

## Legislative Assembly of Alberta

**Title:** Wednesday, February 28, 1996 1:30 p.m.  
**Date:** 96/02/28  
 [The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

O Lord, we give thanks for the bounty of our province: our land, our resources, and our people.

We pledge ourselves to act as good stewards on behalf of all Albertans.

Amen.

Please be seated.

head: **Introduction of Visitors**

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. In your gallery today I would like to introduce through you to all Members of the Legislative Assembly the Hon. Don Morin. He is the Premier of the government of the Northwest Territories. I would like to introduce his two staff members: his executive assistant, Ferne Babiuk, and press secretary, Art Sorensen. A resident of Fort Resolution, Premier Morin was first elected to the Legislative Assembly in the general election of October 1987. Premier Morin was elected to cabinet in 1991. He was elected Premier by the leadership committee of the Legislative Assembly on November 20, 1995. As I indicated, they are seated in your gallery. I would ask that they all rise and receive the traditional warm welcome of the Legislature.

head: **Presenting Petitions**

MR. DICKSON: Mr. Speaker, I'm delighted this afternoon to introduce a petition signed by 38 residents of my constituency urging the government to ensure that the Alberta Place district office of Family and Social Services not be closed as an SFI office until alternate service delivery points are established and accessible in the city of Calgary.

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

DR. NICOL: Thank you, Mr. Speaker. I also would like to present a petition on behalf of 550 residents of southern Alberta who are concerned about the Chinook regional health authority's movement of people against their will out into long-term care facilities away from their families.

head: **Reading and Receiving Petitions**

MRS. HEWES: Mr. Speaker, may I request that the petition I presented yesterday be now read and received.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to uphold the five basic principles upon which Medicare was built: Accessibility, Universality, Portability, Comprehensiveness, and Public Administration.

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

DR. NICOL: Thank you, Mr. Speaker. I request that the petition I presented on Monday the 26th now be read and received.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to uphold the five basic principles upon which Medicare was built: Accessibility, Universality, Portability, Comprehensiveness, and Public Administration.

MR. VASSEUR: Could I have the petition I presented on February 26 read and received, please?

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to uphold the five basic principles upon which Medicare was built: Accessibility, Universality, Portability, Comprehensiveness, and Public Administration.

head: **Notices of Motions**

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

MR. BRACKO: Thank you, Mr. Speaker. Pursuant to Standing Order 40 I will rise after question period today and seek unanimous consent to consider the following motion: be it resolved that this Assembly congratulate the students, staff, and parents of Elmer Gish school for being awarded the prestigious great Canadian school search award for 1995 as a top environment school in Canada.

head: **Introduction of Bills**

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

### Bill 7 Municipal Affairs Statutes Amendment and Repeal Act, 1996

MR. SEVERTSON: Mr. Speaker, I request leave to introduce a Bill being the Municipal Affairs Statutes Amendment and Repeal Act, 1996.

[Leave granted; Bill 7 read a first time]

MR. DAY: Mr. Speaker, I'd move that Bill 7 as just introduced be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

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

### Bill 9 Agricultural Societies Amendment Act, 1996

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. Coming from a lengthy agricultural background, I request leave to introduce a Bill being the Agricultural Societies Amendment Act, 1996.

[Leave granted; Bill 9 read a first time]

MR. DAY: Mr. Speaker, I'd move that Bill 9 as just introduced

be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

MRS. McCLELLAN: Mr. Speaker, during question period on February 22 I indicated to the hon. Member for Little Bow and indeed to all members that I would table information on the initiatives under the program Action for Health. I am pleased to do that today.

DR. WEST: Mr. Speaker, in keeping with the open and accountable government policy, I'd like to file with the Assembly the 1996-97 construction program for Alberta Transportation and Utilities. This is a complete construction program including bridges, airports, primary and secondary highways. In addition, it must be noted that modifications to the program may be required as more current information becomes available. In particular, final paving, pavement overlays, and chip seal coat projects may be added and/or deleted from the program depending on how the condition of the highway changes throughout the year.

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

MRS. LAING: Thank you, Mr. Speaker. I beg leave to table the annual report of the Alberta Alcohol and Drug Abuse Commission for the year 1994-95. Copies will be distributed later to the members of the Assembly.

head: **Introduction of Guests**

MRS. McCLELLAN: Mr. Speaker, earlier today I had the pleasure of taking part in the inauguration of an exciting consortium that's working towards health opportunities in our communities. The Health Service, Education and Research Consortium brings together 15 organizations from Edmonton and St. Albert to work towards excellence in health service, education, and research. I would like to introduce to the Assembly the members of the consortium. You will note that they are wearing ties or scarves of a certain significance, which is their theme of tying it together.

I would ask the members to stand as I read their names and remain standing until the end of the introductions, when we could all welcome them appropriately. Mr. Bill Sturgeon, who is chair of the consortium; Dr. Don Philippon, who is vice-chair of the consortium; Ms Janet Watkinson of the Alberta Cancer Board; Dr. Jacques Magnan of the Alberta Heritage Foundation for Medical Research; Dr. Duke du Plessis of the Alberta Research Council; Mr. Ted Langford of the Alberta Vocational College; Dr. Dominique Abrioux of Athabasca University; Mr. Campbell Miller of the Capital health authority; Ms Marilyn Kane of the Caritas Health Group; Mr. Jeff Bellinger of the city of Edmonton; Mayor Anita Ratchinsky of the city of St. Albert; Ms Charlotte Robb of the Economic Development Authority, Edmonton; Ms Mary Cameron, Grant MacEwan Community College; Mr. Ian Wellman of Healthcare Opportunities Metro Edmonton; Dr. Stan Souch of the Northern Alberta Institute of Technology; Mr. John Yarske of the Provincial Mental Health Board; and Dr. Martha Piper of the University of Alberta. These individuals represent a powerful consortium in our province, and we welcome them as a first in Alberta.

1:40

MR. DAY: Mr. Speaker, I'm pleased to introduce a number of representatives of the Alberta Union of Provincial Employees that I had the privilege of meeting with today, looking at a number of issues of concern to them. I'd like them to stand and in a moment receive the warm welcome of the Assembly. Earl Thompson, vice-president, from Tofield; Larry Connell from the Calgary area; Roberta Dahl from the Edmonton area; Doug Gamble from Hay Lakes; Dianne Mair from Camrose; Dale Perry from the Coaldale area; Mike Poulter from the High Prairie area; and Steve Nimchuk. They addressed clearly and succinctly a number of issues important to them. I'd like the Assembly to give them the traditional warm welcome of the House.

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

MR. HERARD: Thank you, Mr. Speaker. It's a great pleasure for me to introduce to you and through you to the members of the Assembly two prominent businessmen: Mr. Peter Burgener, president of the Association of Architects, and Mr. Barry Lester, president of the Alberta Association of Consulting Engineers, who are here to see the workings of the House and, in particular, the workings of private members' Bills.

Thank you.

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

MRS. HEWES: Thank you, Mr. Speaker. On behalf of my colleague the Member for Edmonton-Glengarry I'm pleased today to introduce to you and through you to members of the Assembly a group of 13 students from St. Anne school. They're accompanied by two adults: their teacher Mr. Shawn Carson and Mrs. Patricia Pate. They're seated in the public gallery, and I'd ask them to rise and receive the welcome and acknowledgment of the House.

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

DR. PERCY: Thank you, Mr. Speaker. It's my great pleasure to introduce to you and through you to members of the Legislature 54 students from Brander Gardens school in my constituency. They're accompanied by their teachers Mrs. Gago-Esteves and Mrs. Martin, and they're seated in both the public gallery and the members' gallery. I would ask that they rise and receive the warm welcome of the Legislature.

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

MR. WICKMAN: Thank you, Mr. Speaker. I have two introductions to make today. The first one is a group of two adults and 34 students from Sweet Grass school, which is in the riding of Edmonton-Rutherford. They are accompanied today by two teachers: Mrs. Pat Smith and Ms Marie Anne McLean. They are spread out in the public gallery and the members' gallery. If they could please stand and receive the warm recognition of this House.

My second introduction, Mr. Speaker: three students from NAIT, Colleen Downey, Katie Baldock, Mike Mlazgar. It's ironic that I make this introduction today while Dr. Stan Souch is in the members' gallery. NAIT is an institution I attended, one of the finest in the province, let me tell you. Dr. Souch was a big influence in my life. He has a lot to do with the success of that

facility and the outcome of students like we see here in the public gallery. So if the three of you could stand and receive the warm welcome of this House.

head: **Oral Question Period**  
**Deputy Minister of Health**

MR. MITCHELL: Mr. Speaker, last fall we asked the government for a copy of the résumé of the Deputy Minister of Health. The government never provided this information, and this morning Albertans found out why. It is no wonder that our health care system is in such chaos, when simple reference checks are beyond this government's ability. My question is to the Premier. How can he claim any competence whatsoever in running a health care system when he can't even hire a reputable deputy minister who is responsible for one-third of the entire provincial budget?

MR. KLEIN: These are very troubling allegations indeed. The Public Service Commissioner has been asked to review this matter with the minister. This is a personnel matter, Mr. Speaker, and I don't think it would be appropriate to comment further.

MR. MITCHELL: Why couldn't someone in this government at the time of the hiring at least pick up the phone and check this deputy minister's reference, or did they simply want to overlook it because they so badly wanted her two-tiered, commercialized health care ideology?

MR. KLEIN: This was a story in today's *Globe and Mail*. As I indicated, this is troubling. The Public Service Commissioner is looking into this matter, Mr. Speaker. It is a personnel matter, and I don't think, sir, that it would be appropriate to comment further.

MR. MITCHELL: Perhaps he should have investigated it when we first raised the problem.

Mr. Speaker, will the Premier ensure that when he finally gets around to firing Ms Fulton, she will not receive any severance package from the taxpayers of Alberta?

MR. KLEIN: Mr. Speaker, as I indicated, this whole matter is being investigated by the Public Service Commissioner. The minister has indicated to me that they are indeed troubling allegations. The matter will be investigated fully, and I think it would be inappropriate to comment further at this time.

MR. MITCHELL: Maybe it should have been investigated fully before he hired her.

Given that the Premier claims – and he has done this in the past – that Ms Fulton is highly qualified, will he tell Albertans what exactly she's qualified to do other than to be a mouthpiece for a two-tiered, commercialized health care system?

MR. KLEIN: Mr. Speaker, in order to avoid the time of the Legislature, the answers I provided on three previous occasions will be the answer that I'll give to every question on this matter.

MR. MITCHELL: We're used to him not being here to answer questions, Mr. Speaker.

Given that Fulton has actively promoted commercialized health care in any number of speeches on government time across this country, will the Premier now reconsider his policy of creating a

two-tiered, Americanized health care system in this province?

MR. KLEIN: The same answer as before, Mr. Speaker.

MR. MITCHELL: Given that Fulton has been one of the key advisers on private clinic facility fees and this government's policies to continue them, will the Premier now stop facility fees before we lose one more dollar in penalties? That's a different question, and we'd like an answer.

**1:50**

MR. KLEIN: Mr. Speaker, I think that question was asked yesterday, and I answered that question yesterday, and the hon. Minister of Health supplemented yesterday. Today I will have the hon. Minister of Health supplement once again.

MRS. McCLELLAN: Mr. Speaker, the hon. member knows full well or should know that we are in consultation with the federal ministry and that our officials are working on a program on this very issue. We have laid out clearly the 12 principles that we believe deal with this. I can further tell the hon. member that I had a conversation with the new Minister of Health for Canada yesterday and reassured the hon. minister that we would be working, as we have been, in a very productive way in ensuring that Alberta continues, as it always has, to uphold the principles of the Canada Health Act and asked that we would have some assurance that those rules would not change without a great deal of consultation so that we have stability in our province in our ability to uphold those principles of the Canada Health Act, which this government has consistently done over the past number of years.

**Closure**

MR. MITCHELL: Mr. Speaker, the government of Alberta admits that it has dome disease. However, it seems to be more of a phobia about scrutiny and . . .

DR. L. TAYLOR: Well, you're just stupid. [interjections]

THE SPEAKER: Order. [interjections]

MR. MITCHELL: Are you going to talk to him, Mr. Speaker? Are you going to deal with him? [interjections]

THE SPEAKER: Order. [interjections] Order. [interjection] Order, hon. member.

MR. MITCHELL: The government of Alberta admits that it has dome disease, but really what it is, Mr. Speaker, is a phobia about scrutiny and accountability. While the Premier boasts about being open and accountable, he muzzles debate in this Assembly at every opportunity, at least when he's here. When the Premier isn't ducking question period, he is ordering his House leader . . . [interjections]

THE SPEAKER: Order.

MR. MITCHELL: When the Premier isn't prepared to answer questions on Multi-Corp, he is ordering his House leader to shut down debate on how his government will spend over \$13 billion of taxpayers' money. Will the Premier explain why his government has outpaced every other government in Canada in wielding the club of closure in parliamentary debate?

MR. KLEIN: Far be it for me, Mr. Speaker, to tell the hon. minister to my right here to do anything, and just to prove the point, I'll have the man speak for himself.

THE SPEAKER: The hon. Government House Leader.

MR. DAY: Thank you, Mr. Speaker. Again we are receiving highly distorted information from the leader of the Liberals. The Premier in no way has given instruction to me as House leader or to the caucus related to a process in estimates which is in our Standing Orders, which has been used many times in the past, which is used across the country, which was recommended by the Liberals here to use in 1991, which allows for – we're quite excited about the process – more time in debate of estimates, a reporting back process to the Assembly, which allows for even more time.

What we are delivering is more time in debates at a cost saving of some \$90,000 to the taxpayers of Alberta. I'm quite excited about the prospect of allowing more time in debates, because many times during estimates there are only three or four Liberals present.

MR. MITCHELL: The Premier is responsible for what his House leader does in this Legislative Assembly, Mr. Speaker. Why does the Premier allow his House leader to show such contempt for the will of the people of Alberta, who want their government to be held accountable, and to show such contempt for this Legislative Assembly, which is the only place in this province where every Albertan is represented?

MR. KLEIN: First of all, Mr. Speaker, the preamble is nonsense. The question is nonsense, and to answer that nonsensical question, I will defer to the hon. Minister of Labour.

MR. DAY: The Premier has already stated, Mr. Speaker, that he doesn't tell me what to do, but he has just asked me to rise to the standard of nonsense which has been presented by the opposition. I'll attempt to do that.

Again, Mr. Speaker, a short time ago in this Assembly when the Leader of the Opposition tried to suggest that this existing process, which has worked well in the past here and is used across the country, was somewhat contemptuous, you ruled from your Chair that in fact this was an appropriate process and that the issue of contempt was strictly a nonissue. They still continue to raise it.

It's interesting, Mr. Speaker. They are trying to hold up the business of this House. They are trying to keep us from having better debate and longer debate on the estimates. They are trying to keep us from saving Albertans \$90,000, and they're doing it by trying to force closure on a simple housekeeping motion.

Where were they on the issue of closure, if closure really bothers them, when the Liberals in Ottawa brought in closure on regional representation and on distinct society? The Liberals brought in that closure motion. We did not hear one word of protest on closure.

MR. MITCHELL: The Premier told him to rise to a level of nonsense, Mr. Speaker. He did.

How can the Premier justify shutting down the budget debate in this Legislative Assembly in light of his Conservative government's legacy to the people of Alberta of NovAtel, of Gainers, of MagCan, of Bovar? I can continue, Mr. Speaker, but it all adds up to \$33 billion worth of debt.

MR. KLEIN: Well, Mr. Speaker, I would rather talk about 109,000 new jobs being created. I would rather talk about a balanced budget. I would like to talk about legislation for the orderly pay-down of the debt. I would like to talk about legislation that prohibits deficits and prohibits people like these people across the way from ever getting us into another spending problem like we were in before. I would like to talk about economic development and growth and prosperity. [interjections]

THE SPEAKER: Order. Order. The hon. Premier wishes to continue.

2:00

MR. KLEIN: Mr. Speaker, I would like to talk about what the rest of the world is talking about in terms of Alberta as the place to come and the place to do business, the place where there's opportunity for economic growth and prosperity. Those are the kinds of things that I would talk about. But they don't talk about those things. Do you know why? Because they're positive things. All these people can do and what they're best at doing is getting out in the communities and spreading gloom and doom, and that's why they're at about 21 percent in the polls.

MR. DAY: Mr. Speaker, the other reference in the question was again the reference to debate and time on debate. I have asked the Leader of the Opposition to apologize to the public of Alberta for saying that debate was being limited when in fact it's being increased.

The issue here is credibility and accountability. I was fascinated to see not long ago in fact a résumé outlining the life history of the Leader of the Opposition, and absent from the résumé was any reference to his presiding over the debt of the Principal trust company. It wasn't even listed. It wasn't even there. [interjections] It's right here. Right here. It's not on there. Where were you? Where were you? [interjections]

THE SPEAKER: Order. [interjections] Order, hon. members. Order. We're fast using up the time of question period.

The hon. Member for Calgary-McCall.

### Registry Services

MR. SHARIFF: Thank you, Mr. Speaker. I have a sensible question to ask. The current legislation in the registry agent network impacts a large number of Albertans; in fact it has a direct effect on these stakeholders. There are issues that need to be addressed relating to the registry agent network. My question is directed to the Minister of Municipal Affairs. How successful is the current registry agent network in delivering services to Albertans?

