

Legislative Assembly of Alberta

Title: **Tuesday, May 9, 1995**

1:30 p.m.

Date: 95/05/09

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

Our Father, we confidently ask for Your strength and encouragement in our service of You through our service of others.

We ask for Your gift of wisdom to guide us in making good laws and good decisions for the present and the future of Alberta. Amen.

head: **Presenting Petitions**

MRS. ABDURAHMAN: Mr. Speaker, I wish to present a petition to the Legislative Assembly of Alberta.

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to hold a plebiscite under the Local Authorities Election Act in Accordance with Section 3 of the Alberta Hospitals Act, which provides for such a plebiscite to be held when the amalgamation of boards, construction of new facilities, disestablishment of existing facilities, or changes in the operation of existing facilities within a district or proposed district affected by such changes.

There are 910 signatures from the Edmonton region.

THE SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker, and good afternoon. I would like to file on behalf of residents of Fort McMurray, Alberta, a petition signed by over 200 residents that suggests to the government:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government, to provide full bus funding to students who must take a bus, as a result of the closure of their schools, due to education cutbacks.

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

MR. BRUSEKER: Thank you, Mr. Speaker. I wish to present a petition on behalf of 1,530 Calgaryans requesting the Minister of Health to hold a plebiscite under the Local Authorities Election Act with respect to the issue of amalgamation of school boards, construction of facilities, and closure of hospitals.

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

MS LEBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to present a petition requesting that the Minister of Health

hold a plebiscite under the Local Authorities Election Act . . . with regards to: the amalgamation of boards, construction of new facilities, disestablishment of existing facilities, or changes in the operation of existing facilities.

There are 1,696 names on this petition.

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

MR. SAPERS: Thank you, Mr. Speaker. It's my pleasure to present with your permission a petition signed by 2,464 Albertans who are petitioning the Legislative Assembly to urge the government

to hold a plebiscite under the Local Authorities Election Act in Accordance with Section 3 of the Alberta Hospitals Act, which provides for such a plebiscite to be held when the amalgamation of boards, construction of new facilities, disestablishment of existing facilities, or changes in the operation of existing facilities within a district or proposed district affected by such changes.

Mr. Speaker, that brings it to a total of 6,380 Albertans who have had their voices heard in the Assembly today.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I give notice that tomorrow I will move that written questions stand and retain their places on the Order Paper with the exception of Written Question 223.

I also give notice that I will move that motions for returns appearing on the Order Paper stand and retain their places with the exception of motions for returns 227, 228, 229, 230, 231, and 232.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I'd like to give notice that at the appropriate time I will introduce the following motion pursuant to Standing Order 40: "Be it resolved that this Assembly recognize the 75th anniversary of the Alberta Hotel Association, being celebrated at their annual convention, which runs from May 7 to 10, 1995."

Thank you.

head: **Tabling Returns and Reports**

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

MR. ADY: Thank you, Mr. Speaker. I am pleased to table six copies of the government's response to Written Question 187 and Motion for a Return 176.

I'm also pleased to table four copies of the Lethbridge Community College annual report for the year 1993-94.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. I would like to table six copies of the Alberta Land Surveyors' Association 1994 annual general meeting report and also six copies of the Environment Council of Alberta 1993-94 annual report.

MR. MITCHELL: Mr. Speaker, I would like to table four copies of a document called Health Care We Can Trust. It's a discussion paper that has been prepared by the Alberta Liberal caucus to form the basis of an extensive health care policy discussion process which we launched last night in Edmonton and which we will carry across the province to give Albertans who are very, very concerned about their health care system and who are very concerned that they haven't had a chance to have proper input a chance to get that kind of input.

Thank you.

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

MRS. HEWES: Thank you, Mr. Speaker. In response to the Premier's comments regarding untrue and "show me," I beg leave to table a recent video showing people in Calgary who eat and survive by foraging in dumpsters.

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

MR. DICKSON: Thank you, Mr. Speaker. I wish to table this afternoon a copy of a manuscript entitled *Access to Information: Alberta Joins the Trend*. The author is John C. Anderson, a lawyer in this province. The document will be published later this year in one of Canada's most prestigious periodicals. It highlights the shortcomings in our freedom of information Act.

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

DR. NICOL: Thank you, Mr. Speaker. I have two tablings this afternoon. The first is a petition that was signed by 43 people in Lethbridge to the Lethbridge school board. They asked that I file it here. It's requesting that the school board in Lethbridge guarantee 400 hours of ECS and that 400 hours be at no charge to the users.

Mr. Speaker, the second item that I'd like to table is a resolution to the Legislature passed by the St. Mary's Parent Teacher Advisory Council requesting that 400 hours of ECS be provided for our students in Alberta.

Thank you.

head: **Introduction of Guests**

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. On behalf of the hon. Member for Edmonton-Whitemud I'm very pleased to introduce to you and through you to members of the House Célèste Nicholson, who is an extremely hardworking member of the Edmonton-Avonmore community and an equally hardworking servant of the people who live in Edmonton-Whitemud. If she would please stand and receive the warm welcome of this House.

THE SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Thank you, Mr. Speaker. It's my pleasure to introduce to you and to the members of this Assembly a group of 73 students from the High Level public school. They're accompanied today by teachers Kevin Horner, Anne Brewster, Jane Dale, and Judy Vogel, also by parent helpers Helen Dyck, Ed Coleman, Raymonde Lett, Joy Pierrard, Daniela Mitchell, Connie Walker, Jake Knelsen, Dave Ferry, and Ed Plitz. These people are seated in the members' gallery, and I would ask that they rise and receive the warm welcome of this Assembly.

1:40

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

MR. BRACKO: Thank you, Mr. Speaker. I am honoured today to present to you and through you to the Members of the Legislative Assembly 43 students from one of St. Albert's famous schools, Albert Lacombe, named after Father Albert Lacombe. They are doing a unit on government in grade 6. They are here with their educators Ernie Klita and Léo Beaudry, my educational colleagues, and parent helpers Dolores Scott and Sheila Roy. Sheila Roy is also the best constituency manager in the province. They are in the public gallery. I'd ask that they rise and receive the warm welcome of the Assembly.

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

MR. MAGNUS: Thank you, Mr. Speaker. It's truly my pleasure today to be able to introduce from the city of Calgary two people, one of whom I've known for many years and who is in fact one of the most astute observers of civic government that this province may ever have. He's retired as of Thursday night, and he will be coming back as a consultant of course. His name is Michael Facey, and he was the senior intergovernmental affairs member with the city of Calgary, in fact the director of that department.

The other person is a lady that I just met at lunchtime, Elizabeth McEwen. She's a transplanted Edmontonian, and who can blame her? She's moved to Calgary to take over Michael's position as he is now retiring. I'd ask both Michael Facey and Elizabeth McEwen to stand and receive the warm traditional welcome of this House.

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

MR. BENIUK: Thank you, Mr. Speaker. As we celebrate the 50th anniversary of victory in Europe and the 50th anniversary of the closing of the last of the Nazi concentration camps, I rise to introduce to you and through you to the members of this Assembly a survivor of the Nazi concentration death camps. John Lahola was a political prisoner. He was a Ukrainian freedom fighter who fought both the Nazis and the Soviet communist armies with the objective of establishing a free, independent Ukraine. He was captured by the Nazis and was held from August 1943 to May 6, 1945, in five different concentration camps: Berg-en-Dal, Auschwitz, Mauthausen, Melk, and Ebensee.

Mr. Speaker, last month, in April of this year, Immigration Canada recognized John Lahola with its immigration achievement award for his accomplishments in Canada. John Lahola, who is seated in the public gallery, is accompanied by his wife, Katherine, his daughter Lida, and her two children, Katrusia and Adrian. I would ask that they rise and receive the traditional warm welcome of this House.

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

MR. WHITE: Thank you, Mr. Speaker. I rise today to introduce to you and through you 11 students from the Coralwood academy in our city along with their educator Orville Ferris. I believe they're in the public gallery. I'd like them to rise and receive the traditional warm welcome of the House, sir.

THE SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Thank you again, Mr. Speaker. I'd now like to introduce to you and to the members of this Assembly a very good friend of mine and a visitor from the town of High Level. It's just a coincidence that he's here at the same time as the students from that town are here. It's not a coincidence, though, that he happens to be the mayor of the town of High Level. I would like to ask Mr. Gordon Burnell, who is seated in the members' gallery, to rise and accept the warm welcome of this Assembly.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to introduce to you and through you to members of the House Jasvinder Chana, who is employed in the office of the Edmonton-Avonmore constituency for the remainder of the summer. She's a political science student and a very industrious and enterprising

young woman who has come here to learn something about the political process hands-on. I would ask that Jas, as she's known, please rise and receive the warm welcome of all members.

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

MR. SAPERS: Thank you, Mr. Speaker. It's my pleasure to introduce to you and to all members of the Assembly Ms Lara Holowenko, who is a very bright student who's employed under the STEP program in the constituency office of Edmonton-Glenora. She's bringing her insight into politics and government to bear in that work. She's accompanied by Mr. Kim Cassady, who may not be perhaps the best constituency manager in the province but is certainly the most notorious constituency manager in the province. I would invite them to please rise and enjoy the welcome of the Assembly.

THE SPEAKER: The hon. Member for Lesser Slave Lake.

MS CALAHASEN: Thank you, Mr. Speaker. I would like to introduce an individual who has just recently gone over to the private sector from government, and it certainly shows that the private sector is blooming and taking care of the Alberta advantage when they start taking the government employees. I'd like to introduce Tim Boston, who is sitting in the members' gallery, and would like to ask the House to give him a warm welcome.

head:

Oral Question Period

Health Care System

MR. MITCHELL: Mr. Speaker, hundreds of people attended our public meeting on health care last night, and they raised issues of vital concern. People there described how they were discharged too early from hospital only to be readmitted days later with complications. One woman recounted her experience of being phoned by the Premier's office after her letter to the editor was published in the local paper and being told by someone from that office called Ivan to tone down her criticism. My first question is to the Minister of Health. Who ordered Ivan in the Premier's office to contact Albertans who raise concerns about health care cuts to bully them into being quiet? Was it the minister? Was it the Premier? Was it Rod Love?

MRS. McCLELLAN: Mr. Speaker, I would have absolutely no idea. I can assure him it was not the minister.

MR. MITCHELL: I guess that must mean it's the Premier or Rod Love.

The minister knows that too early discharge necessitating readmission is a serious problem. After all these months of seeing that problem fester, why hasn't she done something about fixing it?

MRS. McCLELLAN: Mr. Speaker, I hope that when the hon. member concludes his health workshops, he'll understand the health system a bit better. That would be one very positive thing about this whole exercise, and I mean that with the greatest respect. I am sure that the hon. member is aware that the decision as to discharging of patients is one that is made between the physician and the institution.

MR. MITCHELL: Two-tiered, Americanized health care was soundly dismissed yet again last night, Mr. Speaker. Has the

minister convinced her Premier to drop his dream of a two-tiered, Americanized health care system? It's very, very clear that Albertans don't want it.

MRS. McCLELLAN: Mr. Speaker, I'm delighted to hear that it was very clear in his meetings last night. I hope now that the hon. Leader of the Opposition has heard that clearly, he will quit talking about it, because frankly he's the only one that is.

MR. MITCHELL: A family in Sherwood Park recently gave us a real-life portrayal of how hospital cutbacks and downsizing have affected them. This family's 12-year-old son suffered a broken leg from a soccer mishap at school – this is not an uncommon occurrence – but upon being admitted to emergency was forced to wait three hours on a gurney without pain relief or any care. Once treated and too quickly released, this youngster was readmitted a few days later for surgery on his leg, and when he was again discharged, the family was given no instructions on how to change the dressings or sterilize the surgical pins protruding from his leg. This is the face of health care in Alberta today, Mr. Speaker. My question is to the Minister of Health. Will the minister agree to place a moratorium on her government's health care cuts in order to assess the quality and effectiveness of health care services available in Alberta today after only one-third of her cuts are through?

1:50

MRS. McCLELLAN: Mr. Speaker, I think the hon. member has just highlighted the need for progress in health care reform. Indeed, an incident such as the hon. member has described is very serious, very unfortunate. However, it is not unique to the last month or two months, and I think what it highlights is the need for co-ordination between an institution and the community. Indeed by forming the regional boards, by having the services co-ordinated and consolidated, it would be my hope and my expectation that these incidents will not occur.

MR. MITCHELL: Given that this youngster, like so many other Albertans, was discharged too early and had to be readmitted, will the minister agree to release readmission statistics for all health regions so we can see whether the restructuring is more efficient in light of these continued and increasing readmissions?

MRS. McCLELLAN: Mr. Speaker, again I would remind the hon. member as to who makes the decision to discharge a patient. That decision is made between the physician and the institution.

The hon. member did not suggest for how many years he would like those statistics. I will certainly look at the opportunity to bring that data forward. I would want to do that for more than a period of one month or three months or six months. I will undertake to review that and establish how we could gather that information and submit it.

MR. MITCHELL: It's the minister's budget, not doctors, which drives who gets discharged too early, Mr. Speaker.

Why has the minister moved so slowly in establishing the promised health services review committee so that Albertans do not have to take their issue to the courts or to the Legislature for resolution? Why can't she set that committee up and get it under way? What's the delay?

MRS. McCLELLAN: Mr. Speaker, there are two things in the preamble or the long question that the member proposed. One,

we are putting in place a provincial health council, and I would expect that to occur very shortly. I had hoped that that would be in place by the first part of April, but I assure the hon. members on both sides of the House that that will be accomplished as expeditiously as possible.

One of the first tasks that I have committed to that provincial health council would be to review all of the appeal mechanisms that we have in place and to suggest where we might improve that appeal mechanism, because a provincial health council is very much a vehicle for audit of the health system. It was my preference, Mr. Speaker, to receive the advice from that committee as to where we might improve those appeal mechanisms.

The Health Facilities Review Committee is in place, and they have the opportunity to review all health facilities in this province if there is a problem arising. We also have the College of Physicians and Surgeons, who review physician concerns if that is the area. Mr. Speaker, I certainly undertake to ensure that that review is accomplished and that the role of the Health Facilities Review Committee could become a health services review committee to ensure that we have all of the appeal mechanisms that are required.

Regional Health Authorities

MR. SAPERS: Mr. Speaker, Alberta Liberals believe that regional health authorities need to be accountable for their actions and their decisions, but this government doesn't appear to want them to be. Donna Cowan, an authority member from region 8, is so concerned about what's going on that she issued a press release slamming her own board, even though it's clear that this board is just following orders. Now, what is the Minister of Health doing to address the concerns of Donna Cowan and other members of the minister's handpicked authorities, some of whom are so fed up that they've resigned?

MRS. McCLELLAN: Mr. Speaker, I would hope that all of the boards would work together as a cohesive entity. Certainly that is the way boards normally would work. I would also say that it would seem to me that if an individual board member or board members from an authority had concerns with their board's action, it might be reasonable to consider that they might call the minister and express those concerns directly to her.

MR. SAPERS: Why doesn't the Minister of Health release all of the regional budgets and all of the reports and all of the working documents so that these board members won't be so frustrated that they have to issue press releases, so that the public can be fully informed, or doesn't the minister want the public to know what's going on?

MRS. McCLELLAN: Mr. Speaker, I have absolutely no difficulty in releasing information. I tabled in this Legislature all of the business plans of the regional health authorities. I would expect certainly that regions would present their budgets when they have them finalized in their region. I'm quite prepared to look at a process for a release of them in one group, if that makes it easier for the hon. member, rather than having to contact 17 regions.

There is not any secret about the workings of the boards. The information is available to board members. Again I would say that if a board member of any authority in this province feels shut out of the process of their very own board, then it would not just be reasonable to contact the minister, but I would suggest that they have a responsibility to do so.

THE SPEAKER: Final supplemental.

MR. SAPERS: Yes, Mr. Speaker. Why should Albertans believe this Minister of Health when she says that regional health authorities are operating in full public view and are accountable when the authorities are excluded from the government's own proposed accountability law?

MRS. McCLELLAN: Mr. Speaker, I would say that the public in Alberta should not expect the Minister of Health to say anything that isn't true, and I have not. Bill 20 provides for meetings to be held in public, and if they are not held in public and they are in camera for certain specific reasons which are outlined, if a person has a concern about the lack of meetings being held in public, if they feel that in camera meetings are being held in their region without reason, they should bring those concerns forward. The legislation clearly outlines that the meetings shall be held in public with those restrictions for in camera meetings.

THE SPEAKER: The hon. Member for Bow Valley.

Child Care Tax Deductions

DR. OBERG: Thank you, Mr. Speaker. Presently a one-earner, four-person family with one child over seven and one child under seven earning employment income of \$60,000 pays \$16,148.34 in tax, or a tax rate of 26.9 percent. A two-earner family with maximum child care deductions with each earner making \$30,000 employment income pays tax of \$9,368.19, or a 15.9 percent rate. To the Provincial Treasurer, as a representative of Alberta taxpayers: why does the tax system penalize single-earner families with one stay-at-home parent and reward two-income families who place their child in the maximum allowable amount of day care?

MR. DINNING: Mr. Speaker, you'll appreciate that having to answer the question takes me into federal law as it relates to income tax, now administered by the government in Ottawa. Clearly, what the system in Canada is based on is that the federal government agrees to administer Alberta personal income tax law. They do so under the understanding that our legislation will mirror the federal legislation. The federal legislation is a voluminous piece of legislation that goes some distance to define what income is and makes the distinction between one- and two- and multiple-income earners in any given family. That law is spelled out by the House of Commons in Ottawa, and we agree by nature of the tax collection agreement to mirror that.

