

Legislative Assembly of Alberta

Title: **Wednesday, April 26, 1995**

1:30 p.m.

Date: 95/04/26

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

Dear God, author of all wisdom, knowledge, and understanding, we ask Thy guidance in order that truth and justice may prevail in all our judgments.

Amen.

head: **Presenting Petitions**

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

MRS. SOETAERT: Thank you, Mr. Speaker. I have a petition here signed by 111 Albertans who are petitioning the Legislative Assembly to urge the government "to retain the Person's Case Scholarship because it ensures this critical piece of Alberta history is always remembered and respected." I'm sure they'll be glad to see that the minister of advanced education has wisely decided to keep this scholarship.

Thank you.

head: **Reading and Receiving Petitions**

THE SPEAKER: The hon. Member for Bonnyville.

MR. VASSEUR: Thank you, Mr. Speaker. I would ask that the petition I presented on April 11 be now read and received.

CLERK:

We the undersigned Residents of Alberta petition the Legislative Assembly to urge the Government of Alberta to ensure all Alberta school boards provide the opportunity for each eligible child to receive a minimum of 400 hours of Early Childhood Services instruction per year.

We also request the Assembly to urge the Government of Alberta to allow Alberta School Boards to use money from the Alberta School Foundation Fund to fund 400 hours or more of Early Childhood Services, as determined by the local community, so that there are no ECS user fees for 400 hour programs and so that all Alberta children have an equal opportunity or "level playing field" to succeed and compete in life by having equal access to basic educational resources.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I would ask that the petition I presented yesterday regarding public hearings on the Laidlaw hazardous waste proposal for Ryley now be read and received.

CLERK:

We the undersigned petition the Legislative Assembly to urge the Government to hold public hearings on the Laidlaw Hazardous Waste proposal for Ryley, Alberta.

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

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. The Standing Committee on Private Bills has had certain Bills under consideration and wishes to report as follows. The committee recommends that the following Bills proceed: Pr. 1, Missionary Church Amalgamation Authorization Act; Pr. 2, City of Edmonton Authorities Repeal Act; Pr. 3, Alberta Stock Exchange Amendment Act, 1995; Pr. 8, Milk River and District Foundation Act.

Mr. Speaker, the committee recommends that the following Bills proceed with some amendments: Pr. 4, Galt Scholarship Fund Continuance Act; Pr. 5, First Canadian Casualty Insurance Corporation Amendment Act, 1995. As part of this report I will be filing copies of the amendments proposed for these two Bills.

The committee recommends that the following Bill not proceed: Pr. 6, Colin Chor Wee Chew Legal Articles Act. The committee recommends that Bill Pr. 9, University of Calgary and University of Alberta Charitable Annuity Act, not proceed as the petitioner has requested that the Bill be withdrawn.

Mr. Speaker, I request the concurrence of the Assembly in these recommendations.

THE SPEAKER: Does the Assembly concur with this report?

MR. N. TAYLOR: Mr. Speaker, if you remember, I tried to speak last year on this, and you said that I couldn't speak unless I brought it up immediately after the announcement. So if it's all right, I have one question.

THE SPEAKER: Go ahead.

MR. N. TAYLOR: Yes. One of the things that hit me is in the casualty insurance Act, Bill Pr. 5. I was wondering if the chairman would explain why we went through the private Bills system rather than the regular way of changing the Act in the Legislature.

MR. RENNER: Mr. Speaker, the hon. member is correct that last time he was not able to speak to these Bills. However, he wished to speak to a Bill that the committee was recommending not proceed. The committee is recommending that this one proceed, and he will have opportunity to debate the Bill when it comes before the Legislature.

THE SPEAKER: In light of that new information, does the committee agree with the report?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? So ordered.

head: **Notices of Motions**

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

MRS. SOETAERT: Thank you, Mr. Speaker. Directly after question period under Standing Order 40 I will rise to seek unanimous consent to recognize the 75th anniversary of the Catholic Women's League of Canada.

MR. N. TAYLOR: A point of order, Mr. Speaker.

head: **Tabling Returns and Reports**

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

MR. SAPERS: Thank you, Mr. Speaker. This afternoon I'd like to table four copies of a series of invoices from medical facilities and from the Saint Vincent hospital and health centre in Billings, Montana. These invoices total over \$10,000 U.S., and they relate to the cesarean delivery of a baby girl, just so all Albertans will know what health care services cost for uninsured people in the United States.

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

MR. ADY: Thank you, Mr. Speaker. I'd like to table four copies of eight annual reports as follows: the annual report of Alberta Advanced Education and Career Development 1993-94, the Alberta College of Art 1994 annual report, the Alberta Council on Admissions and Transfer 1993-94 annual report, the Athabasca University 1993-94 annual report, the Grant MacEwan Community College 1993-94 annual report, the Mount Royal College 1993-94 annual report, the Southern Alberta Institute of Technology 1994 annual report, and the University of Lethbridge 1993-94 annual report.

THE SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. I'd like to file four copies of a resolution from the Morinville Alice Trottier school parent/teacher association urging the Legislature of the province of Alberta "to amend the Alberta School Act to mandate the right of access to fully funded kindergarten programming to a minimum of 400 hours per child per school year," much as the member from Lethbridge suggested.

head:

Introduction of Guests

THE SPEAKER: I am pleased to introduce to you several volunteer tour assistants seated in my gallery this afternoon. Many of them will be familiar to members of the Assembly. They are a talented and hardworking group of volunteers who find time in their busy schedules to offer their valuable services to our Legislative Assembly. Their services are vital to the visitor services office, and some of them have been with us for up to four years. I would like to ask each of them to rise as I call their names. First is Jean Yates, Doreen O'Callaghan, Matina Karvellas, Wauncita Ross, Pat Fortin, Clive Lomax, Rob Lindemann, Evelyn Skakun, Joyce Richman, Anne Melnychuk, and Rob Faulds. Hon. members, please join me in recognizing the important contribution of our volunteer tour assistants.

The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. Today I'm honoured to introduce a number of special guests who are seated in the members' gallery and the public gallery. They are here today as part of the centennial celebrations of Polish settlement in Alberta. Our guests include members of the Canadian Polish Congress, Polish community leaders, and members of the families of the first Polish settlers in Alberta. In the members' gallery I would like specifically to acknowledge Mr. Joseph Bereznicki and his wife - Joseph is president of the Canadian Polish Congress and the Polish Centennial Society - William Banach, who is the grandson of Stanislaw Banach, the first Polish settler in Alberta, arriving in 1895, and Mrs. Cecilia Banach. Also in the public gallery we are honoured to have a delegation from the Polish Combatants Association, branch No. 6, with their president, Mr.

Ludwik Lechocinski. I would ask everyone to rise and receive the traditional warm welcome of the Assembly.

1:40

THE SPEAKER: The hon. Member for Calgary-West.

MR. DALLA-LONGA: Thank you, Mr. Speaker. By coincidence I'd like to introduce a friend of mine who has a Polish background as well. He's a native Calgarian from Ontario, a friend of mine who has had an extensive background in politics. I would ask that John Lentowicz rise and receive the warm welcome of the Assembly.

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

MR. ZARIWNY: Thank you, Mr. Speaker. It gives me great honour to introduce to you and through you to the Assembly Bert Yeudall. Bert is in the public gallery. He is the executive director of the telephone historical site in Old Strathcona, and with the assistance of the government of Alberta and his persistence that site is now going to be declared an historical site. I'd ask that he rise and that we give him a warm welcome.

THE SPEAKER: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. I'd like to take this opportunity to introduce to you and through you 12 grade sixers from Rosemary, Alberta. They're accompanied by their teacher Mr. David Blumell and parents Mrs. Merle Blumell and Mrs. Susan Wiens. I'd ask them to rise and receive the warm welcome of the Assembly.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly two constituents of mine, hardworking, community-minded people, Jim and Irene Thompson. With them today are Nuch and Than Thaveesakde from Bangkok, Thailand. So we'd like to say sawadi kaa from the Members of the Legislative Assembly. Would you please rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce to you and through you 79 constituents from Edmonton-Meadowlark. They represent two schools within my constituency. The schools are St. Benedict and Jasper Place high school. Given our numbers this afternoon, I believe that perhaps we should declare today Meadowlark day. The group leaders and teachers who are accompanying the students from St. Benedict school are Mrs. Holzman, Mrs. Radostits, and the parent helpers are Mrs. Rumley, Mrs. Kreiser, and Mrs. DeBeer. The constable and teacher who are accompanying the Jasper Place high school students are Constable Parr and Mrs. Schroter. If they would please rise and receive the warm welcome of the Assembly.

Thank you.

head:

Oral Question Period

Seniors' Tax Rebates

MRS. HEWES: I'm back. [applause]

Mr. Speaker, as a result of the federal government's phasing out of the income tax age credit for seniors, the Alberta Treasury stands to benefit by millions of dollars simply because the province levies its tax of 45.5 percent on the federal amount owing after the age credit has been deducted. Now, in January, when speaking to the Toronto Board of Trade, the Premier promised that if the tax base were broadened so that the result was – and I quote his words – "increased revenues to my government, we will find a way to rebate that money to Albertans." So I'd like to ask the Premier: will you now commit to a full rebate of this extra tax money to Alberta seniors?

MR. KLEIN: Mr. Speaker, that is a very interesting question indeed and one that our caucus should ponder, and you're absolutely right, hon. member. I can't answer it at this particular time because I haven't given it that much thought, nor have I had time to think about it. I will point out that the statement to which the hon. member alludes says that if there are significant rebates to the provinces, we would find a way to rebate that. [interjection] No, it is in there: significant. I think that we would have to look at that, and I thank the hon. member for bringing it to my attention.

MRS. HEWES: Well, Mr. Speaker, millions of dollars I think is significant to all Albertans.

Mr. Speaker, perhaps the Treasurer could answer the question. How much does the Treasurer expect to collect?

MR. DINNING: Well, Mr. Speaker, that's what the Premier said: if there were significant sums. The point is that if those dollars come in significant quantities, if they do, then the Premier has made it very clear what government policy will be and that those funds will be rebated to Albertans. That's clearly what the Premier said. The government policy will be just what the Premier said when he was in Toronto.

MRS. HEWES: Mr. Speaker, I'm glad that the Premier and the Treasurer have committed to look at it, but this is not something that happened overnight; this is right here.

Mr. Premier, seniors are doing their income tax right now, and they need to know this month what the circumstances are for them. When can they expect an answer and their rebate?

MR. KLEIN: Well, Mr. Speaker, as the hon. member knows, we are now examining and examining very carefully the cumulative impact of all government programs on seniors. I will ask the ministers involved and the chairman of the Seniors Advisory Council to take the hon. member's comments into consideration whilst undertaking this review.

MRS. HEWES: Seniors don't have time to wait for those kinds of things, Mr. Premier.

Ambulance Services

MRS. HEWES: My second question. Mr. Speaker, in February, February 14 to be exact, Valentine's Day, we raised the issue of seniors having to come up with in some cases hundreds of dollars up front to pay for ambulance services, the cost of which is inadequately covered by the government. Today I think we need to revisit that issue, because as of now it seems to me that the Minister of Health really has done nothing or we've heard nothing from the minister that will relieve the stress or problems that this

billing causes Alberta seniors. My first question is to the Premier. Will the Premier, then, instruct the Minister of Health to cover the cost of seniors' ambulance services?

MR. KLEIN: Mr. Speaker, you know, that's not the way this government operates. We discuss these things in cabinet. We discuss these things in caucus.

Perhaps the minister herself has some comments on this particular matter, and I will ask her to supplement.

MRS. McCLELLAN: Mr. Speaker, the hon. member raised this previously with me in the House, as she noted, and I did follow up with some further information for her which clearly outlines that Alberta Health and the ambulance operators negotiate a fee for ambulance services, and the majority of ambulance operators abide by that negotiated fee. However, we can't compel a private industry to indeed comply as our system is now. It hasn't been a problem with the exception of a few, a very few ambulance operators. Certainly we're concerned about the practice, and we are looking at ways that we can alleviate the difficulty that seniors have, particularly if they are asked to pay the bill up front and then receive a rebate. We are looking very seriously at ways, as I indicated to the hon. member when I spoke to her after she raised the question, to see if we can alleviate that and indeed are looking at the broader issue of the negotiated fee and compliance with that negotiated fee.

1:50

MRS. HEWES: Mr. Speaker, then, we need the minister's commitment. Will the minister at the very least put a co-payment system in place immediately so that seniors don't have to pay up front as they do now?

MRS. McCLELLAN: Mr. Speaker, the ambulance services are part of a Blue Cross agreement that seniors do not pay any premium for, and what we would really prefer to do is have a negotiated fee that everyone abides by. Then whether you're a senior or a nongroup member, you know very well that your ambulance costs will be covered in total. Again, that is an area that we have to deal with. It is a small portion of ambulance operators in the province that do not comply with this, and I've given the commitment to the hon. member to do some work in this area to see if we can alleviate it. I don't think the answer particularly is a co-payment. My preference would be a negotiated fee that everyone abides by.

MRS. HEWES: Mr. Speaker, not only is there not a co-payment system in place, but there's a surcharge that's happening in some cases.

Mr. Speaker, my last supplementary is to the minister. Ambulance service is an absolutely essential and indigenous part of the whole health care system and certainly of health care reform. Will the minister now please ensure immediately that we'll have in place a consistent provincial ambulance system? And now, Madam Minister. We can't wait any longer for this.

MRS. McCLELLAN: Mr. Speaker, I think one of the things that we can be very proud of in Alberta is the improvement in emergency services in this province, due in part, if I might, to the efforts of a member of this Legislature who is in the Speaker's Chair, who led a task force on ambulance services some years ago. That has absolutely ensured that wherever you are in this province there is a level of service that can be expected, and I

think that's extremely important. That's not to say that there isn't some further work that we should do.

One of the requests that I made to the regional health authorities at the outset, when they began their work of planning, was that they sit down and talk with the emergency services deliverers, whether it was in the city of Edmonton or the city of Calgary or in a rural community, and ensure that emergency services were a part of their planning. Now, I have had discussions with the regional health authorities over the course of time, and I am completely satisfied that they are doing that.

However, Mr. Speaker, we must remember that we have a number of types of ambulance service in this province. We have private ambulances. We have municipal ambulances. We have hospital-based ambulances, which are in part municipally funded through requisition. We have a very fine air ambulance program in this province that is totally provincially funded. I believe it's an area where we have to continue to work with our regional health authorities and our municipalities, and we intend to do that.

Hospital Construction

MR. SAPERS: Ironically, Mr. Speaker, health restructuring will require millions of dollars to be spent on new hospital construction projects. Now, Calgary alone has requested \$88 million that they need to rebuild their hospitals so that operating dollars may eventually be saved. Unfortunately, public works has only budgeted slightly less than \$70 million for this purpose right across the province. My first question is to the Minister of Public Works, Supply and Services. Will the minister inform the Assembly as to how this shortfall will be made up, or does he expect that the regional health authorities will simply requisition local taxpayers to fund the difference?

THE SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. FISCHER: Thank you, Mr. Speaker. Certainly the capital expenditure for our health care projects is a concern, a major concern across this province. I do say that we are trying to do our best to make the best use of the facilities that we have in place now before we start building new facilities. Regarding requisitioning taxpayers for those facilities, I do say that it's not allowed.

MR. SAPERS: Mr. Speaker, maybe I'll phrase it in a different way for the minister. Given that the Calgary regional health authority needs all of the money, \$88 million, that they've requested right now so that their plan doesn't fail, then maybe the minister will explain why it is that his staff failed to attend a critical meeting yesterday to resolve these funding priority issues.

MR. FISCHER: Our regional health boards across the province are putting together the construction needs across this province. It's not just one particular health board, but we want all of them together before we make a decision on where the dollars can be spent. Certainly we have to go over the needs themselves very carefully, as I mentioned before, before the dollars go into them.

Regarding attending meetings on that, our people have had contact with the boards on that particular issue.

MRS. McCLELLAN: Mr. Speaker, I would like to answer in supplement to the hon. member's question. I am sure that he read the same story in the paper that I did, by the manner of his questioning. I have been in contact with the Calgary regional

health authority. They clearly understand the guidelines for a provincial plan for health capital projects. All of the regional health authorities in this province understand them because they have been communicated to them. They were told that early in this budget year there would be a provincial plan for health capital projects put forward.

They were also told that if there were projects that were integral to them moving forward with their restructuring and meeting their business plans to discuss them with us, and on an individual basis we might be able to assist them. We did that in Calgary with 7 and a half million dollars that was allocated to the cardiovascular program, which was integral to the move of that program from the Holy Cross to the Foothills site. We did it with the Tom Baker with a capital project there for a linear accelerator, which was very important for cancer treatment.

I have been in contact with the Calgary regional health authority. I have made arrangements with them to alleviate some of their initial concerns, and I can tell the hon. member, if he doesn't understand, that very few of those projects would be completed in one year, so in that way we do a three-year plan of health projects.

Mr. Speaker, there will be a provincial plan. It will be based on need, and it will be based on meeting business plans in a restructured health system. I am at a loss as to why those comments have been made, but I certainly will look into them.

MR. SAPERS: Mr. Speaker, the government asked the regional health authorities to develop business plans. Those business plans included capital requests. The money had to come out now. Why did the Minister of Health demand that the regional authorities hurry up to submit their business plans, take the money out of their budgets now, make them close down programs now and not give them the funds to complete their restructuring process? The regions are floundering, Madam Minister. What are you going to do about it?