MR. THURBER: Mr. Speaker, indeed that is the first sensible question in question period today. The registry agent network in this province has proved to be very successful. They started out in 1993 delivering about 84 different products to the public and avoiding lineups for registration of vehicles and drivers' licences and other products that they had. That's now moved up to approximately 107 different products that they are delivering, and it's our intention to move it to somewhere around 150 products in the next short time to further the one-window shopping place for Albertans.

MR. SHARIFF: Mr. Speaker, it's my understanding that the

initial contracts for the registry agents will be expiring in 1996 or early 1997. I'm wondering if the minister could tell us what the government's plan is in regards to dealing with this issue.

THE SPEAKER: The hon. minister.

MR. THURBER: Thank you, Mr. Speaker. My department has had ongoing meetings with the Registries Agents Association, and there will be an information package going out to them in the very near future. The hon. member's quite correct in that they did have a three-year contract, and most of these come up this year. The very large majority of these will be renewed under certain different conditions.

THE SPEAKER: Final supplemental.

MR. SHARIFF: Thank you, Mr. Speaker. I'm glad to hear responsible answers to responsible questions.

Will the government be adding to the number of registry agents in the future?

MR. THURBER: Well, Mr. Speaker, if there's a public demand and a public need for additional registry agents in the province, we'll certainly be looking at them. There'll be some criteria developed in conjunction with the association to determine whether there're enough outlets or whether there're other needed ones within the province. The criteria will be determined on the basis of the number of different transactions that take place and the number of people that live in the area.

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

#### **Conflict of Interest Legislation**

MR. BRUSEKER: Thank you, Mr. Speaker. Following the report of the Ethics Commissioner, the Premier asked for a panel of three eminent Albertans to be created to review the conflict of interest guidelines. This panel produced a very thorough report including 27 recommendations for improvements to those guidelines. One of the recommendations was to include in the conflict of interest legislation civil servants such as the Deputy Minister of Health and the Premier's executive director, who have recently made the news. So my question to the Premier today is: when will the Premier implement those recommendations of the panel?

MR. KLEIN: Mr. Speaker, that review is ongoing. We're prepared in principle to accept some of the recommendations at this particular time. The others are under review. We have within our caucus a three-person panel made up of the Minister of Justice, the Whip, and the deputy minister to review these recommendations, and I will have the hon. Minister of Justice supplement.

THE SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. As the hon. member across the way has indicated, there were 27 recommendations, many of them very comprehensive and wide ranging. We as a government have decided that we would take those recommendations, review them very carefully, that we would have caucus involved in the overview process. We're in the midst of that overview. We must deal with each of the 27 individually, and then we'll proceed from there.

MR. BRUSEKER: My supplemental question to the Premier or to the Minister of Justice, whomever: will the Premier commit to supporting my Bill 207, which in fact puts into legislation many of those recommendations that could be implemented by this Legislative Assembly?

MR. EVANS: Well, Mr. Speaker, we have, again, a very comprehensive report in front of us from a very eminent panel of Albertans. We are concentrating our efforts on those recommendations, and if any of the recommendations that are approved by caucus and this government dovetail with anything that the hon. member across would have put forward in his private member's Bill, then they will be implemented on that basis.

MR. BRUSEKER: My final supplemental is to the Premier. Since the Minister of Health has referred her deputy minister to the Public Service Commissioner, will the Premier refer his executive director's actions to the Public Service Commissioner for review also?

MR. KLEIN: Well, Mr. Speaker, I don't know to what the hon. member alludes, but I think I can guess. If he has any additional information or if he wants anything investigated further, I would suggest that he refer this to the Ethics Commissioner, and he can do that.

THE SPEAKER: The hon. Member for Medicine Hat.

#### **National Sales Tax**

MR. RENNER: Thank you, Mr. Speaker. Yesterday's federal Speech from the Throne mentioned a couple of initiatives that could have substantial impact upon Albertans. One of these involves the implementation of a process to streamline and amalgamate the GST and provincial sales tax into a harmonized national sales tax. One of the streamlining proposals coming out of Ottawa in recent months is the elimination of rebates to municipalities, school boards, and other members of the MASH sector. My questions are to the Provincial Treasurer. Firstly, on the amalgamation of taxes, how can we avoid the imposition of an unwanted provincial sales tax through this national sales tax?

MR. DINNING: Well, Mr. Speaker, just say no comes to mind. Clearly, what the federal government is trying to do in their efforts to eliminate the GST is to bring, as I understand it from the federal Minister of Finance, a harmonized tax base to the country so that everything is taxed the same way. I've had assurances, as I believe the Premier has had assurances from the Prime Minister, that if there were a national sales tax, it would be made up of two components: one the federal side and the other the provincial side. In the province of Alberta the federal rate may continue to be 7. As it applies to the province, the rate would be zero. The provincial government of Alberta will not take one nickel of sales tax revenue from its citizens; let us be clear about that.

**2:10**

THE SPEAKER: Supplemental question.

MR. RENNER: Thank you. With respect to the streamlining of the GST, what is the Provincial Treasurer prepared to do to ensure that Alberta municipalities, school boards, and other MASH sector entities are not unduly harmed by the elimination of

these rebates that would effectively increase Alberta taxes and transfer them to the federal government?

MR. DINNING: Mr. Speaker, the province of Alberta was the only province who went to court to ask that the court declare that the municipal, academic, school, and hospital sectors not be obliged to pay the GST. Alberta was the only province who made that effort through the court. We were turned down in the Supreme Court of Canada. As a consequence, today the federal government levies a rate, say, on municipalities in the order of about 3 percent.

When I met with the Minister of Finance in Ottawa on February 9, I made Alberta's position clear, that we believe the municipal, academic, school, and health sector, better known as the MASH sector, should not be obliged, should not have to pay the national sales tax or the current goods and services tax and that if they were still going to proceed to apply some rate of taxation to them, it should not, it could not, it must not rise above the current 3 percent rate and that their access to the rebate must continue, Mr. Speaker. These are entities that are really entities of the provincial Legislature indirectly, and we don't believe that they should be taxed. More importantly, why would the federal government want to continue to ask those municipalities, those universities, those schools, that hospital sector to pay more and more tax? They already pay enough, and they should not be asked to have their taxpayers pay even more for higher rates of taxation.

THE SPEAKER: Final supplemental.

MR. RENNER: Thank you. The federal throne speech also mentions a shift of powers to the provinces. Can the Provincial Treasurer inform this House how this shift of powers will affect transfer payments to Alberta?

MR. DINNING: Well, Mr. Speaker, as you well know and as the people of Alberta know, our Premier, our caucus, and I certainly have been saying that the federal government has got to reduce its expenditures. Clearly one area where they are going to reduce their spending, as we acknowledge it must happen, is in federal transfers from Ottawa to the provinces for things like health, postsecondary education, and welfare. They've done it. We don't love it, but the fact is that they have done it, and we have with our budget been able to put a fence around and protect Albertans by virtue of our fiscal plan from those federal cuts.

When I look at the total transfers in '96-97 compared to last year, we're going to be down by \$335 million, and next year we're going to be down by almost \$550 million. What I would say and what I know our Premier and what our Minister of Health have been saying to their federal counterparts is that it's fine if that's what you must do; we'll make it happen; we'll make it work in this province, but for goodness' sake, let's sit down and talk about standards. We believe in national standards for the health care system, Mr. Speaker. But let's talk about access; let's talk about freeing things up so that we can do things differently than we've been able to do them before and not have the 1960s standards apply to a different situation in the 1990s.

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

### Child Welfare

MS HANSON: Thank you, Mr. Speaker. While the government

insists the initiative to reform child welfare is controlled by volunteers in local communities, the reality is quite different. As hundreds of Albertans donate their time and expertise to develop a new delivery system for children's services, the government has done an end run and drafted enabling legislation which, according to the draft we've seen, ignores the critical issues of accountability, liability, and making the interests of the child first above all others. My questions are to the Minister of Family and Social Services. Mr. Minister, why are you proceeding with the legislation when the working groups and the steering committees have not finished their assessment or given you their recommendations?

MR. CARDINAL: Mr. Speaker, as part of the overall welfare reforms, of course, the second phase of the reforms has to do with children's services. Basically, as you are aware, we've increased budgets; we've increased human resources to that particular department. What we've done in the past, in the past 40 years in fact, is that any time there was a problem at home with the children, what we did as a government in most cases was move in and apprehend the child.

MRS. SOETAERT: That's not the question.

MR. CARDINAL: I'll get to the answer.

What we are doing with this new process, Mr. Speaker, is involving the community to design programs based on community needs – because we know the communities – which involves the parents and interest groups out there and aboriginal people, to design programs based on prevention. What we are doing is rather than apprehending children, as much as possible we are working to keep the families together, and the best way to design programs is to allow the community to participate in designing the program. They have done that. I as the minister have personally consulted the frontline workers. I've worked on programs of this nature for the last 15 years. The reason we are moving with the legislation is now to allow officially the communities to develop service plans in order to start delivering the programs they want to deliver.

Of course, the Liberals would never support that, because that is not their policy. They released their social policy, which they've been working on for two and a half years. There is nothing in there that we haven't accomplished already.

MS HANSON: Mr. Minister, you're putting the cart before the horse with the legislation, and you know it.

Through the Speaker: why have only a select number of steering committees and working groups seen the legislation? Just a few of them were shown the legislation. Why did you not insist that everyone involved have a chance to read it and to offer feedback?

MR. CARDINAL: Mr. Speaker, you can be assured that there is no quick answer when it comes to services to children. We will continue, as we move forward in the next five or 10 years, consulting the parents, the frontline workers, even the opposition if they want. I asked them here in fact in February 1993 I believe to design their programs so they can be incorporated in our plans. They haven't come forward with any of their plans.

We will, you can be assured, continue to consult as we move forward. Just because you introduce legislation does not mean that's where the process stops. That's the Liberal way. The

Liberal way would be to provide more welfare and do nothing. This government will not do that. Just because we introduce legislation to allow the community to deliver programs does not mean that the programs are stopping there. That is the start of a complicated process.

MS HANSON: Mr. Speaker, I think the minister missed the question.

Will the minister consider just introducing but not debating the children and families authorities Act so that working groups and committee members and anyone else concerned in the public can have an opportunity to provide input?

MR. CARDINAL: Mr. Speaker, the whole issue of welfare reforms – and children's services is one part of the three-stage welfare reform. The reform has been accepted by the clientele to start with and the taxpayer out there. It is a good process.

Children's services is the most complicated portion of the reforms, and right now I just want to advise Albertans and the opposition that we probably have the best children's services program in North America at this time. All we are trying to do is improve what we have now. It's not easy. It's complicated. You can be assured that the legislation that's introduced will not stop there. It is the start of a new process involving the community and the parents and the children and the frontline workers to deliver the programs that are needed.

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

## 2:20 Corrections Facilities Privatization

MR. AMERY: Thank you, Mr. Speaker. My question today is to the hon. Minister of Justice. With the release of the Correctional Services Efficiency Review Team report today, can the minister explain why he has chosen not to pursue privatization of correctional centres?

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. EVANS: Thank you, Mr. Speaker. We had a very lengthy review of our corrections services in the province, and the impact of the review was that there were some opportunities for privatization within the corrections model. Now, we were thinking about going ahead with a privatization pilot program at one of our facilities in the province, but a number of our frontline workers said: you know, we can find savings within the existing model. A number of them came personally to me by letter and telephone message and otherwise to say that they had some good ideas.

Well, back in April of last year we took them up on that, and we set up a 13-member efficiency review team, and the mandate of that team was to try to find savings within the system, around 10 to 15 percent – 10 percent would be about \$11 million – recognizing that we wanted an efficient and effective system but most importantly we wanted a system that was going to protect law-abiding members of society from those who were incarcerated in the province, keep them in serving their time.

Well, I'm very pleased to say, Mr. Speaker, that we received back 117 recommendations from that efficiency review team that went across the province and looked at the way that we delivery corrections in Alberta. About 54 of them showed that we could save about \$2 million almost immediately, and another 34 of the recommendations showed that we could have further savings of up

to \$5 million. Now, those are very significant within the model. Given that we did due diligence on those recommendations and felt that those three primary concerns, the first being public safety, then efficiency and effectiveness, were addressed, we decided that we would not be proceeding with a privatization model.

THE SPEAKER: Supplemental question.

MR. AMERY: Thank you, Mr. Speaker. The report makes numerous references to cost savings that could be achieved by other government departments which provide services in correctional centres. Can the minister tell the House how he intends to proceed with his colleagues in ensuring that these recommendations are fully pursued?

THE SPEAKER: The hon. minister.

MR. EVANS: Thank you, Mr. Speaker. Well, it's very important that discussions occur between the Department of Justice and the other departments that are identified in the efficiency review team's report. We are beginning those negotiations and discussions at this point in time. It's very important that the other departments have their particular expertise and particular aspects reviewed by their own internal staff and that we hear back from them in terms of, again, these issues of efficiency, effectiveness, and most importantly the public safety of Albertans.

THE SPEAKER: Final supplemental.

MR. AMERY: Thank you, Mr. Speaker. The Minister of Justice says that he has decided not to proceed with privatization at this time. Does this mean that he will consider the privatization of correctional centres in the future?

MR. EVANS: Well, certainly, Mr. Speaker, when I met with the efficiency review team today, I heard that same kind of question from them because I did say: at this time. The administration of justice is not a static matter. We are looking constantly at better and more efficient ways to operate. Yes, we have had privatization initiatives: food services, medical services, et cetera. However, with the very proactive recommendations that we have had from our staff and with my undertaking to continue to seek the input of our staff, I don't think we're going to be looking at a privatization model in the foreseeable future, and we'll continue to work to reach more efficiencies within the system.

I would point out, just in conclusion, that we have the most cost-effective system in Canada, and thanks to the good work of our employees, we now have an even more effective and efficient system.

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

## Motion Picture Industry

MR. ZWOZDESKY: Thank you, Mr. Speaker. Film and television projects have created a remarkable growth industry in Alberta that stimulates our economy, creates hundreds of jobs, and brings in millions of dollars in out-of-province investments. It's taken us 15 years to build and develop this industry but just 15 days for the minister of economic development to precipitate its destruction. Last night Arvi's Production Company of Edmonton announced that its \$3.8 million *Onawandah* film project with the Disney corporation has been canceled because of the

minister's hasty decision to kill AMPDC. To the minister of economic development: will the minister explain how this industry is expected to grow, to use his own word from yesterday, when multimillion dollar projects like *Onawandah* are being canceled because of his actions?

MR. SMITH: Yes, Mr. Speaker, it is a tough decision whether or not to invest with the Disney corporation with taxpayers' money. I think that hon. member has just put forth the whole reasoning for the transition of the program. I'm sure the Disney corporation can do a very successful job investing with Canadian partners, investing in Alberta companies.

In fact, when you look at the growth of an industry, you see how an industry grows; you realize you are a participant in the industry. Then through a balanced budget system you move towards orderly exit from the marketplace. That's exactly what we've done. It's not been a 15-day decision. In fact, Mr. Speaker, it's a response from presentations from members of the motion picture industry that say: we can transit this corporation into the private sector.

In fact, that's what we're doing. We have approximately a 14-month window now where we can move in the transition. They have enough money for investments this year, and in fact we're allowing the private sector, Mr. Speaker, to make good business decisions based on sound business fact.

MR. ZWOZDESKY: Mr. Speaker, these were projects that were on the go that have suddenly been yanked out because of hasty decisions there.

I'd like to ask the minister: what is he doing immediately to restore the confidence that this industry needs and to stop further cancellations and stem the flow of other projects from Alberta. What's he doing now?

MR. SMITH: Well, in fact we are going through meetings with stakeholders in the industry. We are talking about transition. We have now a time line of a 12-month period to be able to transit this industry into the private sector. Remember, Mr. Speaker, that it is a hundred million dollar industry. We're only talking about \$1 million, less than 1 percent. So in fact we will be able to work with the partners. I would imagine the member opposite has already talked to a couple of those. We'll be able to put something together that is going to facilitate a bigger, better, more healthy industry in Alberta.

THE SPEAKER: Final supplemental.

MR. ZWOZDESKY: Thank you, Mr. Speaker. That's exactly the point: \$1 million generates \$100 million if it's properly planned and properly invested.

I want the minister to tell this House: how many projects have to be canceled and/or moved to another province and how many jobs have to be lost before he'll step in with a proper plan to help this industry out in the longer term?

MR. SMITH: The member is putting forth: when is this process going to happen? In fact, this information was being talked about in the industry prior to the announcement of a balanced budget. In fact, Mr. Speaker, that process is already ongoing. If companies out there are making financial decisions based on portions of funding – and I have not received one phone call from the company the member mentions or from anybody that has said:

where's our money? I can assume that this process is going forward.

THE SPEAKER: The hon. Member for Lac La Biche-St. Paul.

2:30

### Child Welfare

(continued)

MR. LANGEVIN: Thank you, Mr. Speaker. Last week in a very successful balanced budget address our Treasurer mentioned that the funding will double next year for early childhood intervention programs. My question today is to the Minister of Family and Social Services. Can the minister provide more details and information on what types of projects are funded under this program?

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

MR. CARDINAL: Thank you, Mr. Speaker. One of the major principles of the restructuring of children's services of course – there are four major areas – is early intervention programs. The early intervention programs help children and families before they reach the point of crisis. Like I mentioned earlier in question period, in the past we used to walk in and apprehend the child when in most cases the child was not the problem; there were other problems at home.

