

Legislative Assembly of Alberta

Title: Wednesday, May 21, 1997 1:30 p.m.
Date: 97/05/21
 [The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Good afternoon. Today's prayer was written by former Speaker David Carter.

Let us pray.

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

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

Amen.

Please be seated.

head: **Reading and Receiving Petitions**

THE SPEAKER: The hon. leader of the ND opposition.

MS BARRETT: Thank you, Mr. Speaker. The always-running-late leader.

I ask that the petition I introduced to the Legislature from the people in support of anti replacement worker legislation be now read and received.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly of Alberta to urge the government of Alberta to introduce legislation that would prevent the use of replacement workers during strike action.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, I give notice that I will seek unanimous consent of the House to waive Standing Order 34(2)(a) in order to add Written Question 13 to the list of written questions to be dealt with today.

head: **Tabling Returns and Reports**

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

MR. MITCHELL: Thank you, Mr. Speaker. I would like to table four copies of a letter I wrote to the Premier on May 16 indicating that in the absence of leadership from the Minister of Health in defending the public health care system and in making sure that Health Resource Group doesn't harm it, the Premier should undertake to provide that leadership.

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

MR. DICKSON: Thank you, Mr. Speaker. I'm tabling a letter from a Mrs. Sandra Haggins, a constituent of Calgary-Elbow. Mrs. Haggins raises her concerns to the Premier with respect to low funding levels for public education, and she urges that it be increased.

Thank you.

MR. MITCHELL: Mr. Speaker, I would like to table four copies of submission 10-K, which is the annual filing to the Securities and Exchange Commission in the United States by Sun Healthcare Group, which is the parent company of Columbia. This document

points out that 53 percent of Sun's revenue comes from the public system in the United States, not the private.

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

MRS. SLOAN: Thank you, Mr. Speaker. I would like to table four copies of a letter I have received from Mr. Don Cameron, a parent of a disabled child who has concerns with respect to the restructuring of children's services.

THE SPEAKER: The Chair would also like to table with the Assembly today the appropriate copies of a memo from the hon. Member for Calgary-Fish Creek to the Speaker

requesting that on Tuesday, May 27, 1997, as soon as House order dictates, Bill 204 – the Provincial Court Amendment Act, be brought . . . for third reading.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member Athabasca-Wabasca.

MR. CARDINAL: Thank you very much, Mr. Speaker. On behalf of my colleague the Member for Whitecourt-St. Anne I would like to introduce to you and through you to the members of the Assembly 130 students from Percy Baxter school. They are accompanied by their teachers and parents and also group leaders, I believe. They are seated in the members' gallery and also the public gallery, and I would like them to rise and receive the traditional warm welcome of the Assembly.

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

MRS. SOETAERT: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you five students who have benefited from the Rotary youth exchange. Liz Grieverson is here from South Africa, and Francisco Machado, here from Brazil. Cameron Greaves is from Spruce Grove; he's heading out to France. Dean Jorgensen has just returned from South Africa, and Janet Zavala is here from Mexico. Now, they are pin collectors, so if there are any MLAs with pins from their riding, they can feel free to send them up. I'd ask the Assembly to give them a warm welcome.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. Today it's my pleasure to introduce to you and to all members of the Legislature nine visitors from the Edmonton Menorah Academy in my constituency. There are seven students from the academy accompanied today by their teacher Roberto Filippelli and the principal, Gordon Rogers. They are in the member's gallery. I'd ask them, therefore, to stand and be recognized by this Assembly.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs.

MRS. PAUL: Thank you, Mr. Speaker. I would like to introduce to you and through you my STEP student, Stella Varvis. Stella lives in my constituency of Edmonton-Castle Downs, is the president of the Young Liberals of the university campus, and is in her fourth year at the University of Alberta as a political science major. Stella, please rise and receive the warm welcome of the Assembly.

head: **Oral Question Period**
Health Resource Group Inc.

MR. MITCHELL: Once the Health Resource Group's private hospital begins to perform insured services, it will become a huge threat to the integrity of the public health care system. HRG has now publicly stated that it hopes that the government will contract to this firm insured services like ear, nose, throat, and hernia operations and that it will contract to this firm to provide extra beds at particularly busy times. Now in this letter to the Prime Minister the Premier has written:

The Government of Alberta is not aware of any instance where operators of the facility intend to now, or in the future, contravene the principles of the Canada Health Act.

We know about paving the road with good intentions, Mr. Speaker. To the Minister of Health: would it not have been helpful for the Minister of Health to have at least told the Premier what HRG's intentions really are before he had the Premier go off and write this letter lecturing the Prime Minister of the country?

MR. JONSON: Well, Mr. Speaker, for once the hon. leader is right about something that he said, and that is that we are firmly committed to complying with the principles of the Canada Health Act. That is stated very clearly in the letter from the Premier to the Prime Minister. To date we have done so, and we certainly intend to in the future.

MR. MITCHELL: Well, Mr. Speaker, if the Minister of Health is so committed to the Canada Health Act, why won't he simply state in this Legislature that he will not allow any contracting out of insured services to HRG and that he will ensure adequate funding to the publicly funded health care system so that it will never have to turn to private hospitals like HRG to pick up demand in crisis times?

MR. JONSON: Well, first of all, Mr. Speaker, yes, certainly we are committed to providing adequate funding to the public health care system of this province. We have taken those directions recently. Alberta Health has been the major recipient of targeted reinvestment funds by this government, and I think our commitment to our health care system is well demonstrated.

1:40

Secondly, with respect to the other point that the leader referred to, we of course want to be in compliance with the Canada Health Act, and as the correspondence indicated, we want to know and we want to communicate and discuss with the federal government any interpretation problems that there may be with respect to what can be provided under the Canada Health Act. Certainly, Mr. Speaker, as I indicated the other day, the hon. Minister of Health for the federal government made certain statements evidently here in Alberta, but we also know that at least in Ontario they have a private facility operating. As I said yesterday, I hope that their federal associate rushed right down to Ontario after being in Alberta and straightened things out down there.

MR. MITCHELL: That hospital doesn't get any public funds, Mr. Speaker, on insured services, and that's the difference.

What I want to know, Mr. Speaker – and we can't seem to get an answer – is: if you believe so strongly in the public health care system and if you stand up here and state your intentions over and over and over again, as you do, why won't you say that HRG will not receive public funds from this government or from RHAs in this province?

MR. JONSON: Mr. Speaker, we are committed to the five principles of the Canada Health Act, which this leader across the way has repeatedly asked about.

Secondly, with respect to the provision of insured services in this province we are in compliance with the Canada Health Act, as I understand it, right now. There are arrangements across this province that vary in terms of the provision of service to the public of a very high quality nature, and we intend to continue on that route.

MR. MITCHELL: Mr. Speaker, I'm glad that the Member for Edmonton-Highlands raised yesterday the relationship between HRG and Columbia Healthcare Inc. We have further information today which needs to be pursued. Sun Healthcare Group, a huge American private hospital company, owns Columbia Healthcare Inc., which coincidentally happens to share two directors with Health Resource Group in Calgary. Sun gets a minimum of 53 percent of its corporate revenues from public medicare in the United States. We know what their intentions are for HRG. What we're not very clear about is what the Minister of Health's intentions are for HRG. To the Minister of Health: what advice does he think these two directors are going to be giving Health Resource Group if it isn't how to make profits on Alberta's public health care system?

MR. JONSON: Mr. Speaker, this question was essentially asked yesterday. My answer is the same, and that is that with respect to the particular points that were made about relationships – and also I believe there was a reference to possible legal action with respect to billing – we are following up on that particular concern, and we will come to our conclusions if these things are in fact the case.

MR. MITCHELL: Well, that's interesting, Mr. Speaker. Then, if Minister of Health is actually now investigating Sun and Columbia, is he inferring therefore that they are actually considering bringing their operations into this province? Is that not what he is now inferring in this Legislature?

MR. JONSON: Mr. Speaker, the question yesterday related, as I recall, directly to this firm known as Columbia Healthcare Inc. and the possibility or the contention that they may have been involved in some legally questionable activities in the United States. Certainly that's an allegation that I take seriously, and we will follow through on it in a methodical manner.

MR. MITCHELL: Given the clear inclination of this Minister of Health to dance with the privately funded, privatized, for-profit, Americanized kind of health care, could he please tell us in the Legislature today exactly what he thinks private American hospital corporations can bring to our system that it doesn't already have?

MR. JONSON: Well, Mr. Speaker, I have devoted some time to looking at health care systems in other parts of Canada as well as in the United States. I am aware of the manner in which the United States government and state governments choose to deal with health management organizations and how they operate. I am certainly not an admirer of their operations, and I have learned quite a bit about them. So with respect to any intention of in any way copying that health management organization structure as it exists in the United States, I certainly do not have any interest in that.

THE SPEAKER: Third Official Opposition main question, the hon. Member for Edmonton-Glengarry.

Youth Gangs

MR. BONNER: Thank you, Mr. Speaker. My colleagues and I have received many calls from Edmontonians who are quite concerned about the increasing youth gang problem in this city. They are afraid to walk in their own neighbourhoods. They are afraid to take the LRT. They are afraid for their children and their grandchildren. To the Minister of Justice: what leadership have you offered police departments who are grappling with this problem? People are afraid.

MR. HAVELOCK: Well, Mr. Speaker, I'll repeat an answer that I've given in this House on at least three occasions. We have scheduled a meeting with the chiefs of police to take place in June. I think it's June 9. The Premier will also be attending. I've already stated publicly that if additional resources are required, we will attempt to find those within the department to assist in putting together a co-ordinated provincial effort in order to combat both youth and adult gang crime. At this stage, that's all I can offer. I need to hear directly from the police as to what they feel is necessary in order to assist. Once we have that meeting, the department will take into consideration what they've said, and we'll move forward.

MR. BONNER: Given that there is a problem, can the minister point at one specific crime prevention initiative which is directed at preventing the formation of youth gangs in Alberta?

MR. HAVELOCK: Well, Mr. Speaker, we shouldn't be concentrating simply on youth gangs. We have a number of initiatives concerning crime prevention. However, if you want me to talk about youth, I will.

One of the initiatives we have is youth justice committees. There we take young people who have run afoul of the law, and we try to drive those youth into the youth justice committees, where they're dealt with at a community level. They work with those young people and attempt to show them that they should be abiding by the law, how they can contribute to the community. [interjections] Mr. Speaker, I find the jabbering across the way to be rather remarkable, especially in light of the fact that here was a party which during the election was quite prepared to have the Olsons and the Bernardos vote in elections. It seems that they've changed their position simply because they understand that there are more votes outside of prison than in.

Speaker's Ruling Decorum

THE SPEAKER: Well, hon. members, the hon. Member for Edmonton-Glengarry does have the floor, but there's absolutely no doubt at all about the fact that the hon. Government House Leader did comment about the fact that there was some talk going on, and perhaps it caused his attention to focus on other issues. If we'd all focus on the question and the answer, we'd all be further ahead.

You know, hon. Member for Spruce Grove-Sturgeon-St. Albert, for those 130 young people that were introduced by the hon. Member for Athabasca-Wabasca, when you send the letters to the Speaker, please today mention Spruce Grove-Sturgeon-St. Albert.

The hon. Member for Edmonton-Glengarry.

1:50

Youth Gangs

(continued)

MR. BONNER: Thank you, Mr. Speaker. My last question to the minister: given that there was no increase in this year's budget for policing, can the minister tell us where he expects the Edmonton city police to get the resources to combat gang-related violence when his government has cut their funding in half?

MR. HAVELOCK: Well, Mr. Speaker, one, I'd like to clarify that, yes, there was a cut in direct funding to police departments of 50 percent. However, there is the remaining 50 percent, which is directed to the municipalities through block funding, and they can, if they so wish, direct it to police services.

Nevertheless, what I've again said in the House is that we'll certainly look at our own internal resources. I would like to consider that as a first avenue in order to direct some funds to put into place the comprehensive program. If we can't find those resources – and I've indicated this to my colleagues – then certainly I'll be approaching them come the next budget to see whether or not we can make some accommodation.

Health Resource Group Inc.

(continued)

MS BARRETT: Mr. Speaker, before putting my questions to the Premier, I would like to clarify, because it does get very confusing for the Minister of Health, that Columbia/HCA Healthcare is the one that's under investigation. It's not related to the other Columbia group, and I'll send . . .

THE SPEAKER: Hon. member, is your question related to your clarification?

MS BARRETT: No. I was just clarifying.

THE SPEAKER: Sorry. There's an appropriate time, and this is not it. Do you want to move with your question, please?

MS BARRETT: Yes, I do. To the Premier, actually.

Mr. Speaker, we all know now that two of the director/shareholders of the HRG Health Resource Group are involved with Columbia Healthcare Inc., a separate company which runs two private clinics in the city of Calgary. Columbia is in turn a Canadian subsidiary of the giant Sun Healthcare Group, headquartered in New Mexico. To the Premier: why is this government so determined to defend the establishment of a private for-profit hospital with links to a big American health care corporation?

MR. KLEIN: I don't think, Mr. Speaker, that we are defending any particular institution. The position of this government is quite clear, and that is that if it doesn't violate the fundamental principles of the Canada Health Act, then we assume that it is okay to operate.

MR. MITCHELL: It does.

MR. KLEIN: Mr. Speaker, I heard from the other side that it does. I haven't heard anyone, even the national Minister of Health, say that it does. The national Minister of Health said: well, maybe it will, it might at some time down the road maybe, and I'll think about perhaps putting in legislation to address what maybe or might happen down the road. The national Minister of

Health might be saying to all the mothers of the nation: "Don't have babies," or "You can have a baby, and you can't because your baby might grow up to be a criminal or your baby might grow up to violate some law or another."

Mr. Speaker, if it violates the principles of the Canada Health Act, then quite simply it won't happen.

MS BARRETT: Well, Mr. Speaker, there was nothing hypothetical about the HRG directors who previously sold their Calgary rehab clinic to a U.S. company. In that context, then, is the Premier not concerned that allowing HRG to operate a private for-profit hospital is opening the door to the establishment of two-tier, American style health care?

MR. KLEIN: Well, Mr. Speaker, the point is and the point has always been: does it violate the Canada Health Act? If it violates or if any component of the project violates the Canada Health Act, then that component will not be allowed to proceed or to be established, understanding that this facility is not now in place. As I understand it, it is under construction, and the programs are now being finalized. If indeed they violate the principles of the Canada Health Act, then they will not be allowed.

MS BARRETT: Well, Mr. Speaker, how will the Premier prevent other private for-profit health facilities from getting in the door in Alberta given the rules of NAFTA? How's he going to prevent that from happening?

MR. KLEIN: Mr. Speaker, apparently something is happening that hasn't violated the rules and the regulations of NAFTA. I refer to an article in the *Financial Post* of April 2. The headline of the article is "King's ransom seen in private health care." The article alludes to a hospital in Ontario, where there are 103 seats, most of them held by the federal Liberals. The federal Liberals seem to think that this is okay, because, as I understand it, this is what the group in Calgary is talking about.

The one-year-old King's health centre, as I understand it, has "grouped together a number of non-insured medical services and is aggressively marketing them to Canadians and foreigners," including the U.S. Now, I didn't hear Mr. Dingwall say anything about King's medical centre in Ontario. The investors there "predict the centre will be profitable . . . in 1998." Mr. Dingwall has said absolutely nothing about that. From the King's health centre's own CEO - and this goes right to the heart of the question asked by the hon. member: "There are other private medical centres in Canada, but none are as large or as comprehensive as we are." Now, the federal government hasn't said anything about that, so I assume that King's health centre is in accordance and in compliance with the Canada Health Act.

Right now King's health centre in Toronto, Ontario handles 7,000 to 8,000 patients per month. Per month, Mr. Speaker. King's has indicated - and in the article it doesn't indicate who the investors are - that "King's . . . will expand into other cities . . . [such as] Hamilton, Ottawa, London and Thunder Bay." The federal government has said nothing about that.

One last point, Mr. Speaker.

King's also hopes to win foreign customers, especially Americans who want to avoid the [extremely] high cost of the same procedures in their own country.

The feds haven't said a darn thing about that. Could it be that there are 103 seats in Ontario and only 26 in Alberta? Does that have something to do with it?

THE SPEAKER: The hon. Member for Redwater, followed by the hon. Member for Edmonton-Mill Creek.

Prescription Drugs for Welfare Clients

MR. BRODA: Thank you, Mr. Speaker. My question is for the Minister of Family and Social Services. Even though Alberta's welfare caseload has fallen from over 94,000 to under 40,000 since 1993, the number of drug prescriptions for welfare recipients has risen from \$2.1 million per year to \$2.2 million per year. I am sure that as a physician you are concerned about this. Can you give us more information about this issue?