2:00

MRS. McCLELLAN: Mr. Speaker, the regions are not floundering. I can assure the hon. member that they are not floundering. Indeed what the regions are doing is putting forward very carefully developed plans, and I think it's important that those plans be right, more important than the timing. As I indicated, we made a commitment to the regions that that provincial plan would be in place early in this budget year. Today is April 26. The budget year began April 1. I believe it is still early.

I believe it's important, as they do, that we work on a provincial plan. I will take full responsibility for the fact that some of those plans are not completed, because as plans came in in their final form, which was not in their directional plan, I have asked for clarification, for revision, and to ensure in some cases that they did meet the business plan and the restructuring plans for Health. I think it's important, and I think the hon. member would agree that what is important is that the capital projects that do proceed are based on need and based on meeting Alberta Health's business plan, the region's business plans, and that they be done in a very orderly fashion so that regions do have stability in capital funding.

THE SPEAKER: The hon. Member for Calgary-Shaw.

Legal Profession Complaint Process

MR. HAVELOCK: Thank you, Mr. Speaker. Self-governance is a privilege which must be exercised diligently and with due regard to the public interest. While I am of the view that the Law

Society of Alberta discharges this obligation professionally, there are instances where justice is not well served. Despite public representation in the discipline process it is extremely difficult for any organization which exists to protect and advance the interests of its members to act in an independent and unbiased manner. My question is for the Minister of Justice. Excluding appeals based on questions of law or jurisdiction, what recourse is available to a complainant who feels their grievance against a lawyer has not been adequately addressed by the Law Society through its appeal process?

THE SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. Well, as with all of the other self-regulating professions in the province, there are processes to deal with appeals by citizens who feel aggrieved by a member of that profession. The hon. member makes a point about an extended appeal process. There is not an extended appeal process. However, it is well recognized by the profession, it is well recognized by government that with self-regulation goes responsibility. As a result of that, there are a number of processes available to the public if they have a problem with a lawyer in this province.

The first part of that process is that a complainant would complain to the Law Society, and that complaint would be analyzed by the deputy secretary of the Law Society. If the deputy secretary chose to dismiss the claim, then there is an appeal to an appeal committee. In any event, if there is a review that is to be done of conduct of a member of the law profession, there is a conduct committee that is made up of members of the profession who are elected as benchers and lay members that are appointed by the government to ensure that there is an outside and independent review of the claims that are before that body. Then if there is a finding that there is something to be reviewed, it goes to a hearing committee, and that is reviewed again by members of the profession who are benchers and the lay members.

THE SPEAKER: Supplemental question.

MR. HAVELOCK: Yes. Thank you. I think the answer there was nothing, but I'm not sure. [interjections] All right; I'll continue. Sorry.

Is the minister aware – and I hope this will be short – of any other common law jurisdictions which provide an appeal from the decision of the legal community governing body?

MR. EVANS: It's much easier to answer that one quickly, Mr. Speaker. No, I'm not aware of any such process in any other common law jurisdiction.

MR. HAVELOCK: Well, Mr. Speaker, would the minister consider implementing in Alberta a program similar to the lay observer initiative presently in place in the United Kingdom, which actually does provide for an independent appeal from a decision of the legal community governing body?

MR. EVANS: Well, Mr. Speaker, if the hon. Member for Calgary-Shaw has some information about that British system, I'd be delighted to sit down and review it with him. I'll do some independent review myself to bring myself up to date on what, if any, additional opportunities there are for an independent appeal process, and I'll be back to the Member for Calgary-Shaw.

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

Gambling

MR. WICKMAN: Thank you, Mr. Speaker. At its last meeting all – and I stress "all" – members of the Red Deer city council passed a resolution calling for the removal of slot machines, a position incidentally that's common with that of the Liberal caucus. The Red Deer council cited behaviour detrimental to the community as its main grounds. To the minister responsible for lotteries: will the minister respect the wishes of this municipality and remove these offensive slot machines?

DR. WEST: Mr. Speaker, we've answered questions much like this, similar to this many times. Everybody's aware that we did one of the most comprehensive reviews that's ever been seen in this province. We had over 7,000 – and I believe it's on its way to 8,000 – written submissions to the Lottery Review Committee. We've also had over 3,000 people attend these meetings with hundreds and hundreds and hundreds of presentations at those. We've had meetings separate from those with other organizations and people throughout the province. When that report comes forth, we will look at it internally and take the comments made by Albertans very, very seriously.

Yes, I'm aware of the Red Deer resolution, because it came to me personally also, and I passed that on to the review committee. It's a very, very sensitive issue with Albertans. There is a vast amount of issues at stake here, and I acknowledge the concern that Albertans have and the concern that this member has in bringing it forward to the Assembly in this question.

MR. WICKMAN: Mr. Speaker, is the minister saying that a handpicked government committee should have more clout over its community than a council?

DR. WEST: Mr. Speaker, there's no room in this issue for partisan politics such as that question. We went out in good faith with a committee that is represented by people who two years ago June 15 were elected by the people of Alberta to represent them and bring forth their ideas as well as with a balance of public citizens from across this province, and if this hon. member is saying that the people of Alberta through a democratic process are wrong, then so be it.

MR. WICKMAN: Mr. Speaker, let me try my last question to the Minister of Municipal Affairs. Will the minister introduce enabling legislation to allow civic governments to ban slot machines from their municipalities?

MR. THURBER: Mr. Speaker, it's certainly not in any of the amendments that we're bringing forward right now.

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

2:10

Corporate Taxes

DR. L. TAYLOR: As you are aware, I've raised questions in the past regarding what I and a number of my constituents view as discrimination by the federal government towards Alberta in terms of inequitable reduction of transfer payments and inequitable contributions by Albertans to the federal treasury among others. In fact, other provinces take the transfer payments, Albertans' money, and use that to lower their corporate tax rate. My

questions are to the Provincial Treasurer. What is the Alberta manufacturing and processing tax rate compared to Saskatchewan, Prince Edward Island, and Newfoundland?

MR. DINNING: Well, Mr. Speaker, the member raises a good point. There are three different kinds of corporate tax rates in the province today, as there are in many provinces. The manufacturing and processing rate in Alberta is 14 and a half percent, whereas in Saskatchewan it ranges from as high as 17 percent and can be brought down to a rate of 10 percent. In P.E.I. it's 7 and a half percent. In Newfoundland it's 5 percent.

There are of course other rates, particularly the small business rate, which would even apply to the member's own individual business, which is at 6 percent, which is much lower than it is in Saskatchewan, which is 8 percent, P.E.I. being at 7 and a half percent and Newfoundland at 5 percent. The general rate that applies to the larger businesses across the province, Mr. Speaker, is 15 and a half percent in Alberta, whereas in Saskatchewan it's higher; it's 17 percent. It's about the same in P.E.I. at 15 percent, and Newfoundland is 14 percent.

DR. L. TAYLOR: When we have double the M and P tax rate of some provinces, how does the minister consider this part of the Alberta advantage?

MR. DINNING: Mr. Speaker, the hon. member raises a good point. We are one of about three, four, or five provinces that actually drops the general rate for businesses that are in the manufacturing and processing business, because that's the business that actually creates a lot of jobs in this province. I would remind the hon. member that we in this province, compared to all the other provinces, make for a rather attractive fiscal tax economic environment. We have no sales tax in the province of Alberta. We have the lowest gasoline tax in the country. We have no general capital tax. Our WCB premiums are on the decline compared to other provinces, and other than WCB premiums there is no payroll tax in this province, unlike most other provinces.

So I would say that the tax basket in Alberta is far more attractive to individual businesses and, especially when you add to that the low tax environment for individual taxpaying citizens, the employees of those companies. Our environment is an attractive one. Our objective is to make it the most attractive one in the country. I take the hon. member's suggestions very seriously and would want those to be considered, as the Premier has suggested, as we consider the notion of reinvestment in the days and years and weeks to come.

DR. L. TAYLOR: Will the Treasurer consider reducing Alberta's M and P tax rate to match other provinces to make us more competitive with those provinces in this particular area?

MR. DINNING: Well, Mr. Speaker, as I said earlier, that's something that clearly could be considered on the reinvestment side as we get into that discussion and debate in our caucus and throughout the province in the months ahead. I would remind the hon. member, encourage him to bring that notion to the debate.

I would want to remind him of a rather attractive business climate in the area of Medicine Hat. I think of building permits in Medicine Hat having risen from \$58 million in '93 to over \$60 million in 1994. In July of '94 New Horizon Manufactured Homes opened its plant in Medicine Hat, hiring 85 people, and today it's building up to 100 homes. So I'd say that the environ-

ment not only across the province but indeed in the member's own constituency is a good one in which they want to seize the opportunities that are there, and we simply want to enhance that environment in the weeks ahead.

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

Special Education

MR. HENRY: Thank you very much, Mr. Speaker. Better late than never I guess. In 1994 the Auditor General of this province criticized the Department of Education for not being able to determine how the funds for special-needs children were being spent. Rather than improving the tracking system, the Department of Education came up with an innovative strategy for dealing with this criticism. They simply eliminated the categories of mild or moderate disability from the funding categories. I'd like to ask the Minister of Education: how is the minister going to be able to attract dollars being used to serve special-needs students when he's eliminated the categories of mild disability and moderate disability from his reporting structure? How are you going to know if these kids are getting what they need?

MR. JONSON: Mr. Speaker, as I've indicated throughout the province, one of the important initiatives that we have under way is the development of an overall comprehensive accountability framework for the ECS to grade 12 education system in this province. The particular measure, if you will, or factor dealing with satisfaction with respect to special-needs services is certainly being looked at as part of that overall strategy. In terms of looking at the development of our annual report card as a department, we are also getting indications of the satisfaction that the parents and the public have with the services we are providing to those children.

MR. HENRY: Okay, Mr. Speaker; so instead of tracking money, we're going to ask people if they feel good, perhaps in a survey.

Perhaps I can ask the minister: since the government's mandated full integration for disabled students, how is the minister going to track so that he knows whether there are enough funds being spent on those children so that they are truly integrated into our education system?

MR. JONSON: Mr. Speaker, the premise of the question of the hon. member across the way is inaccurate; that is, we have not mandated full integration of special-needs students. In fact, the hon. member should be aware that we provided a number of months ago a revised placement policy for special-needs students which has as its basic premise that the best possible and most appropriate program should be offered for special-needs students, be that in an integrated setting or in a special setting that is most appropriate. So the basis for the question is unfounded, and therefore I am not able to answer it.

MR. HENRY: So now we have on record that the minister's reversed the policy of the previous Minister of Education.

I'd like to ask the minister: since he feels it's important enough to have funding categories for English as a Second Language funding, for kindergarten, for native language and culture, why won't you do it for mildly and moderately disabled students?

MR. JONSON: Well, first of all, Mr. Speaker, the hon. member seems to be having a bad day. The announcement with respect to

the revised special educational placement policy was made publicly. The documents were circulated to the school systems of this province, as I said several months ago, shortly after I took over the portfolio that I currently hold. That followed a review of that overall matter.

Secondly, with respect to the last question, Mr. Speaker, again the premise is inaccurate in that all of the different categories which were, yes, previously special lines in the budget are now part of the overall instructional block. So we have treated the native education grant and the other grants that we had, such as the secondary education implementation grant – that has been rolled into a block for instructional purposes, which is of course something we put a great priority on in our funding framework, because we want to see all the possible money focused on the instruction of students.

Miscellaneous Timber Use Program

MR. LANGEVIN: Mr. Speaker, the shortage of sawlogs is an ever increasing problem for small and medium-sized operators. The problem is compounded by the ever increasing number of logs going to B.C. and also by the large FMAs which are held by companies. My question is to the Minister of Environmental Protection. Why are we not allocating logs from the forest located in the Cold Lake air weapons range to small sawmill operators in northeastern Alberta?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. Alberta has an agreement with the Department of National Defence whereby the Department of National Defence has control over access to the Cold Lake weapons range, the area that the hon. member is referring to. They have exercised that control for safety and security reasons, and of course it changes from time to time.

2:20

We currently are in negotiations with the commander of the weapons range to see if in fact we can access some of that timber. We do estimate that there was probably about an annual allowable cut of 39,000 cubic metres of coniferous and about 55,000 cubic metres of deciduous, and that would work in very well with the MTU program for the small sawmill operators in the St. Paul area.

MR. LANGEVIN: Again to the same minister: what attempts were done in the past to salvage damaged timber from the weapons range as is done in Saskatchewan now?

MR. LUND: Mr. Speaker, it's my understanding that the area that was damaged by fire is primarily in Saskatchewan, and they have been harvesting some of that timber. Once again, the security and safety issue comes into play, but they have been doing some on the Saskatchewan side.

MR. LANGEVIN: Again to the same minister, Mr. Speaker: is it possible to obtain more incidental sawlogs from the AI-Pac FMA for small operators?

MR. LUND: Of course in all of the areas we are looking at opportunities where we could get some more wood into the miscellaneous timber use program thereby increasing the access for the small and intermediate-sized mills. We are currently working with AI-Pac to see what we possibly could do in that area

and see if we could possibly sequence the cutting so that we could accomplish some of those objectives.

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

Women's Shelters

MRS. SOETAERT: Thank you, Mr. Speaker. Isolation, lack of transportation, fewer supports, and confidentiality are a few of the barriers a rural woman has to overcome in order to leave an abusive relationship, but the biggest barrier of all is this government's refusal to address the lack of shelters in critical areas of the province, most notably the Pincher Creek region, where the closest shelter is Lethbridge, a shelter already turning away 250 women and children a year because there is no room. My questions are to the Minister of Family and Social Services. Given the current funding freeze for shelters and the \$2.5 million cut to the office for the prevention of family violence, has the government now changed its policy for helping abused women and children?

MR. CARDINAL: No, the policies have not changed. In fact, what we are doing is making sure that the employables that were utilizing the dollars that were meant for the high-needs areas were put into training programs and employment programs, Mr. Speaker. What this has done is allow us to move more dollars into the high-needs areas. I've said before that in the next two years we will be moving an additional \$100 million into those areas.

AN HON. MEMBER: How much?

MR. CARDINAL: A hundred million dollars. Although we do have a priority list of about nine different areas where those dollars would go, Mr. Speaker, that priority list is not finalized. We will be doing an ongoing review and redirect dollars as required. It may be that this particular project would fall under that if it is a priority item.

MRS. SOETAERT: Three years they've been requesting this, and the need is documented. So would the minister, then, consider Pincher Creek's request for a needed shelter, or do the women and children from Brocket and Cardston and Fort Macleod and Stand Off and Crowsnest Pass and Pincher Creek not rate in your view?

MR. CARDINAL: Of course I'll make a commitment to review that particular project. I would also like to advise the member that we are providing various forms of new support programs to assist families at home in a preventative manner. I believe that is the answer for a lot of problems out there, Mr. Speaker, but I'll make a commitment to review that particular project.

THE SPEAKER: Final supplemental.

MRS. SOETAERT: Good. Thank you, Mr. Speaker. Would the minister, then, consider helping this shelter move into one of the many vacant spaces in the provincial building in Pincher Creek? Is he willing to at least help find a suitable alternative that way?

MR. CARDINAL: I just answered that, Mr. Speaker. I will review the process. Her question no doubt was written previously.

THE SPEAKER: The hon. Member for Calgary-North West.

Camp Gardner

MR. BRUSEKER: Thank you, Mr. Speaker. My question today is to the Premier. A few weekends ago I had the opportunity to go with my nine-year-old son to Cub camp at Camp Gardner. In 1987 the provincial government built a bridge to straighten out the road that goes past Camp Gardner, which is Highway 22, to eliminate a dangerous curve. Despite assurances to the contrary the building of the bridge changed the path of the river, and now in fact buildings at the camp are in danger. So my first question is to the Premier. What steps will the government take to prevent further erosion of Camp Gardner by the Elbow River?

MR. KLEIN: Well, I'll have to take a little trip out there when the weather gets a little bit better. I fish around that area from time to time, and I'd be glad to have a look at it. I saw the pictures the hon. member sent over, and I would encourage him to discuss this matter with the Minister of Environmental Protection to take whatever steps are necessary to prevent further erosion.

THE SPEAKER: Supplemental question.

MR. BRUSEKER: Thank you, Mr. Speaker. My supplemental question. The municipal district of Rocky View is preventing buildings being moved. Because the river has changed and the buildings are now in danger, will the Premier or the government intervene to allow the buildings to be moved away from the river to a site elsewhere on Camp Gardner, to a safer location?

MR. KLEIN: Well, if you like, I will again through you, Mr. Speaker, and through this Assembly ask the minister to immediately look into this situation along with the hon. Minister of Justice, who is the MLA for the area.

MR. LUND: Mr. Speaker, there already have been some actions taken. In fact, the MLA for the area will be visiting the site this weekend. We have heard from Mr. MacDonald, the director there, that in fact there is not an imminent danger, and there is some time to look at what might be done.

MR. BRUSEKER: My final supplemental question, Mr. Speaker, is also to the Premier. What will the government do to help the Boy Scouts replace the interpretive trails, for which in fact the Premier commended the Boy Scouts when he was the minister of the environment, that have now in fact been washed away because of the changing path of the Elbow River?

MR. KLEIN: Well, Mr. Speaker, I know that the hon. Minister of Environmental Protection has heard the hon. member's question, and I will ask him again through you and this Assembly to bring me up to date on the matter and advise me as to what action is being taken.

