

Legislative Assembly of Alberta

Title: Tuesday, March 26, 1996 1:30 p.m.
Date: 96/03/26
[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

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

Amen.

Please be seated.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I am giving notice that tomorrow I'll move that written questions and motions for returns appearing on the Order Paper stand and retain their places.

head: **Introduction of Bills**

Bill 19 Agriculture Financial Services Amendment Act, 1996

MR. PASZKOWSKI: Mr. Speaker, I request leave to introduce Bill 19, the Agriculture Financial Services Amendment Act, 1996. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

The Bill will give the Agriculture Financial Services Corporation power to administer the farm income disaster program. The Bill gives a statutory right of appeal to the corporation's customers.

There are numerous housekeeping items to bring the Agriculture Financial Services up to date. For example, all employees of the corporation are or will be participants in the public service pension plan. The Bill proposes to repeal a section of the Agriculture Financial Services Act that will allow the corporation to provide pensions for its employees.

While the limit on loans and guarantees has not changed, the Agriculture Financial Services Corporation will be allowed to administer loans for more than a million dollars if funds come from other than provincial government sources. The change is necessary to facilitate the administration of financing involving investors like local opportunity bondholders. The Bill also deletes the provision for order in council authority for loans and guarantees over a million dollars.

[Leave granted; Bill 19 read a first time]

head: **Tabling Returns and Reports**

MRS. McCLELLAN: Mr. Speaker, on March 21, 1996, the hon. Member for Edmonton-Glenora raised a point of order pertaining to my response during question period regarding interleukin-2. On March 25, 1996, I responded to the hon. member reaffirming my response that no submission has been received from the manufacturer of this drug. I am pleased to file copies of my response with the Assembly.

Additionally, Mr. Speaker, for the illumination of members of the Assembly I am filing information on the background of this

drug and its use in the treatment of cancer. And he might want to apologize.

MR. MITCHELL: Mr. Speaker, I'd like to table four copies of a notice for a forum on children's issues entitled Has Alberta Forgotten its Children? The forum is being sponsored by our members for Edmonton-Centre and Edmonton-Highlands-Beverly. I thought the minister of social services might like to attend, because he's always asking the Liberals for ideas.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. As you notice, the members' gallery has got four very distinguished-looking young ladies up there. They're here to view the proceedings of the Legislature. I must assure them that normally the gallery is full, but you've got it to yourself today, so we are looking for all of your interest in it. They came especially to view the Legislature in action. They are three grade 10 students from Memorial composite who are doing this as a part of their social studies program. I'd ask them to rise as I call their names out and receive the warm welcome of the Assembly. They are Nicole Sole, Tara Eleniak, Kristel Unterschultz, and they are accompanied by parent Dawna Sole. Would you please rise and receive the welcome of the Assembly.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce to you and through you to members of the Assembly 19 students and two instructors from the Northern Alberta Institute of Technology who are studying groundwater technology. They are accompanied this afternoon by their teachers Mr. Matt Cohen and Mr. Rick Dickenson. I had the pleasure of speaking to this particular class a couple of weeks ago on issues of current and anticipated water legislation. They are seated in the public gallery, and I would ask Mr. Cohen, Mr. Dickenson, and the class to rise and receive the very warm welcome of the Assembly.

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

MR. WICKMAN: Thank you, Mr. Speaker. It's my pleasure on behalf of the Member for Edmonton-Mayfield to introduce 16 visitors from the Alberta Vocational Centre English as a second language training. They're accompanied today by teacher Ms Sheila Diduck. Let me say that the Alberta Vocational Centre is very dear to me. I went back there as an adult student and spent four years getting high schooling there. It did me a lot of good. They're in the public gallery. Would they please stand and receive the warm welcome of this House.

head: **Oral Question Period**

Child Welfare

MR. MITCHELL: The Minister of Family and Social Services seems to forget that he is in effect the legal parent of all the children in Alberta's child welfare system. His outright dismissal of the memo we tabled yesterday and his continued refusal to even accept that there might be a crisis in child welfare makes this minister a very neglectful parent. His response to all of this – and

I quote – is: the future looks good; what more do you want me to do? My questions are to the Premier, since his minister is in denial. Will the Premier take charge of this crisis, meet with child welfare workers, and fix this problem?

MR. KLEIN: Well, Mr. Speaker, there are two sides to every story. Obviously the minister has his side, and I will let him give his side of the story.

MR. CARDINAL: Mr. Speaker, to clear up some of the concerns and issues in relation to child welfare here, the overall welfare reforms introduced back in '92-93 in fact dealt with child welfare and persons with disabilities. What has happened in the past 30 or 40 years in Alberta and in many other jurisdictions in Canada is that too many young, healthy people ended up using the dollars that were designated for the high-needs areas like children's services.

When we reformed the welfare system two and half years ago, there was an overall plan. First of all, get healthy Albertans back into the workforce, and that program was very successful, which allowed us, then, to move at least \$178 million to high-needs areas, which include children's services.

The second phase of the reforms of course is children's services. We will now have the opportunity to concentrate on designing a long-range plan as to how we deal with children's services in Alberta, keeping in mind that we've increased the financial resources. In fact, Mr. Speaker, in three years the increase in the budget is going to be \$35 million by 1997-98, and then the budget will be \$195 million at that time for children's services alone.

As far as human resources, in fact when we reduced the welfare caseload by 50 percent, we did not reduce the staff accordingly, because the issue was always there that there was too much work for the staff. When we reduced the welfare caseload by 50 percent, we only reduced the staffing component from 5,600 to 5,200. In fact, in the child welfare area we still have 600 frontline child welfare workers. Another complaint brought forward in this House yesterday indicated that the changeover in staff was a very high percentage. Mr. Speaker, there's only a 5 percent increase in the turnover of staff in my department. In fact, we'll be putting 75 more workers in child welfare.

1:40

MR. MITCHELL: How can the Premier sit by and listen to his minister deny that there is a crisis in child welfare when children are dying and welfare workers, at great personal risk, have laid out so clearly that there is a crisis in child welfare and children's lives are at stake?

MR. KLEIN: Well, Mr. Speaker, I stand by my minister. He's done a remarkable job with Family and Social Services. He's explained that really the emphasis is on high-needs areas, that the only crisis that exists exists in the minds of the Liberals. I would suggest that all of this is simply a lead-up to this so-called forum. I see billboards all over the city announcing the forum. I don't know how much this is costing the taxpayer or whether it's costing the party. If it's costing the party, I don't know how they can afford it, because they have no money.

Mr. Speaker, again I will have the hon. minister supplement if he wishes.

THE SPEAKER: The hon. minister.

MR. CARDINAL: Thank you very much, Mr. Speaker. You know, some of the letters written were not signed by anyone.

In fact the whole process of reforming the welfare system not only involved the client, but it involved frontline workers and it involved supervisors. The whole process of redesigning the welfare system involved all the staff members. We did not have public roundtables. We involved the staff in designing the system.

In fact, Mr. Speaker, one of the members they're going to bring to their forum this weekend is the former Children's Advocate for Alberta, and in fact a high percentage of the recommendations made by that particular individual have been implemented in the whole redesign of the welfare system. Therefore, a majority of the issues are dealt with.

Mr. Speaker, there are additional issues that are surfacing in relation to child welfare programs. A letter was sent to an editor from a member of AUPE. In fact it says: fundamentally we are concerned about the initiatives for two basic reasons; first, we do not want to lose our pensions. Therefore there are other issues out there in relation to this whole process.

MR. MITCHELL: The Premier has just dismissed out of hand the legacy of Zachary Giroux, Mr. Speaker, a child who is no longer here because of his child welfare system's failure.

If this system isn't in crisis, as the Premier says it's not, then why have workers, his workers, warned that any children apprehended tonight will have to be placed in hotel rooms because there's nowhere else to put them? Is this the kind of place to put kids to keep them safe, Mr. Speaker?

MR. KLEIN: Mr. Speaker, relative to the comment, that was a very, very cruel and thoughtless comment.

Relative to the specific question, I will have the hon. minister again respond.

THE SPEAKER: The hon. minister.

MR. CARDINAL: Thank you very much, Mr. Speaker. As I said earlier, there's an overall plan to redesign the services to children in Alberta. There's no short-term solution, and the Liberals know it. They spent years doing research, public meetings, public hearings, and they come out with a six-page report, and one of those six pages is a complete blank. That's their social reforms. All they ask for is more welfare.

Specifically to that question, Mr. Speaker, there are high needs for secure treatment beds. We have presently over 46 beds provided here in Alberta.

Child Welfare Workers

MR. MITCHELL: Mr. Speaker, through multiple meetings with supervisors and four separate child welfare reports child welfare workers have tried desperately to get this government to intervene in the crisis that is affecting children. Despite their efforts the minister dismisses these concerns out of hand. He gives us numbers. He gives us statistics. He forgets children. So while children get hurt and some even die, the minister responds by muzzling, by punishing, and by firing workers. My questions are to the Premier. Will the Premier ensure that any child welfare worker who has bravely spoken out about the quality of care will be protected from the wrath of this minister, will not be fired, will not be threatened, and will not be transferred?

MR. KLEIN: Mr. Speaker, again there are two sides to every story, and to tell the true side, I'll again defer to the minister.

MR. CARDINAL: Mr. Speaker, in relation to the issue of staff being fired because they speak up – and there's one incident which I can't of course mention in this House specifically – I've always indicated that if someone that represents a union is concerned about labour relations issues, that is fine. That is their job to do that. But that same person does not criticize the policies of a government. That is our job and the opposition's job, and I've always said that. That policy has been in place in this department since 1981, that I am aware of. I just reviewed a memo on it that had exactly the same wording in 1981 as we do today. That is in place. We do allow our staff to participate in redesigning the welfare system, and that will continue.

MR. MITCHELL: And if they don't do what the minister wants, he fires them.

If the Premier has a commitment to hearing the truth, will he lift the minister's gag order on staff and listen to the staff's concerns about the crisis, the clearly articulated crisis in the welfare system?

MR. KLEIN: Mr. Speaker, I'm sure that the hon. minister listens to the concerns of his staff members and also receives from his staff very valuable information, and I'm sure that from time to time any criticism directed at the department is meant to be criticism in a constructive way.

Mr. Speaker, in terms of firing people, firing people right out of a caucus for speaking one's mind, well, we see a member sitting right over there. So it works both ways.

MR. MITCHELL: Mr. Speaker, why will the Premier not bring in whistle-blower legislation to protect child welfare workers and others from threats and worse when they feel compelled to speak out about what they know to be true?

MR. KLEIN: Mr. Speaker, in my own office I receive employees from the rank and file who come in and talk to me about problems in their own departments, and I give them every assurance that no harm will come to them. As a matter of fact, I'm delighted to follow up some of the issues on their behalf, and I'm sure that the hon. Minister of Family and Social Services would do the same. This member is a very compassionate individual, a very caring individual, and an individual who is tremendously concerned about the welfare of our citizens.

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

1:50

Seniors' Programs

MRS. HEWES: Thanks, Mr. Speaker. Unfortunately, children aren't the only ones that are at risk in this province. This government has repeatedly ignored the advice and recommendations of its own Seniors Advisory Council. One wonders if it is destined to go into oblivion, the way of the women's advisory council. The seniors' council annual report, tabled yesterday, has had to repeat recommendations on major issues. We in the Liberal caucus do commend the council for its willingness to continue to advocate on behalf of seniors, despite the government's disregard for their work and their ideas. My first question is to the minister responsible for seniors. Mr. Minister, this is the third consecutive year that the advisory council has called for

regulation of seniors' boardinghouses. Why has the government failed to act?

MR. MAR: Well, Mr. Speaker, there's no doubt about the fact that as our population grows older there are more and greater interests in making sure that there are options for seniors in how they live. Of course, the hon. Member for Calgary-Bow will know about her motion with respect to the proposal to regulate private group homes and things like that. We have to act very cautiously in this regard because of course we want to ensure that regulations that are set in place strike a proper balance between individuals who choose to have their options to live together and not be overregulated. We are not in an overregulation mode in this government. We do recognize of course that there have to be interests that are protected with respect to the manner in which people live, but we will proceed cautiously in this regard.

MRS. HEWES: It's three years later. That's surely cautious enough.

Mr. Speaker, my supplementary is to the Minister of Municipal Affairs. Will the government now adopt and enforce minimum standards for operating seniors' lodges as recommended by both the Seniors Advisory Council and the Alberta Senior Citizens Homes Association?

MR. THURBER: Well, Mr. Speaker, certainly as we go through this process where there are more seniors involved in lodges and extended care and different types of care, we have to evolve with that process to make sure that the seniors that are in the lodges – and the care in the lodges has changed in the last 10 years. There are seniors in there for longer terms, and they are growing older and have special needs. We're looking at all aspects of this to make sure that those needs are met.

MRS. HEWES: No standards.

Mr. Speaker, my last supplementary is again to the minister responsible for seniors. Where is the cumulative impact study, that is so absolutely essential to determine what's happening to seniors? Do you have any deadlines, Mr. Minister?

MR. MAR: Mr. Speaker, we're obviously wishing for this work to be done in a cautious way because we want to ensure that it's as complete as possible. With respect to consultation with seniors, we of course go throughout the province and have met with many groups representing many different interests of seniors throughout the province of Alberta. We are concerned about what the cumulative impact is of various changes that we've made to seniors' programs over the last three years, but that report is being worked on.

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

Medical Research

MR. YANKOWSKY: Thank you, Mr. Speaker. The Alberta Heritage Foundation for Medical Research has announced its grants for the coming year, and I'm delighted to see the total amount is \$6 million greater than the foundation's grants last year. I recall an announcement last year to the effect that Alberta Health would be transferring some research dollars to the foundation, and I think most members will be glad to see the heritage foundation in a position to increase its commitment to research in its own

field. My questions are all to the hon. minister responsible for science and research. Can the minister clarify for this Assembly exactly how the Alberta research programs are related to the work of the foundation?

MRS. MIROSH: Mr. Speaker, as you know, the AHFMR, or the Alberta Heritage Foundation for Medical Research, is certainly the gem in the crown jewels, and in fact the Alberta research programs are modeled around the AHFMR Act. [interjections] Perhaps the opposition isn't interested in hearing the answer to this question, but it is important for the public to know that because of this investment we are leveraging about \$800 million and in fact we also receive about 20 percent of the medical research dollars from the Research Council of Canada. I think it's important also that Albertans are aware that Alberta was named one of the top 10 medical research centres in all of North America, and we're very proud of what is happening in this province with regards to medical research.

THE SPEAKER: Supplemental question.

MR. YANKOWSKY: Thank you, Mr. Speaker. Can the minister explain how the Alberta Heritage Foundation for Medical Research fits within the government's overall agenda for research in the province?

MRS. MIROSH: Mr. Speaker, the AHFMR fits in with the overall government plan by the process in place with the ASRA board. The Alberta Science and Research Authority examines programs such as the Minister of Health has implemented within her department, brought forward that program to the ASRA board, and they have recommended that the AHFMR combine administration and administer all medical research within the province.

THE SPEAKER: Final supplemental.

MR. YANKOWSKY: Thank you, Mr. Speaker. Can the minister describe what commitments the government is making to increase its support for research in this field and other fields?

MRS. MIROSH: Mr. Speaker, one area that we're committed to is developing a task force so that all the top minds of this province in medical research can establish a strategy as to how to make Alberta number one in medical research in Canada. We know that we have brilliant scientists here. We have the best infrastructure in Canada, and we are producing research that is moving forward into commercialization. People from all over the world are coming here and wanting to see how we can work together and how they can buy our knowledge-based industry with regards to the medical research that we are doing. We have so much to be proud of, and we want to have everybody across Alberta working together in developing a strategy.

Thank you.

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

NAFTA Impact on Health Care

MR. SAPERS: Thank you, Mr. Speaker. The government of Alberta tries to write off the actions of those provincial governments who are vigorously protecting public health care from NAFTA as being nothing more than just ideology. Meanwhile,

the federal ministers of Health, Foreign Affairs, and trade have instructed their officials to review every sentence and every word of that trade treaty to ensure, and I quote, that not one iota, not one scintilla of any problem exists regarding publicly administered health care. Now, doesn't the Premier of the province agree that it is better to be safe than sorry and now instruct his ministers of Health and intergovernmental affairs to do the same careful clause-by-clause review?

MR. KLEIN: Mr. Speaker, the Department of Health is in fact undertaking such a review, and I'll have the hon. minister supplement if she wishes.

MRS. McCLELLAN: I can further assure the hon. member that the Department of Health and the Department of Federal and Intergovernmental Affairs are reviewing this very carefully. We are also working with Health Canada and other provinces and sharing information on this very important issue, Mr. Speaker. It is interesting that Health Canada, to this point, has agreed certainly with us that annex 2 appears to be the very appropriate place to protect the publicly funded health system.

