

## Legislative Assembly of Alberta

Title: **Thursday, October 26, 1995**

1:30 p.m.

Date: 95/10/26

[The Speaker in the Chair]

### head: Prayers

THE SPEAKER: Let us pray.

Our divine Father, as we conclude for this week our work in this Assembly, we renew our thanks and ask that we may continue our work under Your guidance.

Amen.

### head: Introduction of Visitors

MR. ROSTAD: Mr. Speaker, it's my pleasure to introduce to you and through you to the Assembly a number of important representatives of foreign governments, including many of our key trading partners. All of them are in Edmonton to attend a two-day program of meetings and briefing sessions, including the annual government of Alberta briefing to the consular corps, which will be held at Government House tomorrow morning. Many will also be attending the Edmonton Consular Ball on Saturday night, the proceeds of which support a scholarship fund for University of Alberta students.

Mr. Speaker, in your gallery are His Excellency Alexander M. Belonogov, ambassador of the Russian federation; His Excellency Pacifico A. Castro, ambassador of the Republic of the Philippines; His Excellency Benjamin Parwoto, ambassador of the Republic of Indonesia; Her Excellency Veronique Ahoyo, ambassador of the Republic of Benin; Mr. Arend Huitzing, counsellor and deputy head of mission, embassy of the Kingdom of the Netherlands; Mr. Wang Yong Qiu, deputy head of mission and political counsellor, embassy of the People's Republic of China, accompanied by Mr. Yao Yuguo, third secretary; Madame Biam Hodjo, chargé d'affaires, Republic of Togo, accompanied by Mr. Nyatefe Sokpor, first secretary, information and cultural affairs; and Mr. Stanislav Opiela, counsellor, embassy of the Slovak Republic.

Seated in the public gallery are representatives of both the career and honorary consular corps who have responsibility for Alberta. They've come from Toronto, Vancouver, Calgary, and Edmonton.

I would now ask that all our visitors rise and receive the very warm welcome of the Assembly.

### head: Presenting Petitions

THE SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. It is my pleasure and duty to present to you and to the Legislature on behalf of 85 signatories in the Legal-Morinville area a petition urging that the Legislative Assembly

stop collecting higher taxes under the guise of Alberta Health premiums. The regressive nature of such a tax is well documented in economic literature, and results in high marginal tax rates. Collection of revenue through the already established income tax system, as is done in most provinces, would avoid this problem.

### head: Reading and Receiving Petitions

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

MR. DICKSON: Thank you, Mr. Speaker. I'd request that the petition on seniors' programs that I'd introduced the other day be now read and received, please.

THE CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to alter funding arrangements for Alberta's Seniors Lodges and Seniors Subsidized Apartments until Seniors have been consulted and have agreed to any revisions to funding arrangements.

THE SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. I would ask that the petition I presented yesterday on the budget for health and stopping quality health care cuts now be read and received.

THE CLERK:

We the undersigned, petition the Legislative Assembly of Alberta to urge the government to place a moratorium on any further reductions to the budget for health, and to immediately commence a process to evaluate the quality and effectiveness of health care services currently available.

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

MR. HIERATH: Mr. Speaker, as chairman of the Select Standing Committee on Legislative Offices I would like to table the report of the Select Standing Committee on Legislative Offices recommending the appointment of the Ombudsman as screener under article 1713 in the agreement on internal trade.

### head: Notices of Motions

MR. DAY: Mr. Speaker, I give notice that I will be proposing the following motion.

That the Legislative Assembly concur in the report of the Select Standing Committee on Legislative Offices recommending the appointment of the Ombudsman as screener under article 1713 in the agreement on internal trade.

### head: Tabling Returns and Reports

THE SPEAKER: The hon. Minister of Energy.

MRS. BLACK: I am pleased today to table three reports. One is the Preliminary Review of the Impact of Reference Pricing for Royalty Crudes on Crown Revenue, prepared by Purvin & Gertz.

The second is a report on the organizational review of the Ministry of Energy, prepared by Coopers & Lybrand.

The third is Regulatory Review: A Report on the Stakeholders' Input to the Ministry of Energy's Action Plan, prepared by Intenco Energy Consultants Ltd.

MR. JONSON: Mr. Speaker, today it's my pleasure to table five copies of the June 1995 achievement test results. This is the report of the first testing period in which we expanded the achievement test to core courses, two at the grade 3 level and four at the grades 6 and 9 levels, to better assess the achievement of our students in core programs.

Thank you.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. In keeping with this government's openness and accountability and to demonstrate that the Auditor General did make an accurate observation when he reported to the Public Accounts that "Alberta continues to lead Canada in areas of financial reporting and disclosure and accountability," I am pleased to table with the Assembly six copies of answers to Written Question 185, Written Question 190, and Motion for a Return 196.

MR. DINNING: Mr. Speaker, in keeping with the Auditor General's comments at Public Accounts yesterday, where he said that "Alberta continues to lead Canada in areas of financial reporting and disclosure and accountability," I am filing with the Assembly today the first quarter investment report, for the quarter ending June 30, 1995, regarding the Alberta heritage savings trust fund.

THE SPEAKER: The hon. Minister of Economic Development and Tourism.

MR. SMITH: Thank you, Mr. Speaker. I wish to table two inexpensively prepared reports: one, 1994-95 annual report of the Alberta Opportunity Company and, secondly, the annual report of the Alberta Motion Picture Development Corporation.

**head: Introduction of Guests**

**1:40**

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

MRS. FORSYTH: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you a constituent of the Member for Calgary-Glenmore, my campaign manager and very best friend, Leslie Mrozek. I ask her to rise and receive the traditional warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Three Hills-Airdrie.

MS HALEY: Thank you, Mr. Speaker. It gives me great pleasure today to introduce to you and through you to the Assembly two very special groups of young people from my riding. It's a real honour for me to have them here. As they generally make me attend all of their functions in every gymnasium throughout Alberta, it's nice to have them in my arena. I am pleased to introduce to you the senior varsity boys' volleyball team from George McDougall high school, seated in the members' gallery, and the senior girls' varsity volleyball team from George McDougall high school, seated in the public gallery. I'd ask that they all rise and receive the warm welcome of the House.

MR. JONSON: Mr. Speaker, it's my pleasure this afternoon to introduce to you and through you to members of the Assembly 28 students from the Rimbey Christian school. They are accompanied by their teacher Caroline Perley and parents and helpers Mary Bajema, Cheryl Chalmers, and Sue Steeves. I would ask members of the Assembly to join in welcoming them here. Would they please stand to receive the traditional welcome.

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

MR. SEVERTSON: Thank you, Mr. Speaker. It's with great pleasure that I introduce to you and through you to the members of the Assembly 32 grade 6 students from the Poplar Ridge school

in the county of Red Deer. They are accompanied by their teachers Tracey Lynn and Dirk Budwill and by parents Mrs. Kuzina, Mrs. Grant, Mrs. Harrison, Mrs. Wyntjes, Mrs. Cody, Mrs. Fairbrother, Ms Edgar, Mrs. McPhedran, Mrs. Wood, Mrs. Mack, and Mrs. Morrison. They are in the members' gallery, and I'd ask them to rise to receive the warm welcome of the Assembly.

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

DR. NICOL: Thank you, Mr. Speaker. This afternoon it gives me great pleasure to introduce to you and to the members of the Legislature a group of rural Albertans who help to provide me with the input that's necessary to serve my function as the agriculture critic and to provide our caucus with a voice across rural Alberta. They include Bob Prestage from Camrose, who serves as the chairman of the group, Donna Graham from Vulcan, Albert Schatzke from Stony Plain, Dale Greig from Barrhead, Mary Ann Predy from Ponoka, Bernice Luce from Ponoka, Lloyd Robinson from Burdett, Walt Mackoway from Willingdon, Henry Kowalchuk from Willingdon, Vern Crawford from Three Hills, plus some others who are not here this afternoon. I'd like to say thank you to them for their valuable contribution and ask them to rise and receive the recognition of the House.

THE SPEAKER: The hon. Member for Pincher Creek-Macleod.

MR. COUTTS: Thank you, Mr. Speaker. It gives me great pleasure today to introduce to you and through you to the members of the Assembly and all Albertans two gentlemen seated in the members' gallery. They are the key component of the management team for the new Alberta Tourism Partnership: Mr. Tom McCabe, president and CEO of the Alberta Tourism Partnership, and Mr. Barry Salter, the vice-president in charge of marketing. Would you please rise and receive the warm welcome of this Assembly.

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

MR. BRACKO: Thank you, Mr. Speaker. It is my privilege to introduce to you and to Members of the Legislative Assembly two grade 5 students: Monique Caron and Orlagh O'Kelly from l'école Marie Poburan in St. Albert. It's one of the largest French immersion schools in Alberta. They are asking Quebec to stay in Canada. Monique is a volunteer. She serves Mass on Sundays in her parish, Holy Family. Her father is chairman of the board of trustees for the Greater St. Albert Roman Catholic school division No. 29. Her mother was a student in my social studies class in grade 8. They are visiting Monique's aunt, Astrid Casavant from the Lieutenant Governor's office, and they will be meeting with His Honour the Hon. Gordon Towers later today. They are in the members' gallery. I'd ask that they rise and receive the warm welcome of the Legislative Assembly.

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

MRS. FORSYTH: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you two very hard-working people in the community and generally nice people: Glenda and Peter Philipchuk. I'll ask them to rise and accept the warm welcome from the Assembly.

**head: Oral Question Period**

THE SPEAKER: The hon. Leader of the Opposition.

**Health Services Restructuring**

MR. MITCHELL: Thank you, Mr. Speaker. The Premier is 36 days into his 90-day health care fix-up program. His first initiative was to set up yet another health care committee. His second initiative was to hire a public relations firm to prepare a good-news whitewash to cover up his health care crisis. To the Minister of Health: why would the Premier substitute public relations consultants for health care experts if he were sincere about his attempt to deal with his self-inflicted health care crisis?

MRS. McCLELLAN: Mr. Speaker, I would ask the hon. member why he would not ask the Premier why he would do so.

MR. MITCHELL: It is dangerous, Mr. Speaker, to ask the Minister of Health, because she does contradict the Premier.

Why doesn't the Minister of Health, because the public relations firm is in her department, fire that firm and begin to listen to her health care department experts and experts elsewhere who know what to do, and she just won't let them do it?

MRS. McCLELLAN: Mr. Speaker, I would suggest that people that work in my department are excellent people, and they work together whether they're in the communications area or any other area.

I would ask the hon. member again why he wouldn't get better informed about what actually is occurring in health, as other ministers across Canada, regardless of their political affiliation, have put their shoulders to the wheel to ensure that we have a sustainable health system for this country and its citizens. I would ask the hon. member that.

MR. MITCHELL: I thought I might get better informed if I asked the minister, Mr. Speaker. Obviously, it's not working.

How much money is being diverted from diagnostic and treatment services in this province to pay for the Premier's soon-to-be-released public relations feel-good message?

MRS. McCLELLAN: Absolutely none.

**Regional Health Authorities**

MR. MITCHELL: It's unacceptable, Mr. Speaker, that a cabinet minister would say one thing publicly and another thing in private when talking about government policy. The Minister of Health and the Premier say in public that they support facility fees, but they write in private letters they thought wouldn't be public that those fees will be eliminated. Now we learn that after a meeting of provincial health ministers in Victoria recently, the new Conservative Minister of Health in Ontario is reporting that Alberta's experiment in health care regionalization is failing. What did the Minister of Health tell her Ontario counterpart that led him to conclude in this speech: "Other provinces that have implemented regional governance structures, such as Alberta, are now regretting their decision"? I'll table four copies of it.

MRS. McCLELLAN: Mr. Speaker, I have no idea, nor do I think should the hon. member expect me to have an idea, why the hon. Minister of Health from Ontario would include something in his speech. I can tell you that nothing I discussed with the Minister

of Health from Ontario would lead him to believe from my remarks that the regionalization of health services in Alberta is failing. In fact, the evidence is far to the contrary. The savings that have been achieved in administration costs in this province are significant. That information will be tabled in this Legislature in the very near future for all to see. The fact that we have a consolidation of services is providing better service and better co-ordination of services. In fact, the statistics show that indeed in most areas waiting lists have come down and will continue to come down.

1:50

MR. MITCHELL: The minister says that she has statistics to show. What specific measures are currently in place to determine, to show whether or not regionalization is working, given the unprecedented concern being expressed by Albertans and clearly by a sister or brother government in Ontario that's also Conservative?

MRS. McCLELLAN: Mr. Speaker, there are a number of performance measures that have been put in place to ensure that the regionalization of our health system does provide better service. There will be an annual reporting of that. The Capital regional health authority has just published A Year in Review, a report of their individual authority that provides information that I know the hon. members do not want to see or acknowledge, but it does show that indeed it is working, that waiting lists in most areas are coming down. I would tell the hon. members that we compare very favourably across Canada in our times.

The hon. member is speaking against the very system that he espouses. The Canada Health Act envisions a publicly funded system. A publicly funded system is a managed system, and it will have some waiting lists. The important thing is that when people need treatment in this province, they receive it in a very timely fashion. Those facts can be documented and are documented. I invite them to read the Capital health authority's report. Those are facts, not rumours and innuendo.

MR. MITCHELL: How can the minister say that her system and its results are being documented when the Auditor General has clearly stated in his recent report that Alberta Health can't even begin to assess what the regions are doing because they don't have adequate information with which to do it?

MRS. McCLELLAN: Mr. Speaker, as I indicated in the House and outside of the House, I take the recommendations and the advice from the Auditor General very seriously. Some of the advice that the Auditor General has given us is under way and the rest will be. We do intend to respond to the Auditor General's helpful advice and comments. It is our desire to have those reporting systems in a fashion that meets the needs of Albertans, so they can see it clearly, and also satisfies the Auditor General.

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

**Multi-Corp Inc.**

MR. BRUSEKER: Thank you, Mr. Speaker. The Premier's promotional efforts on behalf of Multi-Corp Inc. seem to have profited his friends, given the sharp increase in the price share for this particular corporation. While the Premier said that he's willing to do this on behalf of any corporation, the fact is that he went out of his way in another country to promote this particular

company, a company, by the way, whose board of directors looks like a who's who of the Conservative Party. My question today is to the Minister for Economic Development and Tourism, a fellow globe-trotter. Why wasn't the visit to Multi-Corp on the published itinerary of the Premier's trip to Hong Kong prior to the trip?

MR. SMITH: There's no reason, Mr. Speaker. In fact, we'll check back with the Premier's itinerary and see what the story is.