Mr. Speaker, with this new process local groups from areas such as service clubs, aboriginal bands, business, and community come together to plan and deliver projects in their communities based on community needs. Of course, the Liberals seem very, very interested in this question. They're so interested in this question; that's probably why they asked this similar question before.

Anyway, Mr. Speaker, trying to answer the question, these early intervention programs I addressed are issues such as literacy, family violence, alcohol and substance abuse, parenting skills, and support systems.

THE SPEAKER: Supplemental question.

MR. LANGEVIN: Yes, Mr. Speaker. Again to the same minister: have any funds been granted under this new program?

MR. CARDINAL: Yes, Mr. Speaker. Of course, part of the overall welfare reforms were that we completely restructured the system to make sure that dollars moved into high-needs areas. It allowed us in the past two and a half years to move at least \$178 million . . .

AN HON. MEMBER: How much?

MR. CARDINAL: . . . \$178 million to the high-needs areas. A portion of the \$178 million of course is the \$50 million that's specifically targeted for early intervention over the next three years. To date at least \$6 million have been approved to 17 different projects, \$6 million on early intervention and prevention, which is how we should be dealing with children's issues in Alberta.

MR. LANGEVIN: Mr. Speaker, again to the same minister: how are the funds awarded, and how can a community apply for the funding?



MR. CARDINAL: Mr. Speaker, of course, like I said earlier to the opposition that asked that question, when it comes to dealing with children's services, it's a very, very, very sensitive, very, very complicated issue, and there is no quick answer for it. That's why I keep asking the opposition to try and assist us wherever possible in designing a good program for children.

Community groups can develop and submit proposals now for early intervention, Mr. Speaker, and this option is available for the next three years. In addition to that, the children's commissioner services offices located across the province are the contact points for these programs.

The approval process, which is very, very important, is critical. Because the programs are going to be delivered locally and designed locally, there will be a committee established at the local level to review and assess these programs. They are then recommended to the regional office and then to my office.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar. [The time for question period expired]

### Seniors' Programs

MRS. HEWES: Thank you, Mr. Speaker. That worked very well.

Mr. Speaker, on Monday I asked the Premier and the Treasurer some questions about the \$14 million provincial income tax windfall resulting from changes to the federal age credit. Since there weren't any answers on Monday, Alberta seniors have requested that I try again and see if time has helped this process any. My question, then, is to the Treasurer. Will the \$14 million windfall be rebated to seniors, as the Premier promised, or has that commitment been changed?

MR. DINNING: Mr. Speaker, I know that my colleague the Minister of Community Development would want to answer that question.

MR. MAR: Well, Mr. Speaker, we've made changes all along to seniors' programs, and of course we've increased thresholds in certain areas. We've made improvements in areas dealing with two-senior couples and one-senior couples. We've made changes that have resulted in greater expenditures in this area.

With respect to trying to trace it to a particular \$14 million, that has not been the case. We've simply improved the programs.

MRS. HEWES: Mr. Speaker, I don't know about the rest; I don't sort of casually lose \$14 million here and there.

MR. DINNING: No, you just ran CN Rail.

MRS. HEWES: Yeah, and we made money that year too.

Mr. Speaker, my question is to the Treasurer again since the minister clearly doesn't know. Where is that \$14 million? Has it just been rolled into general revenues contrary to the Premier's promise? Is that what you intend to do with it?

MR. DINNING: Mr. Speaker, let's be clear about what the Premier's promise was. In January of 1995, before the federal government brought down its February 1995 budget, the Premier of Alberta said that if there were dollars that flowed to the provincial government coffers as a result of the February 1995 budget, then we would try to find a way, if those dollars were significant, for those dollars to flow back to Albertans. As a

result of the February 1995 budget there are no additional dollars that flow to the provincial government's coffers.

MRS. HEWES: Mr. Speaker, this is really smoke and mirrors.

Then I need to ask the Treasurer: what am I to tell Alberta seniors or what do you want to tell Alberta seniors about the Premier's promise of that \$14 million?

MR. DINNING: Mr. Speaker, I would happily tell Albertans . . .

MRS. HEWES: Mr. Speaker, may I finish the question?

MR. DINNING: I was asked a question, Mr. Speaker, and I . . .

THE SPEAKER: Order please.

MR. DINNING: I'm prepared to answer the question, Mr. Speaker.

THE SPEAKER: Order please. The hon. Member for Edmonton-Gold Bar has always been nonabusive of the rules in asking questions, generally speaking, and she asks them in a reasonably quick way. Will the hon. minister please let the hon. member finish her question.

MRS. HEWES: Thank you.

MR. DINNING: Well, she shouldn't give a preamble with every question.

THE SPEAKER: Well, it wasn't . . . [interjections] Order.

MRS. HEWES: Mr. Speaker, my question to the Treasurer is: what am I to tell Alberta seniors about the Premier's promise of the \$14 million? Is this another broken promise?

MR. DINNING: Mr. Speaker, I will have the hon. member say to Alberta seniors, as we will – and I know the Minister of Community Development will want to supplement – that in fact in Alberta over half of Alberta's senior citizens are in receipt of the Alberta seniors benefit. They are not obliged as a result to pay for health care insurance premiums. I know my colleague the Minister of Health could go on at length, as she is wont to do, in telling Alberta seniors about the benefits that they receive under the Blue Cross drug program. I would ask both of my colleagues, who could expound more informedly than I would, about the benefits that Alberta seniors receive as a result of government programs.

2:40

THE SPEAKER: The Chair feels that since it's 2:35 this matter has been ventilated enough for today. If there are other questions arising at a later date, they will no doubt come up. The time for question period is concluded.

### Point of Order Imputing Motives

THE SPEAKER: Before calling Orders of the Day, in the area of questions of privilege and points of order, the hon. Member for Edmonton-Glengarry yesterday gave the Chair some notice that he had some concern about a certain memo issued by a member of the Workers' Compensation Board back in 1985, over 11 years ago. At that time he had not seen the memo. The Chair hadn't

seen it. The Chair undertook to review it, but the hon. member doesn't appear to wish to pursue that matter today. Certainly from the Chair's perusal of the memo, there doesn't seem to be any possible question of privilege arising therefrom.

Did the hon. Government House Leader have a point of order? No. No further points of order?

head: **Motions under Standing Order 40**  
**Great Canadian School Search Award**

THE SPEAKER: Applications under Standing Order 40, the hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. I rise to speak to the urgency of the motion which I presented earlier today pursuant to Standing Order 40. The urgency comes down to two points: first, the award was presented this week; secondly, this is a great accomplishment by students, staff, and parents and needs to be recognized in this Assembly.

THE SPEAKER: Is there consent of the Assembly for the hon. member to propose his motion under Standing Order 40?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.  
The hon. Member for St. Albert.

Mr. Bracko moved:

Be it resolved that this Assembly congratulate the students, staff, and parents of Elmer Gish school for being selected the top environment school in Canada. The school was awarded the prestigious great Canadian school search award for 1995.

MR. BRACKO: Thank you, Mr. Speaker. I would like to thank the Members of the Legislative Assembly for giving unanimous consent to recognize Elmer Gish school on being selected the top environment school in Canada.

The definition of a saint is an ordinary person who accomplishes extraordinary achievements. This is true of students, staff, and parents of Elmer Gish school. This school is made up of 615 students from kindergarten to grade 9 with a staff of 45. Earning Earth status and being selected top environment school in Canada are two outstanding accomplishments.

Their first accomplishment was achieved as students and staff set goals and worked hard at achieving those goals. In just three years the school completed over 1,200 environmental projects, which earned the school the distinction of Earth status, the highest status of the SEEDS program. From 4,000 schools participating, Elmer Gish is the third school in Alberta and the 18th in Canada to reach this level. Students were innovative and creative in developing their projects, which included tree planting at Big Lake, raising \$685 to protect the endangered whooping crane, and projects in waste reduction. Their projects benefit the school community and enhance the quality of life in St. Albert.

The second outstanding accomplishment came on February 26, when Elmer Gish school was named the top environment school in Canada in a contest sponsored by *Protect our Planet*, an environment magazine, and Canada Trust Friends of the Environment Foundation.

Congratulations to the students, and thank you to Marlene Keanie, club sponsor; Principal Larry Mumby; and all the

educators, administration, and parents for their enthusiastic support and hard work. Special thanks to the sponsors: *Protect our Planet* magazine and Canada Trust Friends of the Environment Foundation.

Being true leaders, the students want to take their work and expertise out into the community and other schools. They plan to adopt a school in Kelowna and help with project ideas. Students will also use the Internet to take their message to other schools across Canada. Continue the great work.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. I, too, want to join in on congratulating the Elmer Gish school for winning this award. To reach that recognition and to have beat out 4,000 schools across Canada to get the award of being the top environmental school in the nation is truly a great accomplishment. The students were involved in so many projects. The hon. Member for St. Albert mentioned a few of them, but they also were very heavily involved in recycling projects. They had conservation projects dealing with electricity and the use of electricity and water. All those kinds of projects fit right in with the sorts of things that Environmental Protection has been promoting, and the students and teachers need to be congratulated for taking up this cause.

I'm extremely excited when I see this sort of thing happening in schools, Mr. Speaker, because those young people are our future. When we see them getting involved to this extent, we know very well that it is spreading to their parents, to their families, to their friends, and we know that the future abodes well with this type of participation. So on behalf of the government I'd add congratulations to this school on this very, very important award.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I, too, wish to add my congratulations to the Elmer Gish school on having been named the most outstanding great Canadian school. This achievement has obviously taken a team effort to win. This is a combined effort of students, teachers, parents, and their team effort educates all of us. I know that the entire city of St. Albert is more aware of how we can all be more environmentally active. This school has completed over a thousand different environmental projects. Over a thousand. Imagine even thinking of, let alone implementing, a thousand different environmental projects. We would do well as legislators to learn from them.

Elmer Gish is one of 18 schools in Canada that has reached the top designation in the SEEDS program, which is a national organization based in Edmonton that promotes environmental activism among students. The movement of the school environment club has grown over the past five years. In their first year they led an energy audit and actually saved the school \$700 in electricity costs alone. Some of their projects have gone from a fashion show using recycled material to collecting pop tabs.

My congratulations go out to the community group of Elmer Gish. Principal Larry Mumby, Teacher Marlene Keanie are proud of how environmentally aware and active the students, parents, and staff are at Elmer Gish. We must learn from these people and take some of their ideas and apply them to our own lives. They teach us to value our Earth.

All of us would be wise to heed the Cree prophecy: only after

the last tree has been cut down, only after the last river has been poisoned, only after the last fish has been caught, only then will you find that money cannot be eaten. Well, Mr. Speaker, I believe these students heed well this Cree prophecy. They are examples to all of us, teaching us that each one of us has a responsibility to keep our Earth healthy. We can all become more active about protecting our Earth.

Thank you.

THE SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. I, too, want to take a minute to add my congratulations to them and maybe from a bit of a different sphere as both an earth scientist and a politician. I've noticed through the years – I've maybe covered nearly a couple of generations now. The hon. House leader was bragging about being a grandparent. I think I passed that many years ago. It just depends how fruitful and active my grandchildren are. I don't know how many more generations I'll add.

2:50

One of the things I've noticed in politics, Mr. Speaker, is that when times get tough, one of the first things you start doing is sacrificing the environment. One of the things that worries me is that governments, Liberals and Conservatives – there are only two types of governments I really know anything about – and maybe even the NDP over in the next province, when times get tough, they talk the environmental rhetoric, but they don't carry it on. They don't walk the talk. This is where a school like this is so important. We hope that's almost a contagion. It's a type of environmental bacteria that I hope spreads through all our younger generation. I know the minister of the environment – and he's nodding his head. I get along with him usually, but sometimes I call him Forest Stump because he has the attitude, I think, and maybe the government has that the more trees we cut, the better off we are. But the point is: sustainable forestry is one of the things that we often forget.

The same thing happens with water. Through the years I've had many fights with, for example, my hon. colleague the Member for Barrhead–Westlock. He can recall 10 years ago me jumping all over him because he still had bonuses out there for the farmers to drain sloughs, drain water. Well, what a calamity that's turned out to be, because for a couple more acres of farmland we often got rid of the surface water and in effect got rid of the sponges and the charging mechanisms that our subsurface water needs, and we have whole towns and areas of Alberta now that have to pipeline in their water.

I'm not doing this as a critique particularly. I know it's very easy for people with blue and orange underwear to get awful sensitive in a hurry when you criticize the environment. It's just that they happened to be in government for the last quarter of a century, and they have to take some blame. I don't doubt that if the Liberals were in power for the last quarter of a century, there would have been some horrible environmental mistakes made too. Not as many of course, Mr. Speaker, not as many.

The point is that the first thing that gets sacrificed on the altar of expediency in balancing a budget is usually the environment. I think that is something that these people, the younger generation, particularly from the city – I've been raised as a mining engineer and geologist, and I'm used to wandering around out in the bush, hearing voices now and again. Some people say that's the reason why I turned Liberal. One of the problems has been that to our city people the environment is sort of something that

you jump in the car and go out and look at on Sundays and then get back to town again before you freeze to death, or you get out there and ski a little bit.

This is why, if a city school like this has spent as much time as they have on the environment, it's a real plus for the future, and I'm hoping that this will continue. This is what we need, because the last time I looked, I think we had more urban voters than we had rural voters in Alberta by a hair, and in Canada, of course, we've got many more urban voters than rural. They have to realize that that area out there, if we're going to preserve it for our future and if we're going to maintain a lifestyle that we're used to – for instance, they have to get out of this idea that Calgary and Edmonton have a right for some reason or another to poison the streams downstream for about 80 miles so you can't catch a fish in it. They've got to get into the idea that they're going to have to pay more taxes and clean it up.

Personally, I would like to see the government over there, the minister of the environment, introduce legislation where the water intake for all our cities has to be a hundred feet downstream from the sewer outlet. It would be a wonderful way of getting them to learn what's going on. We got the example of Calgary suddenly going ape because the little town of Cochrane, upstream, wants to put in sewer treatment. Well, where's Calgary been the last 80 years? The whole idea has been that they could get rid of it. You can go down to Lethbridge, and they're not much better.

The point here is that we have a whole type of education level that's coming in that I really want to take a few minutes to take my hat off to, Mr. Speaker. I think it's so important because it's so easy to overlook the environment and say, "Oh, that is something that the rural people will have to worry about," or maybe now and again somebody that rides bicycles or goes around in plus fours with a toque running up and down the riverbanks. That's for environmentalists. The environment is for everyone. Unless we adopt the idea of a zero impact society, a society where we're not going to add one more ounce of sulphur to the air, one more ounce of effluent to the rivers – we go to zero first and then start moving it backwards to where we have no effect at all.

DR. WEST: Your hypocrisy is showing.

MR. N. TAYLOR: The hon. Member for Vermilion–Lloydminster would know all about that because he is used to working with – well, never mind.

What I want to do before I sit down is give one last tribute to a great school and a great community, because this doesn't happen by itself. The parents and the community have had to support it. It's not just the teachers by themselves but everybody in that community that had to support it, and I can't think of anything – if there's a possible, it would be to present them with a prize from you, Mr. Speaker, if you would go out there. Maybe he will. Maybe we should do that, ask. You're very well respected in that community, and I'm not just saying that because you looked as if you were going to shut me down for a minute there. You're very well respected. Come out, and the students would love to talk to you.

Thanks, and once again my hat off to you, St. Albert.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. As our caucus spokesperson for Environmental Protection I would like to thank my colleague the Member for Leduc, the Minister of Environmen-

tal Protection, the Member for St. Albert, and my colleagues from Redwater and Spruce Grove-Sturgeon-St. Albert for their comments and congratulations to the Elmer Gish school for achieving this award. Comments have been made that what makes these kinds of awards important is that it involves the younger generation of Canadians recognizing their responsibility for environmental stewardship while at the same time doing it in a creative and productive and positive fashion.

I think it should be said that while the Elmer Gish school was the successful school for the great Canadian school search award for 1995 as the top environment school in Canada, there are many, many schools that are not that far behind. Mr. Speaker, in my own constituency of Sherwood Park I've had the pleasure and the privilege of attending many of the schools that have received various levels in the SEEDS program, some to the extent of jade, for the environmental programs that they conduct at their schools. So it's the work and the commitment of the students, the children, at Elmer Gish school, their parents, staff, and administration, but it is also the same kind of work and the same kind of commitment and the same kind of fun that kids all across Alberta and all across Canada are engaging in to show their appreciation for our environment and to show that they have something positive to contribute to that.

Now, Mr. Speaker, I would like to just take a moment to give consideration to and recognize the government of Alberta through the Minister of Environmental Protection and all governments that agree to participate in these kinds of environmental awareness programs for young people of Alberta and across Canada. It's one thing for these communities to come together to create those kinds of goals and to strive for those kinds of goals, but there is a need for some formal structure to that process, and the program of environmental awareness that our Department of Environmental Protection supports and promotes, and other governments across Canada, makes those kinds of goals a reality. The recognition at the zenith, at the top of this whole process, for the time being is to Elmer Gish school. They get to stand this year on the top of the podium and accept congratulations from members on both sides of this Assembly and certainly within their own community. I have no doubt that congratulations are being offered all around again, as I say, to administration, to staff, to parents, and certainly to the children and the students of that school who are demonstrating this commitment.