Again we have said consistently in this House and outside the House that we will continue to review this. We will ensure that the proper protection is there and whatever decision is finally made, it's made in the best interests of delivering a health system in this country. I think the hon. member should trust that we will work with Health Canada. Our officials are in constant conversation and consultation on this matter, and we will ensure by March 31 that our position is protected in the most appropriate way.

THE SPEAKER: Supplemental question, the hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you. Given, then, this change in provincial government policy regarding NAFTA and the danger that it poses for publicly administered health care, will the Premier please inform the Assembly what specific steps he has taken to prevent the administration of health care in Alberta from becoming just another profit-driven business for foreign ownership?

2:00

MR. KLEIN: Mr. Speaker, it's just nonsense. You know, we have no intention of ever violating the fundamental principles of the Canada Health Act. I note in yesterday's newspaper where Mr. Dingwall himself has said, and I quote, that as long as the clinics do not violate the Canada Health Act by charging fees for medically necessary services which are funded by the public system, there is nothing the federal government can do to stop them. He says in the beginning of the story:

There are examples you can point out and others can point out to me where in fact the private sector is involved in our health care, and I would suspect that it will continue to be.

This is an admission by the federal Minister of Health.

THE SPEAKER: Final supplemental.

MR. SAPERS: Thank you, Mr. Speaker. Listening to the Premier talk about defending the Canada Health Act is like listening to the minister of social services . . .

THE SPEAKER: Question.

MR. SAPERS: Why is the Premier willing to accept the risk that

foreign investors and managers will control those health care services that are not exempted from free trade? Talk about NAFTA, not the Canada Health Act, Mr. Premier.

MR. KLEIN: Mr. Speaker, as the hon. minister pointed out, this is being reviewed and being reviewed very carefully by both the Department of Health and the Department of Federal and Intergovernmental Affairs. Now, I've asked the hon. Minister of Health to supplement. Perhaps the hon. Minister of Federal and Intergovernmental Affairs can add further clarity to this.

MR. ROSTAD: Mr. Speaker, I didn't want my comments of the last few days to be taken as a philosophical basis that annex 2 is the only answer and annex 1 isn't. If the hon. member has got good, clear examples of how you can put something in annex 1 without prejudicing it and being frozen in time and not allowing our system to change, I'd be more than happy to receive that kind of an example and look at what can be done.

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

Gaming on Native Reserves

MR. AMERY: Thank you, Mr. Speaker. A group of people known as the Native Youth Business Ventures put on a conference on native gambling in Calgary last Friday. My question is to the hon. Minister of Transportation and Utilities, responsible for lotteries and gaming. Can the minister advise the House as to what was discussed in that conference and what information has come back to the minister out of that conference?

DR. WEST: Mr. Speaker, there have been many conferences held as it relates to economic development in First Nations communities, also social program development as it relates to that economic development in order to help advance programs for the well-being of the native community. At this meeting I understand that the discussion centred around economic development and reference had been made, then, to the development of charitable gambling through casinos on native lands. Of course the discussion centred around the upcoming report from the Member for Lacombe-Stettler and her committee, which had done an admirable job on the previous report. Many of these meetings that are happening through native economic development are focusing on the upcoming report. The main thrust of that is that these moneys that would come from such adventures could be used for programs that would enhance the well-being of the First Nations people.

THE SPEAKER: Supplemental question.

MR. AMERY: Thank you, Mr. Speaker. My second question is to the chairman of the Lotteries Review Committee, whose committee has been studying native gaming and gambling issues. Can the chairman advise the House as to what has transpired with her committee and when her final report on native gaming and gambling will be finalized and presented?

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

MRS. GORDON: Thank you. Over the last year the committee has met with 20-plus bands representing treaties 6, 7, and 8 to discuss native gaming and gambling issues at length. The dialogue has been very useful and very beneficial. During these meetings it was indicated to us by First Nations leaders that they

had looked at several native gaming models in the United States. As a result, we decided that three members of our committee would visit different native gaming projects in the United States, and this trip was made last June.

The First Nations are well aware that this report is independent of and separate to the final report of the Lotteries Review Committee, *New Directions for Lotteries and Gaming*, released by government on December 7, 1995. Worth noting, Mr. Speaker: the majority of those recommendations were accepted by government and are presently being implemented. Since the release of the first report, the committee has resumed work on the native report, and it will be finalized shortly. I understand and appreciate . . . [interjections]

THE SPEAKER: Order please. [interjection] Order. The hon. member may briefly conclude her report but should bear in mind that this is not a time for something like a ministerial statement.

MRS. GORDON: Thank you, Mr. Speaker. I understand and appreciate that the First Nations are anxiously awaiting, and as such, the native gaming and gambling report will be released by government in this Assembly prior to the end of April.

THE SPEAKER: Thank you.

The hon. Member for Edmonton-Norwood.

Philip Environmental

MR. BENIUK: Thank you, Mr. Speaker. Examination of the Environmental Protection and Enhancement Act reveals very specific regulations set forth in which waste storage facilities are required to operate, and these facilities are subject to inspection. Transportation of hazardous waste requires documentation specifying the quantity, composition, points of origin, destination, as well as a PIN number identifying each person consigning, transporting, or accepting the waste. Certain landfill sites do accept materials deemed nonhazardous with appropriate documentation. Even with all of these provisions in place at each stage of the disposal process an individual was able to circumvent all of the regulations and dispose of a large quantity of material before being caught. To the Minister of Environmental Protection: while penalties were imposed on the individual and the company responsible, what preventive measures is the minister, through his department, going to initiate to ensure that no other individual or company can circumvent the rules and regulations stipulated in the Act in regards to the areas of storage containment, transportation, and disposal of hazardous waste?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. I'm not sure which incident the hon. member is referring to, but I suspect that it is probably the most recent one, in which a company was fined \$100,000 and a former employee of that company received a three-month jail sentence. In that particular incident the problem was that the employee falsified the documents, and it is extremely difficult when documents are falsified at the receiving end to in fact pick it up at that point.

We're hoping that there was a good message sent to folks that are tempted to do this sort of thing with the heavy fine of \$100,000 and a jail sentence. That's the first time that someone has been sent to jail for a violation pertaining to the Environmental Protection and Enhancement Act.

MR. BENIUK: To the same minister: as the term "hydrocarbon" is very general and covers a wide range of compounds, would the minister state what specific hydrocarbons, their concentrations and quantities, were disposed of in the Clover Bar landfill site by Philip Environmental services?

MR. LUND: Well, Mr. Speaker, of course those are very technical questions, and I don't have the answer right before me of the exact composition. The hon. member is absolutely correct that the whole family of hydrocarbons can be very complex. In fact this is a sanitary landfill, the Clover Bar landfill, so any hydrocarbon is not permitted in that landfill. I'll attempt to get the information to the hon. member in writing with the exact quantities and composition.

THE SPEAKER: Final supplemental.

MR. BENIUK: Thank you, Mr. Speaker. To the same minister: given that the material is classified as hazardous with a potential risk associated with increased hydrocarbon concentration, why doesn't the minister initiate an immediate cleanup of the site and thereby eliminate any potential environmental and public health risk?

2:10

MR. LUND: Well, Mr. Speaker, the practicality of doing that at this point is pretty much out of the question. The material was delivered, it was in a liquid form, and it was dumped in the landfill before the operator knew what the problem was.

In order to protect the environment and public health, we are having a stepped-up monitoring process. Of course there are wells built around the landfill, so if in fact there are any leachates getting into the water table, they will be identified. If there is any indication of an increase in the hydrocarbon content of the water, we will in fact take remedial action, but that action would require some engineering, and we will have to deal with the issue at that time, if in fact it ever happens. Bear in mind that this happened in 1993, and so far there has been absolutely no indication of any leachate.

St. Michael's Hospital

MR. DUNFORD: Mr. Speaker, I'd like to continue to explore the reconstruction of St. Michael's hospital in Lethbridge, so my questions are to the Minister of Health. We had approval for the construction of a 104-bed hospital. When our regional health authority and our St. Michael's board in Lethbridge determined that it was more suitable for a 200-bed hospital, we had to really almost go back to step 1. So my question to the Minister of Health is: given that we now have a feasibility study that's been forwarded to us, has she had an opportunity to review this feasibility study with her officials?

MRS. McCLELLAN: Mr. Speaker, the hon. member is entirely correct in the premise in the preamble that St. Michael's involvement in long-term care in the Lethbridge area has been increased and has caused a change of design of that particular program. Therefore, we had to ask the regional health authority and St. Michael's to bring forward a project for consideration in a redesigned form. The project has come forward, and it is now in the process of being vetted through the rating tool which provides the guidelines for capital projects that will go forward in this province. So that process is under way now.

THE SPEAKER: Supplemental question.

MR. DUNFORD: Yes. Supplementary to the minister's answer, I want to make sure, because we've had concerns about the design of the hospital. Is the feasibility study of such content that it can be used through that evaluation process that we now use in order to keep site location at arm's length from the politicians?

MRS. McCLELLAN: Mr. Speaker, I think that's a valid concern, that people in this province want to know that the significant capital dollars that are provided for capital projects in this region or in this province are indeed going to areas of highest need. To ensure that process, this government approved a process and a guide for evaluation of capital projects. All capital projects that are submitted in Health have to go through that process, have to be matched to that guide. Following that process a priority list will be provided. I believe it's a very good process. We've distributed the process widely, and it has been well accepted by individuals, by the regional health authorities. Public Works, Supply and Services plays a very important role in assisting us in developing those priority lists.

THE SPEAKER: Final supplemental.

MR. DUNFORD: Thank you, Mr. Speaker. Given my confidence in the evaluation process and the validity of this construction project, when can the minister announce the reconstruction of a 200-bed facility for St. Michael's in Lethbridge?

MRS. McCLELLAN: Mr. Speaker, that's a pretty straightforward question. What I can tell the hon. member is that the process is under way, and I can also tell him that there are a number of capital projects that have been forwarded by the regions for consideration. All of those projects will go through that same rating system, through that same evaluation. It would be my expectation that it would be late spring or early summer when we have all of the work done so that we can bring forward a recommended list for capital projects. I am quite confident of the quality of the work that was done in that particular area and that it will fit into the process well and be evaluated on its merit. That would be the time frame.

THE SPEAKER: The hon. Member for Sherwood Park.

Environmental Centre

MR. COLLINGWOOD: Thank you, Mr. Speaker. Last year I asked the Minister of Environmental Protection for a copy of the business plan for the Alberta Environmental Centre at Vegreville and was told that it would be part of the department's research business plan then being developed. Two weeks ago I asked the minister about this research business plan and was told that it still wasn't available. Now we learn that as part of the plan the minister is looking for ways to eliminate or privatize this centre, which is dedicated to solving environmental problems. My question is to the Minister of Environmental Protection. I wonder if the minister could give us a sneak preview of his plans for this centre. What is going to be lost or privatized at the centre, and what will remain?

MR. LUND: Well, Mr. Speaker, I'm sure the hon. member knows, because I told the press yesterday in great detail what is going on within the department. We went through a program

review. We then set out to do a functional review. We are looking at absolutely everything – everything – in the department, everything the department does. We're leaving no stones unturned and are in fact reviewing the whole operation of the department.

The Vegreville centre is part of the department. We're looking at the operation there. We've looked at the operation of the hatcheries. We've looked at the operation of Pine Ridge. All of the things that the Department of Environmental Protection is doing are under review, and the hon. member will just simply have to stay tuned until we've completed our internal look at our operations.

THE SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. The minister said that plan would be ready last fall.

My supplementary question to the minister: why did the minister acknowledge his intention to privatize provincial parks in his current three-year business plan but make no mention of his intention to privatize the Alberta Environmental Centre at Vegreville?

MR. LUND: I wonder if the hon. member is having difficulty hearing or if it's understanding? What is his problem? The fact is that we're looking at absolutely everything the department is doing. Maybe I should say it slower: we are looking at everything the department does.

THE SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. My problem is the way the minister handles his portfolio, Environmental Protection.

My supplementary question, Mr. Speaker: given that there is no mention of the plan to privatize the Alberta Environmental Centre in your business plan, did the idea for privatizing this centre come from your department, the Department of Agriculture, Food and Rural Development, or the Department of Health, all of which rely on this centre for important research and monitoring?

MR. LUND: Once again the hon. member is showing how little he knows about what happens at the Environmental Centre. In fact the Department of Energy uses it as well. So I wonder: does he want me to add the entire list of people who use the centre?

Mr. Speaker, it's unfortunate that the hon. member has this difficulty understanding. I'll say it again.

SOME HON. MEMBERS: Slowly. Slowly.

MR. LUND: Slowly?

SOME HON. MEMBERS: Go slow. Go slow.

MR. LUND: Okay. My hon. colleagues are asking that I do it slowly. We are looking at everything the department does.

THE SPEAKER: The hon. Member for Medicine Hat.

2:20 Recreational Use of Private Land

MR. RENNER: Thank you, Mr. Speaker. Albertans are increasingly becoming more interested in hiking and related recreational

activities. Most of the time they explore our outstanding urban and rural trail systems which have been developed on public land. However, some landowners have expressed interest in developing recreational opportunities on private land. Provisions in the Occupiers' Liability Act define landowners' liability to visitors and describe what is referred to as "common duty of care." Some have expressed that inviting the public onto their private land could have the potential of undue hardship to the landowner should the public come to harm during those visits. My questions are to the Minister of Justice. [some applause] Has any review of the Occupiers' Liability Act been undertaken by the Department of Justice or the Law Reform Institute?

MR. EVANS: I'm not sure, Mr. Speaker, why the Liberals were clapping on the other side there. I don't know whether it was because they liked the question or they were supportive of me getting up and giving an answer, but either way I think they were right.

Mr. Speaker, as far as I know, Alberta was the first province in Canada to pass an Occupiers' Liability Act. That happened back in 1973-74, and it was as a result of a review by the Law Reform Institute. Since that time, there have been other provinces that have set up their own occupiers' liability legislation, but I don't think we've had a comprehensive review in this province since back in 1973-74. I think that if you were to review the other jurisdictions in this country, you'd find that their legislation comes very close to mirroring ours.

THE SPEAKER: Supplemental question.

MR. RENNER: Thank you. Has there been any comparison of our legislation to Ontario's legislation, specifically to the basic duty of care exclusions in Ontario?

MR. EVANS: Well, what we try to do, Mr. Speaker, when other jurisdictions in Canada pass legislation, is we try to review that legislation to see whether we're deficient in what we have on the books or whether there are modifications that might clarify issues, such as we did in 1973, when we took the common law and put it into statute.

Now, as far as I know, we have looked at the provisions in the Ontario legislation, which came in in about 1980, and it's felt by the officials in my department that our legislation is on four corners with the Ontario legislation. It may not use the same kind of words, but the general intent is the same, and the legal implications would be exactly the same as what is currently the state of affairs in the province of Ontario.

MR. RENNER: Well, given that private landowners continue to be interested in inviting recreational users onto their land, is there any insurance coverage available to private landowners who wish to allow the public to access their land?

MR. EVANS: Well, I don't want to try to take over any of the responsibilities of my colleague the Provincial Treasurer, who is responsible for insurance in the province, but I've not heard through my office of any particular concerns or issues being raised, either by the owners of properties who wish to allow recreational users onto their land or from insurance companies that indicate that they're having a difficult time providing that kind of coverage. However, if my colleague the hon. member has any specific concerns that have been raised by owners of land in

his constituency or otherwise, I'd sure like to hear about that. I think his main point is that we want to encourage recreational use of lands, and if we can do that using public lands and also private lands where the private landowner is in agreement, I think we're doing a good service for Albertans.

THE SPEAKER: The hon. Member for West Yellowhead.

Forest Management

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. Last week I pointed out to the Minister of Environmental Protection that the recommendations made by the subcommittee headed by the Member for Grande Prairie-Wapiti on forest management agreements did not make any mention of sustainable forest management. Now, forest industry officials themselves recognize the importance of this concept, and one of them recently stated in a newsletter that

new approaches must be found that take into account the many other uses of the forest, and that the biodiversity of ecosystems must be preserved.

So my question is to the Minister of Environmental Protection. Is the government taking any of these other forest values into account when estimating available timber supplies and updating the annual allowable cuts?

MR. LUND: Mr. Speaker, we recognize, as the hon. member has stated, that it's very important that we take into account other users, the ecosystem management. As a matter of fact, we currently have the forest conservation strategy working to develop what stakeholders around the province believe is the proper way to manage the forest. That's not to say that there's been a poor job done in the past. There's been an excellent job done in the past. But it's becoming more important that in fact we look at the ecosystem in its entirety and that when we're developing management plans and cutting plans, the ecosystem concept will be taken into account.

As far as the annual allowable cut, it's still based on the premise that we will not cut more than grows in one year. I know of course that as we look at the ecosystem, there will be cases where some timber could be exempt from harvest that wouldn't have been exempt in the past, but certainly it will not have a major impact on the annual allowable cut and the way that we arrive at the annual allowable cut within the province. Those are sound practices that we have used in the past, and we will continue to use them.