MR. BRUSEKER: My supplemental question to the minister then: since the visit in fact did occur to Multi-Corp – we know that – whose decision was it to make that trip? Was it the minister or his department, was it the Hong Kong office, or was it the Premier who decided to make that visit?

MR. SMITH: Mr. Speaker, if one is making an unscheduled stop that occurs, how can you determine whose decision it is before the event occurs?

MR. BRUSEKER: Well, if nobody knows anything about the trip and why someone would go there without the information of directors or shareholders or the nature of the corporation or that it even exists, why would he go?

MR. SMITH: Mr. Speaker, I'm sure the member across wants to save that sizzling question as to why. Why would somebody schedule an unscheduled stop?

THE SPEAKER: The hon. Member for Lethbridge-West. [interjections]

MR. DUNFORD: Mr. Speaker, one would almost get the impression that I'm supposed to make some sort of reply based on what went on yesterday. All I will say is that in terms of fat I'm going to get skinnier, but he's still not going to be a Winston Churchill.

#### **Social Assistance**

MR. DUNFORD: My question today is to the minister of social services. One of the reasons constituents come into my office is that they are concerned about some of the dollars that are being received by social services recipients. The Auditor General made a reference to this in his report by recommending that

the Department of Family and Social Services extend the present testing of client files that contain irregularities, to determine the monetary impact of the deficiencies found.

My question to the minister: how do you plan to follow through with this recommendation?

MRS. SOETAERT: Mike knows the answer.

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

MR. CARDINAL: Thank you very much. I do have most of the answers.

Mr. Speaker, we have in my department already implemented an error detection, correction, and improvement process. What we do with this is randomly select files and do an internal audit of the files. This process not only detects errors but also looks at

the files to ensure that the individuals receiving the benefits receive maximum benefits.

THE SPEAKER: Supplemental question.

MR. DUNFORD: Thank you, Mr. Speaker. Again to the minister: how do you plan to improve your error rate detection?

MR. CARDINAL: Mr. Speaker, with the reforms implemented two and a half years ago, of course major changes have taken place in this particular area already. When you go back to the fiscal year of 1986-87, there was a potential of an estimated overpayment of \$35 million at the time, and when you go back to the files in the fiscal year of '93-94, there was an overpayment at the time of an estimated \$4.8 million. When you go to this year's issue in relation to that, that is not even mentioned in the Auditor's report, so I believe we've done very well in that process.

THE SPEAKER: Final supplemental.

MR. DUNFORD: Yes. Thank you, Mr. Speaker. Again to the same minister: how can you assure Albertans that the appropriate benefits are being paid to clients?

**2:00**

MR. CARDINAL: Basically, again, part of the welfare reforms was to look at what types of information we had in our files, Mr. Speaker, and how we might improve benefits to the client. In the fiscal year 1994-95 we reviewed over 46,000 files, and in that process we closed close to 9,000 files that shouldn't have been receiving benefits. In addition to that, we also reviewed an additional 27,000 files to ensure that the clientele receiving services were receiving proper benefits. In addition to that, of course, we have monthly reporting cards that the clients would fill in, with our assistance, to ensure that proper information is provided and to ensure that our clientele receive the maximum of the benefits that they deserve.

THE SPEAKER: The hon. Member for Sherwood Park.

#### **Special Waste Treatment Centre**

MR. COLLINGWOOD: Thank you, Mr. Speaker. For Bovar the Swan Hills waste treatment plant must look like the gift that keeps on giving. The giving by government started in 1989, when the Premier was the environment minister, and with the government bailout in 1995 the giving continues. My question is to the Minister of Environmental Protection. Can the minister explain why the government is giving Bovar a monopoly to handle and dispose of hazardous waste in the province of Alberta?

MR. LUND: Mr. Speaker, the situation all along with the plant in Swan Hills is one that the technology is superior to anything else in even Canada, and the list of materials that must go to that plant cannot adequately be treated or handled in any other facility in the province. That's why it's simply so important that to protect the environment, we must have these products go to Swan Hills.

MR. COLLINGWOOD: Mr. Speaker, to the same minister: can the minister explain why under the new agreements with Bovar the province can still, after all is said and done, give financial assistance for hazardous waste treatment?

MR. LUND: Well, Mr. Speaker, I'm actually shocked and appalled to think that the member from the opposition that is supposed to be assisting in the protection of the environment would come out with a statement like that. The fact is that there are some toxic materials in the province of Alberta that, if we don't support and clean up, will not be cleaned up. How on earth are we going to continue to do the tremendous job of protecting the environment if we don't continue to have that assistance?

THE SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. Under the agreement the financial assistance goes to Bovar.

My final question to the same minister: can the minister confirm that the new agreement gives Bovar the right to sell the plant back to the government on December 31, 1998, if Bovar doesn't want it anymore?

MR. LUND: Mr. Speaker, I think the hon. Member for Calgary-Shaw, just yesterday even, went through a very lengthy description in the House about the phases of the agreement. The fact is that this would be one of things that would be discussed in phase 2.

THE SPEAKER: The hon. Member for Little Bow.

#### **Pine Coulee Dam**

MR. McFARLAND: Thank you, Mr. Speaker. For more than 15 years local municipalities, advisory committees, and residents in our riding of Little Bow have worked co-operatively with this government and various departments towards water management projects on the Little Bow and Pine Coulee. These projects will stimulate economic growth, assure an adequate quality and quantity of water for domestic and municipal purposes, promote tourism and recreation, as well as enable some irrigation expansion that will be funded individually by private producers. Today my question to the minister of public works is this. Will you give us an update or a current status on the potential project regarding Pine Coulee?

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

MR. FISCHER: Thank you, Mr. Speaker. I do appreciate the member's concern on both projects, Pine Coulee and the Little Bow. It has been a lot of years, and it has been a long-drawn-out process. Certainly there's a lot of value to the people in the constituency of Little Bow in getting this project in place. A joint panel appointed by the NRCB and the federal government made some recommendations, and these recommendations were accepted by the federal government. That has been a big step in moving ahead, and the application from our department now has been made to get a permit under the Navigable Waters Protection Act from the federal government people. We are still waiting, and we hope this permit will be here in the near future.

THE SPEAKER: Supplemental question.

MR. McFARLAND: Thank you, Mr. Speaker. What further hurdles will the proponents and the supporters of the dam still have to face before the announcement of the potential dam construction can be anticipated?

MR. FISCHER: Well, of course, in addition to the permit it will still have to go through an order in council to authorize the recommendations from the NRCB and the committee, and right now also we will need to get a permit under our Water Resources Act. I have been working with our good minister of the environment here to ensure that that will go along as quickly as possible.

I should say that I know it's been long, and we are working on it. I'm trying to move it along as quickly as we can. We have some progress already in place. Certainly over two-thirds of the lands have been acquired, and a lot of our consulting and engineering fees are in place now.

THE SPEAKER: Final supplemental.

MR. McFARLAND: Thank you, Mr. Speaker. Could the minister of public works please confirm that this project does in fact show a positive return on a 15-year period of time?

THE SPEAKER: The hon. minister.

MR. FISCHER: Well, thank you. I can just say that this minister will do everything he can to ensure that we have a proper system in place and that it will be economically feasible.

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

#### **Family Violence**

MR. BENIUK: Thank you, Mr. Speaker. My first question is to the Minister of Family and Social Services. What assurances will the minister provide that funding for abused women not only will continue to exist but will also be protected for service delivery through shelters?

MR. CARDINAL: Mr. Speaker, I explained already earlier this week the stand the minister and this government have taken in relation to that particular concern, and it is definitely one of our high-needs areas. As you're aware, we've moved in the past two years over \$178 million to those particular areas, and they are part of the reform of the welfare system. The second phase of the welfare reforms includes services provided to that particular category of people, and the priority we have right now is to make sure those services that are required for those individuals are improved wherever possible.

**2:10**

MR. BENIUK: To the same minister: what are the government's intentions of maintaining separate funding for education about domestic violence, since education is a significant intervention strategy?

MR. CARDINAL: Of course when we do review a specific area of my department as the reforms move forward, Mr. Speaker, we do review all phases, and education is definitely one of the priorities in relation to that.

MR. BENIUK: My final question is to the Minister of Justice. Would the minister agree to investigate the concept of sending convicted abusers to specially designed treatment programs with the objective of breaking the cycle of abuse, with full cost of treatment to be incurred by the abuser?

MR. EVANS: I think I heard him say that the full costs would be borne by the abuser. Is that correct, hon. member?

Certainly, Mr. Speaker, the whole issue of sentencing is to try to ensure that the sentence suits the crime and that there will be some redeeming value at the end of that sentence both in terms of protection of society and trying to rehabilitate the offender. Sentences for victims of violence and the offenders who take innocent victims and perpetrate violence on them must be focused. They must be directed at turning that kind of a mind-set around so that when those people do come back into society, they will be productive members of society. So I think there is definitely some considerable merit to what the hon. member is suggesting.

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

### Prescription Drugs

MRS. LAING: Thank you, Mr. Speaker. A recent study by a Toronto-based group states that up to \$9 billion per year in Canada is spent on health care due to patients taking their prescription drugs incorrectly. This could amount to \$900 million per year in Alberta, and it is increasing. My question is to the Minister of Health. Would the minister tell this Assembly what action this government is taking to address this iatrogenically induced cost?

MRS. McCLELLAN: Mr. Speaker, the hon. member is referring to a study that the Pharmaceutical Manufacturers Association of Canada recently released. She is entirely correct in stating that they estimate that as much as \$9 billion in costs could be incurred by inappropriate or wrongful use of pharmaceutical products.

In looking at the study a little further, Mr. Speaker – and we haven't had an opportunity to analyze it in its fullest – in the initial look at it, it would really appear that the area of most of the problem is in compliance. That means that people are not taking their medications as prescribed or completing their medications. That is really quite startling. They are saying that perhaps as much as 50 percent of that cost would be in that area. I think it's an area that all members in this Assembly should be concerned about. We've talked about the 36 tonnes of dead drugs that are rounded up each year, and now we have a study that suggests that perhaps \$9 billion in Canada is inappropriate cost.

Mr. Speaker, working with the Pharmaceutical Manufacturers Association of Canada, working with the Alberta Pharmaceutical Association, I believe that we can put some systems in place that will assist this. We will certainly have to work with the physicians, who are the prescribers, and the pharmacists, who are the dispensers, on client education.

THE SPEAKER: Supplemental question.

MRS. LAING: Thank you, Mr. Speaker. Another supplemental question to the same minister: will the minister undertake to conduct a study that identifies and quantifies the health costs related to other things, such as not wearing seat belts, smoking, and taking medication improperly, and use this information also as an education tool?

MRS. McCLELLAN: Rather than maybe implement a study, I would suggest that we should better use the information that we already have. We do have some very good economic analyses of the costs of lifestyle-induced illnesses and injuries. Mr. Speaker, we are using extensive information that we can get from Health Canada, from Statistics Canada, and certainly from the United States.

One of the areas that we have targeted is population health and health promotion, and to assist the regional health authorities in that, we have given them some extra dollars over and above the dollars they have now to bring forward projects that would be unique, innovative and, most importantly, would work in the areas of health promotion. I am pleased to say, Mr. Speaker, that we've had a number of proposals brought forward by the health authorities where they have addressed a health problem or a concern, or injury related, to reduce those numbers in their regions, and we look forward to the progress on those reports.

THE SPEAKER: Final supplemental.

MRS. LAING: Thank you, Mr. Speaker. The question was answered.

THE SPEAKER: The hon. Member for Redwater.

### Ambulance Services

MR. N. TAYLOR: Thank you, Mr. Speaker. Ambulance service in this province, especially rurally, is in chaos. Darrell Schaeffer from Westlock endured a five-hour wait in emergency at the new Westlock hospital only to be told that no surgeon was available, then had to take a one-hour ambulance ride to Edmonton, where she underwent an emergency appendectomy. Now, to add insult to injury, she later received an ambulance bill from Westlock to Edmonton for \$689. [interjections] Can you believe that? After five hours, being administered antibiotics, and diagnosed with acute appendicitis, she wasn't really admitted. To the minister: since our caucus is receiving similar complaints from all over Alberta, is it the new policy of her department to discourage hospitals from formally admitting patients so that the hospital will not be burdened later on with the ambulance transfer costs?

MRS. McCLELLAN: Absolutely not, Mr. Speaker. In fact, the regional health authorities have done a very extensive review of ambulance services and emergency services in light of regionalization. We also have a very good document in our possession, the ambulance report, that the Speaker would be familiar with.

I asked a group of people to take our original ambulance report, our air ambulance report, and the work that the regional health authorities have done on emergency service and ambulance services and review it and look at how regionalization may have affected ambulance services. To do that properly, we have to work with the municipal districts, the cities, the towns, as well as the regional health authorities and the ambulance operators. This is a rather complex area in our province, Mr. Speaker, because ambulance services are provided by the private sector though municipal governments and the hospital.

It has always been the policy in this province that we pay fully the cost of ambulance services for interfacility transfer. The premise was that a person was admitted to a facility and was moved to another facility for further treatment, and that is still the policy. Whether it is appropriate today I believe needs to be addressed by this committee.

MR. N. TAYLOR: Mr. Speaker, it's the minister's responsibility, not the municipality's or anything else. It's your responsibility. The doctors are being told not to admit them so that they won't have to pay the bill.

Will the minister accept the responsibility for this fiasco and tell Albertans like Darrell Schaeffer that they will no longer be responsible for interhospital transfers?

2:20

MRS. McCLELLAN: Well, Mr. Speaker, the hon. member has made, I think, a rather serious charge. I would ask him and challenge him to document that charge that doctors are being told not to admit to save money. I would want to see that in writing, because I think that's a very serious affair. It is certainly not a policy that this minister has put in place nor one that I would condone. I believe that physicians are professionals. I believe that they act in the best interests of their patients, and I have no reason to believe otherwise.

Mr. Speaker, I will take the responsibility of completely reviewing an action that the hon. member can bring to me that is in fact documented and signed. I will take it very seriously.

MR. N. TAYLOR: Mr. Speaker, she's going to be awfully busy.

In view of what planet the minister must be living on from what she's spoken, would she at least give the assurance to the House that Albertans caught in this Bermuda triangle, if you want to call it that, of transfer of costs will no longer get caught and have to pay for that and that she will instruct the rural health districts that they're not to do this?

MRS. McCLELLAN: Mr. Speaker, what I will instruct the regional health authorities and ambulance operators or anyone else is to carry out the policies of this government and the policies that are in place. However, I will go one step further, and I will undertake to review those policies to make sure . . . [interjections]

THE SPEAKER: Order, hon. members. Order.

MRS. McCLELLAN: Mr. Speaker, I will go one step further than that, as I have indicated, and review all of our ambulance services in this province and ensure that they are appropriate in view of regionalization. To do that, we need input from the physicians and from the regional health authorities.

