject which clearly proves that

it is the child's early, even the pre-school years, that bears most heavily on the [youngster's] ability to become a happy contributing member of society.

The point he makes is that they are precious years and they need to be cared for in those years with the utmost care and by people who know what they're doing.

He goes on to ask the minister – and I'd like to quote from his letter. He raises a question:

How can you as minister, with integrity, stand on the floor of the legislature and say, as you did, you're giving parents more choices??? What you're really giving is an opportunity for more and more children to be raised in an environment which promotes violence, apathy, and despair!

He goes on to indicate that the minister's office said that there was some support for the move that had been made and this legislation. But this particular director of the Calgary day care homes seriously doubts that and points to his long years of experience in caring for children and closes the letter with a plea and I guess a warning that parents in the province are not going to stand for actions that undermine the quality of child care choices in the province.

I think I'll conclude with that. The letter, I think, adequately captures the objections to the Bill and gives adequate reasons why it shouldn't be supported in this Assembly. Thank you.

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

MR. LANGEVIN: Thank you, Mr. Chairman. I rise this evening to speak in support of Bill 53. For one year I have had discussions with the minister of social services asking for this change, and I think I even asked for a higher number than six as far as baby-sitting in private facilities. I've done that because I've had numerous people in my constituency, both operating private baby-sitting facilities and parents using those facilities, that have approached me and have asked for an increase before they have to be licensed. The reasoning for that is these parents believe they should have the choice to use the babysitter of their choice that they trust and that they like and where they feel that their children would be secure. Many of them also believe that licensing does not make you a better babysitter. Often I have constituents in my hometown and my home riding who would prefer to have their children baby-sat by a lady who has six, seven, or eight children before they would have another lady who is licensed and is only looking after two or three, because they feel that that one person has more ability, can cope with the children better, and the children feel at home and at ease with her.

9:00

I have in my office a petition from about 25 ratepayers or parents, including all personal letters to back their views. In my hometown there was a lady that was babysitting eight children. She was known to be exceptionally good. She had a long waiting list, and everybody was seeking her services. When social services came and forced her into licensing and following the new regulation, she at that time decided it was too much trouble, and she cut her babysitting down to three. Many, many parents at that time were so upset that they came in as a delegation before the present minister of social services, a previous minister several

years ago, and voiced a strong opposition to the government interfering in their own lives. They really believe they have the authority or they have the mandate to look after their own children and they can best make the decision as to who can babysit those children.

Also, if you get out in the communities and you get into rural Alberta where farmers live 25, 30 miles from the community where they work, there might be only one available private babysitting facility in that whole region. If that person is not able to baby-sit the children of her neighbours, what happens is some of these parents have to travel many miles to find another acceptable babysitting service in the private service. There's no public service available in rural Alberta. It comes to a point sometimes that it makes it very hard or maybe even impossible for them to hold down a job because the cost of traveling 15 or 20 miles to another babysitter is an excessive cost to them, especially if they work in a low wage industry.

So I am very pleased to see that finally after waiting for this Bill that it now hopefully will become law. I would urge all the MLAs that are from rural Alberta to support this Bill, because I know that in most parts of rural Alberta if parents were contacted one to one, they would definitely support this Bill.

Thank you, Mr. Chairman.

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

DR. L. TAYLOR: Yes, I also wish to rise to support this Bill. I agree heartily with the opposite member's viewpoint on rural Alberta and the hardship that presently exists in rural Alberta. He raised very valid points.

The point I would like to present is that much of the opposition we hear to this Bill comes from vested interests: vested interests that are interested in their own power structure, their own financial well-being. Any time you attempt to take power from a vested interest, when you attempt to take power from a group that's only interested in their own financial well-being, you hear the cries and screams that we're hearing presented by the members opposite. So that's one of my comments. We must be very careful when vested interests rise up to promote holding the status quo when we're looking at broadening the spectrum, when we're looking at giving more choice to people.

The second point I would make, Mr. Chairman, has to do with parental responsibility. It is fundamentally the parents' choice to determine the type of child care they want for their children, just as it is fundamentally the parents' choice to determine the type of education they want for their children. In our society we are talking more and more about parental responsibility. We're talking about making parents responsible for the criminal behaviour of their children. We're talking about making parents responsible for the behaviour of their children in schools. If we move as we should towards parental responsibility, we're hypocritical if we do not allow parents to choose the type of child care they want. It is a parental responsibility not a state responsibility to rear children. The further we can move away from the state being responsible for the children, the more responsibility we can give to the parents.

In fact, in a recent study on the family, an Angus Reid poll, it was quite clear. I believe the figure was 78 percent of the families surveyed right across the country believe that it is the parents' responsibility to raise children, the parents' responsibility to make decisions about their children, not the state's. So I support this Bill because it gives the parents responsibility.

I would point the hon. members to section 4.1, which states quite clearly that "no person operating a private babysitting

facility shall provide care for more than 3 children under 2 years of age," and that includes the "operator's own children." So there will not be six little kids running around in this home. There must be only three kids at two years of age or under, and the rest must be older than that. I'm sure there are many families in our society today that raise their own children in that fashion, in some of the larger families. I know in our family we had four. We had those four little kids at home and managed quite capably with them.

So I believe it's possible. I believe this is the way we should move. We need to get government out of people's faces and let people be responsible and take responsibility for their own actions.

Thank you.

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

MR. BRACKO: Thank you, Mr. Chairman. As has been said in this House many times, our children are our greatest resource. You know, in speaking to the Bill, here in the House we have *Beauchesne*, 450 pages of rules and regulations. We have Standing Orders, another 100 pages. *Erskine*, I don't know how many pages, but it probably brings a total of a thousand pages of rules and regulations for mature adults in this House to use. So it puzzles me that we're moving to deregulation of our most important resource, our young people, the most vulnerable age zero to six.

It's interesting. I can remember far back when a teacher needed only six weeks of education to become a teacher. That went on to one year, then two years, three, and finally a degree was needed. Now it's even four, five, six years to teach children from the ages of six to 18. What we're seeing here: the same principle is not being followed for those zero to six. Where are the courses? Where are the requirements needed to serve our greatest resource, our children in the most beneficial manner? It's okay for six to 18 year olds to have skilled people, but we don't need it for our zero to six year olds.

Mr. Chairman, I believe we're stepping into the past. We need to bring up the level that is needed to work with young children. Courses are needed. We need maybe an organization for babysitters, where they can get together, network, and share information on how they handle situations, how they can improve the quality of babysitting for our young people. This is what's needed, not to step back into the past. We need to step into the future, to go forward and reutilize so every one of our children has an excellent chance of competing, whether it's in the city or in rural Alberta.

I know there's a need for flexibility wherever you are. There are those that can do an excellent job because they have these skills and they picked up information, they picked up skills, they take courses, and they learn through practical experience. There are others that do not, so the young children may suffer. We need to have some regulations. We need to have some standards. We need to raise the quality of our child care in our province.

As the Member for Cypress-Medicine Hat said, there are people with vested interests. He's right. I am one of those people with vested interests. I want the very best for our young children from zero to six so they can have a quality life-style in those years, those formative years which are very important. The things they learn in those years may determine how they turn out in the future and can save tax dollars later on. If they have poor quality care, it can lead to deviant behaviour and other aspects of that. We see that all the time.

Being in the education system for 25 years, I strongly support quality day care, quality education, quality babysitters. Let's



move forward and elevate this process instead of bringing it down like this government has done so many times. We need to go forward for our children and our children's children's sake.

Thank you.

**9:10**

**MR. CHAIRMAN:** The hon. Member for Red Deer-South.

**MR. DOERKSEN:** Thank you, Mr. Chairman. I wanted to voice my support for this Bill. I want to point out to everybody in the Assembly that Bill 53 permits up to six children in a home. It does not require six children; it permits six children. There are some people who can handle two children, and there are some people who can handle six. It does not say that you have to have six kids.

What is an optimum number in a house? In the house in which I grew up, there were eight kids.

**DR. L. TAYLOR:** Look how you turned out.

**MR. DOERKSEN:** And look how I turned out.

In our own family our first children were twins, and our third child followed within the two-year pattern, so there were three kids under the age of two in our home. Yes, it does create challenges for the person taking care of those kids, but the person who is providing the child care in this circumstance will know what they are capable of doing. As the Member for Cypress-Medicine Hat has pointed out, it is a parent responsibility, and they need to go into these homes and check them out and say: "Are you capable? Do you have the ability to handle this many kids?" or "How many kids are you going to have?" So it is the parents' choice, and we must never forget that.

I do want to change the tack just for a second, because I was reading *The State of the Family in Canada*, a report by the Canada Committee for the International Year of the Family 1994, and I think there's something important to hear that we need to recognize as well. It says here that

four in ten (40%) of the parents in the labour force surveyed agreed that: "If I could afford to, I would stay home with the kids."

I would like us to also start looking at that issue and making it more possible for parents to be able to stay with their kids.

Thank you for this opportunity to speak, Mr. Chairman.

**MR. CHAIRMAN:** The hon. Member for Leduc.

**MR. KIRKLAND:** Thank you, Mr. Chairman. Just a couple of comments. I've listened to the debate. I appreciate the difference of opinion we have in this particular matter. I don't argue that it's a parent's choice either, but I think when we're looking at setting assigned parent choice, why not give it a very quality choice in that particular aspect?

We have conceded in our debate here that there is a difference in rural and urban. I would have to ask, though, in that debate: why dismantle a good system that presently exists to accommodate a system that can't be accommodated elsewhere?

It seems to me that there's the opportunity at this point to make some compromises in a Bill such as this. We've listened to the debate about the youngsters, and nobody has misunderstood or suggested that there could be more than three 2 year olds in the care of one individual. We had chatted, when we spoke in those terms that Cypress-Medicine Hat alluded to, about evacuation and injury and how does one deal with it when you have six and you have three that are under two. Those things are bona fide

concerns in a person's mind. We all only have two arms and can only do so much.

I don't think the thing we can forget here is that we have . . . We: I want to distance myself from that comment. The Conservative government has over the years put in place a quality day care system and day home centre. Now, by doing such, they've brought in rules and regulations. People have entered in good faith businesses and have stretched themselves out as far as their capital outlay is concerned. This Bill will definitely assault that particular segment of the small businesses in this province. So I would have to ask why we would do that.

There have been comments come forth that it is government control of children. It's really not government control. There's no one in this particular Assembly that is not fully aware of the many choices we have within day care or day homes. When we drop them off, it's not the government that's controlling them at all. It's the owners and the operators and the trained, skilled staff that are controlling them in that instance, not government by any stretch. Government only gives the rules and the regulations under which they shall function. Some are more stimulating than others. Some certainly have a tendency to spend more time outdoors than others. Some play more in an organized situation to cause social interaction.