THE SPEAKER: Supplemental question.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. Since a decision on Grande Alberta Paper may be imminent, what has the minister done to make sure that these other forest values are taken into consideration when estimating the timber available to GAP?

MR. LUND: Mr. Speaker, there are some interesting things, statistics that have occurred over the past. With the modernization of the mills we are getting much better utilization out of the forest. What that means is that in fact for many of the cut blocks that we've estimated under the old utilization standards, we are now getting a higher yield off that same land base. So we are taking into consideration the ecosystem management, but with the higher utilization, if you want to go from the 9-15 utilization that we used to use to the 7-13 that we're currently using, in fact we

end up with more fibre on the same land base even taking into consideration the ecosystem management.

THE SPEAKER: Final supplemental.

MR. VAN BINSBERGEN: Yes. It's a very important question, Mr. Speaker, that I have here. To the same minister: will his new scientific advisory panel have any input on decisions on how forest values will be taken into account when estimating available timber supplies?

MR. LUND: The scientific panel that we just announced is advisory. They are just one other source that we will be using as we develop our management for the forests in the future. As I indicated, the forest conservation strategy will be coming up with recommendations. Of course we're very fortunate – and I applaud Al-Pac and the University of Alberta in co-operation with ourselves – in getting the Centre of Excellence in Sustainable Forest Management. They will be doing a lot of work, particularly in the boreal forest. That gathers together universities from all across Canada and looks at various mechanisms. So that information will be fed in.

2:30

We're using all of the latest technology. We're adamant that our forests will be harvested and managed on a sustainable basis. So all of this valuable information that we can get from the scientific community is extremely important to us, and we will be using it.

THE SPEAKER: The Minister of Public Works, Supply and Services had indicated to the Chair that he wishes to augment some information provided by the hon. Minister of Health in response to Lethbridge-West.

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

St. Michael's Hospital

(continued)

MR. FISCHER: Thank you, Mr. Speaker. I only wanted to give the member the comfort that in our budget for 1996-97 there are dollars for the redevelopment of that project if and when it is approved by the authority.

Thank you.

head: **Members' Statements**

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

Occupational Health and Safety

MS LEIBOVICI: Thank you, Mr. Speaker. Alberta's workforce deserves the safest job conditions possible. Every reasonable effort that can be taken to ensure workers' safety must be taken. Unfortunately this is not always the case in Alberta. We can reduce the hazards in the workplace by enforcing standards and publicly indicating which employers have failed to maintain provincial health and safety codes. The Minister of Labour is well aware that if you are caught speeding in this province, you're likely to face a fine. Yet employers caught violating the safety codes know that they are unlikely to be fined.

Last year a government investigation into an accident at Northgate Trailer in which an Edmonton worker was severely burned found that the employer had violated the safety codes.

The law was broken, but no fine was levied. Instead the government encouraged Northgate Trailer to improve work site health and safety practices. Apparently this was not very effective since less than nine months later at Northgate two other industrial accidents occurred. In one of those accidents a worker lost four fingers. Once again an investigation found that adequate safeguards were not in place. Still no fines have been levied.

The government must send a clear message that it will not tolerate employers who endanger the safety of their workers. Workers often only learn of an employer's poor safety record after a serious accident has occurred. If the government is not going to prosecute safety codes violations, then workers should be provided with information that will allow them to protect themselves. Infraction orders should be posted at the work site. The Department of Labour should publicly release the safety records of employers who have safety codes violations. There should also be no search fee required for providing this information to anyone who requests it.

Many of Alberta's responsible employers strive to maintain safe working conditions because it's the right thing to do. Employers who are concerned about workers' safety should be applauded. However, there are a few employers who simply ignore safety codes and endanger their staff. Employees in Alberta must be assured that the safest working conditions possible exist.

Thank you.

THE SPEAKER: Before recognizing the hon. Member for Olds-Didsbury, might we revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

The hon. Member for Innisfail-Sylvan Lake.

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

MR. SEVERTSON: Thank you, Mr. Speaker. It's my pleasure to introduce to you today and through you to members of the Assembly 30 grade 6 students from the C.P. Blakely school in Sylvan Lake. They are accompanied by their teacher Mrs. Janisse and parents Mrs. Nielsen, Mrs. Britton, Mr. Drews, Mrs. Blackburn, and Mrs. Becker. They're in the members' gallery, and I'd ask them to rise to receive the warm welcome of the Assembly.

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

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure today to introduce to you and to all members of the Assembly a friend of mine from Ponoka, a farmer in the county of Ponoka. He is also a board member of the David Thompson RHA, and he is chairperson of the RHA task force on ambulance and patient care. George is sitting in the members' gallery, and I would like to ask the members to give him our traditional welcome.

head: **Members' Statements**
(*continued*)

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

Open Wide Alberta

MR. BRASSARD: Thank you, Mr. Speaker. I don't have many

unfavourable memories of my childhood, but one of them involves a visit to the dentist. Perhaps that experience was a factor recently when I ignored a dental problem until a root canal was inevitable. Surprisingly, the procedure went very well. Obviously the dental profession has come a long way in the last 30 or 40 years.

In point of fact the Alberta Dental Association is celebrating 90 years of progress and service to the people of Alberta by sponsoring their fourth annual Open Wide Alberta campaign. On Saturday, March 30, over 2,000 dentists, dental hygienists, and dental assistants across the province will be donating their time, materials, and energy to provide this free care to more than 4,000 Albertans, a goodwill gesture that is estimated to be worth 2 and a half million dollars.

A number of organizations deserve to be recognized for their involvement in this project. Most of the credit must go to the Alberta Dental Association and in particular the 15 dentists from across the province who are co-ordinating this one-day event. The Salvation Army is also involved. Booking and screening potential patients, it is working with communities to help identify those who could otherwise not afford dental care. McDonald's will be at the various sites providing complimentary refreshments for those in the waiting area. Finally, Mr. Speaker, we also need to commend all the dental suppliers for donating material for the day, including toothbrushes, toothpaste, and other supplies.

Here in Edmonton the Open Wide clinic will take place at the University of Alberta's Faculty of Dentistry, but the 75 different dental offices involved are being co-ordinated under the direction of the Calgary and district dental society. Mr. Speaker, this is a tremendous humanitarian gesture by the Alberta Dental Association, and on behalf of the people of Alberta I want to offer my sincere thank you and congratulations to all the individuals, groups, and organizations for their volunteer efforts in this Open Wide campaign.

Thank you.

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

Multilingual Literacy

MR. BENIUK: Thank you, Mr. Speaker. Throughout the 20th century governments have strived to provide an education that enabled our citizens to function effectively within a unilingual regional-based society and business structure. However, a new reality is emerging as we enter the 21st century and witness our citizens and Alberta companies increasingly marketing their knowledge, services, and products abroad within a multilingual, highly competitive global marketplace. Out of necessity, multilingual literacy may soon become regarded as standard international business practice.

Governments are not the driving force behind this globalization of the marketplace or of its by-product, multilingual literacy. Technology, business necessity, tourism, consumer demands, entertainment, a greater understanding of our global society, its peoples and events are the propelling forces. Technological advancements like the computer modem have overcome physical distance and enabled individuals and companies to inexpensively communicate and exchange information in a number of international languages. Business-driven television satellites are being positioned to meet the multilingual, multicultural global market. Soon television programs in a variety of international languages will be broadcast into homes in every corner of the world, further globalizing our society and highlighting the increasing importance

of knowing other international languages.

Rapid technological advancements have propelled us into a new era, realigning our society, our marketplace, our linguistic requirements towards a global focus. For Alberta citizens and companies to effectively function and profitably compete, knowledge of other international languages is becoming paramount in importance.

Mr. Speaker, while unilingual literacy was the accepted standard during the 20th century, multilingual literacy is emerging as the international standard for the 21st century. We must prepare our citizens to meet this emerging international standard for literacy.

Thank you.

head: **Orders of the Day**
2:40
 head: **Public Bills and Orders Other than**
Government Bills and Orders
 head: **Committee of the Whole**

[Mr. Tannas in the Chair]

THE CHAIRMAN: I'd call the Committee of the Whole together.

Bill 205
Limitations Act

THE CHAIRMAN: The committee is reminded that we are considering this afternoon private members' public Bills, and we have before us Bill 205, Limitations Act. Further to that, we have a group of amendments called A1 and A2 from the hon. Member for Calgary-Egmont. If memory serves me right, the debate was adjourned last day.

The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Chairman. It's indeed a pleasure to resume again in Committee of the Whole with respect to Bill 205, Limitations Act. You may recall that during the last time the Bill was up on the Order Paper, we decided to adjourn debate, given an undertaking by the hon. Member for Calgary-Buffalo to provide his concerns with respect to amendments to us.

I'm happy to say that that did occur. We had a very good meeting on Monday this week with some help from the Department of Justice, Mr. Clark Dalton, and also the director of the Alberta Law Reform Institute. We had a very productive meeting in which all the amendments and concerns that were being brought up at the time by members opposite were debated and clarified. I understand that the Member for Calgary-Buffalo will in fact bring an amendment that we've agreed to later on in this process.

Before we go on to that, Mr. Chairman, I'd like to comment on issues raised by three hon. members from the loyal opposition, issues raised by the Member for Edmonton-Strathcona regarding section 1(i) dealing with remedial orders. Section 1(i) excludes declaration, judicial review, and habeas corpus. Judicial review encompasses all of the actions listed by the member – you may remember that he had a lot of actions that he was listing – including mandamus, prohibition, and quo warranto. Habeas corpus is treated differently because it is not a civil action; it is a criminal remedy. So I hope those particular comments will help the hon. member with that.

Now, the member suggests that an order sought by a person who has suffered injury or damage as a result of a breach of trust or fiduciary duty should not be subject to the two- and 10-year limit periods. This is already dealt with in Bill 205. This

scenario would fit into the concept of fraudulent concealment, and the limitation periods would be suspended.

In fact, Mr. Chairman, this is covered by two sections of the Act. The first section is 3(3)(a), "a claim or any number of claims based on any number of breaches of duty, resulting from a continuing course of conduct." It is also covered under section 5 of the Bill, regarding fraudulent concealment. Now, fraudulent concealment under Bill 205 includes deceit or unconscionable conduct having regard to the relationship of the parties. So I think that should answer his second concern.

As is stated in the case *Joncas versus Pennock*, it is clear that, as a matter of law, fraud sufficient to suspend the running of a limitation period incorporates a broad definition, including deceit or common law fraud, and it incorporates generally unconscionable conduct having regard to the relationship of the parties.

So those are the authorities that I would cite on that last concern of the hon. member.

We believe that section 5 is not a change from the current law. The wording is changed from concealed by the fraud in the current limitations Act to, quote, fraudulent concealment, unquote, in this Limitations Act. So clearly there really is no difference between the old law and the new law except that the words are ordered in a different order.

Now, the Member for Edmonton-Strathcona has a concern regarding section 3(4), which excludes remedial orders for the possession of real property from the two-year discovery period. It is exempt from the two-year discovery period but is not exempt from the ultimate limitation period. This is because it may not be appropriate to deal with a substantive law governing the possession of real property under this limitations law. We are following the recommendations of the Alberta Law Reform Institute that any review of the adverse law of possession is substantive enough that it should be left to consideration on its own.

The issue of the length of the ultimate limitation period was also raised. The Member for Edmonton-Strathcona inquired as to why we chose a 10-year period and not a 15-year period. As indicated to the members of the Assembly earlier in the House, the 10-year period seems to provide a sufficient amount of time for claimants to initiate their actions and a reasonable amount of time for defendants to be liable for their actions. Under the present regime there is no ultimate limitation period for some actions. Defendants are unfairly put at risk of stale claims arising at any time. Now, 10 years is a balance between the rights of the defendant and the rights of the claimant. Liability insurers state that 95 percent of all claims are lodged within five years of completion of a professional service. Ten years is twice as long as experience indicates is a practical requirement.

Now, the member went on to recommend adding subsection (2)(c), "a remedial order the granting of which is subject to a limitation provision in any enactment of the Parliament of Canada." Well, first, Mr. Chairman, this province cannot legislate limitation periods for the federal government. It would also change what the law is now, because presently the federal court Act incorporates our limitation periods when there are no federal limitations periods. So we cannot legislate federal law, and in any event, the federal law looks at our limitations Act when in fact they have no limitations on a particular law.

With regards to transition periods, section 13(2), Bill 205 opts for a clean break from the old Act while providing concessions to both the claimant and the defendant. Bill 205 provides a balance between the rights of the two parties. When persons have a short limitation period, they tend to take action earlier. When a person

has six years, they tend to wait until the last possible moment to deal with a claim. On balance, the transition provisions in Bill 205 seem to be the best solution with the least confusion.

Now I'd like to turn to issues raised by the Member for Calgary-Buffalo. The member asked for some background information on section 12.1 concerning aboriginal groups. Section 35 of the Constitution Act sets out a special relationship between aboriginal peoples and governments. The courts have said that there is a unique relationship between the two in that governments have a trustlike fiduciary duty in relation to aboriginal persons. It is because of this unique relationship that we should not change the current situation. Section 12.1 provides that the old limitation provisions will apply to actions brought by aboriginal peoples against the Crown. Based on a breach of fiduciary duty, we're not changing the limitation periods; we're maintaining the status quo.

2:50

With respect to issues raised by the Member for Sherwood Park, the member raised a concern regarding the burden of proof. The onus is always, and has been for some time, on the defendant to prove the facts when he or she raises a limitations defence. Now, we've got to understand that while discoverability is something that we are introducing in this Bill, it's not new to the way the law has been applied in the courts. The principle of discoverability has been there for a number of years. It has always been up to the defendant to plead the defence and then to prove it. This is a rule of judicial origin; it's been going on for a number of years. The defendant has the burden of proving that the claim was not brought within the ultimate limitation period, and the claimant has the burden of proving that the claim was brought within the two-year discoverability period. So it's fair for both sides.

The member was also concerned about the length of time that records must be kept by professionals. It may be that some people will have to keep records longer than others, but certainly this is an improvement over our current situation. Presently there are some professionals that must keep their records forever because there is no ultimate limitation period. Under Bill 205 most records will have to be kept for 10 years. Records concerning persons under disability would need to be kept longer, and that just stands to reason. Businesses and others would be able to identify these particular problem areas and isolate them.

So with that, Mr. Chairman, what I would do is move that we call the question on amendment A1 to Bill 205, which essentially deals with a lot of housekeeping items with respect to gender neutrality, grammar, and a clarification item. That would be the A1 amendments to Bill 205. I'd call the question.

MR. DICKSON: A number of observations I wanted to make, Mr. Chairman. The first is that when this had been before us last week on March 20, at that time there had been a package of some 46 amendments circulated by the Member for Calgary-Egmont. The concern was that although many of them were in the nature of minor detail and drafting, stylistic kinds of changes, I was anxious that we be afforded an opportunity to review them in some detail. I appreciate the fact that the House did agree to adjourn debate at that time and carry it forward. As the Member for Calgary-Egmont has mentioned, I had undertaken at that time, on the 20th, that I'd provide him with the text of amendments that I thought would make the Bill better.

I want to thank particularly my colleague from Edmonton-Strathcona, who had a great deal of input and suggestions in this

respect. I provided the Member for Calgary-Egmont with those amendments, and then on Monday, March 25, we had a very productive meeting. I think he'd characterize it similarly. This was a chance for this MLA and my researcher to meet with the director of the Law Reform Institute, the senior policy analyst for the Department of Justice, and as well, of course, the MLA for Calgary-Egmont. I can tell members that we started off with I think five different amendments, and frankly we received good explanations, detailed explanations from those present at the meeting which effectively resolved many of the concerns that had been raised by my colleague from Edmonton-Strathcona and some of the concerns I had.

I just want to make this observation to members who say that the only way we can resolve legislation is in this Chamber: this is an exercise that shows it can work far more productively if we put our heads together outside this room and do some of the preparatory work, and we're able to economize on the time of the Legislature. As a consequence of that meeting I'm happy to tell members that for many of the amendments I had intended in introducing, there's no point. I'm satisfied they're covered one way or another in either the existing jurisprudence or in the text of the Act or in the 46-odd amendments that have been introduced by the member and that we'll be voting on in a moment.

I'd make this observation though. I want to stress to members that we understand what we're doing here. In our system of law there are few things that are more sacred, more important than the right to be able to sue a tort-feasor, a wrongdoer. What we're about to do here is to change the rules, change the rules in significant and far-reaching and fundamental ways.

I have this concern that although the Law Reform Institute did a report I think in 1986 which made a series of recommendations, one might ask how Albertans and lawyers and plaintiffs and defendants would know that the government was going to act on it. Last fall we had a private member's Bill introduced by the Member for Calgary-Egmont. That was introduced, and then again in the spring this comes in the form of a private member's Bill. My concern is that we're not signaling the entire legal community that the rules are about to change in a significant and far-reaching way. That I'll address specifically through an amendment I'll move after we finish these amendments introduced by the member.

I just think it's very significant that we understand that many people don't have the benefit we have of sitting in the Chamber and reading the Order Paper, reading *Hansard*, and knowing how this thing is progressing and that we're on the eve of some very fundamental changes. Now, I'm making an assumption here that because the Department of Justice has been very involved in discussions to this point, the government will in fact proclaim this. I have no control over when that's going to be proclaimed nor, I suppose, does anybody in the Chamber with the exception of those members who are part of Executive Council. I just want to urge caution. As we proceed to deal with these, be mindful that we're taking away people's right to sue in many cases, and for a lot of people that's the ultimate or the final remedy after they've exhausted all other remedies.

I guess my other concern is that the lawyers who are going to have to deal with this I don't think are as conscious and as aware of how immediate these changes may be as they ought. It's for that reason I urge some caution.

There are some other things I'd say, but this will be in respect of moving some additional amendments after we've finished with the package of amendments.

I'd also want to make this observation if I can. I talked before about the process, and I want it publicly recognized and I want it to be a part of *Hansard* that the Member for Calgary-Egmont solicited input from the opposition at an early stage and has attempted to give us information as we've gone along, much in the manner that you have, Mr. Chairman, on one of your private members' Bills. I'd encourage more members to recognize that this kind of process makes for far more satisfactory lawmaking and I think ultimately better laws.

So with that, I'll take my place, and I'm prepared to vote on the package of amendments introduced last week, Mr. Chairman.

3:00

THE CHAIRMAN: We have then before us the first amendment, known as A1, which the hon. Member for Calgary-Egmont has noted as amendments to Bill 205 (No. 1).

[Motion on amendment A1 carried]

THE CHAIRMAN: We have a second question, and that is the amendments to Bill 205 (No. 2), which the Chair is calling amendment A2.

[Motion on amendment A2 carried]

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

MR. HERARD: Well, thank you, Mr. Chairman. I just wanted to comment with respect to an item that the hon. Member for Calgary-Buffalo has raised, and certainly it's something that I will be taking under advisement and asking for some good counsel on from the Minister of Justice's point of view. That is the question: how long after passage of this Bill would it be prudent to bring this Bill into full force of the law? Certainly I would agree that for all parties that are involved in litigation and matters of limitations of actions and certainly for the insurance industry and all of the professional associations we diligently consulted with on these particular Bills, there would need to be a period of time before this Bill is proclaimed in order to make sure that everyone is on the same wavelength with respect to the changes that are happening with the limitations of actions. So certainly I will undertake to have some discussions with the Minister of Justice to ensure that there is an appropriate amount of time that is allotted for making sure that a good communications plan is in place and that appropriate good counsel is provided to all parties who are involved.

MR. DICKSON: I think, Mr. Chairman, we've now disposed of all the amendments introduced last week by the Member for Calgary-Egmont. Is that correct?

THE CHAIRMAN: Yes.

MR. DICKSON: Well, I have two further amendments, which have been initiated by Parliamentary Counsel. I'll have those sent up to the Table and make a couple of generic observations while those are being circulated.

One of the concerns has to be the ultimate limitation period, as the Member for Calgary-Egmont has said on a couple of occasions now. There are really two different tests, two different limitation periods: the two-year discovery rule and then, secondly, the ultimate limitation period. I want to focus particularly on the ultimate limitation period, because as things currently stand, Mr.

Chairman, we already have, for a whole host of tort claims, a two-year limitation period. If you're a medical professional and certain other kinds of occupational groups, there's but a single year, a one-year limitation period. So I wasn't going to focus so much on the two years but instead address the ultimate limitation period.

I think it's important that members realize, Mr. Chairman, that there's no science in determining what the period should be. There's no mathematical formula that tells us what's right.

THE CHAIRMAN: Hon. member, just for clerical sake, could you tell us which one of the two that have been submitted is going to be dealt with first, and then we can designate that?

MR. DICKSON: Certainly. The first amendment that I'm going to move – I'm not quite there yet, because I was waiting for them to be distributed first. The first amendment would be the one to amend section 1(h) by striking out “or.”

THE CHAIRMAN: That would be A3.

MR. DICKSON: All right; A3. Then the other one dealing with the substitution of 12 years for 10 years would be A4. Mr. Chairman, is that satisfactory?

THE CHAIRMAN: Yes. Good. Go ahead, Member for Calgary-Buffalo.

MR. DICKSON: In any event, just in terms of this ultimate limitation period, the concern is that we might be mindful of the Leilani Muir case, Mr. Chairman, that has captured considerable public attention, not only in this jurisdiction but right across Canada. What we've seen there are people coming forward with claims against the provincial government for wrongs done to them decades ago, not six or seven or 10 but, in many cases, virtually a lifetime ago. I think we have to understand that we're trying to work some fairness here, and it's as important that we be fair to those litigants, people who may not even be aware of a cause of action or a claim now, as it is to be mindful of the record-keeping responsibilities on the part of insurance companies and a variety of other corporations.

I think, Mr. Chairman, I can assume everybody's got copies of the amendments, and for that reason I'd move to speak specifically to A3. The concern here is that when we look at Bill 205 and we look at the definition section, section 1(h), it defines “person under disability,” and it defines two cases there. The first one is “a minor.” The other one is “an adult . . . unable to make reasonable judgments in respect of matters relating to the claim.”

Now, the concern is that we have a Dependent Adults Act that you, Mr. Chairman, are very familiar with, and the Dependent Adults Act sets out a test. There we have a particular process under that Act that somebody who can't manage their own affairs goes through. There's a court order, and somebody is appointed to act on behalf of that person. I'm anxious that there be no secondary test, that if somebody is a dependent adult pursuant to the Dependent Adults Act, without more they fall within the “person under disability.” So the point is to try to harmonize tests so that we don't have different tests applying under different statutes and that wherever possible we try and synchronize them.

After some discussion at our meeting on Monday hosted by the mover of this Bill, the Member for Calgary-Egmont, what was

determined was that it would be appropriate to insert this (ii). So we really have three cases now for a person under a disability. It would mean a minor, an adult unable to make reasonable judgments, or a dependent adult pursuant to the Dependent Adults Act.

I'd just say to members before we vote on this that I think this has passed muster with the Department of Justice. This was something that, frankly, was a product of our discussions on Monday. I hope all members will support this amendment because I think it makes this important Bill somewhat clearer, somewhat more specific, and it serves to harmonize it with this other important statute.

So those are the comments that I wanted to make in urging all members to support amendment A3.

THE CHAIRMAN: Okay.

The hon. Member for Calgary-Egmont.

MR. HERARD: Yes. Thank you very much, Mr. Chairman. I would agree with the way the amendment has been described. One should remember that it was not in fact prudent to go with only the definition under the Dependent Adults Act because that does not protect people under disability. It was agreed that the best of all worlds would be to make reference to the Dependent Adults Act but also keep the provisions in place for disability.

So I am very pleased, then, to suggest that, yes, all members should vote in favour of this amendment.

[Motion on amendment A3 carried]

3:10

MR. DICKSON: I thank members for their support on A3. Now A4. While people are in the habit of supporting an opposition amendment, I'll quickly identify and address A4. The reason for A4 – and I formally want to move that amendment, Mr. Chairman. I'll just read it. The amendment is to section 3(1)(b) by striking out “10” and by substituting “12.”

We're addressing, of course, the ultimate limitation period. What's of interest here, Mr. Chairman, is that the 10 years that the Member for Calgary-Egmont has integrated into his Bill is but one of several options that was examined by the Law Reform Institute. In fact, the Law Reform Institute had originally thought 15 years was an appropriate time in terms of the ultimate period. Now, I think that may be a bit long, but my concern is that 10 years may be too short. We talk about a judgment having a life of 10 years, and I'd like this to spill over and go somewhat longer than the life of a judgment. That's why I respectfully suggest that 12 years in this area of arbitrariness and compromises is somewhat fairer than 10. It's not as onerous as a 15-year limitation period, but would it really hurt insurers, would it really hurt lawyers to have to keep those documents for an additional two years?

It admittedly addresses perhaps a small number of claimants, but it seems to me that what we're about here is fairness: fairness not just for the majority, fairness not just for most Albertans that may want to sue to recover compensation for some kind of a compensable injury, but fairness, wherever it's possible, to every Albertan. So if somebody says we may only be talking, Calgary-Buffalo, about a small number of Albertans, I think that's okay, Mr. Chairman. I don't think that makes it less legitimate. I don't think it makes it less of a concern. In this area where we're taking away such a fundamental right – and that's really what we do with this Act. We close the door and say that for all time,

claimant A or claimant B, you're going to be denied your right to have access to the courts. It's such a serious, serious matter that we want to err on the side of that extra benefit of the doubt, that extra time period to allow people to organize their affairs, make their claim before it's statute barred.

So I can't put the 12-year amendment on any more scientific basis than the 10 years that's already been adopted. In my constituency 11,000 of my 38,000 constituents live in low-income situations. What you find is that lots of people in my constituency have serious difficulties that might not constitute a disability, but a lot of constituents in Calgary-Buffalo don't have a lawyer. They don't have access to good public legal education. They don't have information on what the rights, what the remedies are. If I can, by this amendment, simply allow another handful of people in this province to have a right to sue – it doesn't mean they're going to get a judgment; it just means they have a right to sue. They're going to have lots of difficulties to overcome in terms of evidentiary ones and so on. But if I can allow those people, leave the door a little bit ajar, an extra two years, then I think that's significant.

With that comment I'd urge members to simply extend the ultimate limitation period from 10 years to 12 years.

Thanks, Mr. Chairman.

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

MR. HERARD: Thank you, Mr. Chairman. First of all, I want to agree with the hon. member that there really is no real science in picking the right limitation period. It's more of an art than a science. But when you look at the fact that 95 percent of all claims lodged essentially are started within five years of the claim arising, I think that giving it, you know, twice that amount of time is certainly probably enough time. The commentators on the Bill have varied from 10 years being too long, to being just right, to some people saying too short, so it is a contentious sort of issue. Really, when you think that 95 percent of all claims are lodged within five years, then 10 years certainly seems to be a good balance between the rights of the plaintiff and the rights of defendants.

There is one additional item that I've not talked about before – I think, though, the hon. minister of economic development may have touched on it – and that is with respect to the Alberta advantage that this would create for our professionals with respect to the fact that their cost of insuring against claims should go down and they therefore should be able to be more competitive in a global marketplace.

One of the things that I want the hon. member to recognize is that had he wanted this particular amendment to in fact be approved in this House, he should have done so through the process which we agreed to last week when we adjourned debate on this Bill. I have not had the opportunity to know in advance that this amendment was coming, and the way we in fact deal with policy matters on this side of the House is that whenever something is dealt with that impacts policy, we take it to the caucus and discuss it. Now, we have not had the opportunity to do that. Therefore, he puts me in a virtually untenable kind of position. Essentially because we have not dealt with this in our caucus, I have to recommend to the members on this side of the House that we defeat this amendment.

THE CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. Just a few brief comments. As I listened to the discussion, certainly I think one

thing that is very evident here is that we are changing considerably the way we do business in the legal society in the province of Alberta. I would compliment the Member for Calgary-Egmont for in fact bringing the Bill forth. I've listened to his debate. I would suggest that he has certainly researched this matter thoroughly, and he's articulated his position very well in this House. I've listened to him debate the amendments that have come forth from the hon. Member for Calgary-*Buffalo*, and I would suggest he has an excellent grasp upon the situation.

This particular amendment that's being suggested – and that's the extension from 10 years to 12 years – I would suggest is a positive amendment. The Member for Calgary-Egmont indicated that 95 percent of the litigations that are started are started within five years. We're talking about 5 percent of litigations that may in fact fall within the proposed change from 10 to 12 years. I think if we are going to make an error in this aspect, it would be to err on the side of caution. Two years may – and as the hon. Member for Calgary-*Buffalo* indicated, there is no science to those added two years – give benefit and perhaps opportunity to those that are familiar that these changes to the statute of limitations Act are forthcoming. That little two-year cushion may in fact save a great deal of grief in someone's life. So I would suggest it's a compromise, and I would suggest that we should err on the side of caution, particularly in light of the fact that this, as I say, is a positive Bill, but it's certainly changed the way we're doing business legally in the province of Alberta.

So I would stand in support of the Bill and ask all members to give thought to erring on the side of caution and ensuring that all Albertans have that opportunity.

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

MR. SAPERS: Thanks, Mr. Chairman. I am standing to support the amendment, the amendment that would replace the 10-year limitation with a 12-year limitation. I will not reiterate all of the very good reasons why but just commend members of the House to reflect on the comments of Calgary-*Buffalo* and of Leduc.

I am concerned about the process that the Member for Calgary-Egmont just informed the Assembly of, when we are in fact in the committee debating a private member's Bill. This is private member's Bill 205, and as such I understand that the rules of this Legislative Assembly indicate that all private members' Bills are debated and then voted on freely without party discipline and specifically without the Whips being on. The Member for Calgary-Egmont, instead of speaking to the substance of the amendment, asks his colleagues to defeat the amendment because he has not had an opportunity to get the consensus of his caucus on this amendment. Well, I could certainly understand that if it was a government Bill, but the process of a private member's Bill is just that. It isn't a government Bill; it's a private member's Bill. It is up to each private member of this Assembly to do what they can to acquaint themselves with the content of the Bill, certainly to discuss it with their colleagues if they think it's appropriate, and for members of both sides of the House to collaborate to come up with the best possible solution to a problem in the way of proposed legislation. I find it entirely inappropriate that as a reason for defeating this amendment . . .

3:20

MR. DUNFORD: Who cares?

MR. SAPERS: The Member for Lethbridge-West is saying: who cares? Well, this is the same member who has stood in the

Assembly before and lamented, in fact, that there aren't enough free votes. I mean, I would hope that the Member for Lethbridge-West would rise in his place and take the initiative to enter the debate instead of just making noises from his seat, as is his wont in this Assembly.

Mr. Chairman, this is a very reasonable amendment. It is an amendment that the legal fraternity would be comfortable with. It's an amendment that individuals I have discussed it with who have faced the prospect of losing the ability to enter into an action are comfortable with. It certainly does not in any way alter the substance of the Bill. It just makes it a better potential law for the people of this province.

I am very concerned and indeed offended by the suggestion that such a reasonable amendment to a Bill that has been co-operatively worked on by members of both sides of the House would be dismissed out of hand because of some twisting of the rules about private members' Bills. In fact, I am concerned that it isn't just based on the consent of the caucus which happens to be in the majority that makes laws in this Assembly. It's supposed to be based on the give and take of debate and the capturing of the best ideas from both sides of the Assembly.

So I would ask the Member for Calgary-Egmont to rethink his advice to his colleagues. I would urge, in fact, all members of the Assembly to look at just how reasonable and how productive this amendment is and to support it because it would be in the best interests of the Bill, Mr. Chairman.

Thank you.

THE CHAIRMAN: The hon. Member for Calgary-*Buffalo*.

MR. DICKSON: Thanks, Mr. Chairman. I just want to follow up on a comment made by the Member for Calgary-Egmont. My view is that this proposed amendment from 10 to 12 – in fact, when we met on Monday morning, one of the things we discussed was the ultimate limitation period and how it was in terms of where the 10 years came from. I don't expect the Member for Calgary-Egmont to support the 12 years. I'm assuming that he and in fact his caucus had looked at the law reform recommendation of 15 years and had elected to go with 10 years. I mean, I understand that they've done that, and I assume they did it for what they believe to be good reason.

After the meeting on Monday, I indicated to the Member for Calgary-Egmont that I'd have further discussion with those members of my caucus who have a particular interest in this area. I wasn't able to tell him about any further amendments until I had an opportunity to canvass my colleagues who are interested in this particular issue. This amendment was generated from that discussion subsequent to the meeting on Monday. But let's be clear: this was one of the issues we talked about Monday morning. This didn't come out of left field. This is one of the central issues from the 1986 Report for Discussion No. 4 and the more recent report from the Law Reform Institute.

So I think we've had a full discussion. I think we've canvassed the arguments for and against. I'd urge that we move the question on this amendment, Mr. Chairman.

[Motion on amendment A4 lost]

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

MR. HERARD: Thank you, Mr. Chairman. I would now propose that we call the question on the Bill as amended.

[The clauses of Bill 205 as amended agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

The hon. Member for Calgary-Egmont.

MR. HERARD: Well, thank you very much, Mr. Chairman. I would propose that when the committee rises and reports, we report this Bill.

THE CHAIRMAN: Okay. We actually have had that in the last part here. What we would like to have is have the committee rise and report.

MR. HERARD: Okay. I would move that the committee rise and report. Thank you.

[Motion carried]

[Mr. Clegg in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration a certain Bill. The committee reports the following Bill with some amendments: Bill 205. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any? Carried.

Could we have unanimous consent to go on with business? We only have about 90 seconds left, and rather than start that, could we have unanimous consent to go on with the business slated for 3:30?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed, if any? Carried.

head: **Motions Other than Government Motions**

Equal Access to Education

505. Mr. Henry moved:

Be it resolved that the Legislative Assembly urge the government to ensure equal access to quality education for Alberta children by providing for disabled children; special needs children; early childhood services; English as a Second Language for each child whose mother tongue is not English, regardless of the student's place of birth; a wide variety of core and optional subjects; the incremental elimination of all user and transportation fees; and access to computers for all students.

[Debate adjourned March 19: Mrs. Soetaert speaking]

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

MRS. BURGNER: Thank you, Mr. Speaker. It gives me a great deal of pleasure to continue the debate on Motion 505 as moved by the hon. Member for Edmonton-Centre. I think I have stood in this Chamber on a number of occasions and spoken on issues affecting education. I've made a number of notes, and I would like to just take a few moments to go through what I believe is the essence of what the hon. member is trying to develop here. I'm not necessarily a confrontational person, but I have some difficulty with the substance of the motion and also the solutions to the problem.

Mr. Speaker, the motion is actually urging government "to ensure equal access to quality education for Alberta children." Then it starts to identify a number of areas where indeed the ability of our students to be educated could be compromised, and these include our disabled children. It also includes our special-needs children, and I have to identify that special needs also includes our gifted children. So we have to make sure that we understand the terminology that's in front of us.

Mr. Speaker, it talks about early childhood services, knowing full well that the ability to deliver that program crosses a whole lot of spectrums, and it's not just our school systems that deal with early childhood services but also the community.

3:30

Mr. Speaker, it looks at "English as a Second Language for each child whose mother tongue is not English, regardless of the student's place of birth." Again, different communities also access and deal with this issue, because when our young people come to this country or when they are entering this school system, they have different needs in the ESL process.

Then they talk about the "core and optional subjects." Again, Mr. Speaker, that's a decision that local school boards take as a response to the community they're involved with. They talk about "access to computers for all students" and "the incremental elimination of . . . user and transportation fees." Again, that varies across the province as particular needs arise. So I want to say, first and foremost, that I don't dispute in any way, shape, or form the number of issues that are articulated here, but I don't believe that is the essence of the ability to ensure equal access to quality education.

Mr. Speaker, when I was analyzing my comments and the way I wanted to proceed with this, in addition to the frustration with the wordiness of the motion, I also want to suggest to you that the problem in this motion and the reason I can't support it is that it is focusing on all the negative aspects. It puts these various programs that are listed here as a negative, that because we have students with these particular needs and they're identified in such and such a way, this group of students who are involved in any one of these processes is the problem in ensuring equal access to quality education. So whether or not that's the intent of the mover, I would like to just look at some of the positive elements that exist within our school systems and that in fact exist within a number of the reforms that have gone on in the Department of Education and give some hope to the school communities, whose children may be in any one of these particular programs, about the opportunities they have to be successful in ensuring equal access to quality education.

Mr. Speaker, a few short months ago a team of us were involved in the accountability framework process. Two of my colleagues spent a great deal of time together with myself developing some outcome measures and some initial reporting processes that would impact not only Alberta Education, the department as a whole, but school boards and, in addition to that,

the actual school community. As part of that process and parallel to it was the development of roles and responsibilities with the hope and understanding of developing strong school councils with guidelines with respect to site-based management.

Maybe it's just because of my background from a community base that I see that as a very, very positive solution to ensuring equal access to quality education for Alberta children. What that process has allowed for, encouraged, and indeed legislated is for each school community to appropriately canvass and inform and discuss what the goals and expectations and needs of that school community are. Depending on that school community, it could include any one of these items, but in fact it might include several others.

Mr. Speaker, it is incumbent upon those parents to then look at their responsibilities with respect to the School Act and meeting curriculum, et cetera, and then to look at their school community and develop an appropriate plan which sets the priorities of that local school. Indeed, you then take it one step further and talk about the role of the school board to develop a global policy with respect to the schools and its community. This works for small rural communities as well as the larger urban centres in that they have to have a focus to develop and recognize the local school communities and the issues they bring forward.

I know that my colleagues across the floor have often spoken about the fact that they don't feel the trustees of the province have been given adequate means to deal with the responsibilities that are in front of them. In fact, Mr. Speaker, the school trustees throughout this province are elected to set policy, and the policy that they enact must reflect the School Act, but it must also come from the grassroots community needs that are brought to their attention. So I see that there's a very strong linkage that allows the school boards, in reviewing the school-based plans that have come forward with the parent volunteers that are in place, to look at each of these issues, if indeed the issues are limited to the few that are listed here.

Mr. Speaker, in order to look at equal access to education, I would encourage that that process be talked about within our school communities and at our school board levels. I think there's a very, very opportune situation to bring the issues of appropriate equal access to education through to the policy development of our school boards.

Another initiative that has been undertaken which feeds directly into this is the professional development aspect that the Department of Education is working on in conjunction with the home and school association of the province of Alberta and the Alberta Teachers' Association. It takes this initiative of locally based decision-making, allocates dollars to it, and looks at a consortia model where school communities and school boards are aligned throughout the province, in a similar arrangement as we have our Alberta school boards and their zones, to look at not only their own individual boards but their neighbouring boards and to look at some of the aspects. It may be transportation in the rural areas. It may be access to computers, if you have an inner-city community. But you have an opportunity to look at that process.

THE ACTING SPEAKER: Excuse me. Hon. member, on a point of order?

Point of Order

Questioning a Member

MR. DICKSON: *Beauchesne* 333. I wonder if the Member for Calgary-Currie would entertain a brief question, Mr. Speaker.

THE ACTING SPEAKER: Yes or no, hon. member.

MRS. BURGNER: Not at this time, Mr. Speaker.

THE ACTING SPEAKER: Thank you.

Debate Continued

MRS. BURGNER: This process of professional development is part and parcel of educating and informing school communities and the parents that support them of the opportunity to recognize and identify the needs in their community and then, through these dollars which are allocated, to actually look at leadership skills, policy initiatives, et cetera. Mr. Speaker, I feel that if we continue to advance that process and we urge all school boards within this province to become active partners in that consortia, then you will see the opportunity to move this forward in that fashion.

Mr. Speaker, there is one last area that I want to speak to. It's not mentioned in the motion as a deterrent to ensuring equal access to quality education, but it has to do with the role of the teacher in the classroom. I'm a very strong advocate of utilizing our teachers in their strongest capacity, and that is to teach. Unfortunately, there's nothing in this motion that allows us to alter or change some of the contractual obligations which are in place in our school communities that would allow for the delivery of support programs or attention to some of these issues that are raised in a facet we could accommodate.

So I'm frustrated by the fact that while we have identified some of the components that would appear to be limiting equal access to quality education in Alberta, in fact we have not included the teachers themselves. There's no statement in here about how they are going to respond to or work with this kind of initiative. I know that the teachers have a great deal of concern about integration into the classrooms. I know they carry a wide range of extracurricular activities on their plate and do so to support our young people. Quality education has in it a component of curriculum and the delivery of the educational programs to those students, and the teachers of this province are most qualified to do that.

So, Mr. Speaker, what I would like to have seen in this motion would be some way to share the load of the classroom with the teachers. As I said, I've mentioned a number of strategic plans that are in place that have been supported in legislation, that have the support of the provincial budgets, and that are working with, as I said, the home and school association, the Alberta Teachers' Association, and indeed the school boards around the province.

I'm not in support of this motion, and I'll just recap. I feel that the lack of equal access is not because of these issues raised here. This is a negative connotation that does not really speak to the full potential of the students in our classroom. As I said earlier, Mr. Speaker, while I know that the mover of this motion has concern for students as his prime motivator, I really do believe the government of Alberta has put some steps in place to ensure quality access to education in the province for our children.

Mr. Speaker, we've asked ourselves to be accountable through the measuring-up process and the outcomes and the performance standards that are in place. So I'm able to say with confidence that this package which has been put forward by the Department of Education and the efforts which are demonstrated by our local school boards will indeed ensure that our students have quality education in the province of Alberta.

Thank you, Mr. Speaker.

3:40

MR. VAN BINSBERGEN: Mr. Speaker, I'm speaking in favour of Motion 505. Quite frankly, I'm still appalled by the remarks from the previous speaker, Calgary-Currie, who, by opposing this motion, in effect favours unequal access to all these programs that are stated here. How can you oppose trying to improve access and make it more equitable for all Alberta kids? How in tarnation can you oppose that? It's like opposing the attempt to improve society for Albertans. It's like opposing motherhood. I'm appalled; I'm astonished.

I'll go one further here. The member has spoken very earnestly and seriously about all the good programs that are already in place. The problem with all these programs, Mr. Speaker, is that there aren't enough of them, there aren't enough funds for them, and there aren't enough people to staff them. We see that time and time again not just in education, but we see it in children's services, in health, et cetera, et cetera. Now, dealing with these particular programs – and I know the Member for Calgary-Currie has said that it's up to the school boards. I mean, it's like Pontius Pilate: wash your hands of the whole thing. Absolve yourself and your government of any responsibility. Are there no standards that need to be applied? Surely that is to be the case.

Let us look at these programs: “equal access to quality education . . . by providing for disabled children.” Mr. Speaker, I've made several trips to all corners of the province, and probably the most frequent complaint I heard was the lack of funding for disabled students, those who are severely disabled and those who are moderately disabled. You know, there's money set aside for the severely disabled ones, but the problem is in accessing, testing, and sending in the stuff and then getting the permission. By that time the label has already been applied and the program is in place, but there's not funding for it.

Mr. Speaker, I can go on and on and on, and I wish you'd allow me to do that.

THE ACTING SPEAKER: I hesitate to interrupt the hon. Member for West Yellowhead, but under Standing Order 8(4) I must put all questions to conclude debate on the motion under consideration. On the motion as proposed by . . .

MR. HENRY: A point of order, Mr. Speaker. Does the mover of the motion not receive a five-minute . . . [interjections]

THE ACTING SPEAKER: No. The answer is no.

[Motion lost]

Youth Crime Prevention

506. Ms Hanson moved:

Be it resolved that the Legislative Assembly urge the government to recognize that when children begin to commit crime, it is often a reflection of a number of factors including poor supervision and weak parenting skills, and therefore establish a series of mandatory early intervention programs to help parents manage their children.

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

MS HANSON: Thank you. Mr. Speaker, this motion is an early

intervention motion. Its intent is to generate positive discussion to help to counter our growing frustration with youth crimes, particularly those committed by children under 12. Rather than look for quick, knee-jerk reactions to the seemingly growing problem among these children, Albertans believe it is time to look at positive solutions, not punitive vengeance.

The motion proposes that while there are a number of factors, particularly poverty, that entice children into criminal behaviour, the most critical and basic reasons are lack of parental supervision and inadequate parenting skills. Now, this is not to deny that there are many other contributions to youth crime – namely socioeconomic conditions, poor self-esteem, hopelessness – but sometimes parents just don't know what to do. The offence may be glossed over in the family or in their relations with their child rather than deal with it. Children need guidelines, but those guidelines have to be skilfully applied to be effective.

We have pointed out in great detail over the years to government members the incidence and impact of child poverty in our province, but we have also pointed out in great detail the devastating poverty can cause: poor chances at proper education, to live in a safe home, to make it through childhood without being stricken by accidents or poor health, and especially at trying to avoid trouble with the police and ultimately the correctional system. While we must continue in this vein of encouraging the government about child poverty, we think that real solutions can be found to help families deal with criminal activity among their children. Lashing out at parents and calls for punishment when a child offends are a popular pastime. Such a mind-set is often based on nothing more than pure vengeance, an attempt to get even or an attempt to extract a pound of flesh on behalf of the victim. We see the problem from a different perspective. We see the child's initial venture into criminal behaviour as a signal that there may be weak parenting skills as well as lack of experience on the part of the parents, that the child may lack proper adult supervision.

Rather than imposing harsh penalties, this motion sets out to help Albertans learn to become more effective and more responsible parents. Parents must be held accountable for the actions of their children, but some adults will require training that will teach them how to parent effectively. Holding parents accountable without providing them with the means to change and improve their parenting methods simply exacerbates the existing problem. Families today are undergoing more and more strain as a result of economic uncertainty and high unemployment. We have an increased number of single-parent families and greater exposure to outside influences – drugs and alcohol, rapid technological change – and often a lack of extended family support because people are much more transient than they used to be. Quite often families are at the other end of the country, or the extended family is unable to support.

Mr. Speaker, despite the rapid changes, parents today are hampered by parenting methods that are often derived from their own parents. They have little relevance to contemporary demands. Teaching parents how to train, guide, and supervise their child into a responsible adult benefits all of us. We recognize that parents of high-risk children do not voluntarily go for parent training or counseling. This motion calls on the government to establish an official sanction that directly involves the parents and requires them to provide the impetus for change.

Early intervention is the key to this motion. Many children begin their criminal career well before they are old enough for young offender status. To correct this behaviour, it is imperative

that we find and help the parents of those children who are under 12 years. This is the age when we can have the greatest impact and when the parents are still actively involved with the child and the child is amenable to change. The principle is simple: it's easier to keep a child from entering a lifestyle than it is to get the child out of the lifestyle.

The way this motion would work would be that parents of children cited by police for a first minor offence would be issued a warning. The warning would very clearly state that their child had been cited or warned for violation of the law and that any future violations of criminal law by their child may result in the parent or guardian being cited for the offence of failing to supervise a minor. The warning would also explain the court's authority to order a parent to attend parenting training and/or to pay restitution to the victims and the maximum monetary penalty that may be imposed should the child reoffend. Parenting skills training would be provided by an approved community agency. Costs for the program would be covered by the fees provided by the parents. Those fees would be reasonable, and in certain circumstances the arrangements for a payment schedule would also be available. Should a parent fail to attend or complete the training, the training organization would notify the court, and the parents would reappear in a contempt proceeding where they could be reordered to training or fined or a combination of both. The ultimate objective would be to get parents through the training and give them some skills.

3:50

The effectiveness of this program would be determined by the follow-up reports written by the agency. Each family would receive a parenting skills inventory upon entry into the program. This will provide data on the effectiveness of their current parenting methods and specific areas of strength and weakness. Each family will be screened at the completion of the training using the same parenting skills inventory. This will assess how well the information has been assimilated by parents. The training instructor will schedule face-to-face refresher classes two weeks after the end of the training, and this will assess the effectiveness of the training and the current potential problems. As well, mail-out surveys should be sent to the participants at three-, six-, and 12-month intervals following the training to assess the overall effectiveness of training and minor recidivism.

Mr. Speaker, I recognize that what we are proposing may sound extreme to some people, but a closer examination of our proposal will reveal that the intention is to support, strengthen, and improve parenting within Alberta families. The biggest winners will be the children. Through positive and firm guidance from their parents children who begin to experiment with criminal activity will have a far greater chance of becoming responsible adults than if left to continue along the typical path of crowded youth courts and young offender centres.

Children who break the law do not all come from bad parents. Sometimes even the most caring parents have a child who gets in trouble, and this motion is designed to provide timely and effective support to those parents before the problem escalates. The motion applies to minor offences. Applied correctly, it will help children turn around through improved parenting rather than lengthy and costly stints in jail. Crimes committed by children cost us dearly through property loss insurance, policing, justice, corrections, security systems, health care, and education. The list is endless really.

This motion attempts to broaden our thinking, to search for answers, offering help and support where the problems first begin,

which is in the family unit. The fight against youth crime has never been more necessary or intense, and it's time that we remember the parents behind the child and help them to gain control of their family.

Thank you.

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

MR. AMERY: Thank you, Mr. Speaker. It's a pleasure to rise and speak to Motion 506, sponsored by the hon. Member for Edmonton-Highlands-Beverly. After listening to the hon. member and closely examining the contents of Motion 506, I'm a bit confused as to its purpose and what Albertans would have to gain by it. As a matter of fact, I feel that this motion is redundant, intrusive, and completely unnecessary.

Every time I see the word "mandatory" in legislation or proposed legislation or policy, I take a closer look and I ask the question: is this necessary? In this case the answer is no. We already have one of the most successful early intervention programs in Canada. Other jurisdictions are using our model as a guide to change their existing ways of delivering child services. We are doing this by working very closely with communities and without having to force anyone to attend these programs.

Mr. Speaker, I feel that Motion 506 is flawed for two reasons: (a) it makes the assumption that problems can be solved by imposing solutions on families, and (b) it oversimplifies the issue of child delinquency by placing the majority of the responsibility on weak parenting skills. In the past several decades government has assumed more and more responsibility for solving social problems and concerns, and the process, the important roles which have traditionally been played by the family and by the community have been ignored. What is perhaps most serious of all has been the growing dependence on government to provide rescue and remedies for a growing list of social concerns. In large, service systems solutions often tend to be imposed rather than developed with families. The message that these families receive in the process is that they are powerless and incapable of finding their own solutions. This is the message that this motion would send to these families. This is not what families need.

What they need is help in developing their capacity to help themselves. This is exactly what is being accomplished by the Alberta early intervention program. Mr. Speaker, the goal of the early intervention program is to target families and youths to help solve their problems before they become out of control and before children become young offenders. However, one must remember that this is a very complex issue. There are many factors that come into play in shaping a child's behaviour. There is no doubt that the family plays a big role, but I don't believe anyone has come to a conclusion as to what is good parenting and what is not. So maybe the hon. Member for Edmonton-Highlands-Beverly can explain to the House what she means by weak parenting skills or how she came up with this definition.

It has been my experience in dealing with many families in my constituency that what may be considered to be good parenting skills by one family may not be the same as others, especially when we're dealing with families from diverse and different ethnic and multicultural backgrounds. So I think the challenge is not to force people to be good parents by one standard or, in this case, by the hon. member's standard but to develop systems of support that parents can turn to if they need help to solve little problems before they become crises.

The early intervention program here in Alberta works very

closely with communities in order to find solutions that meet their local needs. Presently, Mr. Speaker, communities identify the needs that they have, and they develop programs to try and address these problems with the help of the entire community. This means that service providers work closely together in these programs. Some of the partnerships include parents, youths, teachers, health professionals, social workers, foster parents, and many others. By having all of these groups working together, it is a more efficient program, it avoids duplication, and perhaps most importantly, it increases the success rate. This has already proven to be extremely successful, and this government is committed to continuing to support this community-based planning and delivery of children's services.

Albertans want programs that work, Mr. Speaker. They want government to provide the tools necessary to help themselves but not to force them to use them. They don't want more government intrusion in their lives. They don't want some politicians imposing solutions on their very complex problems. They don't want government forcing them to attend programs. Albertans want to find their own solutions to their own problems. I believe that this is the only way to really solve these problems: by working with the families and communities in a joint effort. This is what Albertans told us that they wanted during the 1993-94 consultations by the commissioner of services for children. We listened to what they had to say, and we answered by putting together the most advanced and effective delivery of child services, the early intervention program.

4:00

Mr. Speaker, I believe that we have already addressed the problems that Motion 506 refers to in a very effective and responsible fashion. I don't think Albertans want or need unnecessary regulations. Mandatory early intervention is not likely to be effective if the parents and children are forced to attend. Willing participants are far more likely to come up with creative solutions to their own problems. This is why I cannot lend my support to this motion, and I would ask all members of the House to vote against Motion 506.

Thank you.

THE ACTING SPEAKER: Hon. members, today is a member of this House's, if I can say those words, birthday. He's a member of Parliamentary Counsel. His name is Rob Reynolds. It is his birthday today. So I would show our appreciation for his good work on his birthday today.

The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Mr. Speaker, would you like me to lead in the singing?

THE ACTING SPEAKER: No, hon. member.

MR. VAN BINSBERGEN: My personal congratulations to Parliamentary Counsel.

AN HON. MEMBER: Forty years old.

MR. VAN BINSBERGEN: Perhaps he's going to tell us which it is.

Mr. Speaker, I rise to speak in favour of Motion 506. Again, I'm surprised at the previous speaker there, not necessarily that he opposes this particular motion but the way in which he's done so. I'm also, actually, beginning to think that any motion from this

side is automatically consigned to be opposed. Nevertheless, as I said earlier, how anyone can oppose a move towards equal access for all students is beyond me.

Now, in this one the Member for Calgary-East calls "mandatory early intervention programs to help parents manage their children" intrusive, unnecessary, et cetera, et cetera. Then he goes on to wax eloquently about the very successful early intervention program that is in place, which of course does not deal with parents but with very young kids, and he emits the usual self-congratulatory remarks.

Maybe this is an intrusive program. I'm not denying it, but to say that there is no need for it is absolutely beyond me. Mr. Speaker, I have had lengthy experience as a high school administrator and have dealt with very, very many cases where parents had actually run afoul of their kids. There was an enormous need for counseling. There was an enormous need for an intervention program of some kind. Now, it wasn't mandatory, except that if the parents did not enter into it, the kid had to leave the school. So in that sense, there was a certain amount of blackmail, I suppose. Nevertheless, a program like that is vastly necessary. There are countless cases where parents need help.

The member opposite wanted a definition of what "weak parenting skills" are. Well, when the problems occur, it will be eminently and abundantly clear that there are positive skills needed, and those skills have always got to focus on communication. The communication breakdown is generally totally complete when there are problems of that nature, and it needs to be re-established. The parent needs to spend time with the student regularly. The parent needs to listen, listen not just seemingly but totally. In the establishment of any rules of behaviour there needs to be give and take. The child needs to be listened to, again, but then once the rules have been accepted and established, the application of them must be clear and consistent as well.

I can go on and on, Mr. Speaker. If the Member for Calgary-East wants to know any more, I will gladly sit down with him and speak some more about parenting skills, having had lengthy experience bringing up a few kids, and it hasn't always been positive. We all, I think, at one time or another, have the need for some help from someone else. Now, if we can identify clearly where these parents who have these problems can go to, I think it would help them.

So, Mr. Speaker, there is an element here that I see lacking. Now, there's only been one speaker from the other side, so I shouldn't jump the gun, because I know others are going to support this motion of course. When I think of the other proposals that have been made, when I think of some members - now, I must say that proposal's been withdrawn - that wanted to return to the strap, and when I think of a federal opposition party where there's talk about going to Singapore to see how caning works as a preferable method of punishment, I have difficulty with all those notions. We are talking here about young kids who have gone astray. They've gone astray in their relationships with their parents, or perhaps I should say that the parents have gone astray in their parenting skills. They need help, and I think it behooves us to provide that - once again, for the sake of those members who don't agree with that - in order to prevent problems from occurring at a much later stage. That is essentially the key.

I go back again to the previous motion, 505, that we've just seen voted down, where there is a need for early intervention, where there is a need for far greater access to all sorts of early programs in order to avoid just these kinds of difficulties arising between the kids and their parents. Schools can do a lot there.

In fact, I would like to put in a plea for a course in parenting at the senior high level. I mean, all these students at that level are close to being parents, and they certainly can stand the benefit of the thoughts of some people who have lengthy experience dealing with parents who have difficulties.

[The Deputy Speaker in the Chair]

Mr. Speaker, I know that many members on my side and probably on the other side, too, are waiting patiently to get their licks in, and I will sit down whilst stating emphatically that I'm in favour of this motion.

Thank you.

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

MS HALEY: Well, thank you, Mr. Speaker. I'm really glad I have this opportunity to speak on this Bill. The hon. Member for Calgary-East covered the vast majority of my speech, the key point being that children's services are being redesigned. There are four key messages: early intervention, which is reaching out to families before they reach a point of crisis; a community-based delivery involving the community in the planning and delivery of services to meet the needs of their local population; integration, where service providers will work closely together; and the fourth one, improved aboriginal services, as nearly half the children in child welfare are aboriginal by nature.

I don't want to repeat the whole speech. I want to make a few comments on what the hon. sponsor of this motion was commenting on. One of the comments that she made was that we have to teach parents how to train and guide their children. How many thousands and thousands of generations of people have there been on this earth? Would there still be anybody left if government intervention had been 4,000 years ago or 2,000 years ago what it is now? My mind simply can't take in how we now as government want to do everything: we know everything better than everybody else, we'll set the rules, we'll make you go in and take courses, and you'll be better for it. Wrong. [interjection] You'll have your turn, hon. member. How about you just sit quietly for a minute.

You have to warn parents about future violations or the parents can be sanctioned. When do we look at all of the factors in society? We've now decided that the parents are at fault for pretty much everything. There are a lot of kids out there that are influenced by other children, by school systems that may or may not be perfect. Okay, to get right to the heart of it: when do we start mandatorily testing people before they can become pregnant or before we'll allow them to give birth to that child? I mean, you can get really crazy with this kind of government intervention. Big Brother is here. We're already here.

4:10

As a parent I really don't want, don't need, would never allow a government organization to come in and tell me how to raise my children. If I need help, it's up to me as a parent to go and ask for that kind of help. [interjection] Why don't you wait your turn?

Court authority to force parents to take courses. What happens if you fail the course? Do they get to take your kids away? What happens when you finish taking that course and you've passed it and your kid is still a problem? Is the government then responsible for the restitution? I mean, is that where this logically goes in the end?

A "parenting skills inventory:" I'd just absolutely love to know what that is. Effectiveness of their strengths: who gets to judge? Who gets to decide how effective I am as a parent? I just can't quite take it in, hon. member. In a modern era civilization where we have never been exposed to so much education, the possibilities and potential for every one of us are unlimited, yet we're deciding in Motion 506 whether or not people have the right and the ability to determine whether or not they're good parents or whether a court should decide whether they're bad parents. It simply boggles the mind.

"Children who break the law do not all come from bad parents." You know, that's really reassuring. There are an awful lot of factors that influence the raising of a child. Parents are just one factor. If a parent has messed up or not, if they've got two children and one is really good and one is a problem, are they only half responsible then? Do you start looking into the schools and the day cares and every place else to see who messed this child up rather than trying to find a way to help the kid?

Youth crime: that's another really easy one. In Airdrie we have 5,000 children under the age of 18. Of the 5,000 children there are approximately 25 who are a problem. That's everywhere from a minor problem to something more serious, which may get them involved in drug abuse. Twenty-five out of 5,000. That means that 4,975 kids in that city aren't a problem. So do you make all the parents of all of those kids take these courses? Where does it end?

I appreciate that the hon. member brings this forward with the greatest of intentions, but from my point of view this is just another example of Big Brother being in a place where we don't need him and don't want him.

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

MR. DICKSON: Thanks, Mr. Speaker. A couple of observations with respect to Motion 506. The first one: my understanding is that we're talking about children under 12 years of age.

MS HALEY: Where does it say that?

MR. DICKSON: That could have been a comment made by the mover of the motion, and I'd ask members to be mindful of that in speaking to this and ultimately in terms of voting with respect to the motion.

You know, I have some mixed views with this motion. Sometimes it's so easy to focus on parents and expect them to take responsibility, but if you believe in the maxim that it takes a whole village to raise a child, then I think we start recognizing that we all have a stake in our neighbours' children. It seems to me that that's what underlies much of the motion that's in front of us. So this notion of each little family being somehow a little solitude and having exclusive responsibility to raise and equip and train children for a lifetime is not true now. It certainly wasn't true 50 years ago. It wasn't true when my parents were children. There's always been, particularly in this province, a lot of community stake in the fate of children in the community, whether it's a small town or a big city. I think we have to be mindful of that.

The other thought I have, though, is that sometimes when we talk about parental responsibility, it's easy to forget that there are lots of parents who frankly are at their wits' end trying to cope with a child that may appear to be out of control. One of the

difficulties is that as a community we don't have enough supports for parents who want assistance, who ask for assistance. I think in Calgary there's a nonprofit organization called the Parents' Support Association, and there's a woman named Elaine McMurray who has been involved in animating that organization for many years. One of things that's always struck me in meeting with the Parents' Support Association and other parent volunteers is that often these are people who frankly have exhausted their ability to deal with a problem in their own family, and they're asking for help. They're soliciting support and resources and counseling and so on. Too many times they can't get it.

When I look at this motion, it's important to recognize that the parents are often where we start when there's a problem with a child under 12 years of age. It's also important to recognize that to simply say that the parents are the problem and we want to deal with them in a punitive way is foolish. I'm happy to see that this motion doesn't say that. This motion really talks about how we can support and assist those parents rather than how we can punish them. I think that's an important consideration.

It's of interest to me, when we deal with this, that the focus is particularly one of crime. I notice and remind members that a couple of years ago there were two groups of MLAs who looked at our young offender system – and I stress system – not just the Young Offenders Act. The one was chaired by the Member for Calgary-Fish Creek, and they did a report by the Task Force on the Young Offenders Act on changes to the Young Offenders Act. Fortunately, their mandate was changed after they were appointed by the Premier, so they started looking at some of the other problems with the youth justice system, and that was positive. Until that happened, myself and two of my colleagues had written a report that we tabled in the Legislature called Taking Responsibility, and we also did a consultation with Albertans on what had to change in terms of the young offender system.

What's interesting is that, even though they come at it from somewhat different perspectives, both of the reports, both of them tabled in this Legislature, both of them paid for with tax dollars, both of the reports accessible to every one of the 83 members in this Chamber, focused considerably on the role of parents in terms of, in some cases, requiring parents to participate in programs and, in other cases, affording parents a degree of support, that in many cases doesn't exist now.

In fact, I'd just refer to the government report, the report from the Member for Calgary-Fish Creek. One of the recommendations was to

amend the Act to give the youth court the discretion to compel the parent/guardian and/or other family members, to participate in counselling together with the [young] offender.

I'd ask the Member for Three Hills-Airdrie to look at the report done by her colleague for Calgary-Fish Creek, because the recommendation was there to do exactly what this motion talks about.

One of the other recommendations from the government Task Force on the Young Offenders Act was to

amend the Act to require the youth court to assess parental ability to pay for the costs of family and/or young offender counselling.

Isn't that exactly what this motion talks about? It sounds like it to me. It says:

Amend the Act to require parents to supervise and ensure that community service orders, as may be ordered by a judge, are carried out.

Once again, we're talking about older children because the Young Offenders Act doesn't apply to the target group focused in the motion, but the principle is certainly the same. Why would you

be less responsible for a child under 12 than these reports suggest you would be for a child over 12 but still within the young offender age range?

4:20

The other thing that strikes me in dealing with this motion – there are two thoughts. One, I had a chance to hear an international authority, a criminologist who spoke at the University of Alberta I think two years ago. This woman had been part of a longitudinal study on factors that cause crime. She said that all of the data is pretty soft on that whole range of other things we do with young offenders, but the one predictor that could be documented, proven in an empirical way is that if there's a good relationship, a supportive relationship between a child and the child's mother – not a grandparent, not a father, not an uncle or an aunt – if the relationship between a mother and a child is a positive one and that mother is able to provide encouragement, support, and nurture the child, that is the single most reliable predictor of the child not ultimately being involved in criminal activity. Interesting. That's the one thing that I understand has been documented in a way we haven't been able to do with any of the other ways that we try and deal with youth and problems. So it seems to me, Mr. Speaker, that we've got to work on that. We've got to ensure that more children have the benefit of having that kind of supportive connection with parents and primary caregivers.

I guess the other thing I'd just say, when you're talking about parental responsibility, is that I had a wonderful chance to attend an aboriginal justice conference in Wabasca-Desmarais I think about three years ago and meet two delightful women. One was Rita Auger, and the other was Claire Yellowknee. These two women were responsible more than any other two Albertans for the success of the youth justice committee. These are the committees set up under section 69 of the Young Offenders Act. What Claire Yellowknee told me, Mr. Speaker, was that when they had a native youth come in front of their committee who had had some problem with the law, they would require the parents to come in. What they'd often identify is that the problem was with the parents, not with the child. These people would say in a wonderfully direct way: "Father, really what you need – you've got an alcohol abuse problem. We want you to get into a treatment program. Mother, you've got some difficulty in terms of managing this child who presents something of a discipline problem. We want you to go and talk to this counselor."

It seemed to me that that in a very practical way demonstrated what I think the Member for Edmonton-Highlands-Beverly is trying to do with Motion 506. It's the essence of trying to identify the parents' role, to support the parents. Why? Not because it makes us feel better, not because it spends or saves money, but because that support to that pre-twelve-year-old child is going to be perhaps the best investment we as a community can make. We all have a stake in that.

You know, the Fraser Institute came out with a startling statistic the other day. I used to go around talking about \$6 billion being the cost to Canadians for cops, courts, and corrections. I think the Fraser Institute has virtually doubled that. Whether it's \$6 billion or \$12 billion, it's too much, Mr. Speaker. There's no more money to put into that pot. So why wouldn't we look with some creativity, with some imagination to the sorts of things that the mover of this motion is suggesting and see if we can't find ways to address parents who don't know how to parent or don't have the kinds of skills?

We've all had experience as parents. We know, Mr. Speaker,

that this isn't something you're born with. You don't automatically learn how to parent; we all learn by trial and error. Some of us learn better than others. Really, all we're talking about here is: how do we provide assistance to those parents? Maybe they weren't able to model after good parents. Maybe they don't know how to parent. Maybe they haven't had models who have been good parents. Why wouldn't we provide them with the support?

So I wholeheartedly and enthusiastically support this motion, Mr. Speaker.

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

MR. BRACKO: Thank you, Mr. Speaker. I'm privileged to rise and speak to Motion 506, a motion brought forward to assist our children, children under 12, in prevention of things that may happen when they've been exposed to a criminal act, that we can take the necessary means to assist them in not committing the crime again, in changing their lifestyle so it won't happen, changing their family's lifestyle. The member from Calgary mentioned earlier an African proverb: it takes a whole community, a whole village to raise a child. That's our responsibility as legislators, as individuals in our community.

What amazes me, Mr. Speaker, is that we have the opposite side bring in mandatory mediation for divorcing parents. So they talk about Big Brother on one hand, which is hard to understand. Big Brother isn't there when it's adults in mediation, but when it's children, it's Big Brother. Now, would someone please explain the rationale to me? That sounds like contradiction. I mean, I'm very open to hearing the explanation. I would like to hear it. I'd like to know what they mean. On one hand, the left hand, it's one thing; then the right hand. What they're really saying, as I interpret it – and please correct me – is that children aren't important, that they don't need the process to help them, to assist them.

I may not agree with mandatory courses, but I believe the courses at least should be there, open to them. If you want to see how well they work, come to Parents' Place in St. Albert, a volunteer organization that gives parenting courses. Do a survey or do the research that shows how effective these courses are so that we know what can happen, what the reality out there is, not criticizing – Big Brother; I don't know where you got Big Brother – but see what the courses can do. It may not be for everyone. I can understand that. If you're not willing to change your ways, no course is ever going to change you. The same is true in divorce. If you don't want to change your ways, no mediation is ever going to help you. So it's hard for me to understand where they're coming from, and I would like an explanation of my point here, the discrepancy in this.

Even in my own community the Rotary Club is working with children from birth to three years old because they know and they realize and they've done the research that shows that if you can prevent things from happening, if you get early intervention, it can solve the situation earlier, the issues, the problems, and it's less costly to society. They believe that a very important part of that, Mr. Speaker, is parenting courses. They want to set up courses to assist the parents to help them work through their problems, the situations, to set up support groups of parents that can assist and help each other. Parents who have been successful can work with them, and they can try different means, different techniques to make it work, like they do in the African society. It's a whole village that is responsible for bringing up a child. So, you know, it's very important that we do have these.

Even special needs. Maybe there's a special . . .

THE DEPUTY SPEAKER: I hesitate to interrupt the hon. Member for St. Albert, but the time limit for consideration of this item of business has concluded on this day.

head:

Government Bills and Orders

head:

Second Reading

4:30

Bill 15

Hospitals Amendment Act, 1996

[Adjourned debate March 19: Mr. Dickson]

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

MR. DICKSON: Mr. Speaker, thanks very much. I had barely got started last day, and there was much more to say at second reading on Bill 15. I think my colleague the Health critic in our caucus had spoken well in terms of some of the principles of the Hospitals Amendment Act, 1996, and some of the problems that ensue. I wanted to highlight a couple of other concerns that haven't yet received any public attention or any attention in this Chamber.

One of the things that I find curious, just mechanically, is how it's proposed under this Bill that this levy is going to be calculated. When we look at it, we see that this is frankly a case of where the Provincial Treasurer comes up and does the calculation. You know, there are very few rules that give direction to the Provincial Treasurer in doing the calculation.

If you happen to be an insurer and you're not happy with the calculation, what do you do about it? Well, you have a limited right of review, but if you look at section 99.91, who does the review? Well, it says that the review is going to be done by "an employee of the government" selected by the Provincial Treasurer. Now, if we're talking about what may be, I assume, hundreds of thousands and presumably millions of dollars, what comfort am I going to have if I'm an insurer and I don't like the estimate that's been done by the government and I want to appeal the thing and the appeal is to somebody who hasn't a semblance, a hint of independence? It's somebody who's under the direct control and supervision of the Provincial Treasurer. That's what you might call a closed loop. That sure as heck is not what we look for when we talk about an independent review.

You know, there are some other things that are curious about it. We go through section 99.91, and there's a 30-day time limit, when they get it from the Provincial Treasurer, for somebody who has a concern with their assessment to appeal or ask for a review. A 30-day appeal period is relatively tight given the dollars involved and the complexity of the formula. But then what happens, if we read on to subsection (4) of 99.91, is that we have no time limit for the person conducting the review. You have somebody in-house. It's sort of a hurry up and wait situation where we require the insurance company to scramble really fast, submit notice that they want a review. You must set out a written statement that says "the reasons on which the request for a review is based." As I say, 30 days would not afford, I think, sufficient time for an insurer to be able to particularize objection to it. It then goes in front of this nonindependent, internal government employee who makes a decision, but there is no time limit for a decision by this employee. Is it one month? Is it 30 days? Is it six months, nine months? If we're talking about potentially millions of dollars, why would we not have some fairly tight time limits, at least limits that would reflect the urgency that we thought existed by imposing a 30-day time limit on the insurer to give notice?

Something else that's interesting is that the interest accrues. You see, this is why it becomes damaging. Pursuant to subsection (5), the "interest accrues on an unpaid amount . . . from the time that the amount should have been paid under section 99.5." So what we've got then: retroactively there's going to potentially be in some cases a great big interest hit to an insurer because of delays on the part of a Treasury Department employee who has no statutory time limits, who doesn't even have a requirement to move in some expeditious manner. No requirement for that person to move with alacrity, but we're certainly going to require the full payment. This just seems to me to be basically unfair. We had been talking earlier about lack of fairness to parents and fairness to people who may lose their right to sue, but fairness cuts both ways, Mr. Speaker, and insurance companies also are entitled to some elementary fairness.

Section 99.91 doesn't afford the most fundamental kind of fairness. You've got a requirement here that the Provincial Treasurer shall refund money if in fact there's been an error made in the assessment, and that error is determined by this review person, although I don't know how much confidence people in the industry are going to have that somebody receiving a paycheque from the Provincial Treasurer is going to be aggressive in terms of telling the Provincial Treasurer he made a mistake. But in that eventuality, there's no requirement that the amount be paid within 60 days, within 30 days, within six months, within a year and a half. Why is it that the time limits only apply to the person raising the appeal or making the claim and not to government? I think it's got to cut both ways, Mr. Speaker. In the freedom of information Act, one of the few statutes where the government actually is required to do some things in a timely way, there's a time limit there to make sure it happens. Why is it that those kinds of standards only activate government on some pieces of legislation and we don't see it in other areas? That's a significant problem with 99.91 and the whole review process.

The other concern, I guess, is that the whole approach in terms of the manner of making payment is going to be "governed by the regulations," 99.5(2). We've raised many times in this House before – I think at last count we've raised it now over 60 different times – the fact that regulations aren't vetted in front of a committee of the Legislature, the Standing Committee on Law and Regulations, which continues to be a problem.

Now, standing back from that and just dealing with the Crown's right of recovery in the cost of health services, I'm a bit concerned that this Act is being held out as doing something, recapturing for taxpayers huge amounts of money that are getting away on them now. I think what perhaps a lot of Albertans may not have been told, Mr. Speaker, is that already in this jurisdiction the single, biggest health care cost, until the Minister of Health opposite tells me differently, is the hospital cost. I mean, there are lots of costs in terms of doctor's attendances and medication and therapy and so on, but the single, biggest cost is hospital cost, the cost of being in a hospital day after day.

Those costs are already recovered. If you're a plaintiff and you have a personal injury action, one of the first things your lawyer is going to do is write the hospitals commission and ask for a statement in terms of what the hospital costs have been to date, and that lawyer includes that subrogated claim in the statement of claim. That becomes one of the compensable, recoverable items in the lawsuit. That money is paid, and it goes back to the hospitals commission. That's the reality right now, in 1996, and has been for a number of years: the single, biggest cost in terms of health care to victims of motor vehicle accidents and other

kinds of tortious claims has already been recovered, recaptured, if you will.

So what we're about in Bill 15 is not that single, big-ticket item, which would otherwise be good reason to give taxpayers concern but all of the other kind of individual nickel-and-dime costs that go on in terms of health care, and certainly in the aggregate it's a significant sum. It seems to me that what we're doing is a bit of smoke and mirrors. This notion that now we're suddenly going to ask the insurance companies to pass this cost on to their customers so that we can tell Albertans that we're making the wrongdoer pay for medical services simply doesn't make a lot of sense, because I think what happens is that we're recycling taxpayer dollars. There aren't a lot of Albertans that don't have a motor vehicle and hopefully not very many that have a motor vehicle without having the thing insured.

4:40

We've got an Insurance Act that sets out very rigorous standards in terms of the kinds of coverage, in terms of public liability coverage that has to be carried as part of an insurance plan on any of our vehicles. The reality is that if somebody thinks it's only drivers with a bad accident rating who are going to pay, I think that's nonsense. I mean, the history of the insurance business is one of spreading your risk, and that means an incremental change in the insurance policies of every Alberta motorist. That's a lot of people. I don't remember whether somebody in debate mentioned the number of drivers in this province, the number of people with operators' licences. But it seems to me that this is a change, a distinction without a difference. This is a change for maybe an appearance or for some other purpose that's not clear to me. It's not one that's going to advantage Alberta taxpayers. It seems to me we're simply recycling a cost that is already being picked up by the public and at low cost to individual Albertans.

I think we have to say with Bill 15: what's the impact going to be on the constituents in each of our areas? I'm not just talking about the people that cause a serious motor vehicle accident. On all of our constituents. Bill 15 says to me just one thing in very clear words: larger insurance premiums. Before we embrace that and rush out and allow our constituents' insurance premiums to go up, don't we have to have compelling reasons? Don't we have to have a case made that clearly this is a necessary, essential thing to do? Well, if that in fact should be done, it hasn't been done in this Chamber. I haven't seen the analysis that makes a compelling case to turn our system upside down.

This will also be precedent setting in another respect. If you look at 99.1, this will be a regulation that will probably control the largest number of dollars that have ever been managed by a regulation in this province. Here you see not the slightest attempt to somehow give some broader public scrutiny to these calculations and the formula that's going to be used and the "proposed aggregate assessment," in the words of section 99.2. So I see that as being a significant problem.

It seems to me that this is an Act that was designed perhaps hastily. This would be one of these times when you wish we had the chance to have the draftsman from the legislative counsel section of the Department of Justice here to answer questions, because when we go through and we see a lot of things in this Act that are unusual, that are going to have on the face of it pretty negative impacts on our respective constituents, you want the chance to sort of ferret out all of the reasoning behind these things. It's not evident in Bill 15. It hasn't been evident in what's been said in introducing it. Now, maybe the Member for

Medicine Hat, who has a reputation as being one of the more thorough and conscientious members in the Assembly, has some intention at a later stage to embark on that kind of an exercise and give us that kind of information. I think that's essential, but I think we need it up front, Mr. Speaker, not when we get into the later stage treatment of this Bill.

There are a lot of things that I thought we could do in terms of motor vehicle insurance. When the current Energy minister chaired a committee that looked at a no-fault insurance system, there had been a lot of representations from industry and consumer groups and that sort of thing, and then that report just disappeared. We knew it had been done, and it may have been shared with you, Mr. Speaker, and your colleagues in the government caucus, but it never came into this Assembly. I've asked for it for at least two, perhaps three years, and I've never seen that report. I've seen leaked bits and pieces, but I haven't seen the full report.

It seems to me that if the government can make such a fundamental change in terms of our recovery of health costs in the insurance context, why aren't we looking at it in a systemic way in terms of insurance costs, insurance treatment overall? That, to me, would give a framework so that when something like this comes in, instead of just an errant, stand-alone Bill we've got an outline of what this government's principles are when it comes to insurance and changes to insurance litigation and insurance legislation. None of that is evident in the material in front of us. When we look at Bill 15, does this mean that the government has decided that they're not going to go down the road of no-fault insurance? Does this mean they've given up the ghost on that altogether? I don't know, but it seems to me that we have to know that before we can vote on Bill 15.

The real impact in this is in the insurance field, not in the health care field. The health care needs and services are still going to be available. This really becomes very much in terms of how broad a pool is going to pay for these costs or how small a pool. It seems to me that that's the question that is implicit in this particular Bill.

So, Mr. Speaker, I have lots of concerns on the face of it, because all I can see in this Bill is a greater cost in terms of higher insurance premiums for my constituents. I'm opposed to this Bill for the reasons I'd mentioned before in terms of excessive delegated regulatory power, the fact that mechanically there's no outside review, there's no independent review, and there are no time limits. All of those reasons I think impel me to say that I cannot support this Bill. I look forward to the other comments and other analyses and ultimately a much more detailed explanation from the Member for Medicine Hat to help me understand why this initiative and why it's divorced from a more comprehensive approach to reforming our Insurance Act and insurance regulations in this province.

Thanks, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you. I'm not going to stand and speak against the Bill or in favour of the Bill at this time. I want to deal with some of the principles, and by putting forth a few questions, Mr. Speaker, perhaps I'll elicit some answers that will help me with my final decision.

Now, the Bill itself, as I understand it. When I was looking at the Member for Medicine Hat's comments, he indicated that the Act

will streamline the process for recovering the cost of health

services based on the principle that negligent third parties should bear the cost of health services required as a result of their actions.

Now, that's a principle, Mr. Speaker, that certainly I can support. I don't have difficulty when I look at that as a principle standing on its own.

When we look at where this new pool of money is to be raised, his comments indicate that

under the new system a direct payment would be made to the Provincial Treasurer by each Alberta auto insurer.

Now, certainly there can be no question that that would mean an increase in rates. The hon. Member for Medicine Hat went on to indicate that in fact he thought that would be "minimal." I don't have that same confidence in the insurance industry that he does. However, I would ask for clarification in this sense.

As I read this Bill and as I looked at this Bill, it struck me that what we are attempting to do here is replace the unsatisfied judgment fund that presently exists in the province of Alberta. The Health minister shakes her head in that particular sense, so in fact that would change my train of thought on that aspect. I note that there is such a fund, Mr. Speaker, and if there is no insurance by some wrongdoer as such, there is opportunity for Albertans that have been injured to recover costs from that fund. There was a constituent in my office recently that was awarded some \$200,000, and it came from that fund as a result of no insurance pool being there to actually offer some sort of remuneration for the very serious injuries he received. Of course, the other driver in this case wasn't insured.

When I look at the principle of it, I certainly say that to create a pool so that in fact the burden is not on the government itself to pick up health care costs as a result – and I could use myself here as an example. If I were a negligent driver and caused a rather serious injury to someone and I did not happen to be insured, in my mind I can see where the insurance companies would perhaps have a rightful responsibility to provide some sort of dollars to ensure health care costs would be recovered as opposed to that falling on the public purse. Now, that principle in itself I think is fine. I certainly can, I guess, expand that to some degree and suggest that really what we're doing is adding another element of general overall health care premiums to one and all in the province. Some clarity to that matter would assist me in overcoming my opposition to that particular thought, Mr. Speaker. I do think, when I look at the Bill, that there is some clarity required and some certainty that must come forth from the Bill that doesn't cause Albertans to arrive at the conclusion that this is a backdoor method of increasing health care premiums as such.

4:50

As I indicated, my comments will be brief. I'm looking for some clarification on some of those issues so that in fact I might have the opportunity to be swayed one way or another. As I look at it presently today, I see some positive to it. I see some concerns if we were to take it to the next plain and suggest, when we deal with negligent automobile drivers: would they in fact or is there the potential that the next step would be somebody of a negligent lifestyle, somebody that perhaps is undertaking activity such as playing hockey and having the potential to be seriously injured? Would I then have to pick up my own health care costs in that case? I don't think this Bill is suggesting in fact that we cross that particular line at this point, Mr. Speaker, but that's some of that clarity that I feel is required in this case. The hon. Member for Medicine Hat related it very closely to automobile accidents and those that were wrongdoers and not insured.

The insurance companies, according to his comments, are somewhat accepting of the proposal that they should create this pool. I'm surprised that they would in fact accept responsibility for someone that is not insured. I was always of the opinion that the Alberta unsatisfied judgment fund was that cover, and perhaps, incorrectly, the public shouldn't be expected to pick up those costs. If there is no pool of money, then it certainly has to fall somewhere. We have to ensure that not only can the government recover its dollars but perhaps those injured Alberta clients or people that may have fallen into that situation where there's no insurance by someone or someone is negligent in their undertaking.

So with those comments I would ask the hon. Member for Medicine Hat perhaps to clarify some of my concerns. If he does so, then he will have my support on the Bill.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Avonmore. Not to close debate.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I've been following this debate on Bill 15 surrounding the Hospitals Amendment Act, 1996, rather carefully, and I've been pouring through *Hansard* from debates passed and from the debate of today as well to try and determine whether in fact overall I favour it or I do not. I find myself getting deeper and deeper into more and more questions as I read all the different parts of the Bill and as I read and reread things that have been said.

As I understand it from the hon. member who has proposed this Bill, there is a sincere attempt on his part – and I believe him – to in fact streamline some of the process surrounding the recovery of health care costs related to individuals involved in accidents and specifically with regard to the government's attempt to recover from negligent parties – is that right? – the costs of health care, and specifically we're talking here also about individuals who are not covered by an insurance program. Perhaps I need some clarification on that point.

I read with interest his opening comments that there should be a sincere attempt made by government to not only streamline costs and make systems more efficient but also to recover proper due from individuals who are at fault here. I think, on the surface at least, I applaud that effort. I was quite astounded to read that there is something, Mr. Speaker, in the order of \$11 million annually that is recovered through an existing program and that that program has been in effect for 30 years. So if nothing else, at least I welcome this opportunity to discuss and hopefully come up with some solutions that will move the process forward, because I think any law that has been in effect for that long certainly should come up for a timely review. So I'm in the debate on that basis.

Now, as I look at this Bill, I would be the first to appreciate the dilemma that the government faces, especially given its current attempt to continue with balanced budgets, Mr. Speaker. As I read Bill 15, I acknowledge the dilemma of how high health care costs have become in the past, and to some extent I applaud the Minister of Health's sincere efforts to bring those costs under control. Whether or not this Bill will in fact help do that is just not immediately clear to me.

I'm not sure who it is that this Bill is actually designed to really favour, if that's the word. As I read through Bill 15 and as I read through all Bills, Mr. Speaker, I tend to always want to know first and foremost the evenness or the fairness of the Bill. How reasonable is it? Does it favour one particular group of people

over another? Does it do more good for one Albertan versus all Albertans? Whom does it favour, whom does it serve, and how fair and reasonable is it in its service to us as a population?

Certainly we all have accidents from time to time, Mr. Speaker. We also know that we all carry insurance. But there are occasionally individuals who for whatever reason don't have insurance or their insurance has lapsed or expired. In that case should they become involved in an accident, we must have laws that respond appropriately for the protection of themselves to some extent as well as for the innocent people who have been hurt through those actions. So I read this with that sort of backdrop.

I always wonder how it is that these Bills are arrived at and then sort of placed in front of us. We seldom if ever – in fact I don't think I've ever received any of the accompanying research that goes into the drafting of these Bills. If there's one thing that I would really like the government to take up in its future Bill drafting, not just Bill 15 but whatever Bills, it is to provide some of that very meaningful information. That would streamline the process in this Legislature, Mr. Speaker.

As I look at Bill 15, I read with some interest. I believe the Insurance Bureau of Canada had a role to play in some of the determinations that now are before us in Bill form, and I would be very interested to know, Mr. Speaker, what the Insurance Bureau of Canada told the government, what input it provided to the government. Were there other forms or methods of resolving this issue presented to the government? If so, what were they? I think there's something to be learned from the things that the government is perhaps rejecting insofar as Bill 15 is concerned as well as from what they are actually incorporating here.

I read this issue, for example, of the beneficiary having to co-operate fully with the minister and their agents insofar as the recovery aspect of the Bill is concerned. I agree; I think people should co-operate fully. The questions that spring to mind are: to what extent will the regulations require individuals to co-operate, and will there in fact be a bit of a creeping bureaucracy with that particular probe? I'm not saying that that's all bad. What I am simply asking the presenter of the Bill is: at what point does that particular probe into the beneficiary's co-operation stop? In other words, what are the parameters within which, if I were a beneficiary, I would be expected to co-operate? Is there a potential for infringement on privacy therein? I believe that point has been raised by others, so I'll just leave that, but I would like to underscore that as one area that I would just like a little further clarification on.

5:00

As I review what the net impact of this entire Bill will be, I'm curious to know how it affects me as an insured driver in the province of Alberta. What effect does Bill 15 have on the insured people, the people who play by the rules, who play by the law and abide by the law? How does it affect, for example, my insurance rates or my insurance premiums? What did the Insurance Bureau of Canada say in that regard? Do they see the potential, Mr. Speaker, for this Bill to result in an increase in my insurance rates for example? If it does, then who's going to become responsible for imposing those fee hikes, if in fact there are fee hikes contemplated? That's part of the thing that the normal Albertan out there really wants to know: what effect does this have on me?

Sometimes, Mr. Speaker, with the parliamentary and legal jargon that seems to be required in these Bills, it's difficult for an average Albertan to read this quickly through and understand that. I suppose that's what our debate in the House is focused on as we go through Bill 15: to try to flush out a little more of an under-

standing of some of the things that may not be imminently spelled out in the Bill. I can appreciate the concerns and the comments and the arguments in favour of the health care cost recovery side, but there are sometimes other aspects that come in, where the consumers have to bear the brunt after the Bill is passed because insufficient debate perhaps took place or maybe some points got missed. That's certainly part of our job, to try and get some explanations for them. So this issue of compliance by the beneficiary, agreed, but how far does the strong arm of government apply in that case? I wonder also how far ought it extend?

The other point is with regard to the establishing of aggregate assessments, which I think is couched in the terminology of something to do with "in accordance with the regulations." In other words, there will be some extended regulations that later, I'm sure, we will see what they look like, that would clear this up, but I wonder if it could be cleared up now, in just very simple terms, how it is that the aggregate assessment formula works. I know that there is a formula referred to later, but the very first part of the assessment determination: how is that arrived at? What protection is built in here for both parties? I know we're talking about individuals who are victims or perhaps they are beneficiaries because they are receiving the benefit of health care recovery on the one hand, and then we're also talking about the wrongdoers, or the people who caused the accident, but in the end, Mr. Speaker, an accident is still an accident. We don't sit down in our vehicles and go out there trying to create an accident or trying to make an accident happen. So as we review these laws, we must understand what . . . [interjections]

THE DEPUTY SPEAKER: Order.
Edmonton-Avonmore.

MR. ZWOZDESKY: Thank you, Mr. Speaker.

As we review these, we must take a look at the Bills always from the standpoint of how it affects both the beneficiary and the wrongdoer, and I'm not convinced that I have that understanding firmly enough from reading through the Bill.

A little later on, in section 99.2(1), it says that "before establishing the aggregate assessment for a calendar year," the minister shall do certain things, including providing notice to the insurance or the automobile industry. That is pursuant to the Insurance Act, which of course means that we have to roll into this whole equation a careful study or at least a review of what the Insurance Act is and how it impacts on this as well, and I have not seen how that would work yet.

The other and nearly final comment, Mr. Speaker, is on page 4 of the Bill where we talk about, again, regulations. Just to hammer the point home a little clearer, we talk about the Provincial Treasurer here also being required to provide notice of this assessment factor. I really do need to know more about that assessment factor and how it is accrued because as I understand it, it is what drives the pool of money. I would just like to know how that formula specifically works in that regard. Is what the Provincial Treasurer is required to put before the insurance industry, on page 4, different somehow than what the minister is required to put before the automobile insurance industry, on page 3, or is it one and the same? If it is one and the same, then is that not a duplication of effort and a bit of a creeping of the bureaucracy right there?

Then further on, of course, as I recall from reading the Bill, Mr. Speaker, there's also reference to an auditor and what role he has. Now, I appreciate that the auditor comes in after the fact

and reviews everything and says yes or no. There's of course a provision on page 6 for the auditor to enter these premises. "At any reasonable time" he can enter the offices of an automobile insurer who's licensed to provide these services. I see that potentially as a bit of a creeping bureaucracy as well, although I fully understand, if the Bill is passed, why that particular protection would have to be there. I just wonder, though, if that is in fact a bit of a duplication of effort from the Provincial Treasurer through to the minister and ultimately on to the Auditor General as well.

Finally, I see where the automobile insurer who is licensed to provide this insurance pursuant to the Insurance Act is required to file with the Provincial Treasurer a report regarding the premiums for third-party liability that have been written up in that calendar year. I wonder too: is that not something that is already currently done? Is that just a regurgitation or a reiteration of something that we're already doing, and is that something that we could perhaps do in another way? I suspect probably it is, and perhaps the mover of the Bill will just comment on that very briefly for my own self.

Having been involved in at least one or two accidents in my time, some of them having caused some bodily harm, I fully appreciate the fact that the health care system was there to help me out. It didn't matter if it was physiotherapy or chiropractic services or something requiring hospitalization, it seemed to work very well for me, and I'm hoping that in no way does this Bill provide or create any type of a deterrent from that quality of service that Albertans have traditionally come to value. I personally have benefited a great deal from chiropractic services, for example, and would recommend to others to seek out those services should they need them.

However, I want to just conclude by saying that until I have a little clearer understanding from the mover regarding the issues that I have mentioned and those issues which some of my colleagues have mentioned, I find it difficult at this stage to really cast a final opinion, Mr. Speaker. I've tried to be very balanced in my reading of this Bill, as I try to be on all Bills, and have tried to look at it from all perspectives, not just from the insurance industry's, who has a large stake in this obviously, not just from the Health minister's point of view, who has a very large stake in it, and not just from the point of view of the taxpayer either but from the standpoint of everybody who's involved. I find in the end that the conclusion I come to for the moment, as I await answers, is one of reserved judgment until I hear more debate and more of these issues are cleared up for my benefit and for the benefit of others who have also asked them.

I do commend the member for bringing it forward. Bill 15 is a good review and a good opportunity for us to look at something that is three decades old. I'm looking forward to answers and to casting a vote after I've heard more about it.

Thank you, Mr. Speaker.

5:10

THE DEPUTY SPEAKER: The hon. Member for Bonnyville.

MR. VASSEUR: Thank you, Mr. Speaker. I appreciate the opportunity to enter debate on Bill 15. It's premature to make any definite opinions about supporting or not supporting the Bill, because there are a lot of unanswered questions. From all appearances it's not only a revisitation of Bill 46 that was introduced a couple of years ago, but it's in addition to a lot of debate and a lot of negotiations that have been done with the industry. Obviously, the Bill was not proclaimed because of the

concerns of the industry, and hence the issue is back in the Legislature here for debate.

Now, there is no question at all about the intent of the Bill itself: those who are negligent should be made responsible to pay and be accountable for the wrongdoing and the costs incurred. In this instance the costs incurred that we're talking about are health costs, the health costs being the issue that was visited in Bill 46, expanding on the existing legislation that was only looking after hospital costs.

Now I would like to ask the Member for Medicine Hat to expand on some of my concerns, some of my questions, because when I look at the Bill itself and I look at section 81, the way it read before – and if I'm correct in this, Bill 46 that was introduced previously only changed some minor wording, from hospital costs to health service costs, which increases the costs dramatically, but those were basically the only changes. But I read the existing legislation, prior to Bill 46, and even the changes that were proposed under Bill 46, and then I go to the section that's supposed to be added on to section 81, item (3), which says:

The Crown does not have a right to recover the Crown's cost of health services provided to a beneficiary if

- (a) the beneficiary's personal injuries are caused by an act or omission of a wrongdoer.

I find this the opposite of what the intent of the Act is. I don't know if I'm reading this properly or not. That thing is very confusing to me. It says that the intent of the Act previously was to recoup the costs that are incurred, and if I read this wrong, I'd like the Member for Medicine Hat to tell me what the real issue is here and how we can understand it, because this is not what it's telling me when I read it.

Now, I understand that Bill 46 was never proclaimed. Why does the amendment not say that, that we are amending Bill 46? That's one of the issues, because I look at the Bill here and it says the Hospitals Amendment Act. I think the amendments that we see here are the amendments to Bill 46, which was brought to the House previously yet it was not proclaimed. We are amending Bill 46, and I'm wondering how we can do that if it's not existing law.

If I can go a little further here in the Act, section 99.1(1) says: "The Minister shall establish . . . an aggregate assessment." I know that the assessment this year is going to be established – or maybe it is established already, but we're not privy to that – based on the negotiations that they're having with the industry. Now, is this going to be at the discretion of the minister in a year to follow that the aggregated assessment is going to discredit the amount, that they're going to put a value on the reduction of costs of litigation? All the discussions that have occurred here in the last year or two with the industry are basically to renegotiate. They've obviously figured out that it's going to cost a lot of money not only to the industry but to the government to litigate against the wrongdoers. So they're figuring that by establishing an aggregated assessment, they're going to be able to do it at a cheaper rate.

I'm just wondering if the department is going to take that into consideration the year following and say: "Well, now that we've got a deal, now that we've got legislation, let's forget about what the savings are. We're going to take the total cost of the wrongdoers or the total cost that we want to recuperate from the Department of Health and go with that with the new assessment." That could be considerably higher than the assessment that they come up with this year, because they're negotiating with the industry. I'm just wondering if the Member for Medicine Hat

could reply to that issue. It will certainly have some effect on the way that I look at this proposed legislation.

Now, there's another issue here – and maybe the member can answer this one also – in 99.92, which is the section that addresses the auditor, the duties of the auditor. I'm just wondering: what are going to be the department's costs for auditing all the agents across the province, the automobile insurers? There obviously has got to be a substantial cost. Who picks up that cost? Is that cost picked up by the Department of Health, or is that picked up by the industry? Who picks up that cost, and what is that cost?

I'd like to go back to the responsibility of the wrongdoer. I mean, we started off the debate on this issue in Bill 46, which said that we're going to collect from the individual or through his insurance whatever the costs that were borne. Now we say that it's too difficult to do it that way, that we're going to have everybody pay it. This is the area that I have problems with. To me it's quite a socialistic proposal to bring forward, to have the Member for Medicine Hat, the Member for Edmonton-Glengarry, the Member for Chinook, everybody pay for these costs. There probably could have been a better way, I think, of trying to recoup from the insurance company that is carrying the insurance on the individual that was in the wrong. I'm just wondering how the government came up – and maybe they have some figures, and maybe they can convince us that that's the best way to do it. Maybe the member in his closing words can tell us what those numbers are, if there are any.

With those comments, Mr. Speaker, I'll let somebody else speak to Bill 15.

SOME HON. MEMBERS: Question.

THE DEPUTY SPEAKER: St. Albert has risen. We can't close debate as long as another member has risen.

St. Albert.

MR. BRACKO: Thank you, Mr. Speaker.

MR. VAN BINSBERGEN: Listen, Rob. It's good stuff here.

MR. BRACKO: Yeah. It's important things that I would like to know.

Speaker's Ruling Closing Debate

THE DEPUTY SPEAKER: Some hon. members appear to not understand the process. In second reading we continue debate until there are no more people standing. Then the mover is invited to sum up and close debate. In this case there is a member standing. It doesn't matter whether or not he stood first or second. I know, Medicine Hat, that you're aware of that, but some others are not.

We'll invite St. Albert to speak.

MR. BRACKO: Thank you, Mr. Speaker. I appreciate your reaffirmation of what the process is.

5:20

Debate Continued

MR. BRACKO: I want to thank the Member for Medicine Hat for going over it with me carefully section by section when I had questions earlier, taking the time to explain it, but I still have questions. It's still confusing to me, and I want to make the best

decision possible for my constituents in St. Albert. I owe this to them and to all Albertans.

I have to admit that these are times when I miss city council days, because they always provided a briefing with the pros and the cons. There was always information. We never get this, so it's much harder to make a decision. I guess they say, "Go and find your own information," but that doesn't allow me to make the best possible decision for my constituents and for all Albertans. So I would appreciate getting information, and these are some of the questions I have.

On the insurance, the government will get a certain amount, but what's to stop the government from collecting more than the costs are? One of the concerns I had was with the Alberta Municipal Financing Corporation, where the government took \$300 million that belonged to the municipalities for their own use in tough times. I want to know: what's there to prevent this from happening? It has happened. I'm not trustful. I should be. I want to be. But I want an explanation of what provisions are in there to make sure this doesn't happen.

Again we saw a similar thing happen with the federal budget. They expected a tax on gasoline and liquor. So what happened? The gasoline companies and the liquor industry raised the price expecting the tax to be there. They could blame this on the government. I don't want private enterprise to blame government. Sometimes this government has taken blame for things that were not there.

So what is there to prevent this from happening? I don't say that they'll do it, but it's happened before with other industries. I want to know: what's to prevent the insurance industry from doing the same thing? If health care costs go up, what's to prevent the insurance company from also raising their fees and putting the blame on the government?

Another question I have: if it's a non motor vehicle accident, what happens? For example, a bike may not be insured; as a cyclist I may not pay insurance on my bike. If I hit somebody or if somebody slips on my sidewalk on ice, the non motor vehicle accidents, what happens here? How is this looked after? Do my constituents have to pay for someone else's negligence?

Also I would like more information. I know negotiations are taking place, and I thank the Member for Medicine Hat for bringing it to my attention. I respect that, but I need figures. I need something that I can take back to my constituents and run by them. What is the cost increase going to be? What is the projection over the next five years or the next 10 years? Some figures so we're able to monitor what is happening: will the costs double in five years, 10 years? Will our insurance double? I know the member went over that with me, and we looked at about a \$10 increase, but we would like to have this on a sheet so we could go over this.

It's happened in other industries, where the industry gets together and they raise prices. I know that this has happened. The competing companies decide, "We all need to make more profit," so they all get together and raise the prices. How are we going to prevent that from happening, or is that part of the free enterprise competition and it's allowed to do it? What steps are there by the government to look after that?

Has this system been brought in anywhere else in Canada, in the States, in Europe? What are the results if it has?

This is some of the information that I would love to get from any member bringing in a Bill so I can analyze it, go through it, and make the best possible decision. I guess the finer question is: is it coming to where Big Brother and big government are

working together? I don't know if that is the case, but I have questions about that.

So these are, again, some of the questions I have, Mr. Speaker. I would probably have more, too, as we go through it, but I'll leave that for Committee of the Whole.

I move adjournment of debate.

THE DEPUTY SPEAKER: The hon. Member for St. Albert has moved that we adjourn debate. All those in favour of this motion, please say aye.

HON. MEMBERS: Aye.

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

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