Whether the hon. member recognizes it or not, a number of our emergency services are delivered by municipalities. They do requisition for transfers that are outside of that area, so they have a direct interest in this. My indication from them is that they very much want to be involved, so they will be.

THE SPEAKER: The hon. Member for Pincher Creek-Macleod.

### Community Health Councils

MR. COUTTS: Thank you, Mr. Speaker. I attended the Headwaters health authority public meeting in Claresholm recently. It was their intention to set up a community health council. Last Friday at a meeting in Pincher Creek constituents inquired when their community will be able to be involved in setting up their own community health council. In view of these inconsistencies my question to the Minister of Health is: Madam Minister, are you still committed to setting up the community health councils, and if so, what are their roles and responsibilities?

MRS. McCLELLAN: Mr. Speaker, I am fully committed to the community health councils being set up in the province, and in fact Bill 20 does carry the legislation for that purpose. The priorities of the councils would certainly be to reflect the unique

needs and interests of the regions, and of course because the regions are quite large, in many cases it is important to have that smaller, local group that can bring input to that regional health authority.

Mr. Speaker, I believe that councils could be involved in helping assess local health needs, health challenges, some of which we talked about earlier: lifestyle-related or injury-related illnesses. I think they could identify local priorities and also assist in how to deliver those. So we're very much committed to the formation of the councils.

MR. COUTTS: I'm wondering what the time frame will be for having these councils in place.

MRS. McCLELLAN: Mr. Speaker, I did write in May to all of the regional health authorities and ask that they begin planning for the implementation and establishment of the councils. At that time I circulated to them a document, A Guide to Community Health Councils in Alberta. This guide was developed by the health plan co-ordination team. Recognizing that Alberta is a very diverse province and that one template probably wasn't right for everywhere, they did develop a guide which has some models in it to assist the authorities. I'd be very pleased to table a copy of that guide in the Legislature so that all members can certainly review it.

I have asked that the regional health authorities put in place in their business plans for this year how the councils will be set up in their areas. I expect those to be in by January, and certainly all community health councils will be in place by April 1996 at the latest.

THE SPEAKER: Final supplemental.

MR. COUTTS: She answered my third question, Mr. Speaker.

THE SPEAKER: Okay.

The hon. Member for Edmonton-Avonmore.

### Joint Replacement Surgery

MR. ZWOZDESKY: Thank you, Mr. Speaker. Diana Summers is an Alberta senior who had many hopes for her retirement years, but her hopes have been shattered because of the excruciating pain she must endure daily while she waits for joint replacement surgery. Even the most simple pleasures in life, like picking up a grandchild or just going for a walk, are beyond her ability. Regrettably, Diana is not alone in this dilemma. She is but one of more than 1,000 Edmontonians who are currently waiting in constant pain for hip or knee replacement surgery. My questions are to the Minister of Health. Can the minister please explain precisely what she is doing to shorten this ever growing list for this much needed surgery?

MRS. McCLELLAN: Mr. Speaker, we do understand that when it is joint replacement, this is a very, very painful problem, and any length of time of waiting seems interminable to the person who's waiting. So one of the things that we have done is put in place a regionalized system where we do have, for example, one hospital, maybe five sites. We are getting better co-ordination of the use of our surgical suites in those hospitals.

One of the other things, Mr. Speaker, that is very difficult in this area is that there are a number of different surgeons who perform these surgeries, and the length of waiting time can vary

a great deal with the surgeon's schedule and the location you want to have this procedure done. We do encourage people, if they are waiting a long time, to ask their surgeon if they might consider referring them to someone else with a shorter waiting list or that they look at perhaps having that procedure done in another area.

In the Capital region, Mr. Speaker, the region identified this as an area of concern, although they did find, I believe, if I remember correctly, that in hip replacement, I think it was, they are able to manage over 50 percent of those within five months.

One of the other problems, Mr. Speaker, I must say, is that sometimes people wait quite a while before they go for treatment, and certainly it does seem like a long time from the time they see their general practitioner till they see their specialist till they are scheduled.

The Capital health authority has identified that as an area where they want to bring those lists down to a shorter time, and I would encourage the hon. member to contact the Capital health authority, as he represents this region, and talk to them about their plans for reducing that list. Mr. Speaker, I believe the hon. member would gain a great deal of insight and perhaps could have a good dialogue with the health authority on this important area.

MR. ZWOZDESKY: I have done so, Mr. Speaker, and they find their hands are tied.

I would just ask: will the minister rectify the OR problem so that the 26 orthopedic surgeons operating in the Edmonton area can receive increased access to these operating rooms? That would help dramatically.

MRS. McCLELLAN: Mr. Speaker, as the hon. member knows because he has communicated with the health authority, they are in the process of redirecting some of the surgical suites so that they do have better co-ordination. We all have to remember, though, that we do deal with the most urgent and emergent surgeries in this province when they occur, and sometimes that does set their scheduling awry.

Mr. Speaker, I will say again that the Capital health authority have publicly acknowledged that this is an area where they want to reduce those lists, and they are going to do everything that they can in co-ordination with their surgeons to better co-ordinate those operating times and make sure that they do bring those waiting lists down to an acceptable level.

**2:30**

MR. ZWOZDESKY: I'm happy that the minister is aware that these lists are growing. In fact, in Edmonton alone over the last few weeks they've grown by more than 100. So we need some proactive measures from the minister as quickly as possible. It's getting beyond just urgent, Mr. Speaker.

Since many of these seniors that we're talking about may be forced, in fact, to have this surgery done out of province in order to end their pain, will the minister cover their expenses in that regard?

MRS. McCLELLAN: Mr. Speaker, there is absolutely no indication that the services cannot be provided within a reasonable time in this province, although it may not be in a particular city. They may have to go to another area. I would remind the hon. member that this surgery is provided in Camrose, in Medicine Hat, I believe in Grande Prairie, in Red Deer. There are a lot of areas that do it.

There's one important area that I want to point out to the hon. member. One of the reasons that the lists are growing is because

we are finding that much older people can benefit from this surgery. Indeed this surgery is occurring for people in their 80s and on. Because of new ways of doing the surgeries, we are able to expand the patient list for this, and it's very, very successful.

So, Mr. Speaker, on the positive side we are able to provide the service to a larger range of people than we have in the very recent past. There is a positive that goes with the negative, but certainly he is right. We've got to address this issue. We've got to reduce those lists.

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

### Youth Crime

MRS. FORSYTH: Thank you, Mr. Speaker. The victims of youth crime, particularly those affected by B and Es and vandalism, are further victimized by the justice system, which fails to support the victims. When a victim makes an insurance claim, they must pay the deductible and possibly higher insurance rates. A recent program has been piloted in Saskatchewan, where the business community and the Saskatchewan government have entered into a partnership establishing a restitution program in which money earned by the young offender is given to the victim. My question today is to the Minister of Justice. Will the minister implement measures to ensure that restitution to victims is ordered by the youth courts?

MR. EVANS: Well, Mr. Speaker, when the hon. member was chairing the Task Force on the Young Offenders Act, she went around the province with the other members of her task force and heard very loud and clear from Albertans that they wanted to ensure that victims' rights were recognized and that victims were compensated for being the innocents involved in criminal activity. That is in her report.

Those recommendations have been heartily endorsed by this Legislative Assembly, and the report has been given – I handed it, in fact – to the federal Minister of Justice. [interjections] That federal minister has indicated that there will be a very comprehensive review of the Young Offenders Act, which is federal legislation. [interjections] Perhaps the members across the way should stop chirping and listen, and they'll find out who has the ultimate responsibility for this legislation. We very much want the federal government to really broaden out that public consultation process, and the federal government has said that they're going to do that.

Now, in terms of the Saskatchewan model, involving the private sector in this initiative I think is very positive. It says that there are law-abiding citizens and corporations who as well believe that the victim should be compensated. I think there are some very good things in that model that we should be looking at.

MRS. FORSYTH: A follow-up, Mr. Speaker: will the Minister of Justice recognize that resources may need to be reassigned, evaluate the Saskatchewan program, and implement a pilot project in Alberta?

MR. EVANS: Well, to the first question, of course there may very well need to be a reallocation of resources. We're trying to focus our attention, Mr. Speaker, on serious and violent crime and certainly to recognize victims' rights. So I would answer yes to that.

Secondly, we are evaluating that Saskatchewan model, and if it proves to be effective and our analysis shows that it's effective,



we will in turn embrace the same kind of philosophy that they're using in that province.

THE SPEAKER: Final supplemental.

MRS. FORSYTH: That's it.

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

#### Capital Health Authority

MR. SEKULIC: Thank you, Mr. Speaker. The Minister of Health and the Premier of this province have boasted about the success of Alberta's health care reforms on the basis of the performance report issued by the Capital health authority. This is the same report that one of the authors of the report has said should be taken with a grain of salt. My question is to the Acting Minister of Health. Why are the Minister of Health and the Premier of the province willing to put the lives of Albertans on the line based on this report when one of the authors states that the sample size was included in the report, and I quote, so readers wouldn't attach too much weight to its results?

MR. DAY: Mr. Speaker, on behalf of the Minister of Health I can assure the member opposite that both the minister and the Premier, in fact this entire government, put the health and the lives of Albertans as an absolutely priority.

On this particular question I'll refer that to the minister for her response.

THE SPEAKER: Supplemental question.

MR. SEKULIC: Thank you, Mr. Speaker. In that case, can the Acting Minister of Health explain why Albertans should accept the results from a telephone survey of only 37 home care patients when at least four times that number can't even get access to home care and weren't surveyed?

MR. DAY: Well, home care is also a priority for this government, Mr. Speaker. I know there are a lot of surveys that are taking place at all times, and I would recommend to the member opposite some of the surveys that are done by the RHAs themselves in terms of follow-up for people who've been in hospitals and then receive home care. Those surveys, many of which have been published, show quite a high satisfaction rate with services received.

MR. SEKULIC: Mr. Speaker, they're asking 37 people when four times that many can't access the service and aren't being asked about the access problem.

To the Acting Minister of Health: was the Capital health authority advised by the Health minister's department to co-ordinate their press release with that of her own department, or was it just coincidence that they came out on the same day, sort of good news, bad news, and a grain of salt?

MR. DAY: That question would have to go to the officials of the department, and I will advise the minister of the question. Look for a response.

THE SPEAKER: The time for question period has expired, but before proceeding to Members' Statements, might there be

unanimous consent in the Assembly to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

The hon. Member for Olds-Didsbury.

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

MR. BRASSARD: Yes, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and through you to the members of this Assembly 63 students from Hugh Sutherland school in the town of Carstairs. They're accompanied today by two teachers, Mrs. Pat Christensen and Mr. Rob Wallace, and four parents: Mrs. Mary Ann Sparling, Judy Schmick, Mrs. Rhonda Wise, and Mrs. Ruby Nicklefork. I wonder if they would stand and receive the very warm welcome of this Assembly.

#### head: Members' Statements Agricultural Processing

MR. STELMACH: Mr. Speaker, there is no doubt that the agriculture and food industry is one of Alberta's economic strengths. It makes substantial contributions to the prosperity and well-being of Albertans. For the first time since Confederation Alberta has emerged as the leading producer of primary agricultural products in the country. Effective utilization of research results and new technology have played a key role in helping Alberta farmers achieve these remarkable results. However, Alberta's potential for producing processed and value-added products remains largely untapped.

To increase the contributions of the agricultural processing industry to Alberta's prosperity, the Alberta Agricultural Research Institute is proposing a new agricultural value-added processing research program. The program's main purpose will be to stimulate, support, and promote research into the processing, upgrading, and extraction of high-value products from farm commodities.

AARI is an example of the new approach to government. It involves the private sector directly in priority-setting and research-funding decisions. The research projects funded by AARI are conducted at private-sector facilities, academic institutions, and government laboratories. The AARI business plan continues to emphasize funding projects through matching grants. Matching contributions from outside sources have increased from \$1.9 million in '94-95 to \$3.3 million in '95-96, a 73 percent increase. AARI's aim is to further expand the private sector's involvement in research and to encourage the practical applications of research advances so that Alberta producers and processors will remain globally competitive, and that, Mr. Speaker, means more jobs for Albertans.

THE SPEAKER: The hon. Member for Bonnyville.

#### 2:40 Quebec Referendum

MR. VASSEUR: Thank you, Mr. Speaker. We just returned from a rally that started here in south Edmonton a few minutes ago to show Quebec the importance of the national unity issue. There were several hundred people there, and they strongly believe that Quebec should remain within Canada.

Premièrement, M. le Président, je suis Canadien. Je suis Canadien, natif de la province de l'Alberta, natif Francophone, oui, but like many others in this room, where I was born and raised, on the streets of our town we spoke French, down the street they spoke Ukrainian, down a little further they spoke Cree, and a few of us spoke English. But that was western Canada just a generation ago and two generations ago.

On ne peut pas oublier, M. le Président, qu'au Canada, depuis avant la Confédération, on a toujours eu le moyen de figurer le compromis. We are known in Canada to be able to compromise. Depuis les débats de la question de langue au Manitoba dans le dix-neuvième siècle, les débats, les discussions au niveau fédéral pour la Première Guerre, the discussions, the constitutional debates in 1980, we've always found a compromise. That's the message that we have to send as Albertans, not only Francophones in Alberta or western Canada or outside of Quebec, but everybody has to send this to Quebec, that we in the past have been able to find that compromise. We have done it in the past, we have done it along the way, and we can do it in the future.

Le message pour les Québécois qui figurent que Lundi on va voter oui: faites certain de regarder les mots de M. Parizeau et de M. Bouchard très attentivement, parce qu'ils nous ont dit puis ont fait des mauvaises ententes avec les Québécois en leur disant qu'ils ont le choix: on nous envoie à Ottawa pour faire des négociations pour embellir notre position avec le Canada. Pas vrai. Le message qu'on envoie aux Québécois c'est de faire attention aux mots de M. Bouchard et de M. Parizeau. Hier soir dans le débat M. Bouchard l'a dit bien clairement, très clairement au Canada que le lendemain de votre oui, le lendemain, the next day after a yes vote, Mr. Bouchard said: we are meeting as two nations.

This is why we have to take this opportunity for each and every one of us in here to phone someone that we know in Quebec through our travels or through our friends or family and convince them that we have to stay within Canada. Vote no.

Merci.

THE SPEAKER: The hon. Member for Pincher Creek-Macleod.