So the member raises a very good question, a very good point, clearly one that concerns this government in that tax law speaks directly to the values of a government, and by the very nature of our agreement we're obliged to mirror that law. I know that the member, also serving as the chairman of the Premier's Council in Support of Alberta Families, not only raises a good point, but I would encourage him through the council to give us some advice and perhaps give us some assistance in making a good case to Ottawa as to how the law ought to be changed. The member raises an extremely good point, Mr. Speaker.

2:00

THE SPEAKER: Supplemental question.

DR. OBERG: Thank you, Mr. Speaker, and thank you, Provincial Treasurer. In a progressive tax system such as ours, who

benefits more from a deduction, say, for example, child care: someone earning \$100,000 or someone earning \$300,000 – or \$30,000?

MR. DINNING: Well, Mr. Speaker, clearly the hon. member may want to consult his client, because in fact I know his income is more in the upper range while mine is in the lower.

The member raises a very good point, and I suspect that the person who makes a higher income is able to maximize the deductions for child care expense. It is more than passing strange, Mr. Speaker, that our law, based on federal tax law, requires us to administer that kind of what appears to be unfairness. Again I would say to the hon. member that the council is one that could help us in building a good case and perhaps some advice on how we deliver that message to Ottawa to convince the government in Ottawa to change its law to take away that unfairness.

THE SPEAKER: Final supplemental.

DR. OBERG: Thank you, Mr. Speaker. For a minute there it reminded me of home in the barnyard.

To the Provincial Treasurer again: has the Provincial Treasurer considered lobbying his federal counterpart towards a fairer tax system where the tax rate, such as in Germany, would be based on family income and where the child care benefit would be a tax credit to benefit everyone equally as opposed to a tax deduction?

MR. DINNING: Mr. Speaker, again I would ask the hon. member to provide us with some advice from the Premier's Council in Support of Alberta Families. Any advice that he could provide to me I would be more than happy to carry forward to the federal Minister of Finance.

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

Seniors' Programs

MRS. HEWES: Thank you, Mr. Speaker. Speaking of unfairness, seniors' programs have already been cut by \$185 million with another \$45 million still to go in Blue Cross. The Treasurer, however, stands to collect a windfall of \$10 million a year from seniors' income tax. Now this government has in a cynical and patronizing move announced \$1 million a year in what is called special needs assistance to help seniors who must come begging, cap in hand, with receipts to prove that they can no longer meet the necessities of life because of the cuts this government has made, a maximum of \$500 a year to any individual who can prove it.

DR. WEST: You should be ashamed of the smoke and mirrors this question brings out. [interjections]

THE SPEAKER: Order. [interjections] Order please. The hon. Member for Edmonton-Gold Bar has the floor, and she has generally proved very capable of looking after herself.

MRS. HEWES: And, Mr. Speaker, I don't respond to pathetic interventions either.

Mr. Speaker, would the minister please tell us how he determined that \$1 million, a maximum of \$500 per senior if they can prove damages, will solve all the problems that they're clearly suffering? How did you arrive at that figure, Mr. Minister?

MR. MAR: Well, Mr. Speaker, the first thing that I wish to speak to is the premise of the question that seniors would be coming begging, cap in hand. I must remind hon. members that this program has been set up to deal with special cases. The fact is that when we design a program, the Alberta seniors' benefit program, it is designed to meet the needs of the majority of seniors in the province of Alberta, but through people who have contacted our office and contacted their MLAs and gone through the appeals process, we have found that there are individuals who do fall through the cracks and who do need special assistance. The million dollars that is set aside is our best estimate of the number of people based on the experiences that we've had to this date so far. We believe that the \$500 maximum for an individual or \$1,000 for a couple maximum will cover most of those cases.

MRS. HEWES: It's exactly what seniors thought: it's damage control and nothing else.

Mr. Speaker, then, perhaps the minister can explain exactly how an isolated, infirm, elderly man or woman is to go about demonstrating – and I have to quote from the government's own order in council of April 27 of this year. They must demonstrate serious financial problems that affect the applicant's ability to meet personal non-discretionary necessities of life because of unexpected or increased expenses directly related to changes in the previous 3 years in Government of Alberta programs of particular benefit to seniors.

How is an elderly, infirm man or woman supposed to go about demonstrating that?

MR. MAR: Well, Mr. Speaker, again one of the premises of the question I must take issue with is the comment where the hon. Member for Edmonton-Gold Bar suggested that this was damage control. The fact is that when we had our seniors' review panel look at a number of different issues relating to seniors' programs in the province of Alberta, they did suggest that we had to look after people who were falling through the cracks. So this is an undertaking that has been taken in response to what it is that seniors have been asking for. So that is simply being a responsive and responsible government.

With respect to the individual cases of people who are having difficulty looking after themselves, our staff has gone out of their way – in fact we've even gone to people's homes – to make sure that they get the assistance they need to fill out their application forms and so on. Furthermore, Mr. Speaker, having spoken with seniors' groups that represent tens of thousands of seniors throughout the province of Alberta, those agencies, nongovernment organizations, have said: we express a willingness to assist people who cannot help themselves. That is a very, very important role that NGOs play. Further to that, people who have worked in lodges and seniors' homes and again with seniors' organizations have offered their assistance to those people who cannot help themselves.

MRS. HEWES: Mr. Speaker, perhaps the minister, then, will tell this House where the so-called one-window approach has gone, because now seniors must be equipped to deal with Blue Cross, Alberta health care billing, Alberta extended health care benefits, ambulances, Seniors' Advisory Council, independent citizens' appeal panels, an interdepartmental committee, a Community Development seniors' policy unit, the Alberta seniors' benefit program, and now a new appeal process. Whatever happened to the one-window approach, Mr. Minister?

MR. MAR: Mr. Speaker, although there are programs that benefit seniors that come from a number of different departments, including my own, they can certainly call a single information line, our 1-800 line, and our storefront offices can provide them information on a myriad of different programs. As the hon. Member for Calgary-Currie will know through her work with the Seniors' Advisory Council, there is a program booklet that is put together by the Seniors' Advisory Council and provides all of the information, a comprehensive collection of all the programs that are available to seniors. There is a single information line that seniors can call, and although the programs, the services may be delivered by different departments, if a senior needs to know what kinds of programs are available to them, there's one window that they can go to.

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

2:10 Grain Marketing

MR. HIERATH: Thank you, Mr. Speaker. While certain functions are distinctly reserved for provincial governments in the Canadian Constitution, agriculture matters are not specified. In many instances specific federal and provincial agreements have been negotiated and approved to clarify the division of authority. Recently agreements have become unsatisfactory to certain provinces, particularly the British Columbia chicken producers, and this province has, then, withdrawn from the national marketing plans. My question is to the Minister of Agriculture, Food and Rural Development. If the Alberta Steering Committee on Dual Marketing of Wheat and Barley recommends a producer vote, will the minister commit to holding a fall plebiscite?

MR. PASZKOWSKI: It would be our hope that the steering committee will be able to come forward with a process that will resolve the issue without coming to a final plebiscite. However, if the federal minister responsible is not prepared to look at the options that are available in restructuring the Wheat Board and if the federal minister responsible for the Wheat Board is not willing to restructure the Wheat Board, yes, indeed we would consider a plebiscite by fall.

THE SPEAKER: Supplemental question.

MR. HIERATH: Thank you, Mr. Speaker. Again to the same minister: if the plebiscite results give a clear indication that producers choose voluntary marketing, will the minister assure this Assembly that Alberta grain producers have the same rights as British Columbia chicken producers and take the action necessary to carry out the mandate for freedom to market for Alberta wheat and barley producers?

MR. PASZKOWSKI: Obviously, the question will be left in the hands of the producers. It will be our responsibility to fulfill the wishes of the producers, and if the producers give us a clear indication that they are unhappy with the process that is in place today, I would consider it our responsibility to see that we restructure the process to accommodate what is the present need of today's producers.

THE SPEAKER: Final supplemental?

Homelessness

MS HANSON: Mr. Speaker, despite the government's mutterings to the contrary, an increasing number of Albertans are suffering

because of cuts based on political expediency rather than humanity. Connection Housing in Calgary confirms what we have long suspected, that the number of homeless Albertans is on the increase. For women the figures are even more disturbing. The number of homeless females living in Calgary and the Calgary area has increased a shocking 48 percent over the past year. My questions are to the Acting Premier. Are we to assume by your government's lack of attention over the doubling of Calgary's homeless population that this is an acceptable consequence of the government's agenda?

MR. DINNING: No.

MS HANSON: My supplemental to the Acting Premier is: if the government won't intervene on humanitarian grounds, is the Acting Premier not concerned that an increasing number of people living in Calgary and panhandling on the streets may put a damper on your tourist industry?

MR. DINNING: Mr. Speaker, only the member across the way would ask such a ridiculous question associated with the tourist industry. The fact is that what the Minister of Family and Social Services would tell the hon. member is that the objective of this provincial government is to provide for welfare for those who are truly in need, but more importantly the objective of this government policy is to ensure that people have a chance to get a leg up, that they get a chance to climb a ladder out of dependence and into independence. Our objective is to try to create the environment where the people that the member across the way would love to incarcerate in welfare – that's what they want to do: incarcerate those people in welfare. Keep them there. Keep them dependent there forever and ever so that they do not become independent. We clearly have a different point of view. Our objective is to help those people find the independence they want rather than having them rely forever and ever on depending on the taxpayer for their next dollar.

MS HANSON: Mr. Treasurer, these are people who have been freed from welfare.

When is the government going to stop the Department of Health from using the city streets as dumping ground for mentally ill patients because of bed closures in big government facilities? And that's a fact as well.

MRS. McCLELLAN: Mr. Speaker, the Department of Health certainly is not using the streets for a dumping ground for people. The whole issue of mental health is a very complex one, and many persons with mental health needs have very complex needs. The answer for persons with mental illness is not simply to institutionalize them.

We have put in place in this province a Provincial Mental Health Board, and the mandate of that board is to ensure that all of the programs that are available in mental health are coordinated so that we do not have people whose needs are not being met. Mr. Speaker, I would encourage the hon. members across to work with the mental health board to bring ideas forward to them to ensure that persons with mental health needs in this province have their needs met in a way that offers them a quality of life and a dignity of life. [interjections]

THE SPEAKER: Order. [interjections] Order. [interjections] Order, hon. members for Clover Bar-Fort Saskatchewan and Edmonton-Centre.

The hon. Member for Calgary-Currie.

School Board Business Plans

MRS. BURGNER: Thank you, Mr. Speaker. The process of Accountability in Education is being developed in collaboration with the Department of Education, our local school boards, and individual school communities. The document Guide for Developing 1995-96 School Board Interim Education Plans was released in April with very specific time lines and objectives. My questions today are to the Minister of Education. Mr. Minister, as this report is creating additional work for school boards in the midst of structural and fiscal change, how will this information be used?

MR. JONSON: Mr. Speaker, the guide for developing school jurisdiction or school board business plans was developed by an advisory committee in conjunction with Alberta Education, and it is there to provide assistance to school boards relative to a uniform format across the province for reporting on the expenditures, the revenues but more importantly the performance measures that are established for the system. This is a document that is there to facilitate and to assist school boards across the province as they develop their overall education plans for the months ahead.

THE SPEAKER: Supplemental question.

MRS. BURGNER: Thank you, Mr. Speaker. Again to the minister: with the local elections of our school boards in the fall how will boards be able to meet the goal of the three-year rolling business plan with the infusion of new trustees to the system?

MR. JONSON: Mr. Speaker, for the coming year, in recognition of the fact that there are changes to be coped with in the education system and that local elections are imminent, we are asking school boards for an interim plan, the outline for which is really shorter than what would be the case later on as school boards get into their three-year business plans. So we have recognized that there is that amount of change taking place and work to be done.

Mr. Speaker, I would remind all hon. members that even in a year of an election, a government, a local government or provincial government or federal government, must still continue with its planning process and its process of implementing the service that it provides.

THE SPEAKER: Final supplemental.

MRS. BURGNER: Thank you, Mr. Speaker. Again, finally, to the minister: is there a process for local school communities to assist the boards in developing this '95-96 plan?

2:20

MR. JONSON: Mr. Speaker, where school boards in the province do have ways of assessing public input, certainly I would expect that to be the case, and especially in those cases where there are – and we've acknowledged this before – active parent advisory councils or school councils, we would hope that they would have some input into the process. Of course, it's a key part of our overall package of directions in education that we would have in place in the future school councils across this province which could provide that very meaningful and worthwhile input.

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

Adult Education

DR. MASSEY: Thank you, Mr. Speaker. Hundreds of adults who need academic upgrading or English language training are

about to be turned away from school doors. These students are those who have been transferred from social services to the Students Finance Board. The government simply hasn't provided enough money for their training. With permission, Mr. Speaker, I'd like to table four copies of a letter from a private provider of adult education detailing these funding problems and four copies of a May 1 letter from the minister of advanced education indicating that there's a shortage of funds for these adult students. My question is to the minister of advanced education. Does the minister actually believe that by limiting student access, this problem is going to go away?

MR. ADY: Mr. Speaker, I'm afraid that I have to take issue with some of the statements that the hon. member across the way has made. First of all, he's tabling a document that's been brought forward by one of the private providers. In recent weeks our department made arrangements within our budget to carve out a certain level of funding that would be protected for private providers to participate in the delivery of programs to adult learners in the province, especially those in adult upgrading. I suspect, having not seen the letter that the member is tabling, that the private provider is complaining that they did not receive more money, but that doesn't mean that there's not room in the system, the public system perhaps or other private providers, to take care of the students that will want to access that type of upgrading.

THE SPEAKER: Supplemental question.

DR. MASSEY: Thank you, Mr. Speaker. Private providers aren't the problem. The lack of student spaces is. How will the minister provide programs for these students, ensure that there's a place for them?

MR. ADY: Mr. Speaker, academic upgrading for students is offered across this province in many of our public institutions and in a variety of private institutions. I've not seen any numbers that indicate that there is a dramatic number of students who require academic upgrading who are being denied that opportunity.

THE SPEAKER: Final supplemental.

DR. MASSEY: Thank you, Mr. Speaker. Why didn't the dollars follow these students from social services?

MR. ADY: Mr. Speaker, we have made some fairly dramatic changes in the opportunities that are available to broaden the choices for students in academic upgrading as to where they may choose to get that education they require. The private providers felt that they were being disadvantaged in recent years because of the funding that flowed by way of grant to the public institutions. As I said earlier, in recent weeks we have made arrangements in this new budget for a certain level of funding to go to private providers, which I believe gives them the best opportunity they have ever had to provide this academic upgrading to students, far better than they've enjoyed in the past. I believe that it will be a very successful opportunity.

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

University of Calgary

MR. BRUSEKER: Thank you, Mr. Speaker. Last month the minister of public works and the minister of advanced education

together announced that out of the 184 acres of the higher education reserve in Calgary, only 100 acres was transferred to the University of Calgary. What is difficult to understand is why the government is now shopping around for development of the last 84 acres. Judging by the letters that I've been getting in my office and in the opposition offices, Calgarians want the land just to remain as grasslands until the land is needed by the University of Calgary. My first question is to the Minister of Public Works, Supply and Services. Why didn't you give the University of Calgary all of the 184 acres, and what are you doing about the sale now?

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

MR. FISCHER: Thank you, Mr. Speaker. Yes, the land was divided so there was a hundred acres that went to the University of Calgary, and the 84 acres has been set aside right now. An appraisal is going on to find out the value, and negotiations are going on to declare it surplus land that eventually will be up for sale. Now, that is subject to negotiations.

MR. BRUSEKER: But it's not surplus, Mr. Speaker.

The question is: why is it that a profit on the sale of the land today is more important than the long-term viability of the University of Calgary? Why this decision?

MR. ADY: Mr. Speaker, perhaps I could take that question in view of the fact that the land was part of a higher education reserve. True enough, a few weeks ago there was an announcement made that a hundred acres of the reserve would be deeded over to the University of Calgary for their future expansion. At this point no disposition has been made of the additional 84 acres.

MR. BRUSEKER: My final supplemental is to the minister of advanced education. Is the minister, then, saying that the long-term planning for the growth of the university, which in 25 years has already consumed 300 acres, and the wishes of the people who have written in are not priorities for the government? Why are you selling it off now instead of keeping it for long-term use?

MR. ADY: Mr. Speaker, the hon. member is putting words in my mouth. If he would refer back to *Hansard*, he would see clearly that that decision has not been made but that in fact a hundred acres was deeded to the University of Calgary, that being accepted by them with the understanding that it was what they may require over the next number of years, a very long time into the future, and that the 84 acres was held by the government.

THE SPEAKER: The hon. Member for West Yellowhead.

Grande Cache Correctional Centre

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. One year ago the government announced that it would close down the Grande Cache Correctional Centre barring sale or lease to Corrections Canada. As late as February of this year the permanent employees of the centre had been promised a severance package if they did not wish to work for Corrections Canada. Now when eight guards have decided to accept this offer and were in fact counting on the money already, the government has changed its mind, and a severance package has been canceled for

them. So my question is to the Minister of Labour. Why did he not honour this promise to the guards of a severance package?