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

Provincial Debt

DR. PERCY: Thank you, Mr. Speaker. There is a difference between debt repayment as set out in Bill 6, orderly pay-down of the debt, and debt management: how much you finance, where you finance, and at what rate and at what term to maturity. A recent Statistics Canada study shows pretty conclusively that this government has done a poor job of managing the debt. According

to Statistics Canada \$6.8 billion, or 50 percent of Alberta's direct debt, comes due over a five-year period, 1994 to 1998. That's the highest proportion of maturing debt outstanding of any province in Canada. My questions are to the hon. Provincial Treasurer. Can the Treasurer explain why the government has decided to subject taxpayers to such a large debt spike by crowding over \$6.8 billion, or 50 percent of our debt refinancing, into a five-year period, a period, I think, of particularly volatile interest rates?

MR. DINNING: Well, Mr. Speaker, if we had taken the advice of the hon. member a couple of years ago, we would have locked it in at even higher rates of interest, which I don't think Albertans would have been served well by at all.

DR. PERCY: Well, that was succinct.

Can the Treasurer explain: in light of the DBRS, Dominion Bond Rating Service, study of February 1995, which warns that the high proportion of the province's debt in non-Canadian dollars leaves it open to a significant exchange rate risk, is the Treasurer committed, then, to looking to Canadian dollar sources as opposed to U.S. dollar denominations? The DBRS was well aware of the resource hedge when they made their comments.

2:30

MR. DINNING: The hon. member is right, and of course he's reading selectively from the Dominion Bond Rating Service report, which I might point out to all members of the Assembly confirmed our credit rating of double A and gave us a stable outlook. They went on to say that "Alberta has the lowest tax structure in Canada," which ensures its competitiveness and gives it "the greatest tax capacity of any province" and hence the greatest "ability to maintain a balanced fiscal track regardless of economic conditions." They went on to say that Alberta's debt level "is the second lowest in Canada" and is set to decline with the balanced budget legislation and debt retirement plan.

Mr. Speaker, clearly we have some of our debt, about a quarter of our debt, denominated in U.S. currency, in American currency. Quite appropriately we also have a natural hedge in that a large amount of our revenue, especially our oil and our natural gas revenue, comes to us in that same currency. Fortunately, as the dollar has fluctuated in the area of 71 to 73 cents on the dollar, oil is much higher than it was expected to be, trading today in the order of \$20 – our balanced budget plan assumes a \$16.56 barrel of oil – with natural gas, assumed to be in the \$1.35 range, trading above that recently. I think that we are better than well placed, even with the American dollar exposure, given the influx of dollars from oil and natural gas.

DR. PERCY: Mr. Speaker, the issue is debt management as opposed to debt repayment.

Given the importance of effectively managing debt as a means of sustaining core programs in health care and education in Alberta, will the Treasurer commit to releasing a government debt management strategy as the province of British Columbia has in its budget, where it sets out clearly debt management as opposed to a schedule of principal repayment?

MR. DINNING: Well, Mr. Speaker, the hon. member would like us to emulate how British Columbia does its budgeting. The province of British Columbia announced in one particular week that its net deficit was actually going to be down a bit, that they were going to run a deficit and they were going to reduce their

net debt. Now, how in God's name or even with generally accepted accounting principles anybody could actually do that is beyond me.

I'll tell you how they do it. They put the lot of their debt and other matters off their balance sheet, off into what's called a budget stabilization fund, which is more appropriately called a BS fund, as in budget stabilization fund. If the Member for Edmonton-Whitemud is advocating that that is how the province of Alberta ought to manage our affairs, then he deserves to be a member of the Liberal caucus.

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

Jubilee Auditoriums

MR. ZWOZDESKY: Thank you, Mr. Speaker. This government's compulsion for selling off Alberta's assets in a depressed market is becoming well known, and now it appears that yet another of our treasured parts of Alberta's heritage is headed for the auction block. Edmonton's and Calgary's Jubilee auditoriums were built around 1955 as a special gift to this province and in large part to provide an adequate and affordable venue for our many artistic, cultural, social, educational, and benevolent organizations. My question is to the Minister of Public Works, Supply and Services. What discussions and/or negotiations have taken place by or with this government regarding the possible privatization of the Jubilee auditoriums?

MR. FISCHER: Mr. Speaker, there haven't been any discussions regarding the two auditoriums.

THE SPEAKER: Supplemental question.

MR. ZWOZDESKY: Thank you, Mr. Speaker. There are certainly rumours floating around, and I'm glad that the minister is now on record. That's fine. [interjections]

Will the minister . . . [interjections]

THE SPEAKER: Order.

MR. ZWOZDESKY: Mr. Speaker, it was a straightforward question, and we got an answer, and we appreciate that. Now with the respect of members opposite I'd like to ask a supplementary question.

Will the minister give us a commitment that before placing these auditoriums on the auction block list, he will first bring the matter before this House, before this Legislature, for proper discussion and debate? Will you give us that commitment, Mr. Minister?

THE SPEAKER: The hon. minister.

MR. FISCHER: Yes, Mr. Speaker. I don't know where the rumours are coming from regarding the sale, but we have no intention of selling those properties, none whatsoever.

THE SPEAKER: Final supplemental?

The time for question period has expired. Might the Assembly consent to reverting to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

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

THE SPEAKER: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to the members of the Assembly 25 students from the John Wilson elementary school in Innisfail. They are here to witness the procedures of the Assembly today. They are accompanied by their teacher Mrs. Della Oszli-Lastiwka and by Mrs. Madeleine Nafziger. They are in the members' gallery, and I would ask them to rise to receive the warm welcome of the Assembly.

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

MRS. SOETAERT: Thank you, Mr. Speaker. It's been a busy day and a good day. I'd like to introduce to you and through you to members of the Assembly five dynamic women who are very socially active and work hard for their communities in this province and in fact this country. They are members of the Catholic Women's League. They are Mary Laffin, Mary Adele Mulligan, Marianne Warren, my longtime friend Becky Kallal, and Connie McBride. I would ask them to please rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Redwater indicated that he wished to raise a point of order.

MR. N. TAYLOR: I found the answer, Mr. Speaker.

head: **Motions under Standing Order 40**

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert has given notice that she wishes to request the Assembly to give unanimous consent to her placing a motion. On that request, hon. member.

Catholic Women's League

MRS. SOETAERT: Yes, Mr. Speaker. Today marks the Feast of Our Lady of Good Counsel, the patron of the Catholic Women's League of Canada, and that is why today is the appropriate day to acknowledge CWL's 75 years of service to God and Canada.

THE SPEAKER: Does the Assembly consent to the hon. member putting her motion?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

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

Moved by Mrs. Soetaert:

Be it resolved that this Assembly recognize the 75th anniversary of the Catholic Women's League of Canada.

MRS. SOETAERT: Thank you, Mr. Speaker. The Catholic Women's League of Canada was organized nationally in 1920 and provincially in 1912. Trust Albertans to lead the way. Across this country there are more than 114,000 members, and Alberta has almost 10,000 members. The Catholic Women's League is the largest national organization of Catholic women in Canada and

seeks to unite Catholic women as a community striving for the furtherance of spiritual, cultural, and intellectual interests and the development of social action.

The CWL has often received the commendation and keen appreciation of federal, provincial, and municipal authorities for the volunteer services ably performed by its nationwide membership. When the CWL sees a need in a community, they work to fill that need.

In fact, during the early 1900s the influx of European immigrants to the New World was becoming a major concern. Many of these immigrants were young women destined for domestic service, and many of them were finding their way to western cities in Canada. Bishop Emile Legal of Edmonton recognized the need for organized assistance for these immigrant women and called upon Katherine Hughes and Abbe Casgrain, well known for their work with immigrants, to organize a meeting, and this was held in November of 1912. The objective was to provide protection and support to women and girls, especially immigrants, seeking work in Edmonton. The women called themselves the Catholic Women's League.

Rosary Hall was opened, which offered safe and affordable accommodation, and since there were no employment services, the league set up a free job placement service. Thus the first page of a long history of Catholic social action was written.

World War I had energized and united women as never before. They were encouraged by their success in winning the federal vote in 1918 and had begun campaigning for an end to sexual stereotyping and discrimination. It was timely that all nationally organized women's groups were called to Ottawa to share their opinions, and thus in June of 1920 the Catholic Women's League was organized nationally with Miss Belle Guerin as the first national president.

2:40

Over the years the CWL in Alberta has much to be proud of. In the early 1920s immigration was of grave concern, and some of the first English as a Second Language programs were started by the CWL. During the war years the CWL worked with the Red Cross, the IODE, and the women's institutes and gave a financial donation of \$25,000 to the government of Canada for the war effort. Not only was their concern for the welfare of the fighting forces but also for that of refugees coming to Canada from their war-torn and ravaged homelands, who found welcome and shelter within the CWL organization. Hostels were built and supported for girls in the armed forces and for those working away from home. The government was urged to provide facilities for divine worship in every military camp in Canada, and CWL members furnished many of these chapels. The league emerged from the war years with pride in its accomplishments and new confidence to tackle social problems, always a legacy of war. Juvenile delinquency had reached serious proportions. Many homes had been broken through death and separation. It seemed appropriate therefore for the league to focus its concerns on home life and community welfare.

The impact of World War II changed the role of women in society irrevocably and in many ways. For instance, the number of women in the workforce had doubled. Working wives and mothers now became the norm. A new convenership was established titled Health and Welfare, aimed at keeping members of the league abreast of changes in health insurance coverage and medical care available. At the 1946 national convention resolutions were passed to provide youth centres across the country in an effort to combat juvenile delinquency. Theatre managers

across the country were urged to show children's films on Saturdays. The government was asked to amend the Family Allowances Act to provide for children in charitable institutions and to allow university fees to be tax deductible.

During the '60s and '70s the league concentrated on its own acknowledged concerns: the sanctity of life, women in the church, Christian family life, world peace, pension reform, and social justice for women worldwide.

Today the league objectives remain to unite the Catholic women of Canada:

1. to achieve individual and collective spiritual development
2. to promote the teachings of the Catholic Church
3. to exemplify the Christian ideal in home and family life
4. to protect the sanctity of human life
5. to enhance the role of women in church and society
6. to recognize the human dignity of all people everywhere
7. to uphold and defend Christian education and values in the modern world
8. to contribute to the understanding and growth of religious freedom, social justice, peace and harmony.

The people of Alberta have benefited greatly by the work of the CWL. We can boast four national presidents: Margaret Duggun, Dr. Isabella Stevens, Ruth Cooney, and Ardis Beaudry. When you hear about WIN House, Providence Centre, Marian Centre, Lurana Shelter, Discovery House, Wings, and in fact all of the shelters across this province, you can be sure that the Catholic Women's League has been an essential part of these organizations.

My nearest and dearest CWL role model is my mother, Simone Sheehan. She has been an active member for over 41 years, and I'm proud to say that I have been a member for 19 years.

Please allow me to end with the prayer of the CWL, that we as legislators would be wise to heed:

We humbly pray you, O God our Father, to bless The Catholic Women's League of Canada. Bless our beloved country, our homes and families. Send your Holy Spirit upon us to give light to our minds and strength to our wills, that we may know and fulfill your great law of charity. Teach us to share with others, at home and abroad, the good things you have given us. This we ask through Our Lord Jesus Christ and the intercession of our patroness, Our Lady of Good Counsel.

Congratulations to the CWL for 75 years of dedicated service for God and Canada.

THE SPEAKER: The hon. the Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. On behalf of the government I would like commend the hon. Member for Spruce Grove-Sturgeon-St. Albert for bringing forward this Standing Order 40 and for being so eloquent in her analysis and history of the Catholic Women's League of Canada and focusing as well on the tremendous contribution that they have made, particularly in this province.

Being born and raised a Catholic, I too have many relatives who have been members of the CWL. I know the kind of work that that organization has done and continues to do in church life and in community life in all corners of this province. They operate because they have a moral obligation to do so. It's a moral imperative for them to be involved in their communities and in their church life. I believe that many young people and many older folks as well have benefited significantly from the work that the CWL has done.

I think that in this very fast-paced world when we look at so few organizations that foster traditional values, it is an interesting

day to pause and look at the history of the Catholic Women's League, who have seen their role as a supportive role to the Catholic church but have been very, very focused and have been very aggressive, or at least assertive, in times when they've seen injustice or concerns in their communities. Those communities have expanded out considerably from the Catholic parishes, which are the genesis of the Catholic Women's League.

So on behalf of the government, Mr. Speaker, I would again like to commend the hon. member and indicate the congratulations of all members of the government on the 75th anniversary of the Catholic Women's League of Canada.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I want to add my comments to those of my colleague from Spruce Grove-Sturgeon-St. Albert. I'm pleased to have an opportunity to congratulate and offer my sincere thanks to the members of the Catholic Women's League for 75 years of service. I am not a Catholic, but I'm one of those privileged women to whom the Catholic Women's League has frequently reached out. I feel as though I am a spiritual and psychological sister, if not a member of the league, because they have helped me in many, many ways in working in this community and across the province and nation. I look to them frequently for guidance and support.

There are few words that one can use to describe the Catholic Women's League. One of them is courage, another one is compassion, and a third one is contemporary. They show a great deal of courage in taking positions on issues that are frequently difficult and not easy for communities to deal with. They are always compassionate; they care deeply for those in need. They are in my view contemporary. In a changing and often very challenging world our values are questioned frequently and perhaps even undermined, and the Catholic Women's League for me and for many others has been a constant and has always been a custodian of those values that we hold dear. The Catholic Women's League has been a tireless warrior for social justice and fairness. They've worked quietly, Mr. Speaker, without any need or requirement for recognition, their recognition coming from within themselves. My life is infinitely richer and I think our cities and our province and our nation are richer and safer and kinder and more caring because of the work of this organization. They've also provided role models for women of all ages.

The Member for Spruce Grove-Sturgeon-St. Albert read the objects of the league, and there are two that I feel particularly attached to. One is "to recognize the human dignity of all people everywhere," and another is "to contribute to the understanding and growth of religious freedom, social justice, peace and harmony." The CWL truly lives these objectives in their day-to-day work in our communities. They practise tolerance, understanding, justice, fairness for all people, and they've helped in many ways, Mr. Speaker, to guide us in this House in creating legislation and programs that are very necessary. They've taught me a great deal in my concern for healthy family life and the protection of women and children.

2:50

Mr. Speaker, I just want to read a list of a few things that they have done relative to current events and to legislation. These are back to the mid-80s, the last 10 years. They've presented briefs on pornography, on the economic union and development prospects for Canada, on divorce law, on broadcast advertising of alcoholic beverages, on child care, on euthanasia and living wills,

on funding of women's groups, on changes in the abortion law, on a sign-for-life petition calling for legislation to protect the unborn, a brief to the law commission on revisions to the Criminal Code on sexual abuse, prostitution, and pornography, and another euthanasia paper. This is a very contemporary organization that provokes us to think about current and needed legislation.

I particularly want to comment that we've had two Alberta women as national presidents of this prestigious organization. One of them is someone I count a dear friend, Ardis Beaudry, who has worked with me and guided some of my work in the women's emergency shelter and WIN House and the Lurana Shelter, shelters for women. She's a dear friend and one for whom I'm very grateful.

Mr. Speaker, I believe that I speak for all women legislators everywhere in thanking the Catholic Women's League for what they are doing, for what I know they will continue to do. I hope they know that we do not take them for granted simply because they are there but because we know we can always count on them. I want to express my thanks and my esteem for the organization.

MR. PASZKOWSKI: Mr. Speaker, I would, too, like to very briefly extend my sincerest congratulations to the CWL. It's an organization that's been very close to me, because I've had the privilege of having both my mother and my wife as members of the organization. So it's been something that's been very close to me.

I'd like to take this opportunity to congratulate and to commend the organization for their moral purpose, for their efforts on behalf of family values. I think that's a tradition that's been long established and one that's ongoing. During the times we have today, that's not an easy tradition in that there are challenges to the very moral values and family traditions that we have in place today, yet this organization has remained undaunted in its efforts and in its objectives. Indeed, the organization has endeavoured to maintain a continuity of Christian values, and for that I think they not only have to be commended but congratulated.

I want to take this opportunity also to congratulate them for the volunteerism they provide, for each and every one of these people that are involved with the organization are indeed true volunteers not only in the sense of charitable work but moral work as well.

So, Mr. Speaker, it's certainly my privilege and my pleasure to congratulate this very valued organization, extend our best wishes for the coming years, and wish them well for the future.

MR. KOWALSKI: Mr. Speaker, I'd just like to add my voice to the voices that have already been expressed this afternoon by various colleagues in this Assembly. I'm the son of a woman who's been a longtime participant in the Catholic Women's League. I do know that the Catholic Women's League is very, very active in a number of communities throughout my constituency. These people are caring, unselfish, determined, and very, very much giving.

I also want to congratulate the Member for Spruce Grove-Sturgeon-St. Albert for bringing forward this motion this afternoon. Various colleagues have talked about a Christian ethic and Christian mentality and spirituality and what it is to believe in certain principles. I would sincerely hope that in due course, in a time of the future, the hon. member who did sponsor this motion will in fact voice with integrity exactly what she meant today in terms of that morality when it comes to certain social issues that are very prevalent in our society, Mr. Speaker.

In the end, congratulations to the Catholic Women's League of Canada on their 75th anniversary.