### **Southern Alberta Floods**

MR. COUTTS: Thank you very much, Mr. Speaker. The one in a thousand year flood hit the Eastern Slopes of southern Alberta the night of June 6 and all through the night and the following few days. As the crest of the swollen streams, creeks, and rivers moved east, a path of destruction lay, exposing damage as waters eventually receded. Family homes were either damaged or destroyed. Small and large farms and businesses were wholly or partially destroyed. Man-made dikes, berms, irrigation infrastructure, and gardens were washed away before landowners' eyes. Bridges, roads, and utility infrastructure were destroyed beyond belief.

As quickly as the rampage built, so did communities mobilize to vacate hospitals, like in the Crownsnest Pass. Townspeople and utility companies in Pincher Creek implemented their emergency plans to help neighbours with sandbagging and also to restore services. Within days of the disaster the federal disaster assistance program, administered by the provincial department of transportation, kicked into action. Although not perfect in its ability to respond to the immediate demand of suffering Albertans, it did over the summer eventually fulfill the need. Although the final bill is not in, this province has fronted up to \$50 million to date to help devastated Albertans, towns, villages, and MDs.

The provincial disaster relief staff did an excellent job, and on behalf of my constituents we thank you all for your dedication and your fine work in a difficult time. For those who were excluded from full assistance due to the federal legislative restrictions, particularly as it applies to rental property or alternative sources of income, I extend my regrets. To update the legislation is a must. But we as Albertans are resourceful. Although the inconvenience and the emotional scars remain, your entrepreneurial spirit has come forth. You showed dedication to your community by your demonstration to help out your neighbours and get life back in order. History will commend you for your actions, or until the next disaster, for which I am confident you will be equally if not better prepared, because that one in a thousand year flood, Mr. Speaker, could be next year.

Thank you.

### **head: Projected Government Business**

THE SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. I'd just like to ask the Government House Leader the plans for next week.

MR. DAY: Well, the plans for next week, certainly at the beginning of the week, Mr. Speaker, largely will hinge on the good progress we make today. Today in committee we are looking at Bills 48, 47, and 46. Depending on progress there, we could see one or more of those in third reading on Monday. So we'll have to wait and see how that goes. As already indicated, there will not be an evening session so that we will be able to monitor and follow what is going on in Quebec. From there on we'll just have to see what Bills and what stages we're at as an Assembly, and I'll be, as usual, in close communication with the Opposition House Leader.

### **head: Orders of the Day**

**2:50**

### **head: Royal Assent**

MR. DAY: Mr. Speaker, His Honour the Honourable the Lieutenant Governor will now attend upon the Assembly.

[Mr. Day and the Sergeant-at-Arms left the Chamber to attend the Lieutenant Governor]

[The Mace was draped]

[The Sergeant-at-Arms knocked on the main doors of the Chamber three times. The Associate Sergeant-at-Arms opened the door, and the Sergeant-at-Arms entered]

THE SERGEANT-AT-ARMS: All rise, please. Mr. Speaker, His Honour the Lieutenant Governor awaits.

THE SPEAKER: Sergeant-at-Arms, admit His Honour the Lieutenant Governor.

[Preceded by the Sergeant-at-Arms, His Honour the Lieutenant Governor of Alberta, Gordon Towers, and Mr. Day entered the Chamber. His Honour took his place upon the throne]

HIS HONOUR: Please be seated.

THE SPEAKER: May it please Your Honour, the Legislative Assembly has, at its present sittings, passed certain Bills to which, and in the name of the Legislative Assembly, I respectfully request Your Honour's assent.

THE CLERK: Your Honour, the following are the titles of the Bills to which Your Honour's assent is prayed.

- 43 Willmore Wilderness Park Amendment Act, 1995
- 44 International Trade and Investment Agreements Implementation Act
- 45 Appropriation (Supplementary Supply) Act, 1995 (No. 2)
- 211 Protection for Persons in Care Act

[The Lieutenant Governor indicated his assent]

THE CLERK: In Her Majesty's name His Honour the Honourable the Lieutenant Governor doth assent to these Bills.

THE SERGEANT-AT-ARMS: All rise, please.

[Preceded by the Sergeant-at-Arms, the Lieutenant Governor and Mr. Day left the Chamber]

THE SPEAKER: Please be seated.

[The Mace was uncovered]

**head: Private Bills**  
**head: Committee of the Whole**

[Mr. Clegg in the Chair]

THE DEPUTY CHAIRMAN: I'd like to call the committee to order.

**Bill Pr. 7**  
**Concordia College Amendment Act, 1995**

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Chairman. I would like to propose certain amendments to Bill Pr. 7. They have already been distributed, and if the committee agrees, I would like that they be debated and voted on all together rather than separately.

THE DEPUTY CHAIRMAN: Agreed?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Agreed, hon. member.

MS HANSON: I want to explain the amendments briefly. The amendments were initially proposed by the petitioners for the Bill, Concordia College. The amendment would change the name to "Concordia College University of Alberta," where originally the name was to be changed to "Concordia University College," but there were difficulties with Concordia University. The parties have agreed to the name and now propose the amendments. Under these amendments the only thing that is being changed is the name of the college.

Thank you.

THE DEPUTY CHAIRMAN: Seeing no others, on the amendments to Bill Pr. 7 as proposed by the hon. Member for Edmonton-Highlands-Beverly, all in favour?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any? Carried unanimously.

On the Bill itself as amended, all those in favour, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed, if any? Carried unanimously.

**3:00**

THE DEPUTY CHAIRMAN: Shall the Bill be reported? All in favour, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed, if any, please say no. Carried unanimously.

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

**Bill 48**  
**Teaching Profession Amendment Act, 1995**

MR. JONSON: Mr. Chairman, I would like to start out this afternoon by thanking hon. members who participated in the constructive debate at second reading. This afternoon I would just like to respond to some of the specific comments which relate to clauses of the Bill that were raised during second reading, particularly those raised by the Member for Edmonton-Centre and the Member for Fort McMurray.

Section 17(2) requires the association to have a public member on a discipline hearing committee where a member is charged with an indictable offence. Mr. Chairman, this includes a hearing committee dealing with a complaint relating to, one, a member who is charged and found guilty; two, a member who is charged and found not guilty; and three, a member who is charged but who has not yet come to trial. The association, in this case the Alberta Teachers' Association, believes that certain conduct of a member may be unprofessional even if the Attorney General is unable to meet the standard for a criminal prosecution; that is, proof beyond a reasonable doubt. Both the ATA and the government believe that section 17(2) requires the association to include a public member in all of the above circumstances. I will expect that the annual report of the Alberta Teachers' Association will indicate the number and type of hearings on which a public member attended.

Mr. Chairman, the Member for Fort McMurray also expressed some concerns about section 40(3) which states:

No person shall require the attendance as a witness at a hearing before the hearing committee of any person who attended as a witness at the court that convicted the member of the indictable offence.

If I understand the hon. member's concern correctly, it was that no witness who attended at the criminal trial could give evidence before a hearing committee. However, Mr. Chairman, discussions were held yesterday with representatives from Legislative

Council, administrative procedures, and constitutional law branches within the Department of Justice. I am assured that the extent of section 40(3), when read together with section 35(1) dealing with "compellable witnesses," is reflected in the wording; namely, that witnesses who attended at the criminal trial may give evidence at the hearing committee with respect to penalty or perhaps provide victims' statements but are not compellable before the committee.

Some of the members across the way were also concerned that all convictions for an indictable offence are deemed to constitute "unprofessional conduct." I believe, Mr. Chairman, that the range of indictable offence could be an assault all the way up to mass murder. That is precisely the reason why section 42(1)(b) permits the hearing committee to investigate the conduct of the member on which the conviction is based for the purpose of deciding the penalty. Presumably the penalty, which may range from a simple reprimand to a recommendation for cancellation of a teaching certificate, will reflect the seriousness of the indictable offence.

Mr. Chairman, these are some of the key issues that were raised at second reading, and I'm quite prepared to comment further. I have endeavoured to respond to those concerns.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman. We want to thank the minister for addressing the concerns that were raised by the Member for Edmonton-Centre and the Member for Fort McMurray, and we really do appreciate that he's gone to the trouble he has to put their fears to rest. We're delighted with the Bill. It was in the spirit of making what we think is an excellent Bill even better that those suggestions were forwarded from our side, and we're happy with the assurance that we've been given today.

Going back to the Bill itself, Mr. Chairman, it's a good Bill. It protects students, and that's got to be the primary goal of everything that we do in terms of education: safeguarding the rights of students and looking after them first. It ensures along the way that teachers are going to be dealt with by the laws of natural justice and that they'll be dealt with fairly. Thirdly, and importantly, it allows their own professional organization to take action when action is needed.

So we applaud the minister and the government for this Bill and thank them for their consideration.

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the Bill be reported?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any? Carried.

### Bill 47

#### Vencap Equities Alberta Act Repeal Act

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

DR. PERCY: Thank you, Mr. Chairman. In Committee of the Whole I want to recapitulate the issues that I had raised in second reading, because this is the appropriate time to do so. We feel that the process that was set out in September is fair. It is as

open and transparent as it can be, subject to the constraints of proprietary information of Vencap and the other parties involved. We view that process as being extraordinarily important in ensuring not only that the rights of taxpayers are protected – and that's obviously what the role of the Provincial Treasurer is, to maximize the return for Alberta taxpayers – but there has to be the balance that ensures that the interests of the Vencap shareholders are respected.

What is very positive about the process that was put in place was that there was a competitive balance there so that the Treasurer could push as hard as he could to ensure the best deal for taxpayers, and the Vencap board could push as hard as it could and its financial advisors would advise them to get the best deal for Vencap shareholders. It's the essence of this type of competition that I think yields the best outcome. So we view the process, as I had said, as being very important and having much to recommend it.

Our concern was that – and I don't like talking or thinking about the unthinkable – for example, should there be a yes vote on Monday, there would be tremendous flux in financial markets. You could easily anticipate significant spikes in interest rates. You could view real estate values as taking a hit in the short term as consumers withdrew their money and just saved, awaiting the future negotiations. In that context firms that had entered into this agreement might then find themselves in a position where they might not be able to follow through.

Over and above that type of external shock is the whole issue of due diligence. What if in fact they do find something wormy in the portfolio and then decide to back off? So our concern has always been that should some unforeseen circumstance occur, there would be a mechanism or a commitment, a promise that the process that was adopted in September would be continued. We viewed that as being very positive, and it protects the interests of all parties, taxpayers and shareholders. It's a good, competitive process.

### 3:10

So our support for the Bill, then, in second reading was on its principle. In Committee of the Whole, then, I guess my questions to the Provincial Treasurer relate to his addressing our concerns with regards to the process that would be in place should the unthinkable happen. Now, I know that the Treasurer doesn't want to discuss those in specific terms, but I do believe that there's enough uncertainty in our world. Heeding the very sensible recommendations of the Auditor General, who focused on downside risk – I think it was recommendation 2 in Swan Hills – he said: always look at downside risk. That is what our job is as opposition, to always focus on downside risk. Our concerns, then, relate to what process would then come into play should the unforeseen happen and issues of transparency and documentation and what would be filed in the Assembly should a deal proceed.

Mr. Chairman, I just would add one thing. I think the process by which we ended up here addressing the Vencap Bill shows you the importance of an effective opposition. Initially, when there was the potential for this shotgun marriage between Trimac and Vencap, we were able to address the concerns of various stakeholders and bring pressure to bear on the government and also work co-operatively with the government to achieve a mutually acceptable outcome. Effective opposition does make things better for all parties.

With those comments, Mr. Chairman, I'll take my seat.

MR. DINNING: In rising to support the committee study of Bill 47, I am galvanized to do so by my colleague the Member for Edmonton-Whitemud. You know, the hon. member made a very good point in his closing comments when he said that an effective opposition is important. Frankly, I'd agree with the hon. member. Indeed the sharper, the better they are, I believe in the end Albertans get better government. We legislate better in this Assembly and we provide leadership and implement policy and follow laws more effectively when there are sharp guys on the other side of the House. I can tell you that dealing with the hon. Member for Edmonton-Whitemud isn't always an enjoyable task, but it's always an honourable task. The hon. member comes forward with good ideas almost – well, I won't say all the time. I could think of a few faxes that have flowed, not out of his office, that were perhaps authored by him and that got into the wrong hands. There are bad dudes and good dudes all over the place, Mr. Chairman.

The member raised last night some genuine concerns. He's right: having announced an agreement, I'm now not going to muse publicly that it's not going to happen, because I strongly believe it will. The hon. member raised some concerns and discussed these with me today, Mr. Chairman, such that I will file with the Assembly a letter that I have provided to the Member for Edmonton-Whitemud. If I may, I'll read the contents of it. It says:

Dear Dr. Percy:

The Government of Alberta has announced that we intend to end our involvement in Vencap Equities. This is consistent with our stated commitment to get out of the business of business.

Disposing of our interest in Vencap requires the passage of Bill 47, Vencap Equities Alberta Act Repeal Act in the current legislative session. Proclamation will not take place until an agreement favourable to Alberta taxpayers has been finalized.

To ensure that taxpayers are well served we commit that the Government's advisor's recommendation will be made public coincidental with the proclamation of the Vencap Equities Alberta Act Repeal Act.

I look forward to your support of Bill 47.

Yours sincerely,

Now, Mr. Chairman, I've provided that to the hon. member and to his colleagues and his caucus, with the assurance that I gave them last night – which I will repeat – that we are anxious to go one step further to get out of the business of business.

We still have a ways to go. As the hon. member will often remind me, we're not all the way out. He's right. I'll give him a lot of credit. At his instigation we sat down in the summertime and in September announced that we were taking a different approach and that we are going to open up the process so that an open, competitive process would get for the government and hopefully for Vencap the best possible deal as determined by the market, not skewed by us – no conditions, no bells or whistles or ornaments on a Christmas tree – the best possible set of offers so that we could, on the advice of our financial advisors, make the selection of the best one.

I want to give a commitment to the hon. member. I want to assure the hon. member, I will give a promise to the hon. member and his colleagues that we will stick with this open, competitive process until we complete the arrangements on Vencap, until we have properly disposed of our interest in Vencap – I give that assurance on behalf of the government to the hon. member – and that no proclamation of this Act will take place until that assurance I have given the hon. member today is in fact a reality.

We're committed to it, Mr. Chairman. We believe it's the right thing to do, and we appreciate the support and the prodding

of the hon. member across the way. I speak on behalf of my colleagues in giving that assurance and so would encourage us to have the question on Bill 47.

[The clauses of Bill 47 agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the Bill be reported?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any? Carried.

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

THE DEPUTY CHAIRMAN: Hon. member, we changed the procedure. That's what we did in the last vote.