MR. DAY: Well, Mr. Speaker, clearly it's not a matter of me honouring something. These negotiations go on all the time, and contracts have to be looked at. In fact, in this particular process there are avenues of approach and avenues of appeal that can be followed in a situation like this.

MR. VAN BINSBERGEN: Mr. Speaker, I understand that all of that has been exhausted, and I'd like to ask the minister if he's prepared to meet with the union and the guards to negotiate an acceptable solution.

MR. DAY: Well, the member opposite understands incorrectly. He doesn't understand this process at all, Mr. Speaker. There are ways set out very clearly for parties to deal with, have situations mediated, and the Minister of Labour does not go leaping and jumping into situations when in fact parties are expected to be mature enough to work these things out.

MR. VAN BINSBERGEN: Mr. Speaker, I'm not sure. Is the minister telling me that there is still hope for these people, that they might still get that severance package?

MR. DAY: Mr. Speaker, I think the member opposite is not speaking from any knowledge of the contract whatsoever.

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

2:30 Grain Transportation

DR. NICOL: Thank you, Mr. Speaker. The elimination of the Crow benefit is going to have a heavy impact on agricultural producers and processors in Alberta. The industry is ready to make the adjustments that are necessary. For instance, the Alberta Wheat Pool has identified 35 points. They're possibly considering closure of elevators. Cattle feeders, the Alberta dehydrators are looking at options. They want to make these adjustments so that they can compete in efficient and effective ways in the marketplace. My questions are to the minister of agriculture. Has the government implemented any study so far to look at the impact of these elevator closures or other changes such as rail line abandonment and the effect it'll have on moving product in Alberta?

MR. PASZKOWSKI: The government of Alberta has worked long and hard to see that the industry is in as competitive a position as any in Canada. Indeed the measures that are being taken, the adjustment in the Crow benefit being paid directly to the producers: this is something that the government has lobbied for long and hard. Finally it's been achieved. It hasn't been achieved in the manner that perhaps we would have delivered it. Nevertheless, the process is the right process, and it is now moving ahead.

As far as closures of elevators are concerned, these are issues of private enterprise. These are business decisions that have to be made to best meet the needs of that particular operation. Ultimately with the rationalization of the elevator systems, with the rationalization of the railroads, we will have the ultimate service, the best service that can be delivered for the dollars that are available. That is something that good business dictates.

As far as working with these types of deliverers of service, yes, we are. We're working closely with those people who deliver service, and we're working on an ongoing basis. As recently as

three weeks ago I met with the board of directors of the Alberta Wheat Pool. I've met with people from the railroads, and we have ongoing meetings to see that the maximum delivery of service is achieved for the producers of this province.

DR. WEST: I'd just like to supplement as minister of transportation. An individual from the department of agriculture and from the Department of Transportation and Utilities is traveling tomorrow to Regina in order to look at an advisory committee set up by the federal government on branchline abandonment in the province of Alberta to see if we can't address some of the concerns brought about by the process.

THE SPEAKER: Supplemental question.

DR. NICOL: Thank you, Mr. Speaker. The minister of transport just answered my second supplemental, so I'll go back to my first supplemental to the minister of agriculture again. Is the government putting together any proposals to access the \$300 million of the adjustment fund that was set up as part of the transportation?

MR. PASZKOWSKI: That's a very timely question, because as late as last Friday we were involved in a conference call involving the four western ministers and the federal minister. Part of the issue that was being discussed was the whole issue of seaway cost pooling. Alberta has brought forward a very strong proposal. We would like to see the seaway cost pooling rationalized as quickly as possible. We were suggesting two years. I think that ultimately it'll probably be somewhere between three and four years. Our recommendation is: let's do it and do it as quickly as possible.

We're also recommending that money be made available from this particular fund to allow the dehy industry to continue and flourish, because it is a growing and a very aggressive part of our agricultural industry in Alberta. We've also recommended that part of that \$300 million adjustment fund be used for irrigation funding to supplement the productivity because of their higher productive ability. We're also suggesting that part of that money should be used to develop transportation infrastructure so that indeed because the infrastructure is going to change and the need for infrastructure is going to change, we allow some of that money to be used to access and enhance the infrastructure in this province.

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

Treasury Branches

DR. PERCY: Thank you, Mr. Speaker. My questions relate to Alberta Treasury Branches. A recent report from Dominion Bond Rating Service highlights a number of problems with the Alberta Treasury Branches. It notes, for example, that the loan loss provisions of the Alberta Treasury Branches are high relative to the average Canadian rate for banks: .96 percent as compared to .67 percent for the Canadian average for banks. It notes as well that the return on assets is very weak: .28 percent versus .62 percent for the other banks in the system. My questions are to the hon. Provincial Treasurer. In light of the absence of adequate performance will the Treasurer commit that the new boards, new governance of the Treasury Branches will bring forward, table in this House a business plan that sets out performance benchmarks for the Treasury Branches?

MR. DINNING: Well, Mr. Speaker, the hon. member will appreciate that the Treasury Branch, a very successful financial

institution in this province given that well over 200,000 Albertans have faith in it to the tune of over \$9 billion in deposits, is a competitive institution by nature. Clearly the hon. member would probably be as comfortable as I am if the Treasury Branches were to lay out their business plan on that table, yet the Bank of Montreal or the Canadian Imperial Bank of Commerce or the Royal Bank would not be obliged to do the same thing. To give those institutions a leg up on a very attractive, a very successful business plan would I think be unwise.

Clearly what the board will do, Mr. Speaker, is take this successful institution, now some 57 years old with loans at March 31 of '94 in the order of \$7.5 billion, over \$3 billion in mortgage loans and personal financing, over a billion dollars in agricultural programs - I'll bet there isn't another one of the financial institutions that are headquartered in Ontario or Quebec that could boast a billion dollars' investment by way of loans in the agricultural community of this province. Clearly the Treasury Branches have faith in Alberta, and most importantly Albertans have faith in the Treasury Branches.

DR. PERCY: Mr. Speaker, let me rephrase the question. Since the Treasury Branches do not play on a level playing field with other financial institutions - they receive tax advantages, they receive breaks on depository insurance, yet despite those advantages their performance is mediocre in terms of any performance measure - will the Provincial Treasurer commit to both ensuring a level playing field between the Treasury Branches, credit unions, and other Alberta-based financial institutions and improving their performance? Will he just make a simple commitment?

MR. DINNING: Mr. Speaker, I would ask the hon. member to look in the whites of the eyes of the 864,000 deposit account holders or the 213,000 loan account holders and tell them, as he has just said, that the Treasury Branches' financial performance is mediocre. I would suggest to the hon. member that he go and travel the width and breadth of this province and tell those people who have faith in Treasury Branches that their performance is mediocre.

I would put to the hon. member that an institution that plays this kind of a role in the province of Alberta is an important one. It's an important one in the minds of Albertans and certainly those who have faith in the institution. Clearly with the board of directors coming on stream, what we will do and what the Treasury Branches will enjoy is greater autonomy, greater accountability, clearly things that the member across the way agrees with. But clearly not in the eyes of Albertans is this a mediocre-performing company. On the contrary, Mr. Speaker.

DR. PERCY: Mr. Speaker, that's doublespeak. The issue is performance benchmarks and outcomes.

My question to the Provincial Treasurer: what are the mechanisms? How is the Provincial Treasurer going to ensure enhanced and improved performance from the Treasury Branches in this province on a level playing field with other financial institutions? Everybody agrees that the Treasury Branches are a valuable part of the Alberta economy, but the issue is performance. Answer the question.

2:40

MR. DINNING: There isn't another financial institution in this country that produces a sheet in their annual report like this one. There isn't another one that says that their 1995 budget, including benchmarks . . . [interjection] For the yappy woman next to the

hon. member, it lays out net interest income, other income, total income, provision for credit losses, noninterest expense, and net income benchmarks: performance that is committed to. There isn't another financial institution that does that, Mr. Speaker. What I would say is that I will be proud when I can stand before this Assembly and show Albertans on behalf of the Treasury Branches that they not only committed to perform that way but the actual performance did as well, if not better, than the original commitment.

THE SPEAKER: Before calling Members' Statements, is there consent in the Assembly to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

The hon. Minister of Municipal Affairs.

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

MR. THURBER: Thank you, Mr. Speaker. It's indeed a pleasure for me to introduce to you and through you to this Assembly today some 35 visitors from the Warburg school in the middle of the Drayton Valley-Calmar constituency. I might add that these young students that are here are very bright and very polite. As I passed out a memento to each one of them earlier in the foyer, there was not one of them who missed saying thank you, and that's very much appreciated. These young students are accompanied here today by their teacher Mrs. Gladys Meinczinger and parents and helpers and drivers Dale Hubscher and Bill Heisler, Linda Hutchinson, Lorraine McKay, Elaine Chapman, Freda Quesnel, and Belle Quesnel. I would ask all of them to rise in the members' gallery and receive the warm welcome of this House.

MR. KOWALSKI: Mr. Speaker, in both galleries today, the members' gallery and the public gallery, are a grouping of students. One group of 23 students from Trois-Rivières in the province of Quebec has been matched with a group of similar size of students from Westlock and Barrhead in the province of Alberta on a Quebec-Alberta exchange. These students are accompanied by two teachers from the province of Quebec, Stella Montreuil and Louise Bonenfant, and teachers from Barrhead, Tim McLenahan and one teacher by the name of Jeannine Kowalski, who just happens to be associated with me. They're also accompanied by several parent helpers, Donna Stocking and Kathleen Proprezi, and bus driver Vern Stocking. They've been in Alberta. Now the students will go back for the last four days; they'll be here towards the end of the week. I indicated to them that at the very time they're in the province of Alberta, the Premier of the province of Alberta is in the province of Quebec, and there have been numerous exchanges back and forth between both provinces in the past. Perhaps all students and their teachers and helpers could rise so we could give them the honorary welcome.

head: **Members' Statements**
Canada Volunteer of the Year

MRS. ABDURAHMAN: Sally Hall. Mr. Speaker, I stand today to recognize and commend Sally Hall on her great achievement in being the recipient of the 1995 Canada volunteer award. Sally Hall has earned the honour of this distinguished award as she is indeed Canada's Ralph Nader. Sally Hall is the epitome of what

volunteerism is all about, working tirelessly on behalf of consumers, whether Albertans or Canadians.

Over the years she has put her heart and soul into all issues affecting the consumer, and her latest battle is for health care. Her incredible workload from this ongoing commitment is indeed awesome. Since arriving in Alberta in 1979, I have watched with respect and admiration as Sally has worked for all of us in this province. She has worked on numerous committees: the Grey Nuns Bioethics Committee, the Consumers' Association of Canada, the Alberta Association of Registered Nurses, and the Canadian Nurses Association, just to name a few. Never has there been a time in the history of Canada when we needed inspirations such as Sally more, who will advocate for all Canadians on health care reform.

Mr. Speaker, I see the same qualities in Sally Hall as there were in the Famous Five women. She is an Alberta pioneer comparable to Emily Murphy and Nellie McClung. Sally Hall has the same courage, determination, and tremendous will as those pioneer women.

Mr. Speaker, we know that we can count on Sally Hall to be the voice of the consumer. Sally Hall, this award is long overdue. On behalf of all Albertans and Canadians, thank you for making a difference.

Thank you.

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

Hearing and Speech Awareness Month

MRS. GORDON: Thank you, Mr. Speaker. May is hearing and speech awareness month, thus allowing us an opportunity to reflect on the services and commitment provided by our speech and hearing professionals. In the area of speech and hearing services, that commitment takes the form of speech/language pathology services delivered through our public health system and audiology services targeted to children and seniors through the Alberta Aids to Daily Living program. These rehabilitation services have touched the lives of many Albertans over the years and will have even a greater impact under a new initiative recently announced by the Minister of Health.

The community rehabilitation program will bring together five rehabilitation services, including speech/language pathology and audiology. The program will allow for more co-ordination of services for persons with complex rehabilitation needs and, most importantly, will increase access to all five services. These disciplines will soon be accessible to people in all 17 regions of the province.

Hearing and speech awareness month serves to remind us all not to take our health for granted. An illness, accident, or aging can leave any one of us with a hearing or speech impediment. We should be especially proud of the work that has been done through our public health service to address the need for early detection and proper treatment to minimize the impact of any communication disorder.

I hope that all colleagues in this House will join me in saluting Alberta's 40 audiologists and 350 speech/language pathologists who work to protect the precious gifts of speech and hearing and work to restore them when they are impaired. I wish to acknowledge the work that the Elks and Royal Purple of Canada have done in this regard since 1968 through the Elks purple cross fund.

As Members of this Legislative Assembly we can all help to increase public understanding and awareness and work to create

a society that is both accepting and accommodating for persons with disabilities.

Thank you.

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

Nurses Week

MS LEBOVICI: Thank you, Mr. Speaker. It gives me great pleasure today to acknowledge and recognize Nurses Week. Registered nurses are a vital component in increasing qualitative care, decreasing morbidity rates, understanding patient care needs, and balancing costs in a reformed health care system. On an ongoing basis nurses are committed to the development and implementation of practice standards and acquisition of skills. The nameplate RN is more than a symbol. It indicates that the individual who's caring for you is trained and qualified. Nurses are an integral part of our communities, and despite the restructuring that has been occurring in the health care system, they continue to perform their jobs exceedingly well. Perhaps that's because caring is a fundamental part of the service they provide.

Nurses in this province have expressed their health care concerns in a positive and proactive manner, always putting the needs of the patient before their own. During their lunch hour yesterday they walked a block to indicate their concerns about the current restructuring of health care. It's been this profession, which is mostly staffed by women, that has been the hardest hit by layoffs during the last few years. Though nurses are recognized as an integral part of our health care system, there seems to be a movement to deskill and deprofessionalize this highly respected group of professionals.

My fear, Mr. Speaker, is that by not resolving the immediate issue of deskilling and severance, we will lose more of our nurses to the United States and abroad, where they are assured that they will be treated with the respect and dignity they deserve.

Nurses Week is a time for celebration and acknowledgement of the responsibilities and valuable role undertaken by that profession. I encourage all members in this Legislature to participate in Nurses Week. We all need to work together to provide positive solutions to keep our nurses in Alberta and to ensure that the Alberta Association of Registered Nurses' vision statement is fulfilled. The statement envisions a pivotal role for nurses in the development of an efficient and effective health care system.

Thank you.

head: Motions under Standing Order 40

2:50

THE SPEAKER: The hon. Member for West Yellowhead has given notice to the Assembly that he wishes to rise to propose a motion under Standing Order 40.

The hon. Member for West Yellowhead on the matter of urgency.

75th Anniversary of the Alberta Hotel Association

Mr. Van Binsbergen:

Be it resolved that this Assembly recognize the 75th anniversary of the Alberta Hotel Association being celebrated at their annual convention, which runs from May 7 to 10, 1995.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. Members of the Alberta Hotel Association are at this moment attending a convention in Banff, and a celebration will take place commemorating their 75th anniversary. Therefore, recognition of this

anniversary, of this event, and of the association at this moment is very timely, and I ask unanimous approval for this motion.

THE SPEAKER: Having heard the argument by the hon. Member for West Yellowhead, all those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The motion fails.

head:

Orders of the Day

head:

Public Bills and Orders Other than

head:

Government Bills and Orders

head:

Second Reading

Bill 211

Protection for Persons in Care Act

[Debate adjourned May 3]

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

MR. BRASSARD: Thank you, Mr. Speaker. It gives me a great deal of pleasure to stand and speak in support of Bill 211, the Protection for Persons in Care Act.

I have to agree with my hon. colleague from Highwood when he says that victims face many barriers in reporting abuse because they are often dependent, fearful of reprisal, or unable to tell anyone of their plight. The Member for Edmonton-Gold Bar mentioned the other day that it's a sad statement that a Bill such as this is even needed, and I agree with that statement, Mr. Speaker.

We do need to define what a vulnerable person is. We automatically think of someone being vulnerable if they're subject to physical abuse, because that's what is most visible. But just as prevalent and a lot more insidious are things such as sexual abuse, even more so with emotional abuse or verbal abuse, and finally, as was mentioned by this same member, the impact of financial abuse.

As well, Mr. Speaker, professional staff members are often afraid to report abuse because of fear of repercussions from their employers or harassment from employees. The Protection for Persons in Care Act addresses the main obstacles that exist today in protecting people who live in care facilities from abuse: the vulnerability, the retaliation, and all of the many subtleties associated with reporting such abuse.

As chairman of the Social Care Facilities Review Committee, Mr. Speaker, I feel that this Bill will strengthen the existing work of the committee. Bill 211 chose the Social Care Facilities Review Committee to be the focal point of contact for any complaint regarding abuse in facilities. It's consistent with our mandate, and we could act as a co-ordinating agency for others who already are in this field. As you know, our committee already visits such facilities as day cares, foster care, group homes, approved homes, Michener Centre, and the like, and we often have occasion to respond to concerns surrounding abuse. So it would be quite in keeping with our mandate to follow through on reports of this nature.

There has been some concern from Health and from Municipal Affairs that this committee is not the appropriate body to review and investigate complaints in respect to hospitals, nursing homes, and lodges. Some people would like to see the following system: reports of abuse which take place in hospitals should go to the Alberta Health Facilities Review Committee; reports of abuse which take place in lodges should go to Municipal Affairs; and reports of abuse which take place in seniors' homes should go to Family and Social Services. My concern, Mr. Speaker, is that we would then be asking people to categorize the type of facility where the abuse took place before they could even make the report, and I think that's unrealistic.