THE SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. I, too, want to add my voice of congratulations, and I would also say thank you to the Catholic Women's League. My mother was a member of the Catholic Women's League for years. I know that she found a great comfort from that association. My mother was an active churchgoer, a member of the CWL, and gave a great deal of time and found a great deal of support.

I would also like to thank them for their support a number of years ago when my mother was fatally ill with cancer. They were there. They came to the house. They supported my mother, they supported my father, and they supported the family. They were a tremendous source of strength, comfort, and spiritual backing, which we needed at the time. So for that, thank you.

THE SPEAKER: Is the Assembly ready for the question?

HON. MEMBERS: Question.

THE SPEAKER: All those in favour of the motion proposed by the hon. Member for Spruce Grove-Sturgeon-St. Albert, please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. Let the record show the motion carries unanimously.

head: **Orders of the Day**

head: **Written Questions**

MR. DAY: I move that written questions stand and retain their places on the Order Paper except for Written Question 206.

[Motion carried]

Wolf Kill Program

Q206. Mr. Collingwood moved that the following question be accepted:

What is the estimated cost to the departments of Environmental Protection and Agriculture, Food and Rural Development of implementing the wolf kill program in southern Alberta during the winter of 1994-95?

MR. LUND: Mr. Speaker, I find it necessary that we make a very minor amendment to this motion, that we would strike out the words "wolf kill" and substitute with "problem wolf control." So the motion would now read:

What is the estimated cost to the departments of Environmental Protection and Agriculture, Food and Rural Development of implementing the problem wolf control program in southern Alberta during the winter of 1994-95?

Mr. Speaker, the reason for this very minor change in the question is simply so that we could in fact be accurate and accept the question. We did not have a wolf kill program; we had a problem wolf control program. As a matter of fact, there were five wolves removed in southern Alberta over this period of time. It was only when there were pets or livestock killed – that was the only time – that there was any extinguishing of any problem animals.

MR. COLLINGWOOD: On the amendment, Mr. Speaker, yes. I would look at the hon. minister's amendment as being inclusive of the wording that was of the original written question. I'll also assume that perhaps the amendment is more in line with the way the program is worded within his department. I think that does not in any way change the intent of the written question, and I'd certainly accept the amendment.

[Motion as amended carried]

head: **Motions for Returns**

MR. DAY: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of motions for returns 202, 224, 225, and 226.

[Motion carried]

3:00 **International Offices**

M202. Moved by Mr. Kirkland on behalf of Mr. Germain that an order of the Assembly do issue for a return showing copies of the 1992-93 and 1993-94 statistical summary or activity reports prepared by the government for each of Alberta's foreign offices or delegations indicating the number of Alberta companies assisted, companies by sector, number of inquiries, contacts, meetings by type, number of Alberta promotions, and number of trade missions and government meetings.

MR. DAY: Mr. Speaker, the government will be rejecting Motion for a Return 202.

DR. PERCY: I would like to speak in favour of this motion, Mr. Speaker. This is an issue that has come before the House many times in the context of estimates debate on the Department of Economic Development and Tourism. It concerns really the role that Alberta's foreign offices play and trying to get some discernible set of benchmarks or outcome measures so that one can assess whether or not these are dollars well spent. We have asked many times. We've also tried in Public Accounts, for example, when the minister appeared before Public Accounts, to get a handle on whether or not this is a wise expenditure of Alberta taxpayer dollars or whether it represents much more of a status symbol, that the province has foreign offices abroad, without any regard for whether or not it's an effective use of taxpayer dollars, whether or not the same objective of promoting Alberta's exports – which all members on this side of the House and I'm sure on the other side view as being an important role and goal of government.

What this motion asks for is some basis by which members in the Legislature can assess the performance of these foreign offices. You know, it's not that we are against these foreign offices a priori. We'd like to see the facts, and for whatever reason we cannot get the facts. We have tried through motions for returns and in Public Accounts, questions in the House asking for any measures that are possible on what these offices do and some discernible level of output.

I look at this, Mr. Speaker:

Statistical summary or activity reports . . . for each of Alberta's foreign offices or delegations indicating the number of Alberta companies assisted.

I would think that's clearly important. We'd like to know how many Alberta companies are receiving value for service from this expenditure of dollars.

"Companies by sector." It's very clear that we'd like to see which sectors of Alberta's economy are being furthered by the expenditure of these tax dollars in the United States, the United Kingdom, and the Far East. Are we getting value for service? Which sectors in particular are benefiting? Are there holes that ought to be addressed? Is the use of these offices restricted to one set of companies? If so, why?

I note the "number of enquiries." Surely we would expect the offices themselves and the Ministry of Economic Development and Tourism to keep record of the number enquiries handled by these foreign offices.

"Contacts, meetings by type, number of Alberta promotions, and number of trade missions and government meetings." I mean, the role of these foreign offices is to assist Alberta companies and individuals in selling Alberta products.

This motion is very innocuous. In fact, what we want is some basis by which we can support to the extent possible the expenditure of these dollars, but there always appears to be some roadblock. Many of us on this side of the House are now convinced it's because the government knows full well that they don't get value for service. That's why, in fact, at each and every opportunity there is a roadblock thrown in our path as we attempt to get information on what Alberta's trade offices abroad actually do.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. Just to follow up on the comments from my colleague on this particular motion. It strikes me that if the government was prepared to go along with Motion for a Return 202, they would do so, and rightfully so if it was a good-news story. Certainly they would want to promote the foreign offices that we have and the success of those foreign offices. In the Government House Leader rejecting the motion and, as my colleague has indicated, in rejecting every attempt by members of the opposition to obtain and receive this information, it probably indicates that the information is either not tracked or is not necessarily a good-news story.

The other comment I want to make, Mr. Speaker, is that I have had the privilege of participating in some of the Pacific Northwest Economic Region conferences, as members on both sides of this House have been privileged to do. In our discussions with members of Legislatures in the Pacific Northwest Economic Region, in Oregon and Washington and Idaho and so on, legislators from those jurisdictions indicate to us that they have very sophisticated systems in place for their foreign trade offices and work very hard at ensuring that they get value for money in any expenditures of their taxpayers' dollars that go into foreign trade offices. It's not as if it's impossible for us to do this or to quantify or to obtain and assess the benchmarks that can be set for the efficient expenditure of moneys on these foreign offices. It is being done in other jurisdictions. We communicate on a regular basis with those other jurisdictions, and we have failed to take the initiative in looking at what they do, what they do perhaps well, and seeing whether or not we can incorporate that into the economic analysis of our foreign offices.

Mr. Speaker, I am speaking in favour of Motion for a Return 202. I am of course disappointed that the government once again refuses this, that the government once again refuses openness, once again refuses accountability, once again simply refuses to disclose any information about these foreign offices and the value

that they provide to Albertans and to Alberta companies. As my colleague indicated, it's an innocuous motion, and the hon. Government House Leader in rejecting the motion of course once again gives no explanation as to why the government in this particular instance is once again refusing to be open and accountable to the people of Alberta.

THE SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Speaker. I stand in support of the motion. The hon. members from Edmonton-Whitemud and from Sherwood Park clearly outlined the reasons why in fact the information should be forthcoming and readily forthcoming. We're simply asking for a benchmark in this particular situation, and it's a benchmark that's very easily attainable. I have a very good friend that has managed one of these foreign offices, and he can tell you in detail exactly what activity goes on. I don't see the difficulty the government would have in collecting that information and putting it in a presentable form.

I think the hon. Member for Sherwood Park clearly indicated the big difficulty here, Mr. Speaker, that the failure to provide this information, that is so readily available, leads one to conclude that there is a concern that the lack of efficiency of these offices is going to be exposed. As the hon. Member for Edmonton-Whitemud indicated, we have asked to the point of ad nauseam for this sort of information and it is not forthcoming. So one has to conclude that there's something being hidden here, and I think that's very unfortunate, because it belies, in my mind, the claim that this government has made during the last few sessions, and that is one of accountability and openness.

Now, we recently, as again the hon. Member for Edmonton-Whitemud indicated, put these questions of operating expenses and benchmarks and outcomes in the public accounts session we had here recently, and there was no information forthcoming at that point, other than a blanket figure associated with it and an indication that they were reviewing those offices, Mr. Speaker. If that review was actually in progress, clearly the information that's required is available. It's not going to add a tremendous amount of cost to this government to present it in this Legislature, to fulfill their claim of being open.

So, Mr. Speaker, it becomes very obvious as to why one would support this particular motion. Those that wouldn't, I would suggest, are simply afraid of showing the lack of efficiency of the foreign offices, and I think that if we look a little further into that, perhaps a concern that they may be viewed as a bit of a playground for some members on side opposite.

[Motion lost]

3:10

Leachate Monitoring

M224. Mr. Collingwood moved that an order of the Assembly do issue for a return showing copies of all documents submitted by Newalta Environmental Services Corporation and Laidlaw Environmental Services Ltd. to the Department of Environmental Protection relating to the monitoring of leachate from the existing landfill cell at Ryley between January 1, 1991, and December 31, 1994.

MR. LUND: Mr. Speaker, in the spirit of openness we will be accepting this motion.

[Motion carried]

Special Places 2000

M225. Mr. Collingwood moved that an order of the Assembly do issue for a return showing a copy of the questionnaire and results of the Angus Reid poll which included questions about Special Places 2000 that was conducted for the government in the summer of 1994.

MR. LUND: Mr. Speaker, with the desire of this government to get information out, we will be accepting this motion.

[Motion carried]

Environmental Monitor Poll

M226. Mr. Collingwood moved that an order of the Assembly do issue for a return showing a copy of the questionnaire and results of the environmental monitor poll on environmental issues including Special Places 2000 that was communicated to the Department of Environmental Protection in January 1995.

MR. LUND: Mr. Speaker, in the interest of getting good, sound, useful information out, we will be accepting this motion.

[Motion carried]

head: **Public Bills and Orders Other than**
 head: **Government Bills and Orders**
 head: **Committee of the Whole**

[Mr. Herard in the Chair]

Bill 208 Emblems of Alberta Amendment Act, 1995

THE ACTING CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this Bill?

MR. WOLOSHTYN: Mr. Chairman, I would just like to thank the members on both sides of the House for participating in the debate on the Bill. It went on rather interestingly, and I was pleased to notice that the debate was occasionally near the topic and did bring forth a lot of the views from members involved. Having reviewed *Hansard* and not seeing any questions that could have been answered that were directly relevant to the Bill, I'd be pleased to entertain any ones that again are directly relevant to the Bill at this time.

Thank you.

MR. N. TAYLOR: I was just wondering, Mr. Chairman, whether the proposer of the Bill – I guess it's a little late for maybe amendments on third reading; oh, it's Committee of the Whole – would consider an amendment whereby not only do we adopt it as the provincial fish but that we would encourage the government to do everything in its power to enhance the spawning grounds, the environment for the fish, because the hon. minister of the environment, as you know, is doing about everything he can to destroy that fishing environment.

MR. WOLOSHTYN: In reply to that, I think the idea is a very good one. I'm proud to reply that although that kind of an amendment wouldn't be an appropriate one for this particular Bill, I don't believe – and it might create a lot of debate. Currently the

whole process is to do in fact that, part of the throw-'em-back campaign. The spawning grounds are very important. We're aware of that, and we're working with Trout Unlimited Canada and other groups. That is being looked at with the idea that we could bring that whole fish, if you will, back out into the prairies, where it originated. It's a very good suggestion and it's being followed, although it's not in legislation.

MR. N. TAYLOR: Mr. Chairman, again just further to that. The background has changed some since I spoke in second reading. I've had an aerial tour of some of the forests, from Whitecourt north up into the Peace River country. The minister of the environment still allows what we call a scarification program to take place on reforestation that does not follow the contours of the land. Occasionally it comes down. I saw only three areas, mind you, where logging had gone on on Crown land down across a stream.

When I checked with the loggers in the area, they interpreted intermittent – the minister of the environment allows, when he gives out logging permits or FMAs, the logging companies to decide which are intermittent streams. That's fairly important. Nowhere in the northwest Pacific in the U.S. or in Canada are you allowed on private or public lands to log across an intermittent stream. You have to stay back 50 to 100 to 150 to 200 feet. It varies in each state. But in Alberta you can log across an intermittent stream and the logger can decide what is intermittent, which may well be something that quits flowing in a dry October, which is entirely different from something that quits flowing in a dry May. Yet the minister, who is dedicated to selling as many trees as he can, is allowing this logging to take place.

It seems rather peculiar to be sitting here passing a resolution that bull trouts are going to be our provincial fish, yet we're doing everything we can to kill their spawning. For instance, I used to be able to catch bull trout in the northern tributaries of the Athabasca, from the town of Whitecourt halfway to Hinton. Now they've pretty well disappeared, and when you fly over it, you can see why. Mind you, they're eating in another environment. I don't know. The hon. minister of the environment – I had trouble even talking to the rangers in his department let alone talking to him. But somehow or another, seeing that you are big and tough, Mr. Whip, if you could sort of get across the fact that you not only wanted the fish to be our symbol but you wanted the fish to have someplace to go forth and multiply, if I may quote the Bible, you might do something about stopping logging across intermittent streams, which is legal in Alberta and is probably the only place that I know of in the civilized world that allows logging across intermittent streams.

THE ACTING CHAIRMAN: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. Just a few comments in Committee of the Whole. Certainly in terms of the Bill itself I think members of course recognize and realize that it's not a Bill before the Assembly that deals with fish; it's a Bill before the Assembly that deals with emblems, and it's an amendment to include the bull trout as the official fish emblem for the province of Alberta.

I think one of the things that this Bill has done and I think what every Member of the Legislative Assembly will have recognized since we debated this Bill in second reading is that the public is certainly now more aware of the individual species and the

attributes of that particular species of fish: to some extent the history of the fish and certainly to some extent the concerns that fish and wildlife and the Department of Environmental Protection have, along with Trout Unlimited, on the viability of that species in Alberta as we have seen its population and distribution decline off the prairie provinces and the watersheds and back into the Eastern Slopes.

Obviously, Mr. Chairman, the main intention of recognizing the bull trout as an emblematic fish for the province of Alberta is to raise public awareness about the species: about the habits of the particular species, about where it occurs in Alberta, the fact that it's an important sport fish in the province, and so on. When we conclude the Bill – and I think all hon. members appreciate that we will conclude the Bill, and it will indeed become the emblematic fish for Alberta – that public awareness will hopefully continue and will not simply die away because it is an issue that's before the Legislature right now.

3:20

The concern I have, Mr. Chairman, is that public awareness as a campaign through making this fish an emblem of Alberta isn't going to be enough. If you're going to elevate a particular species, whether it's mammal, bird, fish, amphibian, regardless of what it is, if you're going to elevate that fish or that species to an official emblem of the province of Alberta, there must be more done to ensure that that particular species is not at risk of ever declining or of ever becoming lost to the province in which that species is an emblem. It would be extremely disappointing if we had gone through the effort of naming this fish as an emblem of Alberta only to find that the species continues to decline and is eradicated from the province of Alberta.

What I think would be worth while, Mr. Chairman – and I will grant to the hon. member who sponsored the Bill that it could not be done in this Bill. What needs to happen is that if we have a species of animal in the province that we recognize as an emblematic animal in the province of Alberta, there must be enabling legislation to do more than raise a public awareness campaign about that particular species and there should be enabling legislation to ensure the protection of that particular species and to ensure protection of the habitat of that particular species.

Now, I won't elaborate on the debate, Mr. Chairman, but we have had discussion in this Legislature, we have had debate in this Legislature that it is the protection of the habitat that is important to the viability and the longevity of the species. As my colleague from Redwater has indicated, the spawning grounds, the whole habitat of the species is important so that it can remain a viable species. If we're going to go to the point of doing what we're doing here in Bill 208, there ought to be companion legislation, there ought to be companion programs, there ought to be companion policies that not only recognize the animal species as an emblem but recognize that programs must be put in place to ensure the viability of the species in the province of Alberta. We have not done that. We are not doing that. Perhaps, unlike some of the other emblems that we have, in this particular case we are going through this process because the species is in danger in the province of Alberta, and I think it's incumbent upon the province to recognize the emblematic nature of the bull trout by following through not simply with words saying that it's an emblem but by actions saying that we care enough to protect the species and to protect the habitat and the environment of that species.

So as a companion, as a follow-up, as a consequence of Bill 208 it is incumbent upon the government to bring in programs, to bring in legislation that gives special meaning to a species that is

an emblem of Alberta, not just the emblem in and of itself. I would hope the government takes that concern of mine to heart and does the follow-up in terms of the bull trout and the habitat of the bull trout.

Thank you, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Norwood.

MR. BENIUK: Thank you, Mr. Chairman. I just checked the name of the fish. I thought it was bull fish, but I gather it is bull trout fish, which sort of makes me happier because I was concerned about the following. Having a name of a fish – like, you don't say salmon fish. I was concerned we would have bull instead of bull trout – salmon, bull – rather than the last name being fish. So the fact that it's bull trout rather than just bull sort of makes me happier.

[Mr. Tannas in the Chair]

I don't fish, and I've never been interested in fishing. But I find it interesting that the Member for Stony Plain chose a fish that I believe he said – and he can correct me if I'm wrong – enjoys biting the hook. I think that fish has a suicidal tendency. I find it interesting that the Member for Stony Plain would choose a fish with a very strong suicidal tendency to be an emblem of this province. I wonder if the member would elaborate on how he ended up choosing a fish with this tendency. Is he trying to tell the people of this province something as they elect a Conservative government election after election?