### Bill 46 Regulations Amendment Act, 1995

THE DEPUTY CHAIRMAN: We've got an amendment: A1.  
The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Chairman. It's a pleasure for me to rise to speak in support of this amendment, which was brought forward by my colleague from Calgary-Buffalo. It's very important I think that we pay attention to the critical line in this amendment, which is:

In order to ensure that regulations filed under this Act are reviewed to determine whether they are still necessary or relevant, the Lieutenant Governor in Council, subject to approval of the Standing Committee on Law and Regulations, may, by regulation, set expiry dates for those regulations.

“Subject to approval of the Standing Committee on Law and Regulations” really is the critical line in this amendment, and it stands for everything that we believe on this side when you talk truly about open and honest government.

Speaking to this, I just have to refer to the Member for Red Deer-North's comments last evening when he was speaking here. He was actually responding to my colleague for Clover Bar-Fort Saskatchewan's comments, and he detailed her comments as being elitist and central-controlled thinking in terms of this regulation. I would like to correct the record here. In fact she was not speaking from an elitist perspective, but the original Bill without this amendment certainly does and needs to be addressed in that manner. That is what my colleague for Clover Bar-Fort Saskatchewan was speaking to.

3:20

We were talking at that point in debate through the whole evening about the tokenism that's involved in this Bill as it's written by the Member for Peace River. In fact what they've done here is consulted with some people throughout the province on the task force, but they did not listen to them or actually institute any of the suggestions that the task force came forward with. Now, you have to commend them on whom they chose to sit on the task force. There were some people who were very, very concerned in this province about the degree of regulation in and around businesses. Over 15,000 regulations in this province, which is by far the number one concern of all business people that I talk to on a regular basis. They say that the number of regula-

tions and the resulting paperwork is the number one hindrance that they have in terms of being able to make money. In fact, any of the studies that you take a look at would indicate that for the average business, at least one full day a month is spent by one person complying with regulations and filling out paperwork. That definitely does not assist them in providing good services at a competitive advantage in this province. So definitely it's something that's got to be addressed but definitely not in the manner in which this Bill addresses it.

Here we've had really, really good information provided by many people historically throughout this province and most currently with this task force. If we take a look at the 20-year-old report from the Select Committee of the Legislative Assembly on Regulations in the Province of Alberta, this was a report that was completed by MLAs in consultation with a number of people who had a great concern in this province to reduce regulation whenever possible, streamline it whenever possible, and set sunset dates on it whenever possible.

They came forward with 41 really outstanding recommendations that should have been taken into consideration by this member when he introduced this Bill. This report, the Zander report, is something that's been held up by task forces in the past and by governments in the past as a report that needs to be introduced in order to properly take care of the kinds of regulations in this province. Instead of doing that, the Member for Peace River brought in this Bill that does nothing but take the review of regulations outside of the legislative process and is in fact an absolute slap in the face to all of the people, upstanding members of this province who committed to putting the work into this task force some 20 years ago and is embarrassing to those people who most currently sat on the task force and brought forward a number of recommendations.

What happens with this Bill as it stands, without this amendment, is that we take the regulation outside of the legislative process. Well, that's exactly what happened with Bill 57 earlier this year. There was a public outcry in terms of Bill 57 taking all of the regulations outside of the legislative process, and the government had to backtrack on it. Then, instead of doing the right thing and having changes in legislation brought forward for proper review in this process, as the people of the province elected us to do, the government has been sliding in these little Bills on a regular basis under the guise of housekeeping, which in fact are accomplishing exactly the same task as Bill 57; that is, to have no one in this Legislature able to review the kinds of changes that they insist on doing behind closed doors. This is completely opposite to what the people in this province want or need. We will certainly stand up and fight this every step of the way, and I would expect that those task force members, who expected something much better from this government and who expected this government not just to consult but actually listen and initiate based on their recommendations, to come forward and speak against this Bill, because it certainly is antibusiness the way it's set up.

It will only serve the vested interests of those who have a fast track to the Premier's office and not those businesses throughout this province who really need assistance in terms of eliminating unnecessary regulations and paperwork. We only have to take a look at what's happened just over the summer months to see the kind of danger that we're moving into by allowing a Bill like this to pass. When you leave the changing of regulations in the hands of bureaucrats only, they tend to make wrong decisions. We saw that over the summer; we see that it's no longer a regulation that

nurses are needed in the OR. Well, if they're not needed in the operating room, tell me where nurses are needed in this province. This is a major concern to anyone who ever has to use the health care services here and is a major slip of the bureaucrats who made that change in the regulation. It would have never happened had that had to go before the standing committee, which is our recommendation and is certainly a good recommendation.

I would like to remind the people in this House that the Standing Committee on Law and Regulations has not met certainly since I've been elected and for many, many years prior to that. It's hard to believe that you could be passing the kind of regulations and legislation that occurs in this House and never have a meeting of that committee. In fact, it seems to me that the last time I looked, this government itself, since being elected in 1993, has come forward with four great, big textbooks filled with tiny print, back-to-back pages full of brand-new regulations, and there's no one to supervise or review or overlook those.

When we talk about another bungle that this government has made over the summer, we can talk about the \$25 fee for the freedom of information process. That is an obscene amount of money for people in this province to have to pay to have access to so-called free information. It's five times higher than that charged anywhere else in Canada and is totally unrealistic. Once again it's the decision of the bureaucrats. When you take these processes outside of the legislative committee, where the people of this province have free and open access to that information and have input that they can give to their legislators to make regulations or changes to regulations that meet the needs of the people – it simply doesn't happen when you take it outside, behind closed doors and just meet the needs of the government and not of anyone else.

Earlier, last night in debate and the day before, when the Member for Peace River stood up and tried to defend this Bill, he asked for questions. Well, I have a question for him, and I hope that he will stand up here and answer it. How many of the new regulations that this government is responsible for – that is, since being elected in 1993 – are foolish regulations, like we have seen with this \$25 FOIP fee and the regulation that eliminates the need for nurses in the OR? I hope that he'll be able to stand up in this House and answer this for us and also tell us how he expects these kinds of regulations to be reviewed and changed as necessary under the process that he's got under review. I don't think he can, and I think that's why he should be standing up and supporting this amendment, as I'm sure all of my colleagues will be.

Thank you.

**THE DEPUTY CHAIRMAN:** The hon. Member for Edmonton-Mill Woods.

**DR. MASSEY:** Thank you, Mr. Chairman. I'd like to speak in favour of the amendment, and because the amendment was made last night, I'd like to read it. The amendment would amend section 2 by striking out proposed section 11(1) and substituting the following:

11(1) In order to ensure that regulations filed under this Act are reviewed to determine whether they are still necessary or relevant, the Lieutenant Governor in Council, subject to approval of the Standing Committee on Law and Regulations, may, by regulation, set expiry dates for those regulations.

The important part, Mr. Chairman, is that it's "subject to approval of the Standing Committee on Law and Regulations."

Last evening when this was debated, the Member for Peace River dismissed rather quickly that standing committee, and the

reasons for dismissing it were that his experience with bipartisan committees is that they are slow to take action and that they are cumbersome. I think it's hardly a charge that could be made of the Standing Committee on Law and Regulations because that committee has never met. It seems a little premature, to say the least.

3:30

The second comment that the member made was about the Zander committee. I guess I was alarmed at the cursory manner in which the Zander report was dismissed and in particular the comments that were made about the members, because if you look at the membership of the subcommittee of this House, it certainly had the who's who of legislation in this country, not just this province, included in those that made up the report. I really wondered, when I heard that, whether the hon. Member for Peace River had full knowledge of the Zander report and the kinds of content that it included.

I guess what's puzzling in the member's responses is why the government has continued to bypass the Committee on Law and Regulations. We continually ask the question. The committee hasn't met, yet there seems to be no good reason given for the committee being bypassed. The committee that was designed to deal with the very issue in Bill 46 is the only committee that doesn't seem to be consulted. I think we should go back and establish why we wanted that committee in the first place: what are the needs for that committee? Where do those roots rest?

It goes back, I think, to our need for subordinate laws. It's recognized that when legislation is passed, there's going to be need. Because of changes that may come along between sittings of the Legislature and because there are unforeseen circumstances that arise and because it just wouldn't be possible to amend legislation for every situation that arose, regulations are a necessary part, and those subordinate laws have to be crafted if government is to operate and carry out their mandate. We all agree that we need regulations so that laws can be enacted and laws can be administered by the government.

[Mr. Tannas in the Chair]

Along with that have come some problems. There have been a number of problems when you delegate that authority to the public service and to departments to administer. Those concerns are: sometimes the regulations take on too much power; often the legislation itself may be skeletal and left for regulations to fill a much larger role than it was ever intended that regulations should fulfill; often a lack of public debate and adequate consultation over the enactment of regulations. That's been a criticism of regulations in the past, that the public hasn't been involved and that they can be crafted without full public knowledge, particularly by people that are going to be affected by regulations.

There's often a lack of public debate – and that follows from my previous point – and a breakdown in communications among groups that are, again, affected by those regulations. Many regulations that people have experienced are poorly drafted, and some of them lack the kind of precision and the kind of form and the kind of content that they properly should have. Really, most devastating for those of us in this House is that the legislative control over the regulations is often more imaginary than it is real, and the Zander report pointed that out.

I guess another criticism is that regulations are often changed without notice, and I think that's partly one of our concerns with this committee and the kind of work plan that they have estab-

lished. The charge has been made, of course, that regulations are used to circumvent the law and to make procedures and to promote bureaucratic entities within a government. The possibility lies in the opposite direction. We could see with this committee regulations being abolished that are deemed very necessary. If you look at the work plan, it raises in the kinds of criteria that it established some of the difficulties that may arise.

I think the problems that regulation and regulation-making impose on this Legislature is the fact, again, that this Legislature is ultimately responsible, and it's essential that the Legislature exercise its proper supervisory function over subordinate legislation. That's why the Standing Committee on Law and Regulations was so appropriate. What better way than a bipartisan committee of this House to appropriately supervise that subordinate legislation? No matter how much of our authority is delegated and taken on through regulations, ultimately this Legislature, this Chamber has to be responsible for the laws of the province. Again the Zander report, if I could just quote, in talking about democracy, says: "The people shall be governed by law rather than by officials." That strikes at the heart of the argument we're trying to make today, that we want this Legislature and elected officials to be in charge of this process. The second generalization that Zander points out is that "laws shall be made by a legislative body made up of elected representatives." That, again, is very, very important and basic to our support for the Committee on Law and Regulations.

As you reflect upon Bill 46, one has to be struck with the linkages that are possible with Bill 57. That was the earlier Bill, the Delegated Administration Act. Both of those Bills are similar in some ways. Both of them in their intent take power away from this Assembly. I think that whenever we are faced with Bills in this Assembly where the intent is to lessen the power of the elected representatives of people in the province, we had better listen to the alarm bells, which would be going off, and we should do everything within our power to make sure that that doesn't occur.

So I would urge members of the Assembly, Mr. Chairman, to support the amendment and to subject that review to the Standing Committee on Law and Regulations.

Thank you very much.

THE CHAIRMAN: The hon. Member for Edmonton-Mayfield on the amendment.

MR. WHITE: Yeah. Thank you, Mr. Chairman. I rise to speak in favour of the amendment put by my hon. colleague. It specifically refers to section 11(1) in section 2 and deals specifically with a committee of this House. There has been a long-standing committee of this House, and some of the members that have been here some length of time will understand the power that was wielded by that committee at one time in the regulation sense. Like all regulations, it's subordinate legislation to a key piece of legislation that was duly passed and scrutinized by this House, scrutinized by fully three readings, recorded in *Hansard*, given all the scrutiny and all the care that this body can give to a piece of legislation. When of course that legislation is limited to global powers and not to specific powers in the areas that one would expect a piece of legislation would cover, as any piece of legislation does cover, then it's set to regulation. Regulation of course is the body, the enactment. That's the nitty-gritty, those things that must be taken care of in order to make a piece of legislation effective.

## 3:40

Now, when you don't have public scrutiny of these things – as pointed out by the hon. Provincial Treasurer earlier, that an effective opposition does have an effect of keeping a government on track and reminding a government of potential errors – when that scrutiny is taken away, then you do have the potential of making some grave errors. The public's right to know is in fact paramount in a democracy. We all agree on that; that's not in question here. But when you do take away that power of a committee of this House – it does not have a record; it does not have any substantive way for an opposition, any opposition, whether it be within the party, in a caucus, or in a boardroom – when you don't have scrutiny, then you can and do and sooner or later will run into some major problems. If you don't have that will to be put in a position of being an adversary, then you know you shall be running into difficulty.

The government often says it speaks about regulation and changes in regulation to shareholders, or stakeholders, if you will. Well, that's all well and good, except that stakeholders oftentimes are not totally and completely protecting the public good. In fact, oftentimes the other is true, and I speak of some monopolies. If you're speaking of regulations in the deliverance of agricultural goods, like an agricultural co-operative or something of that nature, it could be that those stakeholders are interested and only interested in their vested interest, as they should be. Who then protects the general public from additional costs or additional risks by reason of having regulations drafted and duly passed by a body that only has the input of those stakeholders?

I can cite a case in particular. What happens in the case of regulations on land leases on provincial property? We've just gone through a major case before the courts, and it appears it will be back before the courts in an appeal shortly because a lot of the subordinate legislation, the regulations, in regard to public land leases is negotiated with those that hold the lease. Who would bother to review the regulations, save and except those who are most interested? Well, when push came to shove and there was in fact some public use or some desire for public use of the properties, we found that the regulations prohibited access. Then it became tested. In fact, if you'd had public scrutiny and if you'd had it going through a standing committee that is in place now, those kinds of things may not have occurred.

The health of any democracy is always dependent on erring on the side of public knowledge, and this piece of legislation, Bill 46, does not do that unless and until you put all of the regulations as per this amendment through the Standing Committee on Law and Regulations, which I do believe has not met yet in this Legislature. I quite frankly do not understand why you would have a committee without having the regulations being put through it. It seems to me less than efficient to have a committee without any opposition representation or without any different views at all and to not have that committee meet. The Provincial Treasurer was careful to point out that the opposition was needed. In every other Legislative Assembly in Canada and in any other Parliament there is in fact a committee that specifically is delegated the authority to review regulations as they pertain to ongoing legislation.

This piece of legislation along with a similar piece of legislation which was passed last fall – I believe it was Bill 41 – allowed a great deal of this Legislature to become redundant to where there is no need for this Legislature in fact to be sitting. If you don't pass legislation that has any effect and all of the power is dealt

with through order in council passed by a minister and recommended by a minister, where, pray tell, is the scrutiny in that?

