## Legislative Assembly of Alberta

**Title: Thursday, May 9, 1996 1:30 p.m.**
Date: 96/05/09
[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

We give thanks to God for the rich heritage of this province as found in our people.

We pray that native-born Albertans and those who have come from other places may continue to work together to preserve and enlarge the precious heritage called Alberta.

Amen.

Please be seated.

head: **Presenting Petitions**

MR. KIRKLAND: Mr. Speaker, I'd like to present a petition this afternoon signed by 2,051 Leduc and area residents. They are opposing the proposed use of the Leduc hospital "by a private-interest company."

MR. ZWOZDESKY: Two thousand?

MR. KIRKLAND: And 51.

head: **Tabling Returns and Reports**

MRS. McCLELLAN: Mr. Speaker, on February 22, 1996, while responding to a question from the hon. Member for Little Bow regarding preventive medicine, I indicated I would endeavour to table a variety of the initiatives that have been taken across the province by regional health authorities. Today I'm pleased to file copies of success stories and an inventory of innovative health programs and services that have been introduced by the regional health authorities. They were presented to the Premier and to me at the regional health authorities' forum in February.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to table copies of two major policy initiatives which will put back into government policy the word "multiculturalism," the words "commitment to a policy," the words "contribution made by ethnocultural groups," and the words "cultural retention." These words don't cost the government anything. Everyone can benefit from them. They are amendments that I'm proposing to Bill 24, which unfortunately the government is using to abolish the Alberta Multiculturalism Act and along with it these very key words and these very key phrases. These were approved by Parliamentary Counsel on May 6, and I table them for the House now.

THE SPEAKER: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. I table today six copies of 25 letters from constituents around the province urging the government to put a ban on smoking in government buildings.

head: **Introduction of Guests**

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

MR. BRASSARD: Thank you, Mr. Speaker. Today we're pleased to have 143 visitors from the Olds high school in my constituency. They are accompanied by teachers Mr. Garry Woodruff, Mrs. Gaylene Roelfsema, Mr. Robert Worsfold, Mrs. Rhonda Varga, Mr. Dana Negrey, and parents Mrs. Adeline Johnson, Mr. Jim Crawford, Mrs. Linda Gall, Mrs. Helen Niemeyer, Mrs. Wendy Clarke, Mrs. Meryl Machellus, Mrs. Annalisa Jackson, Mrs. Audrey McKenzie, Mrs. Anhorn, Mrs. Linda Hall, Mr. Lyn Roberts, and Mrs. Diane Ross. We have a number of these guests with us in the gallery, and I wonder if they would stand and receive the very warm welcome of this Assembly.

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

MR. CHADI: Thank you, Mr. Speaker. Today I'd like to introduce to you and through you to all members of the Assembly a good friend of mine from the Lac La Biche area, currently living in Agassiz, B.C., a businessman who has come here to Alberta looking for the Alberta advantage.

SOME HON. MEMBERS: It's here, Sine. It's here.

MR. CHADI: He hasn't found it yet though. He's looking.

Mr. Speaker, I would like to also add that Ray Prevost, who is now standing in the public gallery, is also a son-in-law of a former member of this Assembly, the late Dr. Dam Bouvier from Lac La Biche. He was a member of this Assembly in, I believe, the late '60s, early '70s. I would ask all members of the Assembly to please give Mr. Prevost a warm applause.

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

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

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

MR. SAPERS: Thanks, Mr. Speaker. Today it is my pleasure on behalf of myself and I suppose the hon. Treasurer to introduce visitors from Archbishop MacDonald high school in the constituency of Edmonton-Glenora. It's a group of exceptional students accompanied by their teacher Mr. Bill Kobluk. I would invite them to please stand and receive the warm welcome of this Assembly.

head: **Oral Question Period**

### Bow Valley Centre

MR. MITCHELL: Mr. Speaker, the people of Calgary are continuing to ask questions about the rationale for closing the Bow Valley centre. They're asking questions, but they're not getting any answers from the Minister of Health or from the Calgary regional health authority. Dr. Fred Moriarty, a doctor who works at the Bow Valley centre and the well-respected former head of the Alberta Medical Association, describes the health care system in Calgary as being, quote, at a very critical level, unquote. He

goes on to say: every day every bed is full; this city is working at the red line. To the Minister of Health: can she explain how the health care system in Calgary will cope given that today every bed is full, yet she is still planning to shut down the 376 beds now open at the Bow Valley centre?

MRS. McCLELLAN: Mr. Speaker, I read the same article yesterday. Dr. Moriarty I believe probably does practise at the Bow Valley now; he was a physician at the Holy Cross hospital previously.

If the hon. leader researched his information fully, he would know that the Calgary regional health authority have determined that they have enough bed capacity in their region into the year 2005, I believe it is, but it's certainly over the year 2000. I'll certainly get that information and make sure that that is the exact year that they have documented. There are a number of beds that are not open in the other facilities.

I think that if the hon. Leader of the Opposition and his caucus wanted to be really, truly helpful to the citizens of that community in Calgary, they would do as the government MLAs are on this side of the House. They're involved with the discussions at a community level as to what type of care is best for the inner-city residents, looking at the services that are important to the inner-city residents, ensuring that they have high-quality care in that city and that they indeed have centres of excellence in that city that serve the residents of that city and, I'm proud to say, a great deal of southern Alberta, including some inpatient work that they do for a portion of lower southeastern British Columbia.

Mr. Speaker, I think it's time to get proactive on the other side of the House, to get involved in those community discussions. They are occurring right now in Calgary. It is an opportunity to not look at the status quo and what was but to look ahead and say: "What's best for the future? What's best for the citizens of Calgary and the inner city?" That's what my MLAs are doing.

*1:40*

MR. MITCHELL: The one person who should be proactive about health care in this province, Mr. Speaker . . .

THE SPEAKER: Supplemental question. [interjections] Order please. Those remarks did not appear on the record.

The hon. Leader of the Opposition for a supplemental question.

MR. MITCHELL: Should I say them again for the record, Mr. Speaker? That's the MLA who should take responsibility.

Mr. Speaker, given that Calgary's bed ratio is already below the minister's own standard and that a well-respected member of the medical community, yet another one, is saying that there are bed shortages already before closing the Bow Valley centre, will she at least order an independent public review of the decision to close this hospital?

MRS. McCLELLAN: Mr. Speaker, will the hon. Leader of the Opposition at least, at minimum, at the very least get some information on the number of available beds in Calgary in the facilities that are designed to stay open? At the very least. Now, I understand that the hon. Leader of the Opposition is not required to answer questions in this House, and for that I'm thankful.

Mr. Speaker, I will reiterate that the Calgary health authority are working with the citizens in that region to determine the health needs of the inner-city residents and how best to serve them. The MLAs on this side of the House, particularly those from Calgary, are working with that Calgary regional health authority in a very proactive way to determine those needs, to listen to the citizens, and to provide the best way of delivering those services. They are looking forward, not backwards.

MR. MITCHELL: Listen to the citizens right up until they say . . .

THE SPEAKER: Order.

MR. MITCHELL: What will it take for this minister to accept the conclusion of University of Calgary health care economist Malcolm Brown, who has said recently that with the closure of the Bow Valley centre, Calgarians can look forward to higher mortality rates? Mr. Speaker, this means more people are going to die unnecessarily in Calgary.

MRS. McCLELLAN: Mr. Speaker, I have great respect for the work of health economists in this province, whether they be from Edmonton or Calgary. In fact, that noted health economist has been a part of some of the work that we have done in determining the future health needs of this province.

Mr. Speaker, I must reiterate again that the discussion is occurring in Calgary right now: how do we provide the best services to the people of the inner city, the downtown area? I can tell you that the MLA for Calgary-Mountain View is out there listening to the people in his constituency, where that hospital is situated, working with those residents, working with the health authority, and making sure that his constituents and all of the people in that inner city are going to be well served. He is supported by the rest of the MLAs in a very proactive and productive way. I invite them to get on board and get proactive.

## Out-of-Country Medical Services

MR. MITCHELL: Mr. Speaker, it seems that every time an Albertan has a problem with the health care system, the Minister of Health says to refer it to one of her many health care appeals committees. Well, recently Margo Plotsky took the minister's advice and wrote to the minister's health services appeal panel about this government's refusal to put her 13-year-old daughter on the U.S. list for a badly needed heart transplant. Mrs. Plotsky isn't even going to be allowed to attend the meeting where the panel will decide her fate. To the Minister of Health: what kind of appeals process can this possibly be when this mother can't even attend this appeal meeting in person to plead her case for her daughter?

MRS. McCLELLAN: There was a great deal of discussion in this province – and in fact I think if you reviewed *Hansard*, there were some criticisms from the opposition, surprising as that might be – on the process that we had for out-of-country services and a suggestion that the minister might carry influence. Now, not because of that discussion – I'm kind of used to those comments – I sat down with a group of people who were providing referrals to the out-of-country committee, with parents, and indeed potential recipients of transplants in a very large meeting in this very building, Mr. Speaker. I asked them how that appeal process, how that referral process should work. Now, these are people that are directly involved either as providing the referrals or providing the service or indeed being recipients of needed services.

With that input and with that advice from medical experts and families, we provided a procedure for out-of-province services.

That was outlined clearly. There is an expert group that reviews that. There is an appeal process. Physicians may come to that and present the case. This process is one that was recommended, and it was adopted.

MR. MITCHELL: Mr. Speaker, I wonder whether the minister could tell us: why does this panel have to conduct itself in such a secretive way? What does this committee have to be afraid of? Why can't it be open and provide some sense of justice to this woman and her 13-year-old daughter, who needs a heart transplant?

MRS. McCLELLAN: Mr. Speaker, the out-of-country committee itself does have a public member on it. Why the proceedings of the committee work and the appeal group are not public or held in a public venue is to protect the confidentiality of medical information of persons from this province. It was my understanding that a full report on the findings of that committee will be made available to the family, that family or any other family. Frankly, I believe this is a medical issue, and it should be determined on a medical basis. I believe that the physicians who are in charge of cases are in the best position to put those medical issues before this committee that decides on a medical procedure.

MR. MITCHELL: Mr. Speaker, what good does some report after the fact do for that woman and her child if she hasn't even had the chance to present her case before that panel that's going to determine the fate of her child? That is such an arrogant answer, and if anybody should be proactive, this . . .

THE SPEAKER: Order. [interjections] Order. [interjections] Order, hon. members.

MRS. McCLELLAN: Mr. Speaker, I believe that the minister has acted in a very proactive way in listening to people who gave us advice as to how out-of-country services authorization should occur. It was determined that this was a medical issue, that it should be decided by medical professionals. Indeed, to ensure that public interest was also there, a public member was named to that committee. I remind the hon. member again that confidentiality of information is extremely important, and if the person, the subject of this discussion now, has any questions about this procedure or their ability to participate, I would prefer that they would direct them directly to me.

## Capital Health Authority

MS CARLSON: Mr. Speaker, the minister's lack of faith in the Capital health authority board members has resulted in them being unable to do their job. Yesterday they were only able to release a four-month budget even though we are more than a month into the fiscal year. The Capital health authority has already cut spending by over $163 million, and their funding from government is down by almost 17 percent. People in Edmonton need to have some reassurance that the minister knows what she is doing and that performance targets are in place. How does the Minister of Health know that she hasn't already cut too many dollars out of this budget, and where are the performance targets?

*1:50*

MRS. McCLELLAN: First of all, Mr. Speaker, the Capital health authority is in full support of the process that is about to take place. The decision to review the Capital health authority's clinical needs and services was made in a decision with the Capital health authority. I met with the entire board, and we discussed this very thoroughly. They support this recommendation and this activity taking place.

I can assure the hon. member that the Capital health authority board members are as anxious as we are to understand why the Capital region is having difficulty meeting its health care services needs within budgets that 16 other regions in this province are working under. They want to understand that. They don't have the answers; we don't have the answers. If we had the answers, Mr. Speaker, we would not be embarking on this process. To suggest in any way that we are undermining the Capital health authority does a disservice to those board members, who support this process and also are extremely supportive of the fact that the Premier of this province said that patient care in this region will not be compromised while we have those reviews occur and that the $7 million that they indicate they need to continue their programming is there in place until the conclusion of that review.

MS CARLSON: Being replaced means being undermined.

Mr. Speaker, given that acute care beds for inpatient days have dropped from 637 per thousand population to 442, which is far, far below the national average, can the Minister of Health tell us how much further below the national average she's going to allow us to drop in this region?

MRS. McCLELLAN: Mr. Speaker, the hon. member is taking a very positive part of what the Capital health authority has been able to achieve in this area and trying to turn it into something negative. We should be applauding the Capital health authority and the physicians that work in this region, as the Auditor General noted and the KPMG report noted, for the success that this authority has had in putting in new ways of delivering services, with more emphasis on day surgery, more emphasis on at-home care. That is a success story in this city no matter how they try to turn it around. Maybe the nation will try to rise to their achievement levels.

MS CARLSON: Well, Mr. Speaker, will the Minister of Health please tell us if her performance target for beds in this region is going to stay at 1.47 per thousand when the provincial average is 2.4? Is it going to drop even further?

MRS. McCLELLAN: Mr. Speaker, the bed count for this region is not my target. The provincial average policy set by this government is 2.4, and it is an average. Most people who understand delivery of health services know that that bed target will fluctuate across this province because we have differences in our population, differences in numbers of seniors, numbers of babies being born. There are a lot of things that enter into a bed number target. They would understand, if they got out of here once in a while and traveled out into the country, that there are places where it's a hundred miles between facilities, and obviously a hundred miles between facilities will cause a different need on those beds.

Mr. Speaker, I have said before and I will say one more time: health is too important a subject for partisan politics. I invite all members in this Assembly to get involved in positive work to ensure that we have a sustainable health system for our province for the future.

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

### Alberta Savings Certificates

MRS. GORDON: Thank you, Mr. Speaker. The Alberta capital bond program has long been a popular investment choice with many Albertans. In fact, many of my constituents continue to invest in our province by purchasing them. Yesterday an announcement was made regarding this year's offering. My questions are to the Provincial Treasurer. What changes have been made to the program for this year, and why is it now called the Alberta savings certificates program?

MR. DINNING: Well, Mr. Speaker, the hon. member is correct. We have announced recently that we are once again issuing investment opportunities for Albertans. We've gone to an Alberta savings certificate this year because the label "Alberta capital bonds" perhaps doesn't fit the program today like it used to. We're not borrowing specifically for capital purposes. These are now savings opportunities, investment opportunities for Albertans. As a result we felt that the name "Alberta savings certificates" was a more appropriate name.

This year, Mr. Speaker, we're not only offering the normal six-month redeemable certificates for a seven-year term, but we're going this year to a nonredeemable, fixed-rate, three-year program that has a higher rate of interest than the redeemable one. That gives Albertans a locked-in, reasonably competitive investment opportunity at the rate of 6 and three-eighths percent. We're also taking an extra step this year in allowing for direct deposit to bring our method of delivering this program more in keeping with the way many Albertans are increasingly doing their banking activities.

So we expect, Mr. Speaker, that the number of Albertans whose certificates will be maturing – some 475 million dollars are maturing. We hope that Albertans will not only take up and renew those maturing bonds but see the Alberta savings certificate as something that is worthy of their confidence and their hard-earned dollars.

MRS. GORDON: What precipitated or determined the setting of the interest rates for this year's offering?

MR. DINNING: Well, Mr. Speaker, the hon. member won't be surprised that we get calls from Albertans saying: give us a good rate of return. I've even had a few comments from some of my colleagues on both sides of the Assembly that they'd like to see a higher coupon rate on this investment. Also, my colleagues are supportive of our borrowing money at the lowest possible cost. So when we set a rate of 4 and three-quarters percent for the six-month reset, the redeemable bonds on a seven-year basis, we looked at institutional Treasury bills that were trading in the order of about 5 percent – that's a high – and in the case of bank and trust company GICs over six months, we were looking at 3 and five-eighths.