**3:00**

I'd like to close by just saying that the environmental awareness movement is transgressing these kinds of age boundaries. We have a circumstance today where young people of Elmer Gish school have indicated their commitment to environmental awareness. Just yesterday I had the privilege of attending the open house ceremony for Capitol Square, Edmonton Power's new corporate headquarters. Mr. Speaker, that building is now a showcase of energy efficiency in a partnership between Edmonton Power and Lehndorff property management, where the entire building was retrofitted and is now a superior building with much greater energy efficiency. Edmonton Power and Lehndorff management are both very proud of that accomplishment. I want to offer my congratulations to them as well for that. It is done to show that the entire spectrum of our community is becoming environmentally consciously aware, is committed to these kinds of programs of energy efficiency, and is finding that it is not a cost to reach these kinds of new goals, that in fact it is worth while and achievable.

Mr. Speaker, with those comments, once again my congratulations to the students of Elmer Gish school.

THE SPEAKER: Is the Assembly ready for the question?

SOME HON. MEMBERS: Question.

MR. ZWOZDESKY: Mr. Speaker, if I could be permitted to just add a couple of brief comments in supplement to all the accolades that have already been enunciated in the House, I would do so. Anytime there is an opportunity to recognize our most precious resource, that being our children, I feel it necessary to rise and take advantage of that opportunity.

Here we have a chance to congratulate the students and the staff and the parents and the principals and all the people who work at Elmer Gish school in St. Albert for having been awarded this Canada Trust great Canadian school search award for 1995 and for being the top environmental school in Canada. I speak from some knowledge of the corporate sponsor here, that being Canada Trust, who I know from other projects that I had the good pleasure to be involved with them in. I know them to be an extremely good corporate citizen, and I want to congratulate them as well for undertaking such a unique project that focuses the attention of our young people on such a critical issue as the environment.

We have many schools throughout our constituencies, Mr. Speaker, who do a great deal to try and focus attention on this important issue. I know in my constituency I have Avonmore elementary and Hazeldean, Blessed Kateri, Weinlos, Mary Hanley, and there are others, too, of course. But these schools are actively involved in promoting the benefits of good, clean environmental thinking and good, clean environmentally friendly living. Of course, Holyrood school is another one I am very intimately familiar with, and they have similar projects as well.

The importance of this is because young people need to know now and need to be made more aware now of what their actions are insofar as what the results will be toward the environment. The environment is theirs to inherit, and what we and they do today spells out what they will have to live with in the future. Mr. Speaker, I don't care if we're talking about the Whaleback area and the protection it needs or the Sunpine area in the minister's own riding or if we're talking about the ribbon of green project here. All of these types of areas and all of these types of projects do a great deal to focus on the importance and the need for a good, clean, and friendly environment.

This week, Mr. Speaker, we're celebrating Freedom to Read Week, and I hope that the students and their parents and their teachers are doing a lot to encourage each other to read more about this particular issue of the environment and how it's important for us to learn the careful use of land, of air, of water, the plants and the trees, and the trees in the forests that surround us. It's a lovely province, it's a lovely country, and it's a great world.

Mr. Speaker, congratulations once again to Elmer Gish on this tremendous award. Thank you for allowing me those few minutes.

THE SPEAKER: Is the Assembly ready for the question? All those in favour of the motion proposed by the hon. Member for St. Albert, please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. Carried, let the record show unanimously.

head: **Orders of the Day**

head: **Written Questions**

THE SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. I move that written questions appearing on today's Order Paper stand and retain their places.

[Motion carried]

head: **Motions for Returns**

MR. EVANS: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of motions 169, 170, and 172.

[Motion carried]

#### **Child Welfare Staff Turnover**

M169. Ms Hanson moved that an order of the Assembly do issue for a return showing the staff turnover rates in the child welfare division of the Department of Family and Social Services and a breakdown of each of the staffing classifications for the period January 1, 1994, to December 31, 1995.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. On behalf of the Minister of Family and Social Services I am pleased to accept Motion for a Return 169 for the government.

[Motion carried]

#### **Support Program for Families in Crisis**

M170. Ms Hanson moved that an order of the Assembly do issue for a return showing a copy of all assessments conducted on the in-home support program for families in crises within the Department of Family and Social Services including who conducted the assessment, over what time frame, and the type of assessment used for the period January 1, 1994, to December 31, 1995.

MR. EVANS: Well, once again, Mr. Speaker, on behalf of the Minister of Family and Social Services and on behalf of the government I am pleased to accept Motion for a Return 170.

[Motion carried]

#### **Medical Supplies Costs**

M172. Mr. Kirkland moved on behalf of Mr. Sapers that an order of the Assembly do issue for a return showing copies of all documentation which indicates how the costs are calculated for medical supplies paid directly by patients, such as fibreglass for casts.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Well, thank you, Mr. Speaker. I wish I could continue in the positive vein that I'm becoming accustomed to

here, but unfortunately on behalf of the Minister of Health and on behalf of the government I must reject Motion for a Return 172 on the basis that it is too vague. Without specific information on the scope of the costs that are requested by the hon. member, the government cannot respond. For instance, is it in hospitals, long-term care, doctors' offices, or medical clinics that the motion for return refers? Is it the regulations that we have regarding price control, how such revenues are reported to government, or how the provider calculates costs or prices? What exactly is it? The hon. Minister of Health is not trying to be difficult here. She has indicated to me that she would be very prepared and very pleased to respond to specific requests.

The regional health authorities do have the prerogative to charge a client a fee for certain nonmedically necessary supplies and services such as an upgraded fibreglass cast or preferred accommodation. The accumulated money, however, is considered offset revenue for the RHA and is not separately identified in the reporting of offset revenue by Alberta Health. Thus, without some more specific information it's impossible to provide any relevant or meaningful information.

The minister has asked that I do provide the Assembly, however, with some relevant facts. One is that costs are calculated on a cost recovery basis only. Two, costs recovered from the patient represent only the difference from the basic item, such as the plaster cast, to the cost of the upgraded item, such as a fibreglass cast. Finally and thirdly, Mr. Speaker, the decision on how much to charge the patient is set by the RHA administration. Different suppliers may be used and volume purchases may be made, so costs may differ from region to region.

I hope that gives some more information to the hon. member opposite in terms of framing another question that hopefully the Minister of Health will be able to answer.

#### **3:10**

THE SPEAKER: The hon. Member for Edmonton-Glenora to close debate.

MR. SAPERS: Thank you, Mr. Speaker, and thanks to my colleague from Leduc and to the hon. minister opposite for passing along those comments from the Minister of Health. It's a start, but it's far from a complete answer.

This information goes far beyond just a listing of dollars and cents. For example, Madam Minister, what we need to know is: what instructions, if any, has Alberta Health given the RHAs in terms of their markup, their profit? Why is it that an Albertan who lives in one part of the province will be faced with an entirely different set of charges than an Albertan in another part of the province? Why is it that some Albertans are receiving some supplies upon discharge out of hospital as part of the discharge routine to be paid for out of the RHA budget while other patients are in fact being supplied with nothing short of a shopping list and being told to pay for those out of their own pocket?

This has repercussions for every taxpayer, every patient, every person, every man, woman, and child in this province, because as the fiscal pressure is continually being applied to the regional health authorities, they are inevitably passing along real costs to people, to Albertans who already paid not only once through their income tax for their health care services, not only twice through their health care premiums for their services, but are now being asked to pay a third time through direct charges for utilizing the system and for deriving maximum benefit. The kinds of costs that are being passed along in essence begin to mount up to a barrier

to access. They begin to mount up to two-tiered health care. They speak to an ever encroaching commercialization of our publicly administered system.

What this motion calls for is not just the listing of the charges. We're well aware of the numerous charges that are being passed along to patients, and we are also well aware that those charges vary by region. What we would like to know is how they are calculated and whether or not the government sees it as its responsibility to put ceilings, to put lids, to put caps on those costs and those charges as they are passed along to patients, to taxpayers. Not everybody can afford them equally. Therefore this provides either a disincentive to comply – in other words, you just don't buy the things that you're told to buy upon discharge – or they compromise the ability to access the service in the first place if you don't have the money. If in fact there is no calculation, if there is no instruction, no regulation, no order, nothing to structure these charges, nothing to limit these charges, then the Minister of Health should stand in the Assembly and admit that and say: "No, we haven't given these instructions. We haven't set limits. We've told the RHAs to catch-as-catch-can. We've told them just to go ahead and add on whatever charges they feel they can get away with, whatever the market will bear."

I was recently contacted in my own constituency, Mr. Speaker, by a woman who you would best describe as amongst the frail elderly. She had a compound fracture in her leg, and she required a total leg cast in order to set this fracture. I don't know how much a total leg cast weighs when it's made out of plaster. I can tell you that this woman would probably not weigh more than about 100 or 105 pounds. She was told by her orthopedic surgeon that for her health, for her dignity, for her mobility she should have a fibreglass cast made, primarily because it would be easier for her to move, it would aid in her healing because of her mobility, and it would be a lot easier for her to cope with the weeks that she would have to be in this cast. She didn't have the money, and she was originally forced to take the cumbersome plaster cast against the advice of her physician. A Good Samaritan came to her assistance and paid the cash on the barrelhead so she would not have to suffer that particular indignity. Health care for Albertans should not depend on Good Samaritans. It should be dependent upon planning. It should be dependent upon a commitment to universal, accessible health care, and it should be dependent upon some degree of compassion.

I certainly accept the information that the government is offering. As I say, it's a beginning. It's certainly not the end. I would implore this government to consider developing regulations or guidelines to structure these third-party costs that are passed along to consumers of health care. It's not as though people in the system have a choice, Mr. Speaker. If they decide not to, they compromise their health, and that should not be the way it works. In fact it should be quite the opposite.

As we hear about this government moving health care more and more into the community and as we hear this government talk about individual Albertans taking more and more responsibility for their own well-being and for their own health, I can't help but hear the alarm bells ringing. The alarm bell's ringing about this just now being code for the government being able to get away with writing ever decreasingly smaller cheques for what they consider to be necessarily funded services instead of all of those services that any ordinary taxpayer would have a right to expect to receive and, in fact I would say beyond that, that the system has a responsibility to provide if it is part of their comprehensive health needs.

Mr. Speaker, this motion is of simple structure and of few words, but it speaks to some very, very important principles. It speaks to some very, very critical issues facing people throughout this province. I would encourage the government to rethink its answer and to provide all the information that's necessary, and if they can't provide it because they don't have it, then I would ask the government to please develop the protocols and the strategies to limit how these costs are passed along to Albertans throughout this province.

Thank you.

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

MR. COLLINGWOOD: Mr. Speaker.

MR. SAPERS: I closed debate.

MR. COLLINGWOOD: Oh, I'm sorry, Mr. Speaker.

THE SPEAKER: Sorry, hon. Member for Sherwood Park, but the hon. Member for Edmonton-Glenora has closed the debate with his comments in support of his Motion 172. Therefore the question before the Assembly is on that motion.

[Motion lost]

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

**Bill 203  
Family Dispute Resolution Act**

[Debate adjourned February 27: Mrs. Hewes speaking]

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

MRS. HEWES: Thanks, Mr. Speaker. Just a few added comments. I'm hopeful that the Minister of Justice will want to comment on this Bill as well. I'd appreciate hearing further from him, certainly when we get to the amendment stage, about the kinds of changes that I think could improve this Bill and make it something that would be useful to people who are contemplating divorce in Alberta.

Mr. Speaker, part of my problem with it is that it isn't universal, that it only applies to certain judicial districts. I believe, if we are going to pass this kind of legislation, that it should be available to all, that it should be available to people in rural and isolated areas of the province and the smaller centres as well.

However, my major problems are with the lack of comprehensiveness of the Bill. I have already mentioned by concern about the absence of follow-up. I believe that six hours off the top is insufficient, that there should be some provision for an opportunity for the participants to go back for further mediation if this appears to be necessary after some months.

3:20

I've raised this issue before, Mr. Speaker, relative to maintenance enforcement, where I believe we need to build in mediation so that members who have agreed to a settlement at the time of divorce, agreed to a maintenance settlement, where there is a need for variance, where there is perhaps mischief on the part of one or both parties – instead of going through the arduous, difficult,

and expensive process of the courts, they could go to a mediator. If it were found that one or the other party to the settlement was not living up to or was in breach of the settlement, they could go back to mediation as opposed to going to court, and I think the same thing could maintain here. Perhaps the minister could comment, if we get to committee on this one, about that possibility, that we don't limit the potential for mediation simply to the one-shot time – and I've already asked; I'm not sure who's to pay for it – that we make it available to parties later on as they have some working arrangement with the divorce and the custody and the maintenance of children.

Mr. Speaker, what I think we need – and our Bill 219 I think will reflect this – is a far more comprehensive approach to family law, and I think that's been evident. The rate of divorce in Alberta is very high, and unquestionably our attention here is addressed to children who are caught up and who are often pawns in the divorce and later on in custody and in maintenance enforcement. It seems to me that it would make a great deal of sense if all these applications were made in one court and made under one application so that the same judges are hearing the applications and are familiar with the subject and with the decisions so that you don't have a different approach and you have a consistent approach throughout the life of the agreement or the divorce settlement.

We're aware that in Saskatchewan there is a unified family court that operates quite successfully, and I'm sure the Minister of Justice is familiar with this. This in fact could be the model for this Bill and our approach to it here in Alberta. No question in my mind, Mr. Speaker, that this needs to be addressed and that it is important that we put our minds to it and that we as legislators try to arrive at some reasonable conclusions.

I'm glad that the Bill was brought forward. I don't think it goes far enough. I don't think it addresses some of the problems that I've raised, but hopefully if it goes to committee, we can deal with those in amendments.

Thank you, Mr. Speaker.

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

MRS. BURGNER: Thank you, Mr. Speaker. It's a privilege actually to rise in support of this Bill from my colleague. I'm a firm believer in families having opportunities to resolve issues, and unfortunately sometimes they are resolved in the courts. Bill 203 offers mediation as a form of dispute resolution for families facing this very difficult process. At this time one of the issues I want to speak to is this process of mediation. I think it's an important element in resolving issues, not just at the divorce court level, so my comments are going to be focused on that.

Mediation is being used more and more to solve problems not only at the family level but also within the community, and currently Family and Social Services offers mediation to couples who are disputing over custody and access in an attempt to find solutions that are effective for each family. Mr. Speaker, the pilot project parenting after separation makes it mandatory for divorcing couples with children to attend mediation to sort out issues such as custody, access, and maintenance before filing papers, and we are seeing an increasing use in mediation to try and diffuse possible difficult situations before they even begin.

Mediation is being used in a wide range of issues at the community level as well as in our schools. Mr. Speaker, I think it's important to realize that in some of our dispute situations . . . [interjections]

THE SPEAKER: Order.

The hon. Member for Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Speaker. What I wanted to suggest was that our children are learning that when they have confrontations within their classrooms and in the schoolyard and on their sport teams, there are other ways to resolve some of these issues. Dispute resolution and management of anger are tools that we are teaching our children to use. In the very difficult and painful situation of divorce I think there is some merit in our young children realizing that they have some skills and talents that they can use to find a way for them to be involved in the process. More and more communities are beginning to solve their own problems instead of waiting for outside assistance from the courts or law enforcement agencies. Police are not responsible for the development of healthy family relationships in our society. Families are responsible for building strong bonds and relationships with their children.

I'd like to refer my colleagues to the presentation that the new police chief in Calgary made to the Alberta Teachers' Association dealing with the issue of violence in our schools and talking about the need for healthy families and that the solution to that was not in the courts and not with the police force but within our families and our communities. You can take a child away from the family, but you can never take that family away from the child. Even if you do take the child away from a difficult situation, the child will always maintain a relationship with his or her family, and that relationship will affect them for the rest of their lives, particularly in how they form their own mature relationships. It is this relationship, the one between parent and child, that you must try and mend, and mediation can produce the conducive atmosphere for this to happen. Mediation produces many positive outcomes relating to the reconstruction of family relationships. Mediation is effective in encouraging parents to design agreements that will meet their children's needs.

Mediation can help families learn to work together and develop skills to resolve future disputes, thus reducing hostility between partners and creating positive family relationships. It's important to note, Mr. Speaker, that often children in divorce situations move into blended families, so this process of mediation, recognizing their needs and having a way to discuss them, will be very important in the new family situations these young children find themselves in.

As I mentioned earlier, Mr. Speaker, schools are now using mediation to solve problems that arise between children due to cultural tendencies and different peer pressures. Children are also learning at an early age that problems can be solved and diffused through mediation rather than confrontation.

There's no doubt that family breakup is very painful and a complicated issue. Feelings and emotions usually run very high, and the situation is usually aggravated if the parties involved are entrenched in bitter disputes. Couples who find themselves in these situations often try to lash out at one another and will often try to get back at one another using children as pawns in their struggle for power. These couples usually end up in court involved in highly emotional trials which are lengthy and very costly for parties involved as well as for the court system. So I think there's another aspect to this type of process in terms of restoring some sanity to the family situation at that time, but also the fiscal implications are quite significant. Most importantly, the social implications of such trials are many, and the ones that are most affected by them are the children. Children of divorcing

couples are the ones who suffer the most when their parents separate. Mediation can help families learn to work together and develop skills to resolve future disputes and create positive family relationships.