DR. OBERG: Thank you very much, Mr. Speaker. The hon. Member for Redwater has raised a very important point. This is an issue that I first looked into about seven weeks ago and asked a simple question: quite frankly, why are welfare recipients, SFI and AISH recipients, receiving about one and one-half to two times the number of prescriptions that the non-SFI and non-AISH people are? We presently spend about \$64 million a year on prescriptions, and I think it is imperative that the Legislative Assembly knows where this money is going to. So, quite briefly, we're looking at the issue very carefully. We've come up with some solutions, and we're going to find out what the answer is to the problem.

MR. BRODA: My first supplementary, Mr. Speaker, to the same minister: which prescription drugs issued to welfare recipients are of particular concern?

DR. OBERG: Mr. Speaker, when you look after \$64 million in prescriptions, it takes a while to get your head around what exactly is happening. On CBC Radio Maureen Miller had undertaken an investigation for approximately four weeks to find out what was happening at one particular doctor's office. I would like to read to you what has been happening. One particular patient saw 32 doctors over a three-month time frame, received 5,475 painkillers, received 2,100 sleeping pills, and received 884 tranquilizers. I'll give you the transcript again with what one patient said. [interjections] These people think it's funny when AISH and SFI clients are receiving this kind of medication. That's just absolutely absurd.

2:00

One client named Joe said, "My experience has been as a regular prescription for narcotics on a regular basis. It was legitimate at the time, but I kept calling back to him and eventually did get addicted to that and was going back and getting it when I didn't need it except for my addiction." Mr. Speaker, this is a very serious problem, and it's something that we are addressing, regardless if the Liberals think it's glib.

MR. BRODA: Final supplement, Mr. Speaker, again to the Minister of Family and Social Services: what action do you plan on taking on this issue?

DR. OBERG: Mr. Speaker, today we took two very important steps. The first step: I wrote to the College of Physicians and Surgeons and asked that Tylenol 3, that any codeine-containing products would be put on a triplicate prescription. To remind the Legislative Assembly what that would do, that took demerol and morphine and drugs such as that essentially from being abused on the street to essentially being not abused. The College of

Physicians and Surgeons has been requested to and is looking at that.

The second thing that we have done is that we have asked my fraud investigators together with the Calgary city police and the RCMP in Calgary to take a look at what happened in Calgary, to take a look at a physician who was prescribing drugs knowingly to intoxicated patients and knowingly giving Tylenol 3 when he knew it was going to be sold on the streets.

Mr. Speaker, this is a very serious problem, and it's a very important problem that we are taking steps on immediately to ensure that our taxpayers' dollars are spent in the right manner but even more importantly to ensure that addicts such as Joe get the proper treatment.

THE SPEAKER: The hon. Member for Edmonton Mill Creek, followed by the hon. Member for Lac La Biche-St. Paul.

Prince Rupert Grain Terminal

MR. ZWOZDESKY: Thank you. Mr. Speaker, on May 14 the Provincial Treasurer said that Prince Rupert grain terminals, otherwise known as Ridley Grain, owe Alberta taxpayers \$145 million, an amount which he optimistically said would be collected in full by the year 2015. I certainly hope he's right. Now, I know that an Alberta/B.C. think tank working group has been set up to examine transportation issues relative to grain and other exports and imports, but Alberta taxpayers want to know the whole story and really are looking for the full terms and conditions of all the different financial arrangements which the government has had in connection with the Prince Rupert grain terminals. My question to the Provincial Treasurer is: does Prince Rupert grain terminals owe Alberta taxpayers not only the \$145 million that I referred to earlier and which you quoted last week but also an additional \$125 million arising out of a large purchase of debentures by the government of Alberta a few years ago?

MR. DAY: Yes.

MR. ZWOZDESKY: So we have a total of \$270 million owing here. I appreciate the Treasurer clarifying that, because we're up to \$270 million, which is a little different than what was there earlier. Will you follow that statement up, then, Mr. Treasurer, with a full disclosure and perhaps a tabling of all the financial arrangements – the loan guarantees, the loan itself from the heritage trust fund, plus this debenture purchase – so that Albertans can better understand what it is that we're really on the hook for?

MR. DAY: Mr. Speaker, I'm happy to table again and again information related to this particular account. In 1981, 16 years ago, when the hon. member was probably still in high school or maybe a young university student, the government of the day, in wanting to protect Alberta's interests, invested very significantly in this particular facility. As a matter of fact, there was a \$106 million heritage fund loan and a \$125.2 million series A participating debenture. Reference to that can be found certainly in the '95-96 annual report of the heritage savings trust fund.

As far as the \$125 million I would be happy to table the '85-86 public accounts. It's very clearly listed here: the non interest bearing participating series A debenture, \$125 million. It's very clear in the public accounts. Then when you turn the next page

over, also clearly listed is the valuation adjustment of that included in a \$203 million expenditure. That's also listed right there very clearly. When a valuation adjustment is made – and that was made in 1985-1986 on that \$125 million. The funds flowed out in '81, 16 years ago, and this \$125 million valuation adjustment was done in '85-86. That is not something that's forgiven. That has to be paid back.

The loan is being paid back right now in terms of 11 percent interest to the heritage savings trust fund. I think all of us would like to have some interest bearing return at 11 percent, and that's what Albertans are receiving right now, 11 percent on the interest alone, which is about \$17 million a year. That is being paid back. There is also the principal payment of \$4.25 million. That is being paid back. There's another \$4 million payment coming in October. For all we know, that is still on track to be paid, and the full amount, that \$125 million that was a valuation adjustment in 1985-86, and all remaining amounts are due to this government.

MR. ZWOZDESKY: Thank you. I just want to be crystal clear on this. The fact, then, that the government of Alberta wrote off the \$125 million a few years ago doesn't extinguish the Prince Rupert grain terminal's obligation to pay us that money; right?

MR. DAY: The member is absolutely correct in that. That obligation is still before them. It still has to be paid. As a matter of fact, in '95-96 just to show that, that particular item that was valued down in 1985 received an \$11 million payment. We received an \$11 million payment on that. [interjection] Yes. That's correct. An \$11 million payment on the debenture. All of this money, including that \$125 million debenture, which had the valuation adjustment in 1985, is still owing to the government, to the people of Alberta.

THE SPEAKER: The hon. Member for Lac la Biche-St. Paul, followed by the hon. Member for Lethbridge-East.

Adult Literacy Program

MR. LANGEVIN: Thank you, Mr. Speaker. For the last number of years the volunteer adult literacy program in northeastern Alberta has been delivered through the offices of and supported by Lakeland College. With their last decision to close the satellite offices, it left the adult literacy program without a home and without support, and this has caused some problems in seven communities. My question today is to the minister of advanced education. Is the minister aware of the serious problem that it has caused in my community and six other communities?

MR. DUNFORD: Mr. Speaker, yes, we certainly are aware of the situation, and we're currently working with Lakeland College to fill any services or training gaps that might have occurred. Our officials have met with Lakeland College to determine what financial and other possible resources might be available upon the termination of the program sponsored by the college. I'm asking that neither my department nor Lakeland College adopt an adamant attitude in trying to resolve difficulties within these communities.

MR. LANGEVIN: Again, to the same minister: what steps are you taking to ensure that this program will continue to be offered?

MRS. SOETAERT: None.

MR. DUNFORD: I have a fan across the – she just doesn't have confidence somehow in us, and I'm sorry about that.

AN HON. MEMBER: She's diffident.

MR. DUNFORD: She's diffident; is she? Maybe she's a rapsallion.

Mr. Speaker, department officials will meet with key community contacts including representatives of the community adult learning council and members of the Literacy Advisory Committee to discuss forming a volunteer tutor adult literacy program in each of those seven communities that were affected. This meeting will inform participants about expectations in setting up locally sponsored programs. Department officials will ask the council to establish a new program and address issues such as formally identifying a new location for the program in a local facility.

MR. LANGEVIN: Again, to the same minister: I know that you've been contacted on the St. Paul situation specifically, and I would like to know what you are doing for my community of St. Paul, because it affects my constituents directly.

2:10

MR. DUNFORD: Well, I recognize the sensitivity that one has when it's within their own community. A meeting in St. Paul has been scheduled for May 26. At this meeting department officials will arrange for the St. Paul Adult Learning Council to sponsor a volunteer tutor adult literacy program in that community. Preliminary discussions concerning funding and space requirements have already actually taken place as we're speaking here today. So I want to assure the hon. member that department officials will work with the St. Paul Community Learning Association and Public Works, Supply and Services to follow up on a suggestion that the literacy program could be housed in the St. Paul courthouse building. Our goal is have a program approved before the end of June and ready for delivery in September.

Just as an adjunct to all of this, Mr. Speaker, Lakeland College has a responsibility to deliver regional programs up in northeast Alberta, and certainly it would be my responsibility as minister to ensure that they do that.

THE SPEAKER: The hon. Member for Lethbridge-East, followed by the hon. Member for Red Deer-South.

B.C./Alberta Transportation Study

DR. NICOL: Thank you, Mr. Speaker. The minister of transportation has just announced a working group to be formed between his department and the ministry in British Columbia to look at improving transportation networks from northern Alberta to the west coast for export of products. I'd like to ask the minister of transportation: why is it that he did not put some of the involved groups such as the grain producers, the pulp producers, maybe the wood manufacturers or the oil product producers on this working group so that he can get their input as well as the government's ideas on this committee? [interjections] The minister of transportation.

THE SPEAKER: The question was directed to the hon. Minister of Transportation and Utilities, and there was quiet in the House.

MR. PASZKOWSKI: I'm sorry. Please repeat.

DR. NICOL: My question, Mr. Minister, is: why is it that you did not put any of the other involved groups like the grain producers or the grain shippers, the pulp shippers, the wood shippers, some of the oil product shippers on your working group with the ministry in B.C. when you designed this working group to look at transportation improvement out of the northern part of Alberta?

MR. PASZKOWSKI: Thank you. I apologize for having to ask for the question the second time.

This was a preliminary meeting that we had with the British Columbia government on Thursday of last week. It was the first meeting that we have had in some time, and we met with the minister of transportation regarding some regulatory issues as far as crossing the B.C. border is concerned, as well as the investment minister, which would entail issues regarding B.C. Rail and CN Rail. The whole interchange at Prince George and the interchange at Dawson Creek, of course, are very key to the opportunities that are presented to the whole northwest corridor.

The discussions that came about were a direct result of a study that was conducted by the federal minister, the Hon. David Anderson, regarding the northwest corridor. It basically detailed 78 points that were defined and identified that had to be brought into play in order to allow this process to move freely and to indeed be an efficiency-driven process. At this stage that was a preliminary meeting that simply set some parameters for further discussion.

We have had ongoing discussions with the carriers and certainly as far as forestry, as far as aggregate haulers, as far as grain haulers are concerned, there have been presentations made in the past to identify what those specific concerns are. When we went to British Columbia, we identified 10 of those specific concerns and dealt with those 10 specific concerns.

DR. NICOL: Thank you, Mr. Speaker. Again a follow-up to the minister of transportation: in terms of looking at the deregulation that you have suggested, would it be possible to look at the deregulation of the rail industry to the point that CN can run on B.C. Rail tracks and deliver the grain or deliver the pulp, deliver whatever product right to the coast and have a shared agreement like that with B.C. Rail so they can come back in here? Then we can get some competition in the rail industry.

MR. PASZKOWSKI: Certainly, and this is why the discussions regarding the interchanges at Dawson Creek and Prince George take place. Indeed time is money in the transportation business, and we have to understand that the quicker we can move the product, the more effective we can be in the global marketplace. Consequently, that was the key element when we engaged in our discussions with the Deputy Premier in British Columbia, and certainly that is on the agenda and part of the discussion process.

DR. NICOL: Thank you, Mr. Speaker. Again to the minister of transportation: if this works out well with B.C. on this common rail issue, would it be possible to deal with that kind of deregulation across Canada so we can get some more competition in other areas where we can put rolling stock on a common rail line?

MR. PASZKOWSKI: Well, as the hon. member certainly understands, rail transportation is basically under federal regulation, but this would certainly set the model for future discussions and is one that we are involved in. Certainly we're working in

close tandem with the hon. minister of economic development for the province on a process that's going to allow for this type of process to take place.

THE SPEAKER: The hon. Member for Red Deer-South, followed by the hon. Member for Edmonton-Gold Bar.

Vehicle Inspections

MR. DOERKSEN: Thank you, Mr. Speaker. My question is directed through you to the minister of transportation. I had occasion to speak casually with a lady from Red Deer recently, and she described to me her experience of getting her car registered in the province of Alberta. They had moved to us from the province of Saskatchewan. Despite the fact that it was a relatively new model vehicle, they had to spend over \$500 before they were allowed to register the car. My first question to the minister is: in a general sense what is the process that is required to be followed to register a vehicle in Alberta from out of province?

MR. PASZKOWSKI: Effective January 1 of '97 all vehicles that have been registered out of province have to go through a safety inspection check in the province of Alberta. This basically is to do with the issue of written-off vehicles being moved into Alberta and then put back on the road without proper recognition of the process that they have gone through. Consequently before a vehicle can be reregistered in Alberta, it has to go through a safety check.

MR. DOERKSEN: Mr. Speaker, I'm not sure if there's an age requirement for the vehicles, and the minister may choose to address that, but I'm more interested in who authorizes the mechanics to perform these inspections.

MR. PASZKOWSKI: To the first question, no, there is not an age requirement. This involves all vehicles because there is no way of knowing what age a vehicle may be written off at.

As far as the authorization of mechanics is concerned, our people authorize those mechanics and see that they are justly qualified to be able to conduct those types of inspections.

MR. DOERKSEN: My final supplementary: what are we doing to ensure that shops are not taking advantage of customers when both the inspection and the work is done at the same place?

MR. PASZKOWSKI: We're actually doing two things. That's a very good question really. The customer has the opportunity of shopping his particular business around and checking to see where he can obtain the proper process. Further to that, though, we also will be conducting a random audit to see that indeed when there's work that's done, there isn't a close linkage between the mechanic and a curber who may want to be putting cars back on the road at the lowest possible cost. So there will be an effective mechanism to see that the vehicles that are out there are indeed put on the road in as safe a fashion as is possible.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Calgary-Glenmore.

2:20

Safeway Labour Dispute

MR. MacDONALD: Thank you, Mr. Speaker. There are still

more problems for the Minister of Labour to deal with. Contract talks between Safeway and the union have broken down again. This strike is now almost two months old. Now is the time for action. Now is the time for leadership. What has this minister actually done to resolve this strike? And don't just tell us that your departmental resources are available to the parties.

MR. SMITH: Our departmental resources, Mr. Speaker, are available to the parties.

A strike is a sign of failure, and it's a sign that the employer and the employee have not been able to come to grips with issues that are germane to what it is they do. In other words, how much is it going to cost the employer to regain that lost market share? How much are the employees willing to forgo as wages and benefits to stand up for a better agreement? These are fundamental issues to the profit equation, Mr. Speaker, that are settled under a collective bargaining model, and it is a responsibility – and it is a responsibility that has been well carried out – in the province of Alberta to provide overarching legislation that allows those business deals to be consummated. In fact we're waiting to hear how those deals are going to be consummated between those two parties which make business decisions on either side of the business equation. It is their issue.

MR. MacDONALD: Mr. Speaker, earlier in question period you mentioned idle chatter. This is another example of it.

Will the minister commit to using his authority and his office under division 20 of the Labour Relations Code to appoint a disputes resolution tribunal to finally end this, as he said, costly strike?

MR. SMITH: Well, idle hands are the devil's workshop, and apparently he's been quite busy over there, Mr. Speaker. The answer quite clearly is: we are watching. We are providing the overarching legislation that makes these events possible, and we wait to hear of a resolution made between these parties in their own individual best interests without meddling, without photo op politics, and without this kind of stuff coming from the other side of the House.

MR. MacDONALD: Mr. Speaker, the third time: will the minister before all of us in the House state that he will step in and use his authority, the power of his office to resolve this strike?

MR. SMITH: Mr. Speaker, the business equation that occurs when services are withdrawn from a company and when a company refuses to hold steadfast on its bargaining position indicates clearly a business problem at hand. Those two entities, the employee and the employer, are making business decisions while we speak without the aid, without the intervention, and without phoning me and asking for my direct intervention. It is only some more political – I don't know – jawboning, posturing, whatever it may be that puts this issue before the House. This is clearly a business issue that is being handled in a businesslike fashion by two disagreeing components.