Setting a rate at 4 and three-quarters we felt was a fair but appropriately low rate that made sure our borrowing was at the lowest possible cost. The same in setting a 6 and three-eighths rate: we were looking at bank and trust company GICs on a three-year basis at 5 and three-quarters vis-à-vis institutional Alberta bonds at about 6.7 percent. So we tried to find that balance, and we received the advice of dealers here in the province as well as those on Bay Street, whose advice we rely on once in a while, and we decided that these were appropriate rates.

MRS. GORDON: Are these certificates comparable to other similar types of investments available, or is there an added advantage, an Alberta advantage?

MR. DINNING: There is an added advantage. I've had a number of Albertans write to us saying: "Look; we believe in what the government of Alberta is doing. We want to invest with confidence in what you're doing." We believe that by offering Albertans these savings certificates, an appropriately priced certificate, Albertans are able to one more time sort of lock in their vote for this government taking the fiscally responsible approach that it has taken.

I won't tell Albertans that they're getting a good, good, good deal, Mr. Speaker. If they want to get a higher rate of return, they should go invest in the Liberal bonds that are perhaps offered by the government of Canada, where they have to offer that higher premium because those who are rating those bonds don't have the same kind of confidence in what a Liberal government might be doing.

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

### *2:00* Grain Marketing

DR. NICOL: Thank you, Mr. Speaker. Yesterday the information was released on the minister's plan to facilitate the export of grain from Alberta by the province of Alberta buying the grain from farmers and then having this grain transported across the border and then selling it back to the farmer. I would just like to ask my question to the minister of agriculture. Have you had an opinion on this from the Minister of Justice as to whether or not this process is legal?

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. Yes, we made a commitment to our producers after the plebiscite which indicated that two-thirds of the producers wanted the option of dual marketing that we would assist the producers in trying to find and establish ways that would ultimately achieve a dual marketing structure. The process that we have looked at – and no decisions have been made as yet – has been in many areas. We are looking at many avenues. One of the areas that was mentioned in the paper of course is one of the approaches that's considered along the way. However, there are many other avenues that are still being explored. There have been no decisions made at this time. When the final decision is made, we will assure everyone that they will be so advised.

DR. NICOL: He didn't tell us whether it was legal, Mr. Speaker.

I'd like to ask the minister also: how much is this going to cost the taxpayers of the province of Alberta for administration, transportation, gas, all the rest of it, plus potential legal fees? Has he looked into that?

MR. PASZKOWSKI: Well, Mr. Speaker, as I just responded to the hon. Member for Lethbridge-East, we are exploring; no decisions have been made. So I don't quite understand why the follow-up question. When a decision hasn't been made, why would he be asking for the details of a decision that hasn't been made? We're simply dealing with a hypothetical question here. If you want me to, I can give you hypothetical answers, but I'm not sure that's what question period is about.

DR. NICOL: It's called good planning, Mr. Speaker.

Mr. Speaker, I'd like to ask the minister of agriculture right now if he will commit to the people of the province of Alberta that this government will not get involved in any kind of an activity that is illegal.

MR. PASZKOWSKI: Absolutely, Mr. Speaker. We respect the laws of this province; we respect the laws of this country. Certainly we are very strong proponents that if indeed we don't agree with the law, we work together to change the law.

Mr. Speaker, I really have to stress to the hon. Member for Lethbridge-East that we have an issue here with a lot of commonality, that we have an issue here that's of great concern to the agricultural community of this province. So I would encourage the members of the opposition to work together to lobby our federal counterparts and stress how important it is that changes to the Wheat Board are to be made. We have an opportunity now to work together, and I would encourage that we come together on this particular issue.

Breaking the law is not one of the options. We have always been very clear and we will continue to be very clear that breaking the law is not an option that is being considered. Indeed we have to at the end of the day allow our farmers the opportunity to be able to achieve the highest possible return that they can for the product that they produce. Our producers are concerned about that, as they rightfully should be, as we all should be, because we are obliged to see that they have that option. So I certainly would encourage everyone in this Legislature to lobby their federal counterparts to see that indeed our federal brethren work together to see that our producers are allowed to get the highest possible return.

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

## National Education Conference

MR. HERARD: Thank you, Mr. Speaker. My questions are to the Minister of Education. The Canadian School Boards Association recently released a paper entitled Accountability in Education: A Challenge to the Council of Ministers of Education, Canada. The report calls on education ministers to develop a clear vision of an education system which has its central focus on improved learner outcomes. To the minister: given that our province is hosting a national consultation this weekend based on the theme of accountability in education, could the minister explain which Alberta accountability initiatives he will bring forward at that conference?

MR. JONSON: Mr. Speaker, I'm aware of the recent release by the Canadian School Boards Association. It is, however, something that I do not fully understand in the sense that I think it is some two and a half years ago that the hon. Minister of Advanced Education and Career Development and myself participated in the development of what was referred to as the Victoria declaration of the Council of Ministers of Education in this nation. I think it lays out a pretty good set of objectives across this country for education as far as the ministers of education are concerned.

At this particular conference, Mr. Speaker, we are going to be putting forth from the Alberta point of view, first of all, the importance of an accountable and open education system in this province and all across Canada, something that is included in both departments' objectives. Secondly, we will be talking about the performance measures that we have put in place, those that have been successful, the degree to which they've been accepted by the public of this province, particularly students and parents, which I think is very significant.

We'll of course be there to learn and to listen to the successes in this area that other parts of the country have experienced. I think the conference, one of several national conferences that have been attracted to Alberta this summer, particularly to the city of Edmonton, promises to be a very important event. I certainly hope that good, clear, accountability measures based on a solid basic core education program in this province will be something that is supported by this conference and that we'll be able to assist the rest of the country and that they will be able to advise and we will learn from them.

THE SPEAKER: Supplemental question.

MR. HERARD: Thank you, Mr. Speaker. Could the minister outline some of the areas where Canadian ministers of education are working in partnership to increase the quality of education to our students?

MR. JONSON: Mr. Speaker, there's been a true spirit of cooperation among ministers of education across this great nation over the last number of years, particularly the last two or three years. In ECS to grade 12 education, which I'm responsible for, we have put in place the national indicators testing project, where we work together on common assessments in the core subjects of the education system across Canada. We are also working on a regional basis in this case, as they are in the Maritimes, on the development of common curriculum standards and goals in the core subjects, which I think has a tremendous advantage, everything from savings on the purchase of educational materials to allowing students to transfer more easily among provinces and not experience a deficit when they move from one province to another.

There have also been some key initiatives in the area of advanced education. I would invite my colleague to supplement.

MR. ADY: Mr. Speaker, I think one of the important areas that we've been involved in is the ability of students to transfer within our system. We have one of the best transfer programs in Canada, if not the best one. As a matter of fact, Alberta was the lead on the interprovincial study on improving transfers in Canada within the CMEC organization.

CMEC is asking institutions to sign a protocol for accepting credits and courses from different provinces, and Alberta supports that pan-Canadian protocol on the transferability of credits. So we'll be discussing that as part of the conference this weekend, which will actually involve some 250 stakeholders from across Canada.

THE SPEAKER: Final supplemental.

*2:10*

MR. HERARD: Yes, Mr. Speaker. To the Minister of Education: given the debate surrounding the role of school councils in this province, will the minister bring forward any recommendations in this area?

MR. JONSON: Well, Mr. Speaker, certainly we will share with this conference the very extensive process of consultation that we went through and the results of it with respect to the establishment of our directions and our legislation and our regulations with

respect to school councils. I understand that one of the organizations nationally has raised some concern about school councils; that is, the Canadian School Boards Association. I would think that at this conference the School Boards Association representatives would be coming forward very anxious to improve the structures as far as school councils are concerned, because, after all, they are there to support education in this nation and to work with school boards to improve the quality of education. We'll share our information, and I'm sure the School Boards Association will be there enthusiastically working in this area.

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

### Speech Therapy

MR. BENIUK: Thank you, Mr. Speaker. Up to about 12 years ago school boards had the ability to assign speech/language pathologists to assess and treat students in the schools. Control was then transferred over to community health centres, and the schools had to make the request to these centres for assessment and treatment. Since the establishment of the regional health authorities there seems to be some confusion as to who has what responsibility to ensure that the students receive the treatment they require. To the Minister of Health: once the parents, teachers, and principal of a school determine that speech/language therapy may be required by certain students within the school, what steps should be taken to get the students assessed and the school assigned a speech/language pathologist?

MRS. McCLELLAN: Mr. Speaker, the speech therapy program is under redesign at the present time in the Capital region. They have put together a task group of parents, school personnel, and experts in this area to look at how the program is delivered and see if they can improve the delivery of this program. To access information on this, certainly the school could contact the community health promotion and preventative services branch of the Capital regional health authority.

MR. BENIUK: To the same minister: once the students have been assessed as requiring speech/language therapy, what is the criteria that determines which schools will obtain the services of a speech/language pathologist? That is, does there have to be a certain number of students requiring treatment before a therapist is sent to the school?

MRS. McCLELLAN: Mr. Speaker, I think the point that the hon. member raises is a very important one, and I think that because of the concern in this area the regional health authority is looking at a redesign of that program to ensure that there are clear criteria for assessment and for follow-up work after that assessment occurs. So I would suggest to the hon. member that if he has some information from an area of his constituency that would be of help to that review, he might want to obtain that information and send it to the area that I just mentioned to him with the Capital health authority. I think that that could be extremely helpful to those people who are attempting to redesign this program to ensure that it meets more of the needs of the children in the area.

MR. BENIUK: To the same minister: given that a school in the Edmonton-Norwood constituency is currently facing the problem of obtaining the necessary services, will the minister investigate to determine why 18 elementary students who have already been assessed as requiring speech/language therapy are still waiting for treatment to begin after two years?

MRS. McCLELLAN: Mr. Speaker, recognizing this problem, the Capital health authority is very aggressively recruiting an additional nine I believe it is speech/language therapists. When they are successful in that recruiting, they will be able to bring that waiting list down considerably. It is an area where there is a shortage, and certainly they recognize this and are recruiting very aggressively right now to try and fill those vacancies to serve those needs that have been identified and to shorten that waiting list.

THE SPEAKER: The hon. Member for Highwood.

### Quarterly School System

MR. TANNAS: Thank you, Mr. Speaker. My questions today are to the Minister of Education. Several months ago I accompanied the Minister of Education to Okotoks to hear a presentation by a group of enthusiastic students from Foothills composite high school. These students spoke positively about their experience with the quarter system, and as this school's records clearly demonstrated, they've achieved commendable results: lower dropout rates, higher marks and better student achievement, improved attendance rates, fewer lates, greater flexibility for students, and overwhelming parental support. To the Minister of Education: what impact did this student presentation have on your welcome announcement yesterday that grade 12 departmental exams will be offered in the 1996-97 school year for schools on the quarterly system?

MR. JONSON: Well, Mr. Speaker, I would have to preface my remarks by saying that certainly these students were not the only representation that I received on this particular topic, but I don't mind quite frankly admitting that the nature of their presentation, the enthusiasm – a very articulate group of students that the hon. member has in his constituency – certainly did have an impact on my thinking and my enthusiasm for putting this particular initiative forward.

THE SPEAKER: Supplemental question.

MR. TANNAS: Thank you, Mr. Speaker. Again to the Minister of Education: why is your department only offering two grade 12 exam subjects for the first and third quarters of the coming year?

MR. JONSON: Mr. Speaker, although there's been a considerable growth – I think about 400 students are currently involved at the grade 12 level in the quarter system – there is a considerable cost involved in the development and administration of additional diploma examinations. We already have three sets of examinations – in January, June, and August – for the bulk of the students in the province. In talking not only with these students but with representatives of school boards, particularly superintendents and others throughout the province, we felt that the two additional examinations, given that, you know, they're taking two courses per quarter under the Copernican system, would meet the needs certainly for the immediate term. Therefore, balancing cost and development time with the needs of students, we came up with two subjects in each of the additional two writings, and I think it's quite acceptable.

THE SPEAKER: Final supplemental.

MR. TANNAS: Thank you, Mr. Speaker. Again to the Minister of Education. Mr. Minister, the question, then, begs to be asked: how much will these additional exam times cost Alberta Education? Can it be fitted into the current budget, or will it require special warrants?

MR. JONSON: The additional cost, Mr. Speaker, is factored into our current budget. It will not require any additional special warrant. As far as the overall cost is concerned, because we have more long-term plans in terms of expanding the number of examinations, I think ultimately to meet the needs of the modern education system, we will have to develop even more flexibility in the years ahead to administer diploma examinations, and we're going to be factoring in to our approved budget over a period of time probably eventually several hundred thousands of dollars for this particular initiative.

THE SPEAKER: Order, please, in the Assembly. There are too many conversations going on.

The hon. Member for West Yellowhead.

### *2:20* Kindergarten Programs

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. First this government slashed kindergarten funding in half, if you wish, stating that 200 hours was adequate, then in response to public outcry decided 240 hours was actually needed. Now under pressure from parents, teachers, business leaders, and this caucus they've changed their minds again. They've finally seen the light and reinstated 400 hours of program funding, except the funding is now $236 per student short compared to three years ago. So I have some questions on that to the Minister of Education. Why has the minister reduced funding for a 400-hour ECS program by $236 compared to three years ago when operational costs have increased?

MR. JONSON: Mr. Speaker, as all members of the Assembly know, as part of our three-year business plan grants generally across education were subject to a grant reduction: very straightforward, very open. It was in our three-year business plan. In terms of the restoration of 400 hours of ECS funding, we applied the same standard reduction in grants for ECS when we reinstated the 400 hours as was applied to any of the other grants across the education system. This has been said before, the question has been posed before, and it's a very logical situation.

MR. VAN BINSBERGEN: Mr. Speaker, the minister used the word "open," but why did he announce the return to 400 hours of funded programming, and why did he fail to mention the $236 that was missing?

MR. JONSON: Mr. Speaker, we restored the 400 hours of funding less the standard percentage decrease in such grants. [interjections] The hon. Member for West Yellowhead across the way, including this one that's yapping – pardon me – this one that's interjecting over here, was several weeks ago provided information from my office that outlined all of the grants, the projected revenues for their jurisdictions, et cetera. This they've known for quite a long time.

MR. VAN BINSBERGEN: Mr. Speaker, does the minister realize that school boards now have a decision to make: either pay the missing $236 or make it up out of other funds, other programs?

MR. JONSON: Yes, I certainly do, Mr. Speaker, and it's a decision to be made, as it was for a number of years with respect to ECS, even before our current budget plan, where school boards made decisions where they were operating ECS as to whether they would pay extra into the ECS grants to enhance their program or not. Last year a number of school boards made a decision to provide 350, 360 hours above the 240 out of their budget without charging a fee, and others at the local school board level – and I've indicated this before quite candidly – decided to charge a very substantial fee. That's not a new development.

THE SPEAKER: The hon. Member for Bow Valley.

### Regional Health Authority Nominations

DR. OBERG: Thank you, Mr. Speaker. The deadline for applying to serve on the province's 17 regional health authorities is Friday, May 10. Could the minister please advise the Assembly as to the volume of applications received so far?

MRS. McCLELLAN: Mr. Speaker, hon. members should know that the applications for the regional health authorities do not come directly to the minister. They go to a review committee. However, in discussions with the chair of that review committee I do understand that there are a number of applications coming in. I also understand that very regrettably the weekly newspapers in our province did not have ads placed in them. This is a very serious concern to me. Nominations to the regional health authorities are extremely important. These boards will be in place until the fall of 1998.

Mr. Speaker, to rectify this, because I think it is a serious issue, I have ensured that ads are placed in our weeklies, which cover the most of this province, and have extended the deadline to Wednesday, May 22. I have written a letter to the Leader of the Opposition informing him of this change and have asked him to advise his caucus of that change so that they can ensure that people in their regions are aware of the extension of this deadline.