Mr. Speaker, one can realize that while you may be able to have an ex-spouse, you will never be having ex-children. These children will always be with you. Bill 203 would provide parents with a mechanism to put their children's interests before their own anger and in turn be able to provide a more stable family environment. Our society is moving towards a proactive approach to problem solving instead of reacting to the problems as they may arise, and mediation is a very effective way of solving problems in a nonadversarial form.

Mr. Speaker, it's this process that is proposed in Bill 203 that I am wanting to support. It's very proactive, and it attempts to solve some of the problems of divorcing couples before they arise in the court system. I believe we can build a system that can help divorcing couples better cope with this difficult process so that they in turn can have children who will be better able to cope with divorce. This Bill is definitely a step in that right direction, and I will be supporting it.

3:30

THE SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. I'm also pleased to have the opportunity to speak to Bill 203 this afternoon, and I would commend the member for bringing the Bill forward. I certainly think it is a step in the right direction. As the hon. Member for Edmonton-Gold Bar indicated, it doesn't go quite far enough. However, one small step to get us to where we need to be I think is important.

[The Deputy Speaker in the Chair]

As an MLA there is probably no more heartrending constituency office problem that I deal with than separation and breakdown of marriage and the resulting chaos that is left behind. It is very difficult, a marriage breakdown, under the friendliest of terms, and when there are children, that breakdown is further complicated. If the parting is not amenable, then the children unfortunately involved become the bargaining chips between two individuals who usually have a great deal of acrimony between them. As I indicated, the children generally bear the brunt of the acrimony, and the children are quite defenceless in this particular matter. So it is very much a heart twist for me when you deal with these things, not only because the children are being damaged severely, I would suggest, but also because as an MLA you are very, very limited in what you can do and offer as a way of a solution. You're attempting to resolve a situation that has to be resolved before the courts. So in one sense you're rendered useless as well.

Even when a court order is issued, Mr. Speaker, the terms that are defined in that court order often are ignored by the parents, and that is very unfortunate. There is very little opportunity for the children to resolve it on their own. So I see where if we moved into a situation of mediation and exploring, it would be very, very helpful.

Unfortunately in a lot of these cases, Mr. Speaker, if in fact it is not working according to the court order, the only solution is to return to the court. That in my experience has not been a very fruitful stop. These court stops in an attempt to resolve simply add a more onerous financial burden on the breakdown of a

family, and that further complicates it. As the hon. Member for Calgary-Currie indicated, the law enforcement agencies are also somewhat helpless when they are called upon to enforce the court orders or child custody.

This Bill 203, as I see it, certainly is a step in the right direction, and I would term it more so an education for parents to capture some common sense and sensitivity and point them in the direction of where their financial and emotional resources should be directed. I think the underlying intent of the Bill itself is a positive one, so you'll find me in support of the Bill.

When we look at the ultimate fallout of marriage breakdown, generally speaking it is the vulnerability of the children and the damage to the children that cause the greatest deal of expense later on in life and also as far as healing the family process. The lessons that have to be learned in my view, Mr. Speaker – and they may come about through forced mediation and some counseling – are that the adults should grasp some common sense, rise above the acrimony that generally is associated with a parting of the ways and redirect those in a more positive aspect.

I'll just share a couple quick examples of why I find this so difficult to deal with, and they are examples that I have run into in my constituency office. In one case a father pulls up to pick up his child because mom has custody and the child is sent to the car in his underwear. Now, one can only surmise that the mom in this case is very dissatisfied with the maintenance enforcement financial award that's been directed to the father, so this is her way of attempting to have father spend more money on the child. That to me, certainly when you have a father who is fulfilling his obligation as far as the maintenance enforcement order is concerned, is just not acceptable. I would think that if these individuals had stopped in a mediation process or in an awakening process, we wouldn't be dealing with that.

I have also had a case in my office, Mr. Speaker, whereby the children leave their mom's care in quality clothes and come home in somewhat less than satisfactory attire. Again, one can only surmise that it's the father here who's attempting to recover some of his maintenance enforcement payment that he makes every month. So the individuals again are the children who bear the brunt. They're very vulnerable in this situation.

A third example I would share just so in fact we know that the courts and the present system are not working is a situation where mom arrives at the house to pick up the three children as set down in the court order only to see the three children standing in the window waving at her and/or crying because father will not let them join their mother as the court award indicates should happen. Certainly we look at heartrending problems or difficulties like that. There needs to be a solution, and it has to be addressed.

The hon. Member for Edmonton-Gold Bar indicated that a one-stop court process certainly would eliminate some of these difficulties and I think streamline it. It's very unfortunate that adults, when they get into a parting of their ways, have a tendency to use their children as footballs in an attempt to get back at each other.

The Member for Calgary-Currie spoke of this as a step towards creating a healthier family atmosphere. Certainly I don't think we can argue that that wouldn't achieve that. I would also support it, because I do believe it will further the healthy family concept.

It's extremely important, Mr. Speaker, to address this matter. The system that's in place today has been in place for a considerable amount of time. We've had lots of opportunities to work the kinks out of it. It has not happened. We still have legal difficulties in separations and marriage breakdowns, and the hon.



member certainly, I think, shows good prudence by bringing forth the Bill. The mediation process is a very acceptable one, and it is gaining popularity as a means of resolving difficulties. I would applaud, as I indicated in my opening comments, the member for bringing it forth, and I would suggest all members support this particular Bill. It is one step in the right direction. Certainly it can be improved upon, but I think we'll take it one step at a time. We will be making progress, and that's required for the benefit of the children and healthy families in the province of Alberta.

Thank you, Mr. Speaker.

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

DR. L. TAYLOR: Yes, Mr. Speaker. Thank you. [some applause] I'm pleased to receive the support of my colleagues over there as well. Thank you.

I'm pleased to rise to address this Bill today, Mr. Speaker. I do have some concerns about the Bill. For instance, in section 2(1) it says that "the parties shall attend, a mediation screening", and I have great concern about that, where government is starting to prescribe what people shall do. Quite frankly, government interferes too often in people's lives, and to get into a mediation process with individuals that don't want to be there is a waste of time. You know, if a person doesn't want to be there, mediation does not help. So forcing people into a mediation situation simply won't work.

I know people have suggested children are used as footballs, that this will build a healthier family atmosphere. Quite frankly it won't, because once again if the person doesn't want to be in mediation, he or she will still use the children as footballs. It does nothing to build a healthier family atmosphere, and I can speak from some practical experience in this area.

MR. SMITH: Having been divorced and a bad boy.

DR. L. TAYLOR: No. Actually, as the member suggests, I have not been divorced. I've been happily married for 30-some years. Just to correct that misinformation there, Mr. Speaker.

MRS. HEWES: How does your wife feel about it though?

DR. L. TAYLOR: Well, my wife is very happy about it too. Thank you.

MR. PHAM: Are you sure?

THE DEPUTY SPEAKER: Order.

DR. L. TAYLOR: Thank you, Mr. Speaker. If you could control these people, it would make it easier to get on with my speech.

Speaking from practical experience, I spent a number of years actually in a counseling situation. I don't know how many marriages in trouble I've actually counseled, but I've been in situations where people have been forced to be in the counseling situation, and it doesn't work. Unless both parties are there on a voluntary basis, unless both parties want to participate, mediation will not work, and this is what I object to in the Bill, because once again we are prescribing here that "parties shall attend." Whether you want to be there or not, you have to be there. In fact we go further and we have consequences for people who do not attend this required session. For instance, section 5(a) says

that the court can "adjourn the application and order" – order – "the party who did not attend the mediation screening and orientation session to attend." Well, Mr. Speaker, why should anybody be able to order that?

3:40

Secondly: "Adjourn the application and order that further mediation occur, on any terms the court considers appropriate." Well, what terms might a court consider appropriate, Mr. Speaker? It's very, very difficult for me to sit here and approve something that gives a court that kind of freedom. It says, "on any terms the court considers appropriate." Who knows what terms a court might consider appropriate?

DR. WEST: It's a lawyer's Bill. That's what it is. It's for lawyers.

DR. L. TAYLOR: A member opposite has suggested that it's for lawyers. Well, it looks suspiciously like that to me as well.

Section (c) says, "Strike out the pleadings or . . . documents of the party who did not attend." In other words unless this person attends this forced mediation session, his pleadings, his documents can be just excused or not looked at unless "that party satisfies the court that the party has a reasonable excuse for not attending." You know, it's like when you used to go to school, and you had to write a little note – or theoretically your parents wrote a little note; slipped up there a bit – for the teacher to say, "Lorne was absent on such and such a day for such and such a reason." That's exactly what this is. Who's going to write the note to the judge that's going to satisfy the judge? Well, it's just about an impossibility, Mr. Speaker.

Another one. It says here, "It would be inequitable to strike out the party's pleadings or documents." That is, they will strike them out unless there is some reason the judge or the court considers it inequitable. But once again we're taking the decision away from the individuals involved and putting it in the hands of the court.

AN HON. MEMBER: What about the kids?

DR. L. TAYLOR: It's just something that's very much of a concern when we have a situation like this.

Once again I will say, due to encouragement from a member opposite, that whether people wish to be in mediation or not, it will make no difference in how the children are treated. If they don't want to be there, they will still treat the children as political pawns or political footballs or whatever you want to call it. If they want to be there, then there's some hope for a reasonable settlement, but we cannot force people into these situations.

Another concern is with section 4. It says, "No action lies or shall be instituted against a mediator for any loss or damage suffered by a person" involved in the case and so on. It goes on. Well, we have these people here that then become above the law. It doesn't matter what they do; you can't take them to court. You know, you are saying that it doesn't matter what I do or you do as a mediator. I can't as a client or a person involved in this take any action against you. Mr. Speaker, that is a concern to me as well. These mediators have to be responsible, and if we're going to put them there, they need to be responsible in terms of full due process, and quite clearly section 4 suggests that they are not responsible in terms of due process.

If we go to one of the final sections, section 7, it says, "The Lieutenant Governor . . . may make regulations." Subsection (c)

says, "Respecting the procedures for the mediation screening and orientation session process." Well, quite frankly, unless we know what these regulations will be, how can we approve this Act? I mean, there could be all kinds of ridiculous requirements put into these regulations, and we quite frankly don't know what they are. We cannot support an Act, I would hope, when we don't know what the regulations are. Subsection (d) says,

Prescribing the standards to be met in providing mediation screening and orientation sessions including the qualifications of persons to be employed in providing that service.

Once again, those kinds of things need to be delineated in the Act before this Act is passed. So unless there are some major amendments made to this Act, Mr. Speaker, I really can't support it in its existing form.

Unfortunately, my time is up.

THE DEPUTY SPEAKER: I'm required to interrupt the hon. Member for Cypress-Medicine Hat under Standing Order 8(5)(a), which provides for up to five minutes for the sponsor of a private member's public Bill to close debate before all questions must be put to conclude debate on the motion for second reading. I would therefore invite the hon. Member for Edmonton-Beverly-Belmont to close debate on Bill 203.

MR. YANKOWSKY: Thank you, Mr. Speaker, for allowing me to rise and close debate on second reading of Bill 203, the Family Dispute Resolution Act. I would like to thank all the members who spoke, especially those in favour of doing something for families. I will not be able to answer all of the questions that were raised, but in the five minutes that I'm allowed, I will try to give you a general overview.

Some said that Bill 203 doesn't go far enough in addressing the whole problem faced by some 9,000 divorcing parents in Alberta, every year that is, and an estimated 30,000 divorced families in Alberta – and that number is growing every day – engaged in ongoing battles regarding custody, maintenance, and access. As I said in my opening speech, Bill 203 may not be an end-all and a be-all, but it's a start. It's a framework that can be improved on in Committee of the Whole.

Bill 203 is a first step, and a very important step at that, I must say, in doing something for families in conflict. They are crying out for help from their elected officials. I don't think there is one member here who has not had many calls and letters from constituents who are caught up in this family conflict situation. It's the least that we can do for them.

All hon. members in their speeches expressed some concerns with certain clauses or lack thereof in Bill 203, and this is good. You have given me ideas of what needs to be fixed. It's like that car repair that the hon. Member for Calgary-Buffalo talked about. The hon. minister also had some concerns and offered some suggestions.

Collectively, speakers had questions regarding, firstly, the mandatory aspect of mediation, especially the hon. Member for Cypress-Medicine Hat. If we look at section 2(2), all that is mandatory is the educational part; that is, the orientation and mediation screening. Then it's up to the parties to decide if they take the mediation route or if they go the court route. Mediation is not mandatory.

Secondly, regarding who pays. There were some questions as to who pays. Presently the government is paying for mediation which is available through Family and Social Services and for the judicial pilot project that is presently being conducted. I agree that Bill 203 is not clear on this point. We will revisit that section

and look at a possible amendment, if it is deemed necessary.

Thirdly, there were questions regarding the cost of the program. In this area we're actually looking at a saving to the government. I'll give you an example. Take a divorce rate of 9,000 couples per year in Alberta, which is the highest in Canada, 5 percent of which are considered disputed and mediateable. That's 450 cases. But let's build in a factor of error. Let's drop that down to 400 cases that can be mediated and not have to go to court. Now, considering that a day in court costs taxpayers some \$2,500 to \$3,000 per day and a three-day trial is typical per case, this translates to a \$3.6 million saving. Very substantial indeed, Mr. Speaker. That's a dollar saving; something that cannot be calculated in dollars is happier families, even though they may be living apart. Think about that, especially the children.

There were a number of other questions and concerns, but time will not allow me to address those. I want to urge all hon. members to consider this legislation very seriously for the sake of families and especially the children involved.

Thank you for your support for families.

[Motion carried; Bill 203 read a second time]

3:50

Bill 204

#### Protection of Personal Information in the Private Sector Act

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

MR. SEKULIC: Thank you, Mr. Speaker. It is a pleasure for me to rise today to move second reading of Bill 204, Protection of Personal Information in the Private Sector Act.

The government and in particular the Premier regularly request that we work together. They ask for good ideas and they ask for good suggestions that will make Alberta yet a better place to live and raise a family, to work, and to operate a business. Mr. Speaker, my Bill is a response to that very request. It is an attempt to step ahead of other jurisdictions to lead on an issue which affects each one of us in our daily lives.

Mr. Speaker, this Bill is the parallel to the balanced budget legislation insofar as it makes provisions for the security of each Albertan's future. This Bill, Bill 204, is not intended to be intrusive, redundant, nor costly. It is not something that will naturally emerge from the competitive marketplace. Rather, it is what citizens can and should expect from a responsible government, a government which acts in the interests of its citizens.

Mr. Speaker, many in this Assembly, myself included, question the federal government's request that all law-abiding citizens register their firearms. I personally believe that it may be an unnecessary intrusion into the private lives of law-abiding Albertans. I likewise believe that these same Albertans, in fact all Albertans, face other invasions or intrusions into their private lives by private bodies as defined within the Bill. Although, as I will explain at a later point in my talk, the majority of the personal information held by private bodies is well-intentioned and is in fact a legitimate requirement for participation in the marketplace, it is subject, nonetheless, to abuse.

Mr. Speaker, I am concerned that the ever increasing amount of personal information which is stored about us is falling outside our range of authority and control. It is time that we as legislators recognize that this is a growing concern, one being expanded and accelerated by technological advancements. I would hope that rather than attacking any perceived weakness within the Bill,

members will listen to my comments and provide me with plausible solutions. I am soliciting their support for the Bill's passage into Committee of the Whole, where we can take a worthy principle and enable it to be operationalized.

I remind members that this is only the second reading of the Bill. This is the stage at which we assess the merits of the principle. I would again urge you not to defeat it without, at the very least, exploring it further at the committee stage.

Even though some members might not be concerned with how their personal information is used, it is important for them to assess whether, when their constituents provide personal information about themselves to a private body, the constituents would think it appropriate for that body to disclose that information for a purpose or purposes other than the one for which the information was provided in the first place. If the members' response is "no," then I believe that they must support the principle of this Bill.

Even though you may not agree with the various sections of the Bill, a "no" answer to the question I've just posed is perhaps the litmus test for support of the Bill's principle. Disagreement on other aspects of the Bill, I would argue, is not an argument against the principle and therefore not a reason for voting against the Bill at second reading.

Mr. Speaker, I must say that the motivation for this Bill is grounded in my belief that good relationships of any nature, be they commercial or personal, require the exchange of information. They require the existence and use of functional communication channels. Rational choice, after all, requires information. Information often justifies or legitimizes our decisions. Similarly, the absence of information often leads to poor decisions, never justifying them but perhaps providing an explanation for them.

We have heard many times that the information age is upon us. We know that the highest area of job growth pertains to information or data. Data, much to the dismay of the minister of agriculture, now leads agricultural production, resource exploitation, and even technological advancement as a major world commodity. An exponential growth in data banks held by businesses, multinational corporations, and governments at all levels is now taking place. The information age should be seen as it is, as a positive development. But at the same time, we must be cautious to ensure that it can continue to thrive as both an area of economic growth and an area which facilitates economic growth.

Bill 204 recognizes the legitimate concerns pertaining to the collection, correction, and use of information. It recognizes that these do exist and that these areas must be addressed. The real challenge before us is in assessing when a legitimate use of data becomes an abusive use of data. We then need to look at what measures can be put in place to prevent or even minimize abuse. I believe Bill 204 provides some insight into these questions and suggests some potential remedies.