So, Mr. Chairman, rather than belabour the debate – and I certainly don't want to cut the hon. member from Brooks out of the debate, because I saw that he was willing to stand up and speak. The amendment that I will offer will probably give him the opportunity to address that. I would propose an amendment, and I have it here for distribution. I will have the page bring it up to the Chair. While he's doing that, I will give a brief overview of the amendment, and then I will sit while it's distributed so everybody can digest it and stand up and debate it intelligently, if that's an acceptable process. It is duly signed by counsel.

The amendment proposes that section 3 be amended under section 4(2) by adding the following after "12 years of age." That actually today, as the Bill is read, ends that clause. I would add to it: "when it has been established there are no other child care options available in a community." In essence, Mr. Chairman, what we're addressing here are some of the very concerns that have been . . .

**MR. CHAIRMAN:** The Chair will indicate to the committee that we have received the copy of the amendment with the necessary signatures. We'll just wait a moment before asking Leduc to continue while the members are receiving their copies.

We'd invite the hon. Member for Leduc to continue, then, on his amendment.

**MR. KIRKLAND:** Thank you, Mr. Chairman. It's a simple amendment, and in proposing the amendment, I was attempting to capture the concerns that have been brought forth by the quality of the debate that has come back and forth across the House, which I am encouraged by. Presently section 3 of the Act in subsection 4(2) ends after "12 years of age." It is my suggestion that we should continue that sentence and we would include this as the sentence runs on: "when it has been established there are no other child care options available in a community."

Now, one of the concerns that has been expressed time and time again in the debate here is that the rural area takes on a different complexity than the urban area. We have conceded that in a rural area generally speaking there are situations whereby there are not day homes or day cares available. There are situations in a

smaller community whereby to care for six children would not be particularly onerous or arduous. We have also indicated in our debate that a smaller community generally speaking has many eyes, and very few things go on within the community that people are not fully aware of. That being the case, we don't have the same concern in the rural area that we do have in the larger urban areas.

This amendment's intended to address that specific, and it would indicate that if there's a day care or day home in a community, then in fact that should be the first choice because they are regulated and given specific standards to meet as far as the care of children is concerned. When you move away from those options and those options are not available, at that particular point you would have a different standard. I agree that it is a different standard in this situation, but Alberta is a very large mosaic, and we can't particularly all wear the same pair of shoes. This attempts to address that, and I would put it forth. I would ask all members to address it.

Of those debates or concerns that have been brought forth on the Bill, I would suggest that this was the one that was foremost and the one that came to the discussion table more frequently. I believe it covers that particular aspect, and I would ask members to comment on it and support it.

**MR. CARDINAL:** Mr. Chairman, I would speak against this amendment, of course, because this flies completely against what we're proposing here. We're proposing to reduce government regulations, giving parents the right and responsibility to choose their own best care options.

We presently have over 31,000 spaces of day care in Alberta, Mr. Chairman, the highest day care spaces per capita across Canada. We have the second lowest day care rates per capita in Canada. In addition to that we have 2,800 approved day homes already operating in Alberta.

**9:20**

Mr. Chairman, with this amendment all we're doing again is forcing parents to have to use the existing day cares that are out there. I'm sure that even in places like Edmonton not all parents want to use day care facilities regulated by government or day homes approved by the province. I'm sure that even in Edmonton, an urban area, a lot of parents are utilizing private babysitters.

I would just like to indicate again that with all these discussions this evening I don't believe the opposition members that are speaking for this amendment give enough credit to the parents. The parents are very, very capable of determining and always look to the best interests of their child, Mr. Chairman. They are very, very capable of selecting where they want to send their children. Do they want to send their children to a day care or a day home or a private babysitter? I think we're discrediting the parents out there. Times have changed. Parents are very aggressive, very knowledgeable, and they would, from what I hear, like us to step back a bit and allow them one more option in how children should be looked after.

Mr. Chairman, I wouldn't hesitate at all to speak against the amendment.

**MR. CHAIRMAN:** The hon. Member for Bow Valley.

**DR. OBERG:** Thank you, Mr. Chairman. I just have a few very brief words to say on this amendment. First of all, I think that the whole issue about whether or not there are other child care options available or the number of the family are all red herrings.

What we are talking about here is essentially the rights and responsibilities of the family. Whether or not the right number is six, whether or not there are child care options there, I think all of this impinges on the rights of the family.

Recently I had the pleasure of participating in the United Nation congress on rights and responsibilities of the family. If I may, Mr. Chairman, I'll just quote a couple of things from here that are expressly taken into consideration in this Bill. First of all, this is article 4 from the NGO committee on rights and responsibilities of the family by the United Nations.

**MR. CHAIRMAN:** Hon. member, this is pertinent to the amendment?

**DR. OBERG:** Mr. Chairman, the pertinent part of this is that it seems that the condition is whether or not there are child care options available in the community. What I'm saying is that it doesn't make any difference if there are child care options available in the community. It's still the parents' decision as to where they put their children.

I'd like to cite from article 4 of the UN congress on the rights and responsibilities of the family:

All families have the right and the responsibility to freely organize their internal functioning, taking into account the best interest of each of their members.

**Article 5:**

Legislation which has a direct bearing on the welfare of families and their members should be flexible and periodically reviewed and adapted to the changing social, cultural and economic conditions, in particular with a view to the concept of equality.

Mr. Chairman, I'd like to go on a little bit further to responsibilities of parents. Article 11, part 1: "Parents share the primary responsibility for bringing up their children and providing them with an adequate standard of living." Article 11, part 2:

The right and responsibility of parents to provide guidance appropriate to the child's evolving capacities should be respected, without infringing on the child's right to freedom of thought, conscience and expression.

This amendment essentially takes that responsibility away from the family. If I lived in a community where there were other child care options available and I wanted my child to go to a babysitter where there were up to six kids, I would not have that right. Mr. Chairman, I think that that calls into question the basic rights and responsibilities of the family in decision-making about the bringing up of their children, and for that I would really urge the Assembly to vote against this amendment.

**MR. VAN BINSBERGEN:** Mr. Chairman, I really wonder where the members opposite are these days and why they're wandering in the past all the time. I mean, we're talking about a society where many people need the regulations that the government still has in place and is trying to divest itself of.

It is very unfortunate, Mr. Chairman. It would be an ideal world indeed if all parents looked after their responsibilities, assumed them, and did not have to count on the state. That would be great, but that is also a situation that was last seen in the Garden of Eden. Ever since that time I think responsibility has been placed on the state in increasing dosages because not all parents can look after their own kids. It is a fact of life. I've said this before: in this day and age we have families – some member just mentioned, I think, 40 percent – consisting of one parent, one parent who has a devil of a time keeping her head above water. In most cases unfortunately it is a female. The problem is that these people need help; they need regulations. To

say that they should assume the responsibility themselves as good parents does not make one whit of sense in this day and age, and I wish that the members on the other side would realize that and enter into the present and look towards the future and forget about the past, hauling it in all the time.

Thank you very much.

MR. KIRKLAND: My last comments on the matter, Mr. Chairman. I listened to the hon. minister and was compelled to stand up and rebut some of his comments. We always get the figures and the facts about the number of day care spaces that are available and the number that are used and the percentage that are vacant. The minister knows full well that by introducing this, the vacancy rate will increase. We have spent a lot of time explaining why that is. I won't waste the Assembly's time any further on that.

There was also the comment that came forth that not all parents want to use a day care or a day home. Fine and good. That option is still available to them with the presently existing regulations in situations where you can take your child to a home where there are three children presently cared for.

I give due respect to parents. I give due respect to all parents, but I'd like to give some respect to the government, because they have a role to play in caring for and giving protection to the children. They're certainly abdicating in this particular aspect.

There's an indication here that they want one more option. Well, that option, as I indicated, is here with three. Anybody that has lived longer than two days in this Assembly knows that that particular standard is abused to some degree already, and it is exceeded in some cases. It's rare, as the Member for Lac La Biche-St. Paul pointed out, that social services are in there shutting people down. They don't have the staff to do that, and it's a rare exception.

I am somewhat amused, though, Mr. Chairman, by the fact – and the hon. Member for Bow Valley indicates that this is not about the number of children. Yet it is, because the Bill says six. So if we were to extrapolate somewhat there, I am being deprived. I am having my rights removed because I want to take my children to somebody who has eight. So what's the imaginary figure? It's six. We look at this particular situation: what's magic about six? Why didn't we go to a dozen?

You look at it in the context of the psychological bent that this government is set on, and you look at it and fit it into Bills 41 and 57, and you know it's part of disassembling the social services department. It again takes away from the children of Alberta the protection that they so rightfully deserve, and I would strongly suggest that all members think very clearly about this particular amendment.

There's nothing magic about six. There's nothing magic about three. There's nothing magic about day cares, and there's nothing magic about day homes. They're all options, but they're quality options when you've got rules and regulations. They're quality options when the province can actually oversee to some small degree, which is all we're attempting to look for here, the protection of children in this province.

MR. CARDINAL: I just wanted to make a couple of comments, Mr. Chairman. The Member for Leduc just mentioned that it sounds like we picked an imaginary number of six. What I did is talk to rural MLAs here in this room, and I talked to rural Albertans in relation to that particular number. In addition to that, there are I believe six out of 12 jurisdictions in Canada

presently who either have five or six as a guideline. Those jurisdictions cover a population of over 18 million people, so the majority of the children across Canada are now under guidelines of either five or six children. So it's nothing new. We didn't pull it out of a hat. There are a number of jurisdictions that have five. There are a number that have six. There are a number that have considerably less, but Alberta is not too much different than any other area.

9:30

The other area the member mentioned is a possibility of less day care and spending less on day care. We are spending over \$65 million for day care subsidies now in Alberta alone, but if we can provide the same standard of day care and still provide one additional option for responsible parents to choose from and spend less than \$65 million, I'm sure Albertans would be very happy. I have confidence that that is what will happen.

The Member for West Yellowhead mentioned briefly that not all parents are responsible, and that's a very serious charge to parents, Mr. Chairman. I truly believe just the opposite. Given the responsibility and the chance to be able to have the responsibility for their children, all parents want to be responsible parents. When I hear someone say that not all parents are responsible, I believe they are wrong. All parents are responsible if given the right chance, and that is what we're doing.

Thank you.