With that, hon. Mr. Chairman, I will yield the floor.

[The clauses of Bill 208 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the Bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

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

[Motion carried]

[The Deputy Speaker in the Chair]

THE DEPUTY SPEAKER: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain Bills. The committee reports the following: Bill 208.

THE DEPUTY SPEAKER: Does the Assembly concur with this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Public Bills and Orders Other than**
 head: **Government Bills and Orders**
 head: **Second Reading**

Bill 209
Limitation of Actions Amendment Act, 1995

THE DEPUTY SPEAKER: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you very much, Mr. Speaker. I'm pleased to be able to begin debate today on Bill 209, the Limitation of Actions Amendment Act, 1995.

There are a number of areas in which our current Limitation of Actions Act is in need of reform, and it is the purpose of this Bill to address these problems. As society advances and changes, so too must the laws governing society change. Unfortunately, Mr. Speaker, our limitations law has not kept up with the needs of those involved in civil suits and the reforms that have been made in this area.

[The Speaker in the Chair]

Limitation laws establish set periods of time within which a person having a claim must sue or lose the right to do so. The purpose of a limitations law is to balance the rights of those who have a claim to bring forth against the rights of those who must defend themselves against these claims. From the point of the claimant limitation law must allow sufficient time for an action to be initiated. From the point of a defendant the law must provide them from being indefinitely subject to the threat of possible litigation. The interests of both claimants and defendants could be better served by our Limitation of Actions Act with the addition of the amendments contained in Bill 209.

3:30

Bill 209 introduces two important concepts to the limitation of actions in this province. It introduces the concept of a discovery period and an ultimate limitation period to our limitations law in Alberta. The Bill amends the Limitation of Actions Act so that an action for negligence or malpractice against a hospital or a professional listed in section 55 of the Act will be subject to a discovery period and an ultimate limitation period. Engineers, geologists, geophysicists, architects will also be added to the list of professions in section 55 to which these new limitation periods will apply. This list currently includes doctors, dentists, chiropractors, podiatrists, and optometrists.

Under the traditional rule of limitations law the limitation period begins to run when damage occurs whether the plaintiff has the means of knowing that he has a claim or not. With the creation of a discovery period, the limitations time allotted does not start to run until a person becomes aware or should be aware that damages were done and that the claim is warranted. This provides a remedy for situations in which a claimant does not discover that he has a claim until a substantial time after the cause of action occurs.

The provision of a discovery period is one that has been suggested by law reform groups, including the Alberta Law Reform Commission, for many years now. This concept has been put forth into practice in the courts but because of Canadian case law not because of legislation. There was a suit in 1984 involving concealed damage to a building in which the Supreme Court of Canada ruled that in cases where the plaintiff is not aware that damage has been caused by negligence on the part of the defendant, the limitation period should begin when the damage becomes

discoverable with the exercise of reasonable diligence. The legitimacy of a discovery period was then reaffirmed by the Supreme Court a few years later in the case of Central Trust Company versus Rafuse, which dealt with professional negligence.

The courts have decided that it's not fair for the limitation period to be running even when the claimant has no idea or knowledge of his claim. Thus judges have begun to apply the rule of discovery periods to limitations law. Case law is not the preference, though, for making legal decisions. It's time to put this rule into legislation so that it can be applied clearly and consistently.

In Bill 209 the discovery period for claims for negligence or malpractice against hospitals or professionals listed in the Act will be two years. The two-year period will begin from the time that the claimant either discovers or ought to have discovered that the injury for which relief is claimed has occurred, that the injury was to some degree attributable to the conduct of the defendant, and that the injury was sufficiently serious to have warranted bringing a proceeding.

There may be a question as to why the present limitation period should be amended. The current limitation period for professionals listed in the Limitation of Actions Act, such as doctors, dentists, optometrists, podiatrists, and chiropractors, and for hospitals is only one year. This is a short time period that can be detrimental to claimants. Limitation periods should not be unduly short so as to be used by defendants to avoid liability. However, the current one-year period in Alberta may provide for this in certain cases. In some cases it may take the claimant at least a year to recover from damages done, to retain legal counsel, and to commence proceedings. Limitation periods that are too short also pose the problem of forcing actions to be commenced before they can be adequately investigated. Increasing the limitation period to two years may be able to limit the occurrence of unfounded actions being brought to court. A two-year discovery period is a reasonable period of time and has been determined to be an acceptable length in all other jurisdictions that are initiating reforms of their limitations laws.

Mr. Speaker, legislating a discovery period in our limitations law just makes good common sense. It's a fairer process than what is currently legislated, and judges are already using their own discretion to make allowances for time for discovery in all civil cases. However the recognition of discovery periods in limitations law necessitates the creation of another provision to balance the rights provided to the claimant. This balance is provided by the ultimate limitation period that sets an outside limit on the amount of time that a person has to bring a claim. It is not fair to defendants nor is it in the interests of society to have people open to the threat of possible legal action indefinitely. In some cases the threat of possible legal action goes two years beyond the grave, thereby implying liabilities to people who are no longer alive. The creation of an ultimate limitation period is needed to free defendants from the economic and psychological burdens of this endless possibility of litigation.

Professionals that provide services to the public are at a greater risk for liability. Because of this, they must take on the cost of maintaining records and holding liability insurance. These costs are then passed on to the consumer. An ultimate limitation period places a cap on the uncertainty of potential litigation and helps to control the costs of doing business.

A maximum time limit in which to bring claims also helps to concentrate the resources of the court system on current issues so that undue time and money is not spent on settling old claims for

which the quality of the evidence is likely to be poor. After a certain period of time it is more likely that documents may become lost, memories fade, and witnesses may become unavailable. As the quality of evidence deteriorates, so does the quality of the justice that would be served by bringing these cases to court.

The ultimate period in Bill 209 is seven years, and this provision will apply to the actions for which the discovery period applies. A postponement under the discoverability rule will not affect the running of time under the ultimate limitation period, which operates independently of the claimant's state of knowledge.

There is much discussion in legal circles as to what the length of the ultimate limitation period should be. There is a concern that if the period is too short, the result will be that claimants will not be able to receive the proper settlement that is due to them for damages that may have been done to them some time ago but of which they were not aware. There is also a concern that an ultimate limitation period that is too long is really no different than not having an ultimate period at all. Some provinces have general ultimate limitation periods of 30 years, but there may be little difference between the difficulty of predicting the possibilities of litigation over an indefinite period as compared to one that is 30 years long.

In British Columbia the Limitations Act includes a discovery period of two years and an ultimate period of 30 years with a special ultimate limitation period of six years for claims against medical practitioners, hospitals, and hospital employees. It should be noted, though, that the Law Reform Commission of B.C. has recommended that the current ultimate limitation period in that province be reduced from 30 to 10 years. The reasoning of the commission is that the 30-year period imposes unreasonable requirements for maintaining records and insurance. As well, there is the fact that a 30-year period is basically the same as having no ultimate period at all.

3:40

Ontario has a piece of legislation that is on the Order Paper now that would set a two-year discovery period for any action and sets a 30-year ultimate period. Actions for negligence for malpractice against health facilities or health practitioners and actions for deficiency of design or construction are to be subject to a special limitation period of 10 years. This legislation has been based on part of the work of the Alberta Law Reform Commission.

In its 1989 report on limitations the Alberta Law Reform Commission recommends the introduction of a discovery period and an ultimate period. The commission first recommended an ultimate period of 10 years but has since changed their recommendation to a 15-year period. Although the commission states that they do not believe that the ultimate period will strike down many claims, they suggest this particular period of time to ensure balanced protection for claimants under the Act.

You can see, Mr. Speaker, that there's no consensus on what is the proper length of time for an ultimate limitation period. Statistics from liability insurance show, however, that most claims are brought within five years of the performance of a professional service. The Association of Professional Engineers, Geologists and Geophysicists of Alberta also indicates that in North America it is common industry practice and standards to keep records for a five- to seven-year period. These factors indicate that a seven-year ultimate limitation period will provide a sufficient amount of time for claimants to initiate their actions and a reasonable amount of time for defendants to be liable for their actions.

Since the drafting of this Bill, there are other concerns related to limitations law that have come to my attention. I do realize

that limitation law covers a wide scope of activities and that others may have differing opinions on the best way to improve our current law.

I look forward to the comments of my colleagues during this debate, and I'm open to any constructive criticism they may have or suggest. Having said that, Mr. Speaker, there's no question that our current Limitation of Actions Act must be revised. Besides the argument of fairness in balancing the interests of claimants and defendants in civil actions, there is the reality that the courts already have established the precedence of discovery period in limitations law. So as reasonable lawmakers we must legislate the concept of the discovery period in limitation law and then balance that provision with a proper ultimate limitation period to prevent limitation periods from being extended indefinitely. The amendments contained in Bill 209 will improve our limitations law for both claimants and defendants involved in civil actions.

Mr. Speaker, it would be interesting to note that I have not received a single negative letter with respect to Bill 209. All the correspondence and calls that I've received have been positive, but in fact I've heard from other groups of professionals that would want and wish to be part of this legislation.

These amendments are timely following changes in the standards practices involving limitations law and crucial to the maintenance of fair and effective legislation in this province. The objective of this Bill, Mr. Speaker, is to increase the fairness and effectiveness of the laws governing civil proceedings in this province, and I hope that members of this Assembly can support these principles.

Thank you, Mr. Speaker.

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

THE SPEAKER: The hon. Member for Redwater rising on a point of order.

Point of Order Conflict of Interest

MR. N. TAYLOR: Yes. It's under Standing Order 10 about attendance. I need your advice, Mr. Speaker. It says that "every member is bound to attend the service . . . unless notification has been given." As a professional engineer who has practised, of course, I advantage by the fact, if this was passed, that the liability which I might have incurred numbers of years ago will no longer be there. I want to know two things from you. One, can it be recorded that I wasn't present at the vote? Secondly, am I creating a conflict by just being present listening to the debate? [interjections] No, it's not, because the Bill would be no good if I did. You're saying that I can't even be present in the House – are you? – while the thing's going on? See, I want to be recorded as not having voted.

THE SPEAKER: The rules are that if a member is in the Assembly at the time the vote is called, the member must vote.

MR. N. TAYLOR: Yes, but can I go a bit further then? [interjections] We have a problem here now. It's come up here. [interjections] Just listen. You might learn something.

THE SPEAKER: For the guidance of all hon. members when an Act is of general application to the entire population of the province, even though it may affect hon. members, they may participate in the debate. It's just like the Agricultural Development Corporation Act, to set that up, or the Alberta Mortgage and

Housing Corporation Act, to set that up. Those loans are available to all members of our population, except maybe MLAs in certain circumstances, but MLAs could participate in the debate. The Chair's ruling on this particular Act: it has a general application to the entire population, so all members will be able to participate in the debate on this measure.

MR. N. TAYLOR: Mr. Speaker, the conflict of interest commissioner has already ruled that our caucus – because we have a number of lawyers and engineers, there would be a conflict if we voted because we'd be limiting our liability. Really all I wanted to do here was – maybe you're right, but out of an abundance of caution, I will accept Mr. Clark's ruling just to be sure. But then there's nothing in the system here to show that I was not present unless we do a standing vote. All I wanted to do was have somebody, the Clerk or maybe *Hansard*, register that I am leaving the House. In other words, I don't want anybody to come back and say, "Taylor was in the House." Is there some way of recording without a standing vote that I am not here for the vote?

THE SPEAKER: If hon. members want that done, they just should let the Table know that they want it done.

MR. N. TAYLOR: Okay.

THE SPEAKER: The Chair's ruling was on debate, not on voting on the measure.

The hon. Minister of Justice.

MR. EVANS: Mr. Speaker, if I could. I appreciate that you have made a ruling on the issue brought up by the hon. Member for Redwater. My reading of the Act I think brings to focus the concerns that the hon. member has indicated. The hon. member has practised the honourable profession of engineering in the past. The private member's Bill by the hon. member sponsoring Bill 209 would purport to set a limitation time frame which is not in existence today, which might be seen as a benefit to the hon. Member for Redwater in his professional capacity. Again, not to be argumentative and not to challenge your ruling, Mr. Speaker, my concern insofar as a limitation period being established where it is not today with respect to a limited number of professionals in the province – engineers, geologists, geophysicists, and architects – is that that is a much more specific application than is a law of general application.

I think the hon. member has good cause for raising the issue. My suggestion, Mr. Speaker, would be that out of an abundance of caution it would be indeed wise for him not to attend in the Assembly during the vote. I would recommend as well that he consider leaving during the debate so as not to have any negative impact on the debate and the vote that will take place with respect to Bill 209.

3:50

THE SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: I'm just leaving, Mr. Speaker. God speed, good luck, and all the rest of it.

Debate Continued

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'm pleased this afternoon to rise and join the debate on Bill 209, the Limitation of Actions Amendment Act, 1995.

First of all, Mr. Speaker, I want to thank the Member for Calgary-Egmont for his introduction of Bill 209. He certainly did make some very persuasive arguments with respect to what the Bill is attempting to do and to cure and also went to some length to give some indication as to how our limitation of actions legislation right now is perhaps somewhat behind the times, given the history of the limitation of actions in the province of Alberta and in the country of Canada.

Mr. Speaker, it's certainly clear from the member's comments that much of our limitations law is fairly restrictive and confined, and what it leads to in many cases is claimants or potential claimants having to engage legal counsel early on to commence an action for the sole purpose of having to meet and fall within or at least not come close to the line of missing a limitation period. I recall as a practising lawyer and I know that my colleagues in this Assembly who have been in the profession and the career of practising law know that one of the things that you are often reminded of in your training as a lawyer and by your professional association and by your partners and colleagues is missing limitation periods. The greatest sin, of course, as a practising lawyer is missing a limitation period. So you are constantly cognizant of the need to recall and establish clearly what the limitation period is going to be on any particular issue. In many cases, as I've said, knowing that limitation periods are somewhat confined, actions are commenced by counsel on behalf of their clients at a very early stage when much of the detail is not yet known.

The Member for Calgary-Egmont raises a good point – and it is, I think, clearly articulated in the Bill he is presenting – that the discovery period is something that needs to be clearly identified and outlined. The member did speak about case law and how our court system has looked at the issue of whether or not a limitation period is running or an action is commenceable within a discovery period where the limitation period commences once the negligence or the malpractice or the wrongdoing has been discovered by the plaintiff. It certainly strikes me as being a much fairer system in that the limitation period then will actually do what was intended by establishing a limitation period.

Limitation periods are a fairly new concept. Many structures of law in other societies and in other civilizations did not have and did not contemplate limitation periods. So it's I guess a fairly contemporary law, whether developed by legislation or whether developed by common law, that in our legal and technical society we impose upon ourselves as an area of fairness a limitation period, where claimants are entitled to claim against their neighbours but only within a period of time that is a fair and reasonable period of time and is a balanced period of time. The discovery period the member suggests is something that has been looked at and contemplated by our court systems and, as the member indicated, by many law reform commissions across the country in other provinces attempting to improve upon the limitation periods of their particular jurisdictions.

Mr. Speaker, I guess if I were to mention any concerns with the Bill – and I suppose before I do that, I do want to indicate to the member that I rise and speak in support of the Bill, in what the Bill is attempting to do in improving limitations of actions. I and my colleagues, as the Member for Calgary-Egmont indicated, have not received any concerns from the organizations and the associations included in the list of the professionals that will be affected by Bill 209 and are, for the most part, in general agreement with the limitation periods that are being imposed by the Bill.

Now, for some of those organizations and professions it's in fact an increase in the limitation period from that which we have now, and again the Member for Calgary-Egmont did allude to

that. Nonetheless, I suspect that for those particular associations and those particular professionals the overall structure that's being proposed here has greater certainty than the structure that exists today. For some of those associations – the engineers and the architects I believe are the two groups where there is the possibility at this point of unlimited exposure for an action against them in malpractice or in negligence, with the engineers, geologists, and geophysicists. So from the perspective there, having the fairness of the discoverable period combined with the seven-year outside period provides to them a much greater certainty on a limitation period in their providing services to the general public and the overriding concern of when will a limitation period expire. Their fear there will be allayed to some extent, and there will be some greater certainty for them in that.

Mr. Speaker, the member has included a limitation period that will run two years from when the claimant "knew, or . . . ought to have known" whether an injury had occurred. I'll just mention that it is a conjunctive three-part test of the fact that an injury had occurred "that the injury was to some degree attributable to the . . . defendant" and "that the injury . . . was sufficiently serious to have warranted bringing a proceeding." So that's a conjunctive test in the discovery period, the discovery period running two years from when the claimant knew or ought to have known that the injury had occurred. So that being the sort of low end of a limitation period and then establishing the high end of a limitation period, being seven years from when the cause of action first arose, what this does in the Bill is that it is a deeming provision suggesting that that is then "substantial performance of the professional services for which relief is claimed."

The seven-year period I suppose, Mr. Speaker, might be debatable more in Committee of the Whole than in second reading. The Member for Calgary-Egmont did indicate that other jurisdictions have had much longer periods of time. In having those longer periods of time, their law reform commissions have suggested that it's nothing more than having an unlimited limitation period and therefore is as much as unworkable. The suggestion in some other jurisdictions is that the limitation period would be at the outset a 10-year period as, for example, the seven-year period that's been suggested and proposed in Bill 209. So whether members would agree with a seven-year outside limitation or a 10-year outside limitation, we could of course debate what would be an appropriate period of time there.