The OECD, the Organization for Economic Co-operation and Development, of which Canada is a member, agreed upon a set of guidelines referred to as guidelines on the protection of privacy in transborder flows of data. The guidelines were developed by asking the question: how does the law prevent unlawful storage of personal data, storage of inaccurate data, or the abuse or unauthorized storage of inaccurate data? The guidelines were adopted in 1980 and have led to the setting of both objectives and elements generally found in American and European data protection laws.

Mr. Speaker, the objectives which I have attempted to capture in Bill 204 are to minimize intrusiveness, maximize fairness, and

provide for the creation of legitimate and enforceable expectations of confidentiality. The elements which naturally flow from these objectives and which I have tried to capture are, first, the information to be contained in personal data shall be obtained, and personal data shall be processed fairly and lawfully. Number two, personal information shall be held only for the said purpose or purposes. Three, personal information held for any purpose or purposes shall not be used or disclosed in any manner which is incompatible with that purpose or purposes.

Fourthly, personal information held for any purpose or purposes shall be adequate, relevant, and not excessive in relation to that purpose or those purposes. Fifth, personal information shall be accurate and, where necessary, be kept up to date. Six, personal information held for any purpose or purposes shall not be kept longer than is necessary for that purpose or those purposes. Seven, any individual shall be entitled to (a) at reasonable intervals and without undue delay or expense to be informed whether a private body holds information of which that individual is a subject, and (b) to access any such data held by a private body, and (c) where appropriate, to have such data corrected or deleted permanently. The eighth and final point for the elements which flow from the objectives is that appropriate security measures shall be taken against unauthorized access to, alteration or disclosure of, or accidental loss or destruction of personal data.

4:00

Mr. Speaker, if one looks at the section on purposes of this Act found in Bill 204 on page 2, they will see the thrust of many of these internationally held objectives and elements. They will see that the Bill looks to control the collection, use, and disclosure of personal information. They will see the right to access and request corrections about personal information about oneself, and it provides for the independent review of decisions made by private bodies.

One of the unique features of this Bill is that it does not require a new bureaucracy, Mr. Speaker. It doesn't require a new bureaucracy to emerge, but it rather utilizes existing structures within the office of the commissioner responsible for ethics, conflicts of interest, and also freedom of information and protection of privacy legislation in this province.

There is no question that access to data and use of data are both necessary and positive for researchers, scholars, professionals, businesses, governments, and the public in general. Just as we must recognize that the benefits of the creation, collection, and use of data are significant, so too we must recognize the potential harm of improper creation, collection, and disclosure of personal data. Although more annoying than damaging, the obvious example that I can come up with and that many members will immediately relate to is direct mail advertising. The only problem it really poses is trying to find your mail in your mailbox. The question, though, is: how did your name get onto a marketing house list if you didn't provide it to them? That's, like I said, one of the smallest examples of intrusion into personal information.

Mr. Speaker, in 1979 the Lou Harris opinion poll found that more than three-fourths of Americans felt that the right of privacy should be included as a fundamental right alongside the rights of life, liberty, and the pursuit of happiness. Here it was found that 81 percent believed that law enforcement authorities should not be permitted to pursue the bank records of members of a group never convicted of a crime, and 91 percent agreed that it was very important for financial institutions and organizations, such as insurance companies and credit card issuers, to secure a consumer's consent prior to providing data from his or her file to

other organizations. Such American polls evidence a growing concern in regards to invasion of privacy in an increasingly technological age.

Still later, in 1985 a poll conducted by Louis Harris-France in eight industrial countries indicated that invasion of privacy and unemployment continue to be viewed as two significant consequences of data processing.

Mr. Speaker, in this past fall session of the House of Commons a Reform member from British Columbia introduced a Bill which shared a similar principle to the one that I'm proposing. Mr. Philip Mayfield, the Member for Cariboo-Chilcotin – as I said, a Reformer – introduced Bill C-315, and it's interesting to look at the observations which he discovered in his research in preparation for the Bill. He states that a recent Gallup poll conducted for Anderson Consulting, a private financial consulting firm based in Toronto, found similar concerns about privacy and the information highway. Notwithstanding strong interest in the information highway, Canadians have a high level of concern as to how it may affect their privacy. Asked to indicate their level of concern for their privacy because information about them might be collected by companies involved in the information highway, 83.7 percent described themselves as very concerned or somewhat concerned. So we see that the principles adhered to that I've attempted to capture in this Bill are shared by many Canadians and I would daresay Albertans.

A recent article in Telecommunications Policy entitled *Will My House Still Be My Castle?* added to this concern. In the future things will be very different. It will essentially be one-stop shopping for the data gatherer on the digital superhighway. Information gathering, analysis, correlation, and dissemination can all be automated, depersonalized, and made inexpensive. The time to establish coherent public policies and safeguards is before such systems are in place and adverse precedents and vested interests become established.

Mr. Speaker, what that says is that we should solve the problem. We know the problem's coming and growing, so we should attempt to solve it before it continues to grow and I guess smacks into us.

Interestingly enough, when I did more research into the issue, I found that many computer magazines – and I know the Minister of Economic Development and Tourism, in addition to reading Disney literature, reads *MacWorld*. Sure enough, an October 1995 *Equifax*, once again a Louis Harris survey, found that 80 percent of Americans fear they have lost control of personal data gathered by computerized information systems.

The threat, there's no question, is real. What are the real reasons for pursuing a Bill such as the one I've proposed? I would suggest that we're trying to avoid harm to our mutual constituents, Albertans. The harm, we can safely assume, can occur if there aren't controls or measures put in place, and I'll just list off a few. There's potentially economic or job or credit loss if information gets into the wrong hands. There could be physical harm, Mr. Speaker, if there are inaccurate medical records kept and you can't access or they're released. There could be damage or harm done to reputation, emotional suffering. There could be costs or special damages incurred as a result of personal information released for purposes other than those for which they were intended. There could be a loss of privacy or an invasion of privacy, which I know that Albertans hold very dear to themselves.

So it's evident, I think, why we need to pass Bill 204: because we, as Albertans, inherently value our privacy. I think without

question there's a significant social utility to retaining control over our own personal data and only permitting the use of such data for the originally established use by the person to whom the data pertains and the person or the organization that wishes to utilize that data.

Mr. Speaker, we do need a legal deterrent, and there has to be some structure put in place for compensation in the event that there are infractions of these legal deterrents. So despite the method by which data are collected, be it voluntary or be it automatic – and that's when you go to the grocery store and you pay through your direct deposit bank card. They can then trace your consumption patterns and who and where you are. I think the network in which the information travels is unlike something we've seen in the past. In the past if you wanted to acquire personal data about an individual, you had to walk through a doorway, pick up a physical file, and then try to walk away with it. Well, that age has gone. We can now surf the world and pick up data as we wish, when we wish. I think the safeguards provided to consumers and particularly the safeguards provided to citizens are not there. Much to my dismay, I don't think that either the federal government or in fact the provincial government have led in this area, in an area where we need some leadership. This presents the government with a positive option, like I said at the beginning, a positive option for the government to pursue.

I as the mover of this Bill would appreciate it if the government in fact took ownership of it and carried it further, and I will assist in every way. This is a positive both for the Assembly as a product of our work and for our citizens that we represent, because it is in their interests that we're acting. Mr. Speaker, there may be many arguments posed against this Bill. Members, as they sit and they walk through or flip through the Bill, all five sections of it, may find areas on which they disagree; they may find specific sections. To that, I just want to remind them that we are speaking of the principle, and the principle of this is that when we provide personal data to any body out there, a private body as defined by this Bill, we have provided that data for a specific purpose. If that data is going to be used for any purpose other than that purpose for which we originally contracted, I guess, in the transaction, then that is an abuse of the data we have provided. I think we must put some stops and checks in that, and I think for the most part industry would be compliant with this request. In fact, most players in industry currently operate within some form of guidelines. What I'm looking at is a standardization across all corporate private interests to ensure that they meet the same standard.

Once again, Mr. Speaker, I will be able to answer some questions. I hope there are some questions pertaining to what direction this Bill may go. I think it's readily evident. Once again I just want to state that it is the principle of this Bill, and that principle is the protection of personal information in the private sector and to use personal information only for that purpose for which it was intended.

#### 4:10

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

MRS. BURGNER: Thank you, Mr. Speaker. I appreciate the comments and the concerns that have been raised by the hon. Member for Edmonton-Manning. However, I'm not in a position to support this Bill. I think that the legislation is weak, and I also think the Bill is redundant when one considers there are other mechanisms in place by Acts in this province and elsewhere in this country.

Mr. Speaker, the Bill does call for safeguards protecting personal information held by associations and businesses in Alberta's private sector, yet already many businesses practise protection of personal information. Résumés collected by potential employers are to remain confidential. They are not to be passed from one company to another, especially without the consent of the person who submitted the résumé.

Even in our province's Labour Relations Code there is protection of personal information. An employer is not permitted to use employees' information to coerce or threaten that employee for any reason. An employer has a responsibility to keep personal information confidential and is prohibited from using it for gain in any way. Furthermore, personal information is also protected against indiscriminate use by private-sector business in the Individual's Rights Protection Act. Mr. Speaker, that's the thrust of my concern. While I don't dispute the issue that has been raised in terms of the intent of the motion, I'm not confident that this is the best mechanism for delivery of the response to that concern. Under this Act personal information may not be used by businesses or organizations as a means to discriminate against any person. So I think we have to look at our labour laws as they currently exist and recognize that they are in a position to protect the privacy of individuals who are employed.

A person may not be excluded from belonging to a group because of what is known in their personal information, nor can a business or an organization limit his prospect for employment, for instance, based on the contents of that personal information. So you see, Mr. Speaker, there already are currently in Alberta legislation opportunities to protect personal information for Albertans.

Next, I would point out that one of the issues that was raised today deals with the responsibility that businesses in the private sector already assume in protecting personal information of their clients or people using their services. The protection of personal privacy and information is a concept that is perfectly understood in the private sector.

Mr. Speaker, I would like to speak briefly to the Standards Council of Canada, which approved a model code for the protection of personal information as a national standard of Canada in December of '95. The Standards Council recommends that private-sector organizations voluntarily adopt the code. It goes on in the briefing note to talk about the accountability that organizations have: to ensure accuracy of information; security and safeguards; openness about policies and practices; provisions of access, et cetera. What I find interesting is that in this national standard are provisions that are recognized in the Alberta Freedom of Information and Protection of Privacy Act.

The part of it that is significant is that they are voluntary. I think, Mr. Speaker, more and more as we get out of the business of organizing and running everybody's lives, there is a responsibility to look at other options for protecting our individual citizens, and it's not always a question of legislation. It's unethical for businesses and organizations to conduct information about their clients or use it in a way that is not conducive to the privacy of that individual employee. It's understood that personal information would not be passed from one organization to another one when it's not known the reasons for or the use of that information, and it's not appropriate for questions to be handled about clients, for information to be solicited. I think most organizations when dealing with their employees are very conscious of the safeguards that are needed.

[Mr. Clegg in the Chair]

Part of the impetus for businesses protecting personal information for their clients is the breach of contract tool that is at the client's disposal. In other words, Mr. Speaker, it's in the employee's best interest to maintain a working relationship with their employer, and the confidentiality is an aspect of that employment. If a business or organization releases information without the consent of the person involved or if the business does not have permission to release certain information but releases more or different information than the client has permitted, then there are grounds for the client to take appropriate action against that business. For example, an insurance company would not be able to release the information found on a client's insurance claim form, given the sensitive nature of this information and the hope that the client will be in agreement with what the company has done. The private sector has its own system of checks and balances that deals with the protection of personal information. Given this fact and the fact that we are in the middle of trying to cut down on government interference due to many regulations, Bill 204 is not addressing an urgent need at this time.

Mr. Speaker, my last point that I want to raise is one that I just have to bring to the attention of the House. That has to do with the size of organizations that are identified in this Bill and that the presenter wants to see tied to this particular piece of legislation. The Bill would insist that any private-sector organization that employs more than 100 persons – that includes banks, Treasury Branches, trust corporations, loan corporations, credit unions, and insurance companies, but the cutoff is an employee base of 100 or more. I'm concerned with the sponsor's arbitrary decision to include only those businesses and organizations that have 100 employees or more.

In my experience in small business, Mr. Speaker, more often than not it is the organizations that have more than 100 employees that already have policies in place to protect personal information. Smaller companies or new companies with less than 100 need to protect the personal information and privacy of people who use their services just as much as the larger companies do, and I fail to understand why the discrepancy by a numeric value in the number of employees. I appreciate that you have to set in place a significant mechanism. You have a reporting process about the number of employees for various reasons, whether it's through Stats Canada or your taxation on corporate tax forms, et cetera.

I understand that the number of employees is identified, so it's not the finding out of those companies and the number of employees that are related to them. But in terms of having the administrative capacity to structure and develop policies, to publish those and have human resources people who can inform the employees of the various policies that are in place, benefit programs, handling of personnel matters, et cetera, often that administrative support is not available in smaller companies or companies with fewer employees. That doesn't make the information on those employees and within those files any less important. That's why things like the labour code are significant documents. That's why confidence in your employer and the working relationship you have – that's why contracts are important.

4:20

Mr. Speaker, I do believe that as we get out of heavily regulated government interference, there is an obligation and a responsibility on the behalf of employees to inquire what the company may or may not do with the information they have on

them. It's also important that clients who access the company, particularly when there's solicitation and marketing lists, et cetera, be very clear, when they enter into a contract, what the potential use of this information is. If citizens took more personal ownership, recognizing the legal situations that are there in place to protect them, we could continue having opportunities to have less regulation involving costs to employers and therefore return a maximum profit and wages back, with all of the benefits that come through the economic side of having good employment.

So, Mr. Speaker, while I do recognize, as I said at the beginning, that there is an intent that has been raised here that is significant, I would encourage the member opposite to utilize the legislation that's in place, and I therefore will not be able to support the Bill at this time.

Thank you, Mr. Speaker.

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

MR. DICKSON: Thanks very much, Mr. Speaker. I rise in support of Bill 204 at second reading. The first question, I think, is: why do we need this Bill? I listened with interest to the comments by the last speaker, from Calgary-Currie, and I want to come back and address very specifically the concerns she raised and a logical flaw that runs throughout her argument. Before I do that, let me just address the mischief that Bill 204 attempts to remedy.

You know, it's interesting, Mr. Speaker, that there is nothing new about this. In 1970 a select special committee of the Legislative Assembly of Alberta, with representation from the Progressive Conservative caucus at the time and the Social Credit government at the time – there may even have been a Liberal on the committee, although I'm not sure. My knowledge of Alberta history doesn't go back that far, but there was this committee. And in 1970, long before anybody talked about smart cards or cell phones, long before anybody had thought of the Internet, long before anybody imagined that MLAs would be linked to a computer network, what we had was a select special committee of the Legislative Assembly that did a study, and they identified a need. They saw the extent to which there would be widespread erosion of personal data and personal information, and this committee in a thoughtful fashion encouraged the government of the day to take action. The prospect then was that there would be a sharing and unauthorized use of personal data. How interesting that here we are now, in 1996, and we see the truth and the value of those recommendations that had been made by those thoughtful legislators that many years ago.

The Member for Calgary-Currie made some reference to the standards code. Well, I'm not sure if she's talking about the same thing I'm thinking of. But I'd remind that member that since that, the Canadian Standards Association came along and talked about a voluntary privacy code. There's been a very important and comprehensive report produced called *The Challenge of the Information Highway*. This is the final report of the Information Highway Advisory Council, and this is what this council had to say about the proposal touted by the Member for Calgary-Currie as the better alternative.

While most governments have privacy protection legislation pertaining to their own activities, only the Province of Quebec has enacted legislation governing the private sector. The Canadian Standards Association (CSA), in cooperation with business, consumer organizations and some governments, is developing a model voluntary privacy code for use by the private sector by early 1996.

And this is the important part, Mr. Speaker, I say parenthetically.

In order for consumers and users to benefit from electronic information networks, there is a need for a coherent national standard as to what constitutes effective privacy protection in an electronic environment among business, consumer organizations and governments. The Council believes that such a standard can best be achieved through legislation.

So what we've got is a recognition that it's fine for industry to take steps to police itself, and who would be critical of that? But to stand and say, as the Member for Calgary-Currie has, that we don't have to worry about looking after consumers because business is going to do it – we know that's not true. The Information Highway Advisory Council recognized that not to be true as well.

What's more, I think it's fair to say that Bill 204 has its limitations. This is an attempt to craft a provincial response to protect privacy, but privacy is an object of commerce on an international and a national basis. The ideal would be to have 10 provinces and all territories part of a co-ordinated scheme of privacy protection. But we're only sovereign in this province. I salute my colleague who brings this forward, because this allows Alberta again to take the initiative and be in a leadership capacity.

I guess the other thing I'd like to say is that if one listened to the Member for Calgary-Currie, it would be as if Albertans aren't concerned about the fact that their names show up on lists which are traded from mailing-list house to mailing-list house. Well, that's a big concern to me; it's a big concern to my constituents. I think it's a considerable concern to Albertans.