THE SPEAKER: The hon. Member for Calgary-Glenmore, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

Research and Development

MR. STEVENS: Thank you, Mr. Speaker. Alberta's future

prosperity depends on the ability of the province to develop one of our most valuable resources, namely knowledge. Science and research are recognized as key to meeting today's economic and social challenges. For the minister responsible for science, research and information technology: as we increasingly move into a knowledge-based economy, can you indicate where Alberta is in terms of research and development expenditure as a percentage of gross domestic product?

DR. TAYLOR: Thank you, Mr. Speaker. There's no idle chatter or idle hands in this department, I'll tell you that.

Anyway, we have some new data that is just coming in, Mr. Speaker, and it quite clearly indicates that the gross expenditure in R and D in Alberta is about 1 percent of our GDP. This is only about 63 percent of the Canadian average. The Canadian average runs at about 1.6 percent. Unfortunately only British Columbia falls lower than Alberta. British Columbia spends about .9 of 1 percent.

MR. STEVENS: To the same minister: where does Alberta rate in terms of expenditure per capita?

DR. TAYLOR: Once again, Mr. Speaker, this is recent data. In Alberta the R and D per capita is about \$314 a person. This is about 75 percent of the Canadian average. The Canadian average is \$413. Once again, British Columbia is the only province that is lower than Alberta per capita, and that per capita expenditure in British Columbia runs at \$245.

MR. STEVENS: Lastly, as the minister responsible for science, research, and information technology what actions are you taking to encourage more research and development spending in Alberta?

DR. TAYLOR: Well, I hear the Minister of Labour calling: more, more. I'm glad he'll support us when we come forward with some suggestions.

Mr. Speaker, the first two pieces of information I gave you are examples of what we're doing. We're benchmarking where we are in the first place. We don't really know in a whole number of areas where we are with R and D in Alberta, so the first thing we're doing is benchmarking. Once we benchmark, we will develop a strategy in terms of where we see our weaknesses, where we see our strengths.

There are some good things happening in Alberta right now. Once the budget is approved, the science and research ministry will have a \$5 million fund so we can look at sponsoring certain research projects. There's a federal intellectual infrastructure program that Alberta is participating in to the tune of \$15 million a year for the next three years.

One of the fundamental problems is the lack of tax advantage when it comes to Alberta compared to other jurisdictions. Right now in co-operation with the Treasurer and Treasury we're working at looking at policies and procedures that we can have occur in Alberta that would increase our tax advantage or at least make it a level playing field with other provinces, to make us more competitive with other provinces.

Those are some of the steps that we are embarking on, and we will certainly keep the House up to date as to where we're going.

THE SPEAKER: Question period has expired, hon. member.
Point of order, hon. Member for Calgary-Buffalo.

Point of Order Inflammatory Language

MR. DICKSON: Thank you very much, Mr. Speaker. I'm rising pursuant to Standing Order 23(h), (i), and (j). The words that caused me to rise and raise a point of order were the comments of the hon. Minister of Justice, comments that were as inflammatory as they were inaccurate. I didn't mark it down verbatim, but the gist of it was that the Official Opposition had taken the position during the election that Clifford Olson and Paul Bernardo should be allowed to vote in provincial elections.

The response I think I can best deal with and address in four quick points. The first of the four points would be this. In May of 1996 there was a meeting of the Legislative Offices Committee. At that committee was the Chief Electoral Officer and a senior representative from the Department of Justice. I suggested and urged the Department of Justice at that time to not wait for a last-minute Charter challenge through the courts but to amend the Alberta Election Act before the next provincial election. The second point is that the Minister of Justice at that time and the government of this province took absolutely no steps. Not surprisingly, then, some eight months later an application was made in front of a Queen's Bench justice in Calgary who heard the application. He found, as predicted by the opposition in May of 1996, that the Alberta Election Act offends section 3 of the Charter.

The point, Mr. Speaker, is simply this. Unlike the government, we offered a concrete, positive amendment to the Alberta Election Act that would have ensured that serious violent offenders, repeat offenders would have been ineligible to vote in any provincial election. For reasons that I don't know, the provincial government chose not to take that advice.

SOME HON. MEMBERS: Speech. Speech.

THE SPEAKER: When an hon. member rises on a point of order, he does have the floor.

MR. DICKSON: Mr. Speaker, with so much interest I can't wait for the response from the government in terms of why they chose to take no steps.

I think that for all of those reasons members will see and hopefully you will too, Mr. Speaker, that the comments made by the Minister of Justice were abusive, were misleading, and grossly distorted the one positive contribution in this Legislature to address what is an issue I think to many Albertans.

Thank you, Mr. Speaker.

2:30

MR. HANCOCK: Well, Mr. Speaker, notwithstanding that our hon. friend has taken the opportunity to enlighten us yet again with another speech, it's not a point of order. There was no abusive language; there was no insulting language. The Minister of Justice was merely taking the opportunity to point out, when he was asked a question about his role as Justice minister and maintaining justice in this province, that the hon. members opposite want to give rights to prisoners rather than solving the problem with justice in the province. Not a point of order, Mr. Speaker.

THE SPEAKER: Well, the hon. Member for Calgary-Buffalo rose on an alleged point of order arising out of an exchange between the hon. Member for Edmonton-Glenarry and the hon. Minister

of Justice. Now, the hon. Member for Edmonton-Glengarry raised questions with respect to youth gangs. The hon. member did it once, and the hon. member did it a second time. The hon. Minister of Justice then responded to the question on youth gangs and partway through, towards the end of an answer, stopped and said:

Mr. Speaker, I find the jabbering across the way to be rather remarkable, especially in light of the fact that here was a party which during the election was quite prepared to have the Olsons and the Bernardos vote in elections. It seems they've changed their position simply because they understand there are more votes outside of prison than in.

Now, the question raised by the hon. member and the response given by the hon. Government House Leader, the Minister of Justice in this case, to the first two questions were quite appropriate. Then there came the arrival of additional comments, and the hon. Member for Calgary-Buffalo rose and cited Standing Order 23(j), and 23(j) says that a member will be called to order if another hon. member "uses abusive or insulting language of a nature likely to create disorder."

The comments forthcoming from the hon. Government House Leader at this point certainly did not follow through with the question raised by the hon. Member for Edmonton-Glengarry and in the Chair's view did raise the temperature and did cause some disorder. One also recognizes that the hon. Government House Leader may have been motivated by listening to some interjections from the opposite side. So the Chair would first of all caution whatever the opposite side in this case, when one hon. member is saying something, the other side – and it may be either one in any given opportunity – avoid interjections and would provide as advice to the hon. Government House Leader that he should try and close his ears to any of these interjections so he might not be sidelined by comments that are totally irrelevant to the question at hand and would recognize that the hon. Member for Calgary-Buffalo was quite correct to rise and cite the Standing Orders quotation he did in this case because there tended to be some degree of insulting language.

head: **Orders of the Day**

head: **Written Questions**

MRS. BLACK: Mr. Speaker, I seek unanimous consent of the House to waive Standing Order 34(2)(a) in order to add Written Question 13 to be dealt with today.

THE SPEAKER: Is the Assembly agreed?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

The hon. Deputy Government House Leader.

MRS. BLACK: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places with the exception of written questions 13, 14, 15, 16, 17, 18, and 23.

[Motion carried]

Environmental Monitoring Reports

Q13. Ms Carlson moved that the following question be accepted:
How many companies were required to submit monitoring

reports to Alberta Environmental Protection between January 1, 1996, and December 31, 1996; what was the average number of records that each company submitted; how many staff, full-time equivalents, were responsible for reviewing the data; and in how many cases were infringements identified?

MR. LUND: Mr. Speaker, in keeping with this government's openness and accountability, we will accept this question.

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

MS CARLSON: Thank you, Mr. Speaker. I certainly appreciate the government having accepted this question. I think it's very important for the people of Alberta to know how many companies were required to submit monetary reports to Alberta Environmental Protection between January 1, 1996, and December 31, '96, and in fact what the average number of records submitted for each company was and how many employees Alberta Environmental Protection had to then monitor that information and act on those conditions as required. So I look forward to getting the minister's submission.

Thank you.

[Motion carried]

Timber Harvest

Q14. Mr. White moved that the following question be accepted:
What are the estimated or recorded volumes of coniferous and deciduous timber, respectively, harvested from private land each year between January 1, 1994, and December 31, 1996, and what percentage was exported as uncut logs each year?

MR. LUND: Mr. Speaker, this one we find it necessary to amend. There are some problems with the way it is written that don't allow us to give the hon. member the information that I think he is probably seeking without the amendment.

The amendments that we would like to make. We want to insert "timber" after "each" wherever it occurs. We also want to strike out "January 1, 1994, and December 31, 1996" and substitute "May 1, 1993, and April 30, 1996." That's because of the timber year. We also want to strike out "was exported as uncut logs" and substitute "of unprocessed logs was exported". The reason for this of course is that we think that probably "unprocessed" is what the hon. member is wanting as opposed to "uncut."

So the question that we agree to accept and will answer is:

What are the estimated or recorded volumes of coniferous and deciduous timber, respectively, harvested from private land each timber year between May 1, 1993, and April 30, 1996, and what percentage of unprocessed logs was exported each timber year?

MR. WHITE: Mr. Speaker, this member received in a timely fashion these amendments with thanks, has reviewed the contents and the effect of the answer likely to be expected, and in fact accepts it.

Thank you kindly.

[Motion on amendment carried]

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

MR. WHITE: Thank you, Mr. Speaker. This kind of information I would think would be included in an annual general report, would be included as a matter of course, and should not in fact be asked and answered in the House, taking up the valuable time of the House. When this kind of information is put forward, it certainly would be much easier.

Thank you, Mr. Speaker.

[Motion as amended carried]

2:40 Timber Harvest Inspections

Q15. Mr. White moved that the following question be accepted: How many inspections of timber harvesting on private land were carried out between January 1, 1995, and December 31, 1996, in how many cases was logging found to have caused environmental or other damage, and what action was taken if any?

MR. LUND: Mr. Speaker, once again we find it necessary to make a number of amendments to this question. Before I do that, I want to clear up some misconceptions that I believe the hon. member may have regarding our role as it relates to the private land logging and the inspections that we conduct.

The fact is, Mr. Speaker, that we did introduce a transportation permit system in order that we could identify where the logging was going to occur. Knowing that information, we cautioned the landowner relative to the Soil Conservation Act and the Water Resources Act, because those are two Acts that in fact apply all across the province and apply on private land as well as on Crown land. If in fact there was a risk of those Acts being contravened because of the location, then we would possibly do an inspection. Of course, for sure we'd do an inspection if there was any kind of complaint filed with our people in the field.

So I'd like to make the following amendments by adding "In response to direct public requests" before "how many inspections"; then by striking out "carried out" and substituting "conducted after timber harvesting activity had occurred"; by striking out "logging found to have caused"; and by adding "found" after "other damage." So the question that we're prepared to accept would read:

In response to direct public requests, how many inspections on private land were conducted after timber harvesting activity had occurred between January 1, 1995, and December 31, 1996, in how many cases was environmental or other damage found, and what action was taken if any?

MR. WHITE: Mr. Speaker, again, this amendment was received in a timely fashion and examined by myself and found to be only lacking in one respect; that is, it answers the questions only "in response to direct public requests" as opposed to all of the inspections filed. However, this is a step in the right direction, and we agree that this information as the amended question will answer is at least in part as we desire. Therefore, we accept the amendment as written.

However, in response to the minister's earlier discussion of the reason for recording these inspections, we have some difficulty with that being the very limited scope just to find what infractions there are as it relates to the two Acts the minister had mentioned. There is in fact another reason for recording this. Remember a

time not so long ago when the price of raw lumber was pretty high, to say the least, and we found a great deal of exports out of the province. I believe that part of the reason for getting the private landowners to file an application was to record the amount of exported timber that was going outside the province for finishing or for other use. That information complete and in total would be nice to have sometime too, although this question will not ask that in a subsequent question. Better still, to save me asking it one more time and save this House some time, a full disclosure of the inspections and an accounting of the permits.

Thank you, Mr. Speaker.

[Motion as amended carried]

Pulp Mill Emission Monitoring

Q16. Ms Carlson moved that the following question be accepted:

How many unannounced spot-checks of pulp mills were conducted between January 1, 1993, and December 31, 1996, to assess compliance with the government's standards, and in each case what was the date of inspection, what items were checked, what infringements were discovered, and what action was taken or penalty imposed if any?

MR. LUND: Mr. Speaker, of course this department does do a lot of industry spot-checks unannounced both for air emissions and effluent, so we have no problem accepting this question.

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

MS CARLSON: Thank you very much, Mr. Minister. We appreciate the acceptance of the question.

The question asks: "How many unannounced spot-checks of pulp mills were conducted between January 1, 1993, and December 31, 1996." During that time period there were some situations of noncompliance, and I think that it's important for people of the province to know that. The intent is to see how many actual cases there were of noncompliance, and to that end we've asked for dates of inspection, the items that were in fact checked, what infringements were discovered, and then what action was taken by the minister and if penalties were imposed.

Thank you very much.

[Motion carried]

Environmental Record Audits

Q17. Ms Carlson moved that the following question be accepted:

How many routine audits of records submitted by industrial companies did Alberta Environmental Protection conduct between January 1, 1993, and December 31, 1996, how many unreported releases and how many other infringements were identified as a result of these audits, and in each case what was the nature of the infringement, what action was taken, and what penalty was imposed if any?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. Once again, this is a question dealing with "routine audits of records submitted [to the department] by industrial companies." I want to assure the House that we do check these reports, that we do send out inspectors to verify what has been sent in. I think it is also very important, because there seems to be a misconception out there about the validity of reports submitted by industry and whether in fact those can be used in courts, that the courts have ruled that quite clearly they can be used in court.

We will accept this question.

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

MS CARLSON: Thank you, Mr. Speaker. Certainly this question is in the same vein as the previous question except that it's specific to industry and, to put this in perspective, to industries like Bovar. Certainly on this side of the House we don't have any concern about the validity of the reports that are submitted by the industry. It seems that anything that's been brought to my attention has certainly complied.

It's more a question of how often the audits are done and then what is in fact done with the records. Are they acted on and reviewed in a timely fashion, or are they acted on and reviewed in response to complaints from outside of the industry and outside of the government department? I think that it's important for people in the province to know this and to know the number of infringements, then those that are acted on and the kinds of penalties and actions that are imposed forthwith.

With the minister having agreed to accept this question, we are certainly looking forward to receiving the information.

[Motion carried]

2:50 Natural Resources and Sustainable Development Standing Policy Committee

Q18. Ms Carlson moved that the following question be accepted:

How many times did the natural resources and sustainable development policy committee meet between the period January 1, 1996, and February 11, 1997, how many of those meetings were completely in camera, how many presentations were made to the committee, and how many of these presentations were made in camera?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. This is a very straightforward question, and I have the information here. January 1, '96, to February 11, '97: 26 meetings completed; in camera, 12; total presentations, 23; presentations in camera, 12. Since we have this information readily available, I shall file it with the House.

MS CARLSON: Thank you. Mr. Speaker, I certainly appreciate the minister supplying us with this information.

When you're talking about standing policy committee meetings and particularly meetings in camera, that means that only government members are in attendance there. There is no opportunity for opposition members to hear the presentations that are made to these committees, so we are never dealing with equal information or equal access to information, particularly when we see that almost half of the meetings that were conducted last year

were held in camera and that half of those presentations never had information that was available to us.

We on this side of the House have felt for a long time that the standing policy committees should be all-party committees and that after those presentations are made, the respective parties move off and caucuses move off and discuss their specific policy regarding the issue in camera amongst their caucuses. We feel that with this happening only in this province – that is not something that is typical to other Legislatures in this country – it is something that needs to be repaired here, that in fact it does not lend itself to open and accountable government, and it does not lend to the people making the presentations an opportunity to proceed with their findings or their requests to everyone in the Legislature so that there can be full and open and accountable debate afterwards.

While it's a step in the right direction to tell us how many meetings have been held, it's a far cry from where we need to go, Mr. Speaker, in terms of an open process in this House. We need these to be all-party committees, not just government committees, because in fact they are not standing policy committees then. They are only Conservative government policy committees, and if that's the case, then there should not be any fees for these committees. The chairmen should not get paid for them, and the attending members should not have any resulting fees forthwith, because they are in fact an in-house policy caucus committee. They are not a committee of this government.

[Motion carried]

THE SPEAKER: The Chair would also like to note that the hon. minister also filed the response today.