THE SPEAKER: Supplemental question.

DR. OBERG: Thank you, Mr. Speaker. On a kinder, gentler note, are members now serving on RHAs automatically considered for reappointment, or must they submit a new application form?

MRS. McCLELLAN: Mr. Speaker, sitting members of the authorities are eligible to put their names forward by application and obviously accompanied by references, as everyone else who wishes to apply to these boards. They are not automatically reappointed. They must apply.

THE SPEAKER: Final supplemental.

DR. OBERG: Thank you, Mr. Speaker. In order to expedite the process and the number of applications, could the minister please reiterate where the application forms are available? [interjections]

THE SPEAKER: Order. [interjections] Order. It doesn't sound too urgent to the Chair.

Might we revert to Introduction of Guests before Members' Statements?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

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

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

MR. BRASSARD: Thank you, Mr. Speaker. As mentioned earlier, we have a number of students from the town of Olds visiting with us today. There are 126 students. They're accompanied by five teachers and 12 parents. I've already identified the names of the parents and teachers, but I would like to introduce the 60 that are sitting in the gallery today. I wonder if they would rise and receive the very warm welcome of this Assembly.

## head: Members' Statements

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

### Canada Health Day

MRS. GORDON: Thank you, Mr. Speaker. Sunday, May 12, has been officially designated Canada Health Day under the theme A New Perspective on Health. I would ask my colleagues in the Legislature to join me in recognizing this important event.

May 12 has been chosen as Canada Health Day in recognition of the anniversary of Florence Nightingale's birth, one of the first public health nurses, indeed a symbol of dedication to all health providers. Under the joint sponsorship of the Canadian Public Health Association and the Canadian Healthcare Association, health professionals, medical facilities, community programs, and various individuals will be taking part in activities that highlight the importance of quality health care in Canada.

During this time when provinces across the country are making their health care systems more affordable and responsive, Sunday's activities are an excellent opportunity for communities to highlight innovative approaches to care and new programs that meet local health needs. Here in Alberta, Canada Health Day will help bring attention to the positive changes that have been made in recent years, particularly the introduction of innovative services, programs that help promote healthy living, and planning that emphasizes personal choice and community-based input. This is an excellent opportunity for our province to focus on the excellent health services we all enjoy.

*2:30*

Mr. Speaker, I would encourage all Albertans to celebrate Canada Health Day by participating in their local activities and by contributing in the development of health services in their own communities.

Thank you.

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

### Health Restructuring

MS LEIBOVICI: Thank you. On Friday, April 19, I was visited in my constituency office by a woman who asked me to bring the situation of her 88-year-old mother, Mrs. Wasyliw, to the Assembly's attention. In mid-January Mrs. Wasyliw was complaining of severe pains radiating to her back, front, and sides. It appeared at that time that her pain might have come from improper use of a walker. However, as the pain continued, Mrs. Wasyliw was taken to the Royal Alexandra emergency, where she was informed that there were no acute beds available.

On February 10 she was admitted to the Allen Grey auxiliary hospital, where she was prescribed an antidepressant, though she had no record of mental illness, and painkillers. As her pain still continued, a bone scan was ordered on March 14. On March 19 Mrs. Wasyliw was sent to the Royal Alex, fevered, dehydrated, with ulcerated mouth sores and suffering from pneumonia. On March 26 she passed away. It's sad to note that only three days prior to her death it was discovered that she had fractures of the ribs and two freshly fractured vertebrae. The family questions why this was not discovered earlier.

Now the family are left to not only grieve for the loss of their mother but are also left with many unanswered questions, among them: why did the health care system fail their mother when she was refused admittance to the Royal Alex hospital, how did the dehydration happen, why was Mrs. Wasyliw not transferred to the Royal Alexandra earlier from the auxiliary hospital, why were her fractures not discovered earlier, and how could a woman who was in good health deteriorate so quickly? The family is left wondering how their mother fell through the cracks and why she did not receive the quality of care that they felt she was entitled to. They want to know how many more Albertans have to fall through the cracks in order for the government to realize that the health care of Albertans must come first.

It would appear that this government has assigned a dollar value to each and every Albertan with respect to health care and that once the dollar quota is used up, Albertans' lives become disposable and too expensive to maintain.

Thank you.

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

### Mental Health Week

MRS. BURGENER: Thank you, Mr. Speaker. The inability to find work or accommodation, shame, low self-esteem, exclusion, and ridicule: added to the burden of coping with mental illness, many Albertans face the added challenges of dealing with the stigma associated with mental illness. May 6 to 12 is Mental Health Week. This year the theme is Stigma. Throughout the province the Provincial Mental Health Board, the regional health authorities, and the Canadian Mental Health Association have teamed with other agencies and community groups to draw attention to the fact that sometimes the biggest challenge to people with mental illness is not the illness itself but society's attitudes towards the mentally ill.

In Fort McMurray we have displays in mall areas. The mayor has made a proclamation, and public service announcements are drawing attention to the damaging effects of stigma. In Edmonton an Open Mind poster and information campaign will be launched involving 651 public facilities and civic work sites. In Red Deer the Red Deer Business Association will host seminars on business sensitivity toward the mentally ill, while human service agencies host a mental health information fair. Calgarians will be urged to perform random acts of kindness, while the youth suicide citizen action committee will be holding a candlelight vigil. In Lethbridge a coalition of community agencies will host an awareness walk with fund-raising activities, film festivals, and school presentations. Meanwhile, in the southeast region an advertising campaign is planned.

Mr. Speaker, Alberta Health, the Provincial Mental Health Board and the Canadian Mental Health Association, Alberta

division, will be releasing two joint publications, Bipolar Disorder: Where's the Balance? and Depression: What is it? What to do?

During Mental Health Week and all year long Albertans are urged to find it in their hearts to show compassion and understanding toward the mentally ill. We do not have the powers to cure all mental illness, but we do have the responsibility to remove the barriers and give them the quality of life that they deserve.

Thank you, Mr. Speaker.

## head: Projected Government Business

MR. COLLINGWOOD: Mr. Speaker, I'd like to ask the Government House Leader, pursuant to Standing Order 7(5), the order of business for next week.

MR. DAY: Mr. Speaker, first, as a voluntary suggestion, I would hope all government members would be wishing their mothers a happy Mother's Day on Sunday. From there, as we did last week, we'll have to consult on a daily basis. As we look at the Order Paper today, some six or seven different Bills in committee, and depending on the progress of those, we will be working on a day-to-day basis to inform the opposition about projected business.

THE SPEAKER: Does the Government House Leader have a point of order?

### Point of Order
### Provocative Language

MR. DAY: Mr. Speaker, the Member for Edmonton-Ellerslie today predicated her question to the Minister of Health by saying that the minister had lost faith in members of the board. *Beauchesne* 408(2) is very clear in terms of comments that are provocative, 409(3) is very clear in terms of comments that are argumentative, and 409(7) talks very clearly about, again, that issue of talking about people who aren't here in the House.

As people see question period on television or as they may read about it in various media publications, the statement made by the member is very provocative, very argumentative, and does cast certain aspersions on people outside the House. The Member for Edmonton-Ellerslie usually doesn't stray into that area normally occupied by other members of her front bench, and I would hope that she would be sensitive to the sanctions in *Beauchesne* about those questions.

THE SPEAKER: The hon. Member for Edmonton-Glenora on the point of order.

MR. SAPERS: On the point of order, Mr. Speaker. Thank you. A couple of things to be said about the assertions just made by the Government House Leader. Firstly, the question relates specifically to the Minister of Health and her area of competence as minister and did not refer in any disparaging way to people outside of this Assembly. In fact, it's the Minister of Health – and that was really the point to the question – who has cast a shadow of doubt over the men and women who have worked very hard to do this government's bidding in meeting their budget targets. So on that point clearly the Government House Leader has gone astray with his point of order.

Secondly, Mr. Speaker, as I'm sure all members of this Assembly know, if you can relate those allegations to defamation, for example, one of the primary defences to defamation, as I've learned, is justification. Of course, justification, simply put, is the truth. The comments made in the deputy Leader of the Opposition's question were very clearly rooted in truth and therefore do not offend the Standing Orders or *Beauchesne*.

THE SPEAKER: Well, the Chair is not prepared to rule that the hon. deputy opposition leader's questions were contrary to the rules.

The hon. Member for Medicine Hat.

### Point of Order
### Clarification

MR. RENNER: Thank you, Mr. Speaker. I rise under Standing Order 23(h) and (i). At the conclusion of the opposition leader's question regarding Kristy Plotsky, clearly off the record – and I recognize that it was off the record – but also clearly audible from this member's perspective both the Leader of the Opposition and the Member for Edmonton-Glenora indicated that Mrs. Plotsky had already contacted Rob Renner and that he'd done nothing to assist her.

Mr. Speaker, I want to take this opportunity to set the record straight. Mrs. Plotsky has contacted me, and I have met with Mrs. Plotsky. I have discussed the situation with her a number of times on the telephone. I have worked with Mrs. Plotsky. In fact, I was the one that pointed out to her that there was an appeal available to her. At that point she was not aware of her right to an appeal. I went through the process with her, and I have assisted her in submitting her appeal.

At the same time, Mrs. Plotsky – and I don't blame her – is very concerned about the health of her daughter, like any mother would be. I empathize with Mrs. Plotsky, and I have assisted her in every way that I possibly can. Mrs. Plotsky is attempting to use any assistance that she can get. At the same time as she contacted me, she contacted her own MLA, the Member for Cypress-Medicine Hat, and she also contacted the opposition, the Member for Edmonton-Glenora. She is looking to receive assistance as best she can.

***2:40***

I am assisting her in a very meaningful way, helping her to understand the system and move through the system, rather than making political grandstanding points by rising in question period and raising points in this Assembly that quite frankly, Mr. Speaker, are not true. There is a process in place for Mrs. Plotsky. I am assisting her through that process. I'm not politically grandstanding over it; I'm just doing my job as an MLA.

I would like the Member for Edmonton-Glenora to retract the statements indicating that I was not acting on the behalf of Mrs. Plotsky.

THE SPEAKER: Order please. This is very difficult to deal with because, as the hon. member pointed out, it probably is not part of the record. Our rules do provide for some leeway in making clarifications, and the hon. Member for Medicine Hat has certainly taken advantage of that. The Chair feels that this chapter should now be closed.

## head: Orders of the Day

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

[Mr. Tannas in the Chair]

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

**Bill 35**
**Personal Directives Act**

SOME HON. MEMBERS: Question.

THE CHAIRMAN: Thank you. We have an hon. member standing.

The hon. Member for Three Hills-Airdrie.

MS HALEY: Good try though.

Thank you very much, Mr. Chairman. I have three specific areas that I would like to cover in my opening comments. The first is to respond to questions that were raised in second reading, the second is to respond to concerns that were raised about the enduring powers of attorney Act, and the third area that I want to cover is a package of amendments that I've just had distributed throughout the House. I will begin with the first part, which is to answer some of the questions that were raised.

First I want to emphasize that the purpose of Bill 35 is to empower Albertans and to promote self-determination by recognizing that Albertans have the ability to appoint an agent and that they can provide written instructions respecting personal matters about making a personal directive, that it is voluntary, and that it must involve careful thought and discussion with one's loved ones. To assist Albertans in making personal directives, an educational package will be developed to explain how to make a directive and to highlight things that a maker of such a document should think about.

There have been questions about the effect of a personal directive on an agent as well as on service providers. For example, can a person be forced to act as someone's agent, or is a service provider required to follow instructions in a directive that contravene his or her morals or values? The answer to both of those questions, Mr. Chairman, is emphatically no. If you are named as someone's agent, you can simply refuse to make decisions.

Similarly, Bill 35 does not force a service provider to provide services to a maker. If a directive provides clear instructions that the maker wants or doesn't want a specific service, a service provider has two options: one, to follow the clear and relevant instructions or, two, indicate that he or she is not prepared to follow the instructions and refer the maker to another service provider. This is now an option and will continue to be an option for service providers dealing with any patient with or without capacity.

Public consultation on Bill 58, which was the predecessor to this Bill and was called the Advance Directives Act, identified concerns about having a proxy chosen automatically from a list of relatives to make decisions for an individual. The main concern related to a proxy's lack of knowledge about the wishes of an individual. In addition, the list of nearest relatives was dropped from the legislation as it does not promote self-determination. It was not dropped because of Bill 28, the Dependent Adults Amendment Act, but I would like to assure you that staff from both departments, Health and Family and Social Services, have worked together on formulating Bill 35.

Contrary to what has been suggested, Bill 35 in no way attempts to eliminate the involvement of the family in the discussion of personal directives. In fact, it is expected that most people will name one or more family members to act as their agent and that many people who choose to name someone to assess their capacity for purposes of bringing the directive into effect will in fact name a family member to help with that assessment.

In making personal directives, individuals take responsibility for their future personal decisions. This responsibility includes updating or revoking their directive as their wishes, beliefs, and relationships change. For example, if a person has a directive appointing a spouse as their agent and the couple subsequently divorce, the maker of the directive should consider whether he or she wants their spouse to continue to be their agent. The Powers of Attorney Act, which allows an individual to appoint an attorney to make decisions about financial and property matters on his or her behalf in anticipation of future capacity, does not include a provision to automatically revoke the appointment of a spouse as an agent upon their divorce.

Similarly, an individual should understand that they can specify a date or an event in their directive which results in the revocation of a directive. For example, they could say that this directive is only in effect for a period of five years from the date of signing or that the directive is void if the spouse and the maker of the directive divorce. This is an area that can easily be explained in the educational section that will be included with the directives.

If situations arise where an agent seems to be making inappropriate decisions or someone is questioning the appropriateness of an agent named in a directive, for example an ex-spouse, any interested party can apply to the court to review the matter. Given the pace of advancement in medical practice, situations may arise where instructions in a directive do not take into account such advances. In these situations Bill 35 would require an agent to follow clear and relevant instructions provided in the directive. Changes in medical practice may cause instructions to become irrelevant. This possibility highlights the importance of appointing and ensuring that the agent is aware of an individual's beliefs, wishes, and values. Further, if an agent or a service provider is uncertain about whether an instruction is relevant given advancements in medical practice, he or she may seek advice from an ethics committee, a family member, or clergy. They may also apply to the court for further advice on the matter.

Several members questioned the absence of a provision in the Bill recognizing out-of-province directives. Such a provision was not included in the Bill because regardless of where a personal directive is made, it will be considered valid in Alberta as long as it meets the requirements for making a directive in Alberta as are outlined in the Personal Directives Act. Also, I believe that recognizing directives made according to requirements and legislation from other provinces would be onerous for service providers as they would be required to verify whether the directive meets the requirements of that province's legislation rather than our own.

*2:50*

It was suggested that the requirement for service providers to assess a maker's capacity before providing a service is onerous. This requirement simply recognizes existing practice in Alberta of service providers. In providing any service which requires consent, a service provider must first make a judgment about whether he or she believes that the individual understands the proposed service and is capable of consenting to it.

Another commented on issues related to the capacity of an individual to make and revoke a personal directive and suggested that making a personal directive may be a trap that is difficult to get out of. The requirement for making and revoking or changing a directive are the same with one exception: a directive may be revoked simply by destroying all copies of the original with the intent to revoke it.

I believe there are a number of safeguards in the Bill to address

the issue of capacity. A maker may name someone who after consulting with a physician or a psychologist may determine if a maker lacks capacity and his or her directive should come into effect. In the absence of such a person, two service providers, one of whom must be a physician or a psychologist, may determine if a maker lacks capacity and his or her directive should then come into effect. Service providers are required to access a maker's capacity before providing a service to determine if the maker continues to lack capacity, and an agent who lacks capacity has no authority to make personal decisions for the maker of the directive. Any interested party may apply to the court to review the capacity of a maker or of the agent.