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

MR. ZWOZDESKY: Thank you, Mr. Chairman. I've been giving some close listening to this Bill and in particular to this amendment that's now before us. I think there's a misimpression on the other side of the House that people from the Liberal caucus somehow aren't as attuned to rural needs, and it concerns me. Having grown up in rural Alberta and spending many, many years there, I am very well acquainted with what rural life in Alberta is all about. When I see a Bill like this coming forward, albeit they would like us to believe on behalf of children, I really don't think that those needs have been fully addressed. I take some offence to members opposite thinking that we haven't done some thinking about this as well, because we certainly have.

What we're after here, Mr. Chairman, is some sense of improved guidelines for young kids and some degree of greater care and greater confidence, greater security that parents would feel about how their children are being looked after. When you're introducing a Bill, you can't introduce a Bill or amendments or anything else that only look at part of the situation. What I want to know here is: how is it that suddenly we went from a minimum of three to six in terms of the number of kids that can be put under care?

I guess what's missing for me here is that while I can appreciate that the needs of the rural communities are somewhat unique, so too must we design Bills that do not exclude the urban side either. Going from three to six seems a bit broad to me, and I would have liked to have seen them choose something a little closer to the three that allowed an easing in of this factor, if they will. That's why this amendment suggests to me that some careful thought has gone in and said that "when it has been established that there are no other child care options available in a community," then certainly we can look at other methods.

I just don't want members opposite thinking that we here don't understand the rural situation, because we certainly do. I did my share of baby-sitting in the rural community, and I was baby-sat as a child in the rural community, and I have some idea as a

father myself of what it takes to care for one, two, three, four, five, six, eight children at one time. My concern would be that if an emergency arises, putting as many as six children into that care situation all at one time might put some additional risk there. Now, maybe it won't. Maybe it won't. Because in an ideal, perfect situation risk doesn't exist. [interjections] I'd like to flag for the members opposite who are attempting to heckle me at this stage that I'm not here to bash this thing. I'm simply here to point some common sense to it.

Maybe there's a point of compromise between three and six, for example. Why place these kids at risk by suddenly doubling that figure? We heard about the tragedy that occurred where a child was undersupervised and got her neck lace caught on a slide and wound up choking. That was due to a lack of proper supervision, I would suspect. By the same token, what we're looking for here is something that allows for a greater avoidance of such catastrophes. Mr. Chairman, the only way that can happen is with more one-on-one type of supervision or at least three, possibly four, to one, but six is a bit high. I'm not sure where the number six comes from. I heard the minister of social services speak a few minutes ago, saying that there had been some type of research or studies or whatever he alluded to. Maybe I heard him incorrectly. If that has been done, then I would sure like to see that, because that's what concerns me on this side of the House most, this rapid movement by the government into so many areas all at once, it seems, that sometimes they assume a little bit too much.

In this instance the assumption is that we're going to go along with whatever they say. I'd like to see the substance to that, and if in fact they have a good case in point, I'll support it too. But right now, based on what I see, I can't support the total Bill, but I at least like this amendment that's been presented by my colleague from Leduc, and I would urge all members here to please give it some serious consideration. Don't just dismiss it out of hand. Some of us really are trying to get on with this business of governing or helping out where we can as well, and in this instance I think we have an opportunity to do that.

Thank you.

HON. MEMBERS: Question.

MR. CHAIRMAN: The question's been called.

[Motion on amendment lost]

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

DR. NICOL: Right. Thank you, Mr. Chairman. Just a few comments on the Bill and some concerns that were raised by a number of the day care operators in the Lethbridge area. This is a Bill that has got many of them very concerned about the direction of their businesses, the effort that they've put into developing a very viable alternative both for their own livelihoods and for their communities. A lot of it concerns the impact of the changes that deal with the licensing.

As the city of Lethbridge has developed, there are a number of agencies providing day homes and day care through the agency format. There are a number of private babysitters that are dealing with the children that are handled on a less than three category, and then we also have a small number of the group that are the licensed day homes that look after children from that perspective. They are now very concerned in the sense that their licences are being dropped. They've put a lot of investment into their

facilities, into the training of their staff to meet the requirements and the guidelines for the licences, and they now have a situation where they are very concerned with the section that deals with the removal of licensing and the opening up of the day care facility to competition directly with the unlicensed groups.

One of the requests they have asked that I place with the minister is, as the transition occurs, that the homes that have worked under the licensing agreement, with the training requirements for their staff, be allowed to band together and work into an agency framework. They have been led to believe that the number of agencies will not be increased, and they would like to be able to put their collection of homes together and operate them as an agency that offers a different quality level of service. They recognize that the objectives of the minister and the objectives of the government are to make for more choice, to provide parents with a greater opportunity for selecting the kind of care they would like, and this is one way they see that their service can be offered.

9:40

Another concern, Mr. Chairman, that I'd like to relate to the minister concerning day care deals with the parents that are receiving the day care subsidies right now. If they move to the unregulated, unlicensed day care homes, they are not eligible for the subsidy any longer, and the only option they're now going to have is to go from these licensed day homes into the agency situation. They have become very supportive of the programs that are being offered by some of the private licensed day homes, and they would like to see these kinds of situations continue. They're very concerned that with the delicensing, their subsidy will not be available to the homes to deal with the children that are being placed there by mothers that don't have the economic support, that they can afford to do it on a cost recovery basis. So what they'd like the minister to do is to consider the possibility of either allowing for an expansion of the number of agencies to include this broader perspective of service or else consider the option that when a family qualifies for support for day care, the funding be turned over to the parent and the parent then be allowed to make the choice.

We've heard a lot of discussion tonight from the members of government that have talked about parents having the choice. Mr. Chairman, I agree with that. The parents should have the choice, but they shouldn't be restricted because of their economic position. I think it would be very correct for the minister to take the subsidy that's being paid to the lower income families and allow the mother or the father to choose the day care facility that they want to put their children into based on the program that's available, based on the care that's given, based on their ability to go through the facility and look at the environment that's offered there, all the way from the physical facilities through to the people that are offering it and the kind of program.

I think these are some of the things that need to be addressed by the minister as he puts the regulations and the directions into place. The Bill then can be made much better if they'll commit to this kind of openness and choice for the parents.

Thank you, Mr. Chairman.

MR. CARDINAL: I'll just make a few comments based on notes I've taken listening to the discussion of the Bill itself, starting off with the last speaker. Any of the issues I may not address today, I can address possibly later. I'll ask my staff to review *Hansard* and pull out some of the comments the last speaker, the Member for Lethbridge-East, mentioned, that the businesses in Lethbridge were concerned. I suspect they're concerned that there'll be one

added competition in the business, but I don't believe that would create a problem out there.

The other area that was mentioned was in relation to subsidies. What the parents who are running private baby-sitting are telling us is that they don't want our regulations or our subsidies. That is what I hear from the parents out there. So for a government to continue to try and provide subsidies when parents don't want subsidies I believe is not a wise use of taxpayers' dollars.

In relation to low-income individuals that are eligible for supports through my department – for an example, even in private baby-sitting the subsidies are still available for those individuals. They will continue utilizing either day care, licensed day homes, or they'll have an option now to also use private baby-sitting, so I don't think that's too much of a problem.

The speaker before the Member for Leduc mentioned that we do have a good day care system in Alberta. I truly believe that we still have the best day care system in North America, no doubt most spaces available. All we're doing here, Mr. Chairman, is providing one additional option, and I don't believe that will change things negatively.

The Member for St. Albert mentioned that we are deregulating the day care system. I don't believe for one moment that we are deregulating the system at all. The day care system is still out there. The same number of spaces, the same subsidies are out there. All we are doing is providing one more option for parents to be able to choose, and I do give parents credit to be able to make the wise choices that they need to make.

The Member for St. Albert also mentioned that courses are needed. No doubt courses are needed. No doubt parents are taking courses at their choice. I don't think the government should decide that parents need courses. I think parents can determine, not the government, as to what courses they need.

The Member for Cypress-Medicine Hat mentioned, of course, that vested interest groups out there are concerned, and he is right. I believe that is happening somewhat, but I don't think they need to be concerned. If they are providing a good quality of service that is acceptable to parents, parents will continue their service. I don't believe the private businesses should be concerned. All we're doing is giving more choice to people and parental responsibility, not the state. I fully agree with that member's comments.

The Member for Lac La Biche-St. Paul spoke for a considerable amount of time, and he is exactly right. What he said he heard from his constituents is exactly why we are making those changes, and the parents are very capable to make those choices.

The Member for Edmonton-Mill Woods mentioned that six children are too many children for an individual to look after. There was a concern that it sounded like everybody has to have six children. That is just an option. Maybe some will continue with one or two or three or four children. Maybe they'll never reach six children. So I don't think that would be a concern. Again, the babysitters out there are very capable of knowing how many children they can look after. If they can only handle three, they're not going to take six. Babysitters are not like that. If they know they can only handle three children, that's all they'll take. The parent is also there knowing that if the babysitter cannot handle more than three children, the parent will not put the children there.

That particular member also said – and it kind of contradicts what he said earlier – that parents in Alberta will not stand for substandard day care or babysitting. We're saying the same thing: they will not stand for substandard or unlicensed babysitting because we're going to have all the licensed day homes in place; we're going to have all the day care centres in place. In addition to that, there'll be private babysitting with

subsidies for lower-income families. So I don't believe there'll be that many changes that will negatively impact the children and day homes out there.

The Member for West Yellowhead mentioned that there'll be no outside scrutiny. I believe there will be scrutiny by the parents, the babysitters, and the community. I wouldn't say that there wouldn't be any outside scrutiny.

The other area mentioned was no inspections by the province. Well, we will continue inspecting the existing facilities we have that have to be licensed, but the parents will make sure that the babysitters they select meet their standards, not necessarily government standards but standards acceptable to their family.

Mr. Chairman, those are just a few comments I want to make, and I believe at this time I'll call for the question.

9:50

HON. MEMBERS: Question.

MR. CHAIRMAN: You're ready for the question.

[Title and preamble agreed to]

MR. CHAIRMAN: As to the Bill itself, is the committee agreed?

SOME HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Carried. Call in the members.

[Several members rose calling for a division. The division bell was rung at 9:51 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Friedel	Rostad
Amery	Fritz	Severtson
Brassard	Haley	Smith
Burgener	Hlady	Sohal
Cardinal	Jacques	Stelmach
Clegg	Jonson	Taylor, L.
Coutts	Laing	Taylor, N.
Day	Langevin	Thurber
Doerksen	Magnus	Trynchy
Dunford	McFarland	West
Evans	Mirosh	Woloshyn
Fischer	Oberg	Yankowsky
Forsyth	Pham	

Against the motion:

Abdurahman	Kirkland	Percy
Bruseker	Massey	Van Binsbergen
Henry	Nicol	Zwozdesky

Totals:	For – 38	Against – 9
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[The sections of Bill 53 agreed to]

MR. CARDINAL: Mr. Chairman, I move that Bill 53 be reported when the committee rises.