Sulphur Dioxide Emissions

Q23. Ms Carlson moved that the following question be accepted:

With reference to Measuring Up, the second annual report on the performance of the government of Alberta, June 1996, page 84, showing that the number of hours exceeding the guideline for sulphur dioxide at industrial monitoring stations has increased each year since 1991, what measures were taken between January 1, 1992, and December 31, 1996, when the guideline was exceeded by each company on each occasion?

THE SPEAKER: The hon. Deputy Government House Leader.

MRS. BLACK: Mr. Speaker, the government is prepared to accept Written Question 23.

THE SPEAKER: To close debate, the hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. This question references Measuring Up, the second annual report on the performance of the government of Alberta, June '96, page 84, specifically the chart showing the number of hours exceeding the guideline for sulphur dioxide at industrial monitoring stations. Now, what it shows is that they've increased each year since 1991. Our question is asking what measures were taken between January 1, '92, and December 31, '96, when the guideline was exceeded by each company on each occasion. I think it's very important for us to know here in the province who is exceeding

sulphur dioxide emissions and how often it is happening.

This question was particularly brought to our attention by a person here in the province who suffers from very severe and very chronic asthma, who indeed has to be hospitalized each time the emissions in her area exceed the standards. So this is an issue dealing significantly with health issues. The levels that are being exceeded are dramatically increasing each year, and I think that it needs some due consideration for changing the penalties or the standards or something in this regard so that companies do not continue to exceed the guidelines. Penalties perhaps need to be much more aggressive and much stricter in nature.

So we're very pleased that the government would accept this question. We hope that they will then act on it in the very near future to bring these levels under control.

[Motion carried]

head: **Motions for Returns**

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of 19, 20, 21, 22, and 24.

[Motion carried]

Public Lands Mapping Division Agreements

M19. Dr. Nicol moved that an order of the Assembly do issue for a return showing copies of all agreements between the government and Petroleum Information Canada Ltd. or Petroleum Information Corp. of Houston, Texas, regarding the handover, maintenance, marketing, and profit-sharing agreement of the public lands mapping division.

MR. LUND: Mr. Speaker, we find it necessary to make an amendment with this one because the name of the public lands mapping division is incorrect. So we would like to amend it by striking out "public lands mapping division" and substituting "land administration division's plan distribution service." So the motion that we're accepting would then read:

that an order of the Assembly do issue for a return showing copies of all agreements between the government and Petroleum Information Canada Ltd. or Petroleum Information Corp. of Houston, Texas, regarding the handover, maintenance, marketing, and profit-sharing agreement of the land administration division's plan distribution service.

DR. NICOL: Mr. Speaker, we accept that amendment to it. It shows that we'll get the information that we were seeking in terms of the changes in the structure that have gone on within the departments.

[Motion on amendment carried]

THE SPEAKER: The hon. Member for Lethbridge-East to close debate.

DR. NICOL: Thank you, Mr. Speaker. It's important that we get the information that's necessary to understand better how some of these transfers have gone on. When we can get the information that shows how Alberta Environment has worked with some of its associated groups, such as Petroleum Information Canada Ltd., in terms of the transfer process when they take activities that were carried out by the public service, by the departments, and are now

transferring them over to private operators to provide that same service, it gives the people of Alberta confidence that these are being done openly and directly.

Thank you very much.

[Motion as amended carried]

Public Lands Mapping Division Revenues

M20. Dr. Nicol moved that an order of the Assembly do issue for a return showing copies of all documents showing the annual revenues generated by the public lands mapping division for the 10 years prior to the division being handed over to the Canadian subsidiary of Petroleum Information Corp. of Houston, Texas.

MR. LUND: Mr. Speaker, once again we find it necessary to make some amendments to the motion. The first problem we have: the motion talks about "copies of all documents." Unfortunately, we feel that that is too broad and believe that by narrowing that down, we can be sure to get the information that the hon. member is seeking. And once again we have a problem with the "public lands mapping division"; that's not identifying it correctly.

3:00

So the amendments that we will be asking for are: by striking out "all documents" and substituting "financial statements"; by striking out "public lands mapping division" and substituting "land administration division's plan distribution service"; and by striking out "the division" and substituting "the service." So the motion would then read:

that an order of the Assembly do issue for a return showing copies of all financial statements showing the annual revenues generated by the land administration division's plan distribution service for the 10 years prior to the service being handed over to the Canadian subsidiary of Petroleum Information Corp. of Houston, Texas.

DR. NICOL: Mr. Speaker, I find those amendments acceptable in terms of the information that we were seeking. They related to the financial statements that we were trying to track down, how they worked out. So "all documents" being reworded to include "financial statements" is quite satisfactory. The others we've already discussed in terms of the other motion.

Thank you.

[Motion as amended carried]

Domestic Residences in Provincial Parks

M21. Ms Carlson moved that an order of the Assembly do issue for a return showing a list showing the number of domestic residences owned by the province in each provincial park where permanent termination of the lease was announced in 1996 or 1997 or will be announced in 1997, giving the name of the park and date of termination, showing the number of domestic residences remaining in each park, and indicating whether the lessee is an employee of the government or a private contractor.

MR. LUND: Mr. Speaker, once again we find it necessary to move an amendment. In the motion as it is currently written, the date of termination is used. This we find necessary to remove

because in fact some of the houses that we're talking about have not been sold and the termination will be on the date that they're sold. We couldn't say when that is going to occur because of course it's related to the market.

So we want to strike out "and date of termination." The motion would read:

that an order of the Assembly do issue for a return showing a list showing the number of domestic residences owned by the province in each provincial park where permanent termination of the lease was announced in 1996 or 1997 or will be announced in 1997, giving the name of the park, showing the number of domestic residences remaining in each park, and indicating whether the lessee is an employee of the government or a private contractor.

We would accept this motion with that amendment.

MS CARLSON: Speaking to the amendment, Mr. Speaker. Why we had the date of termination in this particular motion for a return was to be able to provide the tenants, the park rangers, who are currently in the houses with some sense of security in terms of when they have to find someplace else to live. This being the beginning of the season for most of them and their needing to be on site, the people that we talked to had hoped that they would have some sense of security in terms of whether they had to move this month or next month or sometime after the season.

Having said that, we're happy to get some of the information, so we'll accept this amendment.

[Motion on amendment carried]

THE SPEAKER: The hon. Member for Edmonton-Ellerslie to conclude debate.

MS CARLSON: Thank you, Mr. Speaker. There is a concern with this move of the government to sell a great number of the park rangers' houses throughout the province in that we'll no longer have people on site 24 hours a day who can respond to all kinds of complaints – be they wildlife complaints, vandalism, noisy parties, fires – that the rangers provided in the past just as a matter of being good tenants and good neighbours. The minister has said in this House that they will now contract that work out to people who are going to be buying the houses or going to be running the parks in the area. We see that as being an extra cost to the government, a duplication of services, and in fact sometimes a problem.

Park rangers have some degree of authority in this province in terms of what they can and cannot do and the kind of response time they have with the RCMP. That's of concern here. If these new owners of these houses call an RCMP detachment and say that there's vandalism or a wild party going on lakeside, "Please, come and address it," well, we know what policing requirements are in this province. That will have a low priority, and the new owners of the house don't have the authority to go and try to stop something of that nature.

Anyone who has camped throughout this province or had access to the provincial parks over the past 20 years knows what good neighbours and good friends the park rangers are 24 hours a day in the area. I think that this is a real problem that the province is facing and that it's a sad day that this has happened. I'm hoping that the minister will at some time reconsider this position and have those park rangers put back in as tenants.

Additionally, these park rangers have always known, with their training and with the employment contract they have, that they would have rental accommodation available to them on site where

they live. Mr. Speaker, that certainly affects many aspects of their life. They don't necessarily have to prepare to save money for a down payment on a house. They don't necessarily have to have the same kind of vehicles for themselves and their partners in terms of driving kids to and from activities, schools, shopping, and access to the job site. Those are all monetary considerations that these people will now have to adjust their life to, and I think that's something the minister didn't give any thought to in terms of time for these people to prepare for the kinds of adjustment they're going to have to face in their life. I'm hoping that at some point in time he will address those issues.

[Motion as amended carried]

Landfill Monitoring

M22. Ms Carlson moved that an order of the Assembly do issue for a return showing the names and locations of all landfills that received an unannounced spot-check by Alberta Environmental Protection staff between September 1, 1996, and January 31, 1997, indicating the date of inspection, the items checked, any infringements discovered, and the penalty imposed if any.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thanks, Mr. Speaker. This particular motion is asking for the names and locations of all landfills that received an unannounced spot-check by Alberta Environmental Protection staff between September 1 and January 31. Between September 1, 1996, and January 31, 1997, the department conducted 191 landfill inspections, 112 of them unannounced and 79 announced. As far as penalties imposed, there were none.

When the management of the landfills, the inspections, those kinds of activities, were accepted by Environmental Protection from Alberta Health, there was a transitional committee set up. The transitional committee suggested that our staff along with theirs go and meet with the landfill operators and make sure that they understood the needs and how the landfill was to be operated. The transitional committee suggested that this kind of an approach would be more effective in the long run than a confrontational approach and penalties. There were a number of deficiencies found. The landfill operators were told how they were to rectify the problems.

With that information we are prepared to accept this motion.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie to conclude debate.

MS CARLSON: Thank you, Mr. Speaker. We're happy that the government is accepting this motion. We are particularly interested in the items that were checked and the infringements discovered. Given what the minister has said, I think it's important for us to know the kinds of deficiencies and the kinds of recurring deficiencies there are in these landfills. While I agree that a nonconfrontational approach will certainly be more successful in the long run, I'm wondering what the minister has in mind for landfill operators that are recurrent offenders, what kind of penalties he's looking at there. So at some point in the future if he'd be prepared to share that information with us, we would appreciate it.

[Motion carried]

3:10 Status of Alberta Wildlife Report

M24. Ms Carlson moved that an order of the Assembly do issue for a return showing a description of the regional consultation process adopted to compile the Status of Alberta Wildlife, a wildlife management division report that was published in December 1996, as well as a list of experts consulted, their qualifications, and copies of any written recommendations received.

MR. LUND: Mr. Speaker, actually, this is very straightforward. The identification of the experts consulted can be provided, but I think it's really important also to recognize that an estimated 100 individuals also were identified. These individuals attended meetings, and some of them were representing various groups, so in fact the outreach was much broader than just the 100 people.

We have no problem providing this information, so we'll accept this motion.

MS CARLSON: I thank the minister for that. Certainly, the reason for our concern is that we felt that the report that talks about the status of Alberta wildlife and the changing of their status in terms of moving up on the endangered species list was a good report, and it had some excellent information in it. There were a number of animals particularly that were downgraded in this report as compared to previous years, and that status didn't always necessarily jibe with what was happening on a more global status with these same specific animals.

MR. LUND: Good management in Alberta.

MS CARLSON: Well, the minister states that. I certainly would have to disagree with him in terms of grizzly bears and a few other indicated species in this province. We can get into that debate another time.

We would like to see exactly who it was that was consulted in this report, and his providing the information is excellent. Thank you.

[Motion carried]

THE SPEAKER: Before we move on, hon. members, I would like to say to the hon. Deputy Government House Leader and in this case to the Deputy Leader of the Official Opposition, that when the Chair reviewed the agenda today and looked at the number of questions that would come under the category of business to be dealt with under both Written Questions and Motions for Returns, the Chair, I guess, let his mind wander back to previous years and anticipated that we could very well have been here until about 23 minutes after 5 this afternoon dealing with these questions.

So I want to congratulate all members. I want to congratulate the Deputy Government House Leader. I want to congratulate the minister, who took the time to deal with the question, the hon. members who reviewed the amendments, and the manner in which these questions were dealt with today, because I think it was very, very efficient and very, very effective. The opposition was here to search for information; the government was here to deal with either providing it or not providing it. The manner in which it was dealt with was very, very efficient.

Hon. Deputy Government House Leader, if you take a look at the Order Paper, in essence, I believe you only have one written question that's still outstanding, and that is very significant at this point in a session, and progress has been made with respect to Motions for Returns. Well done.

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

Bill 206 Occupiers' Liability Amendment Act, 1997

[Debate adjourned May 20: Mr. Dickson speaking]
THE SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Thank you, Mr. Speaker. I'm glad to rise today to continue debate on Bill 206, the Occupiers' Liability Amendment Act. As the member for the riding of Peace River I know something of the concerns of rural Albertans. This Bill is important to a number of farmers and landowners in my area, and I know it's important to many people in the rest of the province as well.

I do have one concern, however, about the way the amendment is written, and that has to do with the requirement for signs indicating that entry is permitted. I hope that at the appropriate stage of passage of this Bill the requirement will be eliminated. I don't believe it is necessary for the intent of the amendment, but it certainly opens the door for any number of new interpretations and possibly more loopholes. Just as an example, what would happen if a sign fell down or was destroyed? On a large piece of land how often must a sign be posted? Will there be a requirement for special wording for a sign to be legal? These are just some personal asides, thoughts, on one part of it, and I certainly don't want to sound like this small issue is going to affect my overall support of the Bill.

I believe the Bill will be beneficial to landowners and especially to farmers, but in the long run it's also going to be beneficial to skiers and hikers and cyclists and anglers and snowmobilers, tourists, and many others like that.

As the hon. Member for Medicine Hat has pointed out, the current legislation creates an unequal responsibility between the landowner and the land user. The landowner must in essence protect recreational users from themselves, and I for one feel that this is not justifiable in this day and age. The Occupiers' Liability Act was written almost 25 years ago, and times and circumstances have changed significantly since then. Like many pieces of legislation and policy which have at their root basic, good intentions, the Occupiers' Liability Act has come to cause some negative side effects.

This Act, like most others that we compare it to, is based on the British court ruling which stated: one must take reasonable care to avoid acts or omissions which one can reasonably foresee would likely injure one's neighbour. Very few people, I think, would argue with that simple, basic concept. However, like many things that are subject to interpretation, the primary intent has become somewhat jaded. This is particularly true when, as in the circumstances of our court systems, one opinion becomes a precedent and generally binding on future interpretation.

Many injury claims and lawsuits under the present Act are based on loopholes that have developed as a result of ongoing complex legal drafting and subsequent interpretations of the legislation. With all due respect to the legal profession, Mr. Speaker, there are unfortunately those who are nothing more than ambulance chasers, who have developed to an art the process of twisting the original intent of legislation. [interjections] None in this House included, I'm sure.

Anyway, to continue. No longer is it sufficient to take reasonable care about events that one would reasonably foresee

could avoid injury. In many cases it's become a game of how you can use situations which stretch the imagination and the laws of probability to extract compensation totally out of proportion to an actual injury. We forget that all of us eventually pay the price of extremely high insurance premiums, which are needed to cover such ridiculous awards of damage and injury.

3:20

In addition to that, we pay the price of having removed from public access many facilities which owners would normally make available but now refuse simply because they don't need the aggravation or the hassles we impose upon them by our legislation, not to mention the risk and cost of covering themselves against unreasonable liability. Remember that these are not people who are charging for the use; they're just permitting others to use their property, in some cases even reluctantly where open land is involved. The owner can be liable even though the user is aware or may even have been warned of potential hazards but chooses nevertheless to use a facility. Further, remember that this amendment does not remove liability. It simply intends to limit that liability to reflect the object of reasonability, the foundation upon which the very original legislation was based. The owner or occupier will still be liable for injury that results from willful or reckless conduct.

Albertans are using open areas more often to get back to nature. They're using our parks systems on a greater scale than ever before, but the natural areas of the province are not limited to these parks. Many of the areas that people would like to use for recreational purposes are on private land, Mr. Speaker. But with current liability situations many people are not willing to allow their property to be used for this, and quite frankly, I wouldn't either.

Mr. Speaker, Ontario has realized the need for such legislation changes and has already implemented similar provisions to those outlined in Bill 206. When Ontario drafted their Occupiers' Liability Act in 1980, they based it upon our legislation of the day. I don't mind taking back a few pages which reflect some of their experience since then.

Mr. Speaker, I am sure that members from other rural areas would agree with me that Bill 206 is not restrictive. We're not forcing people to open their agricultural lands to the general public, but we are giving them more incentive to do so if they wish. There are some landowners who do allow use of their land, particularly to friends. I realize that these friends are considered visitors under the current legislation, and they don't go on the land thinking that they have the opportunity to sue their friend the owner if they happen to injure themselves. They enter willingly and generally intending to assume the consequences of their actions. However, even if a friend enters under these circumstances, the fact is that they can sue. We probably all know of a case where an accident has ended up pitting friends against each other in litigation or with insurance claims.

Mr. Speaker, I'm assuming that everyone understands that this amendment does not change the situation for trespassers who under the existing or the new legislation are not entitled to duty of care on the property. With the provisions of Bill 206 and the current legislation regarding trespassers, it would seem to me that the likelihood of landowners allowing people to use their land would increase notably.