There is a recognition of the same phenomenon that occurred all through the Socred era and was recognized a couple of years after the 1971 victory of a Progressive Conservative Party. They put a committee to work to discover how regulations could be managed in this House. The Select Committee of the Legislative Assembly on Regulations in the Province of Alberta was published in 1974, I believe, and it said a great deal about what was wrong at the time and what is beginning to occur to be wrong with legislation as it now is. The authority was clearly, clearly pointed out, that the public good was only enacted when legislation erred on the side of public knowledge. Of the 41 recommendations, fully 16 of those recommendations dealt with recommendations that in fact worked to try to put some of the information forward to the public. The regulations were exhaustive in how the *Gazette* could be published, how even in 1974 it could be published in the way of computing and in the way of other publications in the libraries so as to allow the public to have scrutiny of these regulations.

This is the ultimate end, the other end of the swing of the pendulum, this piece of legislation without this amendment. I can say to you, reading some of the recommendations, how strong these recommendations were. It says:

that all regulation-making authorities be familiar with the basic guidelines as set out in the McRuer report for drafting of regulations.

This is a specific way of drafting regulations, and it was very clear that any new regulations should not strike new policy. Well, there is no method currently of regulating that. There is none at all. We have no knowledge, the public has no knowledge even after the fact of whether the regulation oversteps the bounds and goes into other areas, like striking new policy initiatives, which in fact could be done.

I could cite an example: the recent annual report of the Auditor General published this year in fact pointed out very clearly to a regulation in the way of a decision whether in fact waste that was generated by the oil industry was considered hazardous or not. Now that simple piece of regulation made the difference between a success and a failure in a commercial venture sponsored by the province of Alberta. That is the magnitude of what we're talking about here. In a simple regulation that one might not think does in fact have a great deal of effect on the outcome of a commercial venture, you wouldn't think it could happen in that short order, but that's in fact what we're dealing with here.

We're setting a new policy direction, and that would in fact be a new policy direction for inclusion. It should not be in ambiguous language. Now, who's to test that other than the public or someone that is not really familiar with the workings of government and particularly a very small, narrow area of the government? An expert, of course, drafting a regulation would in fact be very, very familiar with all the technical terms involved with that piece of regulation, but the subject matter may be so totally foreign to another reader, who may in fact have some need of reading that regulation, that it will not be subject to scrutiny.

Another area that certainly has been set out here is that it cannot and should not exclude the court's jurisdiction. Well, the court certainly has to have jurisdiction, but in legislation and through regulation, unless specifically outlined in the parent legislation, this piece of subordinate legislation not being scrutinized by the public or by a standing committee could in fact usurp that authority and get government and therefore the public purse into a grave, grave situation.



Regulations that are made by independent bodies, which Bill 57 in the last session proposed to do and Bill 41 actually did do, can have a great deal of effect on how this province is run. It is paramount that these regulations be reviewed. Be reviewed by whom? I believe and this amendment states quite clearly that it should be referred to the Standing Committee on Law and Regulations.

3:50

In fact, the Zander report, that reviewed all the relevant legislation at the time, was very, very adamant in their commitment to a committee of the Legislature. So much so that of the 41 recommendations fully seven dealt with the commitment to, the terms of reference for, and all the powers of a standing committee that should be established and used by this House. In fact, it is not used by this House. The Zander committee went further to say that the standing committee should be permanent and it should operate in an objective and nonpartisan manner, therefore having all members of the House represented through their parties. It should have a relatively small membership in order to operate efficiently and effectively, which I believe it could and should do. It should be empowered to sit and call meetings outside the sessions of the Legislature. It should have adequate staff and permanent legal counsel. It should not – and this is probably the critical one – “trespass unduly upon personal rights.” That’s probably the most critical one, because there is no protection anywhere, other than through an elected member of this Legislature, where personal rights are in fact protected. One does not have that scrutiny anywhere else other than being an elected Member of the Legislative Assembly or an elected member, period.

The powers that are able to be abused or open for abuse by the imposition of regulation are vast and varied. We all understand that. Those of us that have spent some time at other levels of government certainly are aware of that, because they’ve been affected a great deal by the passage of regulation in many, many, many areas that this House never did see and had no knowledge of.

There is a great deal of relevant history in dealing with this kind of subordinate legislation that is agreed is needed. I mean, there’s just no reasonable way of dealing with three readings of every piece of legislation that requires further subordinate legislation in this House. I understand that. We all understand that. It’s a matter of how to designate and draw the line in that spectrum as to where public scrutiny is best cared for, and the public interest is best cared for by putting these pieces of legislation to scrutiny.

I believe this government has overstepped that bound, that limit. It has gone way beyond any reasonable desire for some efficiency in the performance of their duty and gone into what Lord Hewart in his published book called the *New Despotism* – I’d quote this one. In that book he

arraigned the Executive for its tendency to usurp legislative powers and criticized the administrative lawlessness of marching bureaucracy. These criticisms were quick to note the inconsistency of rapidly expanding powers which were unevenly distributed among various departments with no overall plan.

Mr. Chairman, there’s a great deal to be said for regulation and regulation efficiency, but this piece of legislation is fundamentally flawed unless and until the amendment that has been put before this Legislature and is before us at this moment is in fact passed.

I thank you for your time, sir.

THE CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Chairman. I will stand in opposition to the amendment. The amendment, when I look at it – you’ve heard members . . .

AN HON. MEMBER: You’re in favour of it; aren’t you?

MR. KIRKLAND: That’s what I was trying to say. I just thought I’d see if the Assembly was paying attention and see if in fact we had some action going over here. The amendment is a sound amendment, Mr. Chairman. It does make sense. I just wanted to see if the others over on that side were seeing if they had some support, and I just about slid it by them.

Mr. Chairman, the sunset clause as proposed certainly has some merit, but I think it also has its place when we put it in on a standing time frame without bringing it to proper review. To automatically set a repeal date of a regulation without evaluating its impact or without having it come before a discussion I think has a tendency to have some detrimental effect, and that detrimental effect has been pointed out.

I can recall the learned Member for Fort McMurray bringing forth the impact on a business that was attempting to plan long term. He used two examples to point out the pitfalls of it. I would present an example as well to also illustrate a potential pitfall. I think it brings it down to a practical viewpoint and application.

I spoke in the Assembly, last week I believe it was, about a business in Leduc that is disposing of toxic waste, Mr. Chairman. Now, his business is very much dependent on a continuous supply of toxic waste. To achieve this, he must of course culture contracts that would last several years, and he must do that in advance so there are some dollars invested in that particular venture. If there hypothetically is a regulation that authorizes disposal of these toxic wastes to a specific purity rating and also if it’s a specific waste, a sunset clause that is in place may in fact upon its conclusion, or expiry, cause that business some difficulty. I would suggest that to automatically set it – and I would suggest that it could well be that the time specific sunset clause was sound when initially introduced, but times and impact change. So I would suggest that it’s very important to have a committee review that and bring it back for review. Otherwise, the businessman in this case could well find his research investment jeopardized, his actual contracts that he has cultured jeopardized as well.

The proposed amendment, Mr. Chairman, would ensure that that regulation came back to the Standing Committee on Law and Regulations. That review, as I envision this committee, would focus the reason the regulation was implemented initially and should then focus who would be impacted by the change of that regulation. So the decision coming before the Standing Committee on Law and Regulations, as this amendment proposes, would be sensitive to the impact of this businessman and/or all Albertans. A preset sunset clause technically may have been set, as I indicated earlier, to deal with this matter with a reasonable expiry date; however, times could change. In particular when we deal with environmental matters, they can change rapidly. I could see very well where that individual would be hampered considerably by not having it come before and look at the implementation of some sort of transition time period to deal with the change in regulation.

4:00

I can think, Mr. Chairman, that if we had been dealing with regulations that this government set three years ago – and I'm sure clearly everyone in this Assembly realizes that the government approach today has changed dramatically. It's very different than it was three years ago, and many regulations that were implemented back then certainly are redundant today. With simply a sunset clause on them, they do not, in my view, receive the scrutiny that's required, again, to see that they are sensitively dismantled, set aside, repealed, or expired. So in my view, the amendment which brings the regulation back before this Assembly, which this Assembly has been charged with doing – and that's the Standing Committee on Law and Regulations reviewing them – would put a human element to it, and I think it would put a profound review and scrutiny.

Realistically, we know that the regulations are reviewed in a bureaucratic process, and that being the case, Mr. Chairman, the opposition to this amendment and to the referral of all regulations to the Standing Committee on Law and Regulations has been that it would be a tremendous cost. That's one of the differences of opinion we have here. The government members feel that this is a costly exercise to refer these to the Standing Committee on Law and Regulations. When we look at the process that's in place today with the bureaucracy, they in fact are honing and I'm sure focusing these regulations. So initially I would concede that there'll be added costs to actually embrace the referral of regulations to the Standing Committee on Law and Regulations. However, once the process is streamlined and once it's in place, the cost would be minimal, and I would suggest that cost certainly would be justified by a scrutinizing and again bringing to the members of the Assembly or that particular committee sound argument and sound discussion as to why a regulation should be appealed or not appealed. I think we would all profit from reviewing some of the decisions that have been made in the past, and in fact it may point us in a better direction of more efficient government simply by putting it before us one more time.

Mr. Chairman, the justification in my mind does not satisfy me that we should not utilize that Standing Committee on Law and Regulations that is in place. You have heard me say in this Assembly before that the best government is open government. This is just one more opportunity to force discussion into an open venue, and all Albertans certainly would be served more prudently and I would suggest more efficiently by that particular discussion. There has been some suggestion and thought that if there were regulations associated with the hazardous waste disposal plant in Swan Hills and they had been forced into a discussion stage, some of the losses may have been warded off earlier. So I see it as being a positive stop. We certainly should not be afraid of discussion in this Assembly, and I think this Assembly should embrace open discussion, and this amendment is simply attempting to do that. It is an extension of democracy, and I think it's one of the pillars of democracy to have open discussion.

So, Mr. Chairman, I would stand in support of that particular amendment because it captures one of those pillars of democracy, and I would ask all members to give due consideration to this amendment as it does bring discussion to the public stage. That's where the citizens of Alberta should have their interests discussed, and the decisions should be made on that particular stage.

With those comments, Mr. Chairman, I will take my place.

THE CHAIRMAN: The hon. Member for Edmonton-Manning.

MR. SEKULIC: Yes. Thank you, Mr. Chairman. I rise once again to speak to this first amendment to Bill 46. I was quite amazed by the large number – I thought it quite significant – of regulations which the government deals with and which the government has to implement in order to administer the programs. So I had to go to the bowels of this building, to the library, and look up that number, because the number that was quoted in here was 15,000 pages of regulations.

Well, it is a large task, and as I stated the last time I rose to speak on this issue, I don't think it's too large a task for the Standing Committee on Law and Regulations. The reason I say that now more confidently than the last time I spoke is that after having visited the bowels of this building, the library, I looked at the shelves that contained the regulations, and then immediately to their left, for those that tour the library or care to visit it, is a collection of all the laws which we pass in this province. You know, when you looked at how full the shelves were, it looked like they were quite similar in terms of content and volume. So although the task is large, it's no larger or not that much larger than the task which has been put before this full Assembly and all the representatives of the Assembly and all the representatives from all the different areas of Alberta. So when it comes to the enormity of the task, I don't think that's a criterion that I can accept anymore. That's the first point.

The second point I care to make is that regulations continue to be put out by the government, and this is exclusively by the government to date, at least in the past 10 years because the Standing Committee on Law and Regulations hasn't met. There has been an exclusivity component to each regulation passed in that time period. On my way to the library just moments ago I went by the press releases, the communications area, and came across one of the most recent, which is from the Alberta Advanced Education and Career Development department. The title of this release was: Alberta heritage scholarship regulation being amended. There are two points there that I think would have been worthy passing by a committee such as the Standing Committee on Law and Regulations for input from all the representatives of this Assembly or representation of all the members of this Assembly. One of those two components within this amendment referred to maintaining the number of "Louise McKinney Undergraduate Scholarships currently available, but reduce the value of each scholarship to \$1500 from \$2000." So this regulation, unilaterally passed by government with no input from the opposition side. We see now that despite the rising costs that students are facing in our educational institutions, we're cutting back those rewards which we provide to those students that are excelling. That was unilaterally a government decision.

The next one that I find of interest is discontinuing, with two exceptions, "the small specialized scholarship programs." Now, once again, the rising costs. We see that education is the cornerstone of a healthy society and perhaps equally importantly of a healthy economy, yet the government unilaterally, through the exclusivity that it has by not having the Standing Committee on Law and Regulations meet, passes these regulations which provide our students who are excelling with less despite the direction the costs for these students to attend these institutions is going. I think that's a real disservice. We're not rewarding. The Auditor General in his most recent report states that you should look to reward competence and performance. Here we go exactly the opposite direction with what we've so many times heard in this Assembly: our most valuable resource. The government is dealing with them exactly opposite to the recom-

mendations found in the 1994-95 Auditor General's report, which states that we should be rewarding performance, that we should be rewarding competence.

So when I see regulations like this passed, I don't just wonder. I know that they could have been bettered, I know that they could have been enhanced if they were to have come before the Standing Committee on Law and Regulations. I would certainly hope that members see fit now to rise and speak in support of this amendment.

With those few comments, I'll take my place, Mr. Chairman.

#### 4:10

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

MR. BENIUK: Thank you, Mr. Chairman. I would like to say a few words about the amendment. The difference between the Bill and the amendment is the words "subject to approval of the Standing Committee on Law and Regulations." By adding those words, fundamental changes will take place which concern me, and perhaps the sponsor of the amendment will be able to clarify this. Is this suggesting that a shift takes place? Up to now laws are passed in the Legislature. Regulations are determined by cabinet, by ministers, to help enforce the laws enacted by this Legislature. Would this give veto powers to a committee over the expiry date, which means also – I would ask it as a question – over how regulations are changed? In other words, does this mean no regulation can be changed also? Because you are giving veto powers to a committee. Or is it solely targeting a date? But the two are combined, because if a regulation is looked at in its whole with an expiry date, can any part of that regulation be changed without the committee's approval? So is this in fact veto over any changes over regulations in place at any given time, which means that the committee in question, of which apparently I am a member, will have veto powers over all regulations that the government now has, wants to change, wants to adopt, or whatever? The committee could find itself in the position of being in the centre of a power struggle between the executive and their desires on regulation change and the committee, a branch of the Legislature. That goes back once again. We now have laws passed in the Legislature, regulations put together and implemented by the executive.

Now, if this committee is given this authority, will funds also be provided to this committee? One has to assume the committee will not operate in a vacuum. It will probably have hearings of people involved that have vested interests in it. So are we going to then present funding amendments to make sure that this committee has the funds to carry out this task?