You know, last June of 1995 I had an opportunity to meet in Ottawa with Bruce Phillips, the national Privacy Commissioner. He put me on to some studies that are under way across Canada looking at not only the use and abuse of smart cards but other kinds of data-matching practices that go on indiscriminately by those same kinds of businesses that the Member for Calgary-Currie would have us repose all our confidence and faith in. Not good enough, Mr. Speaker.

The Canadian Bankers Association right now is proposing to take over or get into the life insurance business. Give some thought, hon. members, to the potential for abuse when a financial institution can sell you life insurance, can sell you RRSPs, can sell you mutual funds, has your bank account, has your credit information, your loan information, your business account. It doesn't take very much imagination and it takes certainly no paranoia to recognize this has a huge potential for abuse.

In the fall of 1993, when the Premier's all-party panel on protection of privacy received submissions, we had a submission from Ralph Nader. Mr. Nader talked about how most people in this continent still don't recognize the extent to which personal information is traded and abused. It's the sort of thing we find out, I guess, incrementally.

With respect to the Bill, we have a freedom of information Act that came into force on October 1, 1995. What the Member for Edmonton-Manning has offered us is the other bookend. This is the companion to the Freedom of Information and Protection of Privacy Act. Why do we need it? One need look no further in the Freedom of Information and Protection of Privacy Act than section 4(1). It applies only to "records in the custody or under the control of a public body." The members for Rocky Mountain House, Calgary-Shaw, Calgary-Fish Creek, Peace River, those people who were part of that panel – we heard submissions from Albertans who were not just concerned about accessing information government had; they were concerned about information they had in the private sector. That's one of the reasons why our committee from both sides of the House – so nobody can accuse

us of being slanted in a partisan fashion – agreed unanimously that we wanted to see freedom of information expanded. We talked about not only the municipal sector and universities and colleges, but we also talked about self-governing professions. We talked about a host of not-for-profit organizations and so on which at some point should be brought under the Act. I think the reason for that continues to be important.

Some specific points I'd like to draw attention to in the Act: part 2, health care information. This is put in specifically to address a concern with smart cards. It seems to me that the position of our caucus – and I continue to submit it now – is to insist that before we start even a pilot project, we have a privacy impact assessment done by the Information and Privacy Commissioner. It seems to me to be a pretty regular kind of proposition. What's happened is that the commissioner has been offering some advice in an informal way to a group set up by the distinguished Minister of Health. I salute both her involvement of that important legislative officer and his initiative in getting involved.

What he has asked for and what we continue to ask for is a privacy impact assessment that allows a broader kind of input, because once we go down this road, I'm not sure that it's going to be easy to turn back. There are some economies that will tend to drive this. The concern is that personal privacy in any contest with shaving dollars usually ends up playing second fiddle or being relegated to a lower position. So I'm hopeful that members will look at the health care information part and see in there that there's some real importance and some ability to try and restrict use and abuse of that information.

#### 4:30

Members may recall that the other day with, I guess, the Minister of Health and the Minister of Public Works, Supply and Services there was this issue: is health care information protected now? Well, clearly it's not protected by virtue of section 3 and section 5(1) of the Freedom of Information and Protection of Privacy Act. All of the Alberta health care insurance information is treated under that Act. It's not under this Act, notwithstanding the unanimous recommendation of the all-party panel that said:

A single Act should incorporate access and protection of privacy provisions. All statutory provisions relating to access and protection of privacy should, wherever practicable, be consolidated into that single Act.

Why? Well, why should Albertans be put to hiring a lawyer to find out what kind of information is protected and in what fashion and, more importantly, how they can get access to it? If it's wrong – because all large institutions make mistakes; that's a fundamental truth – it is so much easier if all of that material is brought together in a single statute and people can get access to it that way. So that's what we want to do.

Now, section 14 of the Act is important. [interjection] We're getting an agitated Minister of Transportation and Utilities, who no doubt will be joining the debate in a moment. Members may recall that in Calgary we had a situation where a large corporation, one of those large corporations that the Member for Calgary-Currie said that we should be so trusting of and so reliant on to protect our personal privacy, brought in a trainer from California and said to employees: "We're going to re-engineer our company. Part of that is we want all of you people to sit down in sort of a group session, and we want you to talk about the things that scare you. We want you to talk about some horrible experiences, other than the subsisting government."

The point was this, Mr. Speaker: we had individual Albertans who were there to do a job, and in the face of some evidence that

they're not doing their job satisfactorily, why should they have to talk about what the relationship was with their grandparents? Why should they have to talk about whether they're scared about small corners or being too close to a Conservative cabinet minister? Why should they have to talk about the things that they fear most? It's not related to the job performance. That's the reason why section 14 is in there.

I'd like to see the Bill expanded to deal with surveillance, video surveillance and that sort of thing, but we'd really have a strong reaction from the Minister of Transportation and Utilities. If we give it to him in smaller, incremental bits, we think we're going to get his support yet, and we're moving in that direction, Mr. Speaker.

The Member for Calgary-Currie would have us believe that there are already all kinds of legislation that effectively protect personal privacy. Well, I don't know what statute she's looking at. She and I may have to sit down and look at the Individual's Rights Protection Act again, because the kinds of things protected in Bill 204 are not protected – absolutely not protected – in the Individual's Rights Protection Act. So I'm going to be interested in her explanation when we look at overhauling that Act when the Minister of Community Development brings in his Bill. I'm going to look to see what changes she's going to sponsor to make sure that that's addressed.

The Member for Calgary-Currie said that the private system has its own system of checks. Well, with respect, if that's the case, why is it that I end up on a gazillion mailing lists, Mr. Speaker? I've got all kinds of people that seem to know the kinds of issues that I may have subscribed to once in a moment of weakness, and that gets traded around onto 30 other mailing lists. Are there not other members in this House that have had a similar experience, and have we not all had constituents that have those kinds of concerns? [interjection] Maybe no one wants to write to the Minister of Transportation and Utilities. But most of us end up on a significant number of lists. I mean, I think that's how our information gets eroded.

DR. WEST: You've got a reputation for being a bleeding heart Liberal. That's what it's all about.

MR. DICKSON: Well, you know, that's fair. Some of us are proud to have a reputation as a bleeding heart Liberal, Mr. Speaker. Some of us are proud of that kind of reputation. There are worse things that could be said about you than being a bleeding heart Liberal.

DR. WEST: Name one.

MR. DICKSON: Mr. Speaker, the minister is not only provocative; he's very clever. He knows that I'm getting close to what I thought was the most powerful part of my presentation, and he wants to dilute it by getting me distracted.

What I wanted to do was come back to the Member for Calgary-Currie, who said that there's already a system in place. The other thing she said – this is where we had the illogic. On the one hand, she comes along and says: we don't need this Bill because there's already protection in some other statutes. I refute that and don't accept that. But then she said: you're only dealing with corporations that are involved in financial institutions or have more than a hundred employees. Well, what is it? Does she want my neighbourhood dry-cleaning establishment to have to keep track records? Is that what she wants? That seems to me to

be a very different message than what she said in the first half of her speech, which was that business is self-regulating and that we don't need this kind of Act.

I thought that what the Member for Edmonton-Manning had done was very responsible. He said: let's start with large corporations because those are the ones that tend to aggregate most personal data, and then let's deal with financial institutions and credit-granting institutions because they notoriously aggregate a lot of personal data and data that people want to protect. Why wouldn't we start with those if we get a system in place? If, as the Member for Calgary-Currie asserts, they already are protecting our privacy, they'll have no difficulty complying with this. They'll be able to be in the vanguard. They can show Albertans and this government the kind of leadership which maybe can be expanded to other sectors sequentially. But this is the starting point. We have a member with the courage to come in and do what no MLA has had the courage to do since 1970, when that committee was in place, and say: it's time to move to protect privacy in the private sector.

So I'm excited at the prospect that this Bill is coming up for debate. I know that members are going to be looking at the Individual's Rights Protection Act, and they're going to find that the protection isn't there. They're going to look at some of the labour legislation, and they'll find that the protection isn't there. They're going to find that their constituents want to see action, that they want to see action now, and that they want to see leadership. This Bill gives us the capacity to do that.

Mr. Speaker, I'm going to take my place because I know there's much else to be said about the Bill. I congratulate again my colleague for Edmonton-Manning for taking us a long distance down this uncharted territory.

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

**MR. COUTTS:** Thank you, Mr. Speaker. I, too, would like to speak against Bill 204 today, as my colleague before me has. The Bill for the protection of personal information in the private sector is redundant in its intent and its function. At a time when government has been called upon to remove many of its cumbersome regulations, this proposed Bill counters that effort.

The call for the protection of personal information is not new, Mr. Speaker. As a matter of fact, in 1984 the Organization for Economic Co-operation and Development issued international privacy standards, and Canada immediately signed on as a participant. In 1990 Canada took these standards one step further. The federal government, along with member groups in private industry, wanted to do more than the OECD international privacy standards had done. Federal and Intergovernmental Affairs and the member groups of Canadian private industry met with the federal government to discuss how to better handle the area of protection of personal information. The result is that we already have in place a piece of legislation at the national level that the member across the way wants only to duplicate at the provincial level.

**4:40**

The Canadian Standards Association approved a model code for the protection of personal information as a national standard of Canada on December 12 of 1995. Due to the fact that government and private industry called for these new standards, this model code is voluntary and is based on the belief that enough private groups called for it and that therefore its implementation

will be widespread across the country.

There is a complete set of principles for companies and organizations with access to personal data to follow. There must be accountability on the part of the organization using the personal information, and industry is responsible for compliance with the standards. The purpose of collecting this personal information must be identified, and the consent of the individual must be obtained if a business is to collect, use, or disclose personal information. The collection of personal information must be limited to that which is necessary for the purpose identified by the organization in question. So too must the use, the disclosure, and the retention of personal information be limited. The group or organization responsible for the information must ensure the accuracy of the information used. Appropriate to the sensitivity of the information there must be adequate protection of personal information, with security safeguards such as who has access to the information and how the information is being used.

Information management practices must be disclosed, and individuals must be allowed access to their own information. It is the responsibility of industry to maintain open policies to the public and the mechanism whereby an individual can challenge the accuracy of the personal information and amend it as appropriate. It is also essential that the groups complying with the standard allow challenges to the organization's compliance with the code.

Mr. Speaker, one can see how the principles that I have just outlined for the model code are quite complete. They provide an umbrella for complying organizations that can be quite accommodating to a particular organizational situation. This flexibility in turn will encourage more organizations to comply, because the code will not act as a cookie cutter forcing different organizations to comply to a set of uniform and rigid regulations.

The model code for the protection of personal information encompasses more than what the Bill presented by the member across the way would include and subsequently would provide more wide-reaching protection of a person's confidential information. Whereas the Bill would only be in place here in Alberta, the model code, which private industry across Canada called for, applies from one end of the country to the other. This is an age where information knows no borders. If an organization obtains information in Alberta, that information can easily end up in the hands of other organizations in other provinces. The model code applies to all provinces; the hon. member's Bill cannot. Thus we would be doing the Alberta public a disservice by passing a Bill that only does in our province what a more far-reaching code achieves for the protection of Albertans' privacy across the country.

As my colleague mentioned earlier, we are trying to control the kinds of government regulation that make doing business in this province less efficient. This Bill is one such type of regulation that we are trying to avoid. The model code of the Canadian Standards Association puts the responsibility on private industry to comply with the principles. Consumer confidence in the code will ensure that personal data will be used properly in potential markets because consumers will be calling for compliance to protect their personal information.

Mr. Speaker, given the scope of the model code for the protection of personal information, the Bill that the Member for Edmonton-Manning presents today is redundant. The principles that the Bill outlines are already present in the model code. Furthermore, Albertans have a better chance of their personal information being protected under that code than they do under the Bill because the nature of the code is national, with the potential of becoming international, while Bill 204 only covers



protection of personal information in the province. I hope that my colleagues will agree and vote no to Bill 204 in the knowledge that we have something better to offer to Albertans through the model code for the protection of personal information.

Thank you.

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

**MRS. ABDURAHMAN:** Thank you, Mr. Speaker. I'm very pleased to rise and speak in favour of Bill 204, the Protection of Personal Information in the Private Sector Act, by my colleague for Edmonton-Manning. In listening to the debate against the principles of this Bill by government members, one has to question the philosophy of so-called Conservative government that I would have thought would have stood for the epitome of the rights to privacy for your personal information. I'm hearing the exact opposite.

In fact, based on the research that the Member for Calgary-Currie and the Member for Pincher Creek-Macleod have used, they're leaving an impression in this House that it's legislated, that it's mandated federally. Indeed, my understanding is that the model code that they're talking about is voluntary and indeed has been criticized with reference to the document that my colleague from Calgary-Currie made reference to. So one has to ask the question: is this government indeed once again just opposing a very meaningful piece of legislation being brought forward because it happens to be from a member of the Official Opposition? I really have great difficulty with how anyone could oppose the principles behind this Bill.

The other argument against the principle of this Bill, Mr. Speaker, was that we'd be hearing from consumers. Well, one of the reasons that I am very pleased that my colleague indeed did bring forward Bill 204 was because, as the critic for the consumer area, I have had to deal with Albertans who have had their right to privacy violated. I can use one example where indeed an Albertan, a woman, came to me really very upset and disturbed about what had happened to her when she applied for a mortgage for a property that she was indeed buying in the city of Edmonton after moving from rural Alberta into Edmonton. She discovered that she was denied that mortgage. It's really a horror story that unfolded as to why she was denied that mortgage. In essence, what happened was that the wrong information was on her credit rating.

The disturbing thing was that because we don't have legislation like 204, the onus was on her to prove that the information on her credit rating indeed was inaccurate, so she had to go to the expense of hiring a lawyer. This legislation would have put the onus on the other party, who had the incorrect information, to prove that that was correct information. Now, what in essence transpired after that was that it was shown she had never had a credit account with a number of establishments in Canada or in Alberta, yet it clearly showed that she did and that she hadn't paid her bills. It also showed that indeed a person who had the same name as she had was the person who had not paid their bills. During this process they admitted error on her file, but they were not required to change it. There was no legislation anywhere in Canada that required that the inaccurate information on her file had to be changed to reflect accuracy.

4:50

I hear government members saying that consumers would be

coming forward. They are coming forward, and they're saying: "Why should these large institutions be able to get off with having inaccurate information and sharing that information outside their jurisdiction? It's wrong." Now, I could have stood in this House three weeks ago and said that it would never happen to the Abdurahman family, but, you know, Mr. Speaker, 10 days ago it happened to the Abdurahman family. It happened through the Royal Bank. My husband had made a decision not to reinvest his RRSPs with the Royal Bank, and he was actually sharing them with my stockbroker. Suddenly he got a phone call from the stockbroker, who said: "Guess what? I've got your full credit rating." My husband said, "You've got what?" He said, "I've got your full credit rating."

Now, as to what the relationship of the Royal Bank to my stockbroker was that resulted in our full credit rating, that of the Abdurahmans, going there, we're at a loss. But that was a sharing of personal information by a large banking institution that had not sought the permission of our family to do that. There should be protection to ensure that there's some recourse when that happens, because you could indeed be disadvantaged. Now, some members may find it amusing, but quite frankly they should be frightened as to where we're going when it comes to the sharing of personal information, not only in Alberta, not only in Canada but in the world, through the new technologies that we know are here with the Internet.

The other area, Mr. Speaker, that I would suggest we've got to look very closely at is that we're heading down the road to a two-tiered health care system. There's been an example in the U.K. where the banking institutions have got into the insurance business. I've sat with the major banks in Canada, and they've reassured us that there would be no cross-sharing of information, that there would be total confidentiality between the insurance side of the banking institution and the financial side. Yet we know that in Britain private information was shared from the insurance side, health-related information was shared with the financial side, and that person was denied the right to financing. That is a violation of confidentiality.

Now, my understanding was that it was going to go before the courts. Here were financial institutions getting into the insurance business, which we are now looking at in Canada, in Alberta. I would say that we've got to have the best legislation to make sure that the rights of all Albertans are protected. This is what Bill 204 – the principle behind this Bill – is clearly stating. It's a straightforward, plainly stated principle behind this Bill. It is, I would suggest, long overdue not only in the province of Alberta, but I would suggest that we should be following Quebec, all across Canada in the different provinces, and that the federal government indeed should also be a leader in ensuring that we have that protection right across Canada.

It's not good enough to say that people should be knocking at your doors from a consumer perspective before you get meaningful legislation. Many, many people don't know their rights, or if they do know their rights, they know they don't have the financial means to protect their rights. Going back to the instance of the lady who found that there was wrong information on her records, she had to pay substantial dollars to her lawyer to protect her interests and to get that mortgage. But at the end of the day, she had no legal right to ensure that that file on her was indeed accurate, that it was changed. There was nothing in legislation that required that party to change that wrong information.

You know, the Member for Calgary-Buffalo was saying: well, why don't we go into the small business, medium-sized business

sector? Ultimately, we should have total rights to privacy when it comes to personal information, but this is a good first step. Once again, I'd commend the member for that. We've seen the violation of our social insurance numbers in Canada. In fact, I get quite horrified when I get the Rutherford scholarships, the names of Clover Bar-Fort Saskatchewan students, and it shows their social insurance number on it. Well, that's a violation of your privacy, yet it's happening. It's become commonplace, and we're not doing anything about it.

Well, I can tell you, Mr. Speaker, that it scares the living daylights out of me if we're going down the road to private health care. If industry knows that you have a significant illness when you're seeking employment, do you think you're going to stand a chance with the other applicants if they've got a clean bill of health? Or do you think you're going to stand a chance if there's a genetic illness somewhere in your family?