4:00

The member did indicate – and I think he's quite correct in this – that most professional organizations and professionals in and of their own right do have record management systems, whereby records are held and kept secure for a period of five to seven years. In many cases the common law or contractual limitation of action on contracts of six years becomes the factor and the reasoning behind the holding of records for that period of time. But it strikes me, Mr. Speaker, that it is becoming less and less of a worry because technology of course is moving quickly into highly sophisticated records management systems, and it will probably be much easier, ultimately, for records to be kept. I'm assuming, of course, that courts will be coming along at some point and accepting as well electronically stored data rather than paper stored data. That's of course another debate for another day, on how courts will deal with advancing technology with electronic storage of information.

The Bill recognizes that the claimant's obligation is to commence his action against the defendant two years from when the claimant knew or ought to have known of the injury or the

damage. The Member for Calgary-Egmont did make specific reference to this. There is of course, Mr. Speaker, as members will know, a great deal of legislation, other legislation from this jurisdiction and many other jurisdictions, where the "knew or ought to have known" provision is contained in there. So on that point this would not be inconsistent with much of the legislation that we have in place now, where an obligation on the individual making an attempt to claim is that the limitation period is running from when the claimant knew or ought to have known in the circumstances.

It is of course, Mr. Speaker, somewhat of a subjective statement in that the individual will then have to assess or potentially convince the court that a particular time was when he ought to have known "in the circumstances." That's something, of course, that can't be nailed down or identified any greater in legislation, and certainly it gives the individual the opportunity to make his case if and when the unfortunate circumstance arises where counsel debate or discuss before a court whether or not a limitation period has expired or whether or not a particular claimant is within a particular limitation period.

[The Deputy Speaker in the Chair]

Mr. Speaker, in making other comments with respect to the Bill, the inclusion of some of the professional associations and organizations throughout the province of Alberta – some of them are contained in the changes that are being contemplated in this Bill. I don't at this point get a sense of how those particular professional organizations and professions came to be on the list that the hon. Member for Calgary-Egmont included in the two-year discovery and seven-year outside limitation period. I suppose it could be said that the list is somewhat of a grab bag without any explanation as to why those particular professions have been included in the hon. member's Bill and why other professions have not been included; for example, why hospitals in section 56 – am I on the right section? I think I'm on the right section – have been included but perhaps other circumstances or events which are currently in the Limitation of Actions Act are not included in this Bill.

So if there is a concern, Mr. Speaker, the concern is that the Bill that is coming forward now as a private member's Bill, sponsored by the hon. Member for Calgary-Egmont, becomes somewhat piecemeal in that it deals with only a very small part of an overall, comprehensive piece of legislation in the Limitation of Actions Act. In dealing with it on a piecemeal basis, we once again, as a concern, fall into the trap that we are dealing with a piece of legislation on a piecemeal basis, that we as legislators are not involving ourselves in a debate of a comprehensive review of a significant piece of legislation that has impact on many, many Albertans who are at some point subjected to or find themselves involved in the legal system in the province of Alberta.

I and my colleagues have said many times on this side of the House that it is perhaps questionable whether or not we should involve ourselves or take the time and effort to involve ourselves in debate of a piece of legislation on a piecemeal basis when a more comprehensive review is probably more appropriate and more worth while. I daresay, Mr. Speaker, that members of the Conservative caucus have many times suggested on private members' Bills that come from members of the opposition party that the Bill being sponsored, the Bill being brought forward: "Well, we can't pass it. We can't deal with it. We can't do anything with it because it's just a piecemeal Bill. It doesn't

cover the whole problem. It just selects one little portion of the problem." And members will speak in second reading against a Bill because it does not deal more comprehensively with an issue or a problem that we're bringing forward. Now, in my particular case and on this particular Bill I am not making that comment and I'm not making that statement, because I've indicated and will indicate again that I would support the amendment Bill that's come forward in Bill 209.

The other comment or question I suppose I would have at this point in time in speaking to second reading of Bill 209 is that the Member for Calgary-Egmont does in fact raise a problem that is being addressed in many other jurisdictions but is being addressed – and I take this from the comments from the Member for Calgary-Egmont – by the departments of justice in each one of those particular jurisdictions or at least the law reform commissions, presumably in consultation with the departments of justice in those jurisdictions. What I guess is somewhat surprising is that this particular issue is coming before the Assembly today as a private member's Bill and is not an issue that is being addressed in the Assembly by way of amendments to legislation or by way of a Bill. It is not coming before the Legislative Assembly, Mr. Speaker, as amendments being put forward by the Minister of Justice or by the Minister of Justice's department.

I suppose it simply begs the question that if we are of the view that it is something that is worth while doing, if it is something that's worth while doing in this form, perhaps the Minister of Justice might be able to comment, if and when debate proceeds, as to what the Department of Justice is doing on the issue of a Limitation of Actions Act; if there is – and I'll indicate that I'm not aware – perhaps work going on with the Law Reform Commission on amendments to limitations of actions or looking at some of the concerns about that, the same as those kinds of concerns and solutions being raised in Bill 209; and whether or not we are expecting anything more in this area to be coming forward from the Minister of Justice. I think those are questions worth asking in debate, and I hope the Minister of Justice has some response to that so members on both sides of the House will have a better perspective of where Bill 209 will ultimately fit or whether we are ultimately anticipating a broader, more comprehensive review of the issue of limitations of actions in the province of Alberta.

4:10

Mr. Speaker, I think I've commented on the areas that I would like to comment on. Once again, I think the Member for Calgary-Egmont was very clear in his deliberation on the introduction of the Bill as to what it is the Bill is attempting to do, what some of the history has been, what some of the improvements have been in other jurisdictions, what the case law has done in this area to this point in time, and why, in his submission, this change should occur in legislation rather than being left to the case law.

So, Mr. Speaker, with those comments I'll take my place and let other members join the debate. Thank you.

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

MR. WOLOSHYN: Thank you, Mr. Speaker. I, too, would like to commend the Member for Calgary-Egmont for bringing Bill 209 forward. The principles that are highlighted there are certainly good ones. The Bill also points out quite clearly that our legislation does in fact need some updating, and there is a lot of room for improvement. As the member previous, the Member for Sherwood Park, has pointed out in his observations – very

accurate observations, I might add, and I happen to share those same concerns – how did we arrive at the professions that are on the list, and why are some not on the list? What are the time limits? Seven years? Ten years? He alluded to these things. These are very legitimate questions. The last one that he posed was: is Justice doing something? The answer to that, from my understanding in speaking with the minister, is yes. The Minister of Justice is looking at this very area.

So, Mr. Speaker, what I am proposing to do is to move a hoist amendment, which is being circulated to all members, and four copies have been submitted to the Clerk with signatures. The amendment goes as follows:

Moved that the motion for second reading of Bill 209 be amended by deleting all the words after the word "that" and substituting the following: "Bill 209, Limitation of Actions Amendment Act, 1995, be not now read a second time but that it be read a second time this day six months hence."

In speaking to the amendment, Mr. Speaker, I'll be very brief.

THE DEPUTY SPEAKER: I hesitate to interrupt you, Stony Plain. I just want to assure myself that all members have a copy. Go ahead, Stony Plain.

MR. WOLOSHYN: Thank you. I'll just speak very, very briefly to it and reiterate basically what the Member for Sherwood Park has said. This is a good piece of legislation, but to do it in this very short period of time might be an injustice. To vote it out might give the wrong message. With the fact that we have Justice working with it and we'll have sufficient time to get input on it, I would ask that all members support this particular amendment.

THE DEPUTY SPEAKER: On the amendment, the hon. Member for Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Speaker. I rise to speak against the amendment. Often on this side of the House we have been accused of being "yeah, buts" and particularly with regards to a private member's Bill. I can say I wholeheartedly, unreservedly support Bill 209, the Limitation of Actions Amendment Act, and will accordingly speak against the amendment that has been brought forward. I do so because I know that in looking at this particular Bill, we spoke to a number of stakeholder groups, particularly those that are involved in the Bill itself, and they were wholeheartedly in favour of the private member's Bill. APEGGA in particular was in favour of it, and I listened to the structure of their arguments: the issue of fairness, which I think is essential in dealing with these types of problems; and the fact that you could have engineers, geologists, geophysicists subject to virtually unlimited liability for a period beyond death. I mean, even the tax man doesn't go that far, but here we have a case where various professionals who undertake activities can be struck beyond the grave for things that they don't know they were negligent for. I think certainly for members of their families, the division of estates, the particular set of statutes that are presently in place don't make a lot of sense, because the issue is one of justice.

I think the Member for Calgary-Egmont gave one of the clearest expositions that I've heard. Again, what I'm referring to is directly related to the amendment. The issue at hand, as I read the amendment, is that we should wait six months and wait for a possible Bill from the Minister of Justice that deals with these types of issues or wait for further consultation or broaden the base of the Bill. I listened with great interest to what the Member for

Calgary-Egmont had to say, and there are a number of things that struck me as I listened to him.

First, he had provided a very clear rationale for the Bill. He spoke very clearly with regards to consultation that had been undertaken. Normally when you bring forward a hoist – having been on this side, we do this with great regularity, so in a sense, Mr. Speaker, it's a great pleasure to be able to speak against a hoist. As I say, I can speak with some vigour against this particular hoist after having listened to the Member for Calgary-Egmont because, again, he first of all demonstrated that there had been a very thorough consultation process undertaken. None of the groups that had been consulted were in fact concerned about this Bill. In fact, as he noted and as the hon. Member for Stony Plain and the hon. Member for Sherwood Park noted, other groups, when they looked at the issue of limitation of actions, also felt this was an important move forward. The fact that other groups see this as an important move forward should not preclude us from making this significant step now for the groups that have already been consulted. So I found that the member's review of who had been consulted and their statements certainly is one factor that leads me to argue against the hoist.

The second element that leads me to argue against the hoist is that the Member for Calgary-Egmont was particularly eloquent when he placed in context the limitations that exist in other provinces and those that currently exist in Alberta and where we would stand, then, with the changes that are proposed in this Bill. I listened, and I was struck by the fact that in a sense what we're dealing with here, Mr. Speaker, is the epitome of a non trade barrier. Many provinces put in place barriers that restrict the flow of services. To the extent that you have requirements or legislation such as limitation of actions that may place your professionals at a distinct disadvantage to those in other areas, you're doing them a great disservice. In fact, what you're doing is eroding part of the basis of the much vaunted Alberta advantage, because you're in a sense preventing our professionals from engaging in trade, because they may not want to live here. Why? Because of the onerous conditions of the current limitation of actions. I would think that anything we can do to provide a level playing field or a better playing field relative to other jurisdictions while at the same time ensuring equity and fairness among groups is very, very important.

As I say, the Member for Calgary-Egmont had provided us with a very, very thorough review of the groups that had been consulted. So two elements from the wide-ranging and very thorough talk from the Member for Calgary-Egmont – first, the breadth of consultation and, second, the placing in context of these amendments relative to jurisdictions in other areas – lead me to want to argue against this hoist.

Now, also a third element from the discussion from the Member for Calgary-Egmont leads me to argue against this hoist. That was the discussion that the hon. member provided about what the courts are already doing. There again I was listening with rapt attention to his discussion of how the judicial processes already come into – as noted, many of the current limitations of actions are not fair, do not lead us to a system that's either consistent with natural justice or common law.

4:20

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

THE DEPUTY SPEAKER: The hon. Member for Olds-Didsbury is rising on a point of order. Would you cite?

Point of Order Relevance

MR. BRASSARD: *Beauchesne* 459, relevance. I think we're well off the topic of a hoist. We're into a long preamble on the debate and the merits of the Bill itself.

THE DEPUTY SPEAKER: Okay. Edmonton-Whitemud on the merits of the point of order.

DR. PERCY: I'm pleased to respond at some length to this point of order that has been brought forward by the hon. member. Again, this is a relatively short Bill, and what this amendment to the Bill does is basically truncate and say that we should wait an additional six months. Now, I'm required to address the issue of six months. The only way that I can really refer to that six months is by in fact discussing the elements that have been brought forward by the hon. Member for Calgary-Egmont. He provided me with many, many reasons and explanations of why I think it ought to be passed now as opposed to six months down the road. So I would think that my preamble and the discussion that I've made so far with regards to this hoist has been on target. I'm addressing the issue of now or six months, but obviously, Mr. Speaker, I leave it in your very capable hands for your decision.

SOME HON. MEMBERS: Question.

THE DEPUTY SPEAKER: The call for the question is not in itself relevant at this moment. We're dealing with a point of order.

The point of order is relevance. The Chair would admit that relevance on a hoist is a fine point indeed. If we are talking about the necessity for six months of time, then naturally reference may be made as to why it should or why it should not have that span of time before it be considered again. So in the sense that the hon. Member for Edmonton-Whitemud has primarily addressed himself to that, the Chair would encourage him to continue, but we'll take even closer notice than we already have as to the issue of six months.

Debate Continued

DR. PERCY: Thank you, Mr. Speaker, for that ruling.

Now, with regards, then, to bringing forward and debating and voting upon this Bill now or in six months, another issue as to why I would recommend or urge all hon. members to vote against this hoist is that many members will have received letters from APEGGA and other groups which have outlined the fact that many of their members were retiring. They're very concerned and they're anxious. There's the cost related to maintaining their records. There is just the uncertainty with which they live their lives, knowing that at any point in time some action may arise. What passing this Bill does now, Mr. Speaker, is in a sense bring closure to that uncertainty that they live with. Again, there are the costs of maintaining these records.

As the hon. Member for Calgary-Egmont had mentioned, if actions are going to be commenced it's usually within from five to seven years, and this Bill in a sense says to keep the records for seven years, and then it's free and clear and you're home free. So I would think that if the question is vote now or hoist for six months, the issue of those professionals – the engineers, geologists, and geophysicists, the members of APEGGA, many of whom are retiring – if you look at the age distribution, some are finding themselves in this position. So for an hon. member to say

six months, well, six months is very important for an individual who is retiring or has retired and then has to consider the disposition of all of his records related to the various projects and services that he or she has provided. That is very onerous. Anything we can do in this Legislature to reduce the costs of government to various individuals I think is important, and we should work very hard to do that. So, again, with reference to now or six months, I think the costs related to maintaining these records – I'm struck, you know, by the fact that many acts of government impose costs upon individuals. Many of these costs of monitoring: it's red tape. What this Bill does and does immediately if it's so passed, not six months down the road, is reduce many of those costs. So I again address the issue of now or six months and say there's a compelling argument to reject the hoist and to in fact vote upon it now. In fact, I'm just surprised that I've been given this opportunity to speak against a hoist.

Another compelling reason as to why we should vote for it now as opposed to six months down the road is that we have, for example, consulted with the AMA, the Alberta Medical Association, and they have said that they see no concerns, for example, with the increase in liability that they face under this Bill. So there's a clear case where there are stakeholders who one would think would be adversely affected by the Bill but in fact have agreed: yes, it's the right thing to do; do it now. We asked them, and we have it in writing that they said the Bill should proceed. They didn't say that the Bill should proceed six months down the road but that it should proceed now. So when I then look at the Bill and I reflect upon the discussion from the hon. Member for Calgary-Egmont, my colleague from Sherwood Park, and the hon. Member for Stony Plain, I think that hon. members should reject the hoist and that we should proceed to debate the Bill.

With those comments, Mr. Speaker, I will take my seat.

THE DEPUTY SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you very much, Mr. Speaker. I have listened intently to the hon. Member for Edmonton-Whitemud, and I will address some of the concerns that he has and some of the comments that he's made. I'll begin by congratulating the hon. Member for Calgary-Egmont for bringing this piece of legislation forward. It is an important piece of legislation, and it is important that we deal with the limitation periods because if we create a uniform matter of limitations throughout this province with respect to all professions or as many professions as possible, then we will have a much clearer process and a much more easily understood process for all.

There is work going on today and there will continue to be work on this matter. Certainly the Member for Calgary-Egmont will be welcomed into that work. As many members are aware, the Alberta Law Reform Institute report recommended some changes to limitation periods, and their recommendations are also one of the reasons that I would support this request for a hoist. The hoist will give us time to deal with some of the shortcomings in the Bill. The Bill itself deals only with matters of negligence and malpractice. It does not deal with all of the other types of limitations that we have, such as contractual limitations. It is also restrictive in terms of the number of occupations and professions that it relates to. It relates to a list, which has been expanded by the hon. member adding engineers, geologists, geophysicists, and architects, but it is a limited number of categories. Hospitals are also included in that, Mr. Speaker.

There is, as has been mentioned, a change in the limitation period for a number of medical practitioners from one year to two years. There is a suggestion of a maximum time frame or, as it

is called, the long stop provision of seven years. The Law Reform Institute report had suggested 10. So there are a number of issues that I think are still outstanding. I believe that those can be addressed and that in particular, in terms of making this legislation more comprehensive, that can be dealt with in a six-month period of time. Then we will have a piece of legislation that is very comprehensive, that does address the overriding concerns that all of us have in this House for legislation that meets the demands of today and tomorrow.

Accordingly, I would encourage all members to vote in favour of the six-month hoist, and I look forward to that continuing debate and review during the six-month period of time and second reading six months from now.

4:30

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Norwood.