Mr. Speaker, I think this is a good Bill and long overdue, and I urge all members of the Assembly to support it. Thank you.

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

MS OLSEN: Thank you, Mr. Speaker. I, too, would like to speak in support of the principles of this Bill.

I do have questions, as always seem to come up when we're looking at these Bills. My questions, I guess, are in relation to the definition of "premises." My one concern about the Bill is that "premises" is defined in here as something

- (a) . . . used for agricultural purposes including
 - (i) land under cultivation,
 - (ii) vacant or undeveloped premises, and
 - (iii) forested or wilderness premises;
- (b) golf courses when not open for playing;
- (c) utility rights of way excluding structures.

I think "excluding structures" should be part of all of these little subsections, simply defining for those who choose to use or choose to allow others onto their property that it's clear it's the land they're using, not any structure such as quonsets or grain bins or any abandoned old houses or barns or those types of things. I think that any abandoned property, especially if it's old, could create a different set of problems for somebody who is using the property, who has been given the okay to use the property for whatever activity but then ventures into an old, dilapidated shed of some sort and gets hurt. Then where does that landowner sit in terms of liability? I would like to see "excluding structures" throughout for every one of these little subsections or have it identified as: but excluding buildings and structures.

I also am wondering what type of signage is required. I know that the Ontario legislation allows for a couple of different types of signage, and they're both standard types. One is an activity sign, be it snowmobiling, with a slash through it, meaning that that activity is not allowed on that piece of property but, then, assuming that everything else is. The other signage that they allow through their Occupiers' Liability Act is that they depict the activity on the sign without the circle and the slash; therefore, anything else is not allowed. I think that one standard set of signs would help with any confusion on what activities the property owner is going to allow or not allow on that property.

I think there's a motion from the hon. Member for Red Deer-South. I think this particular Occupiers' Liability Act amendment would go a long way in the development of the trails, and actually in contacting people with Alberta Trailnet, they look forward to this piece of legislation to help them with their plans to develop the Trans Canada Trail system. I think that given that, then, this would actually encourage landowners to become partners in the development of these trails.

The other aspect of it. We're going to end up with a piece of legislation that's a companion or complementary to the Petty Trespass Act as it stands and/or to the new Trespass to Premises Act. So you're going to have three pieces of legislation that actually are companions. Yesterday I sort of alluded to the new Trespass to Premises Act as maybe being an amendment to the Petty Trespass Act. I think that would help reduce the confusion, because the companion to this Bill is going to be the Petty Trespass Act. Instead of having this piecemeal legislation, have one trespass Act, and that is the companion, then, to the Occupiers' Liability Act, which I think would then become much more clear to those folks who are allowing use of and those folks who are using different properties.

Just speaking to this, I really do feel that we need to identify more to exclude any structures on the premises. That would be one amendment I would be wanting to bring forward, but as it stands, I certainly support the premise of the Bill and the principle of the Bill.

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

3:30

MR. DOERKSEN: Thank you, Mr. Speaker. Recognizing that we are debating the principles of the Bill, I'll direct my comments primarily to that. I will ask the sponsor of the Bill a number of questions in my comments that I will ask him to elaborate on in his closing debate.

It's not a very big Bill. It's only a couple of pages. But on the principle of the Bill, there are a couple of things, as I read it. One is that it says: "When an owner or occupier has indicated by sign." The signage part has been discussed a fair bit already in this Assembly, and I'm sure that the sponsor will clarify that.

One of the questions that arises automatically from that is: in the absence of a sign, what does that mean? Does that mean automatic trespassing, or do you have to put up a no trespassing sign? I don't know the answers to these questions, but they are legitimate. It does say in the Bill that the owner or occupier should indicate by sign.

Then I want to carry on to what I think is the more important principle of the Bill, which says: "the occupier is not under an obligation to discharge the common duty of care." From some of the research that's been sent my way, the definition of "common duty of care" is important, but there is a little bit of history about how this duty has come about. The common duty of care is most often associated with the case of *Donoghue versus Stevenson* in the United Kingdom in 1932. [interjection] No, I did not read this particular decision or this case, but I do trust the folks that are doing this good research for us, that they have in fact done that.

[The Deputy Speaker in the Chair]

It was during Lord Atkins' decision that he said that one must take reasonable care to avoid acts or omissions which one can reasonably foresee would be likely to injure one's neighbour. We've adopted a similar concept in Alberta's legislation. But I think the time is now right, and I do thank the Member for Medicine Hat for bringing this legislation forward, because I think it's an important piece of legislation to bring forward to amend that particular aspect of the Act. Times are changing, and people are desiring access to lands so they can have some recreational activity on them, and I think in a lot of cases owners or occupiers want to give that freedom to those people wishing to enjoy those lands for that purpose. I think this Bill goes a long way to alleviating some of the concerns they have with respect to this common duty of care.

Mr. Speaker, this Bill does tie in very nicely with the motion which is currently on the floor in my name. I had a chance to talk about it briefly in the House yesterday and will finish the debate, hopefully, on Tuesday next. It does help set the framework for the whole concept of trails and the importance that trails are taking in our country. Again, I don't want to repeat everything I said yesterday, but it is important in the context of this Act. In 1992, as part of Canada's 125th birthday, there was a legacy project established by the federal government, and that initiative was to create a Trans Canada Trail, and I even noticed this lunch hour, when I was reading *Maclean's* magazine as I was enjoying my lunch, an advertisement for the Trans Canada Trail. It was a full-page ad in *Maclean's* magazine showing the whole route right across Canada, right from the Atlantic Ocean on the east to the Pacific Ocean on the west and eventually right up through to the Arctic Ocean. I think I talked about that yesterday,

so I won't repeat all the things you can see along the way. There is an intent to link this trail across the country from coast to coast, and Alberta needs to play a major part in the creation of this trail as we are at the juncture of both the east/west and north/south trails.

I think that as the plan goes forward to try to provide a plan to link these trails, in some cases they are going to be going through property where this particular Act might apply. That's why I think it's important that the principle of the Bill, to remove the obligation of the owner or occupier to discharge the common duty of care, would facilitate the linking of trails and facilitate the development of the Trans Canada Trail.

I am supporting this Bill in principle. I think the Member for Medicine Hat has brought forward a good piece of legislation. I have asked him to explain a little bit about the signage and how that works, and I think that he'll do that.

It's not just trails that are important in this particular Bill. There are some questions that arose as we have trails around our golf course in Red Deer. I was wondering what happens to people who go off those trails into the golf course, even during wintertime when the golf courses are not being used, whether that common duty of care is now required by the owners of the golf course, in this case the city of Red Deer. That statement is in the form of a question, because you often wonder who is liable and/or if the cross-country ski trails are being used by bikers, which I have been known to do because the cross-country ski trails are great for mountain biking. You can get some real thrills and spills. I've only wiped out once, but that wasn't there, and I survived. Had I been injured, the question of liability, you know, might have come up.

I do want to thank the Member for Medicine Hat for bringing this Bill forward, and I look forward to his explanations on some of the points. I will be supporting the Bill in principle.

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

MS CARLSON: Thank you, Mr. Speaker. I rise today to speak in principle to this Bill before us. The member who just spoke raised for me an interesting question when he spoke to the motion that he brought forward in this House yesterday. That motion, Motion 505, and another Bill that we've got on the Order Paper that also deals with liability and then Bill 206, this one that's under consideration now, are all closely entwined in terms of the issues they deal with. I'm wondering how it is that the government wasn't somewhat more organized in their presentation in terms of these Bills and motions and have them come as a complete package to the Assembly so that we could deal with them all in context. I'm hoping that when the member who introduced this Bill replies to the questions that have been raised here in second reading, he will address that issue.

Certainly on this side of the House we support linking of trails, and we support protecting landowners, be they private individuals, farmers, municipalities, in terms of the liability that's accrued to the use of those lands. It seems to me that it would have been much more focused and better overall if the government would have taken the time to put together a comprehensive package that would have dealt with all of these issues. So I'm hoping that the member who introduced this Bill will take that into consideration and will speak to it when he rises in here and tell me why they didn't do that.

I also have some questions about the Bill in terms of how it's worded. When you talk about how

the occupier is not under an obligation to discharge the common duty of care with respect to the recreational activities conducted by the visitor on the premises but is liable to the visitor for death or injury that results from the occupier's wilful or reckless conduct,

I'm wondering how there is built into this particular amendment additional protection for the landowner over and above what was in the original Act. When I look at the Occupiers' Liability Act as it stands now, I don't see a specific provision in here that speaks to a lack of liability for landowners. What I do see is under section 7, speaking to what I think reads identically to what's in this amendment. I'm hoping that that will be clarified for us at some point.

Here in the original Act under point 7 it talks about "risks willingly accepted."

An occupier is not under an obligation to discharge the common duty of care to a visitor in respect of risks willingly accepted by the visitor as his.

It's a little more concise than what is in this amendment, but it seems to me that the intent is the same. However, I'm not a lawyer, so I'm sure someone in the crowd here will be happy to explain to me what the difference is. It seems to me that it's the same thing. If you can explain otherwise, then I'll be happy to support this at second reading, because surely the intent as it has been discussed and debated in this House so far is the kind of intent we are all looking for. I think that few people have a problem with people crossing their land or with some sort of usage in that regard as long as they're not going to be held liable in the event of some accident or some condition that might arise from the person who is visiting the land.

3:40

Mr. Speaker, I'm in receipt of a letter from Rob Gardner, who is the executive director of Trailnet, who speaks to this Bill and in support of it. He talks about there being a duty of care owed to visitors and that that duty as it currently stands, as it reads in the Act, is considerable and that the penalties in fact are open ended that can be accrued to the person who owns the land. It seems that that is part of the reason why in southern Alberta they're having some difficulty acquiring the necessary land for linking the trails, which is their overall objective. Then something needs to be brought in to address this issue, and this Bill has been brought in. In fact, it seems that some MDs specifically will not even consider access being granted until this Bill is approved. So certainly from that perspective it's something that we would want to support.

The other option, I think, is some sort of overriding insurance package that could be carried by someone to protect these people crossing the land. Now, I'm not sure who would want to bear the burden of cost in that. Certainly the government is not prepared to do it. Certainly Trailnet is not prepared to do it. Certainly I don't think that collectively individual landowners or MDs or municipalities would be prepared to do it. So in the absence of that, this is logically the best step.

In fact, I think that it's something that's been undertaken in other jurisdictions across the country who are participating in linking these trails together. Certainly when I take a look at what's happened in Nova Scotia with the Nova Scotia Trails Act, it seems almost to be following word for word the intent of what's looked at here. The problem has always been to overcome potential occupiers' liability issues, and seemingly, with some

explanation to me because I don't understand that particular part that I discussed earlier, this is what this does. What you need to do, I think, is voluntarily assume that all risks that are encountered on the land when using a trail accrue to the person using it, not to the landowner. So apparently this seems to be the intent here.

There is something that doesn't seem to me to have been addressed here which I'm hoping will be. If not addressed in this Act, then perhaps it is currently covered under some other Act. We talk about protecting private landowners or in fact anyone who owns that portion of the trail from users who are committing an offence when they are using it, even something in the nature of drunkenness and disorderliness. I see that other jurisdictions have approached this and have put provisions in the Act that would prohibit a person from using a trail who was causing any kind of a disturbance on the trail or wilfully destroying anything on the trail, not just property but also vegetation. I think that's something we need to address. Things that come to mind are things like setting fires for bonfires or dumping garbage or unwise use of the trail in terms of off-road vehicles that may be used in inclement weather and that would tear up the trail, those kinds of things. Perhaps that's addressed somewhere else in some other legislation, but it seems to me that it falls in line with the intent of this Bill, and I'm wondering why it hasn't been addressed at this point in time.

I will trust that the mover of this Bill will answer the questions that I have, and having done that, I think it will be very easy for me to support this at second reading.

I see that in Ontario they also brought in an Occupiers' Liability Act that talks about the basic duty in a very concise fashion that's very easy to read and understand. Not only has it passed into law, but then it's easily passed out to people who will be users of the trail. They talk there about a nonpaying but permanent recreational entrant onto any kind of land that pertains to the trail or the linking up of the trail. It clearly outlines that if they are nonpaying entrants onto the land, children or any other party, they're clearly responsible for their own safety. I'm wondering why it doesn't clearly state that in this Bill. I think that is something that needs to be addressed because we need to be able to then get this Bill out not only to the landowners so that they have a sense of security but to the users of the land so that they can clearly understand it and then live up to the kinds of self-reliance that we're expecting them to follow when they use these kinds of facilities throughout the province.

So if those questions can be addressed, Mr. Speaker, that's all I have to say at this point in time.

THE DEPUTY SPEAKER: The hon. Member for Cardston-Taber-Warner.

MR. HIERATH: Thank you, Mr. Speaker. It is a pleasure for me to speak to Bill 206, brought forward by the Member for Medicine Hat.

The constituency of Cardston-Taber-Warner has a relatively low population density. That means that there are more acres than people. The result is that there is a lot of land in this area that may have more than one use; for example, fields that lay unused during the winter months. These are usually large fields. With the winter and snow accumulations like we've had this past year, these fields are suitable for a variety of winter activities ranging from snowmobiling to cross-country skiing to tobogganing. Horseback riding and dirt biking are some of the more popular

summer activities. In some cases this is done with the permission of the landowner, and in others it is not.

One of the fears that landowners have in the event that someone gets hurt on their land is about who is responsible and if they will get sued. Farms can be dangerous places, especially around machinery and animals. There are of course other hazards, however, like loose cliffs around coulees, gopher holes, to name a few. Something as simple as a fence has proven also to be fatal to snowmobilers. Under the present legislation landowners are expected to exercise some form of diligence and owe a duty of care to all visitors on their land. It is currently up to landowners to ensure the visitor is safe on their land.

Under the present system most people ask permission before engaging in one activity or another. Not only does this practice let the landowner know who is using their property, but it also helps the angler to find hot spots in streams and rivers. In my constituency there are many small trout streams and rivers that are bordered by private property. As well, a certain amount of upland bird hunting goes on in the fall, and like all anglers and most hunters they get permission before venturing onto private land to hunt or fish. This is not just a courtesy but a matter of safety as well. Most landowners prefer to know where on their land people are firing guns and in which direction.

This brings me to a point of concern I have with the Bill. Is there anything, aside from common sense, preventing possible conflicting uses on the land? For example, I am speaking of hiking and hunting.

3:50

Picture this, Mr. Speaker. It's deer hunting season. A couple of hunters are in one area late in the afternoon. The sign on the fence post indicates that hunting is allowed on this property. There is also a sign indicating that hiking is allowed. What happens when a family brings out a dog for a brisk fall walk? Accidents have been known to happen. In this scenario at worst someone gets hurt. At best the dog scares away the trophy buck. Either way we have two uses that are not compatible to each other.

Another such incompatibility may exist between cross-country skiers and snowmobilers. Increasingly, more and more snowmobile trails are being built. At the same time, in the absence of good, groomed cross-country skiing trails, a snowmobile trail is the next best thing. If the trail is not laid out well or wide enough, the possibility exists that snowmobilers could overtake a skier on a blind corner or over a hill. There is a risk for someone getting injured in this situation, Mr. Speaker.

What about seasonal uses and signs indicating the kind of activity that may go on? Will landowners be able to permit hunting only during a few weeks in the fall and permit hiking the rest of the time? What about other times in the agriculture year, such as calving season? It appears that landowners will need to ensure that the signage is correct for the time of the year.

Natural hazards also vary from month to month, from spring runoff to landslides to thin ice. Although this Bill calls for the visitor to have a greater responsibility for their well-being, it also maintains a certain level of responsibility for the landowner. My concern is that if the signs need to be changed seasonally, depending on the frequency with which the signs occur, this may prove to be fairly time consuming and require quite a number of signs in both winter and summer. If a farmer had to go through that much time and effort to change his signs, what would keep them from restricting access altogether?

There is another matter which I would like to see addressed,

Mr. Speaker. That is the matter of how to define "trespasser." When people are allowed on the property, the Occupiers' Liability Act currently states that the landowner does not owe a duty of care on their premises. With our present situation these landowners are asked for permission to use their land. Anyone that the landowner does not give permission to is considered a trespasser. What kind of legal recourse is open to the landowner?

Another potential problem is the misuse of private land by users other than the landowner. How many livestock have been harassed or crops unnecessarily trampled? I know this is not a widespread problem, Mr. Speaker, but if a landowner lets someone on their land to snowmobile and they get to chasing cattle with their machines, who is responsible for any injuries the livestock may sustain? I understand that under the present system this would be covered under the provision for trespassers. However, my concern is that if the landowner has a sign up saying that snowmobilers or dirt bikers can use the land, what recourse does the landowner have against actions by the user outside the bounds of the intent of the signage?