[Motion carried]

MR. DAY: Mr. Chairman, I'd move that we return for some further consideration to Bill 52.

MR. CHAIRMAN: The hon. Government House Leader has moved that the committee return for further consideration of Bill 52. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

**Bill 52**  
**Child Welfare Amendment Act, 1994**  
*(continued)*

MR. CHAIRMAN: Okay; the hon. Member for Innisfail-Sylvan Lake on Bill 52.

MR. SEVERTSON: Thanks, Mr. Chairman, for the brief promotion. Due to a drafting error, I'd like to move the following amendment. The amendment reads as follows: section 14 is amended in the proposed section 66.2(6) by striking out "licensed adoption agency" and substituting "licensed search agency". That was circulated about a half hour ago.

MR. CHAIRMAN: The Chair would note as well that the appropriate signatures have been received.

HON. MEMBERS: Question.

[Motion on amendment carried]

MR. CHAIRMAN: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Chairman. I so move that Bill 52 as amended be reported when the committee rises.

MR. CHAIRMAN: Okay. That's interesting, but we just have one step to go before we would entertain that. It would be helpful to move Bill 52 as amended.

MR. SEVERTSON: Thank you for the correction. I'd like to move that Bill 52 be approved as amended.

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

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 52 as amended agreed to]

MR. SEVERTSON: Mr. Chairman, I'd like to move that Bill 52 be reported as amended when the committee rises.

[Motion carried]

MR. DAY: I move the committee rise and report.

[Motion carried]

[Mr. Clegg in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports the following Bills: Bill 46, Bill 53. The committee reports the following Bills with some amendments: Bill 51, Bill 52. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly along with the Chairman's ruling on the amendment to Bill 46 proposed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

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

SOME HON. MEMBERS: Agreed.

MR. ACTING SPEAKER: Opposed, if any.

AN HON. MEMBER: No.

MR. ACTING SPEAKER: Carried.

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

*10:10* **Bill 42**  
**Banff Centre Amendment Act, 1994**

MRS. BURGNER: Mr. Speaker, it's a pleasure to move third reading of Bill 42.

I'd like to just focus on a few small comments. [interjection] It's really hard working with a team. Consideration of the discussion has been given, and I'd like to thank the colleagues who have taken time to go through the particular Act and contribute to the debate, the members for Edmonton-Whitemud and Spruce Grove-Sturgeon-St. Albert as well for the comments that they made.

The Banff Centre does want to transform itself into an academic institution that has an entrepreneurial element to it and is reliant on less government revenue but has an accountability that remains within the domain of this province, and we are responsive to that. There's a broad range of diverse customers that would like to access this institution, and these changes give this centre the international focus and the opportunity to operate on that international stage, which I think is fundamental not only to its financial success but to the continued development of the arts within the province of Alberta.

Those changes that the Banff Centre Amendment Act, 1994, will allow firmly place the Banff Centre on a playing ground that's second to none in this province. It's groundbreaking legislation, and it's a privilege to have the opportunity to move third reading.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise, I'm sure, for what will be the last time on Bill 42, and as I rise, I want to just make some comments here. I've read this Bill again a couple of times since I last had the pleasure to address it on October 20 or thereabouts, and I haven't seen much movement on the part of the government to accommodate some of the questions, comments, and concerns that members of the Liberal caucus had expressed at that time and since that time.

I would like to at least ask the mover of this Bill for her consideration of a few assurances, and maybe that will at least bode well for the Banff Centre.

MRS. BURGNER: Trust me.

MR. ZWOZDESKY: I would like very much to trust you, hon. Member for Calgary-Currie. That's why I'm going to ask for some assurance from you that you will take under advisement one of the central points I made the last time. I want some assurance from the Member for Calgary-Currie that after all is said and done and the smoke has cleared and this Bill has been rammed through, you will not allow the privatization of the Banff Centre. Can you give us that assurance? I don't speak here on behalf of myself or just some constituents of the area I represent, that being Edmonton-Avonmore. I have received several calls from many people who are currently studying the arts, and I've spoken with several people who have gone through the program there as artists and/or people who have taught there.

The Banff Centre has an incredible reputation, as we all know, Mr. Speaker, and as the Member for Calgary-Currie well knows. It has succeeded in large part because of its tremendous uniqueness, perhaps somewhat also because of its location, in the beautiful setting of the Rocky Mountains right in the town of Banff, and it has also succeeded because it has truly been a centre for the development of the arts. Privatizing it or allowing it to be put at risk for privatization might see it become a centre for business development, and the artistic side could be compromised. I want some assurance from the Member for Calgary-Currie – and I hope she will rebut this when I'm done – that the development of the arts and the cultivation of the arts as we know them to be Albertan and Canadian arts will not be compromised through this Bill or through any further actions of the government.

Mr. Speaker, I can well appreciate that the centre has become an extremely attractive location for international artists and artisans and people involved in the business of the arts. However, I would hope that it will also continue to provide as much space as it has in the past, if not more, and opportunity for Albertan and Canadian artists to flourish. I would like to see in fact the opportunities increased for Alberta's and Canada's artists. I would not like to see the Banff Centre sold out. I'd like to keep it Canadian. I would like it not to be used as a vehicle for some overanxious people who might want to attract more foreign dollars into Alberta.

I know dollars are hard to come by, and I appreciate what the government is trying to do here by retiring the deficit and all of that dollar business. I appreciate that. But the government has demonstrated on more than one occasion that it doesn't have as firm a grasp of the arts as the artists of Alberta would like. Here you have a chance to come on record, Member for Calgary-Currie, and give some assurances that would give Alberta artists and Canadian artists the level of comfort that they need. I know that the Minister of Municipal Affairs will be there to support that statement, should you make it, Member for Calgary-Currie.

The other quick point that I want to just zero in on is this business of the number of board members who are required to be Canadian. We see the board being reduced to only nine members. That precludes any members from the academic staff having any direct input into the board as well as from the management side, so we could begin to see more and more people coming onto that board who perhaps don't have the central point of the Banff Centre for the Arts in their hearts, and that central point is the arts. I stress, too, that part and parcel of that statement, Mr. Speaker, is the Canadian arts.

So when I look at this Bill in reflection again and I see a smaller board and a requirement for only five members of a total of nine having to be Canadian, I can't help but feel that there is something else around the corner here to do with foreign interests perhaps taking over. I used the comment a couple of weeks ago that we may be in fact selling out one of Alberta's and one of Canada's greatest and most unique resources, one of our true treasures insofar as the arts are concerned. We have a specifically unique Alberta product that I would like to see protected. I want to see it continue to be marketed that way, and I am looking forward to the Member for Calgary-Currie giving us those assurances momentarily.

Mr. Speaker, I want to conclude my comments by saying that this is not a housekeeping issue, as has been painted for the media and for Albertans generally. This is a very, very serious issue. We have something that has worked well for the arts here. We have something that is sort of like the culmination of the arts. I could liken it to Albertans having the whole NHL, as it were, right here. Through the arts we have the NHL with the Banff Centre. I wouldn't want to see that put at risk or compromised in any way, so I take this Bill very, very seriously.

Mr. Speaker, I think I will conclude there and hopefully hear some answers to a couple of questions I posed, but most importantly, I would ask the Member for Calgary-Currie to give us the assurance that this centre will not be sold down the river and that the Banff Centre for the Arts will continue to be something that we can all be proud of and that privatization is not what she or members of the government have as the undercurrent pushing this Bill along.

Thank you, Mr. Speaker.

10:20

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

DR. MASSEY: Thank you, Mr. Speaker. When the Bill was initially brought forward, we indicated our tentative support for it, though it had promise in terms of making the Banff Centre a more vital institution. As the debate has proceeded, that support has really been spent, and we're left with three basic questions. The first and I guess the most crucial question is: how is the Banff Centre to serve Alberta students? It's a provincial institution, yet throughout the debate the role of our own students has not been addressed, and the students that you might think an institution like that had first obligation to seem to have been left out of any consideration.

The second question I'd ask is: what do Alberta taxpayers get for their investment? Over the years there's been a fair amount of money put into the Banff Centre by this government and others, and Albertans have a stake in that centre and what happens to it. In the changes that are being proposed, is that investment enhanced and, if so, how? It certainly hasn't been made clear.

I guess the last question I haven't been assured of is: how can we be certain that the centre will remain under the control of Albertans? Certainly the changes to the board are in another direction, and here is a provincial institution, one paid for by taxpayers over the years, designed initially to serve our students, and one that could, with some manipulation, end up under the control of another government or another body of some kind.

SOME HON. MEMBERS: Order.

MR. ACTING SPEAKER: Order. [interjections] Order. I noticed that, but I also noted one of our members that came and sat beside another member just a minute ago, so we're even now.

The hon. Member for Mill Woods, get on with debate.

DR. MASSEY: Thank you. With those comments, Mr. Speaker, it's unfortunate, but the support that we initially showed for this Bill I think has vanished, and we're going to have to vote against it.

Thank you.

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

MR. N. TAYLOR: Thank you, Mr. Speaker. I'd always felt very skeptical about this, and I am more and more convinced as time goes on that it is a bad Bill. I think that the hon. members opposite are being blinded by the fact that business is everything and that it somehow or other is going to create a Valhalla or whatever you want to call it in the Banff area. It's going to be a repository of wisdom from around the world. It will be a lightning rod for the intelligent or the rich of the world to concentrate all on doing business.

It takes a minute probably to remember why it was set up. Senator Donald Cameron was the primary mover behind setting up the Banff School of Fine Arts. That's what it was called, fine arts. They wanted to help bring some money in, so because of the climate and because of the high altitude, away from everything, they set up a school of advanced management which was to help pay for the school. But what we've seen is what happens, as any farmer can sometimes tell you: you plant something, but if you don't take the weeds away, the weeds grow up and choke out the initial. This is what's happened in this case.

What started out to be a fine arts school supplemented by the business community has now come full circle, and this government, who's always willing to try to turn sows' ears into silk purses – in this case they're turning a silk purse back into a sow's ear – has suddenly taken the notion that the arts are going to be tagged onto the business end. We've got complete reversal. In general I don't think that works. In general, Mr. Speaker, I've seen no evidence around the world where business or management schools have encouraged the fine arts to blossom.