I have had it shared with me that people have been applying for positions and that in actual fact they're asking the people who are applying for positions not only to sign a release of their own health status but also that of their family. The only reason companies will do that, Mr. Speaker, is to make sure that they don't end up with someone in their employment that's going to add a horrendous cost to their system. I firmly believe that there should not be an allowance of that kind of information to be used against you when you're seeking employment. Being handicapped or whatever you want to call it should extend itself to your health status and to your family's health status. We don't have that protection in Alberta. We don't have that protection in Canada.

Mr. Speaker, I would hope that the government members would take a serious look at the principles behind this Bill, and if they truly are Conservative, I would have thought that the very principles in this Bill would be something they would want to encompass. I would say to them: go back; ask your researchers to have a look at that voluntary model code. Is it really doing what obviously is in the written notes that the members have been speaking from?

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Medicine Hat.

MR. RENNEN: Thank you, Mr. Speaker. I take a great deal of pleasure to rise today and speak to Bill 204. I have some excellent prepared notes in front of me, which I'm going to use because I think they make some good points. But I also want to make some other points, because I think there are some things that really need to be said about this Bill that come from my heart. So while I will be dealing with some of the notes that have been prepared for me, I really do want to talk a little bit about the Bill itself and get into some other details on the Bill as it relates to the debate that we've had this afternoon.

5:00

One of the aspects that this Bill deals with – and it's the second part, part 2 of the Bill – is the privacy of health information. I think we need to spend some time this afternoon talking about how an individual's health records are now protected. Quite frankly, they're protected to the extent that this Bill is not required. Alberta Health makes one of its top priorities to protect vehemently the personal health information of all Albertans who have ever gone through the health care system in our province. To this end there are several different clauses in various Acts dealing with health care in Alberta that allow this protection of personal information of all patients. It is the responsibility of each regional

health authority under the Act of the same name to protect the health of the population and provide for the best care possible to be available.

In order to achieve these goals, each regional health authority must assess the needs of their region. One of the most informative ways to assess need is through the personal information provided by patients. This information is not used for the benefit of anyone but the patients themselves. In the end their information directs the authority on its policies. Moreover, patients are protected under the Medical Profession Act against unbecoming conduct of a medical professional, whether in a professional capacity or otherwise. This type of conduct would certainly encompass the confidentiality of a patient's personal information against the prying of the private sector for whatever purpose. The health care information held by the medical professional, as stated in the model code referred to earlier, could not be used without specific and limited purpose, nor could this sensitive information be released without the consent of the individual whose information was to be used. I think, Mr. Speaker, we went through that in this Assembly just last year when we talked about the collection of information in the form of statistical reports.

The health insurance Act also protects the personal information from being released without any type of safeguard. As with any insurance claim the nature of the information is quite sensitive and requires the utmost care when considering who will see it and what it will be used for. Here again Alberta Health seeks to maintain patient records with the utmost confidentiality. These are but a few examples of ways in which personal information is protected in our health system. I am certain there are still more that exist: as well, for instance, grievance boards that would deal with patient complaints against health care professionals in the area of protection of personal information.

There already exists an underlying code for the protection of personal privacy. Medical professionals during their schooling in their field of experience learn how to handle patient information. These professionals, working with sensitive information on a daily basis, would always be conscious of how that information is being used and for what purpose because of their training and what they are taught in the profession itself. Given that professionals in the health care system regulate their conduct with regard to protecting personal information, it would seem to me that this part of Bill 204 is somewhat a vote of nonconfidence in the medical professions.

The government is committed to giving back community control over health so that patients in their area can receive the best care possible. The second part of Bill 204 is diametrically opposed to the notion of community control. It seeks to increase rather than decrease the level of government involvement in an area where government has been asked to step back.

There's one more point I would like to raise, Mr. Speaker. It has to do with the emerging technology in health care information. The government is in the process of assessing the use of a new technology that would revolutionize the way Albertans' health information is collected and is kept. There are several matters that are under consideration for the use of card technology as a way of recording health information, not the least of which is how the government would keep a patient's information inaccessible to those not needing it.

As it stands right now, health information is available in various ways. A patient's health insurance card is a piece of paper with a number that can be wide open for unauthorized use. Billing information is dispatched electronically to government when it is

needed for statistical analysis. Hospital records are already on computers, and files are transmitted over the telephone. Any change in the way the records are kept will be examined by the Privacy Commissioner and will be subject to his recommendation. There is a keen interest to maintain the privacy of health information of all Albertans.

Colleagues before me have raised some valid points underlining why this Bill should not be supported, and I have to agree with their reasoning. I also have to disagree with this Bill because of the reasons I have outlined.

Let's deal with the Bill itself. I went through the Bill, and the first line that I read that really raised some concern in my mind – and I've highlighted it in my copy here – says, “private body.” Remember, a private body is any corporation with more than 100 employees. We've already dealt with that. I recognize that the proposer of this Bill has said that that number is negotiable. However, I don't think it's the number that needs to be negotiable. It's the concept.

We're saying that an individual when creating a record must enter the purpose of the record, and that must be created on the record. The purpose of the record is part of the record. I guess my biggest concern is: are we now going to have the records police coming into every business in this province saying: “We want to see all of your records. We want to see the purpose of every record, and we're going to do an audit.” We already have auditors coming out of our ears, Mr. Speaker. I come from the business environment. Granted we don't have a hundred employees; we probably only have 20 or 30 employees, so I guess we're a ways away from the threshold here. Certainly colleagues of mine in the same business have a hundred employees, and I don't think they should be expected to have the records police coming in to make sure that they have documented their information correctly according to the rules dictated in this House.

Then we get into something very interesting if we go to section 6 in the Bill: “Obligation to inform.” Now, this is an interesting one, Mr. Speaker, because under this provision we are going to have to have within the private sector the same kind of a situation that we've created for ourselves here in the public sector. I'm not saying that's necessarily wrong on the public sector side of things. Within the government environment we're dealing with a lot of information. It is public information; it's publicly held. I think it's reasonable to have a process for the disclosure of that information. We have a Privacy Commissioner, and we have the various related staff involved with that. But we have one interesting difference that's created on the public side in our disclosure of personal information. That has to do with a reasonable cost in generating this information.

Now, are we going to ask the private sector to put into place this entire infrastructure of having to maintain all of the records in a manner such that if someone walks in and wants to have a copy of that private information, they should be able to ask that corporation to produce all that information at no charge, at the expense of the corporation? Are we going to be asking a corporation to appoint a privacy commissioner so that they can then have someone that's responsible for all of the information that this corporation has and add another person to their payroll? No. We don't have a payroll tax in this province, but with this kind of legislation we might as well have it, because it's going to add to the overhead just as bad as any payroll tax. Mr. Speaker, I cannot support this type of thing.

We're talking about getting government out of the lives of people, and Bills such as this put government directly back into

not only the lives of people but into the lives of the private sector and corporations and businesses, small businesses. A hundred employees is not a very big business, and I have to point that out. There are a lot of small businesses in this province that have a hundred employees. To ask them to maintain the records and to have someone on staff that's available and knows all of the rules and regulations regarding maintaining information is absolutely ridiculous. I don't know how anyone in this room could support the concept of having the privacy police come into your business on a regular basis to make sure that you're maintaining your records in an accurate and correct manner.

### 5:10

If an individual is not happy with the way a business is maintaining its records, I have a very easy solution. I just say, “sayonarra.” I'll do my business elsewhere. That's all you have to do. We cannot forget as Members of the Legislative Assembly that this is a free marketplace, a free world, and individuals have the right to make decisions on their own. If you feel you've been treated poorly by a business, don't go there. It's very simple. Go somewhere else, because if that business is treating you poorly, the one down the street certainly would welcome you with open arms. [interjections]

We have all of the what-abouts, what-abouts, what-abouts over here. You know, there's something that I've learned since I've been in this Legislature. It seems that as soon as you get yourself into the role of an opposition member, you all of a sudden get into this mentality of what-if and you look at anything that's happening and you take the absolute worst case scenario and say: this could happen; this could happen; this could happen. If all of these things that could happen did happen, we'd have a disaster on our hands, and that's the way the opposition always thinks.

Mr. Speaker, if a business wants to maintain any viability in the free marketplace, they'd better not be abusing their customers and abusing the information that they have on their customers, or quite frankly they're not going to be in business for very much longer. That's what this is all about: the free marketplace, the right of individuals to make decisions on their own. If you don't like it, you leave. If you mess around with too many customers, you join the ranks of the bankrupt. That's what it's all about. You don't accomplish what your objectives are – and I understand that the objectives are reasonable and are clear. A right-thinking person would expect that their privacy would be protected, but if a business isn't protecting your privacy, you leave him and go elsewhere.

That's why when you've got a voluntary program on a nationwide basis that has to do with the way that information is kept and privacy of information – and we have a model that has been adopted by businesses across this country – we accomplish two things. First of all, we have a set example of standards that businesses and private entities can adopt when it comes to private information. Secondly, we have something that goes on a nationwide basis. I think the comment was made earlier, and I think it was an extremely valid comment: if we think there is a little wall around the province of Alberta and that any information that's collected in this province will never cross the interprovincial or in fact international lines, we're kidding ourselves. In the same way, information that's collected on individuals from Alberta in other parts of the country is not going to be protected by that imaginary wall either.

While I can appreciate the reason why the member brought this forward, I think the member has really got himself into a situation of seeing his role as an elected representative as much more

involved in people's lives than what I see my role as an elected representative. I see myself as getting the government out of individuals. He sees himself – and this is quoting him – putting the government right squarely back into the individual's private life.

With that, Mr. Speaker, I will resume my seat, and I encourage other members to speak to this Bill.

[The Deputy Speaker in the Chair]

MR. N. TAYLOR: Mr. Speaker, in listening to the debate, there's quite a lot of interest because in a way this issue cuts across party lines. I must confess that I've been a bit intrigued, because it's usually the right wing of the spectrum that is worried, sometimes to the point of paranoia, that people are collecting information about them and that somewhere out there they – you know, with big, capital letters and italics all around it there – know something that they shouldn't. Yet we get the other thing around here. When the debate got going in the Legislature, it would appear that there are more people on this side of this House worried about big business collecting information and your privacy than there are on that side, which is a little different.

I go back for a minute. I think one of the members over there – I think the Member for Pincher Creek-Macleod – mentioned that you don't have to worry, that the federal government has looked after everything. For somebody from southern Alberta to get up and say that the federal Liberals have looked after everything is unusual in itself. I was born and raised down in that country, as was the member with the same name from Cypress-Medicine Hat. I think he'll back me up on this, that if somebody down there had got up and said that the federal Liberals have done everything right and you don't have to worry, they would have drawn and quartered them or at least dipped them in the well or something like that. I mean, it's most unusual. Yet the Member for Pincher Creek-Macleod gets up and says: relax, don't worry about it; Ottawa Liberals are looking after us. I thought it was interesting that he mentioned that, that there was really no worry. He took his cue, of course, from Calgary-Currie, who said, you know, like Browning – you remember *Pippa Passes*: "God's in his heaven – All's right with the world." Liberals in Ottawa is all right with the privacy thing, so nothing to worry about.

The member that represents the Clive constituency federally, Dr. Grant Hill, is quoted here in December 1995, and that's recent enough that even the hon. Member for Pincher Creek-Macleod might remember it. He said: "There is a need for Bill C-315." That was a privacy Bill just like this that was introduced in Ottawa by the Member for Cariboo-Chilcotin.

There is a need for a look at privacy in relationship to the electronic age we are in. I would like it considered very carefully.

I suppose the government should bring in its own bill which would get the stamp of approval of the government. The member for Cariboo-Chilcotin might well be a little disappointed.

In other words, Mr. Speaker, the other member that represents Macleod is not as sanguine and happy with the thought that there are no worries at all in that we already have enough privacy legislation.

The Member for Medicine Hat, down where I was born and raised, was intriguing also. He took off, got his tail over the back and went whipping down to the other end of the pasture and started worrying about the customers, which was a little different, because the first report from Calgary-Currie was that there was no need for it. His solution to the problem was that you didn't have

to go into a store that got information. Now, I thought it was intriguing, Mr. Speaker, because just recently in order to put some funds aside for my old age because we no longer have pensions, I invested in an information-gathering system that works in Vancouver. I was out there looking at it a couple of weeks ago. What intrigued me was . . .

AN HON. MEMBER: Gold. You were looking for gold out there; weren't you?

MR. N. TAYLOR: Yes.

What intrigued me is that what this corporation does – they're using Internet – is gather the information from the big department stores, the big retailers in the Vancouver area. [interjections] It's moving across Canada, but it's working in Vancouver. They take the information . . . [interjections] Mr. Speaker, it seems to me that the Shallow Six are getting all excited and can't wait for their turn to speak. This is not committee, so I think they should listen or shut up and get out, either one. [interjections] Look at them all chatter.

#### Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Order. While the Chair may not agree entirely with the characterization of the hon. Member for Redwater of the noise, the Chair was at the same time trying to signal, oblivious though they may be to that signal, that if you could, keep the visiting down to a soft sound. If there is anything further on that, then please feel free to check with the Whip and go out to the chambers where you can talk to your heart's content. Meanwhile, let us hear. [interjections] Let us hear, hon. members.

MR. N. TAYLOR: Mr. Speaker, I'd even offer to buy them a drink if they want to go out there. There's apple juice and a cool fridge if they want it.

#### Debate Continued

MR. N. TAYLOR: The point, Mr. Speaker, that I wanted to get back to was that Medicine Hat was talking about the business thing, and I think he has a very good point. He has a very good point. What I wanted to tell him was that I've recently invested in an information-gathering system which takes the information from the retailers, only the large ones because that's the best way to put it in, and superimposes it over the census, which talks about the type of income, the type of ethnic origin, and so on and so forth, and then sells that to the department stores who, I don't know if most people know here now, do not put out a flyer that goes across the city. For instance, the Bay may put out six or seven flyers on a weekend. Because people don't like to go through a thick flyer, they put out one that's only four to six pages but identified in the area. It goes by the income district, ethnic origin, and everything else. They use that and they pay for that information to tell what kind of information to put in their flyer in that district because people are more likely to buy it than something else.

5:20

Now, what I'm getting at is that there are organizations out there already that are buying the information from the retailers. Consequently it is in the interest of anybody that's in the retail trade to gather as much information as they can because they sell

it. They sell it. If they sell the information to this information-gathering system which I have bought an interest in, the computers go to work there and overlay it with everything else that they can get hold of, hospital medical entrance records, and that gives a reason for the type of brochure, the type of flyer that you design to put out in that area.

Of course, we politicians won't be very much behind. That was one of the reasons behind it. You will be able to focus your literature right into the area where the Member for Medicine Hat lives and maybe put out something saying, "Do you want your information going to the big companies?" In other words, play to the type of thinking that he has. Likewise, you go out to Redwater and put out, "Did you realize that we should stop it?" and so on. So in other words the business is out there already, Mr. Speaker, of selling and gathering information.

So this Act is not to put Big Brother or government into looking through the files of the corporations. It is nothing more than saying that you as an individual should have a right to walk up to the retail store you deal with or the doctor you deal with or the lawyer you deal with and ask to see your file. Now, you can take it and go home, as you suggest, which is a good idea. Maybe it's a good idea that they shouldn't have it at all. Why should they know anything about you? You know, if you bought an electric drill a while ago, they probably asked you whether you're married, where you come from and everything else. I don't know whether you filled it out or not. It's not my business. But if you did, Black & Decker is using it and selling it to somebody else down the road.

All we're hoping, unless I misread this legislation by a long way, is nothing more than for you the individual to control what is done with data about you, the information about yourself. Now, if there's something dark and mysterious about that, I don't know. I think what often happens in this Legislature – it's a little bit like hunting dogs. You know, you get one dog running over here barking, and you notice you've got six of them here. They'll all go barking off over in that direction because they see the first gopher going in that direction, or on the other hand they go that way. Liberals are as bad as Conservatives in that way. [interjection] I'm not trying to say that. But I'd ask the House to take a few minutes to try to think it through from the point of the view of the individual, your own information, not big government or big business or anything. To heck with them, Mr. Speaker.

I think it's getting close enough to the dinner hour, and I did offer to buy these people a drink if they go into the back there. I'll bet it will only be apple juice. If I try to give them any more than that, you wouldn't be able to control them for the next 24 hours. If I may take your leave and ask that we adjourn debate.

THE DEPUTY SPEAKER: The hon. Member for Redwater has moved that we adjourn debate on this item at this time. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: I believe the ayes have it.

The hon. Deputy Government House Leader.

MR. EVANS: Thank you very much, Mr. Speaker. It was close.

I would now move that the Assembly adjourn and that when we reconvene at 8 o'clock this evening, we do so as Committee of Supply. Hon. members will know that we'll firstly be dealing with the estimates of the Department of Transportation and Utilities, and then secondly, we'll be dealing with the Committee of Supply subcommittee motion that was previously debated in committee.

THE DEPUTY SPEAKER: The Deputy Government House Leader has moved that the Assembly do adjourn and that when we meet this evening at 8 o'clock, we do so in Committee of Supply. All those in favour of that motion, please say aye.

HON. MEMBERS: Aye.

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

[The Assembly adjourned at 5:27 p.m.]