Where a mandatory reporting obligation is being created, it is important that it is made as simple as possible and that the public have one official or body to whom the report of abuse could be directed. It could then alternatively be directed to other agencies if it's appropriate. It may even be directed to the Ombudsman for checkup. To create a new official body to deal with all of the complaints would not be fiscally feasible. The Social Care Facilities Review Committee was selected as it is an existing body with the expertise in investigating and monitoring the operation of social care facilities, and this could be extended to other facilities as well.

Mr. Speaker, the proposals in Bill 211 would indeed be very effective. Although all the reports of complaint would come to our committee, we would then be able to refer the complaints to other committees or agencies or bodies, such as the Ombudsman, if that is appropriate. For example, we could refer the complaints out of hospitals to Health, and we could do the same with complaints in lodges to Municipal Affairs.

As I mentioned earlier, this Bill goes a long way to making certain that the obstacles to reporting abuse are reduced or indeed even eliminated where possible. Right now the reality is that much of the abuse goes unreported. The caregivers are reluctant to make reports because they feel that their funding could be put at risk. The employees are reluctant to make the reports because of implications in terms of their employment relationships. But the most vulnerable, of course, are the persons in care themselves, as they fear that they will be neglected or retaliated against as a result of the reporting. Retaliation, Mr. Speaker, can be very subtle indeed. It's not always clearly identifiable and is very difficult to defend against. Emotional abuse, for example, is very difficult to define and almost impossible to defend against. This legislation is absolutely essential to ensure the protection of those persons who are the victims of such abuse.

A study conducted at the University of Alberta a few years back found that abuse by paid caregivers is 45 percent more likely to go unreported to law enforcement authorities than abuse by other people. Abuse in institutions is 52 percent more likely to go unreported than abuse in other settings. It was also found that at least two-thirds of the known sexual abuse in institutions is unreported and at least 60 percent of sexual abuse by paid caregivers is unreported. These are staggering figures, Mr. Speaker. Abuse is a crime regardless of the setting. Be it a custodial institution or inside a person's home, abuse is abuse.

The right to personal security is one of the most fundamental principles in any civilized society, and it is all our duty to ensure that every citizen has this right, whether in an institution or not. Bill 211 rectifies many of the inequalities that currently deprive people with disabilities of their equal right to personal security, protection, and benefit of the law in accordance with the Charter

of Rights and Freedoms and Alberta's Individual's Rights Protection Act.

Mr. Speaker, I know that legislation alone will not provide the entire solution to the abuse problem. One cannot legislate compassion or moral responsibility, but we can begin by committing to provide the adequate protection of those citizens requiring compassionate guardianship.

Mr. Speaker, I urge all members of this Assembly to support Bill 211. Thank you.

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

3:00

MS HANSON: Thank you, Mr. Speaker. I'm pleased to rise to say a few words on the Protection for Persons in Care Act. This legislation is long overdue, as the previous speaker has noted. Bill 211 does provide needed protection for persons in care, for the facility, and for the staff who work within the care facilities. I commend the Member for Highwood for bringing the Bill forward to the Legislature so it can be debated and we can assess it.

Much as we hate to admit it, abuse and neglect of the elderly and disabled people being cared for in organizations and institutions and sometimes in families occurs all too frequently. Under the existing laws in Alberta it's likely that only a tiny proportion of actual abusive situations and incidents are reported. People working in facilities have been afraid of the negative consequences of coming forward to report. But the inclusion of section 2, of a requirement to report any instance of abuse on a confidential level – I think the confidential level is very important – to the Social Care Facilities Review Committee, will reduce the risk to staff. The harsh penalty of fines and even possible incarceration for those people who do not report should deter the people who are just inclined to ignore problems going on around them.

As an aside, I strongly agree with the Member for Olds-Didsbury that it's far better to keep a single gate for reporting rather than having different levels of institutions report to different organizations. I think that would really confuse the issue.

The family of someone in care is more protected under this Act, and there's a strong protection for the agency or the institution, but I don't see quite as much concern or detail in regard to the victims of neglect or abuse. Section 4(1) states that every agency has a duty to protect the client's level of safety, but it fails to describe what that level of safety is. That's a pretty broad statement to me. Perhaps it'll be addressed in the regulations. I hope that it is made a little more specific.

Disabled people, young or old, are terribly vulnerable when they are confined to an institution. They're vulnerable anyplace but even more in an institution, where there are sometimes turnovers in staff and the guidelines for hiring staff are not always very clear. Even when families and friends live nearby and visit regularly, the patient or the resident is often afraid of being kicked out as a troublemaker, of having care or privileges withheld if they complain. As a result, they remain silent out of fear or simply an inability to communicate or to bring forward a report.

A year and some months ago I received an audiotape in the mail which recorded an incident where a severely disabled person had been physically and psychologically abused by several staff members in a group home for disabled adults. The incident was tape-recorded by a staff person who was not involved but who recorded it from outside the room and then was afraid to report directly to the manager of the facility for fear of losing her job. Victimization by other members of staff was also a factor. She

was afraid that she would be isolated by the other members or that her truthfulness would be questioned.

I had previously received a number of reports of neglect in this particular home, but the incident recorded on tape went so far as to be criminal. I will never forget the terror and humiliation in the voice of this young brain-damaged, wheelchair-bound man, nor will I forget the vicious taunts and threats and the pleasure and sense of power that the perpetrators, who were staff, were obviously experiencing. Because this was a criminal matter, I turned the tape over to the police. Shortly afterwards the parent of the abused resident arranged his move to another facility.

This is just one little incident of the sorts of things that could happen before this Bill was brought forward. That's one of the reasons why I'm concerned about the rights of the residents or the patients.

However, Mr. Speaker, had the legislation as proposed in Bill 211 been in place, the informant could have gone directly to the committee, had he been able. In this case I don't know that he would have been able, but the staff person probably would have been believed. I know there's always that business that when a group of people are abusing and you have one person on the outside, it's sometimes hard to know where the truth lies. What she chose to do was to send it anonymously to a third party, which is not the best thing to do either, because it left me with a very difficult dilemma. It could be that I might have done nothing. She didn't know that. Anyway, the root of the problem would have been cleared up more quickly with this legislation, and the chance of further abuse in that facility would have been diminished.

In this Bill the level of safety required for residents could be more clearly defined, as I mentioned earlier. It does do a very good job, as far as I can see, on the protection of the complainant and of the agency. I would like to see section 4(1) strengthened, with more details about what constitutes a reasonable level of safety and a stronger statement than the one that exists, which is, "Every agency shall have a duty to protect the clients . . . level of safety."

I congratulate the Member for Highwood for bringing the Bill forward, and I will support it with the qualifications mentioned in this presentation.

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

MR. DUNFORD: Thank you, Mr. Speaker. I'm pleased to stand and speak in support of Bill 211, the Protection for Persons in Care Act.

Bill 211 is a very positive step toward preventing abuse of people in institutional care. There is a growing public concern, Mr. Speaker, with the issue of protection for those people who must reside in facilities for their care. Many of these people, including the elderly and the disabled, are in very vulnerable positions and often fall victim to abuse and neglect.

This problem is not limited to Alberta alone. Other provinces have implemented similar kinds of legislation to provide protective services for disabled and elderly adults. However, Canadian legislation is generally inadequate in terms of addressing reported problems, abuse protection, providing for persons in care facilities, and for protecting employees reporting abuse. At present there is no single province that has provided comprehensive complainant protection for both the victims of abuse and for the employees.

As it was mentioned earlier by the Member for Highwood, Manitoba passed a very cumbersome piece of legislation on

vulnerable persons. This vulnerable persons Bill has a protection and emergency intervention section which makes the report of abuse of any kind mandatory. However, under this Bill there is no protection from retaliation for those who report abuse, whether it is an employee or a victim of abuse that is doing the reporting. Since Manitoba has not been able to implement this Bill since its passage two years ago, I guess we will have to just wait and see how well it will work for them.

In the United States most states have implemented their own legislation designed to protect vulnerable persons from abuse and to protect vulnerable persons and employees who report abuse from retaliation. In several states it is mandatory to report suspected cases of disabled adult or elder abuse. Legislation that provides complainant protection may have several components, such as those stressing professional responsibility for mandatory reporting of abuse, appropriate reporting procedures, and in some states penalties for noncompliance. Often legislation provides immunity from liability for reports made in good faith and protection from retaliation by employees. There have been studies done that prove that in general the American legislation is working. The studies show that reports of abuse increased each year subsequent to the passage of legislation and that the number of reports exceeded the number expected. Now, these findings suggest that some abuse was deterred and that legislation resulted in a significant increase in reports of abuse.

Now, Mr. Speaker, our proposed legislation has all the components of those legislations in the States, plus more. Bill 211 goes a lot further than any legislation in the States or here in Canada. Bill 211 includes the following important points. It would be mandatory for anyone who witnesses abuse to report it. Noncompliance would be viewed as an offence, with penalties up to \$2,000 or up to six months in jail. The Bill would provide comprehensive protection from any type of retaliation for anyone who reports abuse, including employees, victims, or their families. All employees applying for employment in a care facility would have to go through a criminal check. Of course, while it doesn't state it in the Bill, it's inferred that if it were discovered in this criminal check that a person had a history of abuse, they wouldn't be hired. Agencies would become more responsible and more accountable for their actions.

3:10

Mr. Speaker, by implementing this Bill, Alberta would become a leader in Canada in providing comprehensive protection for people who depend on facilities for their care. This Bill could become a base for other jurisdictions to borrow from and perhaps a base for a national program. I would like to indicate that as a base for other programs it possibly then could be looked at in terms of this government trying to come to grips with facilities that currently are either defined by the Social Care Facilities Review Committee Act or in fact residences that are starting up within the province where the main mission of their business is to provide housing and care for some of our elderly citizens. This may in fact represent numbers that perhaps would be less than four.

We've had a situation in Lethbridge recently where I believe well-meaning people have attempted to get into this business, but because of the lack of any regulation and the lack of concern, then, that people would have on the part of the people whose care would be turned over to these private enterprises that we need – and one of the fears was that there were no sort of guidelines in place. We did in Lethbridge try to evolve and develop what would have been considered a Lethbridge solution. Unfortunately, or perhaps fortunately, the situation soon developed almost

a life of its own and spread far beyond then the city limits of Lethbridge. While Lethbridge has continued to try to come to grips with this particular situation, it would be my hope that with members within this Legislature in support of Bill 211, we would then establish a base and a momentum to move into that particular area.

Mr. Speaker, I realize that this Bill is not perfect. I know that we have a lot of work ahead of us and that this is a very complex issue with no simple answers, but we must begin somewhere. We can't continue to procrastinate with this problem because we haven't been able to find a perfect answer. I'm not sure that we ever will, but together we can start to address the problem of abuse to the best of our abilities. This Bill is only the first step of a very long ladder ahead of us. With everyone's co-operation we can tie all the loose ends of this Bill and make it a very solid base from which we can continue to build in the future. This Bill is a step in the right direction, and I believe that by virtue of its existence it will increase the probability of abuse cases being reported and thus eventually a reduction in the actual number of abuses.

That is why I would urge everyone in the House to join me in supporting Bill 211.

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

MR. WICKMAN: Thank you, Mr. Speaker. I want to speak a bit on Bill 211 and add my support. Abuse of one that is physically disabled, physically challenged – sometimes there may be some mental disability as well – is very, very difficult to comprehend, but it does happen. There are many, many instances out there where it has happened. The Member for Edmonton-Highlands-Beverly pointed to one example. Sometimes it can be done in a fairly subtle way; for example, the driver of a vehicle that may be transporting a person with a disability on a commercial basis may get his or her jollies by driving at an excessive speed, making it very, very uncomfortable for a person that is tied down to the floor with tie-downs, sitting in a wheelchair, not properly strapped in, with absolutely no control over their own muscles. They're a victim of that particular driver. Why anyone would go to that extent is difficult to understand. Why anyone would go to a lot of extents that we see within society is always difficult to understand, but it does happen.

There are those that need the protection of legislation, Mr. Speaker. When we talk in terms of sexual abuse of one with a physical disability that is incapable of defending himself or herself, it's unthinkable, but it has happened. There have been cases in the courts where it's happened. When this type of legislation comes forward, it's not just for show. It is constructive. It is well-meaning. There is a purpose behind it.

This particular Bill has a history to it, and I want to commend the Member for Highwood for bringing it forward. It started with the Member for Red Deer-North. It was passed on to the Member for Highwood. The first time around it didn't go too far, but now that we're in a new type of parliamentary system where there are free votes, with the support of many members of this caucus if not all members of this caucus – I would suspect all members of this caucus – and with the support of a good number, I would hope, of members of the caucus from that side of the House, we can in fact give this Bill second reading and we can get it to committee stage, where it has to be fine-tuned. Even if that fine-tuning means going back out there to the public, getting additional input to really tighten up the Bill to make it far superior to other similar pieces of legislation in Canada, so be it, and allow it to come back in the fall if necessary, if this session isn't going

to go on for the period of time that is required to ensure that this Bill gets Royal Assent. It's been in the making a long, long time, and if it means a further delay until the fall to make sure that the Bill is done properly, I don't think there would be a great deal of objection to that. I'm not advocating it. I'm just saying that if it's necessary, it's necessary.

When we look at Bill 211, the important step at this stage is of course to give it second reading. The opportunity for second reading should occur tomorrow, and I would hope, I would feel optimistic that in fact it will advance to that particular stage with our system of free votes.

Now, when we look at the committee stage and we look at some of the areas that have to be addressed in terms of trying to fine-tune the Bill, possibly it doesn't go far enough. Possibly it has to give more protection, more safeguards, address in more detail the needs of those persons within agencies or facilities that are subject to the abuse that can happen as referred to in this particular Bill. We can look at the function of the review committee that is proposed to be established. Possibly that review committee is too loose in the sense that time factors involved are too long. They should be shortened to make them more responsive, to make them stronger in the sense that they do provide a greater degree of protection.

Why do we have Bill 211? For those that may not be as fully familiar as some of us who may have had increased opportunity to be a bit more aware of this, it's factual to say that children and adults with disabilities are more often victims of abuse than other people because they are not able to defend themselves. There are a lot of cases that may never be reported because the person who is abused may have difficulty communicating that the abuse has occurred. Or for some reason they may feel that that person is just labeled, as somebody mentioned earlier, a troublemaker, and that person doesn't have the credibility and those concerns are not looked upon seriously. There are many, many reasons, but I think it is safe to say that it is factual that the incidence of abuse happening to persons with disabilities is higher, much greater than for other Albertans who are able to defend themselves to a greater degree.

Sadly, a lot of those persons who are responsible for the abuse are caretakers within the facilities that are provided and paid for in a lot of cases by this very government to give these persons protection, to give these persons the comforts of a home, an alternative to out-and-out hospital care or straight-out institutional care. Unfortunately, somehow through the cracks or through the screening process, at times the wrong type of person is hired, and people get into those positions, take advantage of those positions and prey upon residents of that particular facility. A lot of times it's felt that the facility or the agency involved chooses not to report publicly an abuse incident for fear of the negative publicity that may result as a result of the close scrutiny that may follow, the exposure, the possibility of a lawsuit, and so on and so forth. In other cases it's because the victim may be intimidated by other persons within that particular facility, and they're encouraged to keep their mouth shut.

3:20

I guess in a way, Mr. Speaker, it's not that much different in a lot of instances with young students that may be sexually abused by a teacher, and for various reasons they feel threatened and they don't want to report it. In many instances – just reading in the *Alberta Report* this week – reports of those types of incidents don't come out until years later, until those children grow up and they're in a position that they can advance their case and do it in

a way without the same fear that they may have had years earlier. Well, the situation with persons with disabilities is that in most instances that condition is not going to change, so waiting a number of years isn't going to really make any difference in that person's ability to pursue that particular complaint or that incident of abuse.

So, Mr. Speaker, without question, the Member for Highwood is on the right track. He is to be commended for bringing this Bill forward again, for advancing it to this particular stage and, optimistically, advancing it to the next stage, which is committee.

Some of you may have had the opportunity to read a paper that was prepared by Professor Dick Sobsey of the University of Alberta, where he addresses this situation, this plight, this unfortunate set of circumstances. He points out some very interesting stats. The abuse by caretakers in the various facilities that we're referring to is 45 percent more likely to go unreported to law enforcement authorities than abuse by other persons; 45 percent more likely. Abuse in institutions is 52 percent more likely to occur in those settings than other settings. Studies will suggest that two-thirds of the known sexual abuse incidents in the facilities, institutions we're talking about, go unreported because there is a fear that the recourse that is there, the avenues for appeal, aren't sufficient. The fear of the consequences of reporting it has been identified in the past.

The paper that I'm making reference to: if you haven't read it, make a point of getting your hands on it. It was done by the Premier's Council on the Status of Persons with Disabilities. It should be available in the library here on the main floor. That will convince you, even after the debate that occurs in here, that there is a need to advance Bill 211 to a further stage.

Now, Mr. Speaker, there are many members on this side of the House and I'm sure many members on that side of the House that want the opportunity to say a few words on this Bill, so I'm going to conclude quickly here and again just ask all members to seriously consider at least advancing this Bill, Bill 211, from second stage to committee stage, where any ongoing concerns in terms of technical and fine-tuning can be addressed.

On that note I'm going to conclude, Mr. Speaker. I again commend the Member for Highwood for bringing the Bill forward.