Based on results from the public consultation on Bill 58 and in order to be consistent with the Powers of Attorney Act, a person must be at least 18 years of age to make a personal directive or to act as an agent. Age requirements for making a directive in other provinces include: at least 19 years of age in British Columbia and Newfoundland, at least 18 years old in Nova Scotia, at least 16 years old in Ontario and Manitoba. During the consultation on Bill 58 the majority of respondents agreed that making an advance directive should be a simple undertaking. Requiring a certificate of legal advice to make a personal directive could deter many people from making one: those people who cannot afford the legal fees, people who do not want to share their personal matters with a lawyer, people who live in communities where there are no lawyers. Under Bill 35 individuals have the option of going to a lawyer and making their personal directive. I also want to note that in British Columbia, Manitoba, Ontario, Nova Scotia, and Newfoundland a certificate of legal advice is not required to make a directive.

In response to the suggestion that people may refuse to act as an agent for fear of losing their inheritance or entitlement under an insurance policy due to section 28, my understanding is that a court would look at the circumstances of the situation and all decisions that an agent has made to determine whether or not the agent has acted in good faith before making a decision about that agent's entitlement. A provision similar to section 28 is included in Manitoba's and Newfoundland's particular directive legislation.

One of the principles of Bill 35 that I'd mentioned during second reading of the Bill is that making a personal directive is a voluntary action. Section 31 is intended to ensure that making or having a personal directive is not a condition of entry to or continued residence in an accommodation.

Some commented that Bill 35 may be seen as the first step towards allowing euthanasia or assisted suicide. I believe we've clarified the Bill by including a clear statement about this in the preamble as well as a clear statement in clause 7(2) of the Bill: illegal instructions are void. I also want to note that some ethicists believe that passing this type of legislation will in fact reduce requests for assisted suicide and euthanasia because people will not feel the helplessness associated with the lack of control over their future care.

The provision respecting remuneration of agents was included in the Bill in an attempt to be consistent with the intent of Bill 28, the Dependent Adults Amendment Act, and to emphasize that a person who agrees to act as an agent should do so because of a close relationship they have with the maker rather than out of an expected gain. A maker may, however, wish to specify in his directive that his agent should be reimbursed or could be reimbursed for travel costs, time, and other personal expenses.

Mr. Chairman, that's part 1 of my comments.

Part 2 is a response to the concern raised about the changes to the enduring power of attorney Act. It is amended in the Personal Directives Act to ensure consistency in legislation. At this point I would like to table four copies of a letter from the Canadian Bar Association from April of 1991 when debate was going on with regard to the enduring power of attorney Act. The Canadian Bar Association clearly states in their letter their opposition to needing a lawyer or things like an enduring power of attorney Act. I refer to one paragraph of their letter in which they state:

> No other jurisdiction in the world, except New South Wales, requires a certificate and even New South Wales only requires that the witness explain the effect of the document and does not require a certificate as to competency. Some U.S. jurisdictions go so far as to require the EPA to be witnessed by a notary public (who does not necessarily have to be a lawyer). Some jurisdictions require registration, which we would not support.
>
> The EPA scheme as proposed prevents people from executing an EPA without seeing a lawyer. The approach taken by the Government of Alberta to date has been one which permits Albertans to organize their business and personal affairs without the intervention of lawyers. For example, in the wills and estates areas, a person can prepare their own will and can administer an estate without the requirement that a lawyer be involved. If they wish to seek a lawyer's advice they are free to do so. To require the certificate is paternalistic and interventionist.

Well, clearly I support their position, and that's reflected in the Personal Directives Act, which empowers people to make decisions about their own personal matters without involving a lawyer.

The third and final area that I want to cover is the package of amendments which have been distributed to all members. I'd like to move the package of government amendments to Bill 35 and that they be debated as a package. I will now take a few minutes to just explain them.

With regard to section A, we've rewritten this to make it perfectly clear that assisted suicide and euthanasia or any other instruction prohibited by law are not to be included in an advance directive. Clause 7(2) states that if a directive contains an illegal instruction, then the directive itself is void.

Section B clarifies the expectation that the person named to assess capacity means an independent decision about the maker's capacity, not during a consultation with a physician or psychologist but after the consultation is complete.

Section C clarifies that an agent is only required to provide the maker's legal representative or any other agent with a copy of that portion of the record of decisions that is relevant to the person's authority. For example, if a maker named an agent for health care matters and an agent for legal affairs, the agent for health care would not be required to provide the agent for legal affairs with a copy of any portion of the record that was not relevant to the agent for the legal affairs side.

Subsection (b) at the top of page 2 is new and allows an agent to share information contained in a record in order to facilitate decision-making on the maker's behalf.

Section D clarifies when a service provider is required to notify a maker's nearest relative; for example, when an agent has not been appointed and a directive does not contain "clear and relevant instructions" or "the agent cannot be contacted" or is "unable or unwilling to make a personal decision."

Section E. All we've done with this section is to simply highlight it because we believe it contains a substantive point in law.

Section F clarifies that a service provider is protected from liability for acting in good faith under the Act but is not protected from negligence in providing personal services under this Act.

Further, it extends protection from liability to a service provider for following clear and relevant instructions in a directive that does not appoint an agent and that has been changed or revoked without the service provider's knowledge.

Page 3. Section G clarifies the situations where the court may appoint a guardian for a person who has a personal directive and further clarifies that a guardian must follow any clear and relevant instructions in a personal directive and places this requirement in a section of the Dependent Adults Act that outlines how a guardian must make a decision.

Section H uses terminology that is common to the Dependent Adults Act, and section I is a consequential amendment to the Human Tissue Gift Act by adding the definition of a maker and a personal directive and by clarifying the principle of enabling a maker to provide instructions to allow his agent to consult to tissue donation and ensures that this is recognized in the Human Tissue Gift Act.

Finally, section J amends the Powers of Attorney Act. It makes the requirements for making an enduring power of attorney the same as those for making a personal directive. We've also adjusted it to make sure that we have a witness. So the second part of the amendment adds the requirements for witnessing the making of an enduring power of attorney that are analogous to those outlined in Bill 35.

Mr. Chairman, thank you.

THE CHAIRMAN: Before the Chair recognizes anyone else, I just would like to clarify with the hon. member. It's your intention, hon. member, to have all of these amendments debated and moved at the same time?

MS HALEY: Yes.

THE CHAIRMAN: If that's agreeable, I see no reason why not.

MS HALEY: Thank you.

THE CHAIRMAN: Okay. The whole set will be called amendment A1.

Sherwood-Park on the amendments.

*3:00*

MR. COLLINGWOOD: Thank you, Mr. Chairman. On the several pages of amendments that we've just received – I'll thank the Member for Three Hills-Airdrie for taking some time to give some explanation as to the amendments that are being put forward, including the preamble to the enacting clause. I think it's a reasonable approach to take, to at least give some indication that the legislation itself will not condone personal directives that would allow for an illegal activity such as an aided suicide or euthanasia.

These amendments, Mr. Chairman, are fairly comprehensive. Just having tried to follow the statements that were made by Three Hills-Airdrie to understand what some of these amendments are, I'm taking the hon. member's statements to basically say they are clarifications of what's already in the Bill, that for the most part they're not anything new. They're just clarifications of sections that are currently in the Bill.

Mr. Chairman, I'm going to on behalf of my colleague from Calgary-Buffalo also introduce some amendments, and I don't think they will be impacted significantly or at all by the amendments that are being put forward by the Member for Three Hills-Airdrie, but there are some issues that we've identified in the Bill that we will want to spend some time on in debate in an attempt to convince the member and the government to allow those amendments to go through and, again, are really just some attempts to improve on the Bill. I think the Member for Three Hills-Airdrie is aware that members on this side of the House are prepared to vote in favour of Bill 35.

There is one aspect that I listened to the Member for Three Hills-Airdrie on, and that was with respect to correspondence from the Canadian Bar Association dated 1991 with respect to the enduring power of attorney. Before I close debate, there is reference, Mr. Chairman, in this particular correspondence to the submissions on Bill 10, and I'm not sure exactly what Bill 10 was, if it was . . .

MS HALEY: It was the enduring powers of attorney Act.

MR. COLLINGWOOD: So it was the enduring powers of attorney Act. We currently have the Powers of Attorney Act, and that was in relation to that piece of legislation, not on the advance directive legislation.

I guess what I'll do, Mr. Chairman, is I'm going to speak to that issue right now, because there is some contrary opinion. There has been some correspondence much more recently, April 30, 1996, from Shel Laven, who was the chair of the Canadian Bar Association, wills and trusts subsection for southern Alberta, who specifically points to section 39 of Bill 35 and expresses some serious concerns with the removal of the involvement of legal counsel in creating an enduring power of attorney. So we appear to have before us some interesting contradictions between what the position is of the Canadian Bar Association and at least of some of the members of the Canadian Bar Association.

There is a specific concern expressed with section 39 in that it removes the requirement for a lawyer in the Powers of Attorney Act for the execution of a power of attorney. What's interesting, Mr. Chairman, is that in Bill 35 the changes to the Powers of Attorney Act are included as consequential amendments to the Personal Directives Act. There has been some argument made that the Powers of Attorney Act amendment is consequential to the Personal Directives Act. Frankly, Mr. Chairman, I can't see the connection at all.

The personal directives legislation that is contained in Bill 35 essentially deals with how a person is cared for when they are incapacitated. They can give instructions as to how they will be cared for and decisions made about health care and personal care and so on through an advance directive, but that is essentially the essence of what the personal directive legislation is for. The enduring powers of attorney legislation, the Powers of Attorney Act, deals specifically with the financial affairs of that particular individual. Because it's dealing specifically with the financial affairs of that individual, it takes on a whole new flavour, because you're now dealing with essentially the estate of that individual, and you're talking about the financial affairs, the assets of that individual. The reason that counsel has been involved in the process of an enduring power of attorney from the beginning is because of the explanatory notes that are contained in the schedule, so that the individual understands clearly – understands clearly – the consequences of entering into that enduring power of attorney. It hands over, Mr. Chairman, tremendous powers to the individual named in the power of attorney as to what can and can't happen to your assets and to your estate. Now, it's a very

different matter than a personal directive where you're essentially giving instructions about how you are to be cared for in and at a time when you cannot make those decisions for yourself.

Now, how those two interconnect. Mr. Chairman, I cannot find the connection between the Powers of Attorney Act, that deals with your financial affairs, and the Personal Directives Act, that deals with your personal care. So I do not accept the argument that has been put forward by Three Hills-Airdrie that it is a necessary, consequential amendment as a result of Bill 35, the Personal Directives Act. If you cut out section 39, nothing in the Personal Directives Act changes. The Personal Directives Act carries on without having any impact at all, and the Powers of Attorney Act carries on. So that individual can still enter into an enduring power of attorney arrangement with a designate and will still require the inclusion of counsel to explain the process and to be part and parcel of the process. They are so different in what it is that they accomplish – one, to transfer authority relative to financial affairs; the other, to deal with personal affairs in the case of incapacitation – that there is simply no way, no nexus that I can find between the Personal Directives Act and the Powers of Attorney Act.

So with respect to that aspect, I will, if I can, call upon the Member for Three Hills-Airdrie to indicate to me that section 39 amendments that are contained in amendment A1 essentially entrench and retain what is currently in section 39 and then give some clarification as to the execution of the power of attorney. The essence of the amendment does not change the fact that you are attempting to cut out the lawyer in section 39.

Now, I simply cannot be persuaded by that argument and because I have seen correspondence from the chair of the Canadian Bar Association, wills and trust subsection, expressing an immediate concern with section 39, suggesting that it is a backdoor amendment, that an enduring power of attorney could be executed without legal advice, could be executed without explanatory notes. By allowing that to happen, you are indeed opening up the possibility, a greater potential for abuse and fraud.

*3:10*

If an individual can execute an enduring power of attorney without having had the explanatory notes and the advice of legal counsel before the execution becomes valid, I can certainly contemplate many situations where children of elderly parents, where brothers and sisters of elderly brothers and sisters might want to encourage that individual to execute an enduring power of attorney and take over the legal authority over that person's assets, over that person's estate.

This is one of the necessary checks and balances that ought to be in the enduring power of attorney. I will not disagree with the Member for Three Hills-Airdrie that the involvement of legal counsel is not necessary for the personal directive. I accept that proposition entirely. That's because it deals with a decision about personal care in the future on the basis of incapacity and does not deal with the financial affairs and the estate and the financial wealth of that particular individual. I would make no comparison between the two. As I've already stated, Mr. Chairman, I can't accept the fact that that is a consequential amendment to the personal directive.

Now, I am persuaded by the concerns of the Canadian Bar Association, wills and trust section of southern Alberta that the involvement of legal counsel is necessary for enduring powers of attorney. Because the amendment of the hon. Member for Three Hills-Airdrie continues to deal with that particular issue, I can't agree with that, Mr. Chairman. Unfortunately, I'm in a position where I would have to vote against all of the amendments as a package. I don't necessarily want to do that, but I'm in a situation where the member has moved all aspects of these amendments in one package. So while I am certainly in favour of some of the aspects of these amendments, I can't accept the amendments relative to section 39. Therefore, I'm caught between whether I say yes to all or no to all, and I'm afraid I'm in the position of having to say no to all because of the very serious and legitimate concern with section 39.

You know, the Member for Three Hills-Airdrie talked about the power of attorney legislation that we have. She talked about the requirement of legal counsel, saying that was intrusionist and paternalistic and that was interfering in people's lives. I simply can't agree with that proposition either, Mr. Chairman. This is a circumstance where the necessity of legal counsel ought to be maintained and ought to be retained because there's just no question that there is the potential for serious abuse if there is no requirement to have legal counsel, who gives you the certificate of legal advice and who has taken you through the explanatory notes.

I know, Mr. Chairman, that there are two sides to this issue. I know that there are Albertans who would agree with the Member for Three Hills-Airdrie. I know that there are Albertans who would agree with my position, that they do not want to be subjected to undue influence. They do not want to be subjected to, for lack of a better term and to use the vernacular, guilt trips by siblings, sons, daughters, relatives, and so on, who will no doubt express to them: "It's all in your best interest. It's really quick; you just sign here and we're finished." I think that these are the kinds of protections that have served very well in the past. I'm not sure that I have heard many who find themselves having to execute a power of attorney say, "Isn't it a hassle for me to have to use counsel to protect my interest in ensuring that I have followed the rules and am aware of what I've done?" Yes, it could be left to being a voluntary proposition. Yes, individuals could say, "Well, I'm not going to sign a power of attorney until I speak to legal counsel."

I would submit to you, Mr. Chairman, that there are many, many Albertans – many Albertans – who do not have a family lawyer in the same way that they have a family doctor. It is still for many, many, many Albertans a difficult thing to do, to contact a lawyer to talk about concerns that they have. I can imagine many circumstances where a power of attorney could be executed even if the person executing that document is probably saying in the back of their mind, "I should probably be talking to a lawyer about this," may be persuaded to sign that power of attorney in any event. If down the road there are problems that arise, if there is abuse or if there is fraud, that individual in protecting their rights yet again will then have to pursue the court for a remedy, and we know that that can be a long and time-consuming and expensive proposition. In section 39, if we leave the Powers of Attorney Act alone, it is still a case of prevention rather than a case of finding a cure for an abuse or a fraud further down the road, which is simply going to cost that individual more.

I don't know that I need to speak to the other matters. I do want to speak to the issue of the psychologist. I did hear the member talk about the "in consultation," so that would be section 9(2). If you'll just give me a second, I'll flip to it here. I'm just going to look for it, hon. member. Where are we? Section 9(2)(a). I'll defer my discussion to moving an amendment, Mr. Chairman, but there is concern with the use of the word "psychologist" there, and I'll debate that and deal with that in the form

of an amendment. I don't have any difficulty with that change.

