

Legislative Assembly of Alberta

Title: Wednesday, May 8, 1996 1:30 p.m.
Date: 96/05/08
[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy.

As Members of this Legislative Assembly we rededicate ourselves to the valued traditions of parliamentary democracy as a means of serving our province and our country.

Amen.

Please be seated.

10th Anniversary of 1986 Election

THE SPEAKER: Hon. members, the Chair would like to take this opportunity to congratulate members who today celebrate their 10th anniversary since they were first elected to this Assembly. They are the hon. Minister of Advanced Education and Career Development, the hon. Member for Olds-Didsbury, the hon. Member for Dunvegan, the hon. Government House Leader, the hon. Provincial Treasurer, the hon. Member for Edmonton-Gold Bar, the hon. minister of science and research, the hon. Minister of Federal and Intergovernmental Affairs, and the hon. Minister of Transportation and Utilities, also responsible for lotteries.

AN HON. MEMBER: You missed one.

MRS. ABDURAHMAN: Our leader.

THE SPEAKER: Sorry. And last but not least, the hon. Leader of the Opposition.

SOME HON. MEMBERS: You too, Mr. Speaker.

THE SPEAKER: Who? Me?

head: **Introduction of Visitors**

MR. ROSTAD: Mr. Speaker, it's the fastest 10 years of my life.

It is with great pleasure today that I introduce to you and through you to members of the Assembly Mr. Shigeru Ise, the new consul general of Japan in Alberta. Mr. Ise has been in Canada since this spring. He actually has been in Canada longer than that but has served as consul to Edmonton since March of this year.

Mr. Ise has had a prestigious career serving with the Japanese Ministry of Foreign Affairs. He served his country in many locations around the world including Addis Ababa, Stockholm, Geneva, and Bangkok. He has also held a number of positions with the Ministry of Foreign Affairs in Tokyo and has extensive experience in North American trade policy matters.

The government of Alberta has a strong relationship with Japan, and we look forward to a continuing and growing relationship. I would ask Mr. Ise to rise and receive the traditional welcome of the Assembly.

head: **Presenting Petitions**

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

MR. BRUSEKER: Thank you, Mr. Speaker. I'd like to present petitions from 403 Calgarians expressing concern about the fact that due to cutbacks in ECS funding a number of parents had to pay the full fee for their children who attended ECS for the years 1994-95 and '95-96.

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

MR. DALLA-LONGA: Thank you, hon. Mr. Speaker. I, too, have a petition from 358 parents. The petition is kind of long, so I'll shorten it. They're requesting that the Alberta Legislative Assembly review the issue of ECS funding. The program is currently nonmandatory, and they would like to see the program made mandatory. They would like to rectify the injustices imposed upon those parents who had to pay for ECS for the years '94-95 and '95-96.

Thank you, Mr. Speaker.

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

MR. DICKSON: Thank you, Mr. Speaker. I have a petition which urges the Legislative Assembly to
suspend further hospital closures in [the city of] Calgary, and immediately hold an independent public inquiry on health care facilities in the city.

This was signed by I think some five pages' worth of Calgarians concerned with this particular issue who came out to attend a meeting at Victoria Community Association hall last Sunday.

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. In keeping with this government's openness and accountability, I file with the Legislature today a response to Written Question 157 and responses to motions 167, 168, and 175.

MRS. McCLELLAN: Mr. Speaker, May 12 is the fourth annual ME/CFS/FMS day. This condition is more commonly known as chronic fatigue syndrome. To promote the rising awareness of this difficult to diagnose illness, Alberta Health has today issued an information bulletin, which I am pleased to file with the Assembly now.

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

MRS. BURGNER: Thank you, Mr. Speaker. In response to questions that were raised in the House yesterday, I'd like to table the budget of the Seniors Advisory Council for the last three years and the grant allocation to the Alberta Council on Aging.

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

DR. MASSEY: Thank you, Mr. Speaker. With your permission I would like to table another 74 names of citizens who've endorsed the Remember When ad that appeared in the *Calgary Herald* and the *Edmonton Journal*. These citizens oppose the multicultural provisions of Bill 24.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I'm pleased

to table 13 letters written by grades 8 and 9 students from the Yellowhead Christian school in Edson. They state their opposition to smoking, especially by young people, and to the sale of tobacco products to our youth. They also favour heavier fines for those who sell cigarettes to underage people. Implicit in their letters is the encouragement to all MLAs, including the Premier, to quit smoking.

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

MS CARLSON: Thank you, Mr. Speaker. I would like to table a copy of the ad Remember When: remember when commitment to multiculturalism was more than just a word. It is accompanied by 75 names of people from south Edmonton who are fundamentally opposed to Bill 24.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker, and congratulations on your 10th anniversary as well. It was not an oversight, I'm sure, just an act of humbleness on your part to not read that in, but I thought I would read into the record for you.

Mr. Speaker, I have two tablings today. One is from the Jewish Federation of Edmonton. It's a letter to the hon. Premier dated the 30th of April, and it is urging the government to please not enact Bill 24. It's also urging them to return the status of the Alberta Multiculturalism Act to what it used to be.

The second one is a letter from the German-Canadian Association of Alberta addressed to me requesting me to be their voice in this Legislature for multiculturalism and to be their voice also against Bill 24.

Thank you.

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

MR. DICKSON: Mr. Speaker, thank you. I've got 74 pieces of correspondence from concerned Calgarians protesting the closure of both of the inner-city hospitals and advocating and urging the hon. Minister of Health to review and rethink that plan.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly 61 excellent, enthusiastic, excited students from Spitzee elementary school in High River. They are accompanied by many proud parents and teachers including Brad Skeet, Shirley Crawford, Bernie Hoffart, Geordie Retallick, Martine Leavitt, Cheryl Springsteel, Jim Scott, Brian Wilton, Laureen Maynard, Gloria Noble, Sharon Plett, and Maureen Loven. I would ask them to stand and receive the warm traditional welcome of the Assembly.

1:40

THE SPEAKER: The hon. deputy opposition leader.

MS CARLSON: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to Members of the Legislative Assembly two of my constituents, Judy and Franz Scharfenberger. They are accompanied today by Judy's parents, Fronie and Gerald Miller, and their visitors Clarence and Primrose Verge from Newfoundland. I would ask that they rise and receive the traditional warm welcome of the House.

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

MR. BRUSEKER: Thank you, Mr. Speaker. It's my pleasure to introduce to you and to all Members of the Legislative Assembly 34 visitors from the Forum for Young Albertans. I've had the privilege of being one of the trustees of the forum, as is the Member for Calgary-Mountain View, and of course both the Premier and the Leader of the Official Opposition are honorary patrons of the forum. They are accompanied by four group leaders and chaperons: Jason Marshall, Rebecca Jaremko, Daniel Popp, and Paula Dubyk. I understand a number of them had a chance to meet with their respective MLAs last night at a dinner. They are in the public gallery. I'd ask them to rise and receive the traditional warm welcome of the Legislative Assembly.

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

MR. SMITH: Thank you, Mr. Speaker. It gives me great pleasure to recognize a couple of driving private-sector individuals in the members' gallery. I would ask Mr. McCabe and Mr. Russ Tynan, who are senior executive members and volunteer chairmen of the board of the Alberta Tourism Partnership, to rise and receive the warm welcome of the Assembly.

Thank you.

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

MR. FISCHER: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to members of the Assembly a team of manufacturing consultants from the Forestburg area in the Wainwright constituency. This team is working on an exciting venture: putting together plans for a new strawboard manufacturing plant in Forestburg. They are led by the mayor, His Worship Bob Coutts; Neal Oberg, brother of the member from Brooks; Greg Lemay; Larry Schroeder; Paul Grymaloski; and Paul Schorak. I would ask that they rise and receive the warm welcome of the Assembly.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. It is my pleasure to rise and introduce to you and through you to members of this Legislature Mrs. Astride Noga. She is from northern Alberta, and she and her husband are on their way to their European homeland, the Czech Republic. She is seated in the members' gallery. I would like to ask her to rise at this time and receive the very warm welcome of this House.

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

MR. COUTTS: Mine's done, sir.

THE SPEAKER: The hon. Member for Red Deer-South.

MR. DOERKSEN: Thank you, Mr. Speaker. It's my pleasure to introduce to you and to members of this Assembly today three young ladies from the constituency of Red Deer-South: Kathy Tabler, Tanya Tabler, and Georgia Tabler. They are seated in the public gallery. It should be noted that they are in support of

the hon. Member for Bow Valley's motion to restrict smoking in the provincial Legislature. So I'd ask if they would rise and receive the warm greetings of this Assembly.

THE SPEAKER: Hon. members, the Chair would like to bring members' attention to the presence in the public gallery of a group of grade 6 students from St. Anthony's school in Drumheller. They are accompanied by their teacher Mr. Gerry Hamilton, who also happened to be my children's teacher when they attended that school, parents Stan Donais, Tammy Schinnour, Heather Lapham, Brenda Colberg, and their bus driver, Scott Patterson. It's my great pleasure to introduce them to all members of the Assembly, and I ask them to rise and receive the traditional warm welcome of the Assembly.

head: **Oral Question Period**

THE SPEAKER: The hon. Leader of the Opposition.

Bow Valley Centre

MR. MITCHELL: Thank you, Mr. Speaker. Earlier this week I asked the Minister of Health if she would listen to the people of Calgary who are concerned about the closure of the Bow Valley centre. Her response was to refer to the Hyndman report, which she says recommended the closure of the Bow Valley site. Since the minister ignored the key Hyndman recommendation to close the Alberta Children's hospital, how can she now use the Hyndman report to justify closing the Bow Valley centre?

MRS. McCLELLAN: Mr. Speaker, if the hon. Leader of the Opposition has read the Hyndman report, he would know – and he would be a little more forthright – that there were a number of things that were in there on those recommendations on both the Bow Valley centre and the Children's hospital. The recommendation in the Hyndman report, as I recall it, on the Children's hospital was that that site be relocated to the Foothills hospital site. Upon review of that whole matter and looking at the age of the building, the ability to move it to the Foothills site, it was determined by this government that it was not in the best interests of delivery of health services to the children or fiscally responsible to do that at that time. So that was not taken as a recommendation.

However, the report on the Bow Valley centre is quite different. As I mentioned yesterday, there was a rebuilding plan for that Bow Valley site that amounted to some \$180 million to \$190 million, and that was certainly first put on hold by this government. It was determined that that was not fiscally responsible, nor was it in the best interests of delivering health services in those areas. But what has been determined is that it is important to have health services for the residents of downtown.

The regional health authority is in the process right now, as we speak, of having community consultations. I can assure the hon. member that interested MLAs on this side of the House are taking part in those consultations and are advocating for the residents of downtown Calgary and are ensuring that the authority is reviewing all of the options for that. I'd invite the hon. Leader of the Opposition and some of his colleagues to become proactive and be interested in the health services for those residents, to get involved in a positive way. It would be a welcome relief.

MR. MITCHELL: Mr. Speaker, why won't the Minister of Health listen to the entire Hyndman report, which really said that

a health facility must remain on the Bow Valley centre site no matter what?

MRS. McCLELLAN: Well, again, Mr. Speaker, the hon. Leader of the Opposition is capturing a moment of discussion. The regional health authority is, as we speak, looking at where the best sites are for a community health centre for the residents of downtown Calgary. There has been no decision as to where that site would be. In fact, upon my reading of a newspaper article, I noted that the chairman suggested that one of the options was on or near that site.

This opposition has talked consistently about community consultation. It is happening in Calgary in consultation with the community. Get involved in a productive and proactive way in developing a plan for services for downtown Calgary residents. The authority has assured the people who live in that area that that will be in place before the closure of the Bow Valley site.

MR. MITCHELL: Will the minister commit to accepting the recommendations of Calgary's new inner-city health advisory group, which is conducting the consultation she speaks of, even if they recommend to keep the Bow Valley centre open?

MRS. McCLELLAN: Mr. Speaker, we will look for the recommendations to come forward from the Calgary regional health authority when they have concluded their discussions. We will make our decision based on the best health services, based on needs of that community, and those that are fiscally responsible. I don't think the residents of Calgary or anyone else would want us to do it any different way.

1:50 Ambulance Services

MR. MITCHELL: Mr. Speaker, Brian Hicks of Redwater was an inpatient at the Redwater hospital suffering from severe angina. While he was still a patient at this hospital, his physician noted a change in his condition and requested that he be brought to the Royal Alexandra to see a specialist. Unfortunately, arrangements to have Mr. Hicks transported safely were not made, and the ambulance transfer was refused. Mr. Hicks was forced to drive himself despite his very serious condition. Along the way pain overtook him, and his trip to the hospital was luckily provided by a passing motorist. To the Premier: is the refusal to provide ambulance transportation for Mr. Hicks another attempt to cut corners to meet the government's arbitrary cutbacks in this province?

MR. KLEIN: Mr. Speaker, this obviously involves a decision that was made by the hospital authorities, and relative to the specifics of the case, I'll have the hon. minister respond.

MRS. McCLELLAN: Mr. Speaker, the decision on how to transport a patient from one facility to another or from the scene of an accident to a hospital is made by a physician in charge as well as the receiving physician. That information is then patched to a dispatch centre, and the appropriate transportation is arranged. If the hon. Leader of the Opposition is suggesting that in this particular instance those procedures were not followed, this will certainly be reviewed and investigated.

I would remind the hon. member that we have an Ambulance Advisory and Appeal Board. We have ways of investigating these incidents through the hospitals. Ambulance services have, I believe, improved tremendously in this province since the

inception of some new guidelines for that. We want to ensure that patient safety is of primary concern. If this has not been followed in this instance, then I think we should know why.

MR. MITCHELL: I'll tell you why. They didn't have the money to provide the ambulance service, Mr. Speaker.

If a potential aneurysm, tremendous pain, and a swollen and infected leg are not enough to receive an ambulance transfer to an acute care facility, could the Minister of Health in this province tell us what conditions would require that an ambulance transfer be made?

MRS. McCLELLAN: I believe that the hon. member has made a very serious allegation when he suggests that it was money that caused this. That in fact cannot be true, Mr. Speaker. It absolutely cannot be true. The decision of how to transfer a patient occurs between the sending physician and the receiving physician, and I do not believe that those physicians would recommend a transfer that was not appropriate for a patient. I do not believe that the sending facility would override physicians' recommendations. What I have said is that I will thoroughly review this and certainly, if there was anything inappropriate that occurred in that instance, deal with it. But I would like to hear the whole story.

MR. MITCHELL: To the Premier: is this the type of cuts that the Redwater Conservative candidate had in mind two nights ago when he promised that health care cuts in this province will continue?

MR. KLEIN: Mr. Speaker, I've had this matter investigated relative to the statements that were made, and to the best of my knowledge the candidate in Redwater – that is, the Conservative candidate – said that realignment will continue and that, yes, we will continue to examine ways of achieving savings. He didn't talk about cuts.

Health Restructuring

MR. SAPERS: Mr. Speaker, as the Premier continues to pretend that everything is just fine in health care and as the Minister of Health continues to hide behind committees instead of solving problems, other Albertans, including members of the government's own caucus, have concluded something very different about the state of Alberta's health care system. How does the Premier respond to Dr. Larry Bryan, the former chief executive officer of the Calgary regional health authority, when he says that good expert advice was ignored and that he believes the government has tried to cut too much too quickly?

THE SPEAKER: Order please. The Premier is certainly not required to answer that question. That is not a question about government policy; it's asking for a comment on a third party's views. If the Premier wishes to, he may, but he's not required to by the rules.

Is there a supplemental that might be in order?

MR. SAPERS: Mr. Speaker, with your permission I would like to ask the question again, if the government's front bench would listen quietly so that you could hear it. The question is very clearly in regard to government policy. I'm asking the Premier to defend the government policy when a former chief executive officer of the Calgary health authority says that that policy has led

to cuts that were too fast and not based on good advice.

MR. KLEIN: Mr. Speaker, it is so typical of the Liberals to be so selective. I would assume that the member is referring to Health Care Change in Alberta, Lessons for the Future, written by Dr. Larry Bryan. Yes, he does indicate in one paragraph what the member has pointed out, but then he goes on to say:

Fortunately, I don't believe that any irreparable harm has been done. In fact, many good things have happened and the potential exists for [even] more [good things to happen].