MR. BENIUK: Thank you, Mr. Speaker. First of all, I wish to go on record as saying that I support the Bill and I oppose the hoist. A number of people have contacted me urging me to support this Bill, and I do so. I take into account what the Minister of Justice has said; however, I believe there is a fundamental principle that has to also be addressed. I would like to hear from the Minister of Justice, his comments on this.

This is a private member's Bill. The person that has stood forth is the Member for Stony Plain, the government Whip, who stood up and brought forth the hoist. Does this mean that the whip is on when a private Bill is brought forth? The members opposite . . . [interjections] I suggest . . . [interjections]

Speaker's Ruling Rhetorical Questions

THE DEPUTY SPEAKER: Hon. member, you appear to be asking a question which can only be answered perhaps in the form that it was. This is not committee stage, where you can get to ask a number of questions, so your question then becomes almost a rhetorical one, which invites unfortunate responses.

Debate Continued

MR. BENIUK: Thank you, Mr. Speaker. I was referring to the fact that I find it inappropriate that the person who placed this hoist was the party Whip on the government side. I think it would have been far more appropriate to have this hoist presented by the Minister of Justice, who then could rise, as he did, and explain why he would like the hoist. I believe it is quite important to separate private members' Bills from government Bills and the function of the Whip regarding both of those types of Bills. With all due respect, I do believe that there is a very important line between these two types of Bills and the function of the government Whip regarding these types of Bills. It sends the wrong signal. So I would once again suggest that it would have been far more appropriate to have the Minister of Justice place this hoist and then explain why he placed it.

Thank you.

THE DEPUTY SPEAKER: Hon. member, the Chair apologizes. The Chair assumed that you were entering in debate. The way I'm hearing it, you were trying to make a point of order?

MR. BENIUK: No, Mr. Speaker. I just wanted to talk about the amendment, the hoist, and point out that it would have been more

appropriate if the person that presented the hoist had been the Minister of Justice rather than the government Whip. I think there's a very important principle here.

It's not a point of order. It's just an opinion that I do believe we have to separate on private Bills the function of the government Whip, which means that the government Whip does not get involved.

Speaker's Ruling Relevance

THE DEPUTY SPEAKER: Well, in a sense there is a kind of order here that we as private members must consider if it's private members' day and private members' motions: whether a Minister of the Crown ought to make motions amending or of that kind to a private member's Bill. So there's an equal question there.

I think what we want to do is direct ourselves to the question before us, which is the amendment presented by the hon. Member for Stony Plain, which is a six-month hoist on Bill 209.

AN HON. MEMBER: Question.

THE DEPUTY SPEAKER: I'm sorry; I think there was another member that had stood up. The hon. Member for Sherwood Park.

Debate Continued

MR. COLLINGWOOD: Thank you, Mr. Speaker. Of course by the convention of the Chair, if other members opposite had to rise first, it would be incumbent upon you to do that. I don't know if I rose out of place or if other members opposite are intending on entering this debate on a private member's Bill.

THE DEPUTY SPEAKER: It would appear not so. Sherwood Park is invited to continue.

MR. COLLINGWOOD: Well, thank you, Mr. Speaker. Isn't it curious and isn't it interesting that on private members' day the members opposite collectively choose not to enter into the debate on a private member's Bill, on a hoist amendment?

DR. L. TAYLOR: A point of order.

THE DEPUTY SPEAKER: The hon. Member for Cypress-Medicine Hat is rising on a point of order, which you would cite.

Point of Order Relevance

DR. L. TAYLOR: *Beauchesne* 459, relevance. Attacking private members on this side has absolutely nothing to do with the hoist amendment. It's just a vicious slur on members on this side, and I would certainly encourage you to ask him to withdraw those comments immediately.

THE DEPUTY SPEAKER: Relevance, hon. member, is one thing; an attack on other members, whether it be vicious or not, or imputing motives is quite another. Inasmuch as you were talking about relevance, then we would ask the hon. Member for Sherwood Park to speak to the point of order on relevance.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I think the Chair will recognize that I only got one sentence out, and I was simply entering into debate with an observation about what's happening in this Assembly on private members' day and the lack

of action of private members on one particular side of the House. That's all I was doing.

THE DEPUTY SPEAKER: On the point of order, the Chair has on a number of occasions intervened when it would appear that one member or another was characterizing either the government or the opposition as having particular designs on a private member's Bill. I guess the same thing would apply here, hon. members, that this is a private member's Bill and the actions of private members are those and those only. To assume that it's a government action I think takes away from the private member's public Bill's time. Again the Chair would suggest that if we do not wish as private members to have these opportunities, we should debate that issue in our caucuses and then presumably at a later time make a determination in the Assembly that we won't have it or we'll restrict it in some way.

Right now we are on a private member's Bill. Another private member has moved a hoist, and we would encourage all members to address themselves to the hoist.

Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I make no suggestion in any way that this hoist amendment comes from the government Whip. I make no such suggestion. What I observe is that the private member who is putting forward the hoist amendment is also the government Whip. So I merely make an observation. I make no suggestion that it is being put forward by the government Whip. I simply observe that the private member who is putting forward the amendment is in fact the government Whip, and I simply also observe that not one private member on the opposite side is prepared to speak to it. I simply observe that it's very curious that that happens on private members' day.

Debate Continued

MR. COLLINGWOOD: Speaking to the amendment, Mr. Speaker. Bottom line: it makes absolutely no sense whatsoever. Members on both sides of this House debating private members' Bills on private members' day have said many, many times over again – and I know that it has been incurred and involved in debate that I've had when I've introduced a private member's Bill. The standard line when members want a Bill defeated is that, you know, the time just isn't right yet. That's the standard line. As Speaker you'll know we hear that in this Assembly over and over and over again. If I recall my own Bill last year, Bill 211, on conservation easements, members of the Assembly, private members speaking in debate said: this is a really good idea, but, you know, the time isn't right just yet.

4:40

Now, let's recognize, Mr. Speaker, that in saying that, at the very least the members participated in the debate and made the comment, made the statement that they felt it just wasn't time yet, but the debate was allowed to take place so that the debate could come to second reading and private members could decide on a free-vote basis, having heard the debate. That's the important point: having heard the debate. Having heard the debate, the members could decide whether to support the Bill at second reading or whether to defeat the Bill at second reading. On a private member's Bill, the one time in this Assembly that a private member has to bring forward an issue and an idea for debate amongst members of the Assembly, to bring forward a hoist amendment and muzzle debate on that Bill and shut down the

member who was sponsoring that Bill is absolutely appalling and absolutely atrocious.

MR. WOLOSHTYN: What's that got to do with the hoist?

MR. COLLINGWOOD: Get involved in the debate, to the hon. Member for Stony Plain. Get involved in the debate and tell us why we should defeat the Bill, not why we should go to a hoist amendment. [interjection] The member didn't suggest, Mr. Speaker . . .

**Speaker's Ruling
Decorum**

THE DEPUTY SPEAKER: Order. The Chair would first of all observe that a number of people are getting into shouting at one another, which is one of the lowest forms of debate that one could get into. The other observation is that if we are making observations as to who is here and who is not, that, we know, is unparliamentary. To then move beyond that and impute motives to people who may or may not have yet had a chance to enter into debate or, given the chance, have chosen not to enter into debate is kind of in the same area.

So, one, can we get back to the debate on the hoist, not to the observations of who's here and who's speaking and who is not. The Chair does not recognize the Whip. The Whip is a party function, not a function from the Chair, such as the Government House Leader or the Opposition House Leader. So we have a number of things that are kind of getting out of order here.

While I'm on my feet, I wonder if we might have permission to revert to Introduction of Guests.

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? Carried.
The hon. Member for Pincher Creek-Macleod.

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

MR. COUTTS: Thank you very much, Mr. Speaker. It gives me great pleasure to stand and introduce to you and through you to members of the Assembly this afternoon a couple of gentlemen that have come to the city today to partake in some business but at the same time observe the lively debate here in the Legislature. These gentlemen reside in the beautiful town of Pincher Creek. I'd like to introduce Mr. Roy Davidson, the chair of the economic development council for the town of Pincher Creek, and Mr. Dale Johnson, the owner of Wind Power Inc. out of Pincher Creek. They're seated in the members' gallery. I'd ask them to please rise and receive the traditional warm welcome of the Assembly.

head: **Public Bills and Orders Other than
Government Bills and Orders**
head: **Second Reading**

Bill 209
Limitation of Actions Amendment Act, 1995
(*continued*)

THE DEPUTY SPEAKER: With the Chair's comments in mind we would invite Sherwood Park to continue.

MR. COLLINGWOOD: Thank you, Mr. Speaker. With those comments in mind, cogent arguments indeed.

Mr. Speaker, there is no need for a hoist amendment. Members know that I've spoken in favour of Bill 209, and of course I speak against the hoist amendment to postpone second reading till six months hence. In the context of debating private members' Bills, there is a very limited time that we have to debate private members' Bills. For all members who wish to make their comments known on a particular Bill, they know that time is short, and for that reason there is simply no reason to go to a hoist amendment on a private member's Bill. Therefore, I speak against the amendment. Members should have every opportunity, because of the confined and restricted private members' Bills time, to put their comments on the record with respect to this particular Bill relative to perhaps discussions or comments they've had with the professional organizations that are impacted by this Bill. All members will of course want to make the feelings of their constituents known – this situation is no different – and will not have had an opportunity when the Bill arose.

Certainly, Mr. Speaker, I think there are many other processes and procedures that we have in place to avoid a situation where a private member introduces his Bill, members on both sides of the House choose to enter into debate, and then there is an attempt to cancel the debate for the reasons given by the sponsor of the amendment. Perhaps other ways are that the sponsor of the Bill itself could be asked to withdraw his Bill if circumstances were such that it was inappropriate for a private member's Bill such as this one to come forward at this point in time. Obviously, that didn't happen, and of course I don't know why it didn't happen. We are here, we are prepared, we have the Bill tabled, it is in second reading, members wish to speak to it, and now the Member for Stony Plain suggests that it's inappropriate for us to continue the debate and go to a vote after a two-hour period because we should set the Bill over for six months.

I think, Mr. Speaker, that the Minister of Justice's comments are just as weak, if I may use that term. He, too, can enter debate, and he, too, has every opportunity to participate in a vote on this Bill. If the Minister of Justice can persuade other members of the Assembly that the Bill should not pass second reading because it is not comprehensive enough with other work that is going on, then certainly he can make those comments known to the Assembly and in his usual persuasive way convince members that the Bill should not proceed. But to do it in this form is very unfair to members of the Assembly. It is extremely unfair to the sponsor of the Bill, who will – well, I won't comment. I think it's an embarrassment to the member to have this done to his Bill.

My colleague for Edmonton-Whitemud spoke also about the cogent statements made by the Member for Calgary-Egmont in putting forward very persuasive arguments about why members of this Assembly should support the Bill, and I was persuaded by those comments. If other members want me to be persuaded that it should not, then I am prepared to listen to those comments as well and prepared to make a decision on the Bill as it stands right now. I think, once again, that to hijack a private member's Bill with a hoist amendment is totally unfair to the sponsor of the Bill. It's totally unfair to members of this Assembly. In my opinion, Mr. Speaker, it's unparliamentary to suggest that this be the way to deal with a private member's Bill.

I would invite all hon. members to respect the Member for Calgary-Egmont, allow the debate on his Bill to proceed in the time allotted to him, which is his only opportunity to have his Bill debated, give that hon. member the respect the Bill deserves, defeat the hoist amendment, and let's get on with the debate.

Thank you, Mr. Speaker.

4:50

THE DEPUTY SPEAKER: The hon. Member for Cypress-Medicine Hat.

DR. L. TAYLOR: Yes, Mr. Speaker. I would just like to talk for a minute or two about the hoist amendment.

AN HON. MEMBER: Oh, go on for 20.

DR. L. TAYLOR: No, I won't go on for 20.

The point is the irrelevance of what I've been hearing, which has little to do with the hoist amendment. Quite frankly, this hoist amendment makes good and common sense. There are things that need to be improved in the Bill. We are not defeating the Bill. We are simply saying that there are certain things that need to be improved in the Bill. We need more time to look at this Bill, so therefore it makes sense to hoist it for six months. That's not killing the Bill, Mr. Speaker. Apparently these hon. members on the other side aren't intelligent enough to figure that out, that it's simply a delay of six months, a delay.

Do they not understand what delay means? Perhaps you could explain to them or I can explain to them what a delay means. A delay simply means putting off. A delay means putting something off to another time. It doesn't mean killing the Bill.

MR. McFARLAND: Do you want to quote it?

DR. L. TAYLOR: Well, yes, thank you very much. I will just read what it says right here to make it very clear to these hon. members that do not appear to understand, one, the parliamentary procedure of a hoist, that do not appear to understand, number two, what delay means. I will read what it means. Now, "delay," for members opposite, is a verb. "Verb" means an action word, you see, so we have an action word: to delay. An action word. Now, one definition of "to delay" is to make late. We're not talking about that definition of it, folks. Another definition of it is to hinder. We're not talking about that definition of it, folks. Another one is to postpone. Now, there you go. Just think: postpone. Postpone. I could look up "postpone" and explain postpone to you as well. I could explain postpone as opposed to cancel.

Now, I'm trusting their intelligence, but perhaps I'm being too trusting in suggesting that they understand what postpone means. If they don't, I'll give them another example: defer. Another example instead of postpone: wait. All right? Now, one that kind of comes with it but isn't appropriate here is loiter. I think what most of those members opposite are doing, Mr. Speaker, is loitering, because usually loiterers make no proper or appropriate contribution. [interjections] Lawyers? No, I didn't say "lawyers." I said loiterers, because in most cases I think loiterers make no contribution.

MR. HENRY: A point of order.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Centre is rising on a point of order and will share it with us.

Point of Order Reasoned Amendment

MR. HENRY: Thank you, Mr. Speaker. It was very hard for me to get up and interrupt the wonderful performance we were getting.

AN HON. MEMBER: Citation.

MR. HENRY: The citation is *Beauchesne* 669. I just want to briefly quote for the hon. member. The hon. member is trying to explain to us that a hoist simply means that the members don't necessarily disagree with the Bill but just don't want to deal with it at this point, would like to deal with it six months hence. Very clearly 669, talking about hoists, says, "An established form of amendment such as the 'six months' formula, used to obtain the rejection of a bill." I'd ask the hon. member to get his dictionary and look up the word "rejection" and read that into the record.

Thank you very much, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Cypress-Medicine Hat on the point of order.

DR. L. TAYLOR: You certainly know I wouldn't speak outside the point of order, Mr. Speaker. I mean, you're very familiar with my history.

I would argue that it's no point of order at all. It's simply a difference of opinion. The fact is, we're not talking about rejection. We're talking about a delay, which I'll further describe in a minute here.

THE DEPUTY SPEAKER: Well, I hesitate to agree with the hon. Member for Cypress-Medicine Hat that in fact there is no point of order. Nevertheless, notwithstanding that, the hon. Member for Edmonton-Centre is perfectly correct in that the tradition of a hoist is in fact a means by which a Bill may be killed. But we assume, in the words of the hon. Member for Stony Plain and in the many words of the hon. Member for Cypress-Medicine Hat, that this was not meant to kill but to delay. In any event, we'll take the point of order as not being a point of order yet being relevant to our discussions here this afternoon.

An additional point of order, hon. member?

MR. HENRY: Thank you. Just for the record, Mr. Speaker, I represent the constituency of Edmonton-Centre, not Edmonton-Censure. Thank you very much.

THE DEPUTY SPEAKER: The Chair did not in any Freudian way intend to say that. If he did, we'll put it down to bad dentures.

The hon. Member for Calgary-Egmont on the hoist.

MR. HENRY: He wasn't finished.

THE DEPUTY SPEAKER: Yes, thank you very much.

The hon. Member for Cypress-Medicine Hat – heaven forbid that I should cut him off – followed by Spruce Grove, et cetera.

DR. L. TAYLOR: Thank you, Mr. Speaker. I'm not so concerned about you cutting me off, but I would like to be allowed to continue speaking.

THE DEPUTY SPEAKER: Yes.

DR. L. TAYLOR: Thank you.

Debate Continued

DR. L. TAYLOR: To keep trying to help the members understand the definition of "delay" for just a minute, I would like to

point out that delay can also be used in one sense as a noun. It becomes the act or process of delaying, an inaction or inability to proceed, such as delayed action. That's what we're talking about here: delayed action.

If we look, for instance, at *Erskine May, Parliamentary Practice*, 21st edition, which I've become very familiar with in the last 18 months – and you know I'm very familiar with this, Mr. Speaker, because of my exemplary behaviour in this House on almost all occasions. I'm sure the members – just to show to them that I do have it here, I want to talk for a minute about a reasoned amendment, which is exactly what a hoist amendment is. I'll just read to you briefly what it says here, Mr. Speaker, under reasoned amendment. "A Member who desires to place on record . . ." and it goes on that you can have a six-month delay. You could have a three-month delay as well. It's page 474. You can do that in terms of a reasoned amendment.

That's exactly what we're talking about here. It does allow us some time to reconsider the Bill. It allows time to seek further information in relation to the Bill; for instance, by committees perhaps, by commissioners, by the production of papers or other evidence. That's what we're talking about here. We need some other evidence. So I think the hoist amendment is perfectly appropriate at this time.

I would like to just point out one final point in conclusion. The Member for Sherwood Park opposite did say that members on this side don't get up and speak. Mr. Speaker, I get up and speak very often, and I'm constantly interrupted by irrelevant points of order. [interjections] If they wish members on this side to get up and speak, then they shouldn't be constantly harassing them with irrelevant points of order and offhand comments, as is happening right now. They should have the politeness and consideration that I always show them in their speeches. So I would encourage them.