I think that if we stopped to think about which institutions make lasting impressions on the world, very, very few do so because of the business acumen of their graduates. We hear about the Harvard School of Business Administration and a couple, but most schools attain a reputation because of the quality of their arts. I only have to ask anybody, if they're interested in history: how many big businessmen do you know of Queen Elizabeth's time? How many big businessmen do you know at the start of the Roman Empire? How many big businessmen do you know in the Venetian republic? The Roman Empire? The British Empire? Big businessmen come and go, but the arts are the only retaining factor that we have. They are what decides is a civilized nation, not how much profit you made or how much money you made or how much you trained people. I think that what's happened here is that in their blind desire to put a number on everything, this government is in effect selling an institution that has given much to Alberta and could give more in the future and is really of more value.

Rudyard Kipling has a poem that's called: the things that are more excellent. I'd recommend it as reading over there sometime. It's only about a page long. I can't recite it now, but

basically what Kipling was getting at – and he was an old jingoist from India. He learned in his senior years that the things that are more excellent were not the armies or the financial geniuses of the world. It is what you learn in art and what you learn in philosophy, and these are going to be squeezed out.

Now, if the government had said: "Look. We're going to have a business school and an art school, and we will still fund the art school and so on, and the business school will have these forums or whatever" – but what we have has put together a marriage that cannot work. It will be squeezed out as any farmer or any forestry expert will tell you. The delicate seed that takes time to flower, takes time to grow is going to be surrounded with avaricious, grasping, grubby, bottom-line, profit-oriented people. Now, there's nothing wrong with that, but there's no reason why they should be moving into an art school. Businessmen can be educated anywhere, out in the flat bald-headed prairie. As a matter of fact, it might be a good place to educate them. They'll do anything to get out of it. That's where I got educated too. That's where I learned my business education.

I think an art school is so valuable and so precious that we should never – this has been ruined, and I just ask them to have a second thought at third reading, but I know they won't. All I do is ask any friends in this House to vote with me in what I hope will be a standing vote to kill this.

MR. DAY: You won me over, Nick.

MR. N. TAYLOR: Oh, one overhead. Overhead becomes a magic word. The Holy Trinity. God the Father, Son, and Holy Ghost, and the overhead. That is the way this government thinks.

10:30

MR. ACTING SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I rise to speak against Bill 42. I certainly am not going to attempt to match the eloquence of the Member for Redwater, but the exception I take to Bill 42 is that indeed this government, in its haste to privatize everything in sight, has failed to recognize the inappropriate areas for privatization to take place. Now, if the Member for Calgary-Currie can reassure this House and Albertans that Bill 42 is not in essence setting the stage for that privatization to take place, then my comments indeed would not be appropriate, but I haven't had any reassurance about that.

The one thing that concerns me deeply – and I say this with all sincerity. Yes, there is a place for privatization here in the province of Alberta; in fact, long overdue. But the problem with this government is that they haven't set out the parameters within which they will privatize. You take, for example, what took place in Britain, and you look at the guide to U.K. privatization. It's quite clear that the areas where they went into privatization were well thought out. To suggest that we follow along that route would be folly because we don't bear any resemblance to the United Kingdom. When you look at the monopolies and the Crown corporations and the areas that the British government had got into, we don't see the same criteria here in the province of Alberta. The fatal mistake of past Conservative governments was that they thought they could do better than the business community out there and they got into the business of being in business, which is very different from the Crown corporations and the large monopolies that the United Kingdom has.



Now, within the parameters of privatization in Alberta I would say to this government that I would commend you if you'd set those parameters out and tell Albertans what it is you're attempting to do. But when you start seeing legislation like the Banff Centre Amendment Act, which I clearly think is the route to privatization, and you hear the discussion about privatizing our correctional institutions, to my mind, Mr. Speaker, this government hasn't thought out in a clear, well-informed manner what it is they want to privatize within the province of Alberta. To me, it's history repeating itself. You have not put a plan in place to see where you're going to take the province of Alberta. We know what's happened over the past two decades, and I'm saying again that we're on the same road to self-destruction through this government.

Mr. Speaker, if the members on the government side can stand up there and reassure this House that this is not in the guise of privatization of one of our finest art institutions, if this government can clearly state where their parameters are on privatization, whether it be correctional systems, where we're going in the areas of health delivery, of education, of social services, I will then retract some of my comments. But I haven't heard one member tell me those parameters.

So I certainly will not support this. I think any born Albertan, second, third, and fourth generation Albertan should be deeply concerned about one of our finest institutions. When I go to the United Kingdom, I'm proud to say that I'm from the province of Alberta and that we have such a place as the Banff Centre of fine arts. I think to see that threatened through this Bill is a shame and a disgrace, Mr. Speaker.

MR. ACTING SPEAKER: The hon. Minister of Transportation and Utilities.

MR. TRYNCHY: Thank you, thank you, Mr. Speaker. I listened with interest to the members across the way and how short their memories are. Let me read to you from just a days or weeks ago, page 1333, a quote:

I think that if we're going to get out of the business of being in business, let's do it across the board rather than opening the door here slightly or opening the door there slightly.

That's on privatization and reduced government.

AN HON. MEMBER: One of your guys.

MR. TRYNCHY: That's one of the Liberals.

The next one on page 1406: "Certainly like many members of this caucus, virtually all . . . [are] in favour of privatization." It goes on on page 924.

I am in favour of the privatization concept. I'm in favour and I think every single MLA on this side of the House . . .

That's a Liberal speaking.

. . . is in favour of privatization.

I can go on and on and on.

Here's another one, page 1416 of *Hansard*: "I always remind myself that the less government there is, the better. I think that most taxpayers of Alberta would agree."

The Member for Leduc: "I, too, would like to be on record to indicate that I am clearly not against privatization." Page 1035.

So when those members across the way stand in their places tonight and say, "We don't like privatization," make up your minds. Albertans want to know. [interjections] I don't have to sit down for you. You can smirk all you want. You don't scare anybody. [interjections]

MR. ACTING SPEAKER: Order. We should have it a little bit quieter in the House. I'm prepared to stand here all night. I like to look at you all. So if we don't get in order, we'll just do that.

The hon. Minister of Transportation and Utilities.

MR. TRYNCHY: Mr. Speaker, I'll be as gentle and kind as I can be, but when the member across the way is shaking both his fists at me, I wonder what he's up to. That's what he's doing, so when I said to the hon. member that he didn't scare me, that's a fact. But I'll be kind and gentle.

MR. N. TAYLOR: You've just done your last driveway.

MR. TRYNCHY: Now the Member for Redwater wants a driveway paved. He just got it paved to his cottage.

MR. ACTING SPEAKER: Hon. Minister of Transportation and Utilities, I wish you would quit blowing up the Member for Redwater and get on with the Bill in hand.

MR. TRYNCHY: Mr. Speaker, I'll close with those few comments. I would like to know where they stand on privatization today. A few weeks ago they said yes; today they say no. What's it tomorrow?

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

MS LEIBOVICI: Thank you, Mr. Speaker. We have in front of us the government that loves to say, "That was then and this is now." We've got the Premier who says: we will educate our children, care for our seniors, heal the sick, spend wisely, and govern efficiently. December 14, 1992. Then all of a sudden what do we get on August 31, 1994? If there was something to hide, we'd do it. We have the hon. Minister of Municipal Affairs who says: we're not downloading, heaven forbid; we're redistributing our standards of listening. When the Premier is asked whether or not he thinks consultation is something that needs to get done, he says: in some cases, yes, I feel consultation is redundant. There we have it. That was then and this is now. This is the government that can't decide. Do they care? Do they listen? Or is it only around election time that they care and they listen?

Mr. Speaker, the Banff Centre Amendment Act has got a number of issues that are wrong with it, not only the fact that it is privatizing a public institution but also that it has within it the ability for the government to pick up a loan, a note, a bond, or a debenture that may in fact go bad. So here we have once again a government and a Premier who says they will not get involved in loans, and sure enough we've got it happening right here within the Banff Centre Amendment Act. I've heard nothing to refute the ability of the Banff Centre to in fact get involved with the loan and then for the government or the taxpayers to pick that up.

10:40

The other part that to my information is a little bit different from what we've heard the hon. Member for Calgary-Currie indicate was in terms of the consultation with the employees. It's my understanding that the consultation may have occurred on October 25. That indeed is quite a few days after the Bill itself was put into place. So again we have consultation occurring after the fact.

Not only that, but I have still to hear an explanation as to why it is necessary for the assets of an employee association that were paid for by employee dues to be then taken over and had as assets by the board. For the Minister of Labour, who is looking at me with a rather questioning look on his face, it is in section 33, where:

(1) The academic staff association . . . is dissolved and ceases to exist for all purposes.

(2) The Minister may appoint a person to settle the affairs.

Then that person:

(3) . . . may sell or dispose of the assets of the academic staff association and . . . transfer to the board any assets.

They do not go back to the members. That is an issue that I think all of us would feel very uncomfortable with.

Those are some of my concerns with regards to the Act. Again, unfortunately, though we have had some debate on this, those particular concerns have not been addressed.

Just to finish, I would like to remind the government members once again that when they talk about perceived inconsistencies, this government is the government of that was then and this is now, and if there is anything inconsistent, I think all they need to look at is their records.

Thank you very much.

MR. ACTING SPEAKER: The hon. minister of advanced education.

MR. ADY: Thank you, Mr. Speaker. I have a little trouble believing that the members opposite really believe what they're saying. The reason I say that is that surely the hon. members are not indicating that they haven't been in touch with people at the Banff Centre and understand that this is a Bill that has been requested by the Banff Centre for some time. They're very much in favour of this. This has been worked out with them over time. What they have really requested is that the government loosen the bonds that they have on the Banff Centre and let it grow to reach the potential that the Banff Centre can in fact reach.

Now, we all know that the Alberta share of the student component at the Banff Centre is relatively small. It's made up of many, many international students and national students from across Canada who come here. The great thing about the Banff Centre is that it is almost an international institution, and it's centred right in Alberta. It's a great institution because of the things that it offers. The business management component of the programs offered there are widely known and widely acclaimed. They provide a great service. We also know that the students who come there to participate in the fine arts programs, students who otherwise would not be able to have that training, are able to come to the Banff Centre and receive that training for a very nominal fee. The business management side pays a great deal of that because of the profit generated from that by the Banff Centre.