As I say, Mr. Chairman, I don't have any particular difficulty. At least on first blush I don't have any difficulty. If there are other members speaking, I'll make an attempt to look a little more carefully at the amendments that are being put forward, and if I have any other concerns, I'll certainly jump to my feet.

At this point in time, with respect to the proposed amendments to section 39, the section that deals with the Powers of Attorney Act, I would encourage all hon. members and certainly my colleagues to express their concern with the government's attempt in Bill 35 to consequentially amend a completely and totally different piece of legislation that has no connection to this piece of legislation at all in any way, shape, or form, where they are putting Albertans at risk, where they are walking away from a preventative approach to enduring powers of attorney, where they are encouraging or at least inviting by the dropping of legal counsel requirements the increased potential for fraud and abuse on the people in our society who are in all likelihood, in executing a power of attorney, elderly people or those who for some other reason want others to take care of their assets and their wealth for them.

[Mr. Clegg in the Chair]

I think, Mr. Chairman, that we have to recognize the fact as to who we're talking about and who we're dealing with with respect to enduring powers of attorney. My suspicion is that we are not dealing with the wealthy businessman who's middle aged and who wants to execute a power of attorney. My suspicion is that we are dealing with elderly people who are in a situation where they want to do that.

So I'm going to encourage my colleagues to speak on this particular issue and, as a result, to vote against the block of amendments.

*3:20*

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

MS HALEY: Thank you. Mr. Chairman, I simply wanted to get up and refer to section 39. We're talking about the amendments to it, and in the amendments the only thing that we have adjusted, according to the way the Bill is with the amendments now, is to require a witness and a dating.

I want to go back to what the hon. member said about the Canadian Bar Association now saying that we need to in fact have lawyers involved. I'm troubled by that, because Alberta is the only jurisdiction in the world where we're not capable or competent to sign a power of attorney without a lawyer. If you want to talk about paternalistic, that's probably the worst example of all of them.

As a resident and a citizen of this province and as a nonlawyer I want to be able to write up my own documents and sign them, and when I need to consult with a lawyer, I personally want to be able to make that decision. I don't need the government of Alberta telling me that in order to set my own affairs in order I have to go and see a lawyer.

So as a consequential amendment it was felt by the Department of Justice that we needed to have some consistency between our different Bills and directives, so the Dependent Adults Act, the Powers of Attorney Act, the Personal Directives Act all work together. My goal is to make sure that they all work together in a very simple way, that people can sit down with a loved one and work out the details of their own lives without having to pay somebody $200 an hour to do it.

THE DEPUTY CHAIRMAN: The hon. Member for Red Deer-South.

MR. DOERKSEN: Thank you, Mr. Chairman. At second reading of Bill 35 it was noted by the mover and other speakers to the Bill that this Bill espoused a principle of self-determination. Self-determination is a concept that appeals to our individualism and in fact has become a politically correct term. Self-determination of course is closely linked to another term known as autonomy. Bioethics as taught in textbooks cites autonomy as one of the principles used in framing ethical decisions. Patient autonomy could be simply defined as occurring when patients are able to determine their own destiny without being subjected to the controlling constraint by others. In so doing, the content or the substance of the decision has little significance.

The principle of autonomy should not be accepted without debate and most certainly should not be accepted as an absolute right. Permitting self-determination and autonomy to reach their logical conclusion will result in chaos because the individual is left to themselves to decide matters of right or wrong without reference to a common standard. Therefore, in this Bill, Mr. Chairman, we need to look for those moral constraints that will keep the move to unbridled self-determination in check. I fear that this Bill might allow the claims of individual autonomy to trump all other claims, including those such as the bond between a husband and wife and between parents and children. Issues as they relate to the person, in particular health care issues, need to be discussed between husband, wife, and with family members.

You will recall from your school days that we discussed the idea that no man is an island. We are all dependent and interdependent on others. This discussion of values and of navigating the complexities of modern medicine is paramount, and it should at least take place with the individual who will be appointed as the health care agent. If this Bill, Mr. Chairman, fosters that discussion, then it will do what its intentions are. The irony of the personal advance directives may be the replacement of relationship with the contractual agreement.

While we are on the subject of autonomy, I would like to examine and look at clause 7(2). It reads as follows: "If a personal directive contains an instruction that is prohibited by law, the instruction is void." This clause provides some of the constraints to autonomy to which I referred earlier. I want to be very clear on this point: the present law in Canada forbids assisted suicide, nonvoluntary euthanasia, voluntary euthanasia, or involuntary euthanasia.

Mr. Chairman, I'm pleased with the amendment, the preamble, which makes it clearer what the intent of this Bill is. The preamble says:

> Whereas Albertans should be able to provide advance personal instructions regarding their own personal matters while recognizing that such instructions cannot include instructions relating to aided suicide, euthanasia or other instructions prohibited by law,

and on it goes.

So then, Mr. Chairman, the constraint on autonomy for the moment is that assisted suicide and euthanasia are not permitted in Canada. I want to be clear on this point, because when people down the road come back to read the debate on this particular Bill, they will see very clearly the intent of this Legislature with respect to these issues.

My concern is that should the law change to permit the

foregoing, this clause no longer provides that necessary constraint. There is reason for concern. On February 23, '94, a special committee of the Senate of Canada was established to examine the issues relating to euthanasia and assisted suicide. While the committee generally recommended that existing Criminal Code prohibitions against assisted suicide and euthanasia remain intact, it was not a unanimous view. A minority of the Senate committee recommended to protect individuals who assist in another person's suicide. A minority also recommended that the Criminal Code be amended to permit voluntary euthanasia for competent individuals who are physically incapable of committing assisted suicide. It is then apparent that the possibility for a change in the present law is not that remote. Precedents from the U.S. courts invalidating laws prohibiting assisted suicide are further evidence that there is cause for concern. Mr. Chairman, permitting the principle of the sanctity of human life to be pre-empted by the principle of autonomy allows anything to be possible.

Mr. Chairman, I also want to make just a few comments about other sections of the Bill as it relates to the obligations of the maker and their agent. We've had some discussion about the involvement of the legal profession this afternoon. There is nothing in this particular Bill that requires the maker to seek out medical advice or legal advice when completing a personal directive. There are a number of responsibilities within this Bill that the maker and the agent need to be aware of when they are fulfilling their duties as required under this legislation. So I'm going to encourage the minister – because what's going to be important in this Bill, since it's not a requirement to seek medical advice or legal advice, is to make sure that the education and communication is clear on what the responsibilities for both the maker and the agent are with respect to filling out a personal directive.

So with those few comments, Mr. Chairman, I will take my place.

THE DEPUTY CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Chairman. Just a few words on Bill 35, the Personal Directives Act. I stood and spoke in favour of the principle of this Bill at second reading, and I would tell you I'm still in favour of the concept of the principle. I think it's desirable. I would have to share – and I'm sorry to see that in fact she isn't listening, or maybe she is – with Three Hills-Airdrie that I'm a little unsettled by the magnitude of the amendments that have come forth.

Now, when we're looking at trying to get some legislation through this particular House, for the sake of efficiency when we're dealing with Bills of a legal nature and amendments of such magnitude, I think it would bode well for the hon. Member for Three Hills-Airdrie to, I would suggest, consult prior to bringing it to this particular stage. I think she understands the nature of this business very well, whereby a suspicion seems to drive – I mean, that side opposite doesn't trust this side and this side doesn't trust that side.

So that being the case – and I've telegraphed and I think some of my other colleagues have in fact telegraphed that we're supportive of this concept in principle. I do believe that in fact – and I took her at face value when she introduced the Bill, and as I indicated, I still support the principle and concept – it would have assisted us here this afternoon if those could have been shared previously, because the nature of a legal Bill like this, first of all, is very overwhelming. I find myself somewhat handicapped speaking to some of these amendments that I'm holding in my hand here, Mr. Chairman, simply because of the time required to read legalese and then digest it.

*3:30*

Now, I listened to the hon. Member for Three Hills-Airdrie indicate that she in her situation certainly would like to be given due credit for having the lucid intelligence to construct her own final departure, I guess, if I could use that term, and I think that's a laudable principle. I certainly would like to be in the situation that I could provide that direction. I'm referring to section 39, the amendment on page 4 that has been handed out. That's a laudable objective, I would suggest, and I would like to capture it as well, and in the perfect world I think that's very, very desirable. I also listened to the Member for Sherwood Park indicating that to remove all legal intervention in this particular case is something we have to be cautious with, Mr. Chairman.

Now, as we've dealt with matters in this House, I was thinking of an incident in fact that probably would highlight or give reason or cause to ensure that there's some legal filter to ensure that there's nothing untoward that occurs with the wording of section 39. We've spent a lot of time chatting about some principles in this House, and it's a matter of public record, for example, that Viola Edgar, who is the mother of Page Edgar, was asked to leave her residence, her home, and in order for Viola Edgar to recover her possessions, she actually had to take her own daughter to court to recover those possessions. If you'll bear with me, you'll see the concern that I have here.

In this case here Page Edgar, of course, filed a countersuit to sue her very own mother, and also Mr. Talbot became involved in that suit and also was in the process of suing Viola Edgar. If you look at this situation, it is not one that is friendly. It is full of acrimony. There was a potential here to be very controlling. Certainly I would think of Mrs. Viola Edgar, who happened to be very ill at the time, not being in a situation to deal with this in a lucid manner, and I would see some controlling, overpowering interest that may drive this woman to make some decisions that perhaps weren't in her best interest. That's where I see a need for some legal – call it intervention; I would call it guidance. Certainly I would prefer to walk through my life without having to consult a lawyer, because I don't like to spend my $200 accepting advice.

AN HON. MEMBER: More.

MR. KIRKLAND: Well, that's a beginner perhaps. Some members may charge a lot more than that for their legal advice.

I would like to operate without that legal intervention. I share that concern with the Member for Three Hills-Airdrie. It is again the perfect world, but we can't write legislation for the perfect world. I think we have to write legislation to ensure that if there's 10 or 15 percent of the world that operates in somewhat less than ethical practices, it has to be addressed, Mr. Chairman. I think that, if nothing else, there should be that inclusion and perhaps some clause that would indicate that you can ask counsel to step down or sign it off. I'm not sure exactly how it'd work because I don't have that legal training or that legal background, and I'm speaking more from a practical sense.

Though I speak of the principle of the Bill – and I still support the principle of the Bill, because I think the concept is a good concept. I look at these amendments, and it would take somebody without legal training probably many hours to go over these. I would ask the hon. Member for Three Hills-Airdrie if she would

give some thought to maybe an adjournment. You have had us telegraph that we intend to support it. Could we be given the courtesy or the opportunity to look at the amendments, which may impact significantly on Albertans, in more detail? I've conveyed to her that I'm a supporter of the concept and the principle, but these amendments, because I have not had the opportunity to review them in detail and understand them, I'm apprehensive. It's legalese. I guess I would take the direction of one of our learned colleagues that has left this Assembly to joint the Canadian Senate, and that would be Nick Taylor. He says: when in doubt you vote against, Mr. Chairman, and I'm in doubt. I'm in doubt not because I don't accept the intentions of the hon. Member for Three Hills-Airdrie, but I'm overwhelmed by the number of amendments, and I'm overwhelmed by the fact that they're of a legal nature, which takes somebody without that training some significant time to understand.

I would ask the hon. member if she can give thought perhaps to maybe even an adjournment with the assurance that we'd bring it back up this afternoon to take it on to the next level, if we had half an hour, or 30 minutes, to review it and have a good feel for the Bill. I have indicated and telegraphed to her that I intend to vote for it. I'm going to vote against the amendments even though you might say that's a bit of a dichotomy because they're enhancing a Bill that I'm supporting in principle. I just need a level of comfort here, Mr. Chairman, and I don't have that in the short time I've had to look at these amendments and the legal implications thereof.

So, Mr. Chairman, with those comments I would ask other members if they would like to rise and speak to the issue.

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

DR. MASSEY: Thank you, Mr. Chairman. I would like to join debate on Bill 35 to address the amendments as they form part of the greater Bill. I'd like to pose a couple of questions. As I read the legislation and as I went through the amendments, two questions came to mind. One was: who is this legislation intended to serve and what are these amendments attempting to do? It seems to me that this legislation is aimed at ordinary Albertans. These are people who primarily lack legal training. They may be well educated but lack legal training. Many will have rudimentary reading skills. Many will have reading skills necessary to conduct the daily business of life.

It's also aimed at people who are in distress of some kind. I think of an elderly uncle that we're now trying to help through a difficult time in his life when he's experiencing some really severe health problems. The concerns that are raised in this legislation are the concerns that are on his mind. I asked myself: how easy would it be for that uncle to take this legislation and to understand exactly how he might go about preparing a living will? I think the answer to that is: it would be extremely difficult.

As you read the amendments, as you go back to the legislation, it's a lawyer's field day, and I don't think it serves ordinary Albertans, the very people to whom it was intended to provide some assurance and some direction and some comfort. It goes back to a promise that was made by the government prior to the last election. I remember reading a comment in the local newspaper, an article where the government was promising to introduce plain language legislation and to go through existing statutes and try to simplify the language, and I think that if any piece of legislation demands simplification, it's this piece of legislation.

The second question I looked at is: what should be the shape of that legislation if it is to serve the ordinary man or woman on the street? I think it makes a number of demands. First of all, it should be readable, and it should be readable I think without convoluted subsections and "and ifs" and "wherebys" and "therefores" and "if thens." I think readability is paramount if it's going to best serve Albertans. I think it should be very easily understood. That again means the sentence construction. It means that the choice of language is language that should be used in ordinary conversation, and I think the language itself again should be language that people will find easily handled.

*3:40*

I compare the language in this draft legislation with the report put out by the University of Toronto, the Centre for Bioethics, and it seems to me that what impresses you about that report is how reader friendly it is, how easy it would be for someone who is attempting to deal with the matters that the Bill deals with. It says in very plain and simple language: these are some of the personal care decisions that you're going to have to make. It goes through and it provides a checklist. It gives some of the concerns that individuals are going to have to be concerned with as they make their living will.

Let me give you an example. It starts off with: "What is a proxy directive?" It says: "A proxy directive specifies who you want to make decisions on your behalf." Really very simple. Who do you want to make decisions on your behalf if you can no longer do so?

> The proxy should be someone you know and trust, such as a spouse, partner, family member, or close friend. This person should be capable of making health care and other personal care decisions and willing to be your proxy.

I think it's very abundantly clear this is what a proxy is. Again, I think of someone who is in distress, trying to make a living will when they're being threatened healthwise. That kind of language would serve them.

It also goes on to outline the kinds of personal care decisions, not the rather preventative and "this won't apply" and "this may apply" and "if you say this, this is what's going to happen," in very simple language. Here are some of the kinds of personal care decisions you are going to make, and they include shelter, nutrition, hygiene, clothing, and safety. That's what a living will is supposed to address.

So if the Bill is going to be amended further, I just would make a very, very strong plea to the mover of the Bill to go back and look at who's going to read this Bill and how easy and how useful they're going to actually find the legislation without consulting that family lawyer that my colleague assures me most Albertans don't have.

Thank you, Mr. Chairman.

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

MR. COLLINGWOOD: Thank you, Mr. Chairman. I've made some notes on the amendments that have been tabled by Three Hills-Airdrie and listened to her comments with respect to the enduring powers of attorney. I appreciate the member entering into debate and making those comments because in fact that's what this is all about. The point that I'm trying to make and trying to persuade hon. members on is what the inclusion of legal counsel with the explanatory notes and the certificate of legal advice does. It builds in some checks and balances to prevent

abuse of the execution of the power of attorney. The Member for Three Hills-Airdrie said: well, we're the only jurisdiction in Canada or maybe North America – I think she said Canada – that continues to have that. The hon. member says that that's bad. Well, in fact, I take the contrary view, and I say that's good that we are providing that extra level of protection.