This is very important, Mr. Speaker.

These positive changes have come despite major efforts by some organized groups . . .

And I would suggest that that's one of the organized groups. . . . that make their living from health care to frighten the public with largely unsubstantiated scare tactics based mainly on rhetoric.

THE SPEAKER: The hon. Member for Edmonton-Glenora, final supplemental.

MR. SAPERS: Final supplemental? [interjections] Would that warrant a point of order, Mr. Speaker?

I guess that's why Dr. Bryan resigned.

THE SPEAKER: If the hon. member doesn't want to ask a supplemental, don't take up the time of the House. But if he does, ask it without further comment.

MR. SAPERS: Well, Mr. Speaker, maybe the Premier will tell us whether or not he agrees with the Member for Lethbridge-West when he told the Alberta Public Health Association: if we could back up and do it over again, we would have done it differently in health care as we move from an acute illness model to a community wellness model, and we would have certainly put all of the inputs in place first.

MR. KLEIN: Mr. Speaker, this has been a very difficult process and has been without doubt the major challenge of this government. I look at what we have achieved thus far in taking something like 200 various health jurisdictions and reorganizing those jurisdictions into 17 regional health authorities to provide a one-window approach to health, to challenge virtually all components of the system to find better and more effective and more efficient ways of doing things.

We have always said, Mr. Speaker – and this was quite evident relative to the Capital regional health authority – that if we hit the wall, if we ran into a problem, there is always the opportunity to take a detour, but we would reach our destination in achieving a more effective and a more efficient health care system. Quality health care at a cost that we can all afford: that's what it's all about, Mr. Speaker.

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

2:00

Municipal Grants

DR. TAYLOR: Thank you, Mr. Speaker. My questions are all to the Minister of Municipal Affairs. Municipal Affairs has called for restructuring and efficiencies in the operations of municipalities. The reduction in the municipal assistance grant has caused this restructuring to occur. [interjections]

THE SPEAKER: Order, hon. members. The hon. Member for

Cypress-Medicine Hat is trying to ask a question. There doesn't have to be cross talk – and I emphasize the words “cross talk” – in this Chamber while that's happening.

The hon. Member for Cypress-Medicine Hat.

DR. TAYLOR: Thank you very much, Mr. Speaker.

At a recent convention an almost unanimous yes vote requested the government not to eliminate the remainder of the grant. To the Minister of Municipal Affairs: how much of the MAG grant has already been reduced or eliminated up to 1996?

MR. THURBER: Well, Mr. Speaker, under the municipal assistance grant the reductions in expenditures on that are from about \$140 million down to something just under \$60 million, but I want to put it in perspective. This represents on average about 8 percent of the expenditures of the different municipalities across the province. While an average is not always true in different cases, there are some of them that are higher and of course there are some of them that are lower than that average.

THE SPEAKER: Supplemental question.

DR. TAYLOR: Thank you. Will the minister concede that where rural municipalities are characterized by sparsity and distance, his department should provide funding to meet the unique needs of this small number of municipalities characterized by sparsity and distance?

MR. THURBER: Well, Mr. Speaker, as I indicated earlier, I do recognize the fact that some of the municipalities that don't have a large industrial/commercial tax base are affected more dramatically by the reduction in expenditures by this department than the others. Of course, we'll keep looking at that to see what the effect is.

DR. TAYLOR: Will the minister review any further reductions in the MAG grant, as the motion suggested?

MR. THURBER: Well, Mr. Speaker, it's been in our business plans for several years now. It's no surprise to any of the municipalities. They've all known of the phasedown and the reductions in the municipal assistance grant. What I will convey to the hon. member is that I will continue to monitor this and to review the impacts that this does have on municipalities in a very real way.

THE SPEAKER: The hon. Member for Sherwood Park.

Endangered Species

MR. COLLINGWOOD: Thank you, Mr. Speaker. When a government is truly committed to protecting endangered species, it responds with legislation that effectively and adequately protects those endangered species in their habitat, which is part of our natural heritage. When a government is not truly committed to protecting endangered species, it responds with legislation to set up an advisory committee to talk about the problem. My questions this afternoon are to the Premier. Why, Mr. Premier, in Bill 42, the Wildlife Amendment Act, 1996, did you fail to protect endangered species in their habitats and instead only set up an advisory committee to talk about the problem?

MR. KLEIN: Mr. Speaker, I don't think that that is entirely true.

I know that the Alberta Wilderness Association and CPAWS, the Canadian Parks and Wilderness Society, held a news conference this afternoon subsequent to a meeting that I had with a number of environmental groups, including the two I just mentioned, along with the Minister of Environmental Protection some time ago. We said that we would put into legislation the kinds of things necessary to protect endangered species. We take this very seriously.

I believe that Act is being broadened to include all flora and fauna, including vertebrates, invertebrates, plants, fungi. It enhances the protection and restoration of threatened and endangered species and their habitats through the preparation and implementation of recovery plans which describe population goals, critical habitats, and recovery strategies.

Mr. Speaker, yes, to facilitate public input for the conservation and recovery of endangered species, indeed it's proposed that the establishment of an endangered species conservation committee made up of multisector stakeholders and government representatives be pursued. I think that these are all steps being taken by the Minister of Environmental Protection to put in place a good program for the protection of endangered species.

THE SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. To the Premier: to be clear, did you not, Mr. Premier, say at the environmental summit meeting last September that you support endangered species legislation that goes the distance in protecting by legislation habitat and prevents the killing of these endangered species?

MR. KLEIN: Mr. Speaker, I'm convinced that I was true to my word, and the proposed legislation reflects that. I will have the hon. minister supplement.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Well, thank you, Mr. Speaker. I'm really pleased that the hon. member raises these questions, because now it gives us an opportunity to tell all Albertans how sincere we are about protecting endangered species and how we're going to do that. The process is one that we believe will work. It's different than the American model that the hon. member of course is promoting, which in fact would include confiscating land. We believe it's much more effective to work with the landowners, to work with the occupants, and we will have that buy-in. We will have plans put in place that will in fact protect and enhance the habitat.

Mr. Speaker, the talk about protecting as far as killing, well, the amendment specifically sets out that you cannot hunt, possess, or trade in these species. If you look at the definition of “hunt,” it includes killing.

I really appreciate this opportunity that the member is giving us to tell him what we're doing.

THE SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. To the Minister of Environmental Protection: if the minister is sincere about protecting endangered species, will the government agree to amend Bill 42 by making it illegal to kill endangered or threatened species and illegal to disturb or destroy the habitats of endangered or threatened species?

MR. LUND: Well, Mr. Speaker, once again this is what happens when the questions are prewritten and they don't listen to the answer. I just finished answering that question. I just finished explaining how the animals are protected. The Act clearly states that you cannot hunt, and if the hon. member would look at what "hunt" says, then he will find that you cannot kill, possess, or trade in those species.

THE SPEAKER: The hon. Member for Little Bow.

Health Labour Agreements

MR. McFARLAND: Thank you, Mr. Speaker. My questions today are to the Minister of Labour. Many of the constituents in our riding have a great deal of interest in the progress of collective bargaining in the health care sector, especially considering some of the difficulties we witnessed in Calgary last year. To the minister: are you aware of any recent developments between the Calgary regional health authority and CUPE local 1240 as they might impact some of the constituents in the surrounding area?

MR. DAY: Mr. Speaker, there's been a very recent agreement with local 1240 in Calgary. That comprises about 850 workers at Rockyview and Colonel Belcher mainly. It's a three-year agreement. It involves no significant pay increases, though some of the clerical workers and maintenance workers received a small increase due to some equity provisions. There were some adjustments made in terms of a return of vacation entitlements, and there was also, as I understand it, a no-contracting-out clause which had been agreed to before on the grounds of some of the workers taking a reduction in their pay. That has been continued, and there also are severance provisions allocated in the agreement. I understand the vote was over 80 percent in favour of that agreement.

THE SPEAKER: Supplemental question.

MR. McFARLAND: Thank you. I would also like to ask the minister if there are any recent happenings between the Capital regional health authority and the Canadian Health Care Guild.

MR. DAY: Again, just recently, Mr. Speaker, in the last day or two workers in the Capital health area in the Health Care Guild – now, that's not all workers in that particular guild but those ones involved in this particular local, which would be about 1,500 workers – made a two-year agreement of zero and zero over the two years, so no salary adjustment, and there were discussions and agreement on some nonmonetary issues there.

2:10

THE SPEAKER: Final supplemental.

MR. McFARLAND: Thank you, Mr. Speaker. Whether it's a particular constituency or a provincial concern, Mr. Minister, what factors have contributed to some of these agreements being reached in an amicable way?

MR. DAY: Mr. Speaker, I think people on all sides who have been involved in discussions have taken a forward-looking approach in these negotiations. One of the things that we're seeing develop in workplaces in both the public sector and the private sector is just a greater appreciation of the pressures faced by both management and workers: in these particular agreements,

as I understand it, the opening of the books, the showing of all the details, and management working with employees to mitigate any changes in employment that might be forthcoming.

There haven't been absolute bans on contracting out, but what there has been, I think, are some significant and positive steps forward in terms of sitting down with employees that may be displaced to see where they can be upgraded, where they can be retrained. In fact, with opportunities that are developing in other areas of the health care sector, all effort is being made to see that employees who are being possibly moved out of one area can be moved into another. So I think that increasing recognition that we're all in this together and that the challenge faces all of us has resulted in these agreements, which have resulted in employees receiving a greater confirmation that they will be cared for if they're going to be displaced somewhere.

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

Seniors' Programs

MRS. HEWES: Thank you, Mr. Speaker. Alberta seniors are hurting after the uncaring, ill-planned slashing of seniors' programs by this government. The Premier's election pledge to protect the people who built this province now rings hollow in the ears of Alberta seniors. My questions are to the Premier. Mr. Premier, will you now adjust the income thresholds for the Alberta seniors' benefit and the special-needs assistance program?

MR. KLEIN: Well, Mr. Speaker, this government is committed to looking after the needs of seniors, especially those who are in need, especially those low-income seniors. We're constantly monitoring and assessing the threshold levels relative to these low-income seniors.

Mr. Speaker, what I'm hearing from seniors, especially in the higher income ranges, is that they are indeed happy and proud to make a contribution first of all to eliminate the deficit, which we have done, and to not leave a legacy of debt for their children and their grandchildren to carry.

THE SPEAKER: First supplemental.

MRS. HEWES: Thank you, Mr. Speaker. Mr. Premier, there are seniors going through dumpsters. Here's the evidence from Calgary-Elbow. I'd like to know what you're going to do about it.

MR. KLEIN: Mr. Speaker, I'm sorry; I don't have my glasses on. Even if I did, I couldn't see it. I would like to have that information. Certainly we'll look into it.

In terms of Alberta seniors' benefits I guess I could table the document that I have in my hands here, which details in very, very short and brief terms the benefits that are extended to Alberta seniors: extended health benefits amount to \$17 million; premium-free Alberta Blue Cross; Alberta Aids to Daily Living, \$45 million; home care and community support programs, \$95 million base funding plus \$110 million distributed over three years; community rehabilitation programs; continuing care centres; the Alberta seniors' benefit program. Mr. Speaker, there are many, many programs for seniors in this province. Our commitment is to look after and look after very well those seniors who are truly in need.

MRS. HEWES: Mr. Speaker, the Premier speaks to monitoring.

Where is the cumulative impact study that has been done, Mr. Premier? Will you please table it in the House?

MR. KLEIN: Well, Mr. Speaker, what I have here – first of all, let's get an identification of the person. We see a bicycle parked beside a dumpster with someone inside the dumpster; right? It doesn't indicate from this whether that is a senior or not a senior, whether the senior got there on the bicycle or whether the senior walked there or whether the senior was wheeling the bicycle. This is the kind of nonsensical evidence that serves really to discredit even more the credibility of the Liberal Party.

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

Workers' Compensation Board

MR. PHAM: Thank you, Mr. Speaker. All of my questions today are to the minister responsible for the WCB. The WCB claims that they are operating like a private insurance business and they do not use any of our taxpayers' money. I have evidence showing that tax dollars are being used to subsidize WCB operations. Will the minister make the WCB live up to their word and refund any subsidized money to the government?

MR. DAY: Well, certainly, Mr. Speaker, if any operation of government is illegitimately or inappropriately using taxpayers' funds, then that should be immediately brought to the attention of that organization and the whole matter looked at. If the member has some information along those lines, I'm surprised I haven't received it, but I'd be happy to receive it right now.

THE SPEAKER: The hon. member, supplemental question.

MR. PHAM: Thank you, Mr. Speaker. Does the minister know how much it costs Alberta taxpayers to provide the RITE phone service to all WCB phones?

MR. DAY: If the member is suggesting that the government RITE system is not being paid for by the WCB, he perhaps should have asked me that question or maybe checked with his sources, because WCB is paying for the RITE system. I think they are, as a matter of fact, just looking at the one area which is still carried by public works, which would be some of the long-distance usage, and I think there's a billing system that's actually been activated on that now. They are paying for the RITE charges, so I'm a little bit at a loss to think that they are not doing that, Mr. Speaker.

THE SPEAKER: Final supplemental.

MR. PHAM: Thank you, Mr. Speaker. At this time I would like to file with the House a memo from Mr. Gerry Bourdeau, managing director. In this memo he indicates that WCB doesn't pay for the RITE system at all.

My last question is: given the answer of the minister, is he prepared to give other Alberta companies the same treatment the WCB receives by using the RITE system? It will cost us nothing.

MR. DAY: Well, again, Mr. Speaker, I think the record will show that charges to the WCB for the RITE system are in fact in place other than the possibility, as I mentioned, of some related to long-distance charges.

Mr. Speaker, as with any member, these questions can be

raised at any time in question period or other times. I would suggest that members check carefully the accuracy of their statements before making them. We're happy to deal with all of these issues. I'm happy to deal with them here or elsewhere.

I might also add, Mr. Speaker, that the Workers' Compensation Board is an arm's-length organization and in fact functions without taxpayer dollars. All premiums, all costs of the operation are paid for by the employer, and the benefits that have accrued over the last three years have been significant to the employer and of significant benefit also to the employees. Any way the operation can be improved the WCB is more than happy to address.

THE SPEAKER: The hon. Member for Leduc.

2:20 Hospital Privatization

MR. KIRKLAND: Thanks, Mr. Speaker. The Hospitals Act clearly allows for a plebiscite to be held when a significant change of use is being considered for a hospital. This would allow all residents of an affected region to make their feelings known to the government. The Minister of Health has refused to exercise her ability to order such a plebiscite and instead has tried to pass the whole question off to the regional health authority. My question to the Minister of Health this afternoon is: does the minister agree that a plebiscite with a clearly worded question would be the best test of a community's acceptance or rejection of the Hotel de Health scheme for the Leduc hospital?

MRS. McCLELLAN: Mr. Speaker, one of the difficulties is that as this has been coming out in this House, it would appear that it is proposed that the Leduc hospital be leased by a group. That is in fact, as I understand it in any case, not the proposal at all. What is being looked at and reviewed by the Crossroads regional authority is some unused portions of that hospital.

I have clearly stated in this Legislature and I will state one more time: if the Minister of Health receives a proposal, she will look at it very carefully, first, in respect to the best interests of delivering health services to the residents of that region, the best utilization of that facility, and that it in no way contravenes the Canada Health Act. As I indicated before, the Minister of Health has not received a proposal for the utilization of the Leduc hospital, so you would look a little silly if you were to have a plebiscite on something that may or not be proposed.

However, what I have encouraged and would encourage this hon. member to do is to go to the regional health authority with their concerns and ask the regional health authority, which also has the opportunity to conduct a plebiscite if that's what's desired in that region, to assess the needs of the region and the feelings of those residents in another consultative process. That's perfectly able to be done. I don't think the Minister of Health is going to start having plebiscites on things that may or may not come forward.

What I will ensure and tell the hon. member that he can take back to the residents of Leduc as a good MLA would is that the Minister of Health will review very carefully any proposal that is brought forward to her on the basis that I just outlined: best interests of the residents and not in any way contravening the Canada Health Act.

MR. KIRKLAND: It's a matter of a simple question, Madam Minister.

The supplemental, Mr. Speaker, would be: given that the government has refused to establish guidelines for privatization of

hospitals, why would the Minister of Health be afraid to receive clear direction from the people of the Crossroads health region?