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

MRS. LAING: Thank you, Mr. Speaker. I'm very pleased to rise today to speak in support of Bill 211 and would also like to thank the Member for Highwood for bringing it forward. I know it's an interest that he's had for many years, so this Bill is coming out of a very genuine interest and concern.

The need for this Bill cannot be disputed. Although most of the evidence of abuse in institutional settings is anecdotal, there are enough complaints and investigations of deaths and injuries in nursing homes, homes for the disabled, and hospitals to know that the problem is very real. I know that many people would rather not talk about this issue because of the insidious nature that it has, but ignoring the problem will not make it go away.

At some point in our lives, Mr. Speaker, most of us must make a very difficult decision regarding our elderly parents, who at some point in time may need more attention and care than we're able to provide for them at home. We would all like to believe that we have always made the best decisions for them and that by placing them in a home, they'll receive the care and attention they so desperately need. We never think twice about the fact that maybe the same people to whom we've entrusted the care of our loved ones could ever hurt them. However, this is often the case.

The elderly and the disabled often fall victim to sexual, physical, psychological, and emotional types of abuse, often by the very same caregivers to whom they are entrusted. This is indeed the worst type of abuse, as the victims are often unable to defend themselves or often unable to be heard to even indicate such abuse. Many of the victims are often unable to speak, are indeed nonverbal. It's very unfortunate that the majority of these cases do go unreported. Mr. Speaker, the sad fact is that by the time we hear about these cases, it's usually too late to do anything about it. So something does need to be done. We can no longer stand by and watch this go on. Albertans want to know that when they place a loved one under special care, they're making that decision in good faith.

Mr. Speaker, there are very many caring and conscientious employees in the care facility industry, and we shouldn't forget that. They are there for the right reasons, and Albertans can have great confidence in their abilities to care for their loved ones. As a former member of the Social Care Facilities Review Committee, I had occasion to meet many of these very fine workers who have a great deal of empathy and a great deal of care for the people they were working with. However, this is not always the case, and we as a caring society need to protect those who cannot protect themselves against abuse.

Mr. Speaker, the demographics tell us that our population is aging and that demand for these types of facilities is only going to increase as the years go on. More and more people will be in caregiving facilities in the future, and this will only place more stress on an already overworked industry. At the moment, waiting lists for nursing homes and senior lodges are very long. In Alberta in 1991, for example, 230,550 seniors made up 9.1 percent of Alberta's total population. It's projected that by 2016 this percentage will increase to 13.5 percent, or 478,800 seniors.

Often due to the need for more spaces, people put up with abuse so that they don't have to find another place to live. They are worried about where they will go if they have to leave that facility, and they often will put up with abuse rather than complain or move.

Mr. Speaker, there is a need to set legislation in motion right now. If you think back to Motion 505, it is a similar type of motion, again illustrating the need to deal with the existing problem of abuse in our care facilities. We must begin this process today, before the pressures of the system become greater and the problem more acute. Bill 211 sets this process in motion. We can't afford to wait any longer to deal with this very serious problem.

Mr. Speaker, I would encourage everyone here today to support this much needed piece of legislation. Again, my compliments to the member.

I would move we adjourn debate.

THE SPEAKER: The hon. member, no doubt bearing in mind Standing Order 8(2)(b), has moved that debate be now adjourned on this matter. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: Carried.

head: **Motions Other than Government Motions**

Fish Marketing

510. Moved by Ms Calahasen:

Be it resolved that the Legislative Assembly urge the government to enter into negotiations with the federal government with a view to amending the federal Freshwater Fish Marketing Act to permit Alberta fish producers the option of marketing their fish through the Freshwater Fish Marketing Corporation, FFMC, or through private export.

[Debate adjourned May 2: Dr. Nicol speaking]

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

DR. NICOL: Thank you, Mr. Speaker. I just wanted to summarize again that this is a motion that basically calls on the government to act on behalf of the producers, fisherpeople in the province, and wants them to be given the opportunity to market their own product. Again, as I've said previously, this parallels the situation we're in with the Canadian Wheat Board.

I think it's important that the producers be given a chance to make their views known and also that we look at what the federal government's doing. They are currently undergoing a complete review of that fish marketing board, and I think we should tie in what we do as a province with what the federal government's doing in that review.

That summarizes where I was at. Thank you, Mr. Speaker.

3:30

THE SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Well, thank you, Mr. Speaker. I'm just going to say a few words about this motion as presented by the hon. Member for Lesser Slave Lake. What this motion does is give people options, and I'm a great believer in options.

When the Freshwater Fish Marketing Corporation was set up – and I believe that was in 1969 – it was set up to market fish in an orderly manner; secondly, to increase returns to fishermen; and thirdly, to promote a market for the fish. Certainly I understand that throughout Alberta there are many commercial fishermen that are very much in favour of this marketing corporation, but this government strongly believes in people having the choice, having the choice to do what they want with their commodities that they either produce or, in this case, catch. That's exactly what the motion by the hon. member is doing.

Speaking on this, I think of the Canadian Wheat Board, and the hon. Member for Lethbridge-East mentioned that. I don't think anybody, or very few people in Alberta, ever believed that the Canadian Wheat Board over the last many, many years hasn't done a good job. If you remember the continental barley market that started up here a few months ago or a year ago – I just can't remember – it was giving the people the option. Being quite an elderly gentleman myself, I can remember my dad . . .

MRS. FORSYTH: Old. Old.

MR. CLEGG: The hon. Member for Calgary-Fish Creek says "old" is the word, but that's not right.

When we talk about the Canadian Wheat Board, the many farmers who delivered grain 50 and 60 years ago you'll never convince that the Canadian Wheat Board wasn't a good thing, when you delivered oats at 2 cents a bushel and within six weeks

the grain company got 30 cents or 40 cents a bushel. So you'll never convince them.

All we're doing with this motion by the hon. member is giving the people that option. Certainly we as a government strongly believe in that. I strongly believe in it. You will never hear me go around this province saying that the Wheat Board is no good, nor will you ever hear me saying the Freshwater Fish Marketing Corporation is no good, because I'm sure they've done a great job. It's giving that option.

I think we have a little more problem than the marketing of our fish. Somebody said the other day that the only problem we have is that we haven't got any fish for the commercial fishermen, and that statement is quite true. Do you know why we haven't got any fish? In my mind, it's because, if you go over the history, we have allowed people that truly aren't commercial fishermen to get commercial fishing licences. I think of my town. There isn't a lot of fish caught in the constituency of Dunvegan, let me assure you. There are only one or two lakes, and it's not a big industry. Many businesses in town, the druggist, are no more commercial fishermen than everybody in this hall, but we have given them a commercial fisherman's licence so they can go out and catch 200 or 300 pounds of fish in some of these lakes. In fact, they go home and they make a hero of themselves by giving all their neighbours 25 pounds of nice whitefish. So I think that has to be cleaned up even more so than this option by the hon. Member for Lesser Slave Lake.

It seems to have died out, but I remember when I was first elected, people said: "Well, how come John Doe or Joe Blow got this commercial fisherman licence? They're not commercial fishermen." I know that the hon. member has truly got some commercial fishermen in her area, and this is giving them the option. I think as a government we should look at licences of commercial fishermen, because I know that probably 60 or 70 percent of the people that got commercial licences are not fishermen. They're doing it for sport; they're making heroes of themselves. In fact, what we're doing is taking the fishing licences away from individual Albertans. You know, we have some parts of seasons when we say, well, you can't fish these lakes. I think if we really did a good review on those commercial fishermen, we would solve many problems.

In closing, I just want to again say that I will be supporting this motion just because it gives people that choice, that option, to do what they want with their product, just like we did when the continental barley market started up. We're just giving people an option. I strongly believe in that option, and I will be supporting the motion by the hon. Member for Lesser Slave Lake.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Barrhead-Westlock.

MR. KOWALSKI: Mr. Speaker, thank you very much for this opportunity this afternoon to participate in Motion 510. I learned a long time ago in this House that when the Member for Lesser Slave Lake introduces a motion, all members of this Assembly should pay special attention to it and take very special care. Of all the members of this Assembly, there are few who in fact are closer to the constituents they represent than she is. This is an individual who spends a great deal of time in a very wide-ranging constituency in the province of Alberta. In fact, I think far too few people in Alberta understand that the constituency of Lesser Slave Lake is roughly one-fifth of the area of the province of Alberta and that with it and housed in it are a remarkable group

of people, the first citizens of this country. For millenniums they in essence survived by the fruits of the land, whether that was the careful management of the wildlife that existed or in fact the careful management of the fishery that existed in that part of Alberta.

This motion deals with the whole question of the Freshwater Fish Marketing Corporation and with a request basically that Alberta fish producers have the option of marketing their fish either through the corporation or through private export. Well, Mr. Speaker, it was only a matter of about 26 years ago that the Freshwater Fish Marketing Act was set up to in fact take the whole concept and provide for a series of items to occur, including a single-desk selling system for the fish that was produced in that part of Alberta. I say very specifically "in that part of Alberta," because for virtually the rest of the province this probably is not a concern of any kind of magnitude whatsoever. But for the people who live in the area of the province of Alberta that's represented by the constituency of Lesser Slave Lake and several other constituencies, their livelihood from the fishery is very significant.

The sad reality is that in the last number of decades in the province of Alberta the amount, the tonnage of fish that has come out of these lakes has dwindled. The Member for Dunvegan has very correctly pointed out that one of the real concerns in 1995 is: what will be the future of the commercial fishery in the province of Alberta? The Member for Dunvegan and the Member for Lesser Slave Lake have both very correctly pointed out that one of the difficulties and one of the problems of the past has been that we, this Assembly, have allowed increasing numbers of people to get commercial fishing licences, and they were never the traditional fishermen in the province of Alberta.

Some people may argue, then, that in the Canadian prairies and the western part of North America there could in fact even be a commercial fishery that could exist. Well, Mr. Speaker, if you go back to the events and look at the tonnage of fish that came out of lakes in the province of Alberta in the 1930s, the 1940s, the 1950s, the 1960s and then you take a look at that tonnage of fish that comes out in the 1990s, it's rather appalling.

The Member for Athabasca-Wabasca has often pointed out the tragedy that has affected his people. At one time there was no welfare, Mr. Speaker. There was no welfare in this country. Government created the concept of welfare, created it and put into dependency a great number of native people. If they had an opportunity to go back to their traditional ways, their traditional way of hunting and fishing that once was the honourable way for them, then I daresay that one could conclude that a fair degree of this dependency on these doles that come out from Indian affairs in Ottawa or even those dollars that are coming from the province of Alberta for these people – in fact, if they had the opportunity to be the true custodians of the land that they have been for centuries and millenniums, then in essence perhaps some of the difficulties that may exist in the 1990s would not be there.

3:40

So the motion is significant for a number of reasons. Number one, it is an important motion. It's not a flippant motion; it's extremely important. I repeat: I found a long time ago that when the Member for Lesser Slave Lake stands in this House and delivers a message, it's one that all members should listen to because it comes not only from the heart but from incredible knowledge and understanding of what goes on in that part of Alberta.

Secondly, Mr. Speaker, this will provide an opportunity for us, basically, to see that those very essential people who are involved

for a livelihood by way of a commercial fishery will have a further option in dealing with the disposal of their product in the marketplace they choose. This is no attack on the Freshwater Fish Marketing Corporation per se. It's not an argument that says that this particular corporation has not done a commendable job, because in essence it has done a commendable job. This is an evolutionary motion, one that will take us into the next century with a greater opportunity.

Mr. Speaker, we also have to do more. We have to do significantly more about this. The first thing we have to do is recognize that the commercial fishery is important. Secondly, the Legislature has to deal with the large number of licences that itinerant fishermen have in this province, that sportsmen fishermen can get for a handful of dollars and then go out and compete against the very essence and essential aspect of livelihood of the people who are dependent on that livelihood for survival and dignity.

Thirdly, what we've got to understand and the people of Alberta have got to understand – we talk about the protection of the environment. There is one aspect of the environment that we as a people have not protected well in the last number of decades, and that is the fish stock in the province of Alberta. Sport fishery is big, big, big business. It attracts thousands of people. Mothers with their daughters, fathers with their sons, mothers with their sons, fathers with their daughters go out and fish and enjoy the environment of the province of Alberta. But we have to have limits. If everybody's going out and taking fish and not making use of the fish as food and sustenance for themselves, just taking it for sport and throwing it away, allowing the fish to rot in various campgrounds as they do in the province of Alberta, then we're all contributing to the demise of a fishery in the province of Alberta.

Mr. Speaker, this is a big, big, huge industry, and it has the potential of being tremendously huge if in fact we recognize what we have done to the fishery in the province of Alberta and if we also prepare to make sure that we have a reinvestment of dollars in the replenishment of those fish stocks and in fact an improvement of the fish stocks in virtually all of the lakes in the province of Alberta. That's nowhere more important than it is in northern Alberta with, without any doubt, the greatest resource of water, landlocked lakes, easy access for the most part, and an opportunity for the true commercial fisherman to survive. But the true commercial fisherman, Mr. Speaker, is the fisherman we're talking about, not the once-a-year kind of person who gets a commercial licence and goes out and grabs all this fish and takes his tonnage of fish and heaven knows where the fish goes other than for somebody to say, "Well, I've got my limit," or something else.

The native people, the first citizens of this country and the first citizens of this province, Mr. Speaker, had a livelihood once. They had a dignity once. They had an opportunity for sustenance and survival. That's been hard pressed and badly hurt in the last number of decades in the province of Alberta, essentially, I guess, from the 1950s onward. We have not done as a group of people in this province a good enough job of protecting this most fundamental of all natural resources. Just think how it would be, Mr. Speaker, if one could go to a lake and throw a hook into the water and if one would stay there for days and nothing ever happened. How tragic that would be. How tragic that would be.

Mr. Speaker, I urge all members to support this motion put forward by the Member for Lesser Slave Lake because it's a logical, intelligent motion which provides for not only the protection of the environment but the possible protection of a

future increased livelihood for a very fundamental and important group of people in the province of Alberta.

[Motion carried]

Selling Liquor to Minors

511. Moved by Mrs. Forsyth:

Be it resolved that the Legislative Assembly urge the government to recommend the Alberta Liquor Control Board, ALCB, to suspend the licences of store owners who sell or serve liquor to minors as follows: for a first offence, warning or suspension of up to 30 days for knowingly serving a minor; for a second offence, 30 days' suspension; and for a third offence, licence cancellation.

THE SPEAKER: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Speaker. It is a pleasure to rise and speak on Motion 511 as a member of this Assembly and as a parent. The purpose of this motion is to introduce tougher penalties for those vendors who knowingly sell liquor to minors. Hopefully the penalty guidelines which are proposed by this motion will act as a deterrent to those store owners and liquor establishments.

As a parent I'm well aware of how easily youths can access alcohol. It is alarming, Mr. Speaker. In most cases they can get an older person to go to the liquor store to pick it up for them. This has not changed much over the years. What has happened? What has changed in society's tolerance of underage drinking? Albertans are getting to the point where they do not want to see any more headlines telling the world about yet another unnecessary death as a result of underage drinking.

We have had some alcohol-related tragedies in this city this past winter. One such tragedy involved the burning of a house and the loss of a young life as a result of alcohol at a party. Some of the kids at the party were quite young. As a parent this is one of the worst nightmares, and I can't help but ask: what would prevent my kids from being in a similar situation?

All of us were teenagers once, and a great number of us have raised or are raising teenagers. We are familiar with the sense of invincibility which exists in young people during their teens. Parents have been trying to deal with this for generations and have had little success so far. That is why Motion 511 was proposed. Since we can't change the way young people are, we can change the availability of means that they can get into trouble. I'm afraid that minors will always drink and will always find a way to get access to liquor. However, as legislators we have the opportunity to try to make it more difficult for them to access liquor. Motion 511 aims to reduce this access by making it less likely that a licensed vendor would sell liquor to someone underage.

For the most part, liquor licence holders do their best to comply with the legislation spelled out in the Liquor Control Act. They do this because it is the law, because they want to keep or renew their licences. They want to continue to do business and continue to make a living. They try to exercise due diligence in cases which are questionable. There are some vendors, however, who think they can make a few extra dollars by selling a six-pack to a minor. They think that they won't get caught, and if they do, all they will get is a suspension for five days or a \$5,000 fine. Even then, Mr. Speaker, word gets around. Before long word gets out that there is a place where minors can get booze for the weekend. Eventually an underage clientele becomes established. Sure, the

minors will send the oldest looking of the group to make the pickup. That's part of the game. They have to help the vendor by keeping an appearance and not drawing attention to themselves.

The other game is getting an adult to pull liquor for these minors. Any weekend you can see kids hanging around, talking to adults. Eventually someone will get them liquor. Quite frankly, Mr. Speaker, I think these people should also be penalized, perhaps taking their licence number down with a description of them and calling the police. These people, as far as I'm concerned, are also guilty. The bottom line is that as long as nobody squeals, the market may perpetuate itself indefinitely, with great profits going to the unscrupulous vendor. Is it right? Both parties know that what they are doing is against the law, but the actions suit the others. As I said earlier, it's all a game.

With alcohol we are talking about something potentially dangerous, which can lead to the injury or death of a child or a parent of someone. Tragedies like the house fire that occurred in this city this spring can be avoided, Mr. Speaker. This motion is a good start to developing a policy where similar tragedies in the future may be avoided.