Now, what's interesting about this argument, Mr. Chairman, is that I look at the amendment that was put forward with respect to section 39, which is section J, and the member has made some – well, I don't know – editorial, cosmetic changes to that. One of the new sections she's putting in says: by repealing subsection (3) in the Powers of Attorney Act and replacing it with the following:

> (3) The following persons may not sign an enduring power of attorney on behalf of the donor:
>
> (a) a person designated in the enduring power of attorney as the attorney;
>
> (b) the spouse of a person designated in the enduring power of attorney as the attorney.

So the attorney and the spouse of that individual cannot sign.

> (3.1) The following persons may not witness the signing of an enduring power of attorney:
>
> (a) a person designated . . . as the attorney;
>
> (b) the spouse of a person designated . . . as the attorney;
>
> (c) the spouse of the donor [can't sign];
>
> (d) a person who signs the enduring power of attorney on behalf of the donor;
>
> (e) the spouse of a person who signs the enduring power of attorney on behalf of the donor.

Well, I guess my question to the hon. member is: why not? Why not? Why can't those people sign that? Why can't the spouse of the donor witness? Why can't the person who is designated in the power of attorney as the attorney sign or witness? Why can't the spouse of a person designated in the enduring power of attorney as the attorney sign the document or witness the document? I'll tell you why, Mr. Chairman. I'll tell you why. The reason why is because those individuals do not want themselves placed in a position where they could be construed as putting undue influence or pressure on that individual to sign the power of attorney.

So the Member for Three Hills-Airdrie argues that interference is paternalistic, yet introduces an amendment that says: here are all the protections we're going to list. Well, hon. member, isn't that being an intrusionist? Isn't that being paternalistic? I mean, if we follow the argument of the Member for Three Hills-Airdrie – you know, "Stop intruding in our lives by putting in these checks and balances." It's her argument. It's not my argument. My argument is: "Keep the checks and balances in the Powers of Attorney Act. Don't put those people in that position where they can be construed as putting undue influence on someone to sign a power of attorney." How do you do that? You insist that there be a certificate of legal advice, and you insist that the explanatory notes are followed. The argument may go in practical terms: "Well, why the heck do I have to go down and see a lawyer to do all this? Why can't I just sign?"

There's a further argument in the amendments put forward by the Member for Three-Hills Airdrie, where an individual says: "What do you mean I can't have my spouse witness this thing? I've got my spouse sitting right here. I've got my friends here. I want to sign this document. Let's get on with it." "Sorry; your spouse can't sign." Oh, by the way the individual will have to have read Bill 35 before they know that their spouse can't sign or witness. So the member will I guess broadcast the personal directives Bill to every household in the province of Alberta so that they know that their spouse can't sign. Well, how are they going to know that? There's a very simple way of knowing that: call the lawyer.

AN HON. MEMBER: Or read *Hansard*.

MR. COLLINGWOOD: Or they could read *Hansard*, hon. member. Yes, many Albertans could sit around the fire and have a cup of tea and read *Hansard* and say, "Ah ha, personal directives: this is important."

Mr. Chairman, my point in my argument is that the member's argument does not wash. She is putting forward amendments that speak directly to the issue that I am in support of, and I turn the argument back to the hon. member and say: thank you; you've just made my case.

Section 39 of the Powers of Attorney Act should remain intact and for exactly the kinds of checks and balances that are being proposed in the amendments, which are, I think, already included in the Powers of Attorney Act. There is no reason for us to change section 39. There is no reason for us to argue that it is a consequential amendment to Bill 35.

*3:50*

The only reference I can see to the Powers of Attorney Act is in the definition of "legal representative" as the individual who is the attorney under the Powers of Attorney Act. Well, that doesn't change how you execute the document that creates that person as a legal representative under the Powers of Attorney Act. Why do you have to change that procedure when it has nothing to do with Bill 35? So I am still not convinced, notwithstanding the Member for Three Hills-Airdrie joining in debate on our differences of opinion on section 39 of the Bill, which attempts to amend the Powers of Attorney Act. I am still not persuaded, and in fact by virtue of her argument and by virtue of the amendments that she puts forward, I'm even further persuaded that my side of the argument is correct.

[Mr. Herard in the Chair]

Mr. Chairman, I'll just go through some of the amendments. I look at amendment A, and I'm prepared to accept that. I look at amendment B, and I'm prepared to accept that, that we're simply saying that the decision in section 9(2) is after the consultation process, not in the consultation process. "In consultation" with will read "after consulting" with. That's all right.

Section 17(2). I think that is – well, I don't want to be seen, Mr. Chairman, to be contradicting my colleague from Edmonton-Mill Woods. He says that this is all legalese and it's all jargon and it's not plain language.

MS HANSON: I agree.

MR. COLLINGWOOD: And my colleague from Edmonton-Highlands-Beverly. I was about to say that the wording is clear, but I think maybe I better not say that, Mr. Chairman, because I may have my colleagues jumping up to contradict me as to whether or not the wording is clearer now than it was before. I guess I'll say that in a relative manner as opposed to an absolute manner.

Nonetheless, I guess my colleagues do have a point, that for Albertans who need to feel a part of their legislative process, when they sit down to read the jargon, they will have some difficulty in understanding what it means in terms of the substance of the amendment, which I see as editorial. I'm reasonably happy

with the substance of it being editorial in nature. [interjection] Yes, hon. Member for Edmonton-Manning, I am indeed a lawyer.

DR. MASSEY: He said: just a lawyer.

MR. COLLINGWOOD: Oh, just a lawyer. Well.

I do have some problems, Mr. Chairman, with amendment D in A1. This refers to the aspect of the agent, and I'll try and read some of this into the record just so that I can lay out the foundation and the groundwork.

> If
>
> (a) an agent has not been designated under the personal directive [for] a personal matter and the personal directive does not contain any clear and relevant instructions for the service provider . . . or
>
> (b) an agent has been designated . . . with respect to a personal matter, but
>
> (i) the agent cannot be contacted after every reasonable effort has been made by the service provider, or
>
> (ii) the agent is unable or unwilling to make a personal decision,
>
> the service provider must make every reasonable effort to contact the maker's nearest relative or any other individual described in the regulations for the purpose of informing the relative or other individual of the circumstances.

Now, what that section is referring to, Mr. Chairman, is when you've got a problem. You have a problem that the agent cannot be contacted by the service provider. You have a problem in that the agent is unable or unwilling to make a personal decision. You have a situation where an agent has not been designated or the personal directive does not contain clear and relevant instructions for the service provider, and the service provider then has the responsibility, by virtue of this section 19(2) in its new form in the amendment, to make every effort to contact the maker's nearest relative or other individual.

The problem I have with this whole section, Mr. Chairman, is that it just kind of ends and leaves you hanging. Now, it seems to suggest that the service provider has to make an effort to make contact, but then what? What happens then? Who has authority? Who has rights? Who makes final decisions? Do we end up going to court? There's nothing in this section that assists the service provider with anything other than saying that I have to attempt to make contact with the nearest relative. Well, so? So the nearest relative says, "Thank you for contacting me." So? And the service provider says, "Yes, I fulfilled and discharged my obligation; I've contacted you." So? There's no answer here. There's no answer.

What's the resolution of this whole issue? Why in this particular amendment that's been tabled by the Member for Three Hills-Airdrie doesn't it say what happens next? If I've missed something, Mr. Chairman, and there is some other place where there is clear authority, where there is clear instruction, where there is clear direction so the contact between the service provider and "the maker's nearest relative or . . . other individual" has some meaning that is not clear in this particular amendment, then fine. I'm prepared to listen to what that is. But as I read the amendment, I'm simply left hanging, saying: well, so what? There's an obligation to make contact, but there's no statement as to how resolution can occur. I think that leaves a lot to be desired in that particular amendment, so I did want to comment on that particular one.

Amendment E in the package A1 I've no problem with.

Amendment F I do have a problem with. Amendment F does change section 27 of Bill 35, and as I compare the wording of subsection (2) as it currently stands with the wording that is being introduced in this amendment, I can't understand why the change is being made. Section 27(2) in the current Bill talks about the protection of the service provider in terms of an action against the service provider. The current wording, Mr. Chairman, is:

> No action lies against a service provider for anything done or omitted to be done in good faith while carrying out a personal service or obligation in accordance with this Act.

That's exactly right. That is exactly right. What a service provider does is take direction in the provision of services from the empowerment provisions of this Act. The service provider doesn't do anything under this Act. The service provider does something "in accordance with this Act" because the service provider isn't involved until a personal directive is made. So there's no direct link between the service provider and this Act. It is all done "in accordance with this Act."

But here's the new wording:

> No action lies against a service provider for anything done or omitted to be done in good faith in acting or purporting to act in accordance with this Act.

Well, they don't act according to the Act. They act "while carrying out a personal service obligation."

So I don't understand, Mr. Chairman, why this change of wording has been put forward in section F of the package A1 amendments. I'm looking forward to hearing from the Member for Three Hills-Airdrie why this change has been put in, why we changed the words to say "in acting or purporting to act in accordance with this Act." Why that change is necessary I don't understand, and I'd like to hear from the member about that.

I'm going to leave with the Member for Three Hills-Airdrie this question as well. In amendment G of package A1 there is reference to section 34(d). Now, when we get to section 33 and onwards, we're dealing with consequential amendments. We are now at 34(d), which is a change to section 10 of the Dependent Adults Act. What this is doing, as I describe it, Mr. Chairman, is that the new amendment that's coming forward in section G creates a 34(d) and a 34(d.1). It's essentially the same thing, but it's broken down into two different components rather than remaining in one area. One talks about the court's termination of the agent's authority when rights have been granted to a guardian under the Dependent Adults Act. So essentially the same content of what is currently in section 34(d) of the Bill continues to appear in (d) and (d.1), but it breaks them out into the two separate events that occur relative to the court and the termination of the agent's authority and the responsibilities of the guardian. The only question I have, Mr. Chairman, is that the Bill itself says "after subsection (1)" and then continues on.

*4:00*

The two sections that are being proposed by the Member for Three Hills-Airdrie say "notwithstanding subsection (1)." Now, "notwithstanding subsection (1)" is referring to subsection (1) of section 10 of the Dependent Adults Act. Mr. Chairman, that's not in this Bill. I don't have subsection (1) of section 10 of the Dependent Adults Act, and I'm just asking the Member for Three Hills-Airdrie what subsection (1) says so that I can understand what "notwithstanding subsection (1)" means in the amendments that are contained in amendment G. So if I can leave that question with the Member for Three Hills-Airdrie.

I've made my comments with respect to 39.

The next one, I, I think is changes to the Human Tissue Gift Act at section 37. I don't think I have any difficulties with those, because it adds some definitions. The amendment that is being

put in adds a new section "striking out clause (b)." Again this is just a wording change, as I can understand it. I think it's again just editorial in nature, Mr. Chairman, for clarification purposes. While I'll again suffer the wrath of my colleagues who say, "Oh, now it's clear," I'll accept that this is an editorial change as well.

So I think I've put my comments on the record, Mr. Chairman. I've left some questions for the Member for Three Hills-Airdrie. I've indicated to her that I think she's strengthened my position with respect to section 39. I suppose that's an invitation to participate in debate once again. That may be a bit of a circuitous argument, because we might go back and forth. Nonetheless, the amendments do continue to build in checks and balances. We're really only talking about the extent of the checks and balances. I say to go the distance and have legal counsel requirements in the Powers of Attorney Act so that there is less potential for fraud and abuse.

I think with those, Mr. Chairman, I've made my comments on the amendments put forward by the government on this Bill.

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

MR. BRACKO: Thank you, Mr. Chairman. In speaking to Bill 35, it's one that I believe is important to have, to provide for living wills. I've been through two or three situations where it was needed, we didn't have it, and it caused confusion to some degree; maybe not confusion but different interpretations of what should be done. I think the important thing is to keep it as simple as possible so we don't have to engage lawyers or legal people so it can be done.

However, in looking at this, with all the amendments thrown at us at once, it's really difficult to go through them and know what's been said or how to interpret them. Not being a legal expert, it takes me longer than it would the people trained in that area. So it would be nice if we could get them ahead of time, as one of my colleagues had mentioned earlier. That would really assist – I know I have tried to do that when I make amendments to Bills – to give it a week or 10 days before it comes up so we can even get a response to the amendment, so we don't have to spend time if we realize the amendment is inappropriate. So that would be appreciated in the future.

All people should, I believe, die with dignity, and a living will may give all people access to that. The one question I do have, though, is: does this open the door to euthanasia? Is this the window of opportunity for those who support euthanasia to come forward? I know here it says it's not, but I've listened to other arguments on other Bills when if you pass the Bill, it will lead to other things. I guess you've got to argue it the same way for both Bills. If it's the same for one, it would be the same for this one too. I guess that needs to be clarified. What legal expertise or legal evaluation that this won't happen can you provide us with? I'd like to be assured and I know my constituents in St. Albert would like to be assured that this is not a window of opportunity for euthanasia. I would like to be able to provide them with that information or that legal expertise. I was wondering if the Member for Three Hills-Airdrie could provide me with that. I would really appreciate it; so would my constituents.

Again, I think what's very important here is that people need to look at the total picture. There are many questions that need to be answered. There should be a brochure of some type when you draw this up so people have the information, the knowledge of what all is involved. I thought it was a simple process being involved. It was an oral living will; it wasn't written out. I thought I understood it well. I sat down, discussed it, and was given directions. However, as time went on – in this case it was over a 12-year period – they wanted no extra supports to prolong life so that the natural process would take place. But then you had to ask yourself: do you provide the person with oxygen if it's needed? That's a difficult decision if you don't understand what the person who made the living will really wanted. They need to have that information when they make it. Are they allowed to have shots for flu? You know, that's a simple question the doctor asks, and he has to get your approval, get your permission in a living will. If you don't understand that, if this information isn't there for people who are making the living wills, then the will may not have the ability to meet the needs of the persons involved.

So an information brochure with certain questions that at least give the person making the will and those responsible for carrying it out an idea, an indication of what all is involved or what could be involved, because it becomes very difficult. I again support the idea that it's nice to have it written. I know mine was given orally to me, and when it came time to make decisions, you started to question. Was that really what they wanted? Was that the process they wanted to take place? Then you have to question: well, was that the right process at this time? People are in different stages of this – in my case it was over a 12-year period – and your perspective changes. New information comes in. You say: if the person involved in the living will had known that, would they have made the same decision?

It's a very educational process. It's not a simple process. You want to simplify it down, keep it as simple as possible in doing it, but it is complex. There should even be, I would suggest, a course on it, a short course so people can understand this, so people would know, so the information is out there. It's one thing to have a will, but it's another thing to have it understood by all parties involved and to make sure that it's done in the best interest of the people involved.

So with those comments, Mr. Chairman, I again would ask for that information, the research from the Member for Three Hills-Airdrie for my constituents so we have that information I can take back to them that it's been addressed, that the research has been done, that it isn't like some of the other Bills that say one thing and others will argue it's going to promote another issue. That is very much of a concern to my constituents, so I would ask for that information from the member.

Thank you.

*4:10*

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

MS HANSON: Thank you, Mr. Chairman. I just wanted to make a few comments about the Bill. I've been listening closely all afternoon, and I do agree with the whole principle of self-determination. I think it's very important, but we have to put constraints on at certain times, as mentioned by the Member for Red Deer-South. I think that in this particular case it's very important that we have someone from the outside to have to be part of this signing and appointing of an agent.

I would expect that many of the people who decide to do a living will may be people who are chronically ill, who are perhaps weakened by a long illness, who are afraid, and who have been dependent on other people for some time. For that reason and also the reasons mentioned, that whole business of simple language is very important but also an understanding of the

implications of what an agent is, what the powers of an agent are, and how important it is that you describe very carefully what it is that you want from that agent. You have to be able to predict what you may need if you become more disabled as time goes by. As well, it's so important that it's somebody who doesn't have an interest, a self-interest in this person living or dying or in the estate.