Mr. Speaker, as I have mentioned in my comments, I do have a few concerns about the implementation and the enforcement of the Bill, and as such I would like to propose a motion to hoist the Bill until further review can be undertaken. The amendment that I am proposing reads that the motion for second reading of Bill 206 be amended by deleting all the words after the word "that" and substituting the following:

Bill 206, Occupiers' Liability Amendment Act, 1997, be not now read a second time but that it be read a second time this day six months hence.

I am in full agreement with this Bill, Mr. Speaker, but I feel that further consultation will be able to focus our efforts where they are needed.

Mr. Speaker, I would now ask members to support this particular amendment.

THE DEPUTY SPEAKER: The hon. Member for Medicine Hat on the amendment.

MR. RENNER: Thanks, Mr. Speaker. I have to admit that I see this amendment as being a somewhat friendly amendment. I'm a little bit disappointed that we're not able to proceed at this time. However, I do recognize that there are some other consultations that are taking place as we speak. There is work under way in agriculture regarding grazing leases, on the responsibilities related to grazing leases and liabilities thereto. There's other work going on within the Department of Justice to have a look at the overall trespass Act. For that reason I reluctantly concur with the hon. member, but I do think that this is good legislation. It will serve a very important purpose in the marketplace. It will help the hon. Member for Red Deer-South in his quest to see a national trail network. At the same time, I realize that perhaps it's premature, and perhaps with some broader consultation this type of legislation can come back in the form of a government Bill and serve a much broader scope than what we have been discussing here and what is being addressed in my Bill. So with reluctance I will be supporting the amendment.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I'd like to speak against this amendment. Perhaps as a rookie MLA I don't really understand the ins and outs of all of this, but I'm extremely

disappointed if this gets hoisted and put away. That always carries a connotation to me that it may not come back, and I think that would be a loss to all of us. I think there's a great deal of support in the Assembly for this Bill.

I think – perhaps I'll be corrected; I'm sure I will – that there are other ways of getting the consultation, perhaps a later proclamation date, and being a big proponent of consultation, I would certainly encourage it.

Yes, there have been a number of minor points that are easily resolved, the signage and the inclusion or exclusion of the premises and structures and whether people are allowing that, but I think all of those can be dealt with.

I guess my major disappointment in this is that I think it will delay the Trailnet system. Certainly the feedback that we've had from those involved in this is that they can't even go forward and approach landowners to begin the process of starting to put this together. So it's in a very preliminary state, and they can't even go forward with it until they have something in hand to reassure the property owners that there would be some sort of protection for them. This delays that entire process, and if anyone has taken the time to look at what's being proposed by Trailnet, they had a proposal together for the year 2000 and then 2005 or 2004, so all of that would be, I think, delayed or put off by who knows how many years, if that's the point.

Again, I am disappointed that this is happening. Perhaps I'll become more hardened and cynical as I stay in this Assembly, but I hope this is all for the best, and I hope that there is a sincere commitment to work on it, as has been stated, and to bring it back. With that, I conclude my speaking against this amendment.

Thank you, Mr. Speaker.

MRS. BLACK: Question.

THE DEPUTY SPEAKER: The question's been called on the hoist amendment.

First of all, the Chair would note, thanks to a kindly member, that there's an error in the amendment. It said that "the motion for second reading of Bill 203," et cetera, but later on in the body it has "206." So with that notice, we have then before us an amendment moved by the hon. Member for Cardston-Taber-Warner that

Bill 206, Occupiers' Liability Amendment Act, 1997, be not now read a second time but that it be read a second time this day six months hence.

[Motion on amendment carried]

4:00

Bill 207
Alberta Health Care
Accountability and Entitlement Act

THE DEPUTY SPEAKER: The hon. Leader of Her Majesty's Loyal Opposition.

MR. MITCHELL: Mr. Speaker, thank you very much. I rise once again to convince that side of the House to vote for one of our Bills. After 11 years of trying, I will say that I am eternally optimistic. If they haven't voted for all the rest, surely they have to vote for this one. The law of averages would say that a government that so aggressively, so frequently, so genuinely, shall I say, expresses its concern for the public health care system, expresses its desire to defend that health care system would vote for Bill 207, because that is exactly what Bill 207 underlines. It

underlines the protection, the promotion, the belief in, the commitment to a publicly funded health care system.

It's entitled the Alberta Health Care Accountability and Entitlement Act, Mr. Speaker, because it establishes an Albertan's entitlement to proper, reasonable, publicly funded health care no matter where they are located in Alberta and no matter how much money they have. It is entitled the accountability Act because it has provisions for holding the government accountable to the basic principles of the Canada Health Act and to the basic principles of a consistent publicly funded health care system.

It also, Mr. Speaker, adds in the provision of enacting in legislation the prohibition against facility fees being charged for any medically necessary service. It seems, one would think, that in a properly functioning public health care system which is truly defended by the government that has responsibility for its administration, these kinds of provisions would not be necessary. In fact in our mutual desire in this province, in this Legislature to have no more legislation than would absolutely be necessary, it's a great frustration of mine and of my colleagues that we even have to present a Bill of this nature that so specifically has to promote and protect the publicly funded health care system. But it does that, and let me give you some of the highlights of how it does that.

First of all, Mr. Speaker, the Bill states, with respect to the health care Bill of rights portion, that it is the right of all Albertans to receive adequate, continuous, and personal health care regardless of their financial circumstances or where they live in this province. Secondly, under that particular section of the Bill it captures the essence of our defence for a publicly funded and equally accessible health care system in that it supplements the five principles of the Canada Health Act, which have yet to be included in Alberta legislation, try as we might.

The second portion of the Bill is its advocacy aspect or its accountability aspect. We want to establish a health care advocate or a health care ombudsman, an ombudsperson if I might say that, because there was certainly a myriad of mechanisms grown, developed arduously by the former Minister of Health to seemingly respond to concerns that citizens of this province might have. But in fact it's a morass, it's almost incomprehensible, and of course, Mr. Speaker, it is not independent. Our advocate would be independent and would work as an ombudsman with an investigative role, not simply a responsive, reactionary role but an investigatory role, and this office would have the responsibility for ongoing evaluation of health care policies and for soliciting the views of the public with respect to health care. It is a very important element of this office that it would be independent of government and would report directly to the Legislative Assembly, as is now the case for the Ombudsman. There will be and there is outlined in this piece of legislation a code of ethics for how the advocate's procedures will be undertaken. In fact, it's backed up with some strength and some muscle, because there are fines up to \$1,000 provided for anybody who would not comply with this investigation and review process.

The elimination of facility fees portion of the Bill is extremely important, particularly in the context within which this Bill was written. That was in the aftermath of the facility fees experience a year or more ago in this province when the government continued to allow private clinics to charge facility fees despite the fact that the federal government was penalizing Albertans, now to the tune in total of almost \$4 million. It's almost incomprehensible that a government that would say it defends the public system would have to subject itself to \$3 million or \$4

million worth of fines before it realized it was contravening the Canada Health Act. It is almost equally incomprehensible that we would ever have been brought to the position where we would have to provide in legislation for the prohibition of facility fees, but we do and here it is.

There is a context now emerging, as we knew it would, of even greater concern for the public health care system. The private clinic facility fees issue was resolved in part by the government finally relinquishing and bringing into the public sphere all of the facility fees payments, that they would be picked up by the public system. Even at that, those clinics were allowed and are allowed to do insured services out of the same facility that they do noninsured services. While we were uncomfortable with that at the time, at least the facility fees issue had been settled, but it remained the thin edge of the wedge for further erosion of the public system.

There is no clear dividing line. That's why we have to be so vigilant. It is a slippery slope, and we are sliding down that slope today even faster, further, and harder because of the Health Resource Group. The fact is, Mr. Speaker, that that group and its hospital is a huge affront to the publicly funded health care system. That group, if it were to do strictly noninsured services outside of the public health care system and receive no money from the public health care system, would not be prohibited under the Canada Health Act and would be consistent with that Act. But – and this is an interesting comparison – the Premier today said: well, there's another hospital, the King's hospital in Toronto, that would be doing just what the Health Resource Group does. But it doesn't, because the difference is that the King's hospital doesn't receive any public funding. It is exclusively outside. It's a very fine point for the government to understand, but it's a very critical point . . .

MS CARLSON: When they choose not to understand.

MR. MITCHELL: When they choose, yes, to consciously not want to understand that. The fact is, Mr. Speaker, we might feel more comfortable about this Health Resource Group if the Minister of Health would only stand up and say – and I've asked him many times in the House to do this – that they will not receive public funding. It seems like an easy thing to do. Just say: they will not receive public funding. They will not be allowed to contract with government to provide the ear, nose, throat, and hernia operations that Mr. Saunders, the CEO of the corporation, wants to provide. They will not be utilized to provide extra beds when the system is burdened by excessive demand, because – I'd like to hear the minister say that – he will ensure that the public system is properly funded so that that wouldn't have to occur. What we see in those two points is the further, the fatter, and the increasingly fattening edge of the wedge because this government will not categorically say that they will not allow this health care – and the Member for Calgary-Currie of course is quite interested in this as she talks over there, has a specific interest in this. It is the fat edge of the wedge, a fattening edge of the wedge . . .

4:10

THE DEPUTY SPEAKER: The hon. Member for Calgary-Currie is rising on a point of order.

Point of Order

Reflections on a Member

MRS. BURGNER: Mr. Speaker, I would like to just call the member's attention to the fact that . . . [interjections]

THE DEPUTY SPEAKER: We don't hear you.

MRS. BURGNER: Citation 23(i).

THE DEPUTY SPEAKER: Sorry. All I was trying to indicate is that for whatever reason our microphones were not picking you up.

MRS. BURGNER: I think it's on now, Mr. Speaker.

Mr. Speaker, I just want to identify that in the debate we're ensuring in the House this afternoon on this important issue, and recognizing the sensitivities, for the member opposite to call on any member and comment as an aside and indicate that they aren't paying attention in the way that he's done belittles the whole demeanour of the House, and I take offence at that.

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

MR. MITCHELL: Yes. I'm sorry, Mr. Speaker.

THE DEPUTY SPEAKER: All right.

Debate Continued

MR. MITCHELL: If the minister would simply provide the leadership which is now being provided at the federal level and say, "We will not allow this facility to be publicly funded while it is doing noninsured services or services that are insured elsewhere," then we would have much more comfort that the minister is sincere when he says that he is defending the health care system. I just don't believe it, Mr. Speaker, and I don't think my colleagues believe it. I know they don't, and I think many Albertans don't believe it.

What they're beginning to see is a descent down the slippery slope to ever more privatization of the health care system, and I cannot understand why they will allow this to happen. I can't understand how these business-driven Conservatives, this government, cannot see that private health care is simply more expensive than public health care. It's difficult to understand because we know that the market often creates greater efficiency and usually would seem to do that, but in health care it doesn't work. We have empirical proof, and the National Forum on Health actually confirms it.

This legislation is not in isolation. This is legislation specifically directed at curing a problem that has been created by this government, a government that on the one hand says it protects, defends, sincerely believes in, will never contravene the Canada Health Act and the public health care system but a government whose actions so clearly indicate something different.

You can say all you want, Mr. Speaker, but it's actions that count. We're asking for several actions here: a Bill of rights so that Albertans know they are entitled to fully accessible, publicly funded health care no matter where they live, no matter how much money they have; an advocate outside and independent of government that can support their rights of access and investigate their concerns with the health care system; and the prevention of facility fees, which are a direct affront to the publicly funded health care system.

It is also true that a further action would be so easy and so simple in the context of this Bill, and that action would be for the Minister of Health simply to stand in this house today – because I've asked him and asked him and asked him – and just say once,

clearly, that he will not allow public funds to go to the Health Resource Group. If those actions had been taken previously, if a clear indication was there that this government believed in the things that were in this Act, do you know what, Mr. Speaker? This Act would never be necessary.

What we're asking today is for the government to finally put action behind its verbal commitment to the publicly funded health care system, because action speaks far louder than words. Today's the chance. They can stand, support, and vote for Bill 207, and I would ask them to do that.

Thank you.

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

MR. STEVENS: Thank you, Mr. Speaker. I rise today to speak to Bill 207, the Alberta Health Care Accountability and Entitlement Act. I must say, upon reviewing this Bill, that I am puzzled. I'm puzzled as to why the Member for Edmonton-McClung, who claims to have genuine concerns regarding Alberta's health care, is wasting the precious time of this House with a regurgitated Bill that asks this government to do what it has already done.

I will begin, Mr. Speaker, by addressing the Bill's proposed health care rights of Albertans. The health care rights and principles for providing care that are found in Bill 207 are akin to those already contained in health legislation such as the Canada Health Act and the Regional Health Authorities Act. Bill 207 declares that it is

the right of all Albertans to receive adequate, continuous and personal medically necessary health care,

- (a) regardless of where they reside in Alberta, and
- (b) regardless of their ability to pay for such services.

This terminology sounds strikingly similar to that of the Canada Health Act. The five principles of the Canada Health Act are accessibility, comprehensiveness, public administration, universality, and portability. The Alberta government supports the principles of the Canada Health Act and has signed the Act and abides by it. In fact, Mr. Speaker, our government has gone beyond the principles of the Canada Health Act by providing a range of services to Albertans. The Canada Health Act applies only to insured health services, which are defined as hospital services, physicians' services, and surgical dental services provided to insured services. It does not include all health services that a person is entitled to and eligible for in Alberta, including acute care, long-term care, home care services, and health promotion and prevention services.

Mr. Speaker, these services are listed in the Core Health Services document released in 1994. This document defines a range of services to which Albertans can expect access. Core health services refer to those services which must be available or reasonably accessible to every person who needs them. Available means the services are provided within the region. Accessible means that if the service is not provided within a region, it will be available from another region or through a program that serves the whole province. Alberta Health is currently in the process of updating this document to ensure that the services provided accurately meet the needs of Albertans today and will continue to meet them in the future.

Mr. Speaker, the four principles by which health care is to be provided according to Bill 207 are also very similar to the responsibilities of regional health authorities. Section 5(a) of the Regional Health Authorities Act states that it is the responsibilities of the RHAs to

- (i) promote and protect the health of the population in the health region and work towards the prevention of disease and injury,
- (ii) assess on an ongoing basis the health needs of the health region,
- (iii) determine priorities in the provision of health services in the health region and allocate resources accordingly,
- (iv) ensure that reasonable access to quality health services is provided in and through the health region, and
- (v) promote the provision of health services in a manner that is responsive to the needs of individuals and communities and supports the integration of services and facilities in the health region.

The Regional Health Authorities Act also requires RHAs to establish community health councils. Councils are made up of community representatives whose function it is to consult with the public. They consult with the communities about local needs and concerns and communicate this information back to the RHAs. The councils also provide community input into regional planning. They provide a voice for Albertans to ensure that they have an opportunity to be involved in the policy-making and in shaping health services in the community to ensure they are reflective of their needs. Therefore, Mr. Speaker, the requirement in Bill 207 of having the community involved in health care planning and evaluation has already been met by the creation of community health councils.

Bill 207 includes the requirement that information regarding the financing and administration of health care facilities and the achievement of performance and health outcomes are to be made public and available to every Albertan. Surely, Mr. Speaker, the member opposite is aware that this information is already available to the public. If the member were to read the RHAs' business plans, he would know that their budgets are publicly available as part of these plans. [interjections] Financial statements for RHAs are also available in the public accounts.

4:20

With regard to the achievement of performance and health outcomes, Alberta Health has included performance measures and health status in the ministry business plans and annual reports. RHAs are also . . . [interjections]

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Hon. member and Mr. Minister, if you wish to enter debate, I'll put your name on the list. The hon. Leader of the Opposition of course has already spoken once on second reading. Right now we have Calgary-Glenmore speaking. We have the custom of only having one member speaking at a time, and that's the hon. Member for Calgary-Glenmore.

Debate Continued

MR. STEVENS: Thank you, Mr. Speaker.

AN HON. MEMBER: Where was I?

MR. STEVENS: Good point. On this page.

In addition, the RHA Act requires that all RHA meetings be open to the public and requires RHAs to provide annual reports to the minister. These annual reports are made public.

Mr. Speaker, I have difficulty with this Bill not only because Alberta already ensures that Albertans have access to adequate health care based on the principles found in this Bill, but there are

also some problems with certain sections of the Bill. Section 2(a) declares that it is

the right of all Albertans to receive adequate, continuous and personal medically necessary health care,

(a) regardless of where they reside in Alberta.