MRS. McCLELLAN: Mr. Speaker, I have outlined in this Legislature repeatedly the guidelines for utilization of the public buildings that are under Health. I have done it repeatedly. There are guidelines. I have outlined them. I am sorry if the hon. member didn't hear those guidelines.

I would be quite prepared to provide them again, and I'd try to be brief and succinct and not go through them all but the most salient points: one, that the facility or a portion of it are declared surplus to that community for the delivery of health services; two, that it is in the best interests of delivery of health services to that region, and that any use of that facility would not contravene the Canada Health Act. When a region has gone through that exercise of declaring it surplus to their needs, they can put a proposal to the minister and it would be dealt with by the minister of public works and the Minister of Health and this government caucus.

MR. KIRKLAND: Madam Minister, would you admit that the final authority as far as the plebiscite that potentially could be held is your responsibility and your responsibility only? Yes or no?

MRS. McCLELLAN: Mr. Speaker, it would still be my view that the Crossroads regional health authority have the responsibility for consultation in their region. If the hon. member is concerned that they have not had that consultation, allowed that consultation in a proper forum, one, I would ask that he speak directly to that regional health authority. I can assure him that they will be made aware of this line of questioning today. Secondly, it can be done at a local level.

I guess there is a difference of philosophy here. This government does believe that communities can do things on their own; they can review what's best for their community. We are not centralists that would sit in Edmonton and determine totally how things should be delivered in Leduc or High Level. What we do do is set in place standards and guidelines and policies that our regional health authorities are familiar with and know how to carry out.

I guess if I could give the hon. member some advice, it's communicate with your regional health authority. They are there, easy to access, and I'm sure they'd be more than delighted to hear from the hon. member.

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

Tourism Industry

MR. COUTTS: Thank you, Mr. Speaker. Tourism is one of the top three industries in Alberta as it employs over 110,000 Albertans and is the third largest economic generator in the province, right behind oil and gas and agricultural initiatives. That's pretty phenomenal considering that it is somewhat of a seasonal business. As we head into the busy summer season, I wonder if the Minister of Economic Development and Tourism might be able to advise this House and the tourism industry out there in Alberta if there are any indications as to how the industry will perform this year.

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

MR. SMITH: Thanks, Mr. Speaker. In fact, the industry does a very good job monitoring its own progress. I can report to the House that U.S. travel from the United States to Alberta, December of '95 and January of '96, was up 28 percent and 11 percent respectively over the same periods for the year prior. The province enjoyed a 25 to 30 percent increase in destination skier visits. A Conference Board of Canada survey indicates that 60 percent of Canadians will take a summer vacation this year, up from 56 percent last year. In fact, the marketplace is going to be very healthy for tourism in Alberta this year, and we recognize that it is a value-added component to business in Alberta.

MR. COUTTS: Mr. Speaker, the Alberta Tourism Partnership Corporation became fully operational on April 1 of this year, and one of its objectives is to increase tourism spending by 18 and a half percent. My question to the minister: can the minister advise what steps have been taken towards this goal to date?

MR. SMITH: Well, in fact, Mr. Speaker, the Alberta Tourism Partnership is doing a good job of moving together and coalescing all the tourism players in the industry and allowing those players to make the marketing and promotions decisions so effective and so important to their own success.

Let me give just two very quick examples. The week of May 13 to May 17 is a big hit for tourism in Alberta and indeed all of Canada. The ABC program *Good Morning America*, a top-rated daily news program, will be broadcasting from Jasper, and that very exposure alone will make for a large assist. Another example is Rendez-vous Canada, which is an important tourism partnership meeting that will not only inject money into the local economy but will again continue to expose the tremendous tourism product that is available for tourism and holiday seekers from all across the world.

MR. COUTTS: Mr. Speaker, to the same minister: how can Alberta businesses become involved in the activities of the Alberta Tourism Partnership Corporation to promote themselves and tourism in this province?

2:30

MR. SMITH: Well, Mr. Speaker, in fact, shares are available in the Alberta Tourism Partnership, and it's amazing the kind of people that will join organizations like this. In fact, I can think of one member in this House who is a shareholder, which I'm sure has been duly disclosed: the Member for Calgary-North West.

Mr. Speaker, seriously, this partnership allows for every tourism operator throughout Alberta to get involved in the wise and efficient spending of product for marketing purposes. In fact, there is now a list of some 172 marketing activities in the Alberta Tourism Partnership Corporation's Opportunities for You catalogue. This was developed by the partnership with tourism representatives for their own guidance and use in marketing.

These tourism destination regions, Mr. Speaker, then report to the Alberta Tourism Partnership for the purpose of getting together to be able to mould these ideas and put them out for the industry's use. There's a tremendous involvement from Calgary, Edmonton, Heartland, northern and southern.

Thanks.

THE SPEAKER: Thank you, hon. minister.

The hon. Member for West Yellowhead.

Crystal Park School

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. Last month I met with the Grande Prairie public school board, and they asked me to raise the issue of insufficient funding for the severely disabled students in their Crystal Park school. This school has about 100 such students from all over Alberta who cost the board roughly \$32,000 per student per year because of the need for full-time aides and special medical services. Alberta Education only provides \$12,000 per student. Apparently the ministers of Education and Health promised several years ago that they would draft a protocol covering the provision of extra funding. So I'd like to ask the Minister of Education: why is he not providing enough funding for these special-needs students at Crystal Park school?

MR. JONSON: Mr. Speaker, going back in history, as the member across the way mentioned, we did do an examination of the situation at that time, and we did provide, I agree, a very modest amount of funding to help with nursing services for Crystal Park school. That was done at that time in response to the particular issue then.

There has since been an overall effort on two fronts actually that bear upon this type of problem. One is in our overall effort across the province to work on co-ordinating services for children, particularly on an early intervention basis and those with various needs. That's an effort that is being led through the hon. Minister of Family and Social Services' department. We also, Mr. Speaker, have in the planning stages pilot projects, one of which will likely be in the northern part of the province, looking at an effective and reasonable way to deliver health services to students in schools on the same basis that they would receive those services in the community. So those pilot or planning projects are moving ahead.

I would just like to add one other point. In terms of the funding, however, as it exists right now, if there are students coming to the magnet centre of Grande Prairie and Crystal Park school from all over the Peace country, then I fully expect that the sending school boards are providing the appropriate funding support for those services.

MR. VAN BINSBERGEN: Mr. Speaker, I gather, then, that there's help on the way. Did I understand that correctly from the minister?

MR. JONSON: I certainly hope so, Mr. Speaker.

MR. VAN BINSBERGEN: I would hope that the minister had a better handle on his department than this.

Mr. Speaker, my final supplemental, then, is also to the Minister of Education. Why doesn't he simply fund Crystal Park school as a provincial institution? There are people from all over Alberta.

MR. JONSON: Well, Mr. Speaker, first of all, I think I would just offer two points in response. First of all, unless Crystal Park school has changed in the nature of its program since the time that I was very familiar with it, it is a school that, yes, has a significant number of special-needs students, but it also has a population of general students, if I could use that term. Therefore, it is far from being, I think, in the institutional category, and at least to my knowledge, they never requested that.

The other thing, Mr. Speaker, is that there are many other

schools across this province of that type, and we think that they are better handled through an overall funding formula with I hope in the future some of the services I've alluded to earlier while still being part of the overall regular funding framework for schools.

THE SPEAKER: The time for question period has expired.

Did the hon. Member for Edmonton-Glenora have a point of order?

MR. SAPERS: Mr. Speaker, I don't have a citation. It was a point of clarification that I was seeking, and I'd be happy to discuss that with you.

THE SPEAKER: Thank you.

head: **Orders of the Day**

head: **Written Questions**

MRS. BLACK: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places.

[Motion carried]

head: **Motions for Returns**

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places.

[Motion carried]

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

Bill 212

Consumer Protection Act

[Debate adjourned May 7: Mr. Dunford speaking]

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

MR. DICKSON: Thank you very much. I'm delighted to join debate on this Bill this afternoon, Mr. Speaker. It's one of the really exciting pieces of legislation that's come into the House by way of a private member's Bill. It's something that I submit addresses a gap in the government's current legislative focus. It speaks to acknowledging that we have an enormous number of Albertans that are consumers: consumers of goods, consumers of services. They deserve some attention, and they deserve some protection.

Now, the debate has been interesting. As I looked at Bill 212, I thought back to the former Member for Calgary-Currie, Dennis Anderson, who used to be the minister of consumer and corporate affairs when we still had such a department. One of the things that I respected very much about that member, the former Member for Calgary-Currie, was the fact that he was animated by a very genuine concern with providing a measure of protection and assistance for Alberta consumers.

I wonder sometimes what happened to that spirit. What happened to that focus in terms of trying to provide Alberta consumers with some safeguards, some protection? What happened to that recognition that in the marketplace you have often an enormous imbalance in terms of power, an imbalance in terms of resources between very large corporations selling goods

and products and services and on the other hand individual consumers? Maybe they're senior citizens. Maybe they are people who may be particularly vulnerable for a host of different reasons. In the past in this province we've said that it's a legitimate and appropriate role of government to provide protection in those kinds of areas.

Bill 212 addresses in a very clear and I think a very creative way those kinds of needs. Mr. Speaker, one might ask: is there less of a need for consumer protection in 1996 than there was in 1992? I think not. In fact, with the proliferation of direct sales devices, with more sophisticated marketing techniques, surely members would agree that there is a more compelling need for consumer protection in 1996 than in 1992. This Bill gives us an opportunity to provide some leadership in this province, to acknowledge a demonstrable need and do something about trying to meet that need.

2:40

There are some positive things about the Bill that I want to commend my colleague for Clover Bar-Fort Saskatchewan on. The first is the notion of setting out in a Bill very clearly what the purposes of this instrument are. We don't have to guess at what the mischief is that's to be corrected. It's set out very clearly in section 2 of the Bill.

The second is that we have here a consolidation of services and agencies. One looks at section 6(2). We're bringing together the powers of the director of consumer credit and the director of trade practices. To those members who say, "Oh, the Liberals are simply talking about big government, more government, more red tape," they haven't read section 6, which in a very direct way talks about economizing on existing government administrative structures.

The other item of the Bill that I find to be a very positive, salutary one is the development of a consumer services bureau. To me this addresses a need that's long overdue and too often ignored.

Then the fourth item which I think is a positive and strong attribute of Bill 212 is the negative option strategy. Here we see for the first time in this Legislature a positive initiative to combat one of the more insidious marketing practices. Not only is it more insidious; it's also becoming one of the more common marketing practices and one that I know gives my constituents a lot of concern. All members remember when not so long ago the cable TV companies in Canada decided that a negative option strategy was what they were going to employ, and I think all members will remember that Albertans, whether they were in Drumheller or in Peace River, expressed their interest and their opposition to negative billing in a very forthright and very unambiguous way. What Bill 212 does: it creates a vehicle to attempt to deal with that, to address it.

Now, in following the legislative history of Bill 212, it was interesting to look at those members that offered opposition to the Bill. There were two speakers I wanted to touch on. One had been Lethbridge-West, who spoke on May 7, and then the other one, the Member for Peace River, had spoken on May 1. What was interesting about the speech from the Member for Peace River on May 1 was that he started out saying that "this Bill fails to consider more prudent and reasonable alternatives." That caught my attention, Mr. Speaker, because I'm always interested in more reasonable, more prudent alternatives, but in the entire content of the speech we weren't even teased with a hint of what those better alternatives were. In fact, the entire speech, when you look at it from start to finish, was simply about: these

Liberals are always talking about bigger government and more bureaucracy. Well, the test surely is: what's the better alternative?

The other thing that was curious about the speech we heard from the Member for Peace River was that in the entire time he spoke, we didn't hear any comments about the value of protecting consumers. That's the purpose of the Bill, and it seems to me that the people in Peace River might have had some expectation that before their MLA stood up to criticize a Bill, he might have spent at least a fraction of his time talking about what he perceives to be stronger and better and "more prudent and reasonable alternatives." We didn't hear any of that – an awful lot of ranting about "more bureaucracy" and "more red tape," when, as I've said before, this Bill in fact economizes, does some husbanding and some economizing in government resources. That's exactly the kind of mischief that I would have thought the Member for Peace River would have enthusiastically supported. He said at page 1543 of *Hansard*, "It's duplicating, unnecessary, creates more bureaucracy, and would cost more tax dollars for the little benefit," without offering a scintilla of evidence that that conclusion is based on anything other than his own prejudices.

Now, we had the Member for Lethbridge-West join the debate on May 7, and I thought, Mr. Speaker: ah, maybe now we will hear some reasoned, constructive opposition, some kind of a spirited defence that gets to the merits, the essence of Bill 212. Well, I was even more disappointed. Because as the Member for Peace River on May 1 couldn't bring himself to address the merits of the Bill, on May 7 the Member for Lethbridge-West simply started recycling this mantra – and that's what I call it – talking about "fed up with Big Brother," fed up with more bureaucracy. Well, the glaring irony in Bill 212 is that the absence of this kind of consumer protection allows the kind of Big Brother, George Orwell *Nineteen Eighty-Four* scenario to develop, because you have no way of checking this enormous credit collection machinery that exists in this country. It would seem to me that if somebody were genuinely concerned with Big Brother, as the Member for Lethbridge-West put it, he would be the first one on his feet, applauding Bill 212, saluting the efforts of my colleague for Clover Bar-Fort Saskatchewan, and challenging and urging all of his colleagues to support it.

Those are the only two speeches that I heard contrary to this very creative piece of legislation. So not having heard any reason why members would be opposed to it, let me attempt to suggest the reason why this Bill is a positive initiative. It occurred to me that the Member for Peace River, when he went on about there being alternatives, may have been listening to the Member for Calgary-Currie when we were speaking to the Bill that had been introduced – I think it was Bill 204 – which was going to address the protection of information in the private sector. Then we heard, I remember, the Member for Calgary-Currie saying: oh, well, we have an industry voluntary system of safeguards that will be built in to protect personal privacy. But what we've seen, Mr. Speaker, is in fact that when the final report was done of the Information Highway Advisory Council under the auspices of the federal government – this was published in September 1995 – what happened is that they considered and very deliberately rejected the notion that this kind of protection – that is, protecting personal credit information and so on – can simply be left to the private sector. What we saw was a very clear, categorical rejection of a self-regulated system. In fact at page 144 of that report, Connection Community Content: The Challenge of the Information Highway, there was a very clear rejection of the

proposal that this could simply be left to industry. In fact, I might just quote this from page 140 of the report.

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

This, parenthetically, is the key part, Mr. Speaker.

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

not through voluntary councils, not through a hope and a prayer, and not through some kind of misguided hope that industry will protect the best interests of consumers but through responsible, selective, and targeted legislation.

That's what Bill 212 speaks to, and I'd encourage all members to support this Bill at the principle stage, at second reading. Members may want to talk about how the Bill would be enacted and what sort of administrative issues would be posed by the Bill, but that's clearly a matter to raise in the debate at the committee stage.

2:50

Now, when we're talking about principles, to vote against Bill 212 would in effect say that consumers in Alberta don't deserve or warrant protection. It would say that the negative option strategy is just fine with Alberta consumers and we need not be concerned with it, and it would say that, really, an absolutely unregulated marketplace where caveat emptor is the prevailing ethic and the prevailing rule is the ideal.

Well, that's not what my constituents expect me to come forward and support. That's why I'm happy to support Bill 212, and I encourage other members to do so as well.

Thanks, Mr. Speaker.

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. THURBER: Thank you, Mr. Speaker. I know that the hon. Member for Clover Bar-Fort Saskatchewan brought this legislation forward with very good intentions, as she does most things, but I want to point out a few of the fundamental flaws in this legislation. I think it could be made better at another time. It is an inefficient model - we've researched it - very inefficient, and it would lead to very costly overlap and duplication of services.

This Bill only deals with three of the consumer-related Acts that are under the existing division of consumer affairs and housing. There are close to 15 other consumer-related Acts that I think should be used in conjunction with any revision of this Act. These 15 Acts include such important legislation as the Licensing of Trades and Businesses Act, the Charitable Fund-Raising Act, and the Collection Practices Act. The department would still need to have a separate administration in place to administer these other Acts. I'm not sure that this in any form would co-ordinate those.