I think my concern about that comes from the fact of having lived with a disabled person for many years and seeing the results of the deterioration over time and how people lose contact with other people. I was concerned about section 37(b), where we talked about other people who limit who can sign. I couldn't help thinking about someone who is chronically ill for a long time. They lose touch with other people in the world. They don't have a lot of people to draw on in order to eliminate all these people who can't sign. It certainly limits what they're able to do.

So with those words, Mr. Chairman, I'll sit down. Thank you.

THE ACTING CHAIRMAN: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I've been struggling with how I'm going to deal with the amendments to Bill 35 introduced by the government given the current provisions of amendment J, which deal with section 39. I think I've solved my problem, because at this point I'm going to move a subamendment to amendment J. I'll provide it to the pages. The four top copies are signed, and they have been reviewed and approved by Parliamentary Counsel, Mr. Chairman.

I am going to deal with, hon. Member for Three Hills-Airdrie, the issue of the certificate of legal advice. What I'm doing by introducing the subamendment is that I'm giving the hon. members an opportunity to decide on this particular issue as opposed to the whole package. We can decide whether the Member for Three Hills-Airdrie, in saying that it's paternalistic if we have the certificate, is right or others, including myself, who say that the certificate of legal advice is still a worthwhile proposition. I believe that I have the support of the bar, who have indicated through Mr. Laven that there is concern if the certificate of legal advice is struck out.

The subamendment is being distributed to members at this time. Basically what it does is that it speaks directly to the amendment that is being put forward as amendment J in package A1, and there are certain requirements that the power of attorney must meet.

MR. MAR: You can't file this. It's conflict of interest.

MR. COLLINGWOOD: The legal language is a conflict of interest. I'll be looking forward to the Minister of Community Development entering into debate. [interjections]

THE ACTING CHAIRMAN: Order please.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I'll continue. What the amendment attempts to do – the amendment that's been put forward by Three Hills-Airdrie identifies the requirements for the power of attorney in subsection (b). So to make the power of attorney effective, it is to be in writing, dated, signed "by the donor in the presence of a witness," a number of requirements to make it effective. I'm adding after (iii) a subsection (iv) so that the requirement for the power of attorney to be effective requires not only the conditions that are already contained in the amendment but also requires that "it is accompanied by a certificate of legal advice signed by a lawyer who is not the attorney or the attorney's spouse."

Now, Mr. Chairman, the amendment that is being circulated does not have a signature appearing on it, but the copies at the Table do, so I'll let members know that.

What this does, Mr. Chairman, is it essentially deletes and takes away the schedule, because in Bill 35 in section 39 as it currently stands the schedule that is part of the Powers of Attorney Act lists the explanatory notes that must be addressed and discussed with the person signing the power of attorney. Section 39 takes that away. My subamendment does not bring it back, but it does require that a lawyer sign a certificate of legal advice to make the power of attorney effective.

What I'm doing, Mr. Chairman, is building back in that check and balance. I am speaking to the issue that has been raised with myself and with my colleague from Calgary-Buffalo about the concern of removing the certificate of legal advice. I am addressing that specifically by moving the subamendment. Again, in terms of the arguments for and against, I am convinced that because of the other checks and balances that currently exist as to who can sign and who can witness and so on, this is simply another check and balance that is put in, one that is appropriate because it deals with financial affairs and because it is different than the personal directive, which deals with personal care and personal affairs. This deals with financial affairs, and that extra protection and that removal of the concern for any undue influence by any of the parties who are signature or witness to the power of attorney and the knowledge of the person signing the power of attorney to understand its consequences will remain and will be there to serve the people of Alberta.

Mr. Chairman, I am pleased to move this subamendment. I'm not sure what the Table will prefer to call it. Nonetheless, I am now moving the subamendment that I have just tabled.

*4:20*

THE ACTING CHAIRMAN: Hon. members, before recognizing the Member for Three Hills-Airdrie, we're going to call this amendment A1(a).

The hon. Member for Three Hills-Airdrie.

MS HALEY: Thank you so much. I'll be very brief. Mr. Chairman, the whole point of our public consultation was to find out what Albertans wanted in a personal directive. Ninety-seven percent – let me repeat that – 97 percent of the people that took the time to respond to our consultation and get involved with it said: "We do not want to make this process complicated. We do not in fact want to have to see a lawyer." Not want to see a lawyer; okay? Now, we've got a whole world with about 6 billion people in it, and – guess what? – 2.8 million of them have to see a lawyer to sign a power of attorney. The other 5,999,000,000 of them don't have to bother. I think it's only fair for Albertans to be treated the same way as anybody else, especially in Canada, and that we should not be forced to go and see a lawyer about signing a power of attorney. The purpose of amending the Powers of Attorney Act inside the Personal Directives Act was to make legislation consistent. That's a good word, "consistent," and that is what we're going to do. I would ask all of my colleagues to please vote against this subamendment.

THE ACTING CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. I'm just attempting to understand the gravity of the debate here. I had expressed in my initial comments that because it is not a perfect world out there and because there are individuals that would take advantage of situations such as this, I thought there should be some sort of legal filter. It is a complicated process, and it can get quite messy, as we have seen.

Now, as I read subamendment A1(a), "it is accompanied by a certificate of legal advice signed by a lawyer who is not the attorney or the attorney's spouse," it doesn't require that a lawyer at this particular point become hands-on and involved. It simply states that people will be forced to ensure that they have completed their homework and ensures that they shall not encounter a legal mess somewhere along the line due to ignorance. I don't consider it to be an overly intrusive or overly intervening subclause.

Now, the hon. Member indicated that 97 percent of the people took the time to respond to a survey. I would apologize to the hon. member; I do not recall her speaking about the extensive survey that was undertaken or who was consulted. Ninety-seven percent certainly is a very high turnout for that particular aspect. When I deal with this – as I say, it's not a perfect world – I would probably count on maybe 10, 12 percent of the world that would be involved in unsavoury activity when we get into these sorts of dealings. So the 97 percent certainly doesn't seem to reflect my assessment of the 10 or 12 percent of the population that would be unsavoury and not deal with these matters in an ethical fashion or shape.

However, I appreciate the hon. Member for Three Hills-Airdrie indicating that she does not want to create a legal quagmire here and to ensure that it's kept as simple as possible. I would share that same objective, but I think when we read the amendment, that's about as soft as we can make it and that's about as distant as you can keep the legal advice and the legal quagmire from setting in. This is simply a certificate indicating that a lawyer has reviewed it, looked at it, and provided advice.

MS HALEY: Why do we need it?

MR. KIRKLAND: Well, the hon. member says she doesn't need it. I think it's very laudable, as I indicated earlier, that she's in complete and total control at this point. I don't need it today and the hon. Member for Three Hills-Airdrie doesn't need it today, but I wish I could predict where you or I will be in 35 years and whether we're still of the same intelligence and lucid aspect to ensure that in fact nobody is in a situation of controlling us or manipulating us. We have all heard stories of where in fact seniors and individuals that don't have their entire health and don't have the strength to battle some of these issues have been manipulated.

So this is not an overly intrusive legal intrusion into this concept. It's simply one step to ensure that integrity is found throughout the entire process, and I would support this subamendment submitted by the hon. Member for Sherwood Park. I don't think it has a tendency to detract from my overall support of the principle of the Bill or of the concept of self-determination or personal directive, whatever term we want to use.

I think we're going to put a piece of legislation together here, and this legislation certainly has to be one that does not create problems for Alberta but simplifies it for Albertans. This is only a small step to ensure that people access the knowledge that is out there, to ensure that in fact we do not get into complicated legal battles after the fact. I would suggest that it is a sound amendment that attempts to capture the essence of what the hon. Member for Three Hills-Airdrie is looking to achieve. However, it does provide, in my view, that small filter that's required to make sure things don't move off the rails. So I would support it, Mr. Chairman, and I would ask all members to have a look at it from that basis.

I expressed my distaste for legal intrusion in too many corners of our lives, and I share that with the hon. Member for Three Hills-Airdrie. But I also recognize that there is a need to have legal thought applied to many of the situations that we deal with in society and in life in general. I would certainly be looking at supporting this particular amendment because it is as soft a legal intrusion as can be defined, yet it ensures that one and all will stop to make sure that the trained professional can render a decision so that there is no entrapment or no difficulties after the fact.

So I would encourage all members to support amendment A1(a), if that's what it was so-called, Mr. Chairman. Thanks.

THE ACTING CHAIRMAN: The hon. Deputy Government House Leader.

MRS. McCLELLAN: Thank you, Mr. Chairman. I move that we adjourn debate on Bill 35.

THE ACTING CHAIRMAN: The hon. Deputy Government House Leader has moved that we adjourn debate on Bill 35. All those in favour of that motion, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Defeated.

[Motion on subamendment A1(a) lost]

[Motion on amendment A1 carried]

THE ACTING CHAIRMAN: On the remaining clauses of the Bill, are you agreed?

MR. COLLINGWOOD: That was just a vote on the amendment; was it not?

THE ACTING CHAIRMAN: We voted on your amendment and then the package of amendments.

MR. COLLINGWOOD: Right. I'd like to introduce some other amendments, Mr. Chairman.

THE ACTING CHAIRMAN: Okay.

MR. COLLINGWOOD: Mr. Chairman, I will assure the Minister of Health that these are not earth-shattering amendments, but they are an attempt by my colleague from Calgary-Buffalo to in some way improve on the Bill as it currently stands. While the amendment sheet is being distributed, I will advise hon. members that I'll move these individually, but I do not intend to take a

great deal of time in debate on these particular issues because I think in each and every case they are fairly straightforward and I don't think they will require a significant amount of debate. I'll acknowledge that on the last issue we dealt with there was certainly room for some debate, some differences of opinion, but I don't think these are of that same category.

Mr. Chairman, as the amendments are being distributed, I will start my comments with moving the first amendment on the page, which is the addition of a definition of a psychologist.

*4:30*

THE ACTING CHAIRMAN: Hon. member, before you do that, I wonder if you could tell us how you wish to deal with these amendments so we can label them properly.

MR. COLLINGWOOD: I apologize, Mr. Chairman. I was indicating to the Chair and to members that I'll be moving each one individually rather than as a package.

THE ACTING CHAIRMAN: So the first one would be . . .

MR. COLLINGWOOD: It would be A2, Mr. Chairman. Thank you. So for the record the first amendment is A2.

Mr. Chairman, currently under Bill 35, which we did deal with in the government amendment, there is reference to a psychologist as being one of the parties who determines capacity, but there is no clear indication as to what psychologist means for the purpose of sections 9(2)(a) or 9(2) where there is reference to a physician or a psychologist.

We had received some feedback on this particular issue where there was some concern as to what "psychologist" entailed. We felt it was appropriate that psychologist be a defined term as a person who is "registered under the Psychology Profession Act" for a psychologist in the province of Alberta, and where it is a psychologist who practices outside of Alberta, "a person who is licensed or otherwise authorized to practice" in the jurisdiction where they do practice.

[Mr. Tannas in the Chair]

So I don't think there is a great deal to this, but what it will do is provide some clarity as to who it is that can make the assessment of capacity of the maker of the personal directive, so that we are very clear that when it is a psychologist who is making that assessment, it is a psychologist who is a registered psychologist under the Psychology Profession Act.

Again, Mr. Chairman, I don't think there's any difficulty with that. I think it is an improvement to the Bill. I'm hoping we can move that one through fairly quickly in that it's just an improvement and will clarify who we mean in Bill 35 by psychologist.

That's all I need to say on that, Mr. Chairman.

MR. WOLOSHYN: In view of the numerous amendments and the desire to go through them carefully so that we can have good debate on them, I move that we adjourn debate.

THE CHAIRMAN: The hon. Member for Stony Plain has moved that we adjourn debate on Bill 35. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: The motion is carried.

MR. WOLOSHYN: I move that when the committee rises, we report Bill 35.

THE CHAIRMAN: The hon. Member for Stony Plain has moved that when the committee rises, we report the progress on Bill 35. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

## Bill 34
## Municipal Government Amendment Act, 1996

THE CHAIRMAN: We have the sponsor ready to speak to the matters at hand.

The hon. Member for Lac La Biche-St. Paul.

MR. LANGEVIN: Thank you, Mr. Chairman. It's a pleasure to speak to Bill 34 this afternoon. I would like to take this opportunity to thank all the government members who supported Bill 34 in second reading. Also, I'd like to mention that a large number of members of the Official Opposition voted in favour of Bill 34 in second reading. I view this as support for provincial municipal governments, because many of the amendments that are presented in Bill 34, which is the Municipal Government Amendment Act, 1996, are at the request of municipal governments through their associations – AUMA, AAMDC – and also through legal counsel who are acting for municipal governments.

There are other amendments also that are corrections for typos, punctuation, and clarifying the Act to make sure that the Municipal Government Amendment Act, 1996, is presented as intended in the initial legislation.

I would like to take this opportunity to give some explanation to concerns that were raised from hon. members who spoke in second reading. I would like to start with some questions raised by the Member for Leduc, who had concern with section 126 of the Act. His concern was that the Lieutenant Governor in Council would have the power to order annexation of land to a municipal authority. The reason for this amendment is that at times there could be some dispute between two municipalities, and it's impossible to resolve this dispute because they've been trying for a number of months or even a number of years. It gives the opportunity for the minister to resolve a situation that would not be resolved otherwise. So that's the reason we brought that in.

Also he had a concern on page 3 of Bill 34. It's simply a correction, a typo error. What the Act says presently under section 171, paragraph (iv) is "a director of officer," but the intent was to mean a director or officer. So it's a change of the word "of" for "or". It's a very simple change.

The same member had concern with section 24 of the Bill. Under section 24 the Municipal Government Act presently reads that for any municipal government who enters into a lease agreement for capital property of more than three years, they have to advertise, the same as a money bylaw. In order to alleviate

this requirement, we had requests from municipal governments that asked that we extend that to five years. The amendment is doing exactly that. They don't have to go through an advertising process just for a lease on equipment or a lease on a capital building if it's going to be for three years or more; they can have a five-year lease without advertising.

Then I had concerns that were raised by the hon. Member for Calgary-Buffalo. His concerns were with sections 13, 14, 15, and 16 of the Act, and these are the ones that I just explained about, the extension of the lease from three years to five years.

Then he also raised a question on section 20. Under section 20 of the Act it presently reads that

> each municipality must advise the Minister annually, not later than December 1, whether the municipality will be preparing or adopting an assessments in the following year.

Starting in 1998 the municipalities will not be required to report to the minister, so we have a section which will put a termination clause on that that says, "This section expires on December 31, 1997." This is to accommodate that change.

The next concern that he raised was under sections 21 and 22 of the amendment Act. Sections 21 and 22 say presently that if you're preparing an assessment in one year, you have to reflect the physical condition of the property that is being assessed as of December 31. That's impossible to do, to prepare your assessment during the year and then try to reflect December 31 at the end of the year. So we're changing that, and we're saying that it has to reflect the condition prior to the year in which the tax is imposed. So the assessor has to go back to the end of the previous year and reflect the condition of the assessed property at that time.

*4:40*

The next question that was raised, also from the Member for Calgary-Buffalo, was under section 29. Section 29 of the Act is to clarify that the Canadian Hostelling Association's property is not assessable. At one time there was only one kind of hostel association in Alberta, but now they're operating under four different names, and we're simply including in the section that describes what is exempt from assessment the different names of these associations. One is the Canadian Hostelling Association, northern district. The other one is the Southern Alberta Hostelling Association. The third one is Hostelling International, Canada, north. The fourth one is Hostelling International, Canada, southern Alberta. We're trying to treat all these hostel associations equally, on the same footing, so we're naming them individually to make sure that there's no misrepresentation in that section.

The next question that was raised by the same member was under section 42 of the proposed amendment Act. If you look at section 42, presently any request for the board's reasons must be made at the hearing. This needs to be complied with. So if you request a hearing of some assessment board of the municipal government, you have to request the reasons that the board will use for their evaluation at the hearing and not later. At the present time there's no termination on that, and anybody could move in five or 10 years after and request a reason that was used at the hearing. So you have to do it at the time of the hearing, and I think this is very workable.