I believe in democracy without question, but this amendment raises some questions which I really would like the sponsor to address, because there are implications that flow from it that concern me, that go to the very fundamental nature of how the present setup exists. If the issue here is getting control over regulation by the Legislature, then all regulations should come under the control of the Legislature, period, and then that's what the issue here is. Or is it simply an expiry date with qualifications that a part of a regulation can be changed without the approval of the committee but not the whole regulation?

There are implications here that concern me very much, and I would hope that the sponsor of the Bill will clarify exactly how much power he envisions this committee to have in regard to veto over any changes dealing with regulation.

THE CHAIRMAN: The hon. Member for Edmonton-Manning.

MR. SEKULIC: Thank you, Mr. Chairman. On behalf of my colleague from Calgary-Buffalo, who is the sponsor of this amendment and whom I've spoken with to some extent, I'd like to respond to the questions that have been raised. With regards to the first question referring to veto power, first I'll describe the structure of the committee. The committee is a proportionate representation of this Assembly. In all instances, particularly this one, the government, which is in majority, the Conservative government, retains the majority representation on that committee as well. So if their cabinet in fact has a desire to pass through regulation, this committee is a check stop or a stop check, whichever way you want to refer to it, by which these can be publicly debated before they are finally enacted, and full representation for all Albertans is in fact represented in that committee, which is a subset of this committee in the Assembly. So that response: yes, they do have veto power, just as this Assembly has veto power on all laws which are passed in Alberta, which is in fact the best way to deliver democracy.

In response to the second question about any additional costs that may be incurred, certainly that wasn't a desire and never a goal of a responsible opposition to try to introduce any new costs to governing. We're looking for better ways, more efficient ways to deliver government, and I'd suggest on behalf of the sponsor that there were no requirements, or requisites, that individuals be brought before this committee to testify or anything like that. A lot of that work is already done by the bureaucracy in the consultation process. What we're looking for are the final refinements before this regulation is in fact passed and then joins its accompanying law.

So to the first question the answer is yes, and the reason the answer is yes is because the committee is a subset of this Assembly. To the second question the answer is no, we're not looking through this amendment for any additional costs or adding any additional costs to regulatory reform. We're just adding a level of accountability by which all of us can then go to our constituents and say, "Yes, in fact we discussed this in the Assembly, and we saw it to be in the interests of Albertans, as you have spoken to us to go and speak on your behalf."

So I hope those questions were answered, and I will now resign the floor to a colleague.

THE CHAIRMAN: The hon. Member for Edmonton-Strathcona, then Edmonton-Norwood.

MR. ZARIWNY: Thank you, Mr. Chairman. I'd like to stand to speak in support of the amendment and direct my support to that part of the amendment dealing with the Standing Committee on Law and Regulations.

Some 60 years ago any book on Canadian government would not have contained a chapter on administrative powers. These powers have always been there but posed no problem. There are many Acts giving ministers administrative powers and through them to the civil service and sometimes to boards and committees. As I understand, these Acts have without exception specifically defined these powers of administration, and their delegation is based on a very traditional, long-standing rule of law that no official discretions – I'm talking about civil service discretion – are uncertain and by their nature uncontrollable and bad. That's the assumption that there is out there, and I think rightly so. There is and there will never be any reason for arbitrary decision-making in the civil service. It's just simply not tolerated. Needless to say, the delegation of these powers has been a result

of a complex state of activities and the effect these activities have had on the public service. These gains, if I can call them that, by the public service have occurred at the expense of the legislative arm of government, this particular House.

Without this amendment we would be introducing an unprecedented amount of arbitrary decision-making, and all of this arbitrariness would be at the expense of the Legislature, the people of Alberta, and democracy. The arbitrary nature of the Bill without my colleague's amendment I believe abrogates some of the most cherished rights of Albertans that we have developed through our parliamentary system of government. The Act as it stands now is in my estimation an extreme example of how this government has delegated the powers of the Legislature downward. There's a very clear rule of thumb, another one, in government: no delegation of any kind contemplated as there is in Bill 46 should be made unless it is necessary for the purpose contemplated, and when made, it should specify in very clear detail the extent of delegation and it should be reviewed by either a parliamentary committee or a standing committee of this Legislature or the Legislature itself.

4:20

Further, there is no provision as the Act stands for legislative scrutiny. There's no provision allowing legislative approval, and it doesn't necessarily have to be this Legislature. It can be the committee. Review by a committee of this Legislature provides, in my estimation, a permanent validity to the regulations, a validity that would stay and change only after an additional review by the committee.

Now, the solution to the problem, then, is not to abolish the cause but to pass the amendment that the Member for Calgary-Buffalo has introduced. It's to continue to place the laws and their operations under the scrutiny of this Legislature or a body like the Standing Committee on Law and Regulations.

Now, scrutiny of a regulation without our input, Mr. Chairman, is not justified. The onus of the proof as to the necessity of a regulation, for example, or for example the repeal of a regulation must fall and rest heavily on the shoulders of those who ask for it, and that's the government. The proof can't be established unless there is some review of the regulation itself.

I fear without the involvement of this House or a committee of this House that there is then a potential for abuse of power in the administration of government. Such abuse of power arises because the administrative or the internal checks and balances and the barriers that exist in the civil service are not sufficient. The chief supplementary means, therefore, stopping a potential abuse of power or reinforcing the checks and balances is through the Committee on Law and Regulations.

Too often in the 23rd Legislature we have seen statutes passed or attempts made to pass them in skeleton form only, leaving the details to be filled in by ministerial regulation. In practice, however, it is often the regulations that are the most important and vital concern to the person on the street.

The question that needs to be asked is: to what extent will this Legislature retain control over the particular exercise of subordinate lawmaking, the subordinate lawmaking powers it has now and entrusted through this particular Act to the executive and the civil service? My answer to that is there is in fact none.

Now, the British have handled the problem, and they've dealt with it progressively. I just want to refer to a report dated November 1974 which is entitled the Report of the Select Committee of the Legislative Assembly on Regulations in the Province of Alberta. It's a report that was tabled I believe in this

Assembly by the Lougheed government. In this report they established that in 1925 the British introduced through the House of Lords a special orders committee. It was entrusted to examine all statutory instruments, which would have included regulations. Its four major terms of reference, terms that it operated under, included, number one, whether the provision raised important decisions of policy or principle; number two, how far were they founded on precedent; number three, whether they required special attention; and number four, whether there were any doubts about whether the Act or the regulation was *intra vires* or *ultra vires*.

To these they added – and I believe I'd just like to add these additional duties because they would serve as some guidance to the Standing Committee on Law and Regulations of this House:

- (1) Does it trespass unduly on individual rights and liberties;
- (2) Does it impose a charge on public revenues;
- (3) Does it exclude challenge in the courts;
- (4) Does it make unusual or unexpected use of the powers conferred;
- (5) Does it have a retrospective effect;
- (6) Has there been any undue delay in the publication or laying of . . .

This particular instrument.

- (7) Has it come into operation . . .

Without the proper notification of the Speaker.

- (8) Is it clear in meaning?

Those eight rules guided this committee. The terms of reference have changed slightly – and I won't go through them – because in 1958 a committee called the joint committee on delegated legislation took the place of this committee. The rules are basically the same; there are eight rules, slightly reworded.

I think it's important to note that the committee as well, as it operates now, is served by the legal counsel of the Speaker, who examine all instruments, whether it's regulations or Acts, that are within the terms of reference of the committee and suggests that these instruments should be examined by the committee. So the committee takes the recommendation of the counsel. Again, the reason why I'm saying this is that I think there's a point of reference here that we might want to use to get this committee, the Standing Committee on Law and Regulations here, activated.

The committee may then make a special representation to the House, and it also makes a general report annually. It's not concerned with the merits of the regulations or the policy behind the regulations – it is simply concerned about the instrument itself – and doesn't make any comments on these two areas, except insofar as it may concern the question of whether or not the law is proper or not, *intra* or *ultra vires*.

In conclusion, the committee considers each year 1,000 statutory instruments. This runs close to 8,000 pages or more. If it finds some instrument falling within one or more of the terms of reference, it will call for an explanation or observation from the government department concerned. It also has no direct action itself in respect of the instruments but issues reports to the House. So it serves as an advisory board to the Legislative Assembly, very similar to what our Standing Committee on Law and Regulations would be.

With those few comments, I would now take my place.

MR. BENIUK: The hon. Member for Edmonton-Manning confirmed there'll be veto powers. I believe the Legislature has to have control over the executive, but I have problems with this. The implications that will flow from this amendment I think are quite substantial. Possibly the first thing that should happen is:

have this standing committee meet and analyze exactly what these implications will be. At the present time no one in this House, other than the ministers, actually see the regulations that go with the laws we pass. Suddenly there's going to be a quantum leap forward with veto powers in changing the very things we haven't had any input to bring about. I mean, there are major implications. You know, if there was a report expressing the implications in detail of how this would work, what the implications are, then we could all take a good hard look at it.

The Member for Edmonton-Manning has pointed out that the committee represents all three caucuses, and I agree, but that's not the issue. The issue is: something that now is being done solely by the executive, suddenly the Legislature has veto powers over it, and how is the whole system that we're involved in here changed? I mean, that's my main concern. What are the implications?

4:30

THE CHAIRMAN: The hon. Member for Edmonton-Manning.

MR. SEKULIC: Thank you, Mr. Chairman. Once again on behalf of my colleague from Calgary-Buffalo I arise to attempt to answer this question. The key point here is that North America was the last jurisdiction to introduce freedom of information. Now, that's changing the way information is traveling and being released in this province unlike it was ever done before. To boot, to add to that, we now have the technological age bringing in greater difficulties, but we don't back off of it. So, too, we're one of the last jurisdictions in Canada to utilize such a standing committee. I know it's been used successfully in other jurisdictions. When you're the last kid on the block to do something, you could have picked up some pointers from the others. I think this is clearly an example. It's been proven to work. We're not reinventing the wheel. For God's sake, the wheel's there. Just pick it up. Pick it up. Use it.

So I don't think all of these concerns, though legitimate, because change is sometimes something which people approach with hesitancy and cautiously – I appreciate that, and I think we should. That doesn't mean we shouldn't try to progress and change for the better. This amendment clearly tries to take that step.

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

MR. BRACKO: Thank you, Mr. Chairman. I rise to speak in favour of the amendment. I believe it's a very important amendment, one that is needed, where regulations go to the Standing Committee on Law and Regulations. It's important that the regulations be looked at by all Members of the Legislative Assembly being represented on this committee so that their constituents are well served. That is part of being here in the Legislative Assembly.

We have seen, even recently, how regulations have changed and had a big impact on Catholic education. We see that the Catholics, instead of spending money in the classroom, have to fight the government as they change regulations that have not come before, many times, the whole Legislative Assembly. Instead of spending the money where it's needed, they have to spend big dollars in the courts to fight for our Catholic rights. A few regulations can change this. Now even the Catholics are forced with having to look at this in a new light. The minister's letter to Catholics says that Catholic views are so clearly inconsistent with the position of this government. I assume that maybe he means that this

government is spiritually and morally bankrupt. I would assume that's probably what he means: to have values.

Catholic education is one that is taught. When the government says that the students do not have to take it, they're infringing on Catholic rights. Why go to a Catholic school if you don't have to take religious studies? Religious studies are not just limited to half an hour a day. It is throughout the day in every course, Mr. Chairman. Catholic education, spiritual and moral values are taught in different classes. Social studies always uses spiritual and moral values. For example, when we taught about the population in social studies 20, we looked at it and had to teach values. Where 15 percent of the industrialized countries control 65 percent of the wealth, you ask the question: is it morally right that people in the developing nations, a large number, only have 35 percent of the wealth? The population is tremendously higher in the developing nations. So as you look at the regulations, they should come before this committee so they're looked at to make sure that all Albertans are well served and not just a few.

We look at the other aspects, even in kindergarten. Regulations have changed the number of hours that students can go to kindergarten, taking this opportunity away from students. Instead of having 400 hours, maybe down to 200, and I believe it's 240 hours now. The kindergarten and grade 1 teachers are saying that they need the 400 hours to prepare them, like they used to, for grade 1. That's needed.

Another example given today was drugs. One of the members from the government mentioned that there's \$9 billion worth of waste in drugs in our country and came down to Alberta suggesting – their words, not mine – that there was \$900 million in abuse of drug use in the health care system.

#### **Chairman's Ruling Relevance**

THE CHAIRMAN: Hon. member, I'm sorry. I'm just losing the thread entirely. We're debating Bill 46. We're talking about amendment A1, as proposed by Calgary-Buffalo, and it's dealing with regulations and having them appear before the Standing Committee on Law and Regulations. We've talked about the North-West Territories Ordinances. We've talked about a number of things. I just don't understand how they relate to the amendment.

MR. BRACKO: Well, the regulations that are changed allow some of these things to happen, Mr. Chairman.

THE CHAIRMAN: You're going to tie it in? Good.

#### **Debate Continued**

MR. BRACKO: They are done and they're done in secret by the government, by the ministers in Executive Council. This is why I feel it's very important. I may have not made it as clear as I should, but even the drug use, regulations concerning the use of drugs – the member said that it was \$900 million from the government that was abused in Alberta. You take that over 25 years, and that's close to \$25 billion. Now, that regulations that govern this can cost us up to \$25 billion is unbelievable. That's why we need the scrutiny and should take it to the Standing Committee on Law and Regulations.

Also, they had to wait to get the report from Ottawa instead of doing our own research. That's why it should be in this committee, so that questions like this can be asked, brought out: where's the research that supports the rules and regulations? This would

give all parties a say in it. It's important that this happens. When you have more heads together, usually you get more information, you see a bigger picture, and you can serve Albertans in a much better way and in a more cost-efficient way, which is what needs to be done as we compete more.

Another one is regarding social housing. All we need is a regulation to have a social housing registry so that those that damage houses are accountable. They're on a list. So if another foundation or wherever the social housing takes place – they can have their names on a list.

This amendment is needed, Mr. Chairman, so we can move forward and run an efficient, accountable Legislative Assembly.

**THE CHAIRMAN:** The hon. Member for Edmonton-Highlands-Beverly.

**MS HANSON:** Thank you, Mr. Chairman. I'm speaking to the amendment to Bill 46. Bill 46 without the amendment is a very powerful piece of legislation, just the fact that it gives the regulatory reform committee the power to change regulations without coming before the Standing Committee on Law and Regulations and before elected members. It's offensive and undemocratic, in my mind, to move elected members out of that process.

The proposed amendment would allow the Bill to be more effective and more fair and would set a mechanism in place to monitor and evaluate the work of the committee. It's going to have thousands and thousands of regulations to review. Obviously, it's a big job. But there's a very important principle here. Regulations are powerful. They can make all the difference. When legislation comes down the pipe and it's used by the community and interpreted by the people in the community or public servants, how the regulations are written makes all the difference in the world.