Now, what is really happening here is that the Banff Centre is being allowed to spread its wings and to involve board members from not just Alberta but from the areas who have over the years gained a great interest in the Banff Centre and who want to be supportive of it and want it to remain there and to go on providing the services that it has. But because of the structure that prevailed and has prevailed since the inception of the board membership, they have been restricted in their fund-raising and in their ability to spread the gospel of the Banff Centre as much as they would like to. So, Mr. Speaker, what we have here is a Bill that's going to enhance the Banff Centre. It's going to allow them to do what

they've been wanting to do for some time. Who knows better the mission of the Banff Centre than they themselves?

Now, certainly the government has retained adequate control. The government retains a component of the board membership. They also . . .

MR. ACTING SPEAKER: Point of order?

DR. PERCY: No, I was going to ask if the hon. minister would entertain a question.

MR. ADY: The hon. member will have his opportunity just as soon as I'm finished, if he can just contain himself for a few minutes.

The government has retained certainly the ability to request and obtain any financial information. The board is still accountable. So I really believe that members opposite are uneasy for not valid reasons. The Banff Centre is going to remain much as it has been, other than it's going to have an ability to expand itself and provide even better service to more clients than it has in the past.

Mr. Speaker, I hope that has alleviated some of their concerns. The other issues they've talked about are housekeeping things that are very straightforward, having to do with what happens to the funding from the academic staff and that sort of thing. I think that's been answered in earlier debate.

So with those comments, Mr. Speaker, I'll end my comments.

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

MR. HENRY: Thank you very much, Mr. Speaker. I'd like to make a few comments on this Bill 42, responding first to the comments made by the hon. minister of advanced education. I take him at his word, of course, and for a few minutes I found myself lulled into acceptance, into perhaps believing. Perhaps what I'm reading here is a mixed message from the front benches. Certainly the minister's been clear, but we haven't always been clear across the front benches. When one of my colleagues was standing up and saying, "Is this the first step on the road to privatization?" I saw at least one minister of the Crown nodding his head. He didn't get up and say that, but he was nodding his head. [interjections] Somebody said that he was sleeping or he was tired or nodding or whatever.

Mr. Speaker, I would like to make a couple of comments based on the brief comments made by the minister of transportation, as some of them were obviously aimed in my general direction. I think if you looked at *Hansard*, looked at the comments made by the minister in debate, they're almost exclusively related to privatization. I'm having trouble accepting what the minister of advanced education has said as the consensus of the entire front bench when I have another minister of the Crown getting up and taking his entire time on third reading of this Bill discussing the joys of privatization.

I can't help but think that the hon. member sponsoring this Bill may be set up one more time by her caucus. I'm sure she's well intentioned and believes very strongly, but the member in debate shouted across, "Trust me." Well, I heard those words, Mr. Speaker, when we talked about ECS, when we talked about a Catholic school supporter's right to taxation, when we talked about local government in terms of a school board's right to self-determination with regard to boundaries and with regard to collecting taxes. We all know where they ended up. The

record's very clear that while the hon. member sponsoring this Bill agreed, at least outside this Chamber, with many of the interest groups who had concerns, her concerns either weren't listened to or weren't taken into full consideration when her caucus made the decisions on issues such as ECS, Catholic school supporters' rights in this province, and generally public school supporters' local right to taxation.

**10:50**

Mr. Speaker, I'm concerned that the academic staff, as small as they may be in number, did not feel they were consulted on this issue when it was indicated by the government that they would be consulted.

What we see on the surface here of Bill 42 may not be all that bad, but if we take the next logical step, which is privatization, and we address that question, I think that's where we have a fork in the road in terms of do we believe that this is a public institution serving a public need? Now, when the hon. member sponsoring this Bill, the Member for Calgary-Currie, gets up and says that the Banff Centre asked for it – I believe I'm quoting what she said, that the centre asked for it – well, I want to know: how did the centre ask for it? Was it the board of governors, the board of the centre? Was it the employees of the centre? Was it some sort of broad consultation with past and current users of the centre? Mr. Speaker, quite a few years ago when I studied in the fine arts faculty, many of my fellow students attended the Banff Centre, and I had occasion recently to speak to a couple of them. They didn't mention to me that they had been consulted by this government as former users of the centre.

So if the centre wants this, let's define who the centre is. I think that underscores a mistake I believe this government is making generally when it looks at consultation. The government believes that it can ignore that the Banff Centre has been serving a public good and a public need for some time in this province, and therefore the stakeholders in the Banff Centre are not simply the board or corporations, perhaps, or individuals who have made donations and not just the users but the broader community as a whole, and they have a right to be consulted. If this Bill is moving us towards privatization of the Banff Centre or commercialization of the Banff Centre, then that kind of consultation has not happened.

Mr. Speaker, I'm reminded of close friends of mine who a few years ago made a substantial commitment to the Banff Centre in terms of a very fine, I daresay one of the finest, art collections in this province that will be going to the Banff Centre. However, I know that if we are talking about going down the road to privatization, these individuals would want to reconsider that commitment. Is that going to be possible? I doubt it will be possible, because this government has just barreled down the road of privatization as fast as it could.

I recognize as well that non-Canadian citizens, non-citizens of Canada, can with this Bill now be appointed to the board of the Banff Centre, and while the Banff Centre has an international reputation, it is an Alberta-based and a Canadian-based institution. I would put to you that to start appointing members to the board of governors who are not representative of a community, who are responsible – i.e., the public of Alberta – I think is a grave error. Again, we have a lot of institutions – the University of Alberta, the University of Calgary have significant numbers of foreign students and have research dollars from outside of Alberta, but those are Alberta-based institutions. [interjection] Perhaps if the Minister of Municipal Affairs wishes, he can enter into debate,

but I doubt he'll do that, Mr. Speaker. He's more fond of sitting and making his comments from his chair.

Just because an institution is known around the world and is used by people from outside Canada, I don't think it's a logical rationale to say that the people who are funding that institution and who are responsible for that institution should not be the board of directors; i.e., the people of Alberta and the people of Canada.

Mr. Speaker, if I had more faith and if the minister of advanced education would stand in his place and make a commitment that this government will not be commercializing or privatizing the Banff Centre, I would find myself perhaps supporting this Bill. We've not heard that commitment. That concern has been raised over and over and over again by members on this side of the House. [interjection] Again, I invite the hon. Minister of Municipal Affairs to enter into debate on his feet when the time comes. Until we hear a response to that concern, I don't think it's reasonable to expect us to support it. It's a very simple concern: will the government stand here today and commit for a significant period of time that the Banff Centre will not be commercialized or privatized? If that commitment is made and is ironclad and is made without qualification, then I think support for this Bill could be reconsidered.

Thank you, Mr. Speaker.

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

**DR. PERCY:** Thank you, Mr. Speaker. This is with regards to the issue of privatization. It's clear that some members of the House view this as sort of a prerequisite to privatization, but the issue remains that if you look at the Banff Centre Act and you look at section 13, which is not repealed by this amendment, section 13 says:

The principal and interest of any borrowings by or notes, bonds, debentures and other securities issued by the board may be guaranteed by the Government of Alberta.

So on one hand this amendment basically moves us down the road towards a privatized board with a substantial foreign component on the board, yet on the other hand if you look at the Act, it keeps Alberta taxpayers on the hook for the bill.

So, I mean, it's a fundamental inconsistency, as I see it, between the intent as seen by members on that side of the House and who really ultimately carries the can. If it's going to be in fact taxpayers that carry the can for "the principal and interest of any borrowings by or notes," then they should have the dominant say on that board, the complete say.

I would view the Bill as it presently stands as deficient because it doesn't repeal section 13, and section 13 is very, very clear about the provincial guarantee of debentures. It's right there in black and white. I think there is something in this Bill that has to be adjusted. [interjection] I hear an hon. member saying: it says "may." It's wide open, as I read it: "the board may." The board would have a substantial number of individuals who are not Canadians, who wouldn't in fact be carrying or bearing any of this tax liability. For those individuals, heck, it's a free lunch.

With those comments, Mr. Speaker, I'd have to say that I have real concerns about this Bill as it presently stands, because taxpayers carry the liability, but the private members of that board, who may not be Canadian citizens, will bear none of the costs of any actions of the board. Until this issue is clarified, I think the Bill at the very least should be tabled.

Thank you, Mr. Speaker.

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

MRS. BURGNER: Thank you, Mr. Speaker. I do want to bring conclusion to third reading. My colleagues have raised a number of concerns. I am concerned that the previous speaker would have chosen third reading and not committee stage to raise an issue which would have had further chance for clarification. However, the reporting process of financial information has been clearly identified in the Act, and it is in compliance with other legislation available to postsecondary institutions. It's more consistent with the Universities Act, and I think the hon. member should follow through on some of the background information that's been provided.

I would also like to just comment that the discussion has involved the Banff Centre significantly. This is not a sudden discussion; it's been a long-term thing. As I identified to a colleague a little earlier, the fear, the absolute paranoia that this centre would not in any way retain its Canadian identity is shocking to me. If the Banff Centre really had that at the heart of its goal and objective, perhaps it would have changed its name to, I don't know, the no-name centre of performing arts just so that it would be free to be anywhere to anybody. Clearly, in their discussion there's a great deal of pride in the fact that it is the Banff Centre. I am astounded, absolutely astounded at the lack of knowledge . . .

AN HON. MEMBER: Appalled.

MRS. BURGNER: . . . appalled and outraged at the lack of knowledge of the process the artistic community utilizes, the Banff Centre, and the role it plays on a national and international level. The reason the Banff Centre is able to maintain the high standard which allows it to support the arts community in Alberta is its ability to attract international students. As recently as July, at the major event that was held there, they hosted national and international artists on their repertoire, and they did so with pride and distinction.

11:00

The issue that I feel is important that you understand is that the safeguards of governance include the majority of board appointments being Canadian, that it has in its discussion the flexibility to operate with reduced government funding, which is consistent with finding resources to allow us to sustain an artistic community in this province. I'm just horrified that the issue of privatization is the only focus, because I think you'll find that the further development of the Banff Centre on terms that they want to expand upon should be fundamental in your responsibility to represent Albertans.

Mr. Speaker, it is a privilege to bring adjournment, and I move the question on third reading of Bill 42.

MR. ACTING SPEAKER: The hon. Member for Calgary-Currie has moved third reading of Bill 42, Banff Centre Amendment Act, 1994. All those in favour, say aye.

SOME HON. MEMBERS: Aye.

MR. ACTING SPEAKER: Opposed, if any, say nay.

SOME HON. MEMBERS: Nay.