Mr. Speaker, the ALCB's current penalty guidelines are: five to seven days' licence suspension and/or up to a \$5,000 fine for a first offence; eight to 14 days' licence suspension and/or up to a \$10,000 fine for a second offence; 15 to 21 days' licence suspension and/or up to a \$15,000 fine for a third offence; 30 days' suspension up to the cancellation of the licence for a subsequent offence. Depending on the severity of the offence, the penalty for a first offence proposed by Motion 511 ranges from a warning to a month's suspension. This motion gives the ALCB the ability to customize their penalties more for those first offenders, enabling them to use the penalty as an appropriate deterrent. After the first offence Motion 511 offers no leniency. Store owners get one opportunity to make a mistake. If they lose their business as a result of penalties for subsequential offences, so be it.

3:50

Some of you may have noticed that this motion proposes no monetary fines which may be levied as a penalty. Mr. Speaker, fines represent an easy way for a licence holder, a token penalty. I say that we give them penalties which have some meaning. Penalties which threaten their livelihood are more likely to act as a deterrent than a fine equivalent to two days' receipts, in some cases. The government has made a commitment to staying out of people's lives in whatever way we can, but we also have a responsibility to promote the well-being of Albertans. This is one of the reasons we need to send a message to those unscrupulous vendors that the sale of liquor will not be accepted by our society. This motion will send that message.

Mr. Speaker, I'm glad to take part in the debate on Motion 511. I believe it's about time we took steps to improve the enforcement of the Liquor Control Act. Through the proposed strength and penalty guidelines Motion 511 does just that. I urge everyone to support me.

Thank you, Mr. Speaker.

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

MR. BRACKO: Thank you, Mr. Speaker. I take advantage of the opportunity to speak to Motion 511. I've had the opportunity to visit many liquor establishments across the province. [interjections] I was even in the minister of transportation's favourite spot too. In Vermilion, yes.

Also, I want to note that my alcohol consumption is usually limited to communion wine, so I get to see the bigger picture in a very rational way.

MR. VAN BINSBERGEN: Every day?

MR. BRACKO: Every day, yes.

Many of the businesses involved in the liquor industry have put a tremendous investment into their business. Whether it's a liquor store, a restaurant, or a hotel, the expense is there. The ones that I visited and spent time with spend long hours promoting and working their business in a way which protects the industry. This motion would move a step forward to protect the honest business owner, and probably 99 percent or more are in that category. However, as the Member for Calgary-Fish Creek has mentioned, there are some who do not follow the rules and are willing to make a dollar in any way possible. Some may be faced with bankruptcy and may sell liquor to those under 18 to try and stay in business.

The sale of liquor has always been a problem as long as I guess alcohol has been sold. As mentioned earlier, there are different ways that young people have access to it: from parents in their homes to those who will purchase it for them at the liquor stores or any other liquor outlet.

I want to commend the ALCB, who did an excellent job, I believe, in weeding out those who were under 18 trying to buy liquor and for the most part were very successful. However, there were those who used their older brother's or sister's ID or friend's ID, and they were able to tamper with the identification and have access to liquor. Today we now have a foolproof licence which will not allow it. I know the minister of transportation has brought it forward. He says that it's top-of-the-line technology, and I have no doubt that it is and commend him for doing so. It is again moving in line with technology that can make it easier for all businesses and Albertans to operate.

For store owners it's a very competitive market. At first many had thought that it would be a licence to make big dollars, but as the competition has opened up, the competition in some areas has become very fierce. The honest owners take pride in competition, improving their sales, working to make the business improve and be successful. They would again support this motion by getting rid of those who are involved in illegal activity.

We know that there is a high school network. They know where they can have access to liquor, from which stores and in what part of the greater Edmonton area. So it's important that we do take steps to make sure we eliminate to the best of our ability the problems involved with sales to young people under 18.

However, a couple of concerns with the motion. It says "knowingly." I think businesses should be responsible whether knowingly or not knowingly. It's up to them to check the ID, to have a process in place that will allow them to do this diligently, and most of the stores' premises do. Some even have gone to the extent of having a photocopy machine to photo ID the young people coming in.

But the motion, as I see it, only applies to liquor store owners. There are 5,000 stores in the province. There are approximately 6,000 other outlets that would not be . . .

DR. WEST: Five hundred, not 5,000.

MR. BRACKO: Five thousand?

DR. WEST: Between 500 and 600.

MR. BRACKO: Okay.

Mr. Speaker, I would like to pass out the amendment. If we could have them passed out, they're with the Clerk. As it's passed out then, I will comment on the importance of the amendment to the motion.

I think it improves the motion and would apply to all liquor outlets. The amendment would read: Motion 511 would be amended by striking out "store owners who sell or serve" and substituting "any person or establishment that sells or serves." This amendment would include all businesses that serve liquor or sell liquor to the public. This would be all encompassing. It would provide for all instead of just the 560 stores that are out there. I think it's important that we do it, that it is a level playing field for all and not just applying to one group of stores.

With that I will conclude.

THE SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. I was just sitting here wondering if we were to debate the amendment or if I can just proceed.

THE SPEAKER: You should now be speaking to the amendment.

MR. McFARLAND: Well, Mr. Speaker, I don't mind supporting this amendment at all. I in fact would like to stand up, first of all, just to say that I favoured the original motion, but I also support the intent of the Member for St. Albert with clarifying "store owners" to mean any licensed establishment basically or any person for that matter. I say that with the following commentary. Enforcement is always the most difficult part of legislating, and in enforcing the Liquor Control Act, it makes no exception to me whether it is store owners or establishments. As far as wording goes, the bottom line is enforcement. However, just because we have difficulty in enforcing the Act doesn't mean we shouldn't be more effective when we do enforce it, and if the amendment helps achieve that, I don't see anything wrong with it.

4:00

For those hon. members who've not had kids go through high school or junior high school, I can tell you that it's quite an eye-opening experience. I guess I have to preface my remarks by saying that what you're going to hear is probably a lot of what I said on my original Bill, which tried for another form of enforcement. As I admitted in that Bill, there were three elements that I felt very strongly about. One was enforcement, which this motion clearly deals with, one was raising the drinking age, and the third was education.

However, we can easily forget what a social experience it was as a youngster and how in most cases alcohol is involved in the Friday and Saturday night parties and the parties in between. The process for getting alcohol for a party hasn't changed a lot since then, Mr. Speaker. Kids get it from friends or brothers or sisters, anyone who's of legal age to buy it for them. Sometimes someone who looks old enough will go into a store and buy it, and I hope they don't think they're forever not going to get caught.

Some things have changed since then. Now in some cases the minors are simply able to walk into the outlet or buy the liquor themselves. The Member for St. Albert raised this same issue himself during question period last January, and I'm glad to see that he's standing up and supporting this initiative of the Member for Calgary-Fish Creek today.

It's important to remember that alcohol is considered for the most part to be a drug because of its intoxicating effect. It's potentially addictive and impairs judgment in such a way that activities, while under its influence, can become more dangerous. It is true that these are some of the drawbacks of drinking no matter what age we're referring to.

As a drug alcohol is potentially dangerous. AADAC currently reports having about 1,200 adolescent clients between the ages of 12 and 17. In 1993-94, 47 percent of those clients were receiving treatment for alcohol addiction. This is higher than the number receiving treatment for marijuana and cocaine addictions altogether, and I think that's very disturbing. What this means, Mr. Speaker, is that roughly 600 young people will be treated for alcohol addiction and abuse alone in this province. In the perspective of the people I represent in Little Bow that means more than the combined totals of two, possibly three of the high schools, bearing in mind that none of our communities are larger than 1,600 and the largest high school probably has 250 kids. So that's a pretty phenomenal amount. If you concentrate all those young people that have problems with alcohol addiction and put them down into our riding, a small rural riding next door to Lethbridge-East, suddenly all the high schools in the southern part of the province would be represented by all those young people having an addiction problem.

Mr. Speaker, I believe this puts the problem which Motion 511 addresses into a perspective that a lot of people can understand. The people who knowingly sell alcohol to minors are akin to drug dealers, which our society has grown to despise. As such, it's reasonable that they should be penalized with the severity appropriate to the violation. There is no reason that anyone under the age of 18 should have an alcohol addiction or any addiction for that matter. Life's too precious, and there are too many other things to be doing.

However, of the 109 incidents that the ALCB reported last year involving minors, only 39 suspensions and 19 fines were handed down for violations related to minors. There were no licence suspensions. Mr. Speaker, somehow we as a society are failing the children. Either our regulations are not strong enough, not well enough enforced, we may not be educating them enough about such issues, or we may not be as diligent as we should be. I think everyone will agree with me that we do not need any more regulations in this area. We already have enough. We just need stronger enforcement. In fact, this motion can reduce the amount of regulation by consolidating the ALCB penalty guidelines with the sections of the Liquor Control Act.

I will be the first to admit that education is a key component in this whole process that we're talking about, but I don't believe that education alone can do it. Again I'll repeat that I think enforcement combined with education is the key process that we're looking for. Most of our young people are responsible – I said that before; I don't mind saying it again – as are most of the licensed liquor store owners. However, it takes only one irresponsible individual to cause some tragedy, which other speakers before and I'm sure other speakers after me will relate to. The Member for Calgary-Fish Creek is trying to avoid those tragedies with this motion. In my opinion, if increased penalties lead to one less person getting hurt as a result of an alcohol-related accident, then this will have been worth it.

The question posed to the members of this Assembly as a result of the motion is this: do Albertans feel that the current penalties for knowingly selling liquor to minors are sufficient to act as a deterrent? In my opinion and from those that have fed back information to me, I don't believe they are.

Unfortunately, Mr. Speaker, when the Bill that I had prepared and talked to last month failed, I don't think that was the end of the discussion. I'm happy that Calgary-Fish Creek has brought the motion forward and that the Member for St. Albert has amended it in a meaningful and strong way. So I could simply only add this: I would beg your support, all members of the Assembly, that we move on and pass Motion 511 as presented or as amended. It makes no difference. Both of them in my opinion are very good.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I rise to support my colleague's amendment to this motion. I see it really in the nature of being a friendly amendment, and I'm sure that the Member for Calgary-Fish Creek will see it that way as well. Simply adding in a further clarification of "store owners" by saying "any person or establishment that sells or serves" really is in the nature of being a friendly amendment and I think necessary because it isn't just the liquor store owners who are at fault in this instance. It's often other establishments, and we need to make sure these establishments are aware that selling to minors is not something that'll be tolerated in this province.

I have a couple of concerns about this though, and I'm hoping they'll be addressed before the vote is called on this motion. One is that the punishment will only be applicable in this case for knowingly serving to minors. Having children who are entering their teenage years and seeing their friends and knowing how tough it is to judge age, I think not knowing your customer is a minor is not an excuse and should not be clarified as an excuse. Really the onus has to be put on the owners to ensure that the people they're serving are of age, and that means that regardless of whether the store owners say they knew or didn't know, they should be required to have young people produce ID so that they can verify that this is the case.

One of the concerns we have here is that this definitely address the problem which the Member for Calgary-Fish Creek raised about underage people getting older people to buy alcohol. I wish there had been something included in this motion that had addressed that concern as well. Hopefully there'll be something forthcoming from one side or the other here in the next session to address that particular issue, because definitely it's as big a concern to us as parents as is the actual selling of the liquor to them. Certainly this is a step forward to protecting honest business owners, and we have to make sure that those who don't have those kinds of scruples are protected and punished as necessary.

4:10

Probably the biggest concern I have about this motion is that you can bring in all the penalties you want, but if they're not enforced, they do us no good. In fact, the current penalty of a five-day suspension of their licence or a \$5,000 fine is very, very significant to a small business. A \$5,000 fine will put most of these small businesses completely out of business. So the question here is that even if we accept this motion and the penalties are increased, there's absolutely no provision within this motion to make sure that these penalties are enforced.

In fact, when I was in the schools in my constituency and in the community talking to parents about the previous Bill that was brought forward in this House, the one where the drinking age would have been raised from 18 to 19, the number one concern from all age groups was that the legislation we now have is not enforced and that more legislation, more rules, more regulations

are not what's required. What is required is the actual enforcement of those rules that we currently have, and I'm not sure how this motion is going to address that concern. Definitely the majority of teenagers that I spoke to, many of whom admitted to drinking under age, felt that actually enforcing the rules was the first step in improving the situation in the community. If the young people who are abusing the system and those who aren't are the first people to step forward and say that enforcement is the issue, not the regulations, then I think we have to heed what they're saying and pay particular attention to that. I know this was raised as an issue in previous debate. I've seen no change in the policies from that day forward and nothing addressed here in this motion. So that's somewhat of a concern to me, that we can pass all the rules we want, but until we as a society insist that they be enforced, we're not going to see any changes in this regard.

So while I support the motion and support the amendment, I still raise these reservations about enforcement, and I'm hoping that they're going to be addressed sometime in the very, very near future.

Thank you.

THE SPEAKER: The hon. Member for Lesser Slave Lake.

MS CALAHASEN: Thank you, Mr. Speaker. I just wanted to speak on Motion 511 from the Member for Calgary-Fish Creek, who brought forward this great motion. I just wanted to say that I haven't experienced firsthand visits to liquor establishments like the Member for St. Albert. However, I'm from an area where there is a great amount of alcohol sold to minors. I did not support Bill 204 for a number of reasons. I think there was some concern relative to what would happen if you raised the drinking age to 19. Although it required a great deal of heartache, it was inconsistent with all the other legal responsibilities put on 18 year olds, and I could not support that Bill at that time. However, I'm happy to be able to speak in support of this motion this afternoon.

In my opinion, the Member for Calgary-Fish Creek's question of raising the penalties for violations of the Liquor Control Act is long overdue. I know that many parents in this province have been concerned with the problem of underage drinking for some time and will be pleased to see that we are doing something more than what exists in the enforcement area.

To me, this is quite a serious matter. In my constituency underage drinking is a problem. In discussions with my constituents I have been repeatedly told this. I've also been told that kids are now drinking at a younger age, and it's disturbing to know that someone is giving liquor to these young people. So that's why today I can support a motion which will help reduce the places and persons giving and making alcohol available to children in these communities.

A necessary part of legislation is enforcement, Mr. Speaker. Unfortunately, there always seems to be more ways around the law than to enforce the law. This applies to all legislation, including the Liquor Control Act. To enforce the Act the ALCB has 37 inspectors, and the proportion of them in the northern constituencies is not as great as in the bigger centres. Granted, there are not as many liquor outlets in the rural areas, but we also find people who are always willing to sell liquor to anybody who comes by. That does not mean that violations are less likely to occur there. In fact, I do believe that sometimes there are more violations.

If ALCB inspectors are able to go through the process to charge a licensee for a violation of the Liquor Control Act, then the

penalty they receive should be serious enough to send a message to other vendors. Tougher penalties will send a message that the sale of liquor to our young people will not be tolerated. Most important of all, this motion sends the message on behalf of society that we have had enough of being fearful for the safety of our children, our grandchildren, and their siblings.

Mr. Speaker, under the current system a licensed liquor outlet may be charged with supplying minors four times before their licence may be revoked. Is this what we want? Should our society have to tolerate such an affront to our sensibilities and our children? I say they don't. This motion clearly indicates that Albertans feel that supplying alcohol to minors is unacceptable. The licensees who sell liquor to minors are not just making another \$16 for a case of beer; they are often contributing to the social problems that a community faces. Although a can of beer may not seem like a lot of alcohol to some adults, to a 13 year old it's quite a bit.

Many people fail to realize that in some northern communities underage drinking does not just affect a few individuals but the well-being and the future of the community as a whole. I say it's time to stop this cycle. It's time to use the legislative tools to help today's youth, regardless of where they live, to reclaim their future. My constituents may have not wanted the drinking age to be raised when that question came up earlier this session, but they have clearly expressed that they want bootlegging to minors stopped. They have told me that this is not good for the community, and it's not good for the young people.

What is most striking about this input from the constituents of Lesser Slave Lake, Mr. Speaker, is that it is not the teachers or the police or the people at Family and Social Services that have been talking to me about this. It has been the kids themselves who are telling me about this story. They know that underage drinking is a problem. They have seen the damage it does to individuals, families, and communities. Alcohol-related tragedies are not uncommon to some of these young people, and they want something done before another friend's life is ruined by alcohol. They are wise enough to know that stronger penalties and increased enforcement are required, and I think we all can benefit from their insight. They are trying to look after their own futures, and I think this motion is a step towards helping them control the direction their futures will take them.

[The Deputy Speaker in the Chair]

Drinking can devastate a northern community just as easily as having an industry or a big business move out of town. Keeping people in a town is just as important as the economy they work for. It is time to consider the future of these northern towns and the future that the children who live in them will have. In taking the steps towards eliminating the sources of alcohol to minors, this Bill will help to maintain the quality Alberta way of life that is worth inheriting by our young people. That is why I urge other members of this Assembly to join us in supporting this motion.

Thank you, Mr. Speaker.

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

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I'd like to speak to the amendment by the Member for St. Albert and at the same time to the motion. I must say that the amendment goes some way to address some of my misgivings about the motion.

There's another one that I have here that refers to the word "knowingly," where one can only be punished if one "knowingly" serves a minor. I think the point has been made before, but I'd like to reiterate that it is obviously in their interest to claim that one does not know if one gets caught serving a minor. It doesn't seem to make sense. The onus is on the server to make sure that he or she knows, it seems to me. So perhaps the Member for Calgary-Fish Creek can consider amending her own motion. I haven't got an amendment ready. Anyway, I want to commend the Member for Calgary-Fish Creek for authoring this motion, which attempts to deal with the problem of liquor consumption by minors.