The hon. Member for Calgary-Buffalo, when he raised this issue, was wondering out loud. He said: I'm asking if the city of Calgary knows about this and if they have taken part in the discussion for this change, this amendment. In fact, the whole amendment, this amendment as brought forward, was requested by the city of Calgary itself. It's the only municipality that requested this change, so we are doing it to comply with a request from the city of Calgary. I hope that will clarify the question the member from Calgary had. If he only checks with his town council, he will realize that the constituency he is representing is the municipal government who actually asked for this change.

Another question that he raised was on section 57 of the Act. Section 57 gives the minister the decision to settle the disagreement and order the municipality to implement a decision. So if there are some disputes that cannot be settled otherwise with the local government, the minister can intervene and can order a settlement. He can order the municipality to implement a decision.

Then the hon. Member for Fort McMurray raised one concern. He's very concerned about the ability for a municipal government to assess and to collect taxes from the landowners in mobile homes instead of assessing and collecting taxes from the owner of the mobile home. This is not a must for a municipality. They have a choice. They can assess and collect taxes from the owner of the mobile home, but if they decide to go the other route and collect these taxes from the landowner, they have to give at least one year's notice to the landowner after they pass a bylaw to do that.

So it's a local decision. The local government has to pass a bylaw that will give them the ability to tax the landowner. After they have passed that bylaw, they have to give a full year's notice to the landowner before they can implement that bylaw. So the landowner is not caught in the middle of the year. He has time to adjust his rental rate and to include a tax in his rental rate. He has the owner pay him the taxes, and in return he will remit the taxes to the municipality when the tax bills come to him.

Mr. Chairman, this basically covers the questions that were raised in second reading. I will undertake to take note of any further questions that might be raised in the Committee of the Whole and try to answer those in my closing comments.

Thank you, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. I appreciate the member providing clarification for some of the questions that were asked. Certainly we don't misunderstand the extensive consultation process that's occurred as far as the Municipal Government Amendment Act is concerned. However, hon. member, you would realize that it is a significant number of amendments. That, when you compare it to the original Bill, suggests there were some deficiencies. That being the case, that consultation doesn't always capture the thoroughness that's sometimes required. I think this number of amendments indicates that.

Now, Mr. Chairman, I believe the pages are distributing some amendments that I will be submitting here. It's not my intention to prolong or belabour this debate. As in all debates, one has to accommodate a difference of opinion and some thought.

One of the concerns that was brought forth – and the hon. Member from Lac La Biche-St. Paul provided explanation as far as section 126 is concerned. Now, Mr. Chairman, I have submitted an amendment to 126, and as it's being distributed, perhaps I will share with the members the philosophy and the thought behind that.

Initially in my comments I had indicated that section 126 really, as it was amended, gave the minister a tremendous amount of

power. It gave him the power to order one municipality to annex another municipality's territory. That, generally speaking, perhaps could be satisfied by the Member for Lac La Biche-St. Paul's explanation. However, as I indicated in my opening comments, it did cause me some concern because of the philosophy that the minister has telegraphed to Albertans on occasion, and that is that those municipalities that cannot sustain themselves financially or are on the verge of not being able to should give consideration to folding themselves into adjacent municipalities.

Mr. Chairman, I see that the amendment I would like to propose has been distributed to one and all. I'll read it, and I'll have you identify or title it so in fact there's no confusion. The amendment that I would like to deal with first, Mr. Chairman, is the one that I have signed. It's moved by Mr. Kirkland, and it says "that section 6 be struck out." That would be considered as amendment A?

THE CHAIRMAN: As A1.

MR. KIRKLAND: Okay, Mr. Chairman. I would so move that amendment, A1, "that section 6 be struck out."

I would . . .

THE CHAIRMAN: Speak to A1?

MR. KIRKLAND: I will speak to the amendment, Mr. Chairman. In speaking to the amendment, I will try to expedite the debate because I have already made my point. The hon. Member for Lac La Biche-St. Paul indicated that we had to go to section 6, clause 126 because the minister presently didn't have the ability to order annexation of a municipality. This section previously stated that the minister could order annexation if the proposed annexation was of a minor nature and there was no dispute about the proposed annexation. I think that's a fair, reasonable approach to business, Mr. Chairman. I would suggest that by eliminating that, we have changed the intention dramatically and radically.

*4:50*

I would suggest, Mr. Chairman, that when you look at section 125, that empowers the minister to order annexation, so there's no need to change 126 and duplicate that. As I read the Act, that's what I'm understanding here. So 126 in my view was specifically identified to deal with minor annexations where one would not have to go through hearing processes, notification processes and the likes of that. Section 125 I believe gives the exact power that 126 now purports to give. So I have a concern, as I indicated, because of the philosophy the minister has telegraphed, that the strong should inherit the weak as far as municipalities are concerned, or the weak should fold themselves into the direction and control of the strong municipalities.

My concern was based on the fact that we heard the minister some five or six months ago identify I believe it was 13 communities in this province that he felt were not in good financial shape. Now, when I look at 126, if I were those municipalities, I would have some concerns, Mr. Chairman. Knowing full well what the minister had said – and, as I say, I would suggest he exposed his philosophy at that particular point – these municipalities may be sitting there wondering, in fact, if the minister will not order annexation under this clause. This clause does not give them the right to enter into negotiation. It does not give them the right to give public notice. It does not give them the right to actually file reports as to the difference. It does not give them the right to recommend that the annexation proposal go to the municipal government board.

So, Mr. Chairman, I think that by striking it out, we revert to the old clause 126, which is very definitive. It states a specific purpose for 126, and those were annexations that were not contentious and annexations that you would not have to hold public hearings about, annexations where you wouldn't have to involve legal minds and the legal costs associated with those minds.

So that being the rationale behind the amendment, Mr. Chairman, I'd put that forth for consideration. I'd ask the Member for Lac La Biche-St. Paul as the former mayor of that community if his interpretation is the same as mine. When I read clause 125 in the Act, it says:

> If an application for the annexation of land has been referred to the Board, the Lieutenant Governor in Council, after considering the report of the Board, may by order annex land from a municipal authority to another municipal authority.

That gives the power to the minister that the hon. Member for Lac La Biche-St. Paul indicates 126 should now give. So I would suggest that it's duplication, and I would suggest that it's leaving out a component of annexation that should be there, a simple component of annexation that should exist.

So with those comments, Mr. Chairman, I will open the floor for debate.

THE CHAIRMAN: Any further comments?

MR. LANGEVIN: I'd just like, Mr. Chairman, to make a brief comment on this. I think we need section 6, and I would urge the members to vote against this amendment. The reason we need it is that I think we all remember several years ago when Edmonton was trying to make a big landgrab around the city of Edmonton in proposing to annex Sherwood Park and St. Albert, and it ended up in court battles for years and years. What happened was that the minister had to move in and decide through input from cabinet on the annexation and how big that area would be. If the minister would not have had the authority at the time to do that, we'd probably still be in court over this issue. They operated under the old MGA that was in there. The MGA that was put in place in 1994, a couple of years ago, did not include this section. I think this is a shortcoming, because the same situation might happen again and there has to be a process to resolve these issues.

Thank you, Mr. Chairman.

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

MR. BRACKO: Thank you, Mr. Chairman. I support the amendment from my colleague on section 6. During the last election in Edmonton one of the candidate's campaign pledges was to amalgamate surrounding areas, and the minister has the authority to allow this to happen, in spite of what people in the surrounding municipalities may want and fight for. Again, it's important that we delete it and move back to what we have in section 126. The proposed amendments are "of a minor nature" or if there's a dispute. Here it doesn't talk about disputes. The Member for Lac La Biche-St. Paul said that it includes "to resolve disputes." It doesn't say that. It says that he has the authority to annex different areas.

As the Department of Municipal Affairs looks at different areas to be annexed, we have the old rumour. This amendment here sends warning lights to all St. Albertans that annexation could be a possibility. The rumours are there, and every time you hear the

rumours, people in St. Albert are upset. We want to be our own city. We do not want to be part of a bigger metro area. That's why people are living in St. Albert, the oldest municipality in the province, Mr. Chairman, and we want to keep it that way. We want to work with Edmonton in all ways that are possible to make it more efficient. By not supporting this amendment, this would allow the minister to allow Edmonton to annex certain surrounding areas.

Again, we even had our council members asking Edmonton if that's what they had in mind. Edmonton is saying, "No, it isn't," but every time that comes up. We know they're saying that St. Albert may not be viable, even articles in the press. We need to know from the Department of Municipal Affairs: is that the case? Tell us once and for all. I challenge the minister to do so. I challenge the minister to say that as long as we're viable, that will not happen. Put it in writing so that all St. Albertans can relax and not get worried about what could happen this year or down the road as a bigger metro area may try to swallow us up. So from that perspective it's important that we support the amendment from my colleague from Leduc.

Secondly, we know that the previous Minister of Municipal Affairs said that there are 2,200 municipal councillors, and that's 80 percent too many. He didn't bring any research to show that. He didn't show any information. I asked him for it. If only 20 percent of the municipal councillors are needed, how many Members of the Legislative Assembly are needed? Maybe 20 percent too. You know, we should look at how what's fair for the province should be fair for the municipalities, but that wasn't taken into account. It's a double standard. Don't do as we say, do as we do. You know, an unlevel playing field. If there's a need to cut down municipal councillors, show us the need, show us the research that has taken place that would allow that to happen. Right across this province as I go around and travel, go to four regionals out of five, that was the biggest concern across this province.

[Mr. Clegg in the Chair]

MR. SEKULIC: If Ken was in charge, this wouldn't be happening.

MR. BRACKO: No. Bring the Member for Barrhead-Westlock back. It wouldn't happen. He would look after rural Alberta.

This is a government that is against rural Alberta, that wants to amalgamate, bring them together, have one big – 17 regions is what we're understanding is to happen, and they haven't denied it. They haven't given a press release that this isn't true. This isn't fair to rural Alberta, to the small municipalities that are working hard to survive.

The Member for Barrhead-Westlock said himself that that's why the Social Credit lost out to Peter Lougheed at that time, because in the throne speech they did not mention agriculture once, and this is what's happening again across the province.

### Point of Order
### Clarification

MR. PASZKOWSKI: Point of order, Mr. Chairman. Agriculture was mentioned in the throne speech. I think it's important and critical that it be recognized.

THE DEPUTY CHAIRMAN: Hon. minister, you cannot have a point of order.

MR. PASZKOWSKI: Not only that, Mr. Chairman . . . [interjections]

THE DEPUTY CHAIRMAN: Hon. minister, I don't want you to teach that chair bad tricks.

The hon. Member for St. Albert.

*5:00*

MR. BRACKO: Thank you, Mr. Chairman. Once again, if the member would have been listening – maybe if he sits in his own chair, he listens better; I don't know. I said that before, when the Conservatives took over from Social Credit, it wasn't mentioned. I didn't say: in this last speech. I want to correct the member for not listening. You know, it says that God gave you two ears, two eyes, one mouth. Keep your eyes and ears open, your mouth closed so you can take in what's happening. The good book, you know. [interjections] Thank you. Send him back to school, because students listen better than members here.

### Debate Continued

MR. BRACKO: So what do we have? Without rhyme or reason they're saying: cut down the number of municipal councillors. No one's saying that there isn't a need to cut back, to amalgamate in some areas, but we're saying: from 2,200 to 440 and with no reason, no research, no information?

There are pressures. I was at four out of the five regionals. The biggest concern at these regionals was amalgamation, forced amalgamation by the department, who were going out to different villages and towns and saying: "You're going to have to amalgamate. We're not going to support you in your debentures anymore. We're not going to support your loans and so on. We're going to take that away from you." They're coming in and doing it even though they may have been partly responsible for why that municipality may be in debt, because they promoted them to do certain things which put them into debt.

It's important that we stand up for rural Alberta, stand up for the small municipalities so they can survive. With technology moving the way it is, they can become more viable. Now, we need members to come out with me and listen to what is being said out there by the rural municipal politicians, not here in the Leg., under the dome, where you're not hearing what's happening. They say about Members of the Legislative Assembly: "All that happens is they fly in and they fly out." That was told to me as I visited different communities.

DR. WEST: Who do you think you are? Lester B. Pearson or somebody?

MR. BRACKO: Thank you.

MR. DUNFORD: Get us out of here and stop talking. Let's go.

MR. BRACKO: Thank you again. [interjections] Thank you again for all your constructive comments. If you put them in writing, I'll read them. Put them in triplicate, like this government does things in triplicate. Or nine-licate: you know, nine years of deficit budgeting instead of triplicate.

So what we need is to have input, to consult with rural Albertans. They say at these regionals that they're not being listened to, and it's important that we do. They don't see their members. In fact, I was up in Fairview, and they said that the member doesn't meet with them. Never. Doesn't meet with them.

MR. CHADI: No? Whose constituency is that?

MR. BRACKO: I'm not going to mention constituencies, but that is what I was told. That is the case at the regionals. That's unbelievable. I was told that they've asked four or five times to meet with him, but he won't meet with them. Unbelievable.

MR. HERARD: A point of order.

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-Egmont on a point of order.

### Point of Order
### Imputing Motives

MR. HERARD: Yes, Mr. Chairman. I believe that the member across the way is imputing false and unavowed motives on your behalf, and I think he should apologize.

THE DEPUTY CHAIRMAN: On the point of order.

MR. BRACKO: Thank you, Mr. Chairman. I'm bringing the truth here from the regional meetings. Do you want me to apologize for telling the truth? Why should I apologize? It says in the good book: you shall know the truth, and the truth will set you free. We want to set you free. So with that, I rest my case.

MRS. McCLELLAN: Mr. Chairman, I would move that we adjourn debate on Bill 34 . . .

MR. COLLINGWOOD: He was speaking. He was speaking on the point of order.

MRS. McCLELLAN: Well, he sat down.
. . . and that we report progress when the committee rises.

THE DEPUTY CHAIRMAN: On the point of order, certainly I guess the chairman wasn't listening as well as he should have been, although I did hear partly what he did say. It's not the Chair's decision at this time to make anybody apologize for what was said.

The hon. Member for St. Albert.

### Debate Continued

MR. BRACKO: Thank you, Mr. Chairman, for your ruling. I just want to summarize what I've been saying so it's on the record again. We need to support this amendment from my colleague for Leduc as he presents it. It'll protect rural Alberta; it'll protect the smaller municipalities against the strong overtaking the weak. It allows the democratic process to carry forth. I'm speaking up for all municipalities across the province so that there's a level playing field in this province, something that we Liberals believe strongly in, a level playing field, not looking after our friends and not giving out grants to win elections, you know.

With that, I will conclude, Mr. Chairman.

THE DEPUTY CHAIRMAN: The hon. Minister of Health.

MRS. McCLELLAN: Mr. Chairman, I move that we do adjourn debate on Bill 34.

THE DEPUTY CHAIRMAN: All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

MRS. McCLELLAN: Mr. Chairman, I would now move that the committee rise and report.

[Motion carried]

[Mr. Clegg in the Chair]

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

MR. HERARD: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration and reports progress on Bill 35 and Bill 34. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly. I'd also like to table copies of all documents tabled during Committee of the Whole this day for the official records of the Assembly.

THE ACTING SPEAKER: All those in favour of the report, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any? Carried.

Hon. members, today is the last day of one of our pages at the back there, Nina Sharma. We wish her the very best in all her studies at university. We'll all miss Nina as she departs from us. [interjection] She's just going on for her studies.

Also, the Chamber will be used this weekend by the Forum for Young Albertans, so I would ask everybody before they leave now to make sure that their desks are all cleaned off.

[At 5:10 p.m. the Assembly adjourned to Monday at 1:30 p.m.]