[Several members rose calling for a division. The division bell was rung at 11:03 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Haley	Pham
Amery	Hlady	Rostad
Bracko	Jacques	Severtson
Brassard	Jonson	Smith
Burgener	Laing	Sohal
Cardinal	Langevin	Stelmach
Coutts	Magnus	Tannas
Day	McFarland	Taylor, L.
Dunford	Mirosh	Thurber
Evans	Nicol	Trynchy
Fischer	Oberg	Van Binsbergen
Forsyth	Paszkowski	West
Friedel	Percy	Woloshyn
Fritz		

Against the motion:

Abdurahman	Kirkland	Taylor, N.
Bruseker	Leibovici	Yankowsky
Henry	Massey	Zwozdesky

Totals: For - 40 Against: - 9

[Motion carried; Bill 42 read a third time]

[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: Order.

#### Bill 41 Government Organization Act

32. Moved by Mr. Day:

Be it resolved that further consideration of any or all the resolutions, clauses, sections, or titles of Bill 41, Government Organization Act, shall be the first business of the committee and shall not be further postponed.

[Motion carried]

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

DR. PERCY: Thank you, Mr. Chairman. I rise on the amendment that is under my name to close debate on that amendment. What the amendment attempts to do is provide the Legislative Assembly a say in the naming of ministers, the naming of departments, and it ensures, then, through a circuitous route that the Legislative Assembly has got a say over the delegated responsibilities set out in Bill 41. We see this as one of the few mechanisms where we can hold ministers accountable for what is undertaken in their departments and under the delegation that is allowed in this Bill. Our aim with this amendment and with

subsequent amendments is to ensure that there is a line of accountability and that that line of accountability ends in the Legislative Assembly and that the executive power of ministers is subject to some scrutiny in this Legislative Assembly.

So, Mr. Chairman, on that point I will then call the question on the amendment that is presently before the House.

[Motion on amendment A1 lost]

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

11:20

DR. PERCY: Thank you, Mr. Chairman. I rise to speak to Bill 41, and again when we look at Bill 41, the issue we see that has caused us some concern and that has led us to argue against the principle of this Bill, both in second reading and certainly in Committee of the Whole stage, is the absence of mechanisms to ensure scrutiny of actions by the minister or by agents of the ministers or persons delegated responsibility by the minister. We want to see some mechanism by which the Legislative Assembly can scrutinize what is done by these various entities. One ideal mechanism by which this could be undertaken is through the Auditor General. The provisions of this Bill leave us some concern, because they basically do not ensure that these entities will be subject to scrutiny by the Auditor General.

It is on those grounds, Mr. Chairman, that I propose the following amendment that I would like to bring forward that has been signed by Legislative Counsel. The top four copies have my signature on them. I'll read the amendment. This is called amendment A2 to distinguish it from A1. Section 9 is amended by adding the following after subsection (2).

(3) A person to whom a power, duty or function is delegated pursuant to section 9 is deemed to be a public employee within the meaning of the Financial Administration Act.

What this does, then, is assure a very clean-lined responsibility.

MR. CHAIRMAN: Hon. member, just pause for a moment. The Chair would indicate that the requisite number of signatures have been received by the Table. We'll just give a moment so that members can see this amendment and give it the consideration that I'm sure it's due.

The hon. Member for Edmonton-Whitemud is invited to speak on his amendment.

DR. PERCY: Thank you, Mr. Chairman. What this amendment does to section 9 is ensure that a power, duty, or function delegated to a person under Bill 41 falls under the jurisdiction of the Financial Administration Act. We have consistently supported amendments to the Financial Administration Act because it provides for legislative scrutiny and it ensures a role for the Auditor General. Thus any activities undertaken by a person, as set out under this Bill, to whom responsibility has been delegated will be subject to the scrutiny of the Legislative Assembly through the Auditor General. The person to whom these responsibilities have been delegated will be defined as a public employee under the Financial Administration Act, section 1(1)(o). "Public employee" means

- (i) an employee of the Crown,
- (ii) a member or employee of a Provincial agency, or
- (iii) a fund administrator or an employee of a fund administrator.

What we want to achieve with this amendment is a mechanism of legislative control, and we view the Auditor General as being the ideal mechanism to ensure arm's-length scrutiny of the efficiency of these types of entities.

It's interesting, Mr. Chairman, that when you look at the recent publication put out by the Auditor General, which is Government Accountability, it sets out very clearly a number of mechanisms that they view as being fundamental to having accountable government. One of those mechanisms is oversight by an arm's-length entity such as the Auditor General or in the case of other types of boards other types of auditors who in turn are responsible to the Auditor General. We think it is really necessary that this occur, because if you look at the history of these types of quasi-Crown corporations, what do you see? You see bloat, bureaucratic bloat. After all, they're partly private sector and what their role is is to grow, to absorb resources to become bigger. Since in many instances they have a monopoly on providing these services, there's no reason to believe that they're going to achieve any performance benchmarks or targets unless there's an arm's-length entity that comes in and assesses whether or not the benchmarks are realistic and whether or not they've achieved any performance or outcome measures.

We view the Auditor General as being our first line of defence to get at the inherent, bureaucratic nature of these entities, because on one hand the government says that these will be private sector, so they're going to be efficient. On the other hand, they're insulated from competition. Their existence is driven by a ministerial edict and regulation. I certainly believe in competition and the efficiency of the private sector, but I believe that it really exists in a competitive market, and we're not talking about a competitive market.

So we need mechanisms in place to ensure that these entities in fact are cost-efficient. One reason that in fact many of these entities might be better off within government than in these forms that will occur is if you do have a minister that has political will – and there are some over there that will actively downsize their department and ensure that you don't get the emergence of bureaucratic bloat – that's your best mechanism, because that minister ultimately is accountable here. What we're going to get is an array of boards that are not going to be subject to scrutiny, and if you have a weak minister, one that's indifferent to his or her responsibilities, what you're going to get is an entity that's going to be bureaucratic and cost inefficient. What's going to be the consequence? Well, they'll just raise their fees. They'll lobby the minister and get higher fees.

When you look at this Bill 41 and certainly Bill 57, you ask: what are the mechanisms that ensure low-cost provision of services? You can't appeal to the market, because these entities are monopolists. You can appeal to all the virtues of the private sector when you've got competition. When you don't, what you do get then is sort of what you get with firms that have had historic monopolies, the U.S. steel industry. They become kind of old. They don't upgrade fast enough. They tend to use political means to protect their position. They don't compete actively, because they've always had access to political power.

I can see emerging through 41 and 57 a whole array of sort of quasi-Crown corporations, some of which will be efficient if they're that minister's department, but many others might not be, simply because there is not a mechanism to ensure that they're efficient. So what we'd like to see, Mr. Chairman, is a mechanism to ensure that reasonable benchmarks are set and reasonable performance targets are set.

#### Point of Order Questioning a Member

MR. CHAIRMAN: The Minister of Municipal Affairs is rising on a point of order.

DR. WEST: *Beauchesne* 489. Would the hon. member entertain a question in debate tonight?

DR. PERCY: It's 482, Mr. Chairman. Since the government has imposed closure . . .

MR. CHAIRMAN: You don't have to give reasons. You can just say yes or no.

DR. PERCY: No.

MR. CHAIRMAN: Okay.

DR. PERCY: And the reason is because of closure.

#### Debate Continued

DR. PERCY: If there were mechanisms in place to ensure that they were efficient, no problem. But there aren't. So the Auditor General we view as a mechanism, at least some mechanism, some performance measure by which some benchmarks can be imposed and assessed and some way of seeing that these things operate efficiently can be put into the system.

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

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

11:30

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. I'm going to speak, and again no surprise, in favour of this amendment, because it clearly puts some restrictions on the powers of the government and specifically of certain ministers. I think it is very important with this particular Bill 41, which does allow ministers to delegate programs, services, et cetera, and allow fees to be levied – it is tremendously important that those to whom this power, the program, the services have been delegated will be subject to scrutiny by the Legislature via the Auditor General. I think this should apply to everything, and what Bill 41 does, of course, is take away that power from the Legislature. So does Bill 57 for that matter.

I think, Mr. Chairman, I would like to refer to an expression that I have heard constantly in connection with Bills 41 and 57, and that is that it is only housekeeping and it is only enabling legislation. Well, the hon. housekeeper obviously will not be able to hear the things that I am saying on this particular score, but what I'd like to say, though, is that that word "enabling" reverberated in my head. I did a little digging into the past, because after all, as Pierre Berton said, the quality of the future depends on what is kept from the past. I'd also like to quote Alphonse de Lamartine, the poet and statesman from 19th century France who put it this way: history teaches us everything, even the future.

With that in mind, I must say that I found that reference to enabling legislation before, and I refer the members back to March 23, 1933, when under the force of Chancellor Adolf Hitler the enabling Act was passed by the German Reichstag, and it gave the German government absolute power for four years. Now, Mr. Chairman . . .

#### Point of Order Clarification

DR. WEST: A point of order.

MR. CHAIRMAN: Hon. member, the hon. Minister of Municipal Affairs is rising on a point of order.

DR. WEST: Clarification. I did make a mistake. It's 482 *Beauchesne* on my last point of order. I'm sorry, Mr. Chairman.

MR. CHAIRMAN: Thank you for that edification, hon. minister. The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Mr. Chairman, I'm delighted that the minister was able to find the right citation. It might come in handy next time.

#### Debate Continued

MR. VAN BINSBERGEN: I'd like to carry on with my historical lesson, and I'm sure that the minister has been listening closely here.

The point is, Mr. Chairman, that enabling legislation allows the government that is passing it to do a great deal more than meets the eye generally. Of course, the example that we've seen was with the German parliament of the day, and I'm speaking of 1933-34. It was supposed to last for four years, but the term in fact lasted for 12 years until finally he was overthrown. Now here, thank heavens, we have elections every once in a while, because then at least that could end this sort of enabling legislation.

Mr. Chairman, I'm speaking again to this amendment, which to me makes eminent sense in applying some restrictions to the almost unlimited power of ministers. I would like to know if someone on the government side could perhaps lay out to us, so that we don't have to guess: what does the future hold for the Legislature? How far are they going to go in privatizing services, programs, you name it? I think we're entitled to know that, rather than being faced with pieces of legislation that will allow the government to take bits and pieces here and there. I think Bills 41 and 57 are pretty general. They will give sweeping powers, but we still don't know what, exactly, government will look like by the time the Klein revolution is finished. I think we're entitled to know that.

On the other hand, Mr. Chairman, I have this sneaking hunch that the government is passing these Bills, proposing them, writing them, and they don't really know where it is going to lead them. In other words, privatization gets to be an end in itself rather than a desired state to which we're headed in which such and such is being privatized. Hopefully, we can get some clarification on that, because we're being kept on tenterhooks here.