There are a lot of standards out there for people to go by, such as the CSA standards and the environmental standards, the Building Code, et cetera, et cetera, and I believe very firmly that we should be talking about education of the public as opposed to putting in legislation that encourages people to be dependent on Big Brother, the government, to be all things to all people. We

know in this Legislature that you can't do that. It's an absolute impossibility. It's easier to legislate common sense, I believe, than to move people from a dependence mode to an independence mode.

There are few complaints made to our department about the two sole credit-reporting companies in Canada. We get very few of those. In most cases consumers want all historical information about their bill-paying deleted. However, such requests would defeat the whole purpose of credit reporting. In your Bill it mentions that the bureau would not be able to report poor credit risks and criminal records and things like that. Well, I think that if you're going to report true credit, you have to have all of the players on the field.

The requirement in this Bill to provide an annual report to each consumer imposes an inordinate burden to businesses and is potentially expensive without clearly providing any protection under that part. The Bill implies that credit-reporting agencies operate contrary to the public good and that they create unfair situations in the marketplace. In fact both of these have established company policies for use in Alberta that conform with the most stringent legislation that they must operate under in Canada. Registration of these two sole credit-reporting companies in Canada would serve no useful purpose in this province. The frequency and type of complaint in this area will continue to be monitored by consumer affairs.

Under the Consumer Credit Transactions Act, Alberta prohibits the distribution right now of unsolicited credit cards. We are in fact - and this may be part of the good news to the hon. member - preparing to introduce legislation affirming that the consumer is not liable for the payment of goods or services received unless they have given their prior consent. I think that's key to a lot of the things that go on in the marketplace. This does provide some remedy to the consumer yet does not commit government resources to an enforcement action. Our proposed strategy is similar to what's being done in most of the other provinces, and we would like to see a standardization of this type of legislation across the country.

The federal government is currently also considering a Bill to ban negative option in regards to cable TV marketing. This is the area where the loudest concern has been expressed by Albertans. We will be launching consultation on several consumer issues, including the negative option selling and various other issues that come up under the consumer protection business.

Mr. Speaker, I spoke earlier about education of the consumer. I believe - and we're on a course now where we're investigating it - that a private-sector operation of the right kind of people could provide education and cut down on a lot of the bankruptcies and credit frauds that are out there right now. We do have debt consolidation within our department at this point of time. I believe it could be better handled by the private sector, and then they could provide the education necessary to keep people from going into bankruptcy before they hit the wall. If they had a place to go and the education was there for them, if the facts were there and the ability to help them was there and they could apply to that agency and make some arrangements to pay off their debts, then it would mitigate a lot of the bankruptcies by negotiating before they in fact get that deep in trouble.

I go on, hon. members. I feel we should defeat this Bill, but I would also ask the opposition to come back when we bring our other legislation forward at another time. Certainly I would welcome their input into it in the proper fashion at that time, through amendments and that. We believe that there is some

consumer protection needed in some areas, but I also believe that there's a better way of doing it: by educating and helping the people to make up their own minds as opposed to depending on somebody in government to tell them what kind of stove to buy, what kind of carpet to buy, and this company is a good company or that company is a bad company. I think there needs to be some protection, but I think we have to be very careful that the consumers themselves are educated enough that they can make their own decisions and make better decisions that way.

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

MR. WICKMAN: Thank you, Mr. Speaker. It's my pleasure to speak in support of Bill 212. I listened very carefully to the comments of the Member for Drayton Valley-Calmar. Somewhat encouraging. But rather than asking the opposition to participate in a government Bill, here's an opportunity for that member to take what is here, what is a foundation, get it into committee, propose a few amendments in areas that may be of concern to the government, and you end up with a very, very workable Bill, a Bill that would work in the interests of consumers throughout Alberta. Rather than delaying another year, another two years, whatever, for the government to come forward with the Bill, the work has been done for them. The work has been done for the government.

If I go back to a few years ago when I first entered this House, I recall Dennis Anderson, the minister of consumer affairs at the time, a very conscientious, hardworking minister, who was truly, truly concerned about the interests of the consumer. He tried a lot of good legislation, some of it shot down by members of his own caucus. Other pieces were resisted by the public, but he tried. He really, really tried, and he made some advances.

Since that time, since his departure we've seen consumer protection start to vanish. There's no longer a department. Where do you refer people now who have a consumer problem? I remember the minister of transportation standing up once and saying that if a person goes out and buys a Lincoln and he doesn't like that car, he shouldn't be beefing to the government about it. It should be: buyer beware. Unfortunately, Mr. Speaker, the people that get hurt by the lack of consumer protection normally aren't the people who can go out there and buy a Lincoln. Those people seem to have enough knowledge and expertise that they can resolve some of the problems themselves, or they can pay people to resolve those problems for them. Picture the unfortunate person who is not that well educated, who is living on a very low income, who is taken advantage of by a door-to-door salesman or whatever the case may be. That person doesn't really know how to fight back, and that person doesn't have the resources to hire lawyers, accountants, and such. So government's responsibility is to provide protection where the marketplace is not prepared to provide that protection on its own. The government has a responsibility at times to intervene when the marketplace is not capable of resolving these types of difficulties on their own.

Bill 212 appeared here for a reason. It's not that we sit around in some back room saying: "How can we frustrate the government with different types of Bills? What will bug them the most?" What we do is listen to Albertans. We listened to Albertans, and Albertans demanded this type of legislation. Many consumers have come forward, and they have advocated this legislation. They've gone to the Member for Clover Bar-Fort Saskatchewan and asked her to come forward with this Bill because the govern-

ment hasn't demonstrated the concern for consumers that consumers expect them to.

There's similar legislation in other provinces in Canada. This is not breaking totally new ground. It's probably one of the finest pieces of legislation; nevertheless, there are some pieces of legislation in other provinces that may be quite similar. I don't totally understand the rationale of buyer beware. There is a reason, a very strong rationale for people wanting to have an independent consumer watchdog: it's there to protect Albertans, to protect the consumer.

3:00

When we look at this Bill, it's basically broken down into three areas. One is the consumer services bureau, and that's basically there to investigate and resolve abuses, mistrust, whatever the case may be, when it comes to consumers buying goods, buying services, whatever the case may be. Many of you as MLAs filling the role of an advocate, a watchdog, whatever, in your constituency have probably dealt with many, many consumer affairs. They're much more difficult to resolve now. When the previous minister that cared about the consumers was there, we saw many, many instances resolved. Real estate was one of the favourite ones that I got, used cars.

I can recall one lady coming up to me. She had put a \$75 deposit on what she called an Elvis Presley jacket. Six months later it still had not arrived. Finally she got frustrated and wanted her deposit back, and I had to intervene. I had to get the minister's office involved, and she eventually got her \$75 back. The consumer expects that of the MLA as their representative, and the MLA has to have some teeth behind him or her so that these types of concerns can be followed through. There is a need for that protection. There is a need for education. There is a need for awareness. There's a need for a great deal more to be done on behalf of consumers.

One of the complaints that comes forward on many, many occasions – and some of us have probably been faced with that frustration – is having a consumer services agency there, a reporting agency, whatever the case may be, giving out information about you that you're not even aware is contained in that file that could totally destroy your credit, totally destroy your reputation. That happens at the current time, and there is a need for regulation that pertains to registration of the consumer services agencies. So that part of the Bill is very, very productive. It's something that should be explored, something that has to be explored, something that should be put in place. It can be put in place with the benefit of the foundation as provided by Bill 212.

If we look at the other aspect of the Bill, the one that is probably the sorest point, as the minister indicated, to most Albertans is that negative marketing, negative option strategy, whatever, where we've had instances like the cable company saying that you're now hooked up to channels 38, 39, 40, 41, 42 unless you pick up the phone, get through a series of busy signals, mind you, or send in a card, whatever, to say that you want to opt out. From the position of the person marketing a product, that's ideal.

Just stop and think for a minute. If every Albertan were automatically a member of the Alberta Liberal Party unless you sent in a card or made a phone call saying you didn't want to be a member of the Alberta Liberal Party – picture that – do you think there would be resistance to that? Certainly there would be. There wouldn't be resistance because people were becoming Liberals; there would be resistance because it was being pushed on them, forced on them. Just picture, Mr. Speaker, if everybody

were imposed suddenly with a sidewalk tax of \$100 a month unless you send in a card saying you didn't want to pay that hundred dollars a month.

So you can take this practice to the extreme, and there could be many, many instances where the negative marketing could be advanced to the disadvantage of the consumer, to the disadvantage of Albertans but to the advantage of the private marketplace. That does not make it right, just because it's to the advantage of the private marketplace. The federal government I hope will address this issue, but there's a need for it to be addressed at the provincial level. Consumers are demanding that protection.

Mr. Speaker, to wrap up my comments, because there are others here that want to speak, my advice to all Members of the Legislative Assembly that are listening: look at this Bill, allow it to go into committee, and let's work jointly to make amendments to make it the type of Bill that government members are comfortable with, that opposition members are comfortable with, and we can have this proclaimed within the next month or two. We don't have to wait for three or four years for some government action to come through.

So in conclusion let's support Bill 212. It deserves support. Thank you.

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

MR. SMITH: Thank you, Mr. Speaker. I'm pleased to rise to speak against continued onerous legislation that would no doubt result in less job creation, a suppression of economic activity, and also an inability for further investment to be placed into the private sector, particularly the retail sector, which is one of the last sectors of the economy to be now rebounding. In fact, the province of Alberta has had the largest leap ahead in consumer spending in the last quarter at 4.2 percent, compared with some 2 to 2.7 percent on average nationwide. So there's clear evidence that there are consumers in Alberta that are happy with the products they have purchased and that are also satisfied with the return policies and with the information policies and with the disclosure policies of the companies.

In fact, competition has a way of reinforcing consumer standards, has a way of reinforcing consumer protection, and has put an onus of responsibility on those companies that are participating in a competitive marketplace for goods and services that are being purchased by the consumer. I think to have more intervention by a third-party intermediary such as government does nothing more than create bureaucratic jobs, which some of the members that are listening today may be indeed skilled and ready to fill upon their retirement.

Seriously, Mr. Speaker, you have a difficulty when you take a government and try to continue to intervene in the marketplace. We do have regulations. The Minister of Municipal Affairs responsible for consumer protection has talked at length about the regulatory framework that is in place. There is national compliance. There are municipal bylaws. I know we need, according to the members opposite, one more law, one more piece of legislation, one more bit of government intervention, one more return. In fact, it might be said on the opposite side: investment might be retarded, but investment doesn't necessarily create jobs either; so who'd need that?

I think you need to be able to create an environment, an environment that is conducive to attracting top-quality retailers, top-quality product manufacturers from all across the world to

Alberta, to be able to participate in a free market economy under a regulated framework that ensures that there are standards and compliance to those standards, and then make sure that the competitive mechanism – the competitive mechanism is the vehicle that then puts the onus on those companies to serve their customers.

You know, Mr. Speaker, there are a number of times in my personal experience on both sides of the vending exercise where I knew I had to be better than my competition. Otherwise, my consumer, my customer, wasn't going to purchase my product. In fact, that drive to marketplace economics, whether it be in the tourism sector, whether it be in the oil field service sector, in the retail market, that competition is what breeds excellence, that competition is what breeds product innovation, and that competition is what breeds customer service. In fact, if you look now throughout the corporate world, one of the most extensive expenditures in corporations deals with two things, customer service/customer training and product training, so that in fact they're in a position to be able to deliver good product, acceptable prices, and stand behind their name.

3:10

I have not had to use the benefit of government legislation to get product satisfaction on returned items or on issues where product performance is under dispute. In fact, I would suggest that the less intervention we have, as the previous member opposite spoke to, the less intervention by an MLA trying to get a \$6 sweater back, the more the MLA would be working where he or she should be, and that's in broad policy and regulatory frameworks that allow this Legislature to provide rules and regulations in which companies can compete freely for excellence and allow them to deliver the best product they can at the best price acceptable to that customer.

I know, Mr. Speaker, how much you want to hear about the Alberta advantage and just what it is doing for Albertans. Of course, having the ability to speak to that in private members' Bills as opposed to the tyranny of the clock in question period is something that I would like to spend ample time on, but I would like to continue to speak to the principle of the Bill.

In the three years that I've had the great privilege of representing Calgary-Varsity, some 44,000 individuals, I have not had one call on a consumer complaint, on a return of a product, of dissatisfaction between a constituent and a private-sector enterprise. In fact, more and more, Mr. Speaker, we have calls from constituents who have difficulty interacting with the government process. So if you were to carry that line of reasoning on, the more there is orderly exit of government from the day-to-day lives of Albertans and the more broad policy frameworks there are in place by us, the more effective the marketplace will function, the more investment will be attracted for more companies to participate in this marketplace in Alberta. That total sum, \$90 billion. It's no longer small potatoes. It may be seed potatoes, but it's certainly not small potatoes. In fact, Alberta supplies some of the major potato-producing regions in the United States with their seed potatoes.

So the areas of consumer protection, Mr. Speaker, are being well looked after. The parties, not only the companies but the consumers, more and more have come back to us in this department and said: leave us alone in the freedom of the marketplace, because we know we will lose customers, we will lose profit, and we will not be able to provide maximum return to shareholders if we aren't pleasing our customers. So it's that desire for excel-

lence by the over 125,000 businesses in Alberta that continues to produce excellence.

Again, there are three levels of government that already provide consumer protection, consumer legislation throughout this broad land. I think that if there is a complaint, it comes from the already onerous and difficult times that individuals have accessing some of the red tape that is already in place by the governments. In fact, I'd be pleased if we were to move further to take this proposed Bill and allow the deregulatory group headed by the hon. Member for Peace River to have at it. I think it would be an interesting examination, Mr. Speaker.

We do know that there are checks and balances in place for businesses that operate in the province. They take the form of self-regulating associations, enforcement regulatory bodies with legal implications, and it's in the best interest of each association to ensure the public is aware of their existence and of the services they provide. I would point to the better business association, joint partnerships and associations, public members that sit, consumer watchdog associations. I think that nongovernmental organizations and manufacturers and retailers and industry players have done an excellent job of being able to respond to the marketplace requirements of compliance to consumer protection.

I know that the previous member had talked on about the dangers of caveat emptor and let the buyer beware, but more and more now you will find that consumers in this province are extremely well educated. In fact, Mr. Speaker, over 40 percent of all Albertans have some form of postsecondary education, some type of education and training after high school, and that in fact has created the most able, the most productive, and the most capable workforce in North America. Those individuals surely, when they make those decisions in the business world, will also take those same tenets home when they're making home consumption decisions.

Mr. Speaker, more than ever the power of education and the power of information is available to consumers at their fingertips. As a matter of fact in going through the purchase of a vacuum cleaner in our household not long ago, we went right to the Internet. From the Internet we brought down the consumer pages. We identified a consumer products guide and their best choices and worse choices and made a purchase based on that information. I'll tell you, that vacuum cleaner will suck a golf ball through a one-inch hose. It was a good purchase.

We want to identify more and more, Mr. Speaker: are there ways that the consumer and the vendor can get together to resolve these issues without burdensome, onerous intervention by government? That takes a form of broadly based framework legislation, that is in place. I think that more and more, as evidenced by the calls to the constituency of Calgary-Varsity, we're on the right track in terms of regulatory environment in Alberta.

Mr. Speaker, there continues to be overwhelming evidence that to move economic development, which I believe we can be justifiably proud of in this great province as it continues to lead the nation, taxation strategy and deregulation strategy are the most effective weapons to encourage economic growth and to be able to create that marketplace where in fact you will continue to have good informed business decisions, purchasing decisions made by consumers who are informed and have the support of organizations, companies, manufacturers, retailers, service providers that know the customer comes first, the customer is always right, and the customer is entitled to clear information on a return policy, on a refund policy. I believe that the people who comprise the

business environment of Alberta adhere to that, and I know we have watched the private sector move forward towards self-regulation in promoting economic growth.

With that, Mr. Speaker, with those few comments and more and more emphasis on the importance for economic growth through the stimulus of competition, through taxation strategy, through deregulation indeed Alberta is doing a good job. The private sector is doing a good job and the people who use those services are for the most part. There are always incidents where they're not. In fact, governments do remain, I guess, as a referee of last resort, where that will still continue to come into play, but I think the record speaks clearly that the Alberta economy and the Alberta marketplace are indeed in good shape.