It is not clear whether this section would require that all services be available in every region, but if so, Bill 207 would have a substantial impact, particularly on remote areas of the province.

Mr. Speaker, every RHA is responsible to ensure that access to health services is provided in the region or through the region. Surely the Member for Edmonton-McClung can see that this is the most efficient and effective means of providing all Albertans with the best possible care. The regionalization of health care in the province assumes that one region of the province may function as a centre of excellence in the provision of specialized health care. By requiring that all Albertans have the right to "adequate, continuous and personal medically necessary health care" regardless of where they live in Alberta, Bill 207 may prohibit the creation of centres of excellence.

Mr. Speaker, enacting a Bill of rights as proposed in this Bill does not acknowledge that any right to health care is subject to availability, appropriateness, and affordability of health care services and to the health needs and priorities of others. Bill 207 simply seems to equate access to good health care with good health. Access to health care is important to this government and to all Albertans, but it is only one of several factors that affect health wellness.

This Bill could have the effect of requiring the allocation of increasing amounts of funding to health care, thereby reducing the amount available for other priority areas. Spending in areas such as education and the environment would be reduced when they, too, contribute to improved health status. This demonstrates to me that the member sponsoring Bill 207 lacks a thorough understanding of the issue.

Mr. Speaker, while this government remains committed to ensuring that all Albertans have access to quality health services when they need them, we also know that any right to health care must also be subject to availability, appropriateness, and affordability of health care services and to the health needs and priorities of others.

Bill 207 would also create the office of the Alberta health care advocate. Its function would be to monitor compliance with this Act and to report to the Assembly. It would investigate complaints and evaluate health care policies, the provision of health services and the health of Albertans, and solicit the views of the public with respect to health care in the province. The powers given to the health care advocate under Bill 207 duplicate the roles of the Mental Health Patient Advocate and the Alberta Health Facilities Review Committee. I'm going to provide the member opposite with a bit of history on the possibility of a health care advocate in this province.

MR. HIERATH: He's not even there.

MR. STEVENS: Then I won't. What I will do is provide the House with a bit of history.

MR. HIERATH: You do that.

MR. STEVENS: I will. Thank you.

In 1989 The Rainbow Report recommended that government appoint an advocate to a healthy Alberta to focus on the health status of Albertans, review the efficiency, effectiveness, and

suitability of the health system, and communicate on health matters with Albertans and the government.

In the government's response to the report, Partners in Health, released in 1991, the government did not support the creation of an advocate. They did not support it because Albertans did not support it. There was concern by the public that such a position would create another level of bureaucracy which would not serve the interests of Albertans. Many Albertans see the powers and functions of the proposed advocate as those which properly belong to the Minister of Health. It would be irresponsible on the part of government to delegate the critical responsibilities of planning, goal setting, and monitoring to any other person. Mr. Speaker, Albertans have said no to establishing a health care advocate, and we listened.

Mr. Speaker, not only is the establishment of a health care advocate not what Albertans want, but it is also unnecessary. A health care advocate would overlap with the Provincial Health Council. One of the health council's first tasks has been to review and provide advice to the Minister of Health on current processes available to the government, to express concerns about service delivery, and to identify options for improvement of those processes.

In response to the Provincial Health Council's Appeal Mechanisms Review Final Report in December 1996, the Minister of Health announced an initiative to develop a consistent regional and provincial concerns resolution process to include the possible expansion of the role of the provincial Ombudsman to deal with concerns not resolved at the regional level. The roles of the Mental Health Patient Advocate and the Health Facilities Review Committee will also be reviewed.

Alberta has now appointed a provincial health officer, Dr. John Waters, to monitor health matters in the province and to serve as an adviser to the minister. The officer will ensure that the minister, the government, and the public are advised of urgent public health concerns and will have the authority to act independently when needed in times of anticipated or present health threats.

Mr. Speaker, establishing a health care advocate using a formal legislative approach appears unnecessary in view of current actions. Clearly, the anticipated implementation of a concerns resolution process in each region and at the provincial level, the possible enhancement of the role of the Ombudsman, the Provincial Health Council, and the appointment of a provincial health officer already carry out the role of the advocate, making it redundant and nonessential.

[Mrs. Gordon in the Chair]

Madam Speaker, Bill 207 offers nothing new. Not only is the Bill recycled from last year, but its objectives are already being met by this government. We are now looking to the future to ensure that all Albertans continue to have access to quality health services into the 21st century. I cannot support a Bill that does not offer Albertans anything other than more paper. Therefore, I will not be supporting Bill 207.

Thank you.

THE ACTING SPEAKER: Hon. members, can we revert to Introduction of Guests? Can I have the consent of the Assembly?

HON. MEMBERS: Agreed.

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

MR. MELCHIN: Madam Speaker, I'd like to rise. It's a great privilege for me to stand and introduce to you and through you to members of the Assembly more than a good friend, a brother of mine, Richard Melchin, sitting up in the public gallery. I'm thrilled to see that he's here, able to come and participate with us today. Many of you know him through his association with Three Sisters in Canmore in their development. If all the members could join me and give a warm welcome to Richard Melchin.

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

4:30 **Bill 207**
Alberta Health Care
Accountability and Entitlement Act
(*continued*)

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

MR. DICKSON: Thanks very much, Madam Speaker. You know, when the Member for Calgary-Glenmore finished his speech by saying that he would have to vote against the Bill, I'm glad he told us that because I expect most of us were in a state of suspense listening to the commentary, really being quite unsure in terms of whether he was going to support the Bill or not.

The Member for Calgary-Glenmore made some interesting observations. I want to try and address a couple of those now, if I might. The first one that struck me as odd is when the Member for Calgary-Glenmore said: nothing new in Bill 207; this is effectively – what did he call it? – wasting the time of the Assembly with a regurgitated Bill.

I couldn't help but think: have we seen any precedent where the government didn't see the good sense in a responsible, creative, imaginative piece of legislation from an opposition member? My attention was quickly drawn to the freedom of information Act. Now, here's a Bill that was introduced in the Legislature I think at least seven different times in somewhat different forms, but each time it kept coming back. I think it started probably about 1986-87, and time after time the opposition – my predecessor, the late Sheldon Chumir; Laurence Decore, when he was leader of the Liberal opposition; a number of distinguished members of this Assembly – came forward and said: we know that a freedom of information Bill has been before the Assembly before, but we simply think this is such an important initiative that it's got to come back. And you know what, Madam Speaker? After seven different private member initiatives from the opposition, what happened? The government finally learned that what was being done by the opposition frankly reflected a much bigger constituency of Albertans who wanted exactly that initiative.

So I'm not the least bit discouraged when my friend from Calgary-Glenmore says that this is simply a recycled idea. Well, Madam Speaker, it sometimes takes a while for government members to get it. If it's a question of this Bill coming back in this year or if it has to come back next year or the year after, we may yet see the government embrace it, hopefully not just as a result of being worn down but because they'll come to appreciate the merit of the Bill. We'll even let them introduce it as a government Bill. They can retitle it, and they may no doubt want to make some changes. The point is that Bill 207 speaks to a

need and it speaks to an issue that Albertans want addressed.

I think the Member for Calgary-Glenmore also made my argument in part. I was going to talk about the wonderful facility or beauty of being able to consolidate different complaint mechanisms, different independent reviews in a single office. The Member for Calgary-Glenmore told us we've got a Mental Health Patient Advocate, we've got the Health Facilities Review Committee, and we've got of course the Provincial Health Council, which just reported last year and actually pointed out a number of things, a number of areas where Albertans are not being well served by the existing health care system. Also, we now have a provincial health officer. Now, I expect that the Member for Calgary-Glenmore understands and appreciates that the average Albertan doesn't know what the Health Facilities Review Committee is, and they may have never heard of the Mental Health Patient Advocate. Would it not make sense to take all of these disparate offices or complaint processes and consolidate them in a single office? It seems that this isn't a notion that's particularly radical or unique to the opposition.

The Canadian Mental Health Association had hired Dennis Anderson, who used to be the MLA for Calgary-Currie. Mr. Anderson, after he had ceased being a member of the Assembly, went and worked with the Canadian Mental Health Association to address the need for a complaint mechanism and tabled a report, the name of which I can't recall right now. It was Unfinished Business or something like that. It was a report from the Canadian Mental Health Association that recommended, in fact, that we consolidate the Mental Health Patient Advocate, the Health Facilities Review Committee, and some other bodies that are sort of ombudsmanlike in appearance and in function and create a single complaints officer, one who would be at arm's length to the Legislative Assembly, at least the government of the day, and would in fact be appointed just like our Ombudsman is now or the Chief Electoral Officer or the Auditor General.

While I had some discomfort and certainly some disagreement with some elements of that report tendered by Mr. Anderson and the Canadian Mental Health Association, what I appreciated about it was that it recognized that for most Albertans, not people sitting in this Assembly but Albertans in downtown Calgary or downtown Peace River who don't know about this whole range of advocates and ombudsmanlike offices, it just makes good sense to consolidate those different functions and services in a single office. And it's economical – this may appeal even to the former Minister of Health – because you don't have to have budgets for all of these different groups; you can advertise a single office, a single phone number. If we're genuinely interested in how we make it easier for Albertans to raise a concern and to seek some redress or even seek some attention being cast on a particular problem, some illumination on a bigger problem area, why not do it through a single office? So I think that's a really important initiative, and I think it's something we ought to strive for.

One might ask why it is that this government, championed now by the current Minister of Energy, who always likes to talk about one-stop shopping, about making things more consumer friendly, ensuring that an Albertan doesn't have to run up and down the street, going to different doors to try and find somebody that can help him or her with a problem – what Bill 207 offers is exactly that, and I think it's something that would serve Albertans particularly well.

The Member for Calgary-Glenmore said that another reason why we didn't need the Act – and I assume he was talking about Bill 207, part 1, the health care rights – was because we had the

Canada Health Act and because we had the Regional Health Authorities Act. Well, the Canada Health Act we've seen hasn't always been honoured in this province, and it cost us several million dollars to have that made evident to all. But if one looks at the Regional Health Authorities Act and we look at section 5, there's nothing in section 5 that incorporates by reference the Canada Health Act. It seems to me that it does become important to consolidate again the principles that are going to form the basis for our health system in this province. That, I respectfully suggest, just makes good sense.

You know, to the Member for Calgary-Glenmore or anyone else who thinks that we already have people doing what either part 1 or part 2 of this Bill would provide or afford Albertans, one need only consider a couple of things. The regional health authority is still unelected, and in fact the proposal brought forward, I guess about a year ago, was only to elect two-thirds of the members of the regional health authority. So it's not going to be fully elected. It's still not subject to the Freedom of Information and Protection of Privacy Act. We've got a situation where the government refuses to commit that Albertans will be able to find out how those 2.3 billion tax dollars are being spent when it comes to regional health authorities.

4:40

The member opposite referred to public accounts. Well, the difficulty with public accounts always is that the information is stale. The information is always stale because it comes virtually a year and a half too late for somebody wanting current information. I guess I'm always a bit puzzled why it is that so often we don't respect or understand the principle that information delayed is typically information denied. If we accept that Albertans, not the government, really own this information in terms of how regional health authorities are administered or managed, then we've got to do a whole lot more in terms of making the government processes more transparent and more accessible.

The Member for Calgary-Glenmore, when he talked about another level of bureaucracy and just moments later started itemizing all of these different offices that exist in the government, in the province of Alberta, purportedly to take complaints and issues from citizens and do something about them, must not have been alive to the contradiction or perhaps chose not to acknowledge it. But I'm hopeful that he'll have occasion to look at *Hansard*, reflect on his comments at some point before we get to vote on Bill 207, and perhaps join the debate at the committee stage. I'm hopeful that then he'll see that he poses both the question and an answer within the context of his own debate. The answer would be spelled Bill 207.

The Alberta health care advocate I think is a particularly important and timely proposal to members of the Assembly. If one looks at section 14 and you take the several duties that would be conferred on the health care advocate, the first one would be to "monitor compliance with this Act." Well, that's really important because we don't now have any centralized, any single body which does that. You've got the provincial health officer, who I take it is going to do some of it. You've got the Provincial Health Council, which we've seen will look at part of it. We've got the Mental Health Patient Advocate over here, who's going to look at a sliver of it. You've got the Health Facilities Review Committee over here in another corner, which is looking at a sliver of it. It just makes sense that you would consolidate all those functions in a single office. It seems to me that what Bill 207 affords the current Minister of Health is this. We've ended up with sort of an ad hoc system of review bodies that have sort

of been layered one above the other. As soon as we discover one shortcoming or limitation with one outside advocate or investigator, then instead of fixing the problem, we sort of graft on another layer of bureaucracy. We create another office.

What Bill 207 does is perhaps afford a moment of quiet reflection for the Minister of Health. It affords him an opportunity to say: look; maybe it would make sense to dismantle, unburden Albertans of all of these different layers of review bodies and to consolidate, create a single office. You know, I'd go so far as to say that if the Minister of Health were prepared to accept that single recommendation, he would mark himself as a legislator of distinction, and Albertans for generations will be harking back to the member from the Ponoka area that had the foresight to make it easier for Albertans who have a concern with their health care system to seek some redress. That's a singular opportunity this minister has. I think that he might want to call it something different, and that's okay, Madam Speaker. He may want to expand the powers a little further, and that's okay too. We give him that opportunity, and we just encourage him to take it and to run with it.

The one function, 14(1)(a), is to "monitor compliance." The other one, 14(1)(b), is to "report to the Legislative Assembly and the people of Alberta on compliance with this Act." We know what rapt attention Albertans pay to the report of the Ombudsman, the annual report that comes in, is tabled in the Legislature, and becomes a sessional record. We know what attention is paid to the report of the Information and Privacy Commissioner and particularly of the Ethics Commissioner. That seems to be the one that members turn to immediately, to frantically leaf through, I guess to see if their name is mentioned. But, whatever, there's a certain kind of maybe not magic but a certain kind of importance and significance attached to a report presented here in the Assembly that speaks not through the minister but through the Speaker, because it's the Speaker who tables those reports from the Ombudsman and each one of those officers. You know, with anybody who sits in that important Chair, it invests the report with a kind of importance it wouldn't otherwise have, Madam Speaker, and you know that.

The third power or function of the health care advocate is a particularly important one too: "investigate complaints respecting compliance with this Act." I just offer an observation from my own experience at the Colonel Belcher hospital. There may only be 138 veterans in care at the Belcher hospital, but there's of course a network of family members and so on that pays very close attention to how those veterans are cared for and managed in that hospital. One of the problems they've had there is that when people have complaints about the security system or the food system or any other part of the care, whether the complaint is ultimately held to be justified or not, they have no clear process that people could follow to raise those concerns. In fact, you had people taking those concerns to the head of the kitchen or the head of the nursing staff or the physician in charge, and what happened is that some of the complaints were dealt with in an expeditious fashion and some weren't. It would be unfair to any worker at the Belcher to say complaints were neglected, but certainly some of the patients felt that some of the concerns weren't dealt with with the alacrity or the dispatch that they wanted to see.

In my discussions with the people at the Belcher I'd suggested that along with the residents' council it might be helpful to have a single person who fielded all the complaints in the Belcher hospital. That way you have a means of ensuring that those complaints are being addressed, and you can do some follow-up

on it. If the complaint procedure is too dispersed and you have too many people fielding complaints and calls, we shouldn't be surprised that some of them don't get addressed, some of them don't get completed. I think anybody who's had any experience in business – we've got a prominent Alberta businessman in the gallery here, and I suspect in his experience in his corporation he would know it's important that you have a single person receiving complaints, and that's the way you make sure they get addressed.

Madam Speaker, that to me is a really important element of this health care advocate and once again is something that I'm going to encourage to the Minister of Health. If he chooses not to accept this Bill, I'd encourage him to look at what he can do to consolidate these various reporting agencies into a single complaint investigator. Particularly important is 14(1)(d), to "evaluate health care policies, the provision of health care services and the health of the people of Alberta." I think there's need for that. One may say: well, the Minister of Health has appointed some people to do that. But the reality is – and the Minister of Health, who I think is a fair and a decent individual, would be the first to acknowledge, with his customary candour, that if you have a complaint officer . . . [Mr. Dickson's speaking time expired]

Thanks very much, Madam Speaker. I'll hopefully follow up at another stage.

4:50

THE ACTING SPEAKER: Calgary-North West.

MR. MELCHIN: Thank you, Madam Speaker. I'm pleased to rise today and speak to Bill 207, the Alberta Health Care Accountability and Entitlement Act, sponsored by the Member for Edmonton-McClung. Just to alleviate maybe the great anticipation or concern the Member for Calgary-Buffalo may have, I will be speaking against this Bill. Just so you won't be that worried, coming to the end.