Mr. Speaker, as an aside, I really like the fact that I can hear the member speak constructively, favourably on behalf of her own motion. All we get to hear from her generally is the raucous sound: "Question. Question." I discovered that she has in fact a very mellifluous voice, and I'm pleased to hear that.

4:20

Now, Mr. Speaker, the motion itself attempts to deal with the problem, and it is a very serious problem. I think we all agree with that. But I find it somewhat simplistic, if I can call it that. There's no disrespect intended whatsoever. I find it somewhat simplistic because it again deals with the symptoms rather than with the cause of this particular problem. I'm reminded of the Bill that was sponsored by the Member for Little Bow, when I said more or less the same thing. Again, I'm not saying that we ought not to come up with a motion like this, but I would have liked to have seen a reference perhaps again to the need for education, to the need amongst all of us adults, not just in the schools but at home as well, to set a much better example in terms of if one must consume, to do it at least in moderation. I think as a society we've for years and years been setting an example of pseudomachoism, which indicates that if you can drink lots, you're a big guy. That has to be changed somehow.

So on that particular note, Mr. Speaker, I would like to say to the Member for Calgary-Fish Creek that I'm leaning towards accepting her motion, but I just would like to hear a bit more perhaps. It certainly is at least a step, but as I say, it does not deal with the underlying causes.

Thank you very much.

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

MRS. SOETAERT: Thank you, Mr. Speaker. Just a few short comments on the motion as amended. I'm in support of this motion and of the amendment. I have to express some concerns. The one part is the word "knowingly" selling to minors. Now, can anybody just say then, "Well, I didn't know they were a minor," and get away with it? So how do you pinpoint that one? I mean it's a good motion, and if the idea is to prevent minors from purchasing liquor, well of course we're in support of that, but it's hard to really corner someone and them admit, "Yes, I knowingly sold liquor to that person." So I support the motion, but I stress that I am concerned over the word "knowingly."

The other thing that I'd like to point out – and I know that people who knowingly sell are in the wrong and should not be doing that, but let's not forget that there is a responsibility on our young people about their role in purchasing and consuming alcohol. Let's not take away that responsibility and the onus on our young people that they have to be responsible for their actions. If you're going to buy alcohol and consume alcohol

when you're under age, then you are at fault as well as the person who sold it to you.

I think we should encourage motions that also include educating our young people, encouraging them with programs in school, where they are organized against, for example, impaired drivers. Certainly at this time of year, when our young people are graduating across the province and half of those graduates are still 17 years old, this is a time when they should be extremely responsible and aware of what they're doing and when they're consuming. I must say that for the most part our young people are quite aware of consumption of alcohol and what it would mean at graduation time. I've seen very responsible young people having designated drivers and people picking them up at parties and being responsible for their actions when it comes to alcohol.

So by supporting this amendment – and I am in support of it. As legislators we have to do what we can to prevent. But I don't want to belittle the role of our young people and how we have to encourage them to be responsible about their purchasing and consumption of alcohol. Let's not avoid the issue. It's broader than just punishing those who serve and sell. It's an issue of educating our young people and supporting them in making wise choices.

So I will support the amendment on the motion, but I don't want us to believe that the problems are over with that. I don't want us to just pass this motion and think: there; we've handled our problem of young people drinking. I know that people who serve and sell alcohol have to be responsible. They have to check those IDs. Face it: lots of them are fake IDs, and the young people who use those should be responsible for that action as well.

As much as I am in support of the motion, I am also concerned that we don't close our eyes, that it is not enough. We have to continue educating our young people and do what we can to encourage them to be responsible for their actions. Thank you.

THE DEPUTY SPEAKER: Okay. The hon. Member for Calgary-Cross.

MRS. FRITZ: Thank you, Mr. Speaker. I'd like to speak to the motion that is on the floor and also make a further amendment which deletes the word "knowingly" from the motion. I'm hoping that the Member for Calgary-Fish Creek will be in agreement with that amendment. I think the debate has well stated that the word "knowingly" should not be part of the motion.

As was said here earlier today, we know that alcohol is the number one drug problem in the province of Alberta, and further, Mr. Speaker, I believe that up to 80 percent of the young people who are in drinking establishments – I know in the city of Calgary, where we have Electric Avenue – are people who are under the age of 18. Many of the store owners or people who are selling the alcohol to the young people will say that they have looked at that person's ID, that they've checked the ID, and then they're all smiles because they think they're off the hook. They looked at the ID, and this young person has produced the ID which has very clearly said that they are of age and that they can be drinking. With their inexperience and at their tender age, as we've said earlier in the Legislature here, many of them then go out and they drive vehicles.

Speaker's Ruling Admissibility of Subamendment

THE DEPUTY SPEAKER: Order. I'm sorry to interrupt the hon. Member for Calgary-Cross. I was listening to your amend-

ment. I heard the hon. Member for Spruce Grove-Sturgeon-St. Albert refer to an amendment. I looked around, and I do not have any copy of an amendment. Now the Table officers have provided me with a copy. So we really can't have an amendment from Calgary-Cross, because we already one on the floor. We would have to dispose of it, whether it be passed or defeated, before we would have your amendment unless you're proposing a subamendment to this amendment.

MRS. FRITZ: Thank you, Mr. Speaker, for that clarification. I am making a subamendment to the amendment on the floor, and that is a deletion of the word "knowingly" in this motion.

THE DEPUTY SPEAKER: Okay. Do you have Parliamentary Counsel approval for this?

MRS. FRITZ: Yes, we do, Mr. Speaker.

SOME HON. MEMBERS: No, you don't.

MRS. FRITZ: Yes.

THE DEPUTY SPEAKER: Okay. Well, hon. members, to save time for all concerned since this matter can come up again next Tuesday, because we only have one minute left, I don't think there's much advantage to the "Yes, you have; no, you haven't" type of thing. If you wish to speak to the amendment, the one that is before us, that would be fine. On Tuesday next if you wish to propose a subamendment that is approved, then do so.

MRS. FRITZ: Mr. Speaker, with the clarification that you've made, we have one amendment on the floor in relation to this motion. Correct?

THE DEPUTY SPEAKER: Yes.

Debate Continued

MRS. FRITZ: Thank you, Mr. Speaker. Well, given that the hour is close to 4:30, I will adjourn debate on Motion 511.

THE DEPUTY SPEAKER: Okay. The hon. Member for Calgary-Cross has moved that we now adjourn debate on Motion 511. All those in favour, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no. Carried.

head: Government Bills and Orders

head: Second Reading

4:30

Bill 27

**Livestock and Livestock Products
Amendment Act, 1995**

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

MR. PASZKOWSKI: Thank you, Mr. Speaker. I move second reading of the Livestock and Livestock Products Amendment Act, 1995.

The purpose of Bill 27 is to ensure that livestock producers are protected between the time they deliver livestock to a licensed

livestock dealer and the time when they are paid in full for the animals. The livestock industry identified the need for amending the Livestock and Livestock Products Act to protect sellers in the event of a dealer's assets being seized through default by its lender.

The majority of cattle producers dispose of their animals through auction marts in Alberta. In 1994, 2.25 million cattle were sold through auction marts. From the time the owner delivers the animals to the licensed livestock dealer until the owner is paid in full for his livestock, it is often not clear as to who owns those animals. Many livestock dealers obtain substantial credit and secure their borrowings with cattle which are not yet paid for. This puts vendors at substantial risk. The period of risk includes the time that the livestock are at the auction mart and possibly even when the cattle are in the hands of the purchaser and continues until a dealer actually pays the seller. Most often this time period is short, but it can be longer than a few days.

Under section 427 of the Bank Act if a bank is a creditor of a livestock dealer who becomes insolvent, the bank may seize the livestock dealer's assets. The bank would then own whatever livestock are on the premises, and the cattle seller would not be reimbursed. The proposed Livestock and Livestock Products Amendment Act would provide security protection to cattle producers by preventing ownership transfer from taking place until the proceeds from the buyer are in the hands of the seller.

The government has consulted the livestock industry on this amendment, and we have letters of support which have been received from the Western Stock Growers, the Alberta Cattle Feeders Association, the Alberta Cattle Commission, Feeders Associations of Alberta Ltd., and the Alberta Auction Mart Association.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I'd like to rise as well to speak to Bill 27, the Livestock and Livestock Products Amendment Act. We've heard the minister speak about the need for this kind of protection for sellers of livestock products, and I think this is the kind of approach that has to be taken as we deal with protecting sellers when they're in a vulnerable position. A lot of them, as the minister has said already, are still carrying loans to cover the initial purchase price of the animals that they're now selling, and they stand at a very high risk as they wait for their payment.

The minister and I have had a chance to speak about this Bill, and I raised a couple of issues which, when you talk to the people in the agricultural industry, they recognize as being valid, but they don't perceive them as being a real problem. I don't see how this Bill really moves very far towards solving the problem. What it does is transfer the risk. What we see essentially is that we've got a Bill now that is effectively maintaining title of an animal sold in the hands of the seller until that seller receives payment. There's no problem with that kind of concept because this is one way we have of guaranteeing that the individual gets paid and that if something happens in the intervening time period, the individual will have some recourse to their asset.

The minister described the situation of a seizure of assets by a bank or other financing institution that funds the agent who is handling the animals. We then end up in a situation where who knows what happens? Well, if the title stays with the seller, this in a way does eliminate that issue. Now, let's take this one step

further. Okay. You've sold your animal through an agent. That agent then takes it away. It now is in the hands of another individual, who assumes they own this animal they just bought. They pay for it. The money then goes into the dealer's hands. That money is still in jeopardy as well from seizure before it gets paid out to the person who originally sold the animal.

What we end up now with is a situation where the risk has been transferred from the seller to the buyer, because if those dollars are seized as they move back from the buyer to the seller, if they're seized at the dealer's level, the title of that animal that was sold is still the seller's. So what we've got now is a feedlot with a feeder calf in it that they don't have title to and yet they've paid for. We have a slaughter facility that has a carcass hanging on the rail that all of a sudden, because of something that happened in terms of a seizure at a dealership, they don't own anymore; it still belongs to the seller. In essence we end up, then, through this process having transferred all of the risk from the sellers over to the buyers. We end up with a situation where recovery costs have to be incurred. How does the original seller get their animal back if it's now a carcass on a slaughterhouse floor? How do they get their animal if it's now in a feedlot halfway across the country?

So the intent of this Bill is very good. In essence it provides for a mechanism to prevent the loss of financial payment for someone selling their livestock, but at the other end it creates a lot of risk to the people who are buying.

Now, there are mechanisms in place already for some protection for the buyers in the sense that there are systems where the buyers have pooled risk accounts that they can rely on. Still, these don't cover a hundred percent of the cost. They also don't cover the impact of any recovery costs that are involved.

Mr. Speaker, I would suggest that it would have been much easier in terms of protecting these sellers of these livestock products to have amended the Bank Act, as one instance, and said that animals in trust to a dealer cannot be seized, accounts in trust to a dealer can't be seized: all of these kinds of things that normally would seem to be reasonable in the context of financial transactions and that would in essence maintain the integrity of what we now have as a marketing system. We should be dealing with it that way.

Another approach that could have been used was to deal with bonding for agents and require a higher level of bonding than is currently required, to the point that they would have to have a bond that was high enough to cover their entire transactions over a period of payment. What we would see then is that bonding agencies that would be underwriting these risks for the dealers, the stockyards, whatever, would in essence adjust their rates so that as a livestock dealer or a stockyard became more of a risk, the bonding costs would go up. They would send a signal that, hey, this is not a very trustworthy or very honest type of dealer to be dealing with. In essence, the bonding cost that's associated with a dealer would kind of indicate to the seller or the buyer the type of risk they're facing by putting their animal through that kind of sales situation. So I think what we want to do is look at some other alternatives that would possibly deal with satisfying these instead of just transferring the risk from one group of producers to another.

When we go back and look at the comments the minister made as he introduced and moved second reading on the Bill, he indicated that basically all of the involved groups in the livestock industry support this kind of idea. Mr. Speaker, even though I have a lot of concerns about it and a lot of concerns about the way the process was handled, given that the agents in the livestock

sector agree that this is what they want – in other words, the cattle feeders, the Alberta cattle producers all have indicated in writing that they support this Bill – I'd recommend that all members of the Legislature vote in favour of it, and we can get it through for them.

Thank you.

[Motion carried; Bill 27 read a second time]

4:40

Bill 38

Alberta Corporate Tax Amendment Act, 1995

[Adjourned debate May 8: Mr. Woloshyn]

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

MR. WOLOSHYN: Thank you, Mr. Speaker. When I adjourned debate on Bill 38 yesterday evening, I think we were sort of wandering a little bit off topic. I think it's important to note that all this legislation does is mirror federal legislation that is required in order for the process for us to jointly, if you will, or through the federal government collect taxes rightly due to the province of Alberta. On that note, I'd say that unless there are clauses within the Bill that could be rightly amended in committee, of which I'm not sure, I think we should all support Bill 38 and move on to the next item of business.

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

DR. PERCY: Thank you, Mr. Speaker. I rise to speak to the principles of Bill 38, the Alberta Corporate Tax Amendment Act. There are a number of issues I'd like to discuss with regards to this Bill. My colleagues from Redwater and Fort McMurray have spoken to one issue, one principle, which is: it would be best if in fact we did not have to deal with this Bill and some arrangement had been made to harmonize and allow the federal government to collect these corporate taxes. There are costs associated with the tax collection, and it is a pity that the negotiations were not successful in allowing the federal government to collect these taxes and allow the province of Alberta to save \$7 million and be out of this business. So this Bill arises, then, from the failure of the provincial government and federal government to agree upon a reasonable set of rules that would both minimize costs from the perspective of the federal government and also protect some of the unique features of the Alberta corporate tax system.

Now, the Member for Stony Plain rightly pointed out that in essence part of this Bill, a significant portion of this Bill, is aimed at harmonizing. It's a second-best Bill. First best would have been the elimination of the tax collection by Alberta. Since that is not feasible, we're in a second-best world, where we're looking at how to streamline the process and how to minimize the costs both to firms within Alberta and to the provincial government in the collection of the revenues and the filing of the revenues that are due the provincial government.

Now, in looking at what one wants from a tax system, you certainly want tax harmony to the extent possible. In a world where markets are highly integrated and financial flows are very, very responsive to both issues of red tape and to differences in tax rates, harmonization is important if any jurisdiction is to achieve as much investment as its underlying economic structure could sustain. So in assessing this Bill, in looking at the principle, does it lead to further harmonization? I think the answer is that to the

extent that's possible when you have a duplication of effort by the federal and provincial governments, it does lead to harmonization.

I would point out, though, that although this legislation attempts to mirror what the federal government has done, it also neglects the I think very valuable findings of the Alberta Tax Reform Commission. Those recommendations are still sitting on the table top, and we're going to reach them at some point, we're told, once the budget is balanced but certainly down the road. Yet while we're leaving by and large those recommendations dealing with taxation, especially corporate taxation, from the reform commission on the shelf, on other areas where the Tax Reform Commission did make recommendations, such as the M and E, we are proceeding apace. So I regret somewhat that we're going about this issue of harmonization between the provincial government and the federal government piecemeal when there are obviously going to be other significant changes to the tax structure in this province if any of the recommendations of the Tax Reform Commission are considered and acted upon. So that's one issue: we're going to be revisiting this within two years; maybe sooner.

The second issue is that what you want as well from a tax system is some degree of flexibility. Now you want harmonization, so in part you have to accept the rules of the game that are set by the larger national/international economy, but you also want a tax system that is responsive and flexible. What this Act does is in a sense harmonize what we do in this province with what the federal government does. It's not necessarily clear that it does so in a way that is absolutely consistent with the unique features of the Alberta economy, particularly the significant economic volatility, the significant potential for failure, and the risks associated with an economy characterized by such high volatility. If a firm succeeds here, it may well be profitable, but the degree to which the economic climate here shifts in an unanticipated fashion is far greater than in other areas. There are no amendments, nothing in this corporate tax Act that addresses some of these issues that are specific to Alberta. It's basically a Bill that's in a large part driven by what the federal government does. So that, I think, is a lost opportunity.

Simplicity and transparency are another desirable feature of any tax system. Here, I think, the Bill goes a long way to reducing the paperwork costs to Alberta firms of dealing with the federal tax system. It allows, then, for a variety of exemptions based upon filing records, capital base of the firm, and whether or not they've turned profits. I think, again, having gone through it, I certainly fully support what the Bill does in those regards.

Now, there are some issues that I do have concerns about in the principle. I would just ask hon. members to turn to section 99.1, on page 24 of the Bill. This concerns the appeal committee. What is set up in the legislation is an appeal mechanism. If the Provincial Treasurer finds there is evidence of tax avoidance and some . . . It's 72.5, page 21. My apologies, hon. members.

This appeal mechanism, then, is set up to allow the Provincial Treasurer – first if he finds some evidence, the grounds on which he must notify the firms and the grounds on which he may in fact notify the firms of a change in their filing status is set out, and then an appeal committee is set out. The rules of that appeal committee are set out in 72.4(1), and I'm here talking of the principle of the Bill. I would ask hon. members to listen to this. I would draw your attention to paragraph (3):

The Appeal Committee is not bound by the rules of evidence or any other law applicable to judicial proceedings and has power to determine the admissibility, relevance and weight of any evidence.