Thank you, Mr. Speaker.

3:20

THE SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. I'll stand and speak in favour of Bill 212, the Consumer Protection Act. I listened and hearkened when the minister responsible indicated that the Bill had some deficiencies, and certainly, I don't think there's a Bill that comes into this Legislative Assembly that has not found itself in the same situation. So rather than discard it, as we have amended others, I would suggest that in fact this one is amendable as well, and I think his input would be welcomed in that particular aspect.

I listened to the Member for Calgary-Varsity, and I'll come back to some of his points, Mr. Speaker, but I want to frame the discussion around an actual situation that I've been dealing with these last couple of days, and it showed me that there's a very large void in consumer protection. The hon. Member for Wetaskiwin-Camrose might be interested in listening to this. Perhaps he can provide me with some assistance, seeing as it's a Camrose resident that's experiencing the difficulty.

Mr. Speaker, just to put the situation so that in fact people can understand that there is a void there, this is a single, disabled mom with three children that recently purchased a condominium. It's only after about three months of being there that she's learned that the building is a catastrophe. It is a catastrophe, and now she's stuck with it, in essence. She's stuck with an inadequate heating system that provides heat only to the main floor in the building. That heating system is obviously deficient. It fills with water. It doesn't provide heat as a result of the debris, and as a result of the water in the heating ducts of course her three children are now struggling with medical difficulties that they're having difficulty putting a handle on.

Her search as a consumer for some satisfaction has caused a large number of people in Camrose to be ducking and weaving, from the real estate agent to the condominium association. The public health unit has been consulted. Of course, the city of Camrose engineering department has a role to play, as they had an inspection role to play at one particular point. After this constituent consulted with the public health authorities, there is a very strong likelihood that they may in fact condemn this particular unit as unfit for human habitation. If it isn't, certainly the deficiencies will be on record, and when it comes time for sale, with today's laws on disclosure that constituent is going to be caught with a rather useless piece of property or a piece of property that is somewhat less than she paid for it and probably will never be able to recover the dollars that she put into it. I would suggest that it's probably going to be unsalable, and we can't lose sight of the fact that this is a single, disabled mom with three children.

Now, some of the options that perhaps members would think this recent purchaser of a condominium in Camrose could undertake would be to repair that particular condominium that she is living in, but if you stop to consider that the building itself is a catastrophe, as it's been described – and she can produce letters to you indicating that siding construction companies would not put siding on it because the building's in such poor shape – it would only be a matter of her throwing good money after bad.

Since this constituent discovered her condominium problems, which I indicated, Mr. Speaker, she's discovered that the building has been in that state for a long, long time. Within the industry and within the fraternity of real estate people in the community it appears that in fact it was common knowledge that this was a questionable building, and the integrity and the structure of it was also of a somewhat suspect condition.

Because there's not much in the way of consumer protection in Alberta, her recourse today, as I heard one of the hon. members suggest here a few minutes ago, is to enter into litigation. Now, that means that she'll be into litigation with the condominium board, probably a real estate agent, probably the original contractor, perhaps the engineering component of the city of Camrose, as I indicated, and I suspect the lawyer that advanced the entire deal for her, not being aware of some of the difficulties that were a matter of common knowledge in the community.

So there is a void out there for consumers, and I think that when we look at these sorts of things, this consumer, I would suggest, has been taken, and her recourse is not a very positive one at this particular stage. It's not worth her while to repair the condominium unit. Her option probably is to turn her back on that condominium unit and walk away and accept a \$15,000 or \$20,000 loss for what she's invested in it. That, of course, is probably going to subject her to litigation by the mortgage company or the bank. The option of moving back in, if it means subjecting her children to some unhealthy medical condition, certainly is not one that she will be able to embrace, and certainly from the initial and preliminary look it doesn't look like the unit is actually worth saving. So I support the Bill because I see voids like that.

I also support the Bill because the Bill addresses control over collection and storage and supply of, as well as access and change to, information collected by some agencies. I think we all are aware of the controversies that have surfaced as a result of information being distributed through some government computers as of late. I suspect that anytime you have a tendency to try to control information that is distributed without knowledge and that can be very detrimental to a person's credit rating or their actual reputation, then I think it's desirable, Mr. Speaker.

I also listened to the Member for Calgary-Buffalo speak of the negative option strategy, and I think the Bill is deserving of support for that particular component.

Now, the Member for Calgary-Varsity indicated that it was consumer spending and it was competition that actually was the filter to ensure that consumer protection would be out there, but that doesn't help the individual that's been taken or ripped off somewhere along the line. He indicated that in fact the lack of regulation was encouraging to business, and he spoke of top-quality business and top-quality manufacturers. Mr. Speaker, I would suggest that the top-quality retailers and the top-quality manufacturers wouldn't be deterred by regulations that provided consumer protection. Certainly in other countries they live with such protection, and if they are top quality, they certainly wouldn't in my view be deterred, as I indicated, by regulation that

protects consumers. It's the fly-by-nighters that this legislation certainly is intended to assist. It's those individuals that have somewhat less than a solid reputation. So I don't think that the argument that he advanced is completely fitting.

He referred to the intervention. I don't view this legislation as intervention. I view it as a stop where individuals can receive some satisfaction if in fact a company has practised somewhat less than ethical business practices. It's an opportunity for people to go at that stage. It's not going to hinder those doing business prior to that particular step.

The Member for Calgary-Varsity also spoke of self-regulation, Mr. Speaker, and I would have to describe self-regulation as being naive. When I speak in this Legislature, I always try to relate it to incidents that in fact I've dealt with somewhere along the line. We talk about self-regulation. I have a constituent that recently called me who has contamination on his land. Well, the company that contaminated it did a report that said it wasn't contaminated and submitted it to the ERCB. The ERCB put their stamp on it and said: yes, it isn't; there's no liability; in fact it's clean. If you called in an independent scientific company, they'd go through the same testing, the same spots, and find out that in fact the land is contaminated and it's badly contaminated. As a consequence of self-regulation that just slides right on through, and this individual at this particular point is looking to me to provide him with some assistance with how his land is actually going to be reclaimed and be valuable to him. He's an individual that's farmed for many, many years and considers this to be his retirement nest egg, if I could use that term. So to say that self-regulation is the answer, that's not the answer. We've seen many indications in this province where self-regulation has not served the consumer well.

The consumer watchdogs that the Member for Calgary-Varsity spoke of: well, certainly they're there. They're there for a reason, Mr. Speaker, and they wouldn't be there if in fact there weren't unscrupulous business practices occurring in this particular province. They would be put out of business, and as a consequence of that, that to me is indication that there's a need for some consumer protection. There's not one member in this Legislative Assembly that has not at some point in their term run into a consumer that's had difficulty and hit a roadblock and has no options other than the courts. It seems to me there has to be a better, more efficient way than the courts of Alberta to seek protection as a consumer in this particular province.

So with those comments, Mr. Speaker, I will take my chair.

3:30

THE SPEAKER: The time has now come for the sponsor of the Bill to wrap up debate. The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. As the Member for Clover Bar-Fort Saskatchewan I'm very proud to have my name as the private member to Bill 212 and to have my name also associated with a previous member of this Assembly, Dennis Anderson. I also am a great believer in free enterprise, and I'm also a great believer in ensuring that the little guy is protected from Big Brother. It was ironic to hear the Member for Lethbridge-West talk in the context of this Bill being Big Brother. I think he obviously had not read the Bill because indeed it does the identical opposite to what he was inferring.

I was heartened that the Minister of Municipal Affairs, or the Member for Drayton Valley-Calmar, acknowledged that there was some value to this Bill. Although it's a private member's Bill, we

still of course get into partisan politics, and we'll probably see this Bill go down to defeat today because there's not going to be support for the Member for Clover Bar-Fort Saskatchewan's Consumer Protection Act.

I would say to every private member in this House today that I cannot believe that my colleagues and myself are the only ones that are hearing from consumers in the province of Alberta what's happening to them every day of the week. You only had to go to the CRTC hearings on the AGT price increases to hear what our seniors are faced with when we see these deregulated industries saying that the private marketplace or the free enterprise system is going to lower the cost to consumers. It happens for a short period of time, and then suddenly, bang, we see these significant increases. Somebody has to be there for the little guy. I would say that the true free enterprise system that I grew up in also had a societal responsibility to look after and speak out for the little guy, for the little man and woman, and people who are on very limited incomes.

[Mr. Clegg in the Chair]

You know, it's very self-righteous for us to stand in this Assembly and say, "Well, you can use the legal system." Amazingly enough it comes from lawyers. Or they'll say, "We can hook into our Internet." Well, the person with a fixed income probably does not have the prerogative or the know-how to hook into the Internet.

Now, when we start to look at confidence in our marketplace, the very basis is with the consumer. The consumer has to be confident in that marketplace, in fact, to expend the dollars that come in through their income. We look at Ontario right now. The budget that was presented is based on that premise, that you don't go anywhere unless you've got consumer confidence. You don't have consumer confidence if they believe that government's not looking after their interests.

You know, it's ironic, Mr. Speaker, that this government has legislation to protect themselves against themselves. They realized that they weren't always responsible as members of this Legislature, so they brought legislation in to ensure that it limited their ability. So if they are prepared to bring legislation in to protect Albertans against themselves, why would they not allow a Consumer Protection Act, that I would suggest to you is not bureaucratic in the way that a couple of members of this House have suggested it is? Indeed it's a very straightforward Bill, and it would ensure that what I would call the average Albertan or the normal Albertan – maybe this is who the Premier keeps referring to, although I've never quite found out who the definition fits, this normal Albertan. But I believe this Bill would ensure that the individual that the Member for Leduc has identified – and I have the same thing in Clover Bar-Fort Saskatchewan with a condominium development where furnaces have been built too close to the wall. I could go on with a litany of things that are wrong with this condominium development.

These people are coming to the politicians to find resolution. That's wrong. They shouldn't have to come to a politician with their health care needs or the fact that a condominium developer has shafted them, quite frankly, for the lack of a better way of putting it. That's exactly what's happening. We start to look at the increased costs to health care, and I would deem dental services . . .

I've run out of time, but I would say in fairness to all Albertans: support this Bill. Thank you, Mr. Speaker.

[Motion lost]

Bill 213 Ombudsman Amendment Act, 1996

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

MR. SAPERS: Thank you, Mr. Speaker. It's a pleasure to speak at second reading on a Bill that is sponsored under my name: Bill 213, the Ombudsman Amendment Act, 1996.

The object of this Act is to amend the Ombudsman's current legislation so as to expand the jurisdiction of that legislative office. Bill 213 addresses the need to augment the jurisdiction of the office of the Ombudsman for one simple reason. As the government changes and continues to restructure and, I would add, create confusion in the minds of many Albertans as to where they stand in relationship to government and government services, every check and balance possible must be put into place to ensure that the imbalance in power between the government and the citizens of this province is somehow addressed.

I'm particularly concerned about this as this relates to many of the privatization efforts of the government, and those privatization efforts in particular concern me as they relate to health care. Mr. Speaker, you may be surprised to learn that the regional health authorities, for example, do not fall under the current jurisdiction of the Ombudsman, in spite of the fact that the Ombudsman has reported that there have been numerous, perhaps hundreds of inquiries to the Ombudsman's office over the last three years since the regional authorities have been put into place, and he is absolutely powerless to investigate those complaints and those concerns.

Mr. Speaker, the Ombudsman himself reported to the press on February 22 of this year that his hands are increasingly tied as the government turns services such as health care over to private operators. The Ombudsman has continually expressed his frustration that he has been cut out of the loop, and I would say intentionally cut out of the loop by a government that would like to steamroll ahead with its plans without paying any heed not only to the legitimate concerns of the taxpayers of the province but also of course to one of its own legislative officers.

Mr. Speaker, if I can draw your attention and the attention of all members of the Assembly to a document that the government with some fanfare released in December of 1993 – that document is entitled Starting Points. It is the government's recommendations for creating a more accountable and affordable health care system. I would like to remind you of what that report said in part, and I'm quoting directly from page 5 of the report where it says:

Our current health system has been built in a random manner with an acute lack of accountability. This structure has allowed the preservation of bureaucracy to take priority over the true needs of health consumers.

Mr. Speaker, on the same page the report goes on to summarize five categories that need to be addressed by government initiative. One of them, again, is accountability. That was stressed throughout the report, the need for more accountability in the health care system. It seems that accountability is for everyone else to be accountable – everyone else – whether they be patients or doctors or nurses or others, everyone except of course the government. In this sense I mean the Premier and his handful of business partners in cabinet when I refer to the government.

3:40

While I'm on the reference of the Starting Points document, I can't help but reflect for just a moment on Bill 212, the very

reasonable Bill proposed by the Member for Clover Bar-Fort Saskatchewan which the government unanimously voted against. In that Bill we would have seen some consumer protection brought to the province, another form of accountability.

Now, before anybody on the government side leaps to their feet and claims an infraction under *Beauchesne* 459, let me say that the relevance of this to Bill 213 is quite simple. In the Starting Points document there are 64 separate entries of the word "consumer" or "customer." Obviously the government would like to treat health care as just another commodity, as just another exchange between a customer and a seller of services. We know that's not the case, the people of the province know that's not the case, and the government even acknowledges that themselves when they say in Starting Points that they must do something about the lack of accountability in the system.

The provincial government has undertaken a huge experiment in health care, an experiment that is unprecedented in the modern world. They have taken a system that was operating perhaps with some inefficiency, and they have decided to blow it up just in the pursuit of the ability to write a slightly smaller cheque. They've done that, Mr. Speaker, I would say in a way that has not been totally honest. They have done that in a way where, I would even venture to say, there have been some misleading statements made in terms of those members of government that have been trying to justify the actions taken. The government would have us believe that health care spending has spiraled out of control, that it has spiraled beyond in fact the ability of our economy to support it.

I would like to point out to the members of this Assembly that in health care the Alberta government has spent virtually the same proportion of its budget on health in 1971 as it did the year that the restructuring began, 1993. In 1971 the proportion was 24 percent; in '93 it was 25 percent. Now, boy, I'll tell you that's a spiral that's out of control, Mr. Speaker. From 1983 to 1993 provincial spending on health care never once exceeded 25 percent and it was never less than 23 percent of total spending. This was not a system that was out of control.

The government often accuses members of the Official Opposition of being fear mongers, of trying to create a sense of panic. Well, I would say that it's the government that has created this sense of panic by telling the people of this province that health care spending is out of control and that something must be done about it. It's the government who has been creating the sense of panic saying: "We can no longer afford the health care services that you are entitled to, and that's why we're going to cut back. And while we're going to cut back and decrease the number of services that you can get, we're also going to charge you more taxes, and we're going to increase your health care premiums." Mr. Speaker, if that's not fear mongering, I don't know what is.

Adjusting for inflation, the Alberta government spent \$1,208 per person on health care in 1981. Now, those expenditures rose to \$1,378 by '86, but they declined, interestingly enough, to \$1,267 in 1991. Now, I've done something that seems to have been beyond the ability of the Provincial Treasurer. I've adjusted all of those dollars to control for inflation. They're all adjusted to 1986 dollars. That is an absolutely basic and fundamental thing that must be done if we're going to compare health care spending across the years. Mr. Speaker, I will say that the 1993 expenditure was the lowest level in the last 13 years of health care spending.

So, Mr. Speaker, did the government create the panic or did the government respond to a panic? I would argue that they created

a panic, and that panic has decreased even further the accountability that the government themselves noted was present in the health care system. All the more reason why we need an arm's-length independent person or agency to review the health care system in this province and all the more reason why we need to make sure that agency does not exist under the thumb of the Minister of Health or the Premier and all the more reason why we must not allow the Ombudsman to turn away those hundreds of Albertans every year who come to him for help simply because this government will not by legislation give him the authority to deal with their concerns.

In case there is any doubt whatsoever about what those concerns are and whether or not this government exclusive of an independent health care ombudsman is able to address those concerns, let me share the following with the Assembly. In an Angus Reid poll that was released by the Alberta Association of Registered Nurses in December of 1995 there were some very startling conclusions. Spontaneously, Mr. Speaker, 52 percent of Albertans mentioned hospitals, health care, and health user fees as the most significant issue facing Alberta today. That same poll demonstrated that 41 percent, a full 41 percent of Albertans said that the quality of health care services in Alberta on the day that they were asked was either poor or fair. Forty-one percent. The best thing they could say about the health care system is that it is just fair. Now, compare that to former Premier Lougheed's vision of creating a first-class health care service that the whole world would be jealous of and see how far down it's been taken by this current Premier.

Mr. Speaker, in that same survey done by Angus Reid and released by the AARN the question posed was: do you believe most, some, or little of what the following have to say about health care in Alberta? You might be surprised to know that only 62 percent of Albertans believed the regional health authorities when they talked about health care, and these are the handpicked regional health authorities, the handpicked authorities of this government. Obviously, they're not an independent arbitrator when it comes to dealing with health care needs, and almost 40 percent of Albertans simply don't trust them.

Even more alarming is that fewer than 60 percent of Albertans trusted the Premier; 57.23 percent said that they believed the Premier when he talked about health care. Most distressingly, the person who should be most accountable for health care in this province, the Minister of Health, had a dismal rating of only 51 percent, 51.54 to be exact. Almost half of Albertans do not believe the Minister of Health when she talks about health care. Mr. Speaker, this same government would tell us that we do not need an independent, arm's-length advocate to stand up and defend the health care system of this province. That is absolute nonsense. Never, ever in the history of this province have we needed one more than we do today. [interjection]

Mr. Speaker, I don't know if the Minister of Energy is rising to enter debate. I'll continue. I thought there was a question coming, which I was quite happy to entertain.

In August of 1995 in a question asked in another Angus Reid poll – do you support or oppose the reductions of spending that the Alberta government has already put in place in the area of health care? – 59 percent of Albertans said that they oppose, strongly oppose in 40 percent of those responses, the cuts done by this government, and they felt powerless to do anything about it, powerless because this government doesn't listen. They don't listen when thousands of people take to the streets in Calgary and Edmonton. They don't listen when tens of thousands of people

send in petitions. They don't listen when people send in post-cards. They don't listen because they're always told by this Premier that they're nothing but special interest groups because they dare to disagree with the Premier.

Mr. Speaker, the fact is that this government has taken a health care system that was in need of restructuring and, instead, they have destroyed it, and that's why, again, we need to expand the jurisdiction of the Ombudsman: to ensure that Albertans have some place neutral to go, some place that they trust to take their concerns and to see to it that their concerns will be fairly and thoroughly dealt with.

Look at what this government has done and the concerns that Albertans have. Optometrists, dentists, doctors, denturists, opticians, podiatrists, chiropractors, nurses, laundry workers, maintenance workers, lab technologists, other technicians who work in health care: they've all taken the government's 5 percent rollback and more. The government said that this would not affect quality of service. Now, those very same frontline health care workers day after day after day are coming forward and saying: "We were wrong. We thought we could trust the government, but we were wrong. We thought that it would end with our voluntary wage rollbacks, but we were wrong. We thought that we could maintain the quality because we'd still have our colleagues at our side, but we were wrong, because this government didn't deal with us fairly. They didn't tell us the truth, in fact. Not only did we give up the 5 percent, but we gave up more. Not only have we given up income, but we have lost our colleagues. Not only are we working harder; we're accomplishing less because the government's policies have hurt our ability to meet the needs of this system." [interjections]

Mr. Speaker, it is amazing to me that I am hearing catcalls from the government side, "Speak to the Bill," as if they cannot determine that the need for an independent review of what's happened to health care is directly related to the government's policies and cutbacks. It is a sad day indeed when these people can't even see that what the government has done to health care has created an absolute dysfunction in the system, and they don't even want to acknowledge it. No wonder the system is in such chaos. These are the people that are pulling the strings.

3:50

Podiatry: the personal limit has been cut. Chiropractic: the personal limit has been cut. Optometry: eye examines were deinsured for huge sections of the Alberta population. Physiotherapy is in a mess; wouldn't you say, Calgary-Shaw? Physiotherapy is in an absolute mess. The community rehabilitation program has been a disaster in the two largest cities of this province. And people of this province don't even have an independent place to take their concerns. That is a shame, Mr. Speaker. That's a shame.

In spite of all of that cutback, in spite of all of that confusion, in spite of all of that destruction, do you know what this government has done? They've had the nerve to charge Albertans more, to reach into their pockets and take more money out of them, after tax dollars that they say is a form of insurance premium. Bunk. Everybody knows that that's a tax. Everybody knows that it's an unfair and aggressive tax, and the only person who's happy about it is the Treasurer, who rubs his hands in glee. Every day he rubs his hands together as he pickpockets the people of this province and says it's a premium and not a tax. They ought to be ashamed, Mr. Speaker. They ought to be ashamed.

Mr. Speaker, the Quality of Life Commission in March of 1996, reporting on the concerns of the people of the city of

Edmonton, had this to say about health care. I'm quoting from page 21 of their very excellent report.

Two years ago, Albertans were confident about their health care system. They trusted it to provide the care they required when it was needed. Today, their confidence has been shattered.

The Commission heard that two years of cutbacks has seriously depleted our system's ability to respond to health concerns.

They conclude that "the quality of care has been compromised." They note with some contempt the lack of hospitals and hospital beds, the fact that inadequate staffing ratios plague our hospitals, that this has resulted in a longer waiting list, shorter hospital stays, and more inconsistent care.

Mr. Speaker, the Quality of Life Commission, again on page 21 of its report, says:

Albertans recognize the financial and emotional benefits of increased community care and home based care. People are not afraid of receiving their care at home instead of in the hospital. Unfortunately, [these] programs are woefully underfunded.

That is a key point, because what the government would have you believe is that because they have in fact increased some funding for home care, all the needs have been met, and that's not true. When people are discharged too quick and too sick from hospitals and they cannot get the adequate home care they need, do you know that there's no place they can go? They can't go to the Health Facilities Review Committee because they say, "That's not our jurisdiction; your problem doesn't relate to institutional care." When they go to one of the health authorities, the health authority says, "Well, you know, we're doing the best we can, but darn it, if we just had a little bit more time and money, we might be able to get a home care system up and running to meet your needs, but gee, the government just didn't give us the time or the money to do that."

There has never been a time when the people of this province have been so frustrated with a set of policy initiatives from their government as they are today as it relates to health care. There has been story after story after story related both in the press and in this Legislature about individual Albertans who have run up against a brick wall when they're trying to get their concerns met by the health care system. Now, that's not to say that Albertans are unable to access care. In many cases the care they receive does meet their need, and that in and of itself is a tribute to the frontline workers in the health care system that day after day after day are struggling against almost insurmountable odds to live up to their own professional and ethical responsibilities to deliver care to the ill, the injured, and the elderly of this province. Mr. Speaker, it is a tribute to them that the level of service is maintained at the level that it has been, but I don't know how much longer we can rely on their goodwill and their best judgment, because this government has done everything they can to stack the cards against them being able to continue in that struggle.

MR. MAR: Oh, get serious.

MR. SAPERS: Mr. Speaker, the Minister of Community Development says I should get serious. I would like him to stand in this Assembly and enter this debate and deny that the health care system is a mess. I would like him to go back to his own constituents and say, "No; everything's fine," as we board up the Holy Cross, everything's fine as we board up the Bow Valley site, and everything's fine in physiotherapy. He won't do that because he can't do that, because he doesn't want to tell a lie. That's why he won't do that, so he'll just snipe from his seat instead.

Mr. Speaker, day after day stories of real Albertans being hurt

by this government's health care policies are raised in this Assembly, and do you know what the government says? They write them off as just the victim of the week. Here is a story with a headline that says: waiting for death or heart surgery, whichever comes first. Do you know what the government would say? "Oh, that's just a horror story. It's not our fault." How can they wash their hands of this kind of pain and suffering when the constituents of this province day in and day out are begging the Premier to pay attention? How can they wash their hands?

Mr. Speaker, if they say they don't wash their hands of it, then they can support this Bill. They can increase the authority of the Ombudsman to investigate citizen complaints as they relate to regional health authorities and the operation of health services. Then we'd know that their words meant something. If they don't do at least that, then we know that their words are hollow.

What is the current situation when it comes to the complaint process in health care? Mr. Speaker, I'll refer all members to the first discussion paper issued by the Provincial Health Council, called the appeals mechanism review, released in March of 1996. I'll refer first to page 8 of that review. It's a diagram. It's known as figure 2, and I would commend all members to read it to determine whether or not they think this complaint process is adequate.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Minister of Municipal Affairs.

MR. THURBER: Thank you, Mr. Speaker. After a tirade like that it leaves me at a loss for words, although I would like to talk about a little different aspect, because it does refer to municipalities in this Bill. I have a number of points that I'd like to raise about Bill 213, the Ombudsman Amendment Act, with regard to how that would affect municipalities and the message that it sends towards them. In my view, it shows very much of a lack of trust towards municipalities. It says that municipalities can't handle their own affairs in a proper, businesslike manner, that the Ombudsman should be there and he should duplicate all of the appeal processes that are already established in the Municipal Government Act. It says that municipalities should have less autonomy. For those reasons alone I'm opposed to this Bill.

Under the Municipal Government Act municipalities have the power to conduct their own affairs, and they do a good job of that. They make their own decisions at that level. They also have to be accountable to their citizens at that level, and they're much closer to the grass roots than a lot of the opposition members. They also have to be accountable to the appeal mechanisms that they have. Through consultation with the municipalities and with their associations we built appeal mechanisms into the Municipal Government Act to ensure that citizens' voices were heard at that level. Bill 213 would set up another appeal process. We don't need another one. There are ample mechanisms already established, and it would be unnecessary duplication of that system.

In addition, the Ombudsman already has some powers under the existing Ombudsman Act to look into municipal affairs and municipal matters if Municipal Affairs is involved. In the past the Ombudsman has taken great care to try not to duplicate any of the processes under the Municipal Government Act. Adequate appeal processes already exist for municipal matters. Bill 213 does not strengthen those processes. It just adds extra bureaucracy and administration through duplication of them.

What kind of a message would Bill 213 send to these municipalities? The municipalities, through consultation and through meeting with them, don't want the province to interfere in areas that are under their jurisdiction, and I agree with that philosophy. The Municipal Government Act, the new one, gave municipalities more power in their day-to-day affairs than they've ever had before. Bill 213 undermines what we've accomplished with that. It says to municipalities: "We don't trust you to conduct your business in a normal manner and in a proper manner, so we're going to make your decisions appealable at one more level. We're going to make that appealable to the Ombudsman." I think this is the wrong message to send to municipalities. I think we would have to build a very large bureaucracy around the Ombudsman in order to achieve what this Bill wants to do.

I'd say again, Mr. Speaker, that this is the wrong message to send to municipalities. They're doing their job, and we need to encourage them to take more initiative. Bill 213 does not do that. It discourages them. Making municipal actions and decisions subject to a review by the Ombudsman strips municipalities of some of that autonomy they have wanted and that we've felt over the years they should have. We've done that in many, many ways. We gave them more autonomy and more responsibility so that they could take care of their day-to-day business. Municipal councillors are elected officials, as we are, and should answer to their constituents for their actions. If we want municipalities to play a part in this province's economic, cultural, and community development, it's important that we don't take away that autonomy.

4:00

Bill 213 shows a general distrust of municipalities as well. To satisfy that distrust, it seeks to duplicate the appeal processes and erode municipal autonomy, but as I've explained, Mr. Speaker, the Municipal Government Act has already established adequate appeal processes that are working well. On that score Bill 213 is unnecessary. Municipalities want to be as autonomous as possible and to have the authority and the responsibility for their citizens.

From the municipalities' point of view Bill 213 is unwarranted, unwanted, and unnecessary. I can tell you from firsthand experience, Mr. Speaker, that municipal governments in this province are conducting their business in a fair manner and are openly dealing with their citizens' concerns. From my point of view and on behalf of the municipalities Bill 213 is unnecessary and should be opposed by every member in this House.

Thank you.

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

MR. WICKMAN: Thank you, Mr. Speaker. I want to take the opportunity to add my support to Bill 213, which attempts to provide a provision where people have a place to go. If there were ever a time that people needed a place to go in terms of a particular problem facing Alberta, it's dealing with health care.

Mr. Speaker, when I go back and I read some of the comments that have been made about health care by government members – let me just quote a few. Klein, referring of course to the Premier, said that he believed Albertans should be able to buy essential medical services from private facilities. Personally, I don't see anything wrong with it: that's his quote. We're going to regroup and I want this tied up by Christmas: this was '95. We go down further. What you perceive as chaos are in fact the requisite activities involved in managing change: that's the Minister of

Health. Again the Minister of Health, when asked about problems in the health care system: absolutely none. Again the Premier, in September '95, on health care: we don't have a clear picture now.

Well, obviously we don't have a clear picture now. Government doesn't have a clear picture of what's happening in the health care field.

Mr. Speaker, in my constituency office – and I spend a great deal of time in my constituency – people are talking about the lack of health care, about the system falling apart, and they are concerned. I've had findings recently that have involved several hundred people, determining what issues they are concerned about, and it's health care, number one. Whether it be my riding alone or whether it be virtually any constituency throughout Alberta, I think you would find a similar response. The concern is, number one, that people feel they're falling between the cracks. They feel their concerns in health care, the problems that are faced by the restructuring of health care simply aren't being addressed.

When I look at some of the specific concerns, problems, grievances, whatever you want to call them, that constituents have come to me with – beds full. That's a very, very common one. People have been put on the waiting list because "Sorry; no beds available." People waiting in the hallways, waiting in the hallways to get a room for hour upon hour upon hour, many times in great pain. Persons that would expect an ambulance ride instead are transported by taxi, whatever the case may be. Women and men, particularly those that are aged, waiting for hip surgery for months and months and months, living in pain, utter pain, and no place to go. A continuing list, a growing list of drugs and prescriptions, appliances and medical aids that are no longer paid for, where people have to dig in their own pockets, some of them with very little money to go into very, very short pockets. Concern by the children for their parents who may be living in an institution, be it a nursing home or an auxiliary hospital, concern about the level of care. Stories about the elderly having to lie all night without being attended to because the staff is not there to attend to them. They don't know where to go.

We see the situation in Fort McMurray where staff participated voluntarily in a reduction of salaries, and then they turn around and get a severance package based on the lower salary. The case of a person entering an emergency ward with a broken leg being told to go home for several hours; they couldn't put a cast on it right away. The physiotherapy clinics.

In my own neighbourhood I've had two people that are involved in physiotherapy clinics come to my house and speak about this matter, how it's affected them. For one, it's going to cost her a hundred thousand dollars. That's what she invested, and she hasn't recovered that money. A decision is made that we're only going to sign contracts with X number of physiotherapy clinics; the rest are out to lunch. They're going to go bankrupt. There's absolutely no question about it; they're done for. And it's not like they weren't encouraged to set up in the first place. Government encouraged them to set up these clinics. They've got no place to go, absolutely no place to go. They go to the Capital health authority. They're told, "Sorry; we can't speak to this because our legal advice tells us not to divulge any information in case there are lawsuits." These people don't know why they've been singled out, why they've been picked upon, why they've been chosen as the ones to go down, to have their life earnings taken away from them, robbed by this government.

We see nurses that have been left high and dry with a very little severance package, not knowing from one day to the next whether

they're going to have a job. Children's services have shifted considerably. The shifting of patients from the Aberhart over to the Glenrose; a reduction of services in the Glenrose, like speech therapy and such. Health services in the schools have deteriorated. The people waiting for months and months and months for the MRI.

I had a case of a constituent coming to me where his spouse, who's a quadriplegic, needed a \$6,000 appliance inserted in her abdomen – it had to be done – and was told, "It's not on the list; you've got to pay for it." They didn't have the six grand. The spouse came to me. That was one, fortunately, that I was able to work out with the Minister of Health, with her office. That one was resolved because they did have the knowledge to come to me to ask me to help. I must commend the minister's office on that particular one. That one was resolved, but they're not all resolved.

Even in my own household the nightmare that my wife has gone through with dystonia, being bounced around the health care system to the point, Mr. Speaker, where I threatened the University hospital that if they didn't find her a bed, I was going to come down there with TV cameras. They promised a bed, but the next day a phone call: that bed was canceled. She still has not received that bed. I doubt that she ever will now. So you just see – and I'm just talking about a small number that have come into my constituency.