Mr. Chairman, I think this is about it. I've said before that the only model so far that we've seen of privatization is the vaunted ALCB model courtesy of the Minister of Municipal Affairs, and we all know that it wasn't the best model we've seen. There was no consultation. It was dropped on us very suddenly. There were financial losses. There were lots of people out of work, and the consumers ended up paying more. So I think because of all those reasons we would like to know: where are we headed, where is this government going, and how do they want to get there? That's all I have to say. I do hope we get some clarification.

Thank you very much.

MRS. BURGNER: Question.

MR. N. TAYLOR: I heard a light voice on my right – I'm not used to that – calling for the question. [interjection] I'm just giving a bad time to people that are over here visiting, Mr. Chairman.

Speaking for a minute, I wanted to say a word or two on this one because the whole question of transferring the act of govern-

ing from the bureaucracy to a private organization carries with it, of course – it may cut government expense because they have fewer employees to pay for, but it's going to increase taxpayers' expense because they will have to fund this organization through fees and so on.

This is a very eminently sensible one that I think even the government and certainly at least those that are not in the cabinet would want to see there, because what will happen if we don't have this is that we will have gentlemen like the hon. Minister of Municipal Affairs and a few others that could transfer to the private sector a contract, yet the Auditor General would not be able to look into the contract. There'd be no one able to look into the contract except the minister himself. That's sort of like asking Colonel Sanders to look after your chickens, Mr. Chairman, if the minister let out the contract to some of these people. Certainly the minister is not likely to be the one that should be auditing the books. So I would think the government itself, if they were thinking down the road, would want to . . .

DR. WEST: If the colonel's paying for the chickens, what difference does it make?

MR. N. TAYLOR: He's back barking again. I've noticed that if you quit feeding him a fish every two hours, he suddenly starts doing his flippers and barking again. Even rotten fish keeps him happy.

Nevertheless, the fact is that if the minister had transferred this out to the private sector, which the Bill calls for, there's no way of auditing the private sector. Now, even organizations that are on a stock exchange, where they are talking about the public, have to go through an audit process, but here we have a type of animal – I don't know what you want to call it: a brontosaurus I guess, because it was invented by the Tories – that is out there stomping around in the marketplace, administering and governing and charging fees, and there's no regulation to audit them. Well, it seems natural; either they use the system of auditing through the government service or use an audit system that's set up by any company that trades on a public stock exchange. What we have is this hermaphroditic type of creature fathered by a government that probably won't admit they were the father after a while, out there with no way of being audited.

So with that, Mr. Chairman – I don't think I'm making any great converts – I would move the question.

MR. CHAIRMAN: The hon. Member for Redwater has moved the question on the amendment known as A2. The amendment was moved by the hon. Member for Edmonton-Whitemud amending section 9. All those in favour of this amendment, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Defeated. Ring the bells.

[Several members rose calling for a division. The division bell was rung at 11:40 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Leibovici	Taylor, N.
Bracko	Massey	Van Binsbergen
Bruseker	Nicol	Yankowsky
Henry	Percy	Zwozdesky
Kirkland		

Against the motion:

Ady	Friedel	Pham
Amery	Fritz	Rostad
Brassard	Haley	Severtson
Burgener	Hlady	Smith
Cardinal	Jacques	Sohal
Clegg	Jonson	Stelmach
Coutts	Laing	Taylor, L.
Day	Magnus	Thurber
Dunford	McFarland	Trynchy
Evans	Mirosh	West
Fischer	Oberg	Woloshyn
Forsyth	Paszkowski	

Totals: For – 13 Against – 35

[Motion on amendment A2 lost]

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

**11:50**

MRS. BURGNER: Thank you, Mr. Chairman. I appreciate the opportunity to consider further debate on this issue. Ladies and gentlemen, Bill 41 has raised a number of concerns in the community. I appreciate the concern that the colleagues across the way have spoken to, but I think it's time to clear up the debate on the issue of removing accountability from the Legislature, because clearly, if anything, this Government Organization Act focuses directly on who is accountable and where that accountability should remain. I am confident that in the restructuring that we put under this Bill we will address that issue of accountability. It reinforces the responsibility of Albertans to be in touch with their government, their rules, their regulations, and how it affects their businesses. I think that is a shift that we are identifying in government: government is not solely responsible for every detail in the lives of Albertans. Certainly this reorganization shifts the attention and responsibility where it squarely belongs: on the shoulders of Albertans.

There is a recent survey that was done in the United States regarding who can better solve problems, and the issue was whether it should be businesses and individuals or governments. Clearly in the survey it identified that over 60 percent of those surveyed recognized that businesses and individuals were better at resolving problems than government would be. I think that we can take a page from that initiative.

Just in case one thinks that these initiatives are not well founded in other jurisdictions or in public support, I would like to take the opportunity to share some information with you from *The Economist*, the edition of October 29-November 4, 1994. It almost speaks directly to Bill 41, so I'd like to share it with you.

There is no easy solution to government's problems in America, France, Britain, Italy or anywhere else.

And we could interject Canada and specifically Alberta.

But progress can be made. It will begin only when people understand that many of the problems arise from the governed, not simply the governors; and that when the governors prove to be at fault over

a long period, past many elections and even across many countries, something must be lacking in the mechanisms of democratic control. Those mechanisms might be improved by transferring, and I'd like you to pay significant attention, some governmental powers closer to the citizen, in local and state governments.

Further, it goes on,

they might be improved by extending the use of direct democracy, to ensure that more decisions are guided by a majority vote rather than by the energies and resources of one pressure group or another.

Ladies and gentlemen, end of quote. As I say, that is from the most recent *Economist*. I share that as a citation. I read it to you so that I get past that other issue.

More importantly, in the debate that's been engendered over the last couple of days is this fear of ramrodding legislation through the House. I would like to focus attention of all Albertans on the document A Better Way, that was tabled in the Legislature February 24, 1994. For those of you who wish to speak . . .

#### Point of Order

##### Questioning a Member

MR. VAN BINSBERGEN: Mr. Chairman, a point of order, please.

MR. CHAIRMAN: The hon. Member for West Yellowhead is rising on a point of order. Would you cite it, please?

MR. VAN BINSBERGEN: Yes. The citation is 483. I would like to ask the hon. member a question.

MR. CHAIRMAN: Hon. member, the actual citation is 482.

MRS. BURGNER: The answer is no. Thank you, Mr. Chairman.

AN HON. MEMBER: No means no.

MRS. BURGNER: No means no.

#### Debate Continued

MRS. BURGNER: Mr. Chairman, it is inherently important that Albertans understand that this document has been in the public domain since February, and it cites very specifically that there will be

a reasonable and appropriate framework of laws and regulations, to protect the public and the public interest, and to provide essential government services in an efficient, open and accountable way, that we are going to

ensure that the public interest is protected through a framework of stable, efficient and streamlined legislation and regulations.

Ladies and gentlemen, this has been six months in the making. This is not something that was dreamed up overnight. We are "to encourage innovation, productivity and positive results throughout government."

I find it interesting that we are continuing to build on the very documents that we tabled in the House at the time of the budget. We also offered as a recognition to provide "a harmonious labour relations environment with high standards in the work place." There is a lot of discussion that is required to mould some of this legislation into one comprehensive Act to streamline and improve productivity and efficiency and, ladies and gentlemen, to reduce the overall cost of government. That is one of the significant elements Albertans asked us to do: fine, if you're not going to

spend any more money on us, make sure you don't waste the money that you have. Streamlining government is an exceptionally strong plank in this government. It's enacted in this legislation, and it's been the public discussion for a long, long time.

Ladies and gentlemen, further, on page 13 of A Better Way, "Delegated Regulatory Organizations funded by industry and reporting to the Minister of Labour"; privatizing "certain services and responsibilities."

We are in the process of changing the way we do business, and it is not something that just began overnight. We are committed to ensuring high standards in the workplace, greater accountability for results, and a streamlined, efficient, and productive public service. There is another entire element in this restructuring which has to do with the downsizing of government. This legislation enables us to continue in that vein, and it is not something to be taken lightly. The citizens of Alberta asked us to get out of their faces and streamline government.

#### 12:00

We want to continue moving from direct service delivery to facilitating services delivered by other agencies. We are continuing in that process. We are shifting from a regulatory role to a policy and facilitation role, and we are increasing opportunities for private-sector delivery. Ladies and gentlemen, there is another element in this platform that you should be aware of. The government will steer, and the people of Alberta will row. We are not going to back off from that element.

We would like to continue encouraging work teams, innovation, and rewards for high performance. There has to be a restructuring in government. We have to set standards. We are committed to continuing in that vein, and all the discussion, the fear mongering that has been going on has negated the fact that this has been a public discussion for quite a number of months.

We have elements including the recovery of costs for services except for essential services for those people who use the services they pay for. This is nothing new.

#### Point of Order

##### Closure

MR. CHAIRMAN: The Member for Redwater is rising on a point of order.

MR. N. TAYLOR: Mr. Chairman, I hate to interrupt that free-enterprise robot over there, but . . .

AN HON. MEMBER: Oh, nice. Picking on the women, eh? Cheap shot.

MR. N. TAYLOR: Cheap shot? If anybody picks on Jocelyn, it isn't a cheap shot. She's pretty capable of fighting back herself. She doesn't need your help, chubby.

I think the vote is supposed to be called. We've had closure moved.

MR. DAY: It's very clear that the person speaking at the midnight hour is allowed to continue for their allotted time, at which point the debate comes to an end.

MR. CHAIRMAN: In fact, the hon. Government House Leader is correct that the member who is speaking at midnight will not be allowed to be succeeded by anyone else.

The Member for Calgary-Currie wishes to continue?



**Debate Continued**

MRS. BURGNER: Thank you, Mr. Chairman. At this time I would like to call the question.

Thank you.

MR. CHAIRMAN: Due notice having been given by the hon. Government House Leader under Standing Order 21 and pursuant to Government Motion 32, agreed to this evening under Standing Order 21(2), which states that all questions must be decided in order to conclude the debate, we will now put the question.

[Title and preamble agreed to]

[The sections of Bill 41 agreed to]

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

MR. SMITH: Thank you very much, Mr. Chairman. I move that the Bill be reported when the committee rises and reports.

[Motion carried]

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

[Motion carried]

[Mr. Clegg in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports Bill 41. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

MR. ACTING SPEAKER: Opposed, if any? Carried.

[At 12:06 a.m. on Tuesday the Assembly adjourned to 1:30 p.m.]