I thank you for this opportunity to debate, Mr. Speaker.

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

5:00

MRS. SOETAERT: Mr. Speaker, thank you. It's such a delight to speak following such an eloquent speaker with such a command of the English language when a dictionary is at his fingertips.

I do wish to speak to this hoist amendment. You know, on private members' day there should be a chance for all of us to debate this Bill and not have it quashed in any way. If there really are concerns about the Bill, which was mentioned maybe by the Minister of Justice and the Member for Stony Plain, let's go to committee and address this. But, no, instead it dies. Well, no, it gets suspended for six months. Now, that seems like it's going to never-never land, never to be seen again. In fact, I remember a Bill put forward I believe by the Member for Calgary-Cross once upon a time a few years ago in the Leg. Assembly of Alberta. It came forward, and we were having good, healthy debate about it, something about youth and schools. And what do you know? A little old hoist happened. Well, where did that go? It went. We don't know where it went, but it is gone.

Even today we have guests from southern Alberta. I'm sure they're looking forward to some active participation in this debate on a good Bill, a very good Bill that we support. In fact, I'd like to read into the record a letter of support that we got regarding this Bill. In fact, the Member for Calgary-Egmont mentioned earlier that all the letters he received, all the comments he received were positive. People were anxious to see this Bill get

going and get through the Legislature, and believe me it takes a while with all the different readings. A good Bill. Let's do it; let's go for it. And today boom. Out of the dark we hear Mr. Stony Plain say: no go, this is not good; everybody vote against it, please. I'm sure the whip is not on. I didn't mean to refer to that at all, if that was implied. But the Member for Stony Plain did bring up this point, and I think we really should consider that this is inappropriate at this time. This is a good Bill. Six months hence it'll be lost. We all know that.

So if you don't mind, Mr. Speaker, can I read this letter into the record as to why we should not have a hoist amendment? Some of these people are very concerned, have sent several letters regarding this Bill. They want it to go through. I'd like to read some of the parts of it, not in its entirety.

MR. EVANS: Point of order.

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader is rising on a point of order.

Point of Order Relevance

MR. EVANS: Yes, Mr. Speaker. *Beauchesne* 459, the relevance of reading from a letter. I heard the hon. member indicate that she was going to read a couple of excerpts from the letter. That was at the time that I was standing up. There is no way that we should be listening to an entire letter. If she wishes to have that letter circulated, she has the ability to table it. We'll all get our copies, and we can look at it during the six-month period that will transpire between now and the time that the Bill returns.

THE DEPUTY SPEAKER: Hon. member, to the point of order.

MRS. SOETAERT: Yes, on the point of order. Thank you, Mr. Speaker. I think it's rather timely since at the end of today this Bill will probably go by the way. Rather than read the entire letter – I mean, I won't say where the address is from and who the person is and whose constituency they happen to be in – I'll just pick out a few of the parts that I can share with you why this person feels it's urgent that this Bill go through today and not be hoisted.

THE DEPUTY SPEAKER: Well, we have before us actually two points to consider. First of all is *Beauchesne*, relevance. It's hard to tell relevance before it's been spoken.

The second point that's related to that and also to the debate at hand is 23(d) in our Standing Orders. If we read there, it speaks about referring

at length to debates of the current session or reads unnecessarily from *Hansard* or from any other document, but a member may quote relevant passages for the purposes of a complaint about . . . or of a reply to an alleged misrepresentation.

If the Chair understands the hon. member, one, you will have to table the document, and you've said that it would be brief. Because we have not yet heard it, we can only take your word – and we do that of course – that it will be relevant to the six-month hoist.

MRS. SOETAERT: Thank you, Mr. Speaker, for that ruling. I will just read a sentence or two. I will mention a sentence or two from this person's letter regarding their concerns about this Bill going through right away and the way a hoist would affect their

concerns. Is that clear? I hope so. Gee, so much fol-de-rol about very little sentences here.

Debate Continued

MRS. SOETAERT: I just want to say this. This person feels that

this private Member's Bill proposes to provide a limit to liability exposure for Architects and Engineers. At the present time, liability extends beyond an Architect or Engineer's lifetime, to include "heirs, successors, and assigns". This means that the other members of my family become liable for my actions as an architect. The cost of carrying insurance without reasonable time limitations is considerable.

That's all I will say on that letter. I think it's important people realize that this Bill affects many people's lives. Lots can happen in six months. Heaven forbid that someone should die and his family becomes liable for what may happen. The point is that six months is too long, because we know what happens in this Legislature: it dies.

MRS. HEWES: Six months is never.

MRS. SOETAERT: Six months means never, never to be seen or heard from again, which is a pity, because I know that the Member for Calgary-Egmont put this Bill forward with good intentions. His opportunity to bring forth a private member's Bill, have it properly debated in this House was virtually nipped in the bud. I regret that for him, and I'm sure he'll have the opportunity to speak to it and tell me that his heart is not broken over this, as I'm sure he's very resilient. But I do express my concerns about hoisting this Bill for six months. People are waiting for this Bill to go through. Instead, it will die on the Order Paper, never to be seen or heard from again.

So with those brief words I will take my seat. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. I have to voice my disappointment at not having been here to listen to all of the debate and all of the good support for this Bill and also the debate on the hoist. In essence, I am fully in support of this hoist precisely because it is a good Bill. It is recognized as such. I think the hon. Member for Spruce Grove-Sturgeon-St. Albert would remember that in my speech I did indicate that she's absolutely right: I haven't had one letter against this Bill. But I also indicated that I have had a lot of requests from a lot of other occupations and professions to be included in this Bill. Therefore, this hoist amendment will give me the opportunity to work with the Minister of Justice to make sure that we can include all of the professions and occupations that want to be part of this Limitation of Actions Act. I want it to be very clear that you understand I am fully in favour of this hoist and fully in favour of working harder on this Bill to make it even more effective for all professions and all occupations in this province.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I've enjoyed the extended and lively debate here this afternoon on this hoist, and I would like to rise to speak against it. In all of the discussion

that we've heard here, there's been a point, I think, that we have all missed, and that's that delaying this Bill by six months does put some people in jeopardy. It puts the people in jeopardy who have been longtime members of the associations who currently have unlimited liability in terms of being sued over this next six-month period. It also puts a number of all of our constituents in jeopardy who may be wanting to pursue litigation with doctors and who have been unaware of the circumstances of their cases before the one-year limitation was up and they need that second year of extension in order to be able to pursue their claims in a legitimate fashion.

I have, in fact, right now one constituent who has that very concern. They believe that they were wrongfully taken care of by a doctor, and by the time they had made numerous consultations to other doctors and other associations and other courses of remedy, they passed the one-year limitation. This person is significantly impacted by their lifestyle as a result of what's happened in their case. They should have recourse to some sort of changes happening in their situation and can't because there's a one-year limitation on the physicians. They are desperately in need of this being taken care of in a timely fashion.

5:10

So not only is a six-month extension six months too long in this individual case, but certainly the fact that a hoist, by definition of delay on the government's side, means to never appear again is of significant concern to us, to this person, and to anyone who may have a claim beyond the one-year extension date now or to any of those professions who now have unlimited liability. I have yet to see this addressed in this House. I think it's a significant concern. This is not a game here, ladies and gentlemen on the other side, where we can get up and talk about a hoist in a very irrelevant fashion. This significantly impacts people's lives in this community. We have a responsibility to represent them in a fashion that people have come to expect from us, and that means dealing with this Bill now in a timely fashion.

We do know that one of the members on the other side said that this probably does not include all the professions who are concerned. Well, you may not have done research on your side, but we've done it on our side, and let me tell you that all of the professions who want to be have been included in this Bill and are satisfied with it. Even those who have the one-year extension on their liability are satisfied with that. I find it completely inconceivable that the members on this side would support a hoist at this time.

So with those comments, I'll take my place.

THE DEPUTY SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Speaker. I stand up to speak to the hoist, and I'll speak against the hoist amendment in my initial comments. When I intended to address this Bill, I intended to commend the hon. Member for Calgary-Egmont for a Bill that in my view was sound and appeared to be a Bill of fairness and consistency. It was consistent throughout the professions in the province and also with some of the other provinces in Canada. In spite of the hon. Member for Calgary-Egmont's comments that he just made a few minutes ago, that he is in support of this hoist amendment, we're dealing with more than suddenly his desire to have his Bill set aside. What we're talking about here transcends his simple wishes. It transcends his wishes in my view in the sense that this is a private member's Bill, and we're now moving into a situation of hoisting those particular Bills.

The Member for Sherwood Park indicated and used the term that this had been hijacked. I would suggest, Mr. Speaker, that that is an accurate description of what has happened here. To suggest that this Bill today suddenly comes before the perusal of the side opposite and shows up with some deficiencies is suspect at best. Certainly this side opposite's caucus must have a process within where they evaluate all the Bills, be they private members' or otherwise, that they would like to put forward. The fact that that Bill has arrived at this stage of debate in the Legislature suggests to me that there was support at that particular point. I would suggest that there has been some other underlying strategy involved here that has resulted in this change of thought and opinion on this matter. We look at it in the sense that either the evaluation process within the side opposite's caucus is flawed or we have had a sudden change of plan here, as I indicated, for a strategy that obviously wasn't communicated to us, or perhaps we wouldn't be at this juncture in the discussion.

Back to the Bill, Mr. Speaker. As indicated by the Member for Sherwood Park, it was hijacked in our view. That being the case, I think it's very unfortunate that a private member's Bill would have to be subjected to that particular discussion. If this Bill did appear with the deficiencies that apparently the hon. Minister of Justice has identified, I would have to ask: why did it even have to be brought forth today? There are tactics that would have let it sit aside. There was no need to force it into discussion at this particular stage.

I would suggest that really what is happening here is that – and somebody used the term – a private member's Bill is being whipped. I think that's unfortunate. There were some very positive comments that initially followed the introduction of the Bill. Those that are debating this Bill in the House today would have probably speculated that it would have passed as a consequence, which would in my view suggest that it has sound merit to it. It's very unfortunate that we have attempted to delay it for six months. The Member for Edmonton-Centre had indicated – and he referred to *Beauchesne*, I believe – that an established form of amendment such as a six-month formula is to obtain the rejection of a Bill.

I have some sympathy for the member, because he put a lot of research into this particular Bill. He was very forthright in his comments when he introduced the Bill, that it was acceptable to the industries that he approached. He spoke with great confidence that it was a quality Bill. He indicated that in fact he had received no opposition to that particular Bill, Mr. Speaker, and in a mere short time period of about 30 minutes he seems to have had to revisit his position, his research, and all the time and effort that he put into it.

Mr. Speaker, you can see where we have arrived at the situation that it is somewhat suspect. Therefore I have to speak against the hoist. The Bill can certainly go ahead with discussion, and it can go ahead with some very positive discussion. It would have, I suggest, been a successful Bill introduced by a private member. We need more of those successful Bills to capture the democratic process that was intended within this Legislature, and I think it's very unfortunate that this hoist amendment is going to stymie that democratic process to some degree.

So with those brief comments, Mr. Speaker, I would at this time turn the floor over with the closing comment that it is unfortunate that the member spent such a great deal of time bringing forth such a quality and excellent Bill, spoke in testimony of that Bill and spoke very eloquently in testimony of that Bill. A change in 30 minutes brings it to his attention and the rest of

the Assembly's attention that, well, really there were some deficiencies there. I think it truly is very unfortunate that all his hard work has been set aside. It's unfortunate that we can't stand at the end of the debate and commend the member for bringing this Bill forth and having this Bill passed and supported by the other members in the House.

So, Mr. Speaker, with that I will conclude my comments. Thank you very much.

5:20

MR. JACQUES: Mr. Speaker, I've been absolutely astounded by some of the comments that have been made. In fact, I think if some of my constituents heard this, they would be outraged.

Mr. Speaker, I want to refer to the hoist amendment specifically and also to some of the comments that have been made, and you have entertained them in the context of the debate this afternoon on this particular hoist motion. I have heard insinuations in terms of the word "hijacked." Hijacked. I've heard it in terms of, quote, our view; quote, this side; quote, we have got; quote, we have support; quote, you have whipped; quote, you have stymied the democratic rights; quote, he's changed his mind in 30 minutes.

THE DEPUTY SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert on a point of order, which you are going to share.

Point of Order Relevance

MRS. SOETAERT: Twenty-three (i), relevancy, Mr. Speaker. Is this on the hoist amendment? Oh, not 23(i). Give me relevancy, *Beauchesne* 459.

THE DEPUTY SPEAKER: The hon. member's rising on a point of relevancy. Would the hon. Member for Grande Prairie-Wapiti care to respond to the point of relevance to the hoist?

MR. JACQUES: Thank you, Mr. Speaker. I understand that the member may be a little upset, because I'm using some of the terminology that indeed she had used and that other hon. members had used. I made that very specific reference in my opening comments. So to the extent that there has been that terminology used, I am referring to that terminology, and I've used it in the context as it was used then in terms of the hoist motion.

THE DEPUTY SPEAKER: The Chair hesitates to make the comment for fear that those hon. members who are armed with dictionaries may begin quoting again. In any event, the issue of relevance is almost like beauty, in the eye of the beholder or, in some cases, in the ear of the beholder. One also thinks of another term that I'll whisper: filibuster.

The hon. member does seem to be entering into debate and hopefully will focus it on either the need or the lack thereof to hoist this Bill at this time.

Debate Continued

MR. JACQUES: Thank you, Mr. Speaker. I was not intending to enter into the debate on the hoist motion until I heard some of the comments, and more specifically when the hon. member as a private member in this House, in this Legislative Assembly, brought forward a most responsible Bill, not to the government and not to our caucus but to this Legislative Assembly. That is the key item in terms of this.

When that member rises to speak in favour of the hoist of his Bill, that is his democratic right to do and to support. If he has

the intelligence to go forward and talk to other members in this House prior to this debate coming up, saying, "There are issues here, and maybe a hoist wouldn't be a bad idea," then perhaps the man has intelligence. I have to use the word "perhaps," because there are other hon. private members who somehow don't want to understand that. They want to put it in the context of a fairy tale. They want to put it in the context of a whip. They want to put it in the context that the hon. member in some way has been under intense pressure by this member or other members of this Assembly to set aside his good ideas. There couldn't be anything further from the truth.

In fact, the reality is that in the experience that I have in private member's Bills, my private Bill is my private Bill. It's not subject to any legislative order. It's not subject to any idea of what the Whip or what the leader or what somebody else may think about it. It's mine, and in that context if that member as the sponsor of this Bill supports the hoist, then we should support that member.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you very much, Mr. Speaker. Speaking to the hoist, the last speaker has almost moved me to support the hoist. He's almost convinced me that perhaps there are some brains. Perhaps.

I just want to make a couple of comments. We don't need to go through the whole description of how a private member's Bill is developed and how long that takes and the kind of consultation it takes. All members of this House have done that. We all know that this Bill would have been written probably earlier this year if not last year in terms of being able to be ready for the Order Paper in February. We all know that this has been sitting around for several, several months.

We also know that there are various ways in which a member can reconsider something he's proposed, including asking for unanimous consent to withdraw a Bill from the Order Paper, which in my experience has never ever in this House been denied. I'm surprised that the hon. member didn't use that option, ask for unanimous consent to withdraw his Bill from the Order Paper if indeed he thought it was inappropriate to put that. He could have done that, and again, Mr. Speaker, that's never been denied.

Part of what the members are seeing in the House today I believe, speaking only as one private member, is somewhat a frustration for legislation coming to the Legislature and then essentially being defined as half-baked by the government seeing

that the government has to amend them. Mr. Speaker, in the last 20 months or so we've seen revisions to the Hospitals Act, and then before we even got to third reading, we saw amendments to that Bill. I'm speaking to why this particular member has some reluctance in supporting the hoist.

We saw Bill 19 last year, the School Act. Before we got out of committee, the government was amending it again, and lo and behold here we are less than a year later amending it one more time. We're amending sections of that amendment Bill.

Mr. Speaker, we saw the Freedom of Information and Protection of Privacy Act, that went through extensive consultations, went through extensive revisions in terms of drafting. It got to the floor of this Legislature, and the government said: "Whoops. Here are some more amendments before you pass it."

This seems to be the MO of this government: do the research, consult with people, present the legislation and then say: "Whoops. Let's change it mid-stream." How can we get any stability in terms of this province and in terms of letting people know where we're going if all of a sudden every time we turn around we are changing our minds with regard to items that either the government or private members themselves propose.

However, Mr. Speaker, I have to tell you that while I've heard from some of the groups who support this Bill, I have heard from some constituents who have concerns about the Bill. The concerns are not limited to but include the ones raised by the hon. Member for Calgary-Egmont, who sponsored the Bill. Based on his comments and certainly the comments from the Member for Grande Prairie-Wapiti, I will vote in support of this hoist.

Thank you.

[Motion on amendment carried]

MR. EVANS: Given the hour, Mr. Speaker, I'd now move that we call it 5:30 and that when we reconvene at 8 o'clock tonight, we do so as Committee of the Whole.

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader has moved that we do now adjourn until 8 p.m. this evening and that when we do so, we reconvene in Committee of the Whole. All those in favour of that motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. Carried.

[The Assembly adjourned at 5:30 p.m.]