Also in paragraph (4): "The Appeal Committee may determine the manner in which evidence is to be given to it."

Those are very, very open-ended rules that we're assigning to an appeals committee. We do have a judicial system in place. We do have mechanisms out there where the rules of the game are set out very clearly. This paragraph really tends to set out – it's draconian, I think, in that the appeal committee makes up the rules. Your number comes up, you determine to appeal, and then the appeal committee can determine what evidence they're going to accept and how they're going to accept the evidence, and there you are. You know the manner in which the evidence must be given and the rules of the game: "the admissibility, relevance and weight of any evidence."

This is a substitute, then, for going through the judicial system and fighting your way through the court system. On one hand there's administrative convenience here. Firms may like the fact that they can get quick turnaround in going to such an appeal committee, but the issue that I would raise: if you go to the appeal committee, do you waive your right to appeal to the judicial system? I don't know. Why would you set up this type of committee with such powers when in fact you have other mechanisms and firms have other mechanisms at their disposal to deal with disputes? This is why we have a system of laws and rules where the rules of the game are set out very clearly. So it's clear that the Treasurer may view this, then, as fast tracking and streamlining, but fast tracking and streamlining and certainty are important. Here we do not know what the rules of the game are.

4:50

It's also worthy of note that the appeal committee may make an order and dismiss the appeal,

limiting the transactions in respect of which the determination, assessment, reassessment or additional assessment referred to in the notice under section 72.2 may be made.

They can allow the appeal. They can

in its discretion award costs in respect of the appeal and the applicant and the Provincial Treasurer shall pay costs in accordance with the award.

These are all relatively powerful and unfettered rules and regulations in this Act. There are issues here, then, of transparency in the process, some certainty and consistency. In tax law and in terms of setting out the rules of the game, consistency is of fundamental importance to firms. They know the economic environment. And tax avoidance is in the eye of the beholder. Many firms in fact think they're undertaking what they think are legitimate efforts to minimize their tax base, and I doubt that there is a single member in this House who overtly goes out of his or her way to pay more. You look at: what am I legally required to pay?

Again, this appeals mechanism – I mean, ex post firms may end up then appealing to this and may find themselves subject to significant liabilities for one particular set of decisions. Is that a precedent that's set in common law that will bind subsequent appeal committees in their determination? Well, you can't tell from reading this legislation, and firms have to know if they're pushing the envelope. That's what tax avoidance is. It's really pushing the envelope. There has to be some consistency so that firms can knowingly avoid being held that they're engaged in overt tax avoidance of the sort that would lead them to receive a directive from the Provincial Treasurer. Again, the principle here I find is of concern because I don't see any mechanism by which the rules of the game are clearly set up and that firms know what constitutes tax avoidance on a permanent basis given the existing corporate tax legislation. So that is of real concern, and I think if hon. members look at that particular section, it is pretty

powerful in its application. And I think we ought to be concerned with consistency, because consistency is important.

So with those comments, Mr. Speaker, again, I will support this Bill. I would support with even greater vigour the elimination of the tax collection by the province of Alberta and having the federal government do it to save \$7 million, and that allows for explicit harmonization in a world where that's not possible for whatever set of reasons. I suspect the problems lie both with the federal government and the provincial government. In a second-best case, I will support this Bill because it does reduce the costs to Alberta firms: small business, medium business, and larger business. That is a virtue in this environment. So with those comments I will conclude.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. While the proposed amendments in Bill 38 are designed to streamline filing and compliance and assessment requirements and update the Act to reflect the changes resulting from federal income tax amendments, I find it extremely frustrating; it creates a lot of nonproductive time here that we're required to deal with this issue at all. The Provincial Treasurer had an opportunity to deal with the federal government on this issue and was unable to reach an agreement relative to co-operative tax collection, which could have started on January 1, 1995. Definitely this would have eliminated a significant amount of overlap and duplication in the administration of corporate tax collection and save, as my colleague said, more than \$7 million in the first operating year.

I remember back when I first started work in this field. That would be the late '70s and early '80s, when in fact the money was collected by the federal government. It was a very streamlined process. It wasn't complicated. There weren't a lot of forms to fill out, particularly for those businesses who weren't in a tax payable situation, and it made the filing of the corporate tax return for a small business very easy and a painless procedure. Then somewhere in the mid-80s the government of the day, which was the same government and many of these same cabinet ministers sitting here in this front row, decided that it would be somehow an advantage to the businesspeople in this province to create this monster which would now collect their own provincial taxes and administer an enormous system that has been from day one chaotic and has created innumerable problems for small businesses not only from the point of increasing regulations and paperwork for the businesses but also from the point of view of creating mindless boondoggles for small businesses to fall into within the system.

It used to be that a small business that didn't owe any corporate tax would have to fill out the front and back page of a federal tax return and send that in to the federal government, and that was the end of the story. With the advent of the Alberta corporate tax administration system, which was certainly not an Alberta advantage for any of these small businesses, they had to fill out duplicates of all the paperwork they sent to the feds, which had to get sent to the Alberta corporate tax structure, and an additional . . .

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Hon. members in the back row, rather than try and engage in long-distance conversation which

requires you then to speak ever louder, I wonder if you would simply go to the lounge and engage in such conversation as you wish.

AN HON. MEMBER: The Whip won't let us.

THE DEPUTY SPEAKER: I'm sure the Whip will permit you to leave. The other alternative is if you're going to remain, please be quiet.

Debate Continued

MS CARLSON: Thank you, Mr. Speaker. While the members on that side of the floor may not think that this is important, I assure you that there are any number of small businesses and chambers of commerce throughout this province who think this is very important and particularly of interest to them in the interest of saving paperwork and duplication and wasted time throughout this province on a yearly basis.

As I was saying, with the advent of the Alberta corporate tax structure now collecting their own tax, there were five or six additional forms for non tax paying corporations to fill out every year, and they had to send a duplicate copy of that to the feds and a duplicate of their federal returns to the provincial tax centre. Invariably the provincial side would lose the papers or some portion of the papers, which happens to this day. In fact, I just finished concluding a matter with the Alberta provincial tax administration last week on another set of papers that had once again been lost. As most accountants do, these papers are sent at the same time to the federal government and to the provincial government. Somehow the provincial government has a real problem in keeping their hands on these papers and filing them in an orderly manner so that they can get to them when they need to. So the additional hassle of getting notices from the tax department that you haven't filed your returns and having to call those back and having to send the additional paperwork in duplicate again and the resulting calls to the accountants, all of this for a company which owes no tax anyway, seems to be irresponsible and very costly and very frustrating. All of us who have talked to businesses over the past few years know that the number one complaint of businesses in this province is the rules and regulations and forms that they have to fill out to meet the provincial tax requirements and other legislative requirements.

So I say once again that with that in mind, it's a real shame that the Provincial Treasurer could not come to terms with the federal government in being able to go back to the old system, which worked very smoothly, very easily. We got our money on time, and there just simply weren't any problems. It was one of those boondoggles that the Conservative government of the '80s felt that they needed to pursue.

5:00

Having said that, a provincial corporate tax regime which simplifies to some extent the process that we have now is definitely in order. While it's not nearly what it should be, anything that will reduce the massive paperwork that small businesses have to incur and which will reduce the cost of compliance for these businesses has got to be a step forward, even though it's really a baby step. It's certainly a far cry from the fast-tracking and streamlining that the Provincial Treasurer says it is, a far, far cry from that. It's only going to be mildly applauded by the business community, not embraced in an overwhelming manner, which it would have been had they actually gone back to the original tax collection process. So those are some of my major concerns there.

Also, I'm concerned, as changes occur in the future and we see a move towards other systems, that the department make sure that they consult with stakeholders in this area, both industry and professional groups, to identify other areas where procedures of revenue collection can be streamlined, including the use of electronic filing. It seems to me that we're far behind where we should be when personal tax returns can be E-mailed or electronically filed and we don't have the same kinds of provisions for taxpayers who are small businesses. This is in part because the filing process for small businesses is enormously cumbersome, and there are pages and pages of documents which have to be filed. Surely this is something that the Provincial Treasurer should undertake to look at in a very timely fashion and definitely review and move towards streamlining this to a greater extent. I would hope that as soon as this fall we can see some of that happen.

A lot of the changes I agree with. Exempting corporations from paying monthly tax installments if they owe less than \$2,000 a year is definitely a saving in terms of paperwork and should be done. Streamlining provisions with respect to assessing tax returns again is a good move, particularly when we're talking about amounts that are refundable. Requiring the Provincial Treasurer to make a determination "of a corporation's non-capital loss, net capital loss, restricted farm loss, farm loss or limited partnership loss" only at the request of the corporation – you see what I'm getting at here in terms of all the reams of paperwork. Not only does the taxpayer have to fill out every one of these silly forms, whether they apply to their business or not, but then the Provincial Treasurer replies in part to what the status of the business is, regardless of whether it's applicable to their business or not. So it's an enormous amount of useless paperwork, which I'm happy that particular section will be addressing.

My colleague from Edmonton-Whitemud I believe adequately addressed my concerns about the appeal process that's laid out in section 99.1, so I won't review those.

The last thing that I really feel is important and needs to be addressed is that the Treasurer extend the time for serving notice of objection or making a request where no notice of objection to an assessment has been served. If the taxpayer believes that they've been wrongly assessed, often by the time they get their paperwork in to the Treasurer, by the time the reply comes back and with the ongoing nature of the business, there simply isn't enough notice to adequately address the taxpayer's concerns. So to have that in there, which would extend the time, is certainly beneficial to the taxpayer and relieves some of the stress around objections, which is considerable for all business owners. No one wants a reassessment, and no one wants to have to defend the nature of how they filled out their forms. This will help them access adequate consultation from professionals with regard to whatever changes they need to make.

In terms of the principles of this Bill these are all the comments I have. Certainly when it gets into committee, I'll be using up all of the time allotted to me.

Thank you.

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

MR. WICKMAN: Thank you, Mr. Speaker. I'm going to speak just for a few minutes on Bill 38, second reading, and then call the question on second reading of Bill 38.

Talking with persons that operate small businesses, when one asks them what the thing is they find most frustrating, it's the

whole system of taxation. The application or implementation of taxation, whether it be at the municipal level, the provincial level, or the federal level, is one thing, but the administration of it is what becomes so frustrating.

I guess what clearly indicated it so forcefully and sent that message across the province and across Canada was the implementation of the GST, when small businesses in particular found out just how cumbersome the collection, the payment of a form of taxation can be. I think that was the classic example that sent an illustration. A lot of people started to rebel and started to say that it is totally unacceptable for government to impose such a system of collection of taxes that add to the paperwork, that add to the bureaucracy of an operation, that add extra costs, that support a principle where 40 percent of the revenue being raised goes to the administration of that particular tax or collecting that tax. Mr. Speaker, that defeats the purpose of net taxation; in other words, trying to achieve net revenue to a level of government at the least expense possible and the greatest reward. The greatest reward, of course, is the actual percentage of net dollars that is realized.

Mr. Speaker, we see in here some changes that will be implemented to comply with federal changes, the streamlining. From the point of view of principle, how can one deny that advances made in terms of streamlining the administration of a tax will be anything but a benefit to small businesses? Small businesses will support any measures, but the stronger the measures are, the greater of course they're going to support it. When we talk in terms of a piece of legislation that eliminates a burden to 50,000 small businesses that will no longer be required to do that paperwork and support the cost of that paperwork and the other factors involved, yes, they're going to jump up and down and say that this is great. A concept that sees the elimination of monthly payments of corporate taxation where the tax bill is \$2,000 or less a year – again, small businesses or persons that operate small businesses are going to say that it's a step in the right direction.

Mr. Speaker, any attempt to reduce the paperwork, to reduce the administration, to reduce the complexity of a tax is going to be welcomed. I guess if we could go one step further and say that we're going to combine the collection of the corporate tax by both levels of government, by the one level of government on behalf of the other, and eliminate that bureaucracy that occurs and pass those savings on in the form of tax reductions, again that would be welcomed. I think that's something that this government has to achieve, has to strive for. Any elimination of red tape and bureaucracy faced by small business will be welcomed.

On that note I'm going to conclude on second reading of Bill 38 and call the question.

[Motion carried; Bill 38 read a second time]

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

head: Government Bills and Orders
head: Committee of the Whole
5:10

[Mr. Tannas in the Chair]

THE CHAIRMAN: I'll call the Committee of the Whole to order.

The hon. Government House Leader.

MR. DAY: Mr. Chairman, I would seek unanimous consent of the whole House to waive Standing Order 8(2) so that in Committee of the Whole we may move to consideration of Bill Pr. 10.

THE CHAIRMAN: Hon. members, there is a problem, and that is that the committee cannot waive Standing Orders; it has to be the Assembly. So would you move that the committee do now rise. [interjection]

The hon. Government House Leader has moved that the committee rise.

[Motion carried]

[The Deputy Speaker in the Chair]

MR. DAY: Good to see you rise again, Mr. Speaker. I would seek unanimous consent of the House to waive Standing Order 8(2) so that we may move to consideration of Bill Pr. 10, and that would be done in committee.

THE DEPUTY SPEAKER: All right. The hon. Government House Leader has moved that the Assembly give relief from 8(2) for the purposes of the Committee of the Whole. All those in favour of that motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no. Carried.

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

head:

Private Bills

head:

Committee of the Whole

Bill Pr. 10

**Calgary Regional Health Authority
Charitable Annuity Act**

[Mr. Tannas in the Chair]

THE CHAIRMAN: We're just waiting for the pages to pass around the amendments that'll soon be moved by the hon. Member for Calgary-Bow. Most have now received them; have they?

The hon. Member for Calgary-Bow.

MRS. LAING: Thank you, Mr. Chairman. I'd like to move that Bill Pr. 10 be amended as follows. I believe it's being circulated. The following is added in section 1 before "the payment and annuity shall":

and the cumulative payments to the donor do not exceed the principal donation and accumulated interest earned with respect to the principal.

The following is added after section 1:

2. The authority granted to the Calgary Regional Health Authority under this Act is subject to any regulations that may be passed by the Lieutenant Governor in Council under the Regional Health Authorities Act respecting the borrowing and investment powers of regional health authorities.

Mr. Chairman, the purpose of this Bill is to allow the Calgary regional health authority to offer annuities to interested persons. The reason that the private Bill is required is because the terminology in the Insurance Act restricts the issuance of annuities to life insurers. This Bill makes it clear that annuities are not life insurance. For greater certainty the superintendent of insurance suggested an amendment to the Bill, which was agreed to by the petitioner and recommended by the Private Bills Committee,

which makes it clear that payments to the donor will not exceed the principal and accumulated interest. This is the first amendment I'm proposing.

The second amendment that was adopted by the committee and agreed to by the petitioner is to make an express reference to the fact that the Act will be subject to any regulations passed under the Regional Health Authorities Act respecting the borrowing and investment powers of regional health authorities, and I'm also moving that amendment.

Mr. Chairman, I would ask that the two amendments be considered together and move that they be accepted by the Committee of the Whole.

Thank you.

THE CHAIRMAN: Thank you. The Chair would also observe that we have the necessary signatures.

The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Chairman. I want to take the opportunity to speak to the amendments as they pertain to Bill Pr. 10. Those Members of the Legislative Assembly that are part of the Private Bills Committee will have a better understanding, I guess, of the comments I'm going to make. Now, when I make these comments, I don't make them on behalf of all members from our caucus that sit on the Private Bills Committee, because there wasn't total agreement when it came to voting on Pr. 10. This concern has been expressed by a number of committee members and in addition by a number of members that aren't part of the Private Bills Committee but still share the same concern.

Mr. Chairman, specifically the Member for Edmonton-Meadowlark has made a point of addressing this matter at the committee level, and I believe it was yesterday in this Assembly when the Member for Clover Bar-Fort Saskatchewan made a point of addressing this same concern. That concern is the possibility of the Private Bills Committee changing government policy through private Bills where it would be more appropriate for some Bills to come to the full Assembly in terms of a government Bill, being debated like any other government Bill or private member's Bill, through the legislative process rather than the private Bills process.

The most classic example, Mr. Chairman, was in the last session, the so-called Gimbel Bill, which would have made a substantial change in government policies that pertain to health care. It was only after about 37 verbal presentations and about 120 written presentations and a lot of argument by the Department of Health, by other departments, that finally government members recognized that there were problems and that the Bill in fact went too far and that the Bill was going to change government policy. Now, the same concern has been expressed to a more limited degree with Bill Pr. 10, that the change as a result of Bill Pr. 10 should not be done in the form of a private Bill but rather should have come forward as a government Bill and been supported in a different fashion.

I make it very clear, Mr. Chairman, that in addition to myself expressing that concern and having voted no to Bill Pr. 10 during the Private Bills Committee, I also voice those same concerns on behalf of other members from our caucus such as the Member for Edmonton-Meadowlark, who would have made those comments had she had the opportunity to make those comments, or the Member for Clover Bar-Fort Saskatchewan, who did make similar comments when that member had the opportunity to speak on Bill Pr. 10.

So on that note I'm going to conclude my remarks on Bill Pr. 10, but I want to make it very clear, Mr. Chairman, that I will not support the Bill for the reasons that I've stated.

5:20

[Motion on amendment carried]

[The clauses of Bill Pr. 10 as amended agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

[The committee adjourned at 5:23 p.m.]