They can determine how people live. I'm thinking of the Social Development Act. They're a power over many important aspects of our lives. They should never be changed without thorough review and consideration by a committee of elected members. Just as an example, I see here in the Social Development Act under section 12(1):

Subject to the regulations, when the Director considers that a person is in need of assistance he is responsible while the person is in Alberta.

So he can decide the amount of assistance and when, what it is that's in need of assistance, and he decides that through what it says in the regulations. [interjection] Yeah, it's crucial, and we can't just have people changing those without a very thorough process.

#### 4:40

If you look as well at some of the other regulations, in section 27 school expenses can be changed: where a child member of a family unit or a child referred to is registered in attending school, the director may provide this or that, \$50 or \$100 or whatever. That could be canceled. Part 4, section 30, the personal support allowance for disabled and vulnerable people, attendant care services: those regulations can be changed. Since we're moving towards community living and community support for people, we have to have really careful considerations about what we allow those people to have to support themselves in the community and to better the quality of their lives, not make them worse. Additional shelter allowances are another thing. I could go on and on through the whole book.

Mr. Chairman, without the amendment I can't support this Bill. Without a mechanism for second thought by elected members we can make serious mistakes, and I urge all members to support the amendment.

**THE CHAIRMAN:** The hon. Member for Edmonton-Gold Bar.

**MRS. HEWES:** Thanks, Mr. Chairman. I want to speak in favour of the amendment. I think it's the only way that we can in fact introduce into this particular piece of legislation some reasonable sense that this Legislature is still in control of its own laws and the regulations that flow from them.

I appreciate that the committee chairman has indicated in their review that there's an attempt here to make sure that there are no unnecessary or undue encumbrances in the regulations and the legislation that they come from that will hinder people from going about their daily duties and leading healthy lives and contributing in society. Certainly in a government such as ours there are many regulations, and I appreciate that fact, that we want to streamline it and make it a lot more efficient. But, Mr. Chairman, this does in fact, to me, indicate a very disturbing trend that we have seen developing in the last two years in this government, and that's a trend that has been highlighted by a pulling into the centre all of the power and all of the control. I think this is legislative power that is being misused and that has in fact gone somewhat wild. The notion of committees that are only made up of government members I think is one that is an anomaly in this nation and one that I believe does not do service to the whole idea of democratic government.

Mr. Chairman, we see this government now moving towards Bills, legislation that is open ended, that is simple and umbrella in its style, without bringing to the Legislature at the time the Bill is presented the rules and regulations that then will make that piece of legislation operative, yet we're all expected to speak to the Bill, we're all expected to agree with it and, in quotes, trust me. The government says: "Trust me. We'll write good regulations. We'll write regulations that won't hurt anybody." They'll also change regulations at what could be literally the whim of a minister or someone in government that believes it's time for a change.

Mr. Chairman, we've seen a number of examples where things have been attempted to be changed, and we've only caught on to it at the very last minute. Thank goodness somebody is here in the opposition or somebody is out in the public, some interest group, that watches the kinds of things that come through the orders in council. Like the one back in the summer where the government attempted to bring an order in council in that was going to delete the requirement to have registered nurses serving in operating rooms: somebody caught that one. Had they not, one hopes that the government, in the best interests of health care in the province, would not have allowed something to happen that was inappropriate, but the potential is there. That's exactly what Bill 46 is allowing to happen unless this amendment is there. The regulations will be made in a whimsical fashion and they can be changed in that fashion without the proper scrutiny of this Legislature.

Now, I have said many times in this House that when we are asked to pass legislation that is comprehensive, we should see the regulations at the same time. I think routinely that's what ought to happen, Mr. Chairman. It isn't what happens. We're asked to take the word of the government on trust. Now, there are many, many examples. My colleague from Edmonton-Highlands-Beverly

has read a few out of the Social Development Act. I'm reminded of the Alberta Seniors Benefit Act, passed a year or so ago. Many regulations in connection with that can in fact be changed so that without this Legislature and without the public input the thresholds for ASB could be changed. Now, I don't think that makes good sense, not for the government and certainly not for citizens of the province.

When you think of the legislation that put the regional health authorities in place, the regulations that accompanied that could in fact be changed without legislative approval. Another example is the ambulance Bill, passed a few years ago in this province, given Royal Assent and nothing happened. The regulations were argued over for two or three years. They finally came in, and they aren't operational. They aren't working as they should. If this Bill passes, Mr. Chairman, it would never see the light of day in this House. If the Bill passes without this amendment, I think we'd be in deep trouble.

I'm also reminded that last year the government attempted to bring in Bill 57, which I thought was the height of arrogance, suggesting that someone other than the Legislature could make the regulations in the first place, giving the responsibility of government-mandated programs to a third party, leaving the government without any liability for that and saying that third party could make regulations for the functioning of that program and in fact could charge for it. I mean, the whole Bill, Mr. Chairman, simply blew me away. The notion that a government would even think about it, let alone propose it, in this day and age when everyone is talking about – and yes, we can talk, but we don't always walk the walk. Everyone talks about freedom of information. “We are all an open government. There is no secrecy.”

This particular Bill without the amendment gives rise to the potential for ultimate secrecy and power being pulled into the centre. Mr. Chairman, without this kind of an amendment, keeping control in the Legislature, keeping the control and the openness of those changes within this Assembly – I think we have a responsibility that has not been fulfilled, and I believe the Bill is improper and should not be allowed to pass.

Now, I appreciate that the committee has worked very hard in bringing it forward. I am concerned when I look back to some of the comments of my colleagues and other members of the House about the Zander committee report of some 20 years ago and the principles that it enunciated. I have not seen, I have not heard from any member of the government side of the House that has told us why those principles no longer are functional. I don't know how the committee in its wisdom could have decided that those principles should be turfed out, because it seems to me that that would have been one of their first responsibilities.

**4:50**

I also note that the committee and the members who worked on it were good and solid citizens, mostly representing the business community. I'm sure that businesses look for fewer regulations and less encumbrance, and I appreciate that. But there are also other people in our communities that weren't represented on that committee. Mr. Chairman, I ask again: why were the principles that were enunciated and gave rise to the legislation before and to the formation of the Committee on Law and Regulations abandoned? There's been no explanation of that whatsoever. If they stood for something at that time, why were they abandoned at this point?

Mr. Chairman, I will without equivocation support the amendment. I'd very much like to hear from the chairman of the committee, his response to my questions about the principles. I

believe that without the amendment the Bill is gravely flawed. It would be a mistake. It would challenge all of the democratic principles that we know in this House and should not be allowed to pass. I will not support it without the amendment.

**THE CHAIRMAN:** The hon. Member for Edmonton-Roper.

**MR. CHADI:** Thank you, Mr. Chairman. After listening to the debate this afternoon – the one-sided debate I may add, because I haven't heard any arguments of why we should not pass this amendment, other than Edmonton-Norwood talking about veto powers – I feel that I need to speak to this.

This afternoon I was invited to speak to a classroom in my constituency, a group of grade 6 students that were studying provincial politics and not having had the opportunity yet to visit the Legislature. I thoroughly encouraged them and their teachers to come and visit, because I wanted them to see democracy, so-called democracy any way, in action. The questions that were asked of me today were not new but at the same time questions that I always find difficult to answer only because I'm dealing with a group of grade 6 students.

Mr. Chairman, one of the questions that was asked today was: what is the role of an MLA; what do you do? The reason I have difficulty with it is because I'm somewhat embarrassed at times to stand in a classroom and talk to these students about the Bills that are introduced in this Legislature and the contribution that an opposition MLA would have. The contribution that an opposition MLA would provide sometimes falls on deaf ears, and I have difficulty explaining that to somebody in grade 6. I'd have difficulty explaining it to somebody in grade 12. I have difficulty explaining that to any one of my constituents. Like them, I too, when I was elected, thought that we'd all have a say in making the laws of this province. We'd create the laws, we'd put them together, and we would contribute equally in every respect. I hope to think that perhaps maybe today that is what we are doing: we are participating in this debate to contribute.

Now, the amendment that has been brought forward by the Member for Calgary-Buffalo is one that I think is vitally important. It is one that we should all take notice of, perhaps maybe consider what it would be like enacting this amendment within the Regulations Amendment Act.

Mr. Chairman, time and time again, when members from both sides of the House get up to speak on Bills, we are given a skeleton to deal with; we're given a framework. This is a Bill that says, “This is what should happen” or “This is what can happen” in any given scenario. Now, often we ask for regulations or often we ask: why don't we get to see certain regulations before or simultaneously, when the Bill is presented, so that it gives us a better picture, a clearer picture of what's being contemplated in the Bill? But that never happens. It never happens because we're always told that it will be dealt with in regulations, that it will be dealt with in supposedly a committee that is an all-party committee of the Legislature, a Standing Committee on Law and Regulations. I never once heard that the standing committee . . . [interjection] What? Have you got a point of order?

**THE CHAIRMAN:** No, no. You're all right, Edmonton-Roper. The Chair had momentarily lapsed in his diligence and didn't notice that there were about seven people standing and speaking or standing, so we'll try and eliminate that.

Edmonton-Roper, in continuance. Go ahead.

MR. CHADI: Thank you. It could have been perhaps a standing ovation. You never know, Mr. Chairman. I would like to think that perhaps we give those out here in this Assembly.

During the time that I've been elected as a member of this Assembly, I have never heard of a time when a meeting of the Law and Regulations Committee had taken place. I can tell you, though, that after being here for the last couple of years and seeing the work that is being done by the standing committees – for example, the Heritage Savings Trust Fund Act Committee, the Public Accounts Committee, and different other legislative committees – Mr. Chairman, I'm not sure that any one of them would be more important than one that would be on laws and regulations, simply because it is going to be the committee that would screen, that would filter through laws and regulations that would be attached to the Bills that we pass or reject in this House.

I know that it's an enormous amount of work. In reading through some of *Hansard*, I had no idea how many regulations existed. Some people said that it was 15,000, 16,000. Who knows? It might have been a hundred thousand. I'm not here to pick a number. All I'm saying is that I'm certain there are a great deal of them, and I'm certain that the workload for the Law and Regulations Committee would be enormous. I think it's probably one of the most important tasks, far more important, I think, than the Heritage Savings Trust Fund Act Committee, far more important, Mr. Chairman, because we get to debate the heritage savings trust fund in the Legislature during estimates. So we've sort of filtered it. We know what's happening there. We know what goes on in the Heritage Savings Trust Fund Act Committee. We've dealt with it a year previous, usually.

Estimates are no different when we're talking about the Public Accounts Committee. I mean, we can sit here for 25 days. I'm not sure exactly how many days we do estimates anymore, but I assume it's 25 days. But in those 25 days we deal with the budget estimates for the year. Now, one year removed, we're back at it again in Public Accounts dealing with those estimates, dealing with those expenditures that we knew took place. Now, there may be some variation in there, but at the same time we've seen it all before, is what I'm saying. So, Mr. Chairman, with Laws and Regulations, it's one thing that all-party committee does not get to see: one year removed or six months removed or even a month removed, the story, the situation, the meat, if you will, on that skeleton Bill. We don't get to see it at all. I don't think the backbench of the government gets to see it either, because with respect to the Regulations Amendment Act, 1995, proposed in Bill 46, it's quite clear that the Lieutenant Governor in Council may by regulation set expiry dates for those regulations or determine whether they're necessary or relevant. Now, the Lieutenant Governor in Council, Mr. Chairman, is nothing more than cabinet. So the backbench, I'm certain, does not get to deal with it. I don't know how the government actually works, whether there are perhaps maybe members from the backbench that are part of council. [interjections]

Would you care for me to take my seat, Mr. Chairman, while you calm this group down? No?

5:00

THE CHAIRMAN: Order.

MR. CHADI: Thank you. I'm still looking for that standing ovation; that's all, Mr. Chairman. Perhaps maybe I can get it soon.

So if the backbench is not involved in the cabinet decisions as to whether necessity or relevance applies to certain regulations,

then I would suspect that there isn't a single backbencher here, there isn't a single member of the government side that is not involved in the cabinet that ought not want to get involved in support of this amendment. This amendment says that what we need to do is filter these regulations through a screening process, if you will, before the Standing Committee on Law and Regulations. It's an all-party committee. It's one that is made up of members of the opposition, as there are members of government, but the members of government certainly are the majority on this committee, as they are on all the other standing committees of the Legislature.

Now, we heard Edmonton-Norwood speak earlier, and I thought I heard him say that he's a member of the Standing Committee on Law and Regulations. I'm very pleased, because he's a very competent member of this Legislative Assembly, Mr. Chairman. I would question, though, anyone who is excited, rightfully, I suppose, about being on a committee like Law and Regulations but has never ever taken part in it. It's never ever had a meeting, not during our tenure as MLAs. So I suspect, Edmonton-Norwood, that you're never going to see the chance either to filter through, to review, to be part of the process. [interjection] Calgary-Nose Creek is asking for something. Probably wants to engage in debate but is on the wrong side of the House at the moment.

In any event, we have Edmonton-Norwood, who talks about being proud of being on a committee like the Law and Regs that has never ever met. So I, for example, being on a committee like the Public Accounts, like the Heritage Savings Trust Fund Act Committee, and the different committees, can honestly say, Mr. Chairman, that they serve a useful purpose, but I don't think that for a moment they can be as important as the Standing Committee on Law and Regulations. That's why I think an all-party committee, an all-party committee that actually means something, an all-party committee that meets would be of vital importance and I . . .

THE CHAIRMAN: The hon. Member for Edmonton-Norwood is rising on a point of order. Would you share that point of order with us, Edmonton-Norwood?

#### Point of Order Imputing Motives

MR. BENIUK: Standing Order 23(h), (i), (j). The hon. Member for Edmonton-Roper has suggested that I'm happy, overjoyed to be on a committee that never meets. I'm happy to be on a committee that has the potential to bring about certain changes, a very important difference which I would like to clarify.

THE CHAIRMAN: On that clarification we'll ask Edmonton-Roper to conclude his remarks.

#### Debate Continued

MR. CHADI: Thank you very much, and I appreciate Edmonton-Norwood's comments, but I do at this point in time move that the committee do now rise and report.

[Motion carried]

[The Deputy Speaker in the Chair]

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



MRS. FORSYTH: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain Bills. The committee reports Bill 48 and Bill 47. The committee reports Bill Pr. 7 with some amendments. The committee reports progress on Bill 46. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly. I would also like to table copies of documents tabled during Committee of the Whole this day for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

[At 5:06 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