AN HON. MEMBER: No. Say it ain't so.

MR. MELCHIN: It's so. I'm sorry, but I have to say it's so.

Madam Speaker, Bill 207 declares that it's
the right of all Albertans to receive adequate, continuous and
personal medically necessary health care,
(a) regardless of where they reside in Alberta, and
(b) regardless of their ability to pay for such services.

As my colleagues have said many times before, not just in this Bill but in the previous motion that we debated, these rights are similar to the ones found in the Canada Health Act: public administration, portability, universality, comprehensiveness, and accessibility. They may be different words, but the principles are the same. As we have stated time and again, Alberta has signed the Canada Health Act and we abide by it. The principles outlined in the Bill are enshrined in provincial legislation and form part of Alberta's health care system, and they also form the basis for health restructuring. One of the things that Bill 207 does not do is acknowledge that any right to health care must also be subject to availability, appropriateness, and affordability of health care services and to the health needs and priorities of others. Clearly, these factors must be addressed to ensure the sustainability of our health system.

In addition, Madam Speaker, while access to health services is important, it is only one of several factors that affect the health and well-being of Albertans. It's unrealistic to simply equate access to health care with good health.

Madam Speaker, Bill 207 is a Bill that looks only to the past.

It asks the members of this Assembly to re-enshrine the principles that were established over a decade ago. If Albertans want a quality health system in this province that is sustainable and affordable in the future, then we must look to the future. We must be prepared to re-evaluate the way we do things and to look to new and better ways of providing health services to all Albertans.

Madam Speaker, the Canada Health Act was established during a time of relative plenty across the country. Over the years the health system has come to assure us that whatever our health care needs, we will receive quality care. Today we find ourselves faced with public debt, a growing and aging population, increasingly expensive medical technology, and new and difficult diseases to treat. As the pressures on the health system continue to build, we are realizing that we will not be able to afford all the health care services that we might want to have on our wish list. It is increasingly evident that it is time to re-examine the scope of our public health care system in this country.

Canada presently enjoys what is regarded by many as the best health care system in the world. Certainly this is something we can all be proud of. The Canada Health Act was enacted to protect, promote, and restore the well-being of all Canadians and to facilitate reasonable access to all health services without financial or other barriers. As we've come to find out, Madam Speaker, the costs of maintaining such a system are staggering. Since the inception of medicare, provincial and territorial expenditures have increased at a rate that far exceeded the inflation rate. Without reductions in health spending, costs in Alberta would have exceeded \$5.1 billion in the years '96-97 and would have grown to \$5.8 billion by the year 2000. According to the '96-97 estimates, if costs had not been contained, health spending would have consumed more than all of the income tax collected in this province for this year.

Funding for other areas, such as education and environmental protection, would have been reduced to cover these costs. In fact, if we don't continue to look at what we can provide and really stay tuned to the core focus of health care, we will be potentially sacrificing all the other services that our governments provide. Clearly, something had to be done. Alberta's health care system is affordable and yet still provides quality services to all Albertans. In fact, Madam Speaker, in some cases the quality of services has improved. Provincial spending cuts in health care ended in '95-96, although the federal Liberal government continues to reduce its transfer payments to the provinces.

SOME HON. MEMBERS: No, no. Not a Liberal government.

MR. MELCHIN: I hate to say it, but that still is true.

Today in Alberta health spending remains the province's single largest expenditure. In fact, it represents 28 percent of total government spending. Madam Speaker, the drastic increase in health expenditures at both the federal and provincial levels has led to the need for serious discussion regarding health care in this country. We need to examine some questions such as: what are medically necessary services? Who should pay for them? What is reasonable access? And if extra services can't be provided to everyone through the public purse, should those who can pay be allowed to do so privately? These are just a few examples of the questions that require consideration when examining our health system. The answers to these questions are necessary to ensure a sustainable health system for the future.

The same old approach is not going to address the issues of

health care. That is all that Bill 207 is about: the same old, tired business, Madam Speaker. I would suggest that we need to look for more innovation; we need to look forward. We need to be more creative about pursuing solutions to the rising costs and deliverability of health care in the country. All the provinces and territories in Canada are faced with a similar problem: how to contain costs while providing these necessary services. To solve this problem, I would suggest that we need to be open to innovative and creative alternatives that technology in the future might provide to health care.

Madam Speaker, the time is now to have substantial dialogue with the federal, provincial, and territorial governments as to what medicare is and what it should be. Our health system continues to evolve. We need to review the guiding principles of our health system to ensure they're responsive to the changing needs of Canadians and our new fiscal realities. The provincial and territorial health ministers recently released a document entitled *A Renewed Vision for Canada's Health System*. It outlines their vision of the future for Canada's health system and lists strategies to achieve it. They envision a system that integrates the full range of health services to better meet the needs of patients. It integrates prevention of illness and promotion of healthy lifestyles as well as assessment, diagnosis, and treatment services so they are better matched to peoples' needs. In addition, they recommend a new administrative mechanism to further dialogue on the ongoing clarification and interpretation of the Canada Health Act and its five principles and interprovincial comparability of programs.

Madam Speaker, the health ministers suggest that a modern health system would require a new administrative mechanism that would be less arbitrary, more rigorous, and capable of clarifying ambiguities and disputes among the parties. It would also be transparent to all Canadians. The new mechanism would consist of an expert advisory panel of knowledgeable persons in the areas of the Canada Health Act and the realities of provincial and territorial health systems. The panel will have the responsibility to make recommendations on the interpretation of the principles of the Canada Health Act, provincial and territorial application, adherence to the principles, related financing, and emerging trends.

5:00

Madam Speaker, each province must have the flexibility to provide quality health services that best meet the needs of their residents. This new administrative mechanism would be able to recognize the very needs of the provinces and respond accordingly. It would also provide a mechanism for re-evaluating the principles of the Canada Health Act to ensure they are responding effectively to the needs of all Canadians. The vision of the provinces and territories is that Canada will have a nationwide health system that is cherished by Canadians and respected worldwide for its ability to provide health services and to improve health and well-being among Canadians in a cost-effective, equitable manner. I believe that if we work together with the best interests of Canadians in mind and openness to innovation, this vision will become a reality for Canadians.

In closing, I cannot support Bill 207 as it still offers Albertans nothing new. I would suggest that this Bill is a step backwards for Alberta's health care system. I encourage my colleagues to vote against this Bill and would also encourage us to look more innovatively and open a dialogue with the federal government with regard to our provision of health care in this province.

Thank you, Madam Speaker.

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

MRS. SOETAERT: Thank you, Madam Speaker. You know, it's interesting. People say that we're looking backwards. Why did we bring this Bill forward? Because there's an obvious need for it in this province, and the Canada Health Act I think in many, many respects has been dodged around by this government. I think the reason we brought it forth is because certainly we listened to our constituents. In fact, it concerns me that the Member for Calgary-North West will not be representing all of his constituents, as the Member for Calgary-*Buffalo* happens to live in his riding. Most interesting: he won't be representing his constituents.

One of the things that this Bill will address that I certainly am concerned about is accessibility. The Member for Calgary-North West said that accessibility doesn't necessarily mean good health care. Well, hello. If you happen to live in Redwater and the hospital's not open, you've got a problem. If you happen to live in parts of my riding, like Villeneuve or Calahoo, or even the Member for Redwater's in Morinville, it's almost impossible to get a long-term care bed in Edmonton. I want the minister to listen to this because they won't even allow people to get on the list, because there's just no chance. They'll send people from Calahoo to Barrhead. Well, for those people they may as well be in Grande Prairie. Nothing against Grande Prairie, but you know what? If you live in Calahoo, that is not acceptable. So if we're talking accessibility in the Canada Health Act, then you have to look at people who live in parts of my riding who can't access Capital health long-term beds. I've mentioned it before in this House, and being able to speak to this Bill brings up that concern again. That's why I'm going to support this Bill, and I encourage everyone to, because everything that is written in the Canada Health Act is not happening in this province. It's not, and that's why we have this Bill 207 in front of us.

There's a real fear of privatization in this province, and I think it's a very valid fear. What scares me is when the Member for Calgary-North West says: we have to be creative and innovative. Does he mean privatize? Is that what he means? That's what HRG is. As long as it gets a public dollar - it shouldn't get a public dollar. If it's under the Canada Health Act and it's to be accepted in this country and in this province, it shouldn't get one dollar from public funds, not one.

So, Madam Speaker, there is cause for concern, and that's why this Bill is here. We've already been fined as a province a million dollars for breaking the rules. Hopefully we'll learn.

MRS. McCLELLAN: Yeah. They're still assessing Quebec; aren't they?

MRS. SOETAERT: I just love to wake up the other members, Madam Speaker, and I knew that would do it.

The Member for Calgary-Glenmore mentioned something about different things that aren't covered in the Canada Health Act that this government does cover, and I'm aware of that. I know that the past Minister of Health and I have spoken about that, and I think that should be reviewed as well. One of the things that you were mentioning, dental surgery, I believe, Calgary-Glenmore: I think one of the things that should be considered is endodontia. You know that concern that I've had. There's a constituent in the Member for Redwater's riding who still has not been fairly dealt with, as far as I can see, in this province. Those of you who don't know what that is can look it up.

I want to take a moment to talk about the role of the advocate.

I know there are many mechanisms right now, and there are several different people – one in charge of long-term care, one in charge of acute care, one in charge of hip replacements – that you have to phone to try to get a bed for people or doctors are trying to . . . I really think that if we had this one advocate set up, that person would be arm's length from the government – though you have to wonder about arm's length; let's use the word “independent” from the government, from the Minister of Health – and certainly work co-operatively with the minister. I think that'd be an excellent tool that this government would be wise to use, and it's a good suggestion.

I know that often, when it's a private member's Bill from our side, people sit and they just moan and groan and think of some wild excuses to not support it, but like the Member for Calgary-Buffalo said: repeat, repeat, repeat, and they may catch it. They have with other Bills. Many Bills of ours they've taken. Certainly freedom of information was rooted in liberalism. I think that many other Bills, the present ambulance Act, many of those have started on this side, and it just takes them a while to catch on. I've heard two people from that side say that they're going to vote against it. No surprise. However, I'm always optimistic that they may learn. We may have to bring it back seven or eight times, but we'll just keep doing that.

This would eliminate facility fees, and I think that's very, very important. I had a constituent call. She had to pay for an MRI. She did it because she needed it right away, and she couldn't afford to wait for the three months that it would take. After that MRI she was told that she needed another one. By what they had found, they needed to do another one. She phoned me in tears, and she said: “Colleen, I've already paid \$750. That's one month's mortgage payment for us, and I haven't got the money for another month. But I want to live. I have four children.” That's not right. That shouldn't happen here in Alberta. We deserve better. If something like passing this will make it more accessible, will stop some of the facility fees, will set up an advocate, I think it's in our best interests to support it. That's why we bring concerns to this Legislature.

I hope people don't vote with a closed mind. I know that at the doors, all of you out there heard concerns about health care. You all said: “Yep, we're going to address it. I promise you. Yep, we listen and care.” Well here's a good chance to show that you do. There are some very, very positive moves in this Bill, very forward-looking moves on certainly this side of the House. People should support it to make sure that health care is here for the people of Alberta and not slipping away to private groups who will make money off the people who are not able to access publicly funded health care.

The Minister of Energy would like me to quit, but actually, Madam Speaker, I have said the few points that I wanted to in support of this Bill. I hope members will seriously think about supporting this Bill. It addresses the fears that many people in Alberta have about what is happening with health care.

So with that, I will take my place and allow other people. Thank you.

THE ACTING SPEAKER: The hon. Minister of Health.

5:10

MR. JONSON: Thank you, Madam Speaker. First of all, I do wish to address the Bill, but I think that, given some of the debate that has preceded my remarks, I do wish to make some comments of a general nature.

This particular type of Bill has been around I think for about two years, and it seems to be becoming an all-purpose Bill as far as the members across the way in the opposition are concerned. The introduction by the Leader of the Loyal Opposition – and I guess I did hope to be able to speak across the way to him this afternoon, but so be it.

MRS. SOETAERT: Point of order.

Point of Order

Referring to the Absence of Members

MRS. SOETAERT: He's not supposed to mention that. Mr. Minister, come on. [interjection] Well, your Premier's not here. Let's stop this.

THE ACTING SPEAKER: On that point of order, yes. We do not indicate whether members are in fact in the Assembly.

MR. PASZKOWSKI: That wasn't said.

MRS. SOETAERT: It was implied. You know it was.

MR. PASZKOWSKI: Ah, gee.

THE ACTING SPEAKER: Order, hon. minister.

Go ahead, hon. minister.

Debate Continued

MR. JONSON: The point that I'm making, Madam Speaker, is that there were references made to the Canada Health Act and to private clinics and facility fees. I have read the Bill, and although it does address an important point, an important aspect of the health care system, it really has no reference to those two or three things in it. I do appreciate the latitude that is provided in these matters, but I do have to draw this to the House's attention, and that is that the debate over the years on this particular Bill both inside and outside the House has ranged far beyond what it actually says.

I hope that you do allow me, Madam Speaker, to just comment generally on two or three points. First of all, the government is very sincere in its commitment to the maintenance of a quality publicly funded health care system in this province. We are certainly dedicated to concurrence with the principles of the Canada Health Act. What I think is needed here, without all the rhetoric and all the alarmist comments that are made, is that we do need to in a careful and considered way work our way through that particular issue. I don't think it is something that is going to be just dealt with during the months that this particular Legislature will be in session. We will always have to be vigilant. We will have to work to make sure that that system remains in place.

[The Deputy Speaker in the Chair]

I would just like to make a comment about facility fees, which this government has taken actions to eliminate. As I've said in this House before, we've had a major problem getting interpretations, coming to a position where we knew what it was we had to do from time to time in terms of adherence to those principles. Today, following the actions that were taken last summer with respect to the eye care clinics in this province, we do not have facility fees, and we do conform, as I understand it, quite adequately as far as the Canada Health Act is concerned.

The other item that's been brought into this particular debate on this particular Bill is, because it seems to be the current topic of the day, a reference to private services in the health care system. I would like to just draw hon. members' attention to the fact that we could probably go back in this province even before the Canada Health Act came in. This particular example didn't change with the Canada Health Act coming into being, and that is that we've had in the province private laboratory companies working under contract or working in arrangements for years and years with physicians providing a segment or an aspect of insured services under MSI years ago and now under the Canada Health Act. That has been accepted. It has been part of our health care system for a long time. Today with the changes that have occurred, we still have that private-sector presence within the health care system, albeit it depends on which region you're in. In some cases there is a contract for services; in others there is an RHA-operated laboratory system.

The point that I'm wanting to make here, Mr. Speaker, is that we have to work through the development and the evolution of the public health care system in this province, making sure that it adheres to the principles of the Canada Health Act but also recognizing that there has to be some diversity within the system. There has been for a long time. We need to think of the patient, of the individual, their access to it, the quality of service in making our decisions and not try and take advantage of some particular development at a particular time. Instead, back up, have a look at it. Yes, discuss with the federal government, discuss with the people in the health care system, and arrive at the right decision which will conform to the Canada Health Act and also provide good-quality, publicly overseen and funded health care services in the province. That's the approach I am taking as minister, and I hope that is the approach we continue to take with respect to dealing, for that matter, with all matters in government.

Now, I would like to talk just very briefly about the Bill itself. The Bill deals really with setting up a co-ordinated system of appeals and the putting in place of a health ombudsman. Under the previous Minister of Health I think it's important to point out that there was established a body known as the Alberta Health Council, an independent, arm's-length council or agency of government which was charged with the responsibility of reviewing, assessing, and reporting on the status and the performance of our overall health care system. The Alberta Health Council has been at work. It has produced an annual report which assesses the overall performance of the health care system. So, Mr. Speaker, I think that in part the legislation has already been acted upon as far as government is concerned. I think that the Alberta Health Council actually has some advantages over a single person or a single office with respect to this broad consultation and assessment of the performance of the health care system.

The second thing, Mr. Speaker, is that we should also be aware that the Alberta Health Council was assigned a project with respect to this whole business of appeals, the establishment of an ombudsman or some other type of arbitrator as far as specific health care concerns arising within the system. The Health Council I think produced a very good report on that particular topic with a series of recommendations. The government has accepted those recommendations almost entirely. Certainly the overall direction of the report has been accepted. Within Alberta Health we are working on the implementation of those recommendations with respect to bringing together the varied and, yes, sometimes confusing-for-the-public routes of appeal and contