

Legislative Assembly of Alberta

Title: **Monday, May 6, 1996**

1:30 p.m.

Date: 96/05/06

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

At the beginning of this week we ask You, Father, to renew and strengthen in us the awareness of our duty and privilege as members of this Legislature.

We ask You also in Your divine providence to bless and protect the Assembly and the province we are elected to serve.

Amen.

Please be seated.

head: **Reading and Receiving Petitions**

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

MR. SAPERS: Hello, Mr. Speaker. With your permission I would like to have the petition which I presented to this Assembly on May 1 regarding the protection of our publicly funded, universally accessible, comprehensive health care system now read and received.

THE CLERK:

We the undersigned residents of Alberta re-affirm our support for the five basic principles upon which Medicare was built: accessibility, universality, portability, comprehensiveness, public administration; and urge the Government of Alberta to uphold these principles.

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Community Development.

MR. MAR: Well, thank you, Mr. Speaker, and welcome back. I'm pleased to table six copies of a summary of the survey which was conducted by Environics West in March of 1996 on human rights issues. Hon. members will note that notwithstanding the efforts of the corpuscular members opposite, this shows that the overwhelming majority of Albertans feel that they are well protected by the Human Rights Commission.

I am also pleased to table six copies of the *Human Rights Update*, the chief commissioner's report for the period January 1 to March 31, 1996.

AN HON. MEMBER: What percentage?

MR. MAR: Eighty-four.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. Unfortunately, we are not able to agree with the minister's last tabling on Bill 24, and I rise to present another list of 61 additional names of individuals who have signed the Remember When ad that appeared in the *Calgary Herald* and the *Edmonton Journal*. These 61 representatives are not in favour of Bill 24 primarily because it eliminates the Alberta Multiculturalism Act.

Thank you.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. In keeping with this government's accountability and openness, I wish to file with the Assembly today answers to questions 164 and 165 and motions 173 and 174.

THE SPEAKER: The Chair has a tabling. Hon. members, the Chair would like to take this opportunity to table with the Assembly a letter received on Friday, May 3, 1996, from the Ethics Commissioner relating to questions asked by the hon. Member for Calgary-North West. A copy of the letter is being distributed to members.

MRS. McCLELLAN: Mr. Speaker, I'm pleased to file with the Assembly a news release that was issued today on the merger of dentistry with medicine, which is a first in Canada. This is an example of good people coming together and serving the citizens of Alberta better through this amalgamation, so I'm delighted to file this, as I was to attend the opening.

head: **Introduction of Guests**

MR. ROSTAD: Mr. Speaker, I'm pleased to introduce to you and through you to members of the Assembly today Mr. Mitrofanenko and Mr. Vinogradov, two senior Russian officials from their respective ministries of social protection. These gentlemen are presently in Alberta looking at various aspects of our health care and social services programs under the Yeltsin democracy fellowship program, which is funded by the Canadian government. While in Alberta they have met with government, municipal, and nonprofit agencies responsible for delivery of services to Albertans. In fact, the Seniors Advisory Council has been most instrumental in ensuring these gentlemen receive a complete overview of our system. I would ask that Mr. Mitrofanenko and Mr. Vinogradov please rise in the members' gallery and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. minister for science and research.

MRS. MIROSH: Thank you, Mr. Speaker. I would like to introduce to you and through you to members of the Assembly a group of grade 6 students from my constituency in Calgary, St. Stephen's school. There are 33 students and their teacher Mrs. Tammy Kolody and parents Mr. Guy Paradis, Mrs. Dixie Kajdy, and Mrs. Jeanne Walsh. They are in the public gallery, and they can't see me, but I would like them to rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. THURBER: Thank you, Mr. Speaker. It's indeed a privilege for me to introduce to you and through you to the members of this Legislature some 60 visitors from the Falun elementary school west of Wetaskiwin in the beautiful constituency of Drayton Valley-Calmar. They are accompanied today by teachers Mrs. Robins and Mr. Lewis and parents and helpers Mrs. Heilman, Mrs. Rossetto, Mrs. Kijewski, Mrs. Reeves, Mrs. Sjolín, and Mrs. Henke. I would ask that they rise in their places and receive the warm welcome of this House.

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

MR. WICKMAN: Thank you, Mr. Speaker. I'd like to introduce to you and through you to all Members of the Legislative Assembly a visitor we have today from the Maritimes who is studying journalism at King's College. He's sitting in the public gallery, so if I could have Steven Sutherland please stand and receive the warm welcome of the House.

head: **Ministerial Statements**

THE SPEAKER: The hon. Minister of Environmental Protection.

National Forest Week

MR. LUND: Thank you, Mr. Speaker. With about one-half of the province being forested lands, the long-term viability of the forests is a key issue to Albertans. Therefore, the provincial government is a proud participant in National Forest Week, May 5 to 11.

National Forest Week is a celebration of all the forests in Canada. This year's theme, Forest Regions: Varied Treasures, celebrates the 10 regions of Canada: the coast, montane, Columbia, subalpine, boreal, grasslands, tundra, Great Lakes-St. Lawrence, deciduous, and Acadian. Each of these forest regions holds its own treasures to be discovered. Alberta is home to parts of the boreal, the subalpine, the montane, and the grasslands regions.

I would like to take this opportunity to congratulate the town of Rocky Mountain House on its designation as this year's provincial forest capital. During this week and throughout the year Rocky Mountain House and district have planned a number of events that highlight the importance of the forest to the area and to Alberta.

Activities are also planned throughout the province in celebration of National Forest Week. These include a tree seedling campaign where Environmental Protection is distributing over 15,000 seedlings to schoolchildren, the Junior Forest Wardens, and the general public, tree plantings, educational presentations, tours, and the distribution of educational material on forest topics to educators, schoolchildren, and Albertans.

During National Forest Week and throughout the summer I encourage all Albertans to explore their forests and to find out for themselves the varied treasures of Alberta's forests. Forests are part of the high quality of life enjoyed by Albertans and Canadians. The forest provides recreation and tourism opportunities, an abundant wildlife habitat, and employment and contributes to the clean and healthy environment in which we live.

Alberta Environmental Protection is committed to continuing to work with all Albertans for the wise management of our forest's natural and economic values to ensure future sustainability.

1:40

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I'm very pleased with the minister's commitment to work with all Albertans for the wise management of our forests. It's very important that we recognize that these forests are not just a source of timber supply, but they're also important from the point of view of watershed protection, habitat for wildlife, a focus for recreation and tourism, and helping to maintain temperature regime globally.

It's also important to set aside some areas of our forest in their natural state to ensure protection of species and to act as a measure by which we can judge the success of our management of the harvested forest lands. We do have some concern that government may not have allowed itself a great deal of flexibility

on that score, because about 90 percent of all coniferous timber is allocated or committed or reserved, and about 89 percent of deciduous timber has suffered the same fate.

So I would like to remind the minister of the commitment made to sustainable forest management by his predecessor Leroy Fjordbotten in 1992, when he signed the Canada forest accord, which is really committed to sustainable forest management. It is our hope that the government will work to implement this commitment, especially through endorsing the Alberta forest conservation strategy that is nearing completion.

Thank you very much.

Worksite Safety Improvement Program

MR. DAY: Mr. Speaker, today I'd like to deliver some good news to Albertans. I want to share some information that highlights the success of safety and the power of partnerships.

The Workers' Compensation Board has just announced that refund cheques totaling \$13.3 million will be distributed to 1,079 employers. These cheques are a partial refund of WCB premiums, and they represent the employers' success in reducing workplace injuries and better managing claims when injuries do occur.

Mr. Speaker, these employers earned refunds by successfully participating in the voluntary incentive plan. These employers demonstrate the success of safety. In 1995 the voluntary incentive plan participants' actual costs were \$15.1 million lower than expected based on their accident history. On average, participants reduced their lost time claim rate by more than 4 percent. Claim costs for VIP participants fell by 11 percent in 1995. These improvements contribute towards reduced costs for employers and help workers return to work more quickly, producing a win-win situation for both.

Mr. Speaker, this refund to Alberta companies highlights the effort being made by employers, from the CEO and senior management to the frontline worker, to reduce injuries and to ensure a safe and healthy work environment. That is the power of these partnerships. Where there is the will to ensure a safe and healthy workplace, it is possible, whether the effort is made by a large corporation with hundreds of employees or by a small business operating with only a handful of people.

The whole process is a combined effort of the Workers' Compensation Board, Alberta Labour, industry associations, and safety associations to help employers and workers reduce losses caused by workplace injuries. Through the program employers can earn premium refunds for reducing claim costs through effective health and safety and claims management programs. To participate in the program, employers must have a health and safety audit conducted during the year over which the safety programs are implemented, and they must remain eligible employers to meet the health and safety program standards of the Alberta Labour certificate of recognition. Employers also must comply with the Workers' Compensation Act and the Occupational Health and Safety Act.

The benefits of these programs, Mr. Speaker, are obvious. Not only is there the immediate improvement to health and safety at Alberta workplaces but also a long-term benefit as companies reinvest those dollars in improved injury prevention. Workers and employers should be extremely proud of the first-rate job they did as partners in injury reduction in 1995.

THE SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. We must remember that the rewards that the minister speaks about today are a result of Alberta's employers and employees who have made safety a high priority in their workplace. Maintaining a safe work environment is not only a wise financial decision, but it is also the right thing to do. Lives depend on it. On behalf of the Alberta Liberal caucus I commend the employers who have encouraged and strived for a safer working environment. They are certainly deserving of a refund from the money that they have paid to the WCB.

I would also like to congratulate the employees who have created a safer workplace. Although they do not enjoy the direct financial benefits of their safety record, they have likely done the most to ensure that lost time due to injuries has been significantly reduced.

It's interesting to note that the minister responsible for the Workers' Compensation Board is very quick to stand up and take credit whenever the WCB has some positive news to share. However, when concerns are raised, such as the increasing number of injured workers who feel they are forced to appeal in order to receive benefits they are entitled to, he seems eager to describe the WCB's arm's-length status. So I would hope that the minister will soon be rising to make another statement on some positive news for the injured workers who are needlessly forced through the appeal system.

In closing, Mr. Speaker, I would like to congratulate those employers who are receiving the VIP refunds. Keep up the good work. I would like to especially thank the employees who have helped earn those refunds. It is only through their diligence that we are able to reach our goals of having the safest work sites possible.

head:

Oral Question Period

Bow Valley Centre

MR. MITCHELL: Mr. Speaker, the people of Calgary have made it very clear that they do not believe that the Bow Valley centre or the General hospital should be closed. Tomorrow a group of concerned citizens will begin a series of public hearings on this closure of the Bow Valley centre. A groundswell of support is rising to save this facility, yet we have seen no sign from this government that they are going to act on the concerns of Calgarians. To the Minister of Health: now that she has ordered a review of the Edmonton health authority, why hasn't she ordered a review of the Calgary health authority to determine whether or not their hospital closure plans are reasonable and necessary?

MRS. McCLELLAN: Mr. Speaker, if the hon. Leader of the Opposition casts his mind back a couple of years, he would recall that there were some very extensive external reviews done of the acute care services in Calgary. Indeed, a report came forward to government: part of it was accepted; part of it was not.

The other thing the hon. Leader of the Opposition should maybe think about is that as I recall, when I became minister, there was a rebuilding project in place for the Bow Valley centre of about, if my mind serves me right, \$190 million, because that place needed to be rebuilt. That was, of course, put on hold pending the review of acute care services. The Bow Valley centre has served the citizens of Calgary for years. Parts of that building are extremely old; it's been added on to a number of times.

I believe that what is occurring in Calgary right now is a series of community meetings to talk about what is needed in Calgary

for care for the citizens in the downtown area. What I will do is wait until that review is concluded. We'll certainly see what the Calgary regional health authority brings forward after they have the discussion with the community. This to me makes eminent sense, Mr. Speaker, and I'm waiting and anticipating that report, which will be developed with the citizens of that community.

MR. MITCHELL: Mr. Speaker, I wonder whether the Minister of Health could confirm, then, that she'll put a moratorium on the closure of the Bow Valley centre until this consultative process has been completed and she's heard from Calgarians what they really want to have happen to that hospital.

1:50

MRS. McCLELLAN: Mr. Speaker, again I have to remind the hon. member that a very extensive review was done of the acute care facilities in Calgary. A plan for delivery of those acute care services was provided and accepted some time ago. Part of that is the closure of the Bow Valley centre. I believe it's important that the regional health authority look at what services are required to provide services to the citizens of downtown Calgary.

One of the problems that you have in just dealing with issues as they pop up is that your mind does not take on any new ways or ideas on delivering services. Mr. Speaker, I believe that there are some very good ways to deliver all of the health services that are needed to the community in downtown Calgary, and those could be quite different than just an institution. As I said, there has been extensive review. I was trying to recall the cost of that study; I know it was significant. It was reviewed extensively by this government, and the Calgary regional health authority confirmed that and are moving ahead.

I would also remind the hon. member of the very successful relocation of the Grace hospital programs for women's health to the Foothills centre, where in fact the Grace hospital leaders were very much a part of that move because they could see where extended services would be available. I'll also point to the relocation of the services from the Holy Cross. Mr. Speaker, the one thing the hon. member should remember is that it is not the building or the walls that make quality health services; it is the programs and the people. In Calgary we have the programs and the people.

MR. MITCHELL: Mr. Speaker, what is the logic of closing the Bow Valley centre at the same time the Calgary health authority is talking about building a new downtown urgent care centre and a new hospital for the southeast of Calgary? Why build a new facility in downtown Calgary when you're closing an existing one?

MRS. McCLELLAN: Southeast? I don't know where the southeast came into this, Mr. Speaker. But it's one of the things that I guess is a problem when you have it all prepared what you're going to say before you come in this room.

I pointed out to the hon. Leader of the Opposition that three years ago there was a proposal, about \$190 million, if memory serves me right, because the Bow Valley centre had to be replaced. Had to be replaced. Now, that was put on hold while a review was done of all acute care services. That review has been concluded and has been accepted in Calgary. Part of that is what services are needed in the downtown area, and there are many different needs in that area.

I suggest to the hon. Leader of the Opposition that we listen to the citizens in that area, hear what services are important to them,

and how they can best be delivered in that area. It may not be with a set of buildings, which as I said have served that area well for many, many years but were requiring an almost complete rebuilding to the tune of about \$190 million. I'm sorry; I don't understand the mystery of having to be replaced three years ago and perfectly good today.

Capital Health Authority

MR. MITCHELL: Mr. Speaker, the Minister of Health has created a new committee to monitor and review the activities of the Edmonton Capital health authority. The Provincial Treasurer, on the other hand, has stated last week that there will be no additional funds for health care. To the Minister of Health: what is the point of this new committee when there will be no possibility of funding increases even if the committee recommends that this is necessary?

MRS. McCLELLAN: Mr. Speaker, the review committee, which will work very closely with the Capital health authority to understand why they are feeling stress on their system, why they are not able to provide the services that are needed within the funding envelope which has been given out fairly and equitably, I would suggest, throughout the province, will report by June 30. A part of that committee's work is to work with the Capital health authority to prepare a budget that will allow them to provide those services within the funding envelope that has been provided by this government, which included an increase in funds this year, not a decrease, as I have read in some areas. Perhaps that's the hon. leader's problem, that he's maybe read those things too.

In fact, this region, as did I believe all regions in the province, received an increase in funding this year. So, Mr. Speaker, I am going to certainly wait until June 30 or thereabouts, when this committee comes back. The Capital health authority is fully supportive of this review because certainly they want to deliver quality health services to the citizens of Edmonton, and if there are better ways to do that within their funding envelope, they look forward to hearing that.

MR. MITCHELL: Which performance measurements will the Minister of Health use to determine whether or not she and the Treasurer are right when they say and she reconfirmed just moments ago in this Legislature that there will be no new money for the Capital health authority regardless of what this committee recommends, regardless of whether or not they suggest that this authority is underfunded?

MRS. McCLELLAN: Well, Mr. Speaker, I'm quite prepared to wait until that review is concluded. The review will be chaired by the chairman of the health restructuring standing policy committee. That committee, of course, has reviewed restructuring and input over a period of time. Although I'm not prepared to provide all of the names for that review as yet, I will be doing that quite quickly. I believe it's a capable group that can come together with the Capital health authority and provide the quality patient care that is needed, desired in this area within the funding envelope.

As I say, the concern we have is that 16 regions in the province are providing quality health services to their regions within the funding envelope. Now, surely the hon. Leader of the Opposition would not want us just to dump a bunch of money into one region without understanding why that region is having difficulty providing those services within their funding envelope. Surely he

is not suggesting that, because certainly we are not here. We believe that we should have very good accountability for the taxpayers' dollars in this province, and we'll wait for the review.

MR. MITCHELL: Mr. Speaker, will the Minister of Health release those performance measures upon which she based her decision to give both Calgary and Edmonton health authorities just last week an extra \$12 million each even though they have identified very different needs?

MRS. McCLELLAN: Mr. Speaker, although the Capital health authority and the Calgary health authority may have identified different areas where they were facing pressures, they were indeed both facing pressures, both valid, in delivering services. I believe most emphatically that the division of those dollars was appropriate. As I said, the regions have been funded on an historic basis, which is through the acute care funding model, the case mix index for long-term care, mental health dollars, public health dollars, and we have monitored the export/import very carefully. Frankly, we don't know nor does the Capital health authority know why they are facing more pressures than other regions to stay within their funding envelope, but I can assure the hon. Leader of the Opposition that that health authority does want to understand that, as do we, and we'll wait for the report of the review panel.

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

Health Workforce Adjustments

MS LEIBOVICI: Thank you, Mr. Speaker. Currently both the United Nurses and the Health Sciences Association of Alberta, who represent thousands of health care workers, are in negotiations with the province's health care employers. One of the issues that they are very concerned about is the area of severance and training allowances. My questions are to the Minister of Health. Will the minister commit today to ensuring that health care workers receive the same consideration for severance and retraining that health care managers and doctors are receiving?

2:00

MRS. McCLELLAN: Mr. Speaker, I'll go I guess one step further and remind the hon. member that indeed there was a workforce adjustment program put in place two years ago for health workers which the physicians in this province weren't able to access. That \$15 million came out of dedicated dollars from this government. The discussion that is under way with the AMA as part of the agreement on a transitional pool is coming out of dollars that are in a reserve pool of physician funds, not out of new dollars from the government. So those discussions are quite different.

In fact, we did respond to the workforce adjustment plans many, many months ago, Mr. Speaker, and that has been in place, has provided counseling, has provided opportunities for retraining. We have discussions and in fact programs going ahead with the minister of advanced education for course content that may be required. I know that the Minister of Labour would want to add to my comments about what that fund has been able to accomplish for the health workforce.

MR. DAY: Mr. Speaker, the accomplishments of the fund and of those using it have been significant, and compliments actually

should go to all participants, because the needs are being met. No area of endeavour is ever perfect, but I can tell you that this particular one is being much appreciated, has been appreciated, and the effects have been significant.

THE SPEAKER: Supplemental question.

MS LEIBOVICI: Thank you, Mr. Speaker. Perhaps the minister should be reminded that the transition fund is money that's provided . . .

THE SPEAKER: Question.

MS LEIBOVICI: Can the Minister of Health or the Minister of Labour explain the fairness in 4,200 doctors being able to access a \$7 million transition fund while 60,000 health care workers can only access a \$15 million transition fund?

MRS. McCLELLAN: Mr. Speaker, the \$7 million that is being recommended to this program is coming from physicians' funds. Certainly it is a part of a dialogue with the Minister of Health and the Department of Health through the AMA agreement and off-line discussions as to final approval for this.

I want to remind the hon. member and all members in this House that we in Alberta were the only province in Canada that had a capped physician agreement; that is, a cap that had a hard cap. So if utilization of physician services rose above that figure, indeed physician fees went down; if utilization was lower, those dollars were to be redistributed to physicians. The decision was made by the AMA in consultation with us that those funds would be held in a reserve pool and that we would look at ways of disbursing those funds.

I would also remind hon. members that the physician pool of dollars has reduced from about \$907 million, I believe it was, in '92-93 to \$737 million this year. So there have been some significant reductions.

Mr. Speaker, I'll be reviewing this proposal and the final details of it probably this week and will have further response on it, but I want to assure the hon. member that we did respond to the health workforce two years ago.

THE SPEAKER: Final supplemental.

MS LEIBOVICI: Thank you, Mr. Speaker. Again, in a publicly funded health care system physicians are paid . . .

THE SPEAKER: Final supplemental.

MS LEIBOVICI: Can the minister direct the regional health authorities and other provincially funded employers to establish a transition fund similar to that of the AMA's to assist workers when they have been laid off or face income reductions of more than 25 percent?

MRS. McCLELLAN: Mr. Speaker, although the Minister of Health does not directly get involved in discussions with the unions who represent our health workforce, I would not discourage any health workforce group from setting up a pool such as this if that would be in their best interests and what they want to do.

I would remind the hon. member again that the \$15 million that was put into workforce adjustment for health workers came

directly from this government in new moneys for that. The discussion that is occurring today is talking about funds that are in a physician reserve pool. I would also remind her one more time that we were very fortunate in this province to have a capped agreement with our physicians which said that our costs would not rise no matter what the utilization change was in this province. It was a good agreement for this province, and it certainly is still a good agreement for us.

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

Cattle Industry

DR. TAYLOR: Thank you, Mr. Speaker. My questions are all to the Minister of Agriculture, Food and Rural Development. The cattle industry is one of the cornerstones of the Alberta economy. It's estimated by the Cattle Commission that there are over 30,000 cattle producers in the province. As we know, cattle prices have taken a severe downturn in the last number of months. In fact, some people are going broke. Can the minister indicate whether cattle producers are included in the new farm income stabilization program and, if so, how?

MR. PASZKOWSKI: Yes, the cattle industry is part of the program. It's important to understand that the program is commodity neutral. Therefore, it involves all commodities that agriculture produces in the program. This is the first of its kind, the first that's ever been developed that allows for that.

The cattle industry, as the hon. Member for Cypress-Medicine Hat has indicated, is indeed a very strong part of the agricultural industry. As a matter of fact, the meat sector is approximately half of the entire output as far as agriculture in this province is concerned.

The farm income program that was developed is indeed, as I said, commodity neutral. It's voluntary. It involves all commodities, which does include the cattle industry as well.

DR. TAYLOR: Will the tripartite program, NISA, be of any benefit to eligible producers?

MR. PASZKOWSKI: The NISA program, of course, is a different program in that it triggers at a hundred percent. We have some concerns regarding the NISA program because we feel that it's not totally GATT green. Therefore, the cattle industry has indicated that they're not anxious to get involved with the NISA program because indeed there is a danger of countervail should they become involved in that program. Therefore the meat industry is not part of NISA.

Overall on the farm income program our people have traveled to Geneva to check with the World Trade Organization. They've also gone to Washington, D.C., because of our free trade agreement to check with the Americans to see whether indeed it is GATT green. In both instances we had strong indications that it was acceptable to World Trade Organization standards.

DR. TAYLOR: Could the minister explain how the rumoured forage payment from the Crow benefit might help eligible cattle producers?

MR. PASZKOWSKI: Obviously the forage industry plays an integral and important role as far as the cattle industry is concerned. Together with the federal government, the provincial government is working and developing a payment out of the old

GRIP surplus that was put aside for the federal government, the savings that were achieved by withdrawing from GRIP in an early fashion, so that there perhaps should be some payment made for the rotational forage.

When the WGTA was paid out, unfortunately rotational forage was not part of that program, and that's very, very unfortunate. So the province is working with the federal government. It's in the federal government's hands now. To the best of our knowledge we've developed a program that's acceptable and should be in the process of being agreed to by the federal government. We've presented it to the federal government. It's now in the federal government's hands to accept it.

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

2:10 Internet Connection for Schools

MR. HENRY: Thank you very much, Mr. Speaker. Today Telus Corporation announced through its foundation Bright Futures free Internet access to all schools in Alberta through funding of \$7.2 million. I'm sure all hon. members and the public will join me in congratulating Telus for being a good corporate citizen in our province. This kind of leadership is welcome, but it raises some curious questions that I'd like to pose to the Minister of Education. Given that Telus is allocating \$7.2 million in its foundation to hook schools up to the Internet, what happened to the \$5 million you received in supplementary estimates last year that was to hook each school in Alberta up to the Internet?

MR. JONSON: Nothing, Mr. Speaker. In fact, that allocation has been made to schools and school boards across the province subject to school boards' decisions to take up this very favourable opportunity. Nevertheless, it is there for them to enhance and to improve their connections to networks in the province.

MR. HENRY: Well, given that your \$5 million last year was to hook each school up the Internet and Telus in its release quotes your department as saying that only 25 percent of schools are now hooked up to the Internet, are you now saying that we need \$20 million total to hook every school up to the Internet if it took you \$5 million to hook 25 percent up?

MR. JONSON: Mr. Speaker, first of all, just so we can spell this out to the hon. member, there are an estimated 25 percent of Alberta schools already hooked up to an educational network in the province. That was the case before we brought in the request for our supplementary estimate. We acknowledged that at the time.

The second thing, Mr. Speaker, is that the very important Telus announcement today is an offer to school jurisdictions across the province, a very significant offer showing the interest of the private sector in providing this service as far as education in the province is concerned. The \$5 million initiative that we announced earlier was ahead of this particular offer, but I think the two are very complementary. If you have a jurisdiction with schools already hooked up or jurisdictions which are going to take advantage of the Telus offer or some other proposal from those people providing network connections in the province, the \$5 million is there to be additional to what they may already have or to be applied in conjunction with an offer such as that of Telus. I regard all of this quite positively, and certainly we have not in any way reneged on our commitment with respect to the \$5 million.

MR. HENRY: I agree with the minister that the Telus move is a very positive move for all students in Alberta, but the minister still hasn't answered the question, and I'd like him to address this specific issue. Given that you're saying that 25 percent of schools hooked up to the Internet was the figure before your \$5 million that we approved in this Legislature for last fiscal year went in, after the \$5 million is spent, what's the percentage hooked up to the Internet?

MR. JONSON: Well, Mr. Speaker, I believe this question actually was, if I remember correctly, posed before in conjunction with our discussion of the supplementary estimates or during our main estimates. If a school jurisdiction or a school has a network connection right now, as we indicated at that time, the \$5 million is there to add to, to improve, to add more ports – I think that's one of the many terms used in information technology – for the schools so that more students can take advantage of direct service to these network connections.

THE SPEAKER: The hon. Member for Bow Valley.

Brooks Primary School

DR. OBERG: Thank you, Mr. Speaker. My questions today are to the Minister of Education. As you know, Mr. Minister, the Grasslands school division has indicated that they are willing to turn over the Brooks primary school to the Christ the Redeemer school division. It is extremely important for both divisions to expedite this decision so they can continue planning for the fall semester and to let the affected parents and employees know. How and when will this decision be made?

MR. JONSON: Mr. Speaker, I'm pleased to know that the two school boards involved want to move ahead to making an arrangement for the utilization of the primary school in Brooks. I would urge them to come to an agreement as quickly as possible. Alberta Education has been working on this situation for the last number of months, and we will do everything that we possibly can to expedite this situation because I certainly agree with the hon. member that this needs to be concluded. However, it is an agreement to be reached between the two school boards involved. Our role, as far as Alberta Education is concerned, is to do everything possible to make sure it can be done constructively and as soon as possible.

THE SPEAKER: Supplemental question.

DR. OBERG: Thank you, Mr. Speaker. In a recent letter to the local parishioners Christ the Redeemer school division states that before acceptance of the primary school, there must be a guarantee of moneys for equipment, renovations, and modernization. Mr. Minister, can they refuse the Brooks primary school if their conditions are not met?

MR. JONSON: Mr. Speaker, as I indicated, it's very important here that there be agreement between the two school jurisdictions. However, in the course of endeavouring to facilitate this agreement coming to a conclusion, Alberta Education – I believe it has already been indicated, but if it hasn't in a last couple of days, it will be – is prepared to work with the School Buildings Board to make sure that reasonable costs with regard to equipment and relocation, whether it's perhaps moving school grounds equipment to another location to satisfy the interests involved, these sorts of

things, will certainly be looked at in a reasonable manner to facilitate this change.

THE SPEAKER: Final supplemental.

DR. OBERG: Thank you, Mr. Speaker. If the separate school division accepts this school, have they given up their chance for the next new school that is built in Brooks?

MR. JONSON: Mr. Speaker, I'd just like to state very firmly to the Assembly and to the hon. member that in terms of major renovations and new school construction in this province, the School Buildings Board looks at all of the proposals and all of the projects that come in, be they of whatever dimension, the separate or the public dimension of our overall public system in this province, and makes their decisions on the basis of need across this province. I think that all school boards in the province would want that to be the case. Therefore, I cannot and will not give any guarantee as minister that one particular project will be considered totally outside of that context.

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

PCB Exports to U.S.

DR. PERCY: Thank you, Mr. Speaker. The government of Alberta has supported the North American free trade agreement as did the Alberta Liberal opposition. This government has also strongly supported the right of farmers to export grains and barley to the U.S. market. Yet when it comes to the export of PCBs, the Alberta government has lobbied the federal government successfully for an export ban so as to provide a guaranteed demand for Swan Hills and a company that has successfully received loan guarantees and a sweetheart deal. My questions are to the hon. minister of the environment. Can the minister explain why the government of Alberta, a government that has been a strong proponent of the operation of market forces and free trade in all areas except with regards to Bovar, has lobbied the federal government to close the door to the export of PCBs?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. It is true that we did write a letter to the Hon. Sheila Copps when she was minister of environmental protection suggesting to her that, in fact, we felt it was important that the border not be opened for PCBs or PCPs and any member of that hazardous family because the U.S. did not have a facility that was capable of destroying the hazardous material to the extent that we have in Alberta. Beyond that, the fact is that we have signed the Basel agreement, a UN agreement that clearly states that a country that is a signatory to that agreement will not export hazardous material to a country that does not have the capacity to destroy the material to the extent that the home country does.

2:20

THE SPEAKER: Supplemental question.

DR. PERCY: Thank you, Mr. Speaker. The Bern convention applies to the export of waste to Third World countries, hardly the U.S.

Is the minister going on record as saying that there are no facilities in the United States which can treat PCBs in an environ-

mentally responsible manner and that the United States Environmental Protection Agency has been negligent in its responsibilities? Is that what the minister is saying?

MR. LUND: Well, Mr. Speaker, unfortunately the hon. member is not quite up on the Basel agreement, because in fact the U.S. hadn't signed it either. And, yes, the intention was that it would not be going to Third World countries. That's absolutely true.

I must inform the Assembly that in fact there is currently being built in the U.S. a plant that is probably capable of handling the material. I have suggested to the Hon. Sergio Marchi, the current minister of environmental protection, that in fact when the test runs are completed on that plant, we get that information and, in fact the plant can handle the material to the extent that we can at Swan Hills, that we would not have an objection.

DR. PERCY: Since the province's liability for the operation of Swan Hills is capped under phase 1 of the agreement, why does the province continue to lobby on behalf of Bovar with the federal government? Why not let Bovar handle its own lobbying since it has enough taxpayer money to do so?

MR. LUND: Well, Mr. Speaker, I'm a little surprised at the hon. member's last question, because clearly that was written before I answered the second question. I did state in the answer to the second question that in fact if the plant in the U.S. can meet the standards that we have in Alberta, we would withdraw our objection to the export of PCBs and that whole family of compounds.

THE SPEAKER: The hon. Member for Calgary-Shaw wishes to augment the answer.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. As the hon. Member for Edmonton-Whitemud knows, at the present time the Alberta government is in a joint venture partnership with Bovar, and we do share in the proceeds that are generated at the plant. Now, certainly we have not generated much in the past few years. In fact there's been a significant subsidy. Nevertheless, there is a benefit to us as a province in attempting to protect the taxpayers' interest in the facility and ensuring that there is a continued flow of waste to that facility.

In phase 2, Mr. Speaker, we're in the middle of negotiating a profit share also.

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

Sales of Used Computers

MR. LANGEVIN: Thank you, Mr. Speaker. Last week Alberta's Information and Privacy Commissioner released his report on the investigation into what he called the case of the flea market computers. The most notable of these computers was the one that came from the Norwood continuing care centre. My question is to the minister of public works. Can the minister indicate what measures he has taken to lessen the potential of this information falling into the wrong hands?

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

MR. FISCHER: Thank you, Mr. Speaker. The member is quite right to be concerned about the protection of our privacy.

Certainly we all are. I can also say that the Norwood continuing care centre has developed a privacy watch in conjunction with officials from my department, from the Information and Privacy Commissioner's office, as well as from Health's offices. They are watching carefully for any information that would come out.

I would like to clarify just a couple of things about this, and that's the . . . [interjections] Mr. Speaker, could you call a little bit of order in here so that we can . . . [interjections]

THE SPEAKER: Order. Hon. members, there's still a long list of people who'd like to ask questions, and this constant barracking is just delaying matters.

MR. FISCHER: Mr. Speaker, the computers and the hard drives that were sold by public works were owned by the Norwood continuing care centre, which is not yet under the freedom of information and privacy Act. Public works offered to act as the sales agent for organizations such as Norwood in order to help them with the sale of their computers. I want to just commend the Norwood care group for acting so quickly on one of the recommendations from the commissioner's office.

THE SPEAKER: Supplemental question.

MR. LANGEVIN: Yes, Mr. Speaker. So if the information was from the Norwood health centre, then why did the commissioner submit his report and his recommendation to the minister of public works?

MR. FISCHER: Certainly, Mr. Speaker, it's because public works, of course, offered to act as the sales agent. As well, freedom of information is under Public Works, Supply and Services.

The commissioner did acknowledge, Mr. Speaker, that there was a process in place and that that process wasn't working well, and he recommended that we strengthen it by putting a policy in place that would give the responsibility of clearing these computers to public works. Until that process is in place, the ban on sales of our computers will continue.

Mr. Speaker, one of the problems that we have is that we're dealing . . . [interjections]

THE SPEAKER: Order. [interjections] Order, hon members. Could the minister quickly finish this answer.

MR. FISCHER: Mr. Speaker, even if the opposition aren't concerned about this, it is a concern to people of this province.

One of our problems is that we're working with new information and technology, and there is room for improvement. One of the underlying cases, of course, is the fact that it is not under the freedom of information Act as of yet.

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

Corrections Facilities

MR. BRUSEKER: Thanks, Mr. Speaker. Last week the Minister of Justice tried to reassure Albertans that all was well with our provincial jails, that there's no problem with overcrowding or with staffing. Well, over the weekend when I spoke with guards, the image they painted was a substantially different one from what the minister points out. My question today is to the Minister of Justice. How can the minister say that there's no problem with

overcrowding at the Calgary Young Offender Centre when he reports an average of 180 inmates per day, yet the government's own news release at the time of its opening says that the facility was designed for 112? Seventy offenders less.

MR. EVANS: Mr. Speaker, we put into practice at all of our correctional facilities double bunking where it's appropriate and where it doesn't present a concern of either harm, risk, or danger to our correction facility workers, our corrections officers, or to the prisoners themselves. The difference in the numbers is just that. It's based on double bunking.

MR. BRUSEKER: My supplementary question to the same minister: why does the minister report an offender to staff ratio of 2.6 to 1 when in reality on afternoon and evening shifts there are six corrections officers for 180 offenders, making a ratio of closer to 30 to 1?

MR. EVANS: Mr. Speaker, the arithmetic is really quite easy. We take the total number of corrections officers that we have, we divide that into the total number of prisoners, and that gives us a staff-to-prisoner ratio.

2:30

MR. BRUSEKER: So I guess he's counting the cooks too.

Well, my final question to the minister: how can the minister say that there's adequate coverage when simple math tells us that with seven residential units and only six guards on duty, one of the units must be left with no supervision whatsoever?

MR. EVANS: Mr. Speaker, at no time are our corrections facilities in any one unit left without any supervision.

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

Department of Oral Health Sciences

MR. YANKOWSKY: Thank you, Mr. Speaker. The University of Alberta is the first university in Canada to amalgamate Dentistry and dental hygiene with its Faculty of Medicine. A new department of oral health sciences will provide dental education within the new Faculty of Medicine and Oral Health Sciences. Some are saying that this may indeed be the start of a countrywide trend, in fact even worldwide. My first question is to the hon. Minister of Health. Could the hon. minister explain how this merger will help with total health delivery in this province?

MRS. McCLELLAN: Mr. Speaker, indeed this is a very positive event. As I indicated when I tabled the news release today on the merger of the schools, it's a cause for celebration at the University of Alberta. They should be commended – the president, the board of governors, and the health sciences faculties, mainly the Faculty of Dentistry – for their innovative approach to improving dental education. I guess from a health perspective the most positive thing is the interaction between medical students and dental students. They will gain the benefit of knowledge from each other because they will be sharing a number of the same classes.

Mr. Speaker, there was a doctor from the University of Kentucky, who was the dean in that area, where they are planning on putting this same program in place later this year, and also a very honourable person from the University of Glasgow, Sir

David Mason, who commented on the forward approach of health services in this province by combining the medical faculty and the dental faculty and looking at holistic health.

Mr. Speaker, this will be good for Albertans; it will be good for their dental health. It will be good for the graduates from that university, and it will also be good for those who access the dental clinics. It is expected that through this merger they will be able to be open 11 months of the year, which will mean only one month of downtime, which is much improved from what they have now.

So certainly from the health perspective it's a win/win, and I add my congratulations to the university.

THE SPEAKER: Supplemental question.

MR. YANKOWSKY: Thank you, Mr. Speaker. My first supplemental is to the hon. Minister of Advanced Education and Career Development. Could the hon. minister explain what effect if any this amalgamation will have on the University of Alberta's budget?

MR. ADY: Mr. Speaker, that's an interesting question because it was actually the issue of the budget that caused the Faculty of Dentistry to be in jeopardy a couple of years ago when in fact there was not going to be one. Thanks to the good works of those that the Minister of Health just listed along with the dental association of the province, we now have a Faculty of Dentistry, which is combined with the department of health at the university, which puts us on the leading edge of dentistry programs in the country.

Certainly there are some things that flow from it that are of benefit. The Minister of Health mentioned the 11 months that the program is open, which allows them an opportunity to provide the community service and low-cost dental services that they provide and allows them to generate an additional \$2.4 million from that avenue to assist with the cost of the dental program. So it's a very positive thing from a financial perspective.

THE SPEAKER: Final supplemental.

MR. YANKOWSKY: Thank you, Mr. Speaker. My final question is also to the Minister of Advanced Education and Career Development. Could the hon. minister tell this Assembly how many dental students will be served by this new faculty.

MR. ADY: Mr. Speaker, we're very fortunate to be able to serve dental students in this province. As I mentioned earlier, they were in jeopardy of having to go to another province, where we would have had to buy spaces for them. In fact, yes, we have about 120 undergraduate students in the program here in Alberta, and there are approximately 20 graduate students. We anticipate that this will be on an ongoing basis for the dental school here in our province to serve Albertans and others who may choose to come to this province for their training as space is available.

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

Medical Laboratories

MR. SAPERS: Thank you, Mr. Speaker. Medical laboratory restructuring in Calgary has just hit a roadblock, the roadblock in the person of the Minister of Health. Now, the Health Sciences Association of Alberta, which represents lab workers, has issued

a report detailing significant problems. That report of course was tabled in the Assembly on Thursday. Their report concludes that the Alberta Health department has abandoned totally their goal of providing "affordable, accessible and appropriate high quality health services" for Alberta. Now, will the Minister of Health review and respond to each of the Health Sciences Association's concerns before allowing any laboratory changes in Calgary?

MRS. McCLELLAN: Mr. Speaker, certainly there have been discussions in the past over lab restructuring with the health sciences area. Anyone who writes to the Minister of Health or provides her with information does receive a response from me, and I will give very careful and thoughtful review to their recommendations, their ideas, their concerns.

MR. SAPERS: I'm not sure if that was a yes or a no, Mr. Speaker.

Mr. Speaker, if the Minister of Health would be specific, I would like to know how the minister will address the issue of senior pathologists in the city of Calgary not only being cut out of the restructuring process but being told that they don't have a role.

MRS. McCLELLAN: Mr. Speaker, the only reason that I can conclude why the hon. member did not understand if that was a yes or not is that he does not understand what thoughtful consideration is.

MR. SAPERS: Do I get an extra supplemental, Mr. Speaker?

THE SPEAKER: No. Final supplemental.

MR. SAPERS: What specific monitoring and evaluation will the Minister of Health do to ensure that the Calgary health authority's plans do not result in a decline of laboratory quality and efficiency and timeliness? We're asking for some specifics, Madam Minister.

MRS. McCLELLAN: Mr. Speaker, if the hon. member were thoughtful in his preparation of this, he would understand that laboratory restructuring has had a two-year time period for evolution. He would also know that there was an expert committee that was put in place to review all of the recommendations from each region, all 17 of them in this province, and every one of them went through that process. That expert committee did involve people who were well versed in pathology and the delivery of those services. All of the lab restructuring plans have gone through that process; all of them have to be approved by the minister. It is a fact that Calgary's lab restructuring plan to this date has not had final approval.

THE SPEAKER: The time for question period has expired.

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Second Reading

2:40

Bill 44

Motor Vehicle Accident Claims Amendment Act, 1996

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

MR. EVANS: Thank you very much, Mr. Speaker. I'm pleased to move second reading of Bill 44, the Motor Vehicle Accident Claims Amendment Act, 1996.

As I mentioned when I introduced this Act, the major component is to eliminate property damage claims from coverage under the Act. Some members may say: well, why are you doing that? Since the coverage came in, each year it's become more expensive to operate this program. Quite frankly it's running at a deficit, and that deficit is increasing. I therefore took a look at the program and asked myself: what's the reason for having the motor vehicle accident claims fund? Well, it's to ensure that if a person is injured physically or has property damage as a result of an unknown driver of a vehicle or if a vehicle is driven by an individual who is uninsured, there will be coverage provided. We looked at what the original philosophy was and at the practical realities of the day and came to the conclusion that coverage through collision coverage is available to all insured in the province if they choose to take out that coverage on their own policies.

Now, there are a couple of ways that we could deal with this. One would be to increase the cost to all Albertans to maintain this program the way that it is through an individual charge increase per vehicle or, alternatively, to leave it up to individuals as to whether or not they would choose to accept that kind of coverage. We came to the conclusion, Mr. Speaker, that the better way would be to leave that to the individual insured and at the same time make sure that we got the message out to people and gave them a reasonable period of time to get collision coverage so they wouldn't be found wanting if that was their choice. So we'll leave it to the private insurers. After passage of this Bill we'll leave a reasonable period of time before implementation to give people that opportunity to get collision coverage.

We will save some money in the process as a result of this on an ongoing basis: we estimate as much as \$1.4 million on an annualized basis. That won't bring us to a zero position in terms of our expenses and income; we're still going to be running a deficit. We're looking at the entire program that's offered by the motor vehicle accident claims fund to determine whether there should be other changes, but this is the beginning of what I think are productive and realistic changes to that piece of legislation so that we can in fact provide additional coverage to the things that are most important in there, which are of course personal injury and death.

Now, there are a few other administrative changes as well that are incorporated in these amendments. They're quite straightforward, so I won't spend time discussing them at second reading, Mr. Speaker, unless there are some questions that are asked by members either on this side of the House or on the Liberal opposition. So with that I'll take my seat and listen to the rest of the debate.

THE SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. The Minister of Justice was most presumptuous in his opening comments when he said that when this Bill passes, we will allow a sufficient amount of lead time for people to protect themselves. From whom? To protect themselves from this government; that's from whom.

I want to speak against this Bill, and I want to speak against it in a most aggressive manner and perhaps a persuasive manner as well here today. We have to remember what the unsatisfied

judgment fund is. The unsatisfied judgment fund is the fund that ensures that you can count on every single motorist that you encounter on the highways having a minimum level of government-imposed insurance, a minimum level. If we ask you, Mr. Speaker, and we ask my relatives and we ask the hon. Premier's relatives to buy a policy of insurance that protects third parties from their errors and their liabilities, how can we now say that the unsatisfied, the uninsured motorist in the province of Alberta is going to be not covered for that same range of third-party liability? This Bill is simply wrong.

Now, I hypothetically engage the hon. Member for Barrhead-Westlock in this debate. If he represents in his constituency a farmer who is towing his combine down the road and somebody comes by and sideswipes that farmer, doing extensive damage to the rear of his piece of equipment, under this minister's proposal that motorist, if he is uninsured, will not have the same policy of insurance that that farmer could look to for recourse and for recovery.

Now, I use another hypothetical example. Suppose the hon. Member for Calgary-Shaw has relatives in Calgary and one night they wake up to a rude awakening. Somebody has taken a car, has stolen a car, and has driven around a corner with the police in pursuit. They have lost control of that car, and it has gone through their wall and has taken out the wall of their house. Based on this minister's proposal, there will be no insurance coverage for that element unless you have it yourself. Well, Mr. Speaker, the minister shrugs his shoulders and says: well, you can make your own decision to buy insurance or not. Insurance should protect you from your own negligence, your own liability, your own wrongdoing. Insurance should not protect you by meaning that you cannot reasonably pursue other people who have harmed you and have done you wrong.

Now, that is the fundamental policy aspect of this particular legislation that is wrong. What is the legal aspect of this legislation that is wrong? As the hon. minister of transportation knows, we oblige, we insist that everybody in the province of Alberta have insurance to drive a motor vehicle. The fine is significant, Mr. Speaker. It's \$2,500 for a first offence if you are caught driving without insurance. We also impose on the external insurers of the chap who's here visiting Banff national park from New York state or from Texas, bearing his Texas plates. We impose on his external insurance coverer to match the Alberta limits. He has to have a provision in his policy that says: you must have the Alberta standard limits. Well, the Alberta standard limits have now just ratcheted down a notch, because they do not cover liability for property damage. It is \$1.4 million that the minister says aggrieves the government every year, but I want to suggest that what he is doing is putting \$2 million or \$3 million worth of aggravation on the backs of Alberta citizens.

The minister's department of unsatisfied judgment has a persuasive tool to encourage recompensation to the unsatisfied judgment fund, Mr. Speaker. That persuasive tool is the ability to take a licence away. Even if you declare bankruptcy to avoid one of these debts, you cannot get your licence back in the province of Alberta if you have an unsatisfied judgment due and owing to the unsatisfied judgment fund. Under this new rule what you are saying to property owners that lose property is: "Go to court. Run up your own legal fees. Sue them. Get your judgment. Have the fellow go bankrupt." Then you collect nothing. If you're a university student on your first job and you have a 1986 Oldsmobile, you might not carry collision coverage. So if somebody sideswipes you and hits and runs in the middle of

the night, you're out. That 26-year-old university student enjoying his first job has done absolutely nothing wrong except anticipate that everybody would be insured to the same degree he is. He is out.

All of you in this Legislative Assembly are sophisticated, Mr. Speaker. There is nobody in this Assembly that is not experienced, there is nobody in this Assembly that is not sophisticated, and there is nobody in this Assembly that doesn't know how insurance works. If you are going to start taking every little claim for every bump or fender bender that someone has done to you in a hit-and-run situation to your own insurance company – first of all, it presupposes that you have collision coverage. Secondly, then, it says that you're prepared to take the risk of having your premiums go up the next year because you made a claim, not that you were in the wrong but simply because you made a claim. That conduct, in my respectful estimation, cannot be condoned.

I would urge all of the Members of this Legislative Assembly to vote against this particular provision. What good is it if the government saves 1 and a half million dollars, to even use the hon. member's estimate, if \$4 million or \$5 million or \$6 million of extra premiums from Alberta are paid to the insurance industry in this particular province as people continue to carry insurance against this risk that they wouldn't otherwise have?

If the hon. minister believes strongly in this legislation, he should be prepared, Mr. Speaker, to stand up in this Legislative Assembly and say that no Albertan is obliged to carry property insurance coverage, liability coverage for property damage, on his motor vehicle insurance. If that is the government's approach at fairness, they should also be prepared to restructure the standard insurance contract that's utilized in the province of Alberta.

2:50

Now, there are some other difficulties with this particular Bill. Let us suppose that you are in fact injured in a motor vehicle accident and you have your \$15,000 worth of automobile damage and you also have a little whiplash, for which you're advancing a \$5,000, \$6,000, or \$7,000 claim. You have to give the government department notice if you are going to pursue the claim for the whiplash, but you do not have to give them notice if you're going to pursue only a property claim. When you mix these two claims together, as you know, Mr. Speaker, as a member learned in the law, you're only going to start one lawsuit or commence one action for this duplicity of heads of damage. Now you will have to detour in your procedure and give the government notice, even though part of your claim doesn't relate to their involvement whatsoever.

So I would urge all Members of this Legislative Assembly to vote against this particular legislation. There is nothing in this legislation for your constituents. Hon. Member for Medicine Hat, there is nothing here for your constituents. What this does is make your . . .

DR. WEST: Name them all.

MR. GERMAIN: Well, I won't name them all, but I'm going to name the hon. Member for Medicine Hat because I know there's nothing in here for his constituents. I know that there's nothing in here for the hon. minister of transportation's constituents either, not a single thing.

There is not a single benefit to the province of Alberta in this particular legislation. Zero benefit. Absolutely zero benefit. It creates more problems than it solves, it sets up a double standard,

and it leaves people in a position where from a practical point of view, even though they have done nothing wrong, they may become victimized by an uninsured motorist, all of this in the name of saving \$1.4 million.

If the government really wanted to save \$1.4 million, it would be better if they put more money into enforcement to ensure that there were less drivers driving without mandatory insurance. They could put better enforcement out on the streets: more spot checks, more checking for insurance documents. They could also develop a concept of consumer education to encourage safer driving habits, to encourage some of the good, positive trends that are already in existence in Alberta; that is, less consumption of alcohol before driving, less driving when you're tired and fatigued, less driving of automobiles and vehicles that have inappropriate safety equipment and are in poor mechanical condition. All of that effort would more than save the government the \$1.4 million that they propose to save by the passing of this Bill.

What they instead will do is, with respect, try to take the easy way out. But in taking the easy way out, they basically leave the lady sleeping unprotected in her house at night without insurance protection. In many cases people's deductibles might exceed any damage to the front porch of their house when a car goes through it. You know, Mr. Speaker, it happens all the time. You hear of people whose gas pedal gets stuck in a parking lot and their car careens over the barricade and into the picture window of a store, of people who miss a turn and take down a fence. All of that now will not be covered unless you want to trigger your own insurance and unless you want to trigger your own premium increases and unless you want to carry . . .

DR. WEST: How do you prevent fraud and manipulation?

MR. GERMAIN: Well, the minister says, "How do you prevent fraud and manipulation?" You prevent fraud and manipulation by good enforcement, good investigation, and that's what it's all about. There's no fraud and manipulation allegation when somebody is in their home and a stolen car with three thieves in it goes through their fence and takes down their fence and their front porch. You're going to say to that lady: you got up in the middle of the night and you drove your own car through your fence? I mean, does that make sense?

DR. WEST: Maybe her son did. How do you know her son didn't do it?

MR. GERMAIN: Well, you know, now the minister wants to change the facts. He says, "How do you know her son didn't do it?" Well, it's a question of police investigation.

The unsatisfied judgment fund, you know, Mr. Speaker, has some of the sharpest lawyers in western Canada employed right here, right in this city, working for it. The minister throws that glib comment: what about fraud, and what about the lady's son driving her own car through her porch? I mean, those aren't the facts of a majority of these cases. A majority of these cases are that your car is parked and you're happily sleeping in your own bedroom or that you're in a shopping centre and you come out and your car has a big welt in it. That's the hit-and-run situation.

The other situation, Mr. Speaker, which is the bulk of the money, is where people without insurance are caught in motor vehicle accidents. That's how they catch them. They have a motor vehicle accident, they don't have any insurance, and they're

caught right there. That's the simple issue. The simple issue here is an issue of fairness and an issue of proper insurance.

Now, there's one other comment that I want to make. This government could at least, at the very least, if they had cared about Albertans, have said: "Even though you do not get protection for property damage, we're going to do this. If you get a judgment in a court of competent jurisdiction against a third party and that judgment says that it arises out of a motor vehicle accident, then a copy of that judgment could at least be filed on the official records and that person not get his or her licence back until they settle your judgment as well." By taking away that, the government leaves people with sometimes very, very limited civil remedies that are very costly and where the likelihood of recovery is often much diminished.

So I urge all members in this Legislative Assembly: do not be persuaded by the hon. minister of transportation, who raises issues of fraud and people's own sons damaging their cars and pretending that they were sideswiped. Think about all of the legitimate claimants in the province of Alberta who will now have to buy additional insurance, pay additional premiums, get caught up in the bother of insurance policy premium increases and who now will know, Mr. Speaker, that when they are driving their motor vehicle down the road, they will have no fundamental guarantee, no way of knowing whether that person coming at them and closing at a speed of 100 kilometres an hour has any insurance protection for property damages whatsoever. If they are an uninsured motorist, they will have none.

So I urge all members of the Assembly both to speak against this Bill and do something more fundamental: when we go to vote, vote against this Bill. There is nothing, absolutely nothing in this Bill for one single Albertan, not a single item in this Bill for one single Albertan. I urge all members on that basis to speak and vote against this Bill.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. Like my colleague from Fort McMurray, I too rise to speak against this Bill. I find it ironic that Bill 44 was brought before this House at the same time as Bill 33 because I see a further victimization of Albertans. The spirit behind Bill 33 is in the right direction.

AN HON. MEMBER: Forty-four.

MRS. ABDURAHMAN: No. Thirty three. The spirit behind 33 is in the right direction, where there is acknowledgment that we have to protect victims.

Then we come along with Bill 44, and we see other Albertans being put in a position of being victimized by legislation that is before this House at this time. I think this is really ironic and tragically so. It makes my private member's Bill 212 all the more necessary when we see a government that is letting consumers loose to face up to the reality that they are going to be held liable through no fault of their own. I find it unbelievable that a government that says they're being responsible fiscally will turn around and leave unsuspecting Albertans open to costly costs through no fault of their own. That's what happens.

The bottom line is that whether it's your vehicle or whether it's your business and a vehicle runs into your private property, which can be your home or a business – and my colleague from Fort McMurray has identified and indeed we've seen a number right

here in the city of Edmonton, Mr. Speaker. A laundromat ended up with a vehicle right in their premises. Now, why should that businessman's insurance be directly affected by that vehicle through no fault of his own coming into his place of business? It may indeed have injured some of his customers. It may have destroyed some of his washing machines and dryers over and above damaging the window and the physical premises. Now, we know that every time you put a claim on your insurance – who does it hurt? Whose pocket does it hurt? It's not the vehicle that drove into that laundromat that's going to be held responsible through Bill 44. No. It's your own private insurance. What a message to be giving to Albertans. That's quite simplistically what you have done through this Bill, you know.

3:00

MR. EVANS: Who's going to pay for it?

MRS. ABDURAHMAN: Who should pay? There indeed should be a mechanism through the person's responsibility and societal responsibility. When that individual's insurance isn't there, when somebody does a hit-and-run, the victim should not be the only person in society that has to pay that cost. We've acknowledged that through criminal courts, but we've been so slow as a society to actually grasp that we as a society owe something to victims. Now, we're saying that because you've been victimized through a vehicle collision, you – you the lone Albertan – should be wholly responsible. I say that that's not being a responsible society. That's not the caring Alberta that I came to live in, yet that's what this government wants to do through Bill 44.

There is a young student I know who right now has finished this semester at university. Her car was parked. When she came down, it was badly damaged. Fortunately, people witnessed the hit-and-run, but it didn't do her any good because when they finally got the hit-and-run individual, he had a long record of no insurance and criminal activity. Now, should this young student have to bear full responsibility for that vehicle damage? That's what we're asking. We're asking that in a home . . .

MR. EVANS: That's their responsibility. Is the taxpayer responsible for that?

MRS. ABDURAHMAN: You know, Mr. Speaker, the Minister of Justice keeps saying: well, who has to be responsible; shouldn't she be responsible? I would ask every Albertan, "Is this the kind of legislation and is this the kind of government that you want in the province of Alberta, that brings this kind of legislation forward?"

You're giving a mixed message. Bill 33 clearly acknowledges that victims must have rights. So what's the difference between a victim who has been physically abused, who has been sexually abused, who needs to pay for counseling, who needs some form of compensation, and somebody sleeping in their bed and a car hitting that house and damaging their property and causing trauma to them? That's what can happen. If you're sleeping in your bed and a vehicle suddenly lands in your bedroom, you don't go back to sleep without having some trauma or some stress.

So I would like the Minister of Justice to clearly define what he means by "victims." Are there different classes of victims? A victim of sexual abuse? A victim of physical abuse? A victim who, through being in a laundromat when a vehicle comes in there, needs to go for counseling or needs health care?

DR. TAYLOR: We're victims of having to listen to you.

MRS. ABDURAHMAN: Well, the Member for Cypress-Medicine Hat thinks he's being victimized because he has to listen to the Member for Clover Bar-Fort Saskatchewan. I would suggest that many, many Albertans would feel privileged by the fact that somebody's standing up in this House and fighting for their rights. If the Member for Cypress-Medicine Hat feels victimized by that, that's great, quite frankly, because I'll represent Albertans. I'll represent the consumers' rights. I won't sit there and say that when a member of this Assembly stands up and speaks for the rights of the little guy and a Member of the Legislative Assembly feels victimized – tough luck; he's going to have to sit and listen to it, Mr. Speaker.

Now, we talk about this \$1.4 million. I mean, it's actually laughable when you look at the same members in the front benches over there talking about saving \$1.4 million when they can blow \$30 billion by approving deficit budgets. You would have thought that would have been behind us, but we know what happened with Bovar and the Swan Hills waste.

AN HON. MEMBER: Three hundred million in Bovar.

MRS. ABDURAHMAN: Exactly. And we're talking about \$1.4 million on behalf of all Albertans. It sure tells you the priorities of this government.

You know, Cypress-Medicine Hat is referring to Calgary-Shaw's fiscal mess that cost the taxpayers. It wasn't Calgary-Shaw. I think he actually saved this government some embarrassment by handling it as a new Member of this Legislative Assembly. Quite frankly, if I'd been Calgary-Shaw, I'd have said to them: you made the mess; get yourselves out of it. But no. He showed some backbone, and he's taken some of the flak for that fiscal mess. But don't anybody in this House or anywhere in Alberta believe that the Minister of Justice is sincere when he's talking about the rights of victims through Bill 33 when he comes in and introduces Bill 44. I say: shame on you. Shame on you, Mr. Minister. All in the name of saving \$1.4 million, you're going to have some innocent Albertan pay not a one-time payment; it's going to be ongoing payments through the insurance rate through no fault of their own. That's what you're doing. He's shaking his head and he's nodding his head. Well, tell me, Mr. Speaker, to the Minister of Justice: who is going to pay to compensate people who have suffered sexual abuse, who've suffered from physical abuse? Who's going to put the support systems in place for those people? Isn't it us Albertans through this Legislature? Do you begrudge them? That's in essence what you're saying, or you're defining who victims are.

You know, I look at the federal Liberal government and I look at the Conservative Alberta government and I look at what they call disaster support systems and acts of God and I look at southern Alberta, at what happened to Medicine Hat and Lethbridge and High River. Suddenly there are disclaimers by the Conservative government in Alberta; there are disclaimers by the Liberal government in Ottawa on these businesses: "Oh, no, you can't get any compensation. You've invested and you've had confidence in Alberta's economy, but when it's an act of God or a questionable act of God, only certain people get compensation." These politicians suddenly fall silent. Well, that's double-talk. Either you have a disaster plan that treats everybody fairly or you don't have it at all. That's what I'm saying when it comes to Bill 33 and Bill 44. Either you're a victim or you're not a victim, but we can't have first- and second-class citizens. That's what I see happening right here in Alberta, and I see it happening in Ottawa as well, Mr. Speaker.

So I would urge Albertans to go after this government when it comes to Bill 44 and its other legislation. They're saying, "We can't be responsible," and being self-righteous when it comes to health care and when it comes to insurance. To me, it's being hypocritical, Mr. Speaker. I don't accept that, and I'll keep speaking out on behalf of Albertans that this government through Bill 44 is doing an injustice to Albertans.

Thank you, Mr. Speaker.

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

MS CARLSON: Thank you, Mr. Speaker. I clearly agree with my colleague who says that this Bill is doing an injustice to Albertans. There's no doubt that this government has got lots of money to bail out big companies, but they haven't got a red penny for the average Albertan.

The Minister of Justice was concerned about who pays in this instance. Well, precisely. The process that they had in place before, where they collected fees from the registration of the licence plates, works. If the fees are not high enough, if they're running a deficit budget in that area, then they do what you do in every other insurance program: you raise the fees. As my colleague said, a person, an individual, should not be victimized by this system because the other party carried no insurance or they weren't able to find the other party. Clearly, this is not in the best interests of the average person. What it will do is make families and individuals have to make choices about how many vehicles they insure or whether they can even own a vehicle and run it because of the additional costs that are going to be incurred on an average basis if they have to increase their insurance premiums, certainly the extraordinary costs that they will have to pay to have their vehicle or their property fixed if they get hit by someone else and they can't make a claim because that person has no insurance or they disappear.

3:10

Earlier the minister of transportation had some serious concerns about fraudulent claims. His concern was that these claims that are put through this process now are fraudulent. Is he making the assumption, then, that every single person who ever made a claim through this fund is so? What happened to a government that gave the benefit of the doubt to the people and put in the proper policies and procedures to investigate to eliminate those kinds of claims? He's making a huge assumption that people have the first intent to defraud the system and the second intent to make defensible claims.

For those reasons and all of the reasons that my colleague talked about, I expect us to vote against this Bill, and certainly government members should take a second look at it. I'm surprised in this day and age and even from this government that they would have the kind of inconsistent wording that's in this Bill. Definitely I'm hoping that that will be addressed in amendments here. Two of the sections need to have gender-neutral wording inserted. So I'm hoping that they'll clean that up of their own accord. If not, certainly we'll address that at the amendment stage.

Thank you.

THE SPEAKER: The hon. Member for Vegreville-Viking.

MR. STELMACH: Well, thank you, Mr. Speaker. I move that we adjourn debate on Bill 44.

THE SPEAKER: The hon. Member for Vegreville-Viking has moved that debate be now adjourned on Bill 44. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: Carried.

Bill 36

Alberta Hospital Association Amendment Act, 1996

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

MR. YANKOWSKY: Thank you, Mr. Speaker. It is my privilege to move second reading of Bill 36, the Alberta Hospital Association Amendment Act.

I'm going to keep my comments as short as possible. This Bill is indeed short, clear, concise, and to the point. It is a straightforward Bill. It doesn't require much rhetoric to explain what we're trying to do.

As I explained at first reading two weeks ago, this Bill renames the Act: Provincial Health Authorities of Alberta Act. This change reflects the fact that the Provincial Health Authorities of Alberta has assumed many of the functions of the former Alberta Hospital Association. I should perhaps clarify that the Alberta Hospital Association was known most recently as the Alberta Healthcare Association in order to reflect that the membership had already grown to include continuing care facilities as well as acute care hospitals. However, the legal name of the organization remained the Alberta Hospital Association. The new body, the Provincial Health Authorities of Alberta, represents the 17 regional health authorities as well as the two provincial boards, the Alberta Cancer Board and the Provincial Mental Health Board.

Bill 36 reflects the broader mandate of the Provincial Health Authorities of Alberta in regard to health services in addition to hospital services. It simplifies the process for the new body to carry on its business, especially the mechanism of adopting and amending its bylaws.

Finally, the Bill reflects the replacement of the former Alberta Hospital Association liability protective plan with the new PHAA liability protective plan reciprocal. Currently under section 10.1 of the Alberta Hospital Association Act the Minister of Health has entered into an agreement with the AHA, or the Alberta Hospital Association, to establish the liability protective plan. The purpose of the plan is to provide indemnity protection for participating health care facilities – that is, hospitals and nursing homes – against loss or liability for loss in respect of the risks and perils identified in the plan.

Under the terms of the original liability protective plan, the Minister of Health provided a guarantee of payment of any claims which were beyond the plan's ability to pay from its own resources up to \$5 million per occurrence. I should point out, however, that in fact that guarantee has never been drawn down. In any case, the purpose of the guarantee was to provide security during the start-up phase of the plan to allow time for the plan to become self-funding through the regular assessments paid by its member facilities. The liability protective plan is now fully self-

funding through those assessments. It will be continued as a reciprocal insurance exchange under the Insurance Act. All property, assets, liabilities, and obligations of the former plan will be transferred to the reciprocal. The Minister of Health will no longer be responsible for the plan, and the Crown will have no further liability for any future claims.

Mr. Speaker, Bill 36 reflects and promotes the restructuring of our health system. The regional health authorities are ready to assume full responsibility for their own indemnity protection through the PHAA. The proposed amendments will enable the PHAA to serve the regional health authorities and Albertans more effectively.

Thank you, Mr. Speaker, for this privilege to move second reading and to kick off debate at second reading of Bill 36. I will take my seat and look forward to comments that I'm sure are forthcoming from other members.

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

MR. WHITE: Well, thank you, Mr. Speaker. I rise to speak to this Bill. Of course it is a brief Bill, a matter of completing something that this government started quite some time ago.

There are two areas I would like to speak to. One is about the timing of this Bill. Surely this Bill is late, late, late. Surely with the work of the Alberta Hospital Association being taken over by the regions in the way this government has restructured the deliverance of health care, particularly in hospitals, this Bill is at least a year late. We've lost a great deal of time and in my view some connection with some national and international conferences that were found to be very fruitful in some ways, bringing back to this province the expertise of others throughout Canada and throughout the world.

This side of the House believes that this Bill is definitely in order and that there doesn't seem to be anything with a great deal of controversy therein contained. You could say that the government is limiting liability; in fact, it just puts an upper limit on that liability, as it was before. I gather it was \$5 million before, and it's in the order of the same amount now. So it's a co-insurance in fact. The minister may say it's withdrawn from any need to fund the plan, the liability protective plan, but in fact it's tax dollars that fund all RHAs, which are all the members of the PHAA, and therefore it comes from the public purse.

The other area I'd like to mention is to throw a few accolades out to those in the Alberta Hospital Association, some of the members and the leadership in days gone by. There's a great deal of knowledge about the deliverance of health care disseminated throughout this province through that organization. Yes, it can be said it was an expensive way of spreading that knowledge, but in fact the knowledge was read, and very good people were doing it at the time. Quite frankly, having known a great number of them and having listened to a great number of lectures on the topic, this member believes that there should be some accolades go out to some of those people, Mr. Speaker.

3:20

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I rise to speak in favour of Bill 36. Naturally, this is an appropriate Bill before the House. Whether it's been delayed or not I don't think is the issue that's before us. We definitely needed a change. When we look at Bill 36 and we look at the new name, it

certainly reflects what probably should have happened some many years ago.

We had a health care system that really was divisive in the way it was delivered. In fact, you had your acute care, which was the Hospital Association, and you had your public health system, which was the Health Unit Association, and then you had other agencies looking after mental health. Everybody was competing against everyone else, and it wasn't an effective utilization of health care dollars or resources, the manpower that was within the health care system. So through restructuring, naturally the associations that oversaw the delivery of health care from the policy perspective certainly had to come together. As my colleague mentioned, he was surprised it wasn't before the House at an earlier date, but here it is before us.

I certainly have to commend the government for moving ahead in restructuring the health care system. I would have preferred to have seen it managed in a different manner. We all manage things differently, and I think there would have been a more effective and less painful way of restructuring to achieve this, but this government in their wisdom chose to approach it in a very different and I would suggest unplanned way.

The incredible volunteers, although they had an honorarium, the number of hours that I saw hospital board members and health unit board members contribute over the years, Mr. Speaker, have to be acknowledged and likewise with the mental health board. They served Alberta well.

I just want to say, in speaking to this Bill, that I can remember many discussions going back over 12 years ago, whether it was with the former minister of community health, which was Neil Webber, and then the Provincial Treasurer, Jim Dinning, took over. At that time in the public health field there was a desire for the type of restructuring where you created a whole delivery system, wanted it to happen, but in the wisdom of that government of the day they never allowed some of that wellness, preventative model to evolve in the province of Alberta. It's only when we got into fiscally difficult times that we started to see people buying into it. I really am saddened to think that we had the Rainbow Report and the kind of work that previous Provincial Treasurer Lou Hyndman did, the many portfolios that he was responsible for – the content of that Rainbow Report, or the Hyndman report: if that had been implemented initially when it was tabled, I believe we would have saved ourselves a lot of pain. [interjection] Now, the minister of transportation is being I believe critical about former Provincial Treasurer and former minister of education Lou Hyndman, that if he had done his job – and I won't disagree with him. Lou Hyndman, Dick Johnston, Peter Elzinga – do you want me to name the people that are still in the front bench, Mr. Minister, that are still here? They were all responsible.

DR. WEST: Point of order, Mr. Speaker.

THE SPEAKER: The hon. Minister of Transportation and Utilities is rising on a point of order.

Point of Order Allegations against Members

DR. WEST: Yes, under 23(h). She's making allegations against me on something that I had inferred, but I don't see that in *Hansard*. You know, can't a member just interject into her debate a hypothetical conversation that she thought might have gone on? That's a false allegation.

THE SPEAKER: The hon. member may be incorrect in what she thought she heard, but she may be able to clarify.

MRS. ABDURAHMAN: Mr. Speaker, unfortunately, when hon. members get into a dialogue across the floor when a member is speaking, you do hear certain parts of the conversation. I certainly heard the reference to the former hon. member Lou Hyndman from the minister of transportation to the Member for Fort McMurray. It wasn't my imagination. We'll have to wait for the Blues to see if *Hansard* picked it up. I would suggest that if the minister of transportation does not want me to pick up on what he's saying during my debate, then he should remain silent. If I'm being unparliamentary in speaking when the minister of transportation – I'm sure he'll do the same to me that I have just done to him.

Debate Continued

MRS. ABDURAHMAN: So getting back to the point. When the Hyndman report, the Rainbow Report, was tabled in this House, it had, I would suggest, Mr. Speaker, all the makings of a restructuring of our health care system without the kind of pain we've gone through. So while the name of this amending Bill that removes the Alberta Hospital Association and the Health Unit Association is being done through Bill 36, it is appropriate, and it has to be supported.

Of course they've got to have limited liability. There's no question about that. The bottom line is that it's all taxpayers' money, and for everyone of us, irrespective of where we sit in this House, when we're doing budgets in the future or today, they'd better be balanced. They'd better be justified through supply and through estimates. I still think, Mr. Speaker, that even within Bill 36 this government isn't walking its talk. The public accounts process is still back a decade ago. The committee that audits for the Provincial Treasurer could do a much better job, or it can be enhanced to allow it to do a better job. I think that's the way: its mandate has to be expanded. So there are many things that this government can still do to make sure we get the best bang for the buck. I certainly will be supporting Bill 36.

To all past hospital trustees, health unit trustees, mental health hospital boards, I want to say on behalf of Albertans: thank you for a job well done; it was much appreciated.

[Motion carried; Bill 36 read a second time]

Bill 37 ABC Benefits Corporation Act

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

MR. YANKOWSKY: Thank you, Mr. Speaker. Again it is my privilege to move second reading, now of Bill 37, the ABC Benefits Corporation Act.

As I indicated at first reading two weeks ago, this Bill updates the legislative authority of the Alberta Blue Cross plan. Both the Alberta Hospital Association, which has been replaced by the Provincial Health Authorities of Alberta, and Alberta Blue Cross itself have requested this change in order to clarify the relationship between Blue Cross and the regionalized structure of governance in our health system. The current legislative mandate for the Alberta Blue Cross plan is contained in the Alberta Hospital Association Act. What we are proposing instead is a

stand-alone statute under which the Alberta Blue Cross plan would be operated by the ABC Benefits Corporation. The corporation would continue as a not-for-profit corporation operating the Alberta Blue Cross plan and providing other supplementary benefit programs. It would be required to maintain its head office in Alberta and provide its annual report to the Minister of Health, along with any other information that the minister may require. The change reflects the separate roles of Alberta Blue Cross as an independent carrier of supplementary benefits and the regional health authorities as the administrators of the publicly funded health care system.

3:30

The development of those separate roles provides an interesting insight into the way our publicly funded health system has grown and changed over the years. Alberta Blue Cross was created in 1948 under the Act incorporating the original Alberta health authorities, then known as the Alberta health association. Many Albertans are probably not aware that 50 years ago our health system covered only critical hospital care. All other hospital services had to be covered by a voluntary insurance plan, and Blue Cross was that insurance plan. Since the plan originally covered hospital care, it is entirely consistent that it should be operated by the hospitals themselves.

However, in the 1960s the province assumed responsibility for funding basic hospital care for all Albertans, so Blue Cross took on its present role as a carrier of supplementary benefits outside the publicly funded health system, such as prescription drugs and ambulance services. From that point on Blue Cross and the AHA have evolved in separate directions. In fact, today the plan competes with other supplementary benefit carriers, so it could very well find itself negotiating to provide employee benefits to the regional health authorities and the Provincial Health Authorities of Alberta itself, which under current legislation is its own operator. Clearly, Alberta Blue Cross needs a separate legislative mandate reflecting its role as a not-for-profit alternative in the private marketplace for supplementary health benefits, and we are acting to provide that mandate.

Mr. Speaker, in conclusion let me reiterate that this change was recommended jointly by Alberta Blue Cross and the Provincial Health Authorities of Alberta, which has succeeded the AHA, as being in the best interests of subscribers and the health system. I would ask all my colleagues to support this initiative to provide Blue Cross with the separate legislative mandate that it needs.

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

MR. WHITE: Thank you, Mr. Speaker. Fundamentally this piece of legislation does very little. This stand-alone corporation says only one thing to me. It begs a number of questions. Is this simply in preparation for the day that the service provided by Blue Cross in this province is privatized? Is that what this is about? You read the legislation, and that's the only thing it can point to. If that's the case, then why not say so? Why not say, "This is what we wish to do"? If that is not the object of the exercise, then clearly say that also.

It doesn't appear that there are any benefits. Certainly there aren't any benefits for any user because there isn't any change in the deliverance of the service. As a matter of fact, it says specifically that there will not be. It only does one thing in preparation for that. In fact, it serves at the whim of the government. If you read one of the clauses, it says that the Lieutenant Governor in Council, read cabinet, can dispose of a part of or any

part of the assets and therefore the operations. It doesn't say anything about fair market value at all. Any kind of a deal can be cut. I should remind this government that there's a recent case study in Ontario. The Liberty Mutual corporation is in the process of completing the purchase a similar health plan in Ontario, and one should be a little cautious jumping into this.

I draw your attention to the last part of the Bill – I think it's section 15(3) – that makes a great deal of amendments to the Provincial Health Authorities of Alberta Act. Well, I would have thought that the member that introduced both Bills would have said something in his preamble about these amendments and moved these amendments to where they properly belong: Bill 36, that is currently on the Order Paper, moving from second reading to Committee of the Whole. I would have thought that would also have been included.

Mr. Speaker, it seems to this member that the citizens of Alberta are being waltzed here into preparation for this privatization without any kind of fair comment or consultation. If that be the case, please could you tell this member either now or in Committee of the Whole how you intend to break the news to the citizens of Alberta and how you intend to get some feedback as to how they feel about the matter.

Thank you, Mr. Speaker.

MRS. McCLELLAN: Mr. Speaker, I thought perhaps I would just add some comments to my colleague's who is carrying this Bill. I listened quite closely to the opening comments, and I thought it was quite clear as to the reasons for putting this Act in a stand-alone place. I should mention to the hon. member that the board of directors of Alberta Blue Cross has been requesting this to occur. As my hon. colleague indicated, at the time that it was incorporated under the Alberta health care association Act it was dealing with hospital services. It no longer does. The separation should occur from the Provincial Health Authorities' function, which is the delivery of health services in the region. Blue Cross' function is clearly a function of insuring those services that are not included in that area.

I did want to assure the hon. member that this is quite in keeping with the interests of the Blue Cross board of directors. They understand and indeed have felt it was important that they have legislation. I guess the question had to be: was it appropriate for their legislation to be with the Provincial Health Authorities of Alberta Act, the Act that changes that function? Actually, when you review that and think about it, it is appropriate for those two functions to be separate.

The Provincial Health Authorities carries out the function of delivery of health services, whether it be in hospitals, in public health, some mental health services – of course, we have the Provincial Mental Health Board – long term care, and so on. What Blue Cross deals with are insured items such as drug programs, ambulance programs, and so on. So it just simply made sense when you were changing the Alberta health care association Act to reflect today that you also put Blue Cross in a position that reflects what they do today, because they no longer are the insurers of hospital services, which is the way they started about 50 years ago.

That was the area that I wanted to clarify for the hon. member, and again I can assure him that this is a request as well of Alberta Blue Cross. They will function under this Act and continue to provide the very valuable programs that they do today, which are our seniors' program, group 66, a program for widows, for which there is no premium. The hon. member will remember that this is a nonprofit corporation as well as for . . .

3:40

MR. WHITE: Point of order, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Mayfield is rising on a point of order.

Point of Order

Questioning a Member

MR. WHITE: *Beauchesne* 482, sir. Would the member that has the floor at the moment entertain a brief question regarding privatization?

MRS. McCLELLAN: It's probably not very appropriate for the member who is simply speaking to the Bill to have a question, but I assure the hon. member that I am giving him clearly the reasons for this. In committee or if he has asked the question previously, it will be answered by the person carrying the Bill.

Debate Continued

MRS. McCLELLAN: I simply felt it would be helpful to the hon. member to review with him the reasons for stand-alone legislation and that there wasn't really a need for tilting at windmills or whatever the thoughts that were brought forward, that this was some step to privatization. Alberta Blue Cross has performed a function under a section of legislation, and it's no longer appropriate. Well, for one thing that legislation will no longer exist.

Now, we think that Blue Cross should continue to function. It needs an Act, and the hon. member who introduced the Bill and spoke to it in second reading said clearly: to continue to carry out the function that it does in those areas of services. It was my thought that perhaps the hon. member missed that point, and as the person who introduces and speaks to the Bill cannot speak again during the debate, I thought it would be helpful if I clarified it for the hon. member. It is necessary to have this if we wish to have Alberta Blue Cross continue to be the insurer. I think it's clearly there that we do wish that, or we wouldn't be putting an Act in place that will allow them to continue to provide the services that they have provided as a corporation in this province, and they have been a corporation. They were under an Act in the Legislature which at the time it was developed was appropriate, but it is no longer appropriate, and they need an Act to operate. This is the Act.

I think the hon. member would agree that the programs that Alberta Blue Cross provide for us are extremely important: as I indicated, the seniors', the widows' insurance plans for drugs and ambulance services, and so on, also the ability to insure for nongroup. There are a lot of people in this province who do not have an employer group that can offer them Blue Cross coverage or insurance coverage. This has also enabled them to have coverage in the province, and I could point out farmers, fishermen, a number of other independent persons who wouldn't have that opportunity.

So with those few comments, Mr. Speaker, I'll listen to the next speaker.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I rise obviously to speak in favour of Bill 37. As the mover and the minister have clearly stated, it's necessary for this Bill to be

brought forward at this time because of the restructuring of the health care system and the renaming of the bodies that at one time had overseen the health care delivery system.

Mr. Speaker, I acknowledge my colleague's comments with regards to: could this Bill be a prelude to privatization? The minister is doing her level best to reassure that that's not the case, but certainly the Bill is permissive inasmuch as it could result in that. I think we'd be naive not to believe that, and that's the role for members of this Legislature: if you see something in legislation that you believe could take you to a fundamentally different way of delivering a service, then you have the right to question that, and you have a right to make the Legislature aware of that.

MR. HENRY: You've got an obligation.

MRS. ABDURAHMAN: Or an obligation, as the Member for Edmonton-Centre is commenting.

You look at section 4(2), where we're dealing with the membership of the ABC Benefits Corporation, and clearly that's going to be done through regulation. What I'm putting to the House at this time, Mr. Speaker, is that the lack of trust and integrity that constituents have, Albertans or Canadians, for politicians is once again put in question here, because this in essence is an independent way of indeed putting the representatives, the board of directors, on the ABC Benefits Corporation.

I would suggest that once again we're looking at a necessary amendment. We could make this a very credible process by allowing it to go to the rules and regulations committee to determine the regulations for the appointment to this board of directors under this Bill. That's what Albertans are looking for. They're looking for where the integrity of elected bodies is maintained. As long as we continue having political appointments – and as has been acknowledged in this House, I've been party to that type of appointment myself. It didn't serve me well and it doesn't serve any Albertan well to be appointed to a board irrespective of how well qualified you are.

Albertans and Canadians are asking for a change. Let's change our old ways to new ways to bring that integrity and trust into this House. Here is a way that we can do it, but we're missing a golden opportunity through Bill 37 by clearly laying out an independent entity or mechanism to ensure that it can never be seen as political patronage or favouritism for the members who are appointed to this board of directors.

I think the people that end up on that board would prefer it that way as well, Mr. Speaker. If indeed privatization resulted by a recommendation from this board or if the philosophy of the government was to privatize Blue Cross, then there wouldn't be seen a board of directors to be in the pocket of government. I'm sure that if it came through a squeaky clean process, that board of directors would do the right thing by Albertans. If they didn't think that privatization was the way that would serve Albertans well, they would have the ability to speak out, and we'd know that the government didn't have the mechanism to remove them from that position if they dared to question the government of the day. We all know that that's what results if you question a government and you're there through a political appointment. There is this reservation to speak out against a government or a minister that you indeed have had the privilege of being appointed by. I've been there myself, and there have been occasions when it's been very difficult to not hold my tongue, and it's got me into trouble more than once. I'm glad it did, because it was the time to speak out.

I would say to the mover of this Bill: bring an amendment in – let's see some political courage – and change it so it isn't behind closed door regulation. I continually hear that this deregulation is a wonderful thing to happen. It's only wonderful when it serves all Albertans well and it doesn't just serve special interest groups. That's what's happening to regulations that are being amended or introduced or rescinded behind closed doors. So I hope that when we get to Committee of the Whole we will be able to bring forward an amendment at that time dealing with section 4(2).

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I'd like to devote a few words to Bill 37, the ABC Benefits Corporation Act. But before I do that, I would first like to commend the Member for Edmonton-Beverly-Belmont for authoring two important health-related Bills. I think it's an indication of his growing stature on the government side. I remember well as he made his walk across the aisle to greener pastures that he thought himself capable of being a minister. I'm sorry that I never recognized those talents, but I do see that on the other side they are, and maybe one of these days he will be groomed to be Minister of Health. Who knows? I wish him luck there. [interjections] After the nominations. Back to Bill 37, because after all that praise I don't want him to get a swelled head.

3:50

There are a few things with this Bill that bother me some. I shall vote in favour, but I would just like to probably reiterate what some of my colleagues have said, and it is once again the fact that regulations are not being tested and submitted to Calgary-Shaw's by now infamous standing committee on regulations. I can only make the plea that these regulations as a matter of course be submitted to his committee and that his committee as a matter of course be invoked and be asked to meet, because when we deal with items such as the board of directors, the number and the manner of appointment and so on, it's totally left up to regulation. I don't understand this at all. In dealing with other boards and agencies, we have seen from time to time that the number of directors has been prescribed or at least arranged as being prescribed in the appropriate Bill. So I don't know why we can't have that here or at least send all of those regulations to Calgary-Shaw's committee.

Of course, section 6, as it's been mentioned before, sort of opens the door to privatization. The minister has maintained that that is not going to be happening, and I know she's an honourable person, but still the opening is there. Such an important move ought to be discussed, debated, and decided upon on the floor of this House rather than simply by order in council. I think that's an important item.

Going on. Section 13 allows once again the Lieutenant Governor in Council to make regulations regarding a whole host of areas that are rather significant. Once again, Mr. Speaker, I extend my plea to the Minister of Health, to the mover of this Bill, to members on the other side: let us refer those regulations to the standing committee.

That is all I have to say. Thank you.

THE SPEAKER: Is the Assembly ready for the question?

SOME HON. MEMBERS: Question.

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

MR. HENRY: Thank you, Mr. Speaker. I'll be quicker on my feet next time. I did want to speak to this Bill and acknowledge some of the comments that have been made by other members of the Assembly. I won't go into detail, but I do want to express the same desire and hope that the Member for Clover Bar-Fort Saskatchewan and the Member for West Yellowhead expressed with regard to referring the regulations from this Bill to the Standing Committee on Law and Regulations. I see the hon. Member for Calgary-Shaw laughing, but perhaps this might be the exception, and he might actually do the job as chairman and call a meeting.

The other point that I wanted to make with regard to this Bill is that I had an experience recently in my constituency with Alberta Blue Cross. Specifically – and the Minister of Health will be aware of this – it was when the Ministry of Health chose to deinsure some services, when the government chose to deinsure some services, and Alberta Blue Cross moved in with a supplementary insurance plan offering for senior citizens in my constituency. One of the peculiarities of this move from Alberta Blue Cross was that when they moved in to provide the opportunity for supplementary insurance, they required that senior citizens pay premiums for that insurance for three months prior to being eligible to receive any benefits. When I checked with a variety of insurers around the province, both public and private, I found this to be highly unusual. Again, it's not unusual for an insurer to require a waiting period prior to being eligible for coverage, but it is unusual for an insurer to require the individual to actually pay premiums during that waiting period without being eligible for the coverage.

It was interesting. When I approached Blue Cross about this issue, I found there was fairly significant room for negotiation with them, and in fact – this was a package of insurance services – they did backtrack a bit and allow that some of this package would be available for coverage immediately. They haven't gone all the way, but they have gone partway. I think this has partially to do with the fact that it is essentially a nonprofit, publicly sponsored insurance plan that eventually the Minister of Health has control over. I think that's positive, because what it does is allow consumers some recourse with regard to situations where they think they're treated unfairly or situations that they think aren't the way they should be. They have the recourse of approaching their elected representative and having him or her intervene at the political level to perhaps get some more positive response, and I think that works.

What I would be worried about is if this Bill allowed or permitted or structured a future privatization of all or part of the Alberta Blue Cross services. I know the Minister of Health just talked about tilting at windmills. I want to say to the Minister of Health, given the history of the government, particularly with regard to not wanting to make decisions in public and not wanting to bring decisions through this Legislative Assembly prior to enacting them, that I have some concerns that I would like to have the minister and the mover of the Bill deal with in committee.

Section 6 of the Bill does allow the Lieutenant Governor in Council, essentially the cabinet, to order the ABC corporation to dispose of any or all of its operations to whomever they're directed to do so. I have some concern because that doesn't need to be recommended by the trustees or by the board of directors of the corporation to the cabinet. It can simply be another one of those decisions where the cabinet gets together, sees that they may

be able to make some money or sees that perhaps they've got some folks out there who they think would provide a good service, and without public debate, without public scrutiny, without any enacting of this Legislature, they just, with a stroke of the Premier's pen, tell the board of directors of this corporation to dispose of particular operations. They may be the most profitable operations. They may be operations that this corporation is using to help subsidize other kinds of operations. It seems to me that when we're moving things out of the purview of this Legislature into Executive Council, we're starting down that slippery slope that we've been cruising down since 1993 with regard to diminishing the role of this particular Legislature and increasing the power of the Lieutenant Governor in Council. I wanted to express that concern very, very strongly.

I look forward to the mover coming back during Committee of the Whole and answering that particular concern. Why is that clause in the legislation in here? What other reason could it be? Why are we giving that power to Executive Council and not waiting until we have a full debate in the Legislature? I would hope that when we get into committee, the hon. mover of the Bill, the Member for Edmonton-Beverly-Belmont, when he speaks in committee, will be able to provide the answers. Too often in the Legislature we raise questions – and I have raised questions about a particular piece of legislation or a particular vote, and I will give some of the ministers across the way credit. Quite often I'll receive answers, but they're long after the vote happens. I'll receive a letter through government courier a month after we've been asked to vote on it. So I'm asking the hon. member if, when we get into committee, he can open debate by trying to answer some of the questions that I have raised and perhaps other members have raised. That would allow us to feel more comfortable with regard to supporting this Bill.

4:00

I want to say that I accept the minister's explanation about why we need the Bill, but I just want to be fully comfortable before I vote on final reading of the Bill so that we don't get into a long-drawn-out, unnecessary debate. If the mover of the Bill would answer those questions in committee – that would give him some time – that would make me feel more comfortable about getting this through committee faster and getting into third reading.

As well, I wanted to have the member when we get in committee stage address the issue of why the Insurance Act would not apply to this corporation. Further to that, if under section 6(2) of the Bill – and I don't want to go through it clause by clause – the Lieutenant Governor in Council orders that a particular function of the ABC corporation is moved out to somewhere else, private or not private, does the Insurance Act then come into play there? Or will this particular clause regarding the Insurance Act refer to any service or insurance that the corporation provides even after that has been taken away from the corporation by the Lieutenant Governor in Council?

Having said that, sort of framed those questions, I do want to express general support for the principle of the Bill. The more that we have operations at arm's length, if I can put it – and this is not really fully at arm's length but a little bit away from political interference from any side. I think that helps us provide better service.

I look forward to the debate in committee and the answers. I want to particularly state that I expect that my questions will be dealt with in a meaningful way in committee, or I'll have to reassess my support for the Bill.

Thank you.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. I want to thank the members that spoke for their comments and for their questions. We will try and allay their fears and answer their questions in Committee of the Whole.

Having said that, Mr. Speaker, I'll call the question.

[Motion carried; Bill 37 read a second time]

Bill 38

Child Welfare Amendment Act, 1996

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

MR. SEVERTSON: Thank you, Mr. Speaker. I'd like to move second reading of Bill 38, the Child Welfare Amendment Act.

Mr. Speaker, approximately a year ago amendments to the Child Welfare Act were made to allow adult adoptees to initiate a search for their birth family and members through a licensed search agency. This change has been well received. In the past year 377 adopted adults have searched for their family members with the help of an agency. About 80 percent have been reunited with their birth families. The proposed amendments in this Bill today allow birth parents and adult siblings the same opportunity to search for their family members through a licensed search agency. The change still includes the safeguards for people not wanting contact. These include a veto form that persons can sign to protect their privacy. The safeguards were in place in last year's amendments to this Act.

Mr. Speaker, I urge all members of the Assembly to support this, and I look forward to it becoming law this year. Thank you.

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

MS HANSON: Mr. Speaker, I'm pleased to speak briefly on Bill 38. I speak in favour of the amendment. In fact, we've been calling for an open search system for adult adoptees and for birth parents for several years. We were very critical last year of last year's amendments that failed to allow birth parents to search for their children. We introduced amendments last spring to include birth parents in the right to search for records and possible contact, provided that the necessary veto is in place.

Caucus is supportive of this long-awaited amendment, but we are disappointed with the lack of controls placed on the fee schedule for searching. Birth parents can now access records under this amendment, but they can only access the identifying information through a licensed search agency, and the fees charged do vary between agencies. According to the Post Adoption Registry the fee should be \$350, but adult adoptees have reported being charged much larger fees. The fees are not regulated by the government. Although we are told that the fees are closely watched, I'm not quite sure what that means. We would prefer to see a fee schedule that is reasonable and equitable and regularly monitored so that it doesn't cut people out of performing a search just because they don't have – I think quite often it costs \$500, I'm told, and I've heard of higher fees, which I think depends on how much work it is to find the person.

Our office has had several complaints from people fearing that they could pay a search fee and then not get any identifying information at all or any contact with birth relatives. I understand

that some agencies will refund part of the fee, but I don't know how much this is or whether or not all agencies will do that.

As a final point, I would request that the Minister of Family and Social Services table a copy of the review that he conducted on the first year of the adoption process. Some figures were mentioned a few minutes ago, but I would like to see a copy of the review. It would be useful to know what kind of information was gathered with respect to fees and the performance of the licensed agencies, a monitoring of the number of Albertans accessing the registry, and the search agencies.

That said, in closing I will support the Bill.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Mr. Speaker, thank you. I rise in support of Bill 38, the Child Welfare Amendment Act, 1996. The Member for Innisfail-Sylvan Lake, myself, and the Minister of Family and Social Services have been engaged in communication and correspondence over the last year with respect to this very issue. I have a number of individuals in my constituency who, when the Child Welfare Amendment Act was debated last year, were very concerned and were very disappointed that the particular amendment that is before us today was not included in the legislation last year.

The interesting thing about the amendment that's before us – and I do indicate, Mr. Speaker, that I will support it – is that the Member for Innisfail-Sylvan Lake, who introduced this and who I recall was the sponsor of the Bill last year, did not indicate to the Assembly what has changed since last year, when the government rallied around the sponsor and defeated the amendment that was put forward by my colleague for Edmonton-Highlands-Beverly, which is identical to the amendment Act that's coming forward this afternoon for second reading. What's happened in the meantime? Last year hon. members on the government side said: “No, no, it's impossible to introduce this legislation. It's impossible to accept this amendment.” Now this year at this point in time they're coming forward with the amendment.

One of the comments that was made to me last year is that the government was simply being punitive in its action by defeating the amendment that had come forward from my colleague for Edmonton-Highlands-Beverly to include both adoptees and birth parents. Without any further explanation, Mr. Speaker, I guess that is the answer. It was really just this government's view of parents who a generation ago found themselves in circumstances where there were illegitimate children. They simply wanted to continue punishing those people and letting them know that this was just punishment for their actions a generation ago.

4:10

I would like the Member for Innisfail-Sylvan Lake to explain what has happened in the last year, why the amendment is coming forward, and why it's taken this long to proceed with this, because he knows there are many Albertans out there who were very disappointed when this did not come forward. My sense of it, Mr. Speaker, is that the government isn't necessarily committed to this, but public pressure has sort of pushed the government into accepting the will of the people and coming forward with this amendment.

I'd also like to ask the sponsor of the Bill the purpose for section 3, which is the coming into force of this particular Bill on July 1, 1996, and why there'd be difficulty, because it is going to be within the same structure within the same system for access through a search agency. Why could the Bill not be proclaimed

in force earlier? Why could it not come into force immediately upon proclamation, and why has the date been pushed back to July 1 of 1996?

Mr. Speaker, with those comments, as I say, I'll support the Bill, but I'm looking forward to some answers from the sponsor of the Bill in committee stage.

Thank you.

THE SPEAKER: Before recognizing the hon. Member for Fort McMurray, might there be unanimous consent in the Assembly for reverting to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

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

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

MS CALAHASEN: Thank you, Mr. Speaker. I'd like to introduce to you and to Members of the Legislative Assembly the man in charge of woodlands operations with Tolko, Mr. Dave Knight. Tolko has a \$120 million OSB plant in High Prairie, which is to be officially opened on May 30, 1996. He's seated in the members' gallery, and I'd ask that he rise and receive the warm welcome of the Assembly.

head: **Government Bills and Orders**
head: **Second Reading**

Bill 38
Child Welfare Amendment Act, 1996
(*continued*)

THE SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. It's my pleasure to rise and speak to Bill 38. Bill 38, of course, is the vindication of the hon. Member for Edmonton-Highlands-Beverly, who last year, over catcalls and allegations and concerns, put forward in a very rational and calm way her amendment and the desire to improve the lot of Albertans who are looking for their birth children and the other way around. In all of that ridicule and in all of that negativity, in all of that concern and excuses and we can't do this and we can't do that and the caucus can't approve it and the lawyers can't review it, it's a pleasure for us today to see, although a year late, this particular section come forward.

I am delighted that the hon. member who sponsored this Bill saw fit to give credit where credit is due in his public comments around the province on this issue, and I'm sure he will give credit where credit is due and acknowledge the good work of the hon. Member for Edmonton-Highlands-Beverly in her effort in this regard. Beyond that, Mr. Speaker, it is always delightful for the Official Opposition to have their amendments come forward and become the law in Alberta, so I will of course vote in favour of this particular Bill – and perhaps other members of the government will – to make this Bill a reality.

I would only join with the other comments that have been made to the hon. member who has sponsored this legislation. That is that this particular Act could come into force immediately on proclamation, and there doesn't appear to be any downside to that. Of course, you may well argue, hon. member, that July 1 it could

well be by the time we get around to proclaiming this Bill anyway, as the MLAs in this Legislative Assembly hunker down for what they do best, and that is to look after the interests of the Alberta public here in the Legislative Assembly and indeed elsewhere in their ridings. However, in the event that the timing is such that this Bill receives third reading prior to July 1, 1996, it may well be that an amendment brought forward by the hon. member, that this Bill takes effect on proclamation, may be well received and could speed along this very important remedial legislation.

With that, Mr. Speaker, I know that there are other hon. members who will want to stand up and speak to this very important amendment to the Child Welfare Act, and I will take my place.

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

MR. BRUSEKER: Thank you, Mr. Speaker. Just a couple of comments on this Bill. In reviewing the Bill and listening to comments that members have made, I was thinking back to a student I had the opportunity to teach a number of years ago who was an adopted child. Her birth family in fact was in the United States, so this particular piece of legislation really had no impact on her one way or another. But I recall well her desire – she was a junior high school student at the time – to find in particular her birth mother and any other children that had been born to that woman in the years following. Ultimately, she was successful in that quest. I recall her comments to me afterwards: how she felt that a part of her she felt had been missing had suddenly been found. She felt that that then gave her a sense that she could go on from that point. Of course, she would have had to regardless, one way or another, but I recall how pleased she was that she was able to find her birth mother and had the opportunity to meet with her and talk with that woman. She discovered that in fact she did have some siblings as well who had come along subsequently. She was pleased to find that in a sense she had another family, as it turned out, in Montana.

So, Mr. Speaker, I just want to rise in support of this amendment coming forward by the Member for Innisfail-Sylvan Lake. I think that putting forward such a proposal as we see before us today will go a long ways to satisfying that need, I think is the way to describe it, that certainly adoptive children do have. Of course, by the time they put in the application to find their birth parents, they're no longer children.

Mr. Speaker, I note that it doesn't go all the way to solving all of the problems that individuals will have in terms of finding their birth parents. Certainly there will be those that choose not to follow up on this procedure, but I think having the option there that if individuals wish to try to follow up and find out a little bit of their own personal roots – I think that's probably a journey we've all at some point or another followed: to try and find what our roots are in terms of grandparents and great-grandparents or whatever, in terms of past generations. I think all of us have an interest in finding out our own personal history. For those individuals who have a whole series of unanswered questions out there that they're looking for answers to, I think this Bill before us today will allow them the opportunity.

So from that standpoint, Mr. Speaker, I support that. I did want to echo the comments from the Member for Edmonton-Highlands-Beverly with respect to the issue of fees. I think this should be a process where if an individual wishes to pursue his or her roots, if you will, the fees to do so are not so severely high

that it might prevent someone from pursuing that route. I think that's something that should be given some due consideration, but I support the member for bringing this Bill forward. I think it's a good concept. I salute the Member for Edmonton-Highlands-Beverly also for introducing it in the Legislature, and then the Member for Innisfail-Sylvan Lake for bringing it forward again this year.

Thank you, Mr. Speaker.

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

MR. HENRY: Thank you very much, Mr. Speaker. I just wanted to add a couple of comments to this Bill and indicate as well my support for the Bill. It's about time that we moved into the 20th century. I know that the Member for Innisfail-Sylvan Lake has been working very hard in terms of the whole adoption issue on several fronts, and I appreciate that.

Again I'm reiterating what's been said, but I wish we'd had this in place last year, when the hon. Member for Edmonton-Highlands-Beverly tabled an amendment that would have essentially allowed for this to happen. I fail to see why the government has had to wait a year just because it didn't want to accept an opposition idea.

I do recall that at that point, when we discussed this issue last year, the Minister of Family and Social Services indicated that he wanted to wait a year and conduct a review of the situation before proceeding any further with regard to opening up adoption records for parents. I don't believe that I've seen a copy of that review. So I'm hoping that the minister, when he gets the *Hansard*, is able to find my question and that he will come back and actually take the opportunity to table a copy of the review he completed, because we haven't seen it.

I'm wondering if there are other aspects of the whole adoption records process that the minister looked at. Indeed, were there other recommendations besides this one? We have no idea whether we are doing everything that should be done here because we haven't seen the report. It seems to me that a prudent way to proceed would have been to have the minister stand up, table the report of the review he said he was going to do in this Legislature, have a discussion, a public discussion, about that review and about that report, and then from that point come with the legislation so that we're not doing this piecemeal.

4:20

I don't want to be back in the fall with the hon. member saying, "Oops, forgot something else; better put that in," and the minister saying next spring, "Oops, we forgot something else; we better shove that in." We've seen repeatedly in the three years that I've had the privilege . . . [interjection] I'm sure the minister of transportation wants to enter into debate, and I'll let him have that opportunity.

In the three years that I've had the privilege of representing my constituency in this Legislature, we've seen repeatedly pieces of legislation rushed through by this government without a full debate, without a lot of public consultation, only to have amendments to those Bills tabled by the government, sometimes even before those Bills hit final third reading and quite often if not then, in a subsequent session of this Legislature.

So my plea here is that we take our time. Let's look at the evidence. Let's see the report on the review of this process that the Minister of Family and Social Services indicated he was going to undertake. Let's make sure that when we're back here again this fall or next spring or make sure that when we have a Liberal

government in this Legislature, we don't have to conduct another review and pull out that review and have to table more amendments to the legislation.

Moving on, I would like to express some concern about the lack of consumer protection with regard to the level of fees that can be charged by adoption search agencies. It seems to me that this is another dangerous trend I've seen with this government, which is that the government will want to protect the interests of providers, whether they be large corporations or small operations, but when it comes to consumers, individuals in this province, we've seen a dangerous trend and a repeated trend to deregulate, to remove any sort of watchdog, to remove any sort of guidance by the public, through this Legislature and through its government, and simply a caveat emptor approach to all services, whether they provide statutory services or nonstatutory services.

It seems to me that we leave the gate open for exorbitant fees to be charged, especially in a province that is so geographically diverse. If I could use an example of a young person who wants to register and wants to be able to locate their natural birth parents. If they don't live in one of the major centres, there may be only one adoption search agency in their locale or in their region. If that's the case, then they essentially have a captive audience, because if an individual perhaps is out of work, doesn't have a lot of money, they may not have the means to go to the urban centre, let the market forces prevail, and be able to choose the provider of that particular search service who provides the most reasonable rate. So if they're in a rural municipality or in the far north or indeed the far south, they may not have the ability to get to the urban centre. It seems to me that when we're creating what essentially is sometimes a regional monopoly here, we have an innate responsibility as government to provide a regulatory framework with regard to the fees charged so that we don't see exorbitant fees being charged or don't see access to the service dependent upon an individual's socioeconomic status with regard to finding out who their natural birth parents are or in fact finding out what's happened to their child that they've given up for adoption.

I regret that the hon. member hasn't seen fit to bring in an amendment that would govern fees charged to individuals, and I regret the fact that we haven't been able to see the report that was promised by the Minister of Family and Social Services with regard to a review of this whole matter. I daresay in that report there may well be recommendations that have to do with regulating the price of the service and, as well, with regard to consumer protection. What recourse is there if an individual goes to a licensed search agency, pays a significant fee, and doesn't get the service that they feel they are entitled to or feel they should be getting with regard to that particular agency? There is no recourse. I regret that in bringing this amendment forward, the minister and the member sponsoring it as a government Bill haven't seen fit to address that particular situation.

However, I do want to overall express support for the initiative. Again, I wish it would go further, and I wish the member initially had listened to the hon. Member for Edmonton-Highlands-Beverly last year. Number two, I wish that he would press his minister to release the report so that we don't see ourselves back this fall with another amendment to fix something else or back next spring with even further amendments.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. deputy Leader of the Opposition.

MS CARLSON: Mr. Speaker, I too support these changes that are occurring in Bill 38 but, like my colleague from Edmonton-

Centre, am sorry that this amendment wasn't addressed in last year's legislation. Every time we have to go back and review this policy and then take the time to bring forward changes and introduce a new Bill, there are many, many people in the province who will no longer be able to access information that they might have wished to.

Certainly I speak from personal experience in this regard. Four of my brothers and sisters are adopted. All of them were born between the 1966 and 1985 time period when records were sealed. Three of them at this point in time have no wish to access those records, but one of my brothers did, and he did for a very serious and significant reason. He had brain cancer, and because the records were sealed, there was no way to go back and find out what kind of a family history there was. When it was determined that ultimately he was going to die, he wanted to meet his birth parents and he wanted to find out if he had any siblings. There was no manner, no means in that time period that he could do that. So unfortunately when he passed away six years ago, he went without fulfilling some of his very last wishes, and it raised a topic of concern for us in our family, one that we talk about on a regular basis.

This information needs to be open and accessible to adopted children, regardless of whether they're older or younger than 18 years of age, and it needs to be accessible to them at a reasonable dollar figure. The fees are, for many people, excessive. If there could be a means test or something like that built into the fee schedule, it would be much better for those people, so those who want to access the information and cannot afford it still would be able to do so. To me, it's a form of discrimination if people want personal records and cannot access them because of a lack of funds. I think this is something that could have easily been addressed in this Bill, and it's quite disappointing that it wasn't.

Again, when we talk about an average fee being \$350 now, the potential for that escalating to an insurmountable amount for many more people is there in the future. I'm hoping that we'll see at some point in time a recognition of this situation, which is a situation that's very important to many people. For people who are not earning a large amount of money or are supporting the family, it's lots of money to pay out when you have no guarantees that you're going to actually get results or that some of your money will be refunded if they're unsuccessful in locating siblings, or birth parents in locating children.

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

4:30

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I'd like to commend the author of this Bill . . .

AN HON. MEMBER: The sponsor.

MR. VAN BINSBERGEN: The sponsor. Thank you, hon. minister.

. . . Bill 38, for having brought this Bill before the House. I think it's a good Bill, and I will support it too. I particularly like, Mr. Speaker, the process that has gone into this Bill. When the Member for Innisfail-Sylvan Lake introduced a private member's Bill last year, after second reading, I think, the minister proposed that public hearings should be held in order to survey what Albertans thought. That was done in due course, and the information that came back was very illuminating.

[The Deputy Speaker in the Chair]

I think the whole process sort of represented an honest and open forum of consultation, which we haven't always been privy to in this province and with this government. What's more, not only was the whole process of gathering information, of consulting aboveboard and transparent, two favourite words of the government, but the findings were then put into the form of this particular piece of legislation, and I think that's something that we haven't seen that often either. Once in a while; not always. So I think, Mr. Speaker, that is a good point too, and those are all reasons as to why this Bill ought to be supported.

Now, I must commend again the Member for Innisfail-Sylvan Lake for having at least the powers of perception to recognize that my colleague from Edmonton-Highlands-Beverly came up with such a good idea last year. I always maintain that it takes great minds to come up with good ideas, it takes perceptive minds to recognize those good ideas, and I think it takes a certain magnanimity of the mind, if you wish, to give credit for the creation of such ideas to the people who in fact propose them. This has been sadly lacking so far, I think – at least I haven't heard it – and I would really appreciate it if the sponsor of the Bill would proclaim far and wide that the inspiration was received from my colleague from Edmonton-Highlands-Beverly and that in fact every once in a while there is a nugget of a good idea coming from across the aisle. Even though it may come out of the mouth of a Liberal, still there is once in a while, in a blue moon, merit in those suggestions.

Mr. Speaker, I wish that the Government House Leader would hear my words and heed them, because he often gives us the sermon or the commandment or whatever you want to call it of not wasting time. I think there is quite a sizable amount of time wasted when amendments coming from this side are a priori voted down on that side without any – any – debate whatsoever, and then lo and behold, one year later we see some of those amendments being produced as government amendments. Now, that, I would submit, costs time and therefore money, and I hope that the Government House Leader remembers these words and takes them to heart and acts accordingly.

Thank you very much.

THE DEPUTY SPEAKER: The hon. Member for Innisfail-Sylvan Lake to close debate on second reading.

MR. SEVERTSON: Yes, I'd like to close debate. I just want to answer a few of the questions. [interjections] I'm just waiting for my colleagues on both sides of the House to be quiet.

First of all, I'd like to answer the one with reference to . . .

MR. HENRY: Point of order, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Centre is rising on a point of order. You'll share it with us no doubt?

Point of Order Decorum

MR. HENRY: Yes. I'm anxious to hear what the member has to say, as are all the opposition members here, and I would just ask if you could direct the members of the government to listen to their colleague as well.

THE DEPUTY SPEAKER: I'm not sure that there is a point of order since the Chair had intervened, perhaps anticipating your point, before your point of order and indicated to the hon. Member for Innisfail-Sylvan Lake that he was the only person who had been recognized and we hoped that he would conclude debate.

Debate Continued

MR. SEVERTSON: Thank you, Mr. Speaker. On the question in reference to section 3, proclamation on July 1, one of the reasons for that is to give any birth parents or adoptees who could place a veto on – if we pass this by the end of May, they'll have a month to put a veto on before a search is started. So it gives some lead time for that. Also, I guess it forces the government, if we pass third reading, to have to proclaim it by July 1, 1996, because it's in the Act that it has to be in effect by then. So those are two rationales for that.

In reference to the amendment and the review, last year when this came up, the Minister of Family and Social Services said he would do a review based on the amendments that we made last year. I'm not sure – and I'll check with him – that it meant a complete review of consulting with people. It was just a review to see how the amendments for the adoptees went. With that we've had about – I have it here – 14 vetoes that were placed on before any searches were conducted and 28 that were placed after the search was done. That's out of 376 searches asked to be conducted, so the rate of acceptance was quite high.

I have had some correspondence with the Member for Sherwood Park, and the majority of the complaints I heard about the amendments from last year were on the lack of this type of amendment. Since this Bill has been introduced, I have been getting some calls – and I'm not sure what other members have received – that are opposed to this, but overwhelmingly I still think it's the right way to go and the majority agrees with it. So that was one of the reasons we held off for a year from including that.

In reference to fees, we have 10 search agencies in the province now, and I would recommend to anybody to contact the registry for a list of those agencies. They can contact all of them and see which agency could do the best job. Member for Edmonton-Centre, I don't think you have to go to an agency in person to initiate a search. You could contact the agency and you could initiate a search by correspondence, so I think that opportunity is there. The department is monitoring the fees charged. It can vary so greatly on any search. One can be found quite quickly, so the charge isn't going to be very much, but some are quite complicated and entail a lot more time.

With that, Mr. Speaker, I'll call for the question.

[Motion carried; Bill 38 read a second time]

4:40

Bill 39 Environmental Protection and Enhancement Amendment Act, 1996

MR. HLADY: Well, Mr. Speaker, I would like to move second reading of the Environmental Protection and Enhancement Amendment Act, 1996. I would love to call the question at this time. Unfortunately, I don't think it would go through quite that quickly, and I believe there are some principles to be understood.

There are three principles that form the foundation of the Environmental Protection and Enhancement Act. Number one is

sharing the responsibility with Albertans for environmental protection; number two, providing more efficient and effective ways of achieving environmental protection through streamlining, consolidation, and eliminating overlap and duplication; and number three, Mr. Speaker, meeting this government's commitment to deficit reduction and balancing the budget.

Mr. Speaker, in preparing this amendment Act, many stakeholders have been consulted. Some of the highlights of the amendment Act: the first one is conservation easements. In order to encourage shared responsibility with Albertans for protection of our environment, the government is pleased to introduce amendments that will allow conservation easements in Alberta. These provisions will enable landowners to enter into voluntary agreements for conservation purposes by restricting the purposes for which the land may be used. This addresses some of the current difficulties associated with existing legal tools. Allowing conservation easements will allow private landowners, municipalities, and conservation organizations to work together and achieve conservation goals without government involvement.

DR. WEST: What's the point?

MR. HLADY: Getting government out of our lives, Mr. Speaker, is the point of doing these sorts of things.

THE DEPUTY SPEAKER: Order. Through the Chair.

MR. HLADY: I was, Mr. Speaker, speaking through the Chair.

Registration process. The Department of Environmental Protection published its action plan on regulatory reform in November 1995 with the objectives of streamlining efficient regulation and minimization of cost to individuals, business, and government. The amendment Act will meet these objectives by allowing some activities which currently require approvals to be regulated through a registration process. Activities which will be subject to the registration process are those that are a minor source of emissions, have a minimal potential environmental impact, currently have standard or routine approvals, historically are not of public interest or concern. The registration process is intended to achieve the same or a better level of environmental protection with less resources.

Remediation certificates. The department will be able to issue remediation certificates where a person or industry has adequately cleaned up contaminated land. At present certificates for reclamation can only be issued if land has been restored to its original state. The ability to issue these remediation certificates will provide a way of recognizing the cost and effort spent by a person or industry in cleaning up contaminated lands and act as an incentive to encourage such cleanup.

Certificates of qualification. The amendment Act will allow certificates of qualification to be issued by designated organizations, Mr. Speaker. This recognizes that there are qualified organizations – for example, educational institutions – that conduct training programs and have the expertise to issue certificates of qualification; for example, to apply pesticides. It will also eliminate the need for the director to issue all certificates of qualification in Alberta.

Under reclamation certificates, Mr. Speaker, the amendment Act will allow certificates to be issued for well sites on specific lands on the basis of written information submitted by an operator. In the event that a later inspection reveals that a reclamation has not been adequately performed, there will be an ability to

require the work to be done or cancel the reclamation certificate. This will eliminate the need for an on-site inquiry to be held in every instance.

The Act will also allow the transfer of responsibility for waste management facilities. I'm sure this is something that the Member for Calgary-Shaw will be very interested in, Mr. Speaker. In May 1995 cabinet approved the transfer of responsibility for regulating the construction and operation of waste management facilities from the Public Health Act to the Environmental Protection and Enhancement Act. The purpose of the transfer is to consolidate legislation governing waste management and to streamline the regulatory process. The amendment Act will provide for this transfer to the Department of Environmental Protection.

Finally, the Environmental Appeal Board. Changes will be made to provisions regarding the Environmental Appeal Board to, one, allow the board to hear appeals from other statutes; two, allow the board the flexibility to conduct hearings through less formal processes; three, clarify the jurisdiction of the board; and four, streamline procedures.

Mr. Speaker, I look forward to hearing the comments from others of the House.

THE DEPUTY SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. In speaking to Bill 39, the Environmental Protection and Enhancement Amendment Act, 1996, I was listening intently to the comments from the Member for Calgary-Mountain View, and it appears that he and I take a very different view of what this particular Bill is all about.

Mr. Speaker, the Member for Calgary-Mountain View did indicate what this Bill is about. It's about streamlining, it's about saving the government money, it's about deregulation, it's about downsizing, and it's about doing all of the things that the Minister of Environmental Protection on behalf of the government has been doing for the last two years in getting us to the point where we do as little as we possibly can in the area of environmental protection. I don't think that's where Albertans want to go in environmental protection.

I heard the Member for Calgary-Mountain View say that some of the changes that are coming about are in areas where the public doesn't express much interest in particular situations. I take the view, Mr. Speaker, that we create a framework in environmental protection that allows the public to express their interest in any matter in environmental protection and that a vehicle is in place to do that. One of the things we'll see in Bill 39 is that what the government is doing is taking away the public's right of participation over and over and over again, and I'll explain in some detail why that is.

Now, Mr. Speaker, as you know, there is no particular principle of this Bill. This is yet one more amendment Act that comes before the Assembly in second reading. It's difficult to speak to the principle of an amendment Act. Nonetheless, the essence of an amendment Act, the principle of that, is to improve legislation that currently exists. That's why amendment Acts come forward. We just saw that happen with Bill 38, which was debated prior to moving on to Bill 39. It was a move to improve legislation that already exists. What we see in Bill 39 is that the amendments that are coming forward, being sponsored by the Member for Calgary-Mountain View, do not improve on the

Environmental Protection and Enhancement Act. In fact, the majority of these amendments erode and diminish environmental protection law in the province of Alberta.

I'll start, Mr. Speaker, by commenting on the conservation easement amendments that are included in Bill 39. Now, in 1993 I introduced into this Legislature a conservation easement Bill that the government saw fit to defeat. The amendments that come forward today essentially enable private landowners to do what I had proposed in 1993 by allowing them to enter into a contract for the conservation of their land, and that contract can be registered against the title, and the contract runs with the land. That's essentially what these amendments do today, but with one striking distinction between the proposal that I brought forward in 1993 and the proposal that's coming forward in this particular Bill. That change is that this Bill gives the minister – gives the minister – the power to terminate a conservation easement. So once again what we have is the minister using the heavy hand of government to interfere in arrangements of private landowners where the minister will come along and announce that he is terminating a conservation easement for whatever purpose he deems fit.

Now, let's say, for example, Mr. Speaker, that a private landowner in the province of Alberta has a conservation easement on his land, but a developer wants to build a golf course on that private land. The minister, with the influence of the golf course developer, can publicly announce to the world that he is canceling that conservation easement and will then give the developer the green light to go ahead and move through that process. That's what this Bill does. That's exactly what this Bill does. It gives the minister that kind of power to decide what people are going to do with their own private land.

4:50

The other thing the conservation easement legislation does is that it does not include the conservation of agricultural land. We had in 1995, Mr. Speaker, Bill 206. My colleague from Lethbridge-East introduced the Agricultural Land Conservation Easement Act. I recall that three members on the government benches spoke in favour of the agricultural conservation easement legislation, including the Minister of Agriculture, Food and Rural Development, and that is not included in Bill 39. Of course, my question is: well, why not? If it was a good idea then but the government chose to defeat it, if Bill 210 was a good idea but the government chose to defeat it, why aren't they collectively coming back in the conservation easement legislation that's under Bill 39? So it is another deficiency in the conservation easement, but certainly it doesn't come close to the powers that the minister gives himself to terminate conservation easements, which is just totally, totally unacceptable.

What individual, what private landowner in their right mind would come forward and enter into a conservation easement for their land knowing full well that the minister, on a whim, any day of the week could come along and terminate, cancel, that agreement? The Bill, Mr. Speaker, says that the minister simply decides and then goes and registers on the title that this conservation easement is canceled. It's an outrageous approach for the Minister of Environmental Protection to take, but it does indicate the government's ongoing statement to the people of Alberta: we'll tolerate environmental protection, but when development comes along, then we have to set environmental protection aside and always do something in favour of development. So it is a clear statement of the government's policy on how it views environmental protection.

That position, that policy, that public statement continues with the registration process. Currently under the Alberta Environmen-

tal Protection and Enhancement Act, Mr. Speaker, there is a schedule of activities, and if you are undertaking any of those activities, you require an approval from the government and from the director in Environmental Protection. What the government is going to do now is they're going to move some of those approvals over to a position of what are called registrations.

Now, the Member for Calgary-Mountain View and no doubt the minister will say, "Well, that's all part and parcel of the streamlining process," but what it really is, Mr. Speaker, is the way the government can change the Act to exclude public participation. Why do I say that? At this point in time, if there is an application for an approval coming forward, there is a requirement under the Act in section 69 that there be public notice for that application for an approval. That gives the people of Alberta an opportunity to respond to that and to file with the director a notice of objection. That then works through a process where those individuals have the ability to come forward and express their concerns. But do you know what? This Bill does not amend section 69.

The intent of the government is to make sure that for everything that moves over to registration and out of approval, the people of Alberta are excluded from any involvement in that process. What is it that is going to move from approvals over to registrations to exclude the public from those issues? Don't know, Mr. Speaker. Don't know. You know why we don't know? I think hon. members can guess. It'll be in the regulations. It will not be in the Act. So how can we legitimately look at the benefits of moving over from approval to registration for some issues and not other issues when we don't even know which ones they're going to be? I know that there are some. We know at this point that there are some.

The Member for Calgary-Mountain View made reference to waste management facilities. There are going to be, Mr. Speaker, believe it or not, dozens and dozens of landfills in the province of Alberta that will not require an approval under the Environmental Protection and Enhancement Act when it takes over the role from public health, which we saw in Bill 27, the Public Health Amendment Act. That means that if it's going to be a registration and only a registration that is required for the operation of those landfills, there will be no public input, there will be no public notice of the operation of those landfills in those communities. How will it work? It will work by standards, codes, and guidelines.

Who's going to know what the standards and codes and guidelines are? Only those who have an interest, Mr. Speaker. The public of Alberta will be excluded from knowing what the standards and the codes of practice and the guidelines are. That's what it says in Bill 39. That's what it says. [interjection]

THE DEPUTY SPEAKER: Order, Lesser Slave Lake.

MR. COLLINGWOOD: Thank you, Mr. Speaker. That's what it says in Bill 39. It says that there will not have to be notice to the public about those activities which will now be registrations, and there will not have to be the delivery or the inclusion of the public in knowing and understanding what those standards, codes of practice, and guidelines will be, one more attempt by the government of Alberta to go out of its way to exclude the public in the process of protecting Alberta's environment.

What's truly amazing, Mr. Speaker, is that under the Act it will now include the disposal of hazardous waste. The disposal of hazardous waste will not require an approval by the government of Alberta. So in any community in Alberta there can be an

activity which is a waste management facility, including the disposal of hazardous waste, and the operator will not even have to give notice to the people of that community that that's the operation they are undertaking in their community. Pretty incredible that the government has got to the point now where it's so embarrassed by hazardous waste that it refuses to allow the people of Alberta affected by those activities to even know that that's going to happen in their communities.

That's what the Bill says, Mr. Speaker. That's what the intent of the Bill is. That's the principle of this Bill, and that's to exclude the public. There will be many other specific issues I'll want to deal with in terms of the registration process, but I'll leave my comments at that in terms of the general observations.

The next issue I want to deal with is the Environmental Appeal Board. The Environmental Appeal Board is a very integral component of the approval process. Where there is an activity proposed, there can be notice of objection, and that matter will go to the Environmental Appeal Board for discussion. Well, that'll still happen for approvals, Mr. Speaker, but it won't happen for registrations. Once again the government is closing the door on the people of Alberta being heard. They have this process, but the process will now be restricted, will now be eroded, will now be diminished by virtue of the amendments that are being put forward here.

It's incredible, Mr. Speaker. The minister will no doubt want to talk about rules of natural justice in the Environmental Appeal Board as a tribunal in the province of Alberta, but now we have an amendment that says that the Environmental Appeal Board doesn't even have to hear oral arguments. They're diluted further. They're simply going to say, "We're going to make a decision about this particular issue by receiving written submissions from the individuals only." No opportunity to have the debate aired in public with an oral hearing for the purposes of cross-examination.

Now, why is that? Well, Mr. Speaker, because once again that's one more opportunity, that's one more example to exclude the public from anything dealing with matters that must go to the Environmental Appeal Board. The Environmental Appeal Board is one of the major sounding boards for environmental issues in the province of Alberta. The amendment attempts to exclude Albertans from being full participants by simply saying, "Give us a written submission, and we'll make our decision on that."

What's even more incredible is that the government has included a privative clause. I invite my colleagues who are also members of the bar to take a read of the privative clause that is contained in this Bill, because unbelievably the privative clause not only relates to the administrative tribunal but also protects the minister. When have we ever had a privative clause that in administrative law, Mr. Speaker, is there in terms of the framework in the operation of the administrative tribunal, indicating that the decision of the tribunal is final and binding, where we now have the minister seeking from the law the same protection as an administrative tribunal? That's what the privative clause does.

It says that any decision of the Environmental Appeal Board is final and binding. The decision of the appeal board is final and binding, and the decision of the minister is final and binding. Why are they doing that, Mr. Speaker? They don't want any member of the public of the province of Alberta to ever, ever challenge the Minister of Environmental Protection or the Environmental Appeal Board on any decision that's made in this province about environmental protection. That's what it does.

5:00

This Bill is an amendment to the Environmental Protection and

Enhancement Act. The minister has said: whatever I decide, no one will ever, ever question. Mr. Speaker, I'm going to read into the record what it says. I'm just going to read part of it into the record right now:

The Minister or the Board has exclusive and final jurisdiction to do that thing and no decision, order, direction, ruling, proceeding, report or recommendation of the Minister or the Board shall be questioned or reviewed in any court by application for judicial review or otherwise, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, prohibition, quo warranto or otherwise, to question, review, prohibit, or restrain the Minister or the Board or any of its proceedings.

Unbelievable, Mr. Speaker. Unbelievable. That is slamming the door on every Albertan in the province of Alberta to ever, ever question anything that the Minister of Environmental Protection does in relation to protecting the environment. It is almost as bad as the minister taking away the right to decide what you want to do with your private land relative to a conservation easement.

So the minister once again by this particular section is saying to the public: you are not invited into the debate about environmental protection. That is exactly what that says. Now, what's interesting about that, Mr. Speaker, is that the minister has also put in an amendment that says that the Environmental Appeal Board can change its mind anytime it wants. So its decision is final and binding by virtue of the amendment, but they can change their mind anytime they want, even though their decision is final and binding. Isn't this an interesting scenario of certainty for the people of Alberta? I'd actually like to call this particular amendment the Westcastle amendment, and while I recognize that that was a matter before the Natural Resources Conservation Board, the minister was somewhat embarrassed when he repealed the order in council after the decision of the Natural Resources Conservation Board was approved.

This is the kind of amendment, Mr. Speaker, where the minister is going to say: "Well, I don't want to take the flak for this, so I'm not going to make a change. I'm just going to go to the board and I'm going to say, 'Board, you made the wrong decision, and I'm going to make you change it, and you're the ones who are going to have to take the heat for changing your decision'." That's what he's doing. He's just simply abdicating his responsibility. He slams the door on Albertans. He abdicates responsibility. He downsizes. He streamlines. He deregulates. That's all he's doing. There's no commitment in anything that is in this Bill that says to the people of Alberta, "We are truly committed to protecting the environment of Alberta." Nothing in this Bill says, "We are truly committed to protecting the environment in the province of Alberta."

Mr. Speaker, in the time that I have remaining to speak to this, I want to talk about the change that is going to occur with waste management facilities in the province of Alberta. As I've already indicated, when the Department of Environmental Protection takes over the regulation and the operation of landfills in the province of Alberta, the majority of landfills that operate currently will not be approved by the Department of Environmental Protection. They will be registered with the Department of Environmental Protection and the department will write back, saying: "Thank you for registering with us. Please ensure that you follow the code of practice and the guidelines, and thank you very much for the fees, because that will help."

MR. GERMAIN: "Thanks for the fees. We're from the government, and we're here to help."

MR. COLLINGWOOD: As the Member for Fort McMurray says, "We're from the government, and we're here to help." "Send lots of money, and we'll let you operate your landfill, just as long as you loosely follow the code of practice or the guidelines that we impose upon you."

There will be little opportunity, Mr. Speaker, for the government to ensure that the landfills are indeed operating under the code of practice because, as we know, the minister says: well, it's up to the people of Alberta to let us know if there's anything wrong with the way the environment is being protected, because we simply don't have the staff to be out there doing those kinds of things.

The approach that the government is taking in terms of waste management does not involve public health, does not involve the Department of Health. There ought to be continued integration of the two departments so that we are going to do the right thing when we make this transition.

Those are my comments, Mr. Speaker, and I thank you and I look forward to Committee of the Whole.

THE DEPUTY SPEAKER: I'd like unanimous consent from the Assembly to allow the hon. Member for Calgary-North West to make a statement regarding a question raised in question period on May 2. All those in agreement, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Any opposed? Carried.
Calgary-North West.

Point of Order Member's Apology

MR. BRUSEKER: Thank you, Mr. Speaker. Thank you to the members. Having had the opportunity to review my question in question period the last day of the Legislative Assembly, I realized that a question was put before I had all of the information available, and the question was based upon information based on public disclosure statements. Due to the structure, not all the information was available until subsequent to when that question was asked.*

Therefore, to the minister of transportation, if I have caused him any embarrassment or inconvenience, I offer him my apology.

Debate Continued

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

MR. WHITE: Thank you, Mr. Speaker. I rise to speak on this very important piece of legislation we have here before us. Bill 39 does a great deal to undo what previous governments and governments across Canada have done in putting into place protection of the resources of this province, that being the air quality and the soil quality and water quality of our province.

It is interesting to note that the sponsor of the Bill started out with efficiency and deficit reduction, fundamental purposes of this Bill. Nothing about protection. Nothing. Now, this is a little strange coming from where we came as a society a mere five or six years ago, where everything was directed to it. Yes, perhaps at the time it was a little overzealous, but the principle was right. The principles here are taking this pendulum and swinging it way out the other side, and the public have not been aware of this.

I have been and will continue to speak to elementary schools all the time about waste reduction and all of those things that they're becoming very, very aware of. Well, this doesn't do any of that. This just rips it apart. The object of the exercise is to take the expenditures of the department and just slice them. There is no evaluation of cost, of outcome. There isn't any of that in this Bill. This does all the things that we were doing in the '50s, '60s, and '70s. We were just exploiting resources. We weren't taking care of understanding what the science is of sustainability. We weren't taking care of understanding how things move through a resource industry or through burning any of our waste products or burying of any waste products, any effluence that comes from any industries. We weren't dealing with those, and now we're heading way over to the other direction. These are the same people that want the citizens of Alberta to get out of the business of environmental protection. Well, this is a way of doing it. This is a real way of doing it. Quite frankly, it's appalling.

I mean, if we put this Bill to the high school students and understand the consequences of this Bill and had them debate it, you know what it would be? It would be resoundingly defeated, and those are the inheritors of that which we're doing here today, of the land and the water and the soil and the air. This is totally and completely diametrically opposed to where those people are. This is simply not acceptable.

The fundamentals of the Bill in my view are wrong, wrong, wrong. Yes, there are probably some improvements that can be done in the management of the department and how they do things, and how, yes, perhaps there is some growing interest in society to have some regulations relaxed such that an industry can take those on. Yes, but do those gradually. Don't just arbitrarily – as this Bill says, these are the things that can and should be done by private enterprise and reporting to us out of the goodness of their hearts as to when they've made an error. This is simply not good enough.

5:10

There's the question covered by the Member for Sherwood Park, the conservation easements. Now, here we have a case of two organizations, one a landowner that wishes for some consideration – the ones I think of mostly are Ducks Unlimited or those kinds of people – to protect some property from future development. They want to protect it so the waterfowl have some habitat in this particular case. There's an arbitrary power given to the minister in this Act that says he can intercede unilaterally on a piece of private property with another owner. This is absolutely unheard of. I mean, we hear from the other side all the time that this is an open government, and yes, we want freedom of this and freedom of that. Here we are; we have the powers given to the minister to intercede arbitrarily. On what basis? It doesn't say. It can be anything. It can be the phase of the moon. It could be any number of things. It is unbelievable that this kind of thing should be included in the legislation. Certainly those members that come from rural Alberta would want to review this very carefully. A change of government, as things do happen, or simply a change of members through the next election – it could be the neighbour; it could be your brother, sister, aunt, or uncle who has a piece of property who has had an arrangement such that a conservation easement would do that.

DR. TAYLOR: None of my relatives would put a conservation easement on it.

MR. WHITE: Certainly there's the well-to-do family. The

*See page 1575, right col., para. 4

Member for Cypress-Medicine Hat or points south says that none of his family would be vaguely interested in putting a conservation easement on their property. Well, that may be so, but there are a number of people that really do care about the flora and fauna and the sustenance of those in this province and are willing to put that to the test and to in fact decide, yes, these areas of property are and should be for all time protected. Now, that is just unheard of in any piece of legislation that I've seen.

The registration process is particularly disconcerting too. Here it's taking a great deal simply by regulation, and regulation, of course, is behind closed doors so that the neither public nor this side of the House can tell exactly what is to transpire in this regulation, what is able to have a regulation passed such that this application or that application can be approved simply by a director without any public hearing, without any of the neighbours or those that are affected by this application being given any knowledge whatever of what is to occur close to their property or affecting their air quality or any other concern that they may have, whether it be flora or fauna in the region. There's no public opinion sought in some cases.

Now, I believe it was the intent of most environmental protection legislation through the last 10 years to err on the side of public knowledge. Yes, at times it was excessive; there's no question about that in some areas. But there's no reason to swing the pendulum to the extent that there's no public input whatever. There's just one person's judgment as to what is or what is not in the interest of the public or in the interest of those members of the public that happen to live close at hand or breathe the air or happen to be downstream of some facility or other. To have no opportunity to have input in other times would be categorized as a kangaroo court, where no one really has any influence and there's just an edict that comes down from above to say this is what is the case.

There is no case for appeal in another section of it. There's just the director under the direction of the minister, the delegated authority of the minister, that makes a decision. It can be in place and functioning presumably, the perceived damage that was done by some party or other, before an appeal can be launched. An appeal may in fact take two, three years. Who knows how long an appeal could take? Even then the minister can rule unilaterally and say: "No. That's it. I'm sorry. Your concerns are not valid." There is no appeal after that. I mean, this is almost draconian in the way it deals with the environment.

There's the case of the Environmental Appeal Board. Now, it no longer has to hold a hearing on a matter. Even though there's an appeal, it can deal with the evidence as presented in writing and make a ruling. Well, I'm sorry, Mr. Speaker. Again one must err on the side of seeing justice done, not just having it done, but it has to be seen to be done. There are many interested parties that would in fact attend hearings to listen, to find out what in fact is transpiring with a piece of property or an application somewhere. This is simply not being done.

It may be convenient not to hold any public hearings, as it would be for any judicial body. It may be convenient not to hear from both sides of a case. It may be convenient not to have evidence presented by one party or another. It may be convenient in many cases, a municipal body or a police commission or any of the other boards or authorities and tribunals that are around this province, not to have to have hearings. Unfortunately for those bodies and fortunately for us the public it is absolutely necessary: public hearings so that any person from the public can register, come forward, and speak to a piece of business. It is most

necessary, and I can't believe that this piece of natural justice is just being chucked out in this legislation.

The last item of business that I'd like to speak to is the minister's decision being final. Now, I don't know whether – this particular minister, I'm sure it wouldn't be him. But how could he presume to think that he's the final and lasting authority, the absolute authority, that he is absolutely, unequivocally so right and so righteous that there is no question, absolutely no question about it?

DR. TAYLOR: He's a Conservative, and you're a Liberal, and you can't understand that.

MR. WHITE: Mr. Speaker, there seems to be this strange din from my right here that just goes on and on and on in nonsense. I mean, if it were a little bit more learned, perhaps it would be easier to deal with. When we're dealing with the minister and the minister nods and understands what's been spoken of, certainly we could have a decent conversation. We certainly don't need this load of it from over here on this side. I think you'll agree, Mr. Speaker. [interjections] Good. Thank you, sir.

The last item of business here is the waste management facilities. This province has come a great way towards environmentally safe landfills. Currently there are a number of landfills in this province that are not. Historically they've been in place and had approval and been grandfathered from the late '70s, prior to having some very good legislation in place. Fortunately some of those are being closed, and they're being recognized for what they are. The leachate from these is potentially very damaging. It is not the case in some of these new applications. In the interim, in the last four or five years, it has been exceedingly difficult to get an application.

5:20

One thing that this Bill does do is move to have one single authority so that all the public hearings and the public input and those who've had an interest could come to one place to deal with an application in finality. That is the upside of this piece of legislation. The downside, of course, is this registration process and the diminishing of a lot of the regulations.

Now, we don't know what they are, but having been an engineer in this province for a great number of years, I can tell you that landfill applications are very, very serious business, particularly when you're dealing with some major centres. I can see some major centre west of here in the county of Lac Ste. Anne, I believe, where there's a proposal to the city through TransAlta Utilities to modify some waste, not chemically alter the waste, modify it by way of oxidization, which is to in fact break it down – we'd informally call it composting – and put it in one of the highly porous substrata in the province. This is a coal bed. This is a sand bed. It is known for that. Just to dump it.

In an interview with the applicants to this with the city of Edmonton to find out what they intend to do and how they intend to proceed with applications, they had no idea. They had no idea as to where they were going with their application. They were continually told that this was coming, this was coming, and this was coming, and the regulations are not ready yet.

When will the regulations be ready? When can the public review these regulations to say that, yes, the interests of those people that are in the watershed of that particular site, which can be two of them actually in the county of Lac Ste. Anne and the other one in the area of Wabamun Lake, that area . . .

There is but a little time left to deal with the exact approval.

[interjections] Am I supposed to do this now? Then, sir, I shall move that we adjourn debate on Bill 39 at this time.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Mayfield has moved that we adjourn debate on Bill 39. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[The Assembly adjourned at 5:24 p.m.]