Now, if you compound that by the 83 constituencies throughout Alberta, the number of concerns – and these are ones I've just written down here in the last few minutes – would be thousands upon thousands. These people, because of the restructuring, where do they go, Mr. Speaker? They can go to the MLA. The MLA can attempt to do whatever. If they go to government MLAs, of course the government MLAs really have to support their government and they've got to sort of toe the line with what's coming down in health care. So where do they go? They can't go to the Ombudsman at the present time. They have to go someplace, and there has to be a mechanism that is provided. Somebody has to accept responsibility. When we have these Hotels de Health and we have these private clinics and the private MRI, when something goes wrong, where do these people go? Who can they complain to?

The Capital health authority: some members will be elected in times to come, but as it stands right now, they're not accountable. Even with some of the members being elected, they're not going to be accountable to the same degree as government. They're given a chunk of money and they're told, "Do whatever job you can, with, however, 20 percent less than we had when we operated," referring to the government side. So the Member for Edmonton-Glenora has pointed out that there is a need for the extension of authority to the Ombudsman to deal with health concerns that involve private agencies, organizations, and companies that are related to government because of contracts and so on.

The Minister of Municipal Affairs raised points about infringement on municipalities. I don't see it that way because I hear the municipalities crying about the same thing we are. We hear the mayor of Edmonton, we hear aldermen in Edmonton saying: where's the health care system going? It was only recently that the mayor was advocating that the Capital health authority needed more money. When there are 15,000 people demonstrating at the Grey Nuns hospital in Mill Woods, they recognize there's a problem in their municipality. They want to see that problem addressed, Mr. Speaker. They don't want it to go away or just

be buried under the covers. If it means some provincial co-operation, municipalities have never shied away from provincial co-operation. So if the provincial government in conjunction with municipalities can overcome those types of problems, I think they would welcome Bill 213, quite frankly.

4:10

I want to read a letter for the record. This is one letter that was published in a newspaper. It's called "Don't get old and sick in Barrhead." I want to read this into the record because this spells out very clearly the frustrations that many, many people in Alberta are going through.

Imagine you're 80 years old. You've committed no crime, you've lived a good life, paid your taxes, raised your children, lived through two World Wars and a Depression.

Time and years sped by. Now that you have lived longer than you ever expected to live you have committed a 20th century crime. You got old and worse yet, you got sick. Your body is worn out and your mind not as quick as that of your bright young nurses and doctor.

Just another crazy old lady they put in room 38. One of many. Admitted to a surgical unit, where the staff understands post-op hernias, but not pleasantly confused, 80-year-olds. You're sick in Ralph's Alberta (born here) and in Barrhead (lived here 70 years).

Nice little town, nice little hospital (in the daylight). At night the town sleeps and the elderly and the infirm at the Barrhead Hospital are tied in their beds.

Imagine the terror. You're restless, maybe you call out for a family that isn't there, you're scared in an unfamiliar place.

Your door opens, three people in uniforms hurry in. They're talking like you are not there at all.

Somebody grabs your hands, someone else is at your feet, you're flipped over, you struggle, you hear "quick get the ties done up".

The light goes out, the doors closed. Now you're alone. You can move a little bit (from side to side), you call for help, you curse (words you've only heard before) you fight until you fall asleep from exhaustion. You wake up and fight again but as your family has been told . . . you are safe.

No broken hips, no falls.

Pity that in this little town, the home of the government perk, someone didn't throw out the bed restraints along with the oral thermometers and have the foresight to buy 20th century bed alarms.

But if an alarm goes off, somebody will have to respond, maybe hold a hand, make a cup of tea, spend some time with a scared, sick, grandma or grandpa.

Perhaps there is no funding for reassurance or kind words. But there are no broken hips here tonight. Not in Barrhead hospital.

In a time when you would go to jail for spanking a child or withholding treatment for a sick animal, full bed restraints are being used within the halls of Barrhead Hospital.

It seems to be a crime in Barrhead to get old and sick.

Mr. Speaker, what this letter points out from a very obviously frustrated elderly pioneer of this province – and it's not taking any shots at the staff but is taking shots at the system, the system that isn't providing the resources to allow the proper staff to be there so somebody can be on call to attend to that person if that person needs attending to. Because they don't have the staff, because they don't have resources, because the compassion is no longer there, the person is simply tied to their bed so they can't fall out, so they can't break a hip. But that's no way to care for our elderly. That's no way to pay back the pioneers of this particular province. That's just one example of the frustration of one family

that took it upon themselves to go public and to have this letter printed in the *Leader*, Barrhead, Alberta.

Mr. Speaker, government members, like with Bill 212, can look at this and they can find fault with it, certainly. We can find fault with any Bill. Some of the government Bills we find fault with. Some of them we support, but some of them we find fault with. There is also notice on government to look at what's being done and say: "Yeah, that's good. That's good. Let's take that into committee. Let's fine-tune it. Let's do some things with it. Let's make it into a Bill all members of this House can be satisfied with that ultimately addresses the concerns of the people that we all represent jointly."

So to government members in particular, Mr. Speaker, don't in haste write off the Bill simply because it's opposition, because if you study that Bill, if you open your eyes to the problems that are faced out there within the health care system, you are going to recognize that there is a legitimate cause to have somebody accountable, a source of appeal, an avenue where people can go when nobody else seems to care, somebody that has the authority to deal with those cracks that people are falling through.

These Bills are of course limited in time, so I don't want to take up too much time because there are others that want to speak to Bill 213. I would certainly like to hear from more government members as to what they feel is good about the Bill, some recognition that there is a problem out there, Mr. Speaker, because there is a problem out there.

On that note I'm going to conclude. Thank you.

Speaker's Ruling Relevance

THE ACTING SPEAKER: Before I call on the Member for Olds-Didsbury, I've been really studying this Bill. I always like to be lenient when we talk about the main principles of a Bill, but I've really heard very few speeches here on this Bill that have anything to do with the Bill. It's been running down the health care system. There's time in this House for that; there's no question about that. But for the speakers from now on, let's at least – I was glad the last speaker did say in his last sentence something about the Ombudsman's Bill. Please, hon. members, let's stick a little bit close to the Bill.

Debate Continued

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

MR. BRASSARD: Thank you, Mr. Speaker. It gives me a great deal of pleasure to speak to Bill 213, a Bill that seeks to expand the role of our current Ombudsman. I'd like to just go back and review a little bit of what our current Ombudsman does.

In Alberta, Mr. Speaker, the Ombudsman is an officer of this Legislative Assembly. He conducts impartial investigations on receipt of written complaints from individuals who believe they have been treated unfairly by the provincial government. The Ombudsman is independent of government and has broad powers to investigate actions, decisions, practices, and procedures of government departments, boards, agencies, and commissions.

The Ombudsman is a mechanism of last resort for Albertans who have a grievance with the way the government has treated them. This amendment Act we have before us today would add another reference to local bodies and the people who head them wherever there is a reference to the bodies over which the Ombudsman has jurisdiction. The extension of the Ombudsman's jurisdiction raises several issues that I'd like to address today.

First, the Ombudsman, as it currently reads, was not designed to apply to an order of government created by provincial statute over which the provincial government has ultimate jurisdiction under certain circumstances. The Ombudsman's purpose is to give an Albertan one last chance after he or she has exhausted all other avenues of appeal. This is useful when an individual is dealing with a sovereign order of government, but the Ombudsman may not overturn a decision or rule.

[The Deputy Speaker in the Chair]

The Ombudsman's only real powers, Mr. Speaker, are those of moral persuasion. They are the ability to shine the light of public scrutiny on the activities of a government entity by reporting directly to the Legislature and the complainant. For example, the Ombudsman Amendment Act would extend the current jurisdiction and powers of the Ombudsman to most local public bodies including school boards and schools under the School Act.

School boards are created by our province's statutes, and their activities are subject to scrutiny by the Minister of Education under the Alberta School Act. These boards may have their decisions overturned and may even be removed from office by the Minister of Education. The powers afforded to the minister through legislation provide Albertans with a greater potential for satisfaction than the Ombudsman's powers of moral persuasion could ever provide. The minister can bring about changes directly if the need is there, and in this sense Alberta Education remains accountable to Albertans. If the Ombudsman's jurisdiction were to be extended to include schools and school boards, the Ombudsman would still only be eligible to make recommendations which the government could choose either to follow or not.

Second, the amount of direct influence the Ombudsman could have is outlined in section 12 of the current Ombudsman's Act. This section prevents the Ombudsman from intervening if the complainant has not yet exhausted all avenues of appeal or review available. "Nothing in [the Ombudsman] Act authorizes the Ombudsman to investigate any decision, recommendation, act or omission" if there is another Act that allows for the "right of appeal or objection," nor can he or she intervene if an Act allows for a "right to apply for a review on the merits of the case to any court or to any tribunal constituted by" the Act.

The Ombudsman would be able to investigate a complaint only after the "right of appeal or objection or application has been exercised in the particular case." As well, he would not be able to investigate until "after the time prescribed for the exercise of that right has expired."

4:20

If the Ombudsman cannot intervene until all avenues have been exhausted or if an Act already exists that allows for appeals, there is little he or she can offer our educational system by extending his jurisdiction to our schools or school boards. For example, not being able to intervene because another Act already exists that appears to prevent the Ombudsman from intervening if a matter is the subject of a special-needs tribunal under section 30 of the School Act. It also appears to prevent the Ombudsman from interceding on a subject under ministerial review, attendance board hearing, or board of reference under part 5 of the School Act. If the Ombudsman were able to intervene prior to an inquiry or investigation, his investigation and reporting activities could interfere with and compromise the powers of the Minister of Education to exercise his responsibilities under the School Act.

Moreover, in certain circumstances the Ombudsman already has

jurisdiction to investigate matters that have begun as a decision of a local body. For example, when a decision of a school board becomes the subject of a ministerial review under the School Act, the complainant has the right to ask that the decision of the minister be reviewed by the Ombudsman. If the Ombudsman chooses to go ahead with the investigation, he may make recommendations to the minister. Now, as I mentioned, it's up to the minister to accept or reject those recommendations. So in a sense, Mr. Speaker, what the member across the way is proposing has already been implemented.

Just a few more comments I'd like to raise. So far school boards and schools have not been brought into budget consolidation. The Freedom of Information and Protection of Privacy Act doesn't apply to these entities for several more years. This would seem to imply that the Ombudsman Act shouldn't apply to them either. Should the Ombudsman have access to information not accessible to the government?

There is also the issue of the Ombudsman as an officer of this Legislature. The purpose of the Ombudsman is to be centred in the Legislature. The Ombudsman reports to and through this Assembly. His main audience is here, and his job is to create some redress or action from the ministries which is short of court action. In these proposed amendments there would be considerable room for the respondent to be outside the Legislature. For instance, municipal governments are another level of government. Delegated persons may be nongovernment incorporated bodies carrying out business on a contractual basis. So once the Ombudsman makes a report, what is the Legislature supposed to do with it? And when the Ombudsman makes a report in this Legislature about a complaint, perhaps concerning a local school board or health authority, which do not have a standing in the Legislature, how are these entities supposed to reply?

The major cost effect of the expanded jurisdiction of the Ombudsman would be the requirement to expand the staff of the Ombudsman's office, currently a complement of 16 people and a budget of just over \$1 million, of which almost 85 percent is manpower costs.

I believe that having a provincial Ombudsman has been good for all Albertans. The Ombudsman has afforded people a last bastion of hope when they feel that they've been wrongly treated by the provincial government and its departments. In some instances this position may have even provided an avenue of appeal that may not have previously existed. However, Mr. Speaker, bigger is not always better. In fact, as shown by the examples I've mentioned today, enlarging the Ombudsman's jurisdiction will only serve to duplicate an already complete appeal process.

Accordingly, I regret that I am unable to support this Bill.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I rise to speak in favour of Bill 213, the Ombudsman Amendment Act.

I must say, Mr. Speaker, I was indeed interested by the comments during debate that the Member for Olds-Didsbury made and his interpretation of the jurisdiction that the present Ombudsman of the province of Alberta has through the minister's office. I would certainly like to see that laid out, and how, if someone in a health care setting indeed felt that their rights had been violated in some way and they wanted a review of what had transpired.

It has been my understanding from my past exposure to the

health care system as a policymaker that indeed when a citizen of the province of Alberta attempted to access the Ombudsman, it was clearly stated that he had no jurisdiction. So I find it quite fascinating that the Member for Olds-Didsbury is now telling us something quite different, that if the minister deems, he can. He was using the Minister of Health in this instance, but I'm assuming when he was doing that, he could have been speaking on behalf of the Minister of Municipal Affairs, which puts a very different context on what the Minister of Municipal Affairs was . . .

Mr. Speaker, the Member for Calgary-Shaw sometimes gets me feeling like I'm 16 again. I know by no stretch of the imagination I'll ever be 16 again, but he somehow, through his little written notes he flashes, captures my attention, which in this instance I found quite amusing and flattering.

Getting back to the Bill, because this is a Bill that should be taken very seriously, I'd like to go back, you know, nine years ago when I really felt that not only the Ombudsman but also the mental health advocate, when his position was created in the province of Alberta, should have full jurisdiction over areas where there was direct provincial funding on behalf of the taxpayers of Alberta, which of course included the health care system. We saw a previous government through the Minister of Health have the wisdom to put a mental health advocate in place. Unfortunately, they limited the jurisdiction there to people who had actually been certified, and patients who were voluntary indeed couldn't access that person's ability.

Now I see that the gentleman who is the present Alberta mental health advocate and also our Ombudsman today are asking for that role to be expanded. I would commend them for doing that, because there are Albertans' rights that are not being protected, that are not being looked after without the expansion not only of the Ombudsman's position but also the mental health advocate's. Of course, the mental health advocate doesn't fall under Bill 213. But until it's shown to me beyond a shadow of doubt that the Member for Olds-Didsbury is correct, that we can access the Ombudsman through the ministerial reporting that he's suggested, that if the complaint goes to the minister, somehow it can be referred to that individual – setting that aside, why should something have to go into the political realm when you feel a wrong's been done to you?

If there's something about this health care restructuring that I take strong exception to it is that suddenly Albertans are having to come to their elected provincial officials with health care concerns. I firmly believe that no Albertan should have to share with a layperson their health care status. I don't see the way the Member for Olds-Didsbury was laying out the access to this office as being any better than an Albertan coming to my office and as their representative advocating for them. I believe they should have the legislative ability to take a concern directly to the Ombudsman. I think that would keep the integrity of their health of a confidential nature to ensure that they do not have to share it with the number of people they're having to share it with presently here in the province of Alberta.

I don't know why any individual Member of this Legislative Assembly wouldn't support 213. After all, the legislation that put the Ombudsman in place is supported, I believe, by all Members in this Legislative Assembly. Indeed, they have asked someone to ensure that the government departments are treating Albertans fairly. They have confidence that that individual will do the job. They don't see the Ombudsman dealing with that as an insult to their capability.

4:30

I hear the Minister of Municipal Affairs, the Member for Drayton Valley-Calmar, inferring that somehow municipalities or other members, whether they're nonelected or appointed, who fall under this umbrella are somehow being insulted and that their capability is being questioned. Quite frankly, that's ludicrous. If I look back to when I was mayor of the city of Fort Saskatchewan and someone came to me after they'd been through all these bureaucratic processes, the very thing that the Member for Calgary-Varsity was talking about – the bureaucracies are out there, and somehow they inhibit people to get the service that they require. There's nobody there to protect their rights. They're trying to find an avenue to ensure that their rights have been protected, and they want an independent person to look at it. That's what this Bill is asking for: for the mandate of this office to be expanded to ensure that every Albertan irrespective of what area, whether it be health, municipal, or the other areas that have been identified, has that mechanism, has that avenue to go to that independent entity.

I've been amazed over the years, Mr. Speaker, when I look at the Ombudsman's office and at the staff that he has and the capability. I think with a very strong, small staffing complement he's doing an incredible job. Anytime that I've had to deal with the present Ombudsman or with previous Ombudsmen, I think they've done it within a very fiscally responsible budget and with a very incredible staff complement.

You know, the University of Alberta hospital led in an area where they put a health advocate in place so that if indeed you had some concerns or complaints about the lack of or the type of treatment you had at the University of Alberta hospital, you had somewhere to go to. The unfortunate thing about that is that it does not have the status and it doesn't result in the type of outcomes that we see through a provincial Ombudsman's office.

I firmly believe that the kind of questions we're seeing not just coming from Official Opposition members in this House but from government members – and I could go through all of these *Hansards* and pick out, I would say, a fair number that have come from government members, whether indeed it was yourself, Mr. Speaker, on ambulance service or it was the question that was being asked from I believe it was the Member for Medicine Hat to do with home care. No, it was Lethbridge-West, actually, that asked the question on home care. When you start seeing these questions being asked, the perception by members of the community is that there aren't adequate resources – in fact, they can substantiate that – to meet the needs of people who are being discharged early from hospital.

Now, if somebody suffers a relapse, how can they feel confident that their complaints are going to be dealt with and that no one else will end up faced with the same dilemma they've been faced with unless we expand the Ombudsman's jurisdiction? The number of complaints that are coming in about our health care system I would suggest is serious enough at this point in time to put it in the category of being emergent.

This private member's Bill, which was before us before, I was advocating when I was still part of the Leduc-Strathcona Health Unit, that we needed to do it back then. Now, I'm going back as far as 10, 12 years ago. We were talking about it then, that people's rights had to be protected, that there had to be a mechanism where they believed they had been fully heard, and that whatever had transpired with them, the recommendations that came out of that would indeed prevent it happening to another Albertan.

You know, Mr. Speaker, it's not unlike what the Auditor General does in the fiscal area. There's a bit of irony here in that the reason we're restructuring health care in the end is really because the bottom line is the almighty dollar. If we went back 10 years ago, the reason to restructure the health care system was truly what we stated publicly – but we're not walking the talk – and that was to put a wellness, preventative health care system in place. When we tried to do that, when I was part of the public health system, we were blocked all the way to the bank quite frankly. It's only at the eleventh hour, because of dollars, that we're starting to see a restructuring of the health care system being done in a very negative way. That's why I firmly believe that it will be a sad day for Albertans if this Bill 213 is not supported at this time, because there's never been a greater time in the province of Alberta for Albertans to have the ability to access the Ombudsman's office.

You know, we've talked about the elderly, the abuse to our elderly. They're the most vulnerable people in our society. Certainly we have a Health Facilities Review Committee in place, but what I find most troublesome about that process is that it's not a public process when it comes to the end findings. The one thing that I feel confident about in the Ombudsman's office and in the manner in which the legislation allows him to deal with complaints is that it's full disclosure. You know what's happened, you know what's being recommended, and you can follow it through. We've never got to that level of disclosure and that level of comfort that you're going to prevent it ever happening again when it comes to health care, and that really saddens me.

We were hearing today, Mr. Speaker – and it is a horror story – about the gentleman from the Redwater hospital. I have communicated through the ministry about similar things that have happened in my own constituency, where a doctor because of budgetary constraints – there's an unwritten policy in hospitals across this province that if you don't need to use the ambulance system, the interhospital transfer, you don't use it. You don't admit patients from emergency into the hospital, because once they're in the hospital system, it costs the hospital system. Doctors then leave them in the emergency rooms and they transfer them by taxi, or they indicate that they can travel in their own car.

Now, I can give another example where it happened, and this young man ultimately died. The minister's aware of this. This individual was so ill, but they had no insurance to cover the ambulance. The doctor didn't admit the young man into the hospital system, but he deemed that this young man had to be transferred by ambulance to the hospital in Edmonton. So that's what happened. The family ended up with this ambulance bill, and they didn't have the funds to pay for it. Do you know there was no way other than myself going to the Minister of Health, to the municipality to try and get that bill waived. What happened was that the private sector absorbed it.

The point I'm making here, Mr. Speaker, is that that ambulance transfer was an essential component of that gentleman's health care treatment, and he didn't get it. He had to pay for it. He ultimately died. Now, I really believe that that type of complaint that came to me should have found its way to the Ombudsman's office, and that family should have been dealt with in a sensitive way and not have had to have a politician go to bat for them because of the manner in which they had been treated.

4:40

I can use an example of my own daughter being transferred by taxi – by herself; no family member informed – when she was

hemorrhaging and ultimately lost the baby that she was carrying. I found that unspeakable, Mr. Speaker. There was no way we could address it, because where did you go? You complained to the hospital board and you complained to the minister, but for what? You get this token letter back, and the fundamental problem hasn't been dealt with. That's why I firmly believe that under Bill 213 we need to have a mechanism whereby Albertans feel that when something has failed, when the publicly funded system goes fundamentally wrong – because remember that that's what we're talking about; it's taxpayers' money that funds all these jurisdictions we're talking about – we can make sure it never happens again.

Now, I want to put a question to the House through you, Mr. Speaker, that was asked of me just on Friday morning in my constituency office. This is a gentleman in his 50s who's waiting for a bypass. He tells me that there are five people who work with him at one of the petrochemical plants who have all got heart problems and who need cardiac surgery, and what I found amazing was that they're all in their 50s. Now, he came in there and shared with me his health care status, which is affecting his productivity as a worker, and that really bothers him because he's been a committed, dedicated worker since his 20s. His pride is in the work that he does in that plant. He wants to know why he can't get his necessary treatment. He's really concerned because he gets out of breath and he can't do the kind of job he's always been used to doing. He's on this long waiting list, and it's added stress on the family. So he put the question to me: “Well, what's happening to my heart when I'm not being looked after? There must be further damage done to it with all the stress that's been added on.”

Now, I have to ask the question: who's responsible for this man's health if indeed we're not dealing with it in a timely fashion? I don't think we have addressed that question here in this House. If something's emergent and it needs being done, it should be taken care of or, I believe, someone should be found responsible for not allowing that to happen. That has not been addressed in this House, and I believe the example I'm using right now can be repeated across the province.

One gentleman who had got to the point that he had a nitric patch because he couldn't even walk anymore – and he was only in his 50s – was told by people in the medical profession: “You go down to emergency and make sure you don't underplay how you're feeling. In fact, be more dramatic, be more theatrical and you'll be admitted, and if you're admitted, you'll get your triple bypass.” Well, what kind of system is it that we're developing? You know, every time we do that, we bump someone else.

So what we need are the right resources in the right place, but we also need a mechanism when the health care system or any other publicly funded part of the system is failing individual Albertans. We've got to ensure that we don't allow that to happen again, and the only way that I can see that being prevented is if indeed Bill 213, the Ombudsman Amendment Act, is supported by this House.

Mr. Speaker, the Member for Calgary-Shaw says he loves me. That's what's on his paper. [interjections]

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Hon. members, a classic example of why you're not allowed to have signs. [interjection] Hon. Member for Calgary-Shaw, I am talking to you. I am going to speak to you in terms that hopefully you'll be able to understand.

What has just transpired is hardly parliamentary. What it does show, though, is the rule that we cannot have exhibitions and signs and the perfectly good reason for that.

The hon. Member for Edmonton-Roper.

MR. CHADI: Thank you very much, Mr. Speaker. I wish I could claim that somebody loved me in this Assembly.

Debate Continued

MR. CHADI: I rise today to speak in support of Bill 213, the Ombudsman Amendment Act, 1996. Mr. Speaker, the reason that I'm going to support this Bill in second reading is mainly because of comments made by the Ombudsman himself. Now, I am, I would think, just like any other individual, any citizen of this province or any human being. If I had a problem, I would go to a professional that would assist me in the field that my problem exists. If I had a toothache, I would hope that I would go to the dentist. If my car broke down, I would hope I'd take it to a mechanic, that sort of thing.

Mr. Speaker, I think the comments by the Ombudsman as of late speak volumes for why we should look into supporting Bill 213, perhaps maybe even look at strengthening the mandate of the Ombudsman. Comments that were made by the Ombudsman, of course, that lead me to believe we ought to be looking at supporting Bill 213 are things like this. He says that he's worried that more moves to contract out services will leave his public watchdog's office with more bark than bite. I believe that this individual knows what he's talking about within his own department, within his own mandate, and I don't know that there would be anyone in this Legislative Assembly who would disagree with the mandate of the Ombudsman. I believe that office has functioned for 20 some odd years, whether it's 27, 29 years. I note that in the annual report, the latest one that has come out, comments came from that report which clearly indicate that there needs to be some modification to the mandate.

I'm going to quote comments that were made by the Ombudsman. He says that

the Ombudsman does not have authority to investigate complaints about private contractors supplying government services.

He says that

a watchdog function, such as that fulfilled by an Ombudsman, ensures government services are provided in a fair and equitable manner. The privatization of government services is occurring without protective measures . . . and/or Ombudsman services.

The lack of safeguards in the system erodes accountability.

Those aren't my words, Mr. Speaker. Those are the words of the Ombudsman himself. He says that he's lost the power, the power to investigate complaints against hospitals and other health institutions, since the creation of regional health authorities. Now, we've heard an awful lot of that this afternoon in the Legislature, particularly with respect to health care.

Now, I know that in my own constituency I've been inundated with calls from individuals who are having difficulty dealing with the WCB. I know that the Ombudsman deals with that sort of thing as a last resort. I have actually asked people to go and talk to the Ombudsman, go and make a complaint with the Ombudsman, because I was unable to get satisfaction. I know the Member for Olds-Didsbury said that if there are problems external to what the Ombudsman's mandate is right now, individuals can go to government departments. Individuals can go to the different government departments and deal with their problems in that fashion. Well, why do we need the Ombudsman in the first

place? Why has he functioned for 27 years? Why has that department or office functioned for 27 or 29 years if individual citizens can then access the information they want or get whatever results they need by just going straight to the minister's office of these government departments? I fail to believe that that is a reasonable argument in this case.

4:50

I know that with the government privatizing many of its government services, there would probably be an increasing role for the Ombudsman. This is something that concerns me. Are we now looking at additional expenses by creating more work for the Ombudsman, or are we creating more work for the Ombudsman? When we did contract these services out, did we realize that we may encounter additional expenses by way of a larger office for the Ombudsman? Obviously as time goes on – and I note that since 1990 the Ombudsman has experienced over a 50 percent increase in citizens' concerns. Is this going to increase now? I suspect it probably will. Will we need a bigger office for the Ombudsman? I suspect we probably will. Should we give him more powers? The question ought not to be what additional expenses are we going to incur. It ought to be: is there a real need for this sort of thing? I suspect that there probably will be a real need, and we have to address that.

On the one hand, we're cutting back in our finances with respect to things like social services and health care. There's no magic to the fact that we are cutting back. Everybody knows that we are. The numbers indicate that in our budgets in social services and in child welfare. In the WCB we've seen individuals who have been cut off indiscriminately just because they don't have a reasonable doctor's report that one day. Maybe they went to see this doctor and the doctor said to them: "No. You seem fit today. You can go back to work." And if that individual went to a different doctor, it wouldn't matter if that different doctor came out with a report that said that they couldn't work. The experience that I have, anyway, with the WCB is that they would go with the doctor's report that said that this individual could work. That would be final, and they'd cut him off. Whether that individual can or can't is not an issue, it seems to me. What is the fact that they can cut him off and save some money. We've seen the WCB now get its finances in order, which is laudable, but at the same time many, many, many people were hurt along the way. So the need for the Ombudsman of course increased, and we're going to see that in all the different departments as time goes on, where we privatize them and allow the Ombudsman to deal with those complaints.

So an increase in the Ombudsman's mandate I would suspect is going to mean an increase in expenditures, but I don't think that's why we should turn this down, solely on the basis that it's going to cost us more money. We have to be looking at if there is a real need out there, and if there is, let's deal with that need.

With those comments, Mr. Speaker, I'm going to support this in second reading. I'd like to hear debate from both sides of the House, because I know there are individuals in this room that will agree that there is the need for the Ombudsman's office. I know the Member for Olds-Didsbury, when he spoke, said that the mandate has been a good one for all Albertans. What concerned me a bit was when Olds-Didsbury said that the mandate has been good for all Albertans and said it in the sense that it was past tense. I really wonder what he meant by that.

With those comments I'll take my seat. Thank you.

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

MR. SEVERTSON: Thank you, Mr. Speaker. The role of the Ombudsman is a very important one in a democratic society like ours. In Alberta our Ombudsman is responsible for ensuring that Albertans have an impartial avenue to appeal when they feel they have not received fair treatment from the provincial government and they have no other appeal mechanism available. Our provincial Act provides the last avenue of appeal for Albertans who have a grievance with the way certain agencies and departments of government have handled their complaints.

The Bill that the hon. Member for Edmonton-Glenora proposes seeks to enhance the jurisdiction to include municipalities. I know that the hon. Minister of Municipal Affairs has already spoken on the issue of expanding the jurisdiction to municipalities, but there are a few points I'd like to reiterate.

Bill 213 raises several questions related to duplication in the process and appeal procedures in the Municipal Government Act. Mr. Speaker, the Municipal Government Act provides numerous opportunities for residents and property owners to provide input to council and for property owners to appeal processes and local decisions to a provincial tribunal and, further, to appeal to the courts. The introduction of a formal review of municipal actions by the Ombudsman would therefore result in further duplication and overlap with the processes available under the Municipal Government Act.

Mr. Speaker, municipalities are very sensitive on the subject of provincial intervention in municipal decisions. Even though municipalities are not a separate order of government under the Constitution, few if any municipalities consider themselves just a local agency of the provincial government. This is reflected in the Municipal Government Act, which provides municipalities with broad authority to conduct their own business and pass their own laws. Therefore, having the provincial Ombudsman review municipal decisions and actions, as Bill 213 seeks to do, is very unlikely to be favourably received by the municipalities or the municipality associations.

In the area of health the proposed amendments to Bill 213 would expand the role of the Ombudsman to permit him to investigate complaints against certain health authorities to which the Act does not currently apply. These organizations include the regional health authorities, the Alberta Cancer Board, and the Hospital Privileges Appeal Board. The main concern with the proposed amendments here is that another appeal mechanism would be added to the already numerous appeal mechanisms and processes that currently exist within the health care system.

The Provincial Health Council of Alberta is currently conducting an inventory of reviews and appeal mechanisms within the health care system in Alberta. The council has completed phase 1 of the review and has concluded that the current structure of the appeal mechanism is complex and confusing. Adding this Bill as another appeal mechanism would further complicate the existing structures as well as create overlap and duplication of responsibilities and effect.

The next step in the review of the appeal mechanism being taken by the Provincial Health Council of Alberta is to enter into discussions with the general public and health care organizations. This would enable Albertans and health care groups to examine how best to structure an appeal system so that it embodies the principles of a consumer-focused, integrated, accessible, appropriate, and affordable health care system. The results of this consultation should be considered before the proposed changes are made to the Ombudsman Act.

5:00

Not only would this Bill create duplication in various appeal

processes if it were passed, but it would also leave some room for interpretation. For instance, according to Bill 213, it might be difficult for some organizations such as agencies under the Safety Codes Act to determine whether they would be subject to investigation under the Ombudsman Act. Mr. Speaker, a different approach might be considered: amendments to the Ombudsman Act that would extend the Ombudsman Act powers to investigate all public bodies named in the regulations and freedom of information and privacy Act. While this is not a perfect solution either, it would provide a measure of consistency that is currently lacking.

All public bodies under the Freedom of Information and Protection of Privacy Act would be covered under the Ombudsman Act and vice versa. This is the practice already adopted in British Columbia. This type of consolidation would mean that the boards and agencies that are to come under the Freedom of Information and Protection of Privacy Act jurisdiction would be brought under the Ombudsman umbrella at the same time.

There are some precedents for a consistent approach in the designation of affected public bodies. The records management regulations to the freedom of information and privacy Act already share the same list of public bodies. It might appear inconsistent for the Ombudsman to be able to investigate complaints about agencies to which the Freedom of Information and Protection of Privacy Act does not apply. An alternative to this Bill might be an amendment to the Ombudsman Act that would extend the Ombudsman's power to investigate all public bodies named in the records management regulations to the freedom of information and privacy Act.

Mr. Speaker, considering the duplication that Bill 213 raises, I think that we would be better off considering how perhaps to coordinate those appeal mechanisms that are in place in order to serve Albertans better.

Mr. Speaker, with that, I would like to adjourn debate on Bill 213.

THE DEPUTY SPEAKER: The hon. Member for Innisfail-Sylvan Lake has moved that we adjourn debate on Bill 213.

SOME HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[The Assembly adjourned at 5:04 p.m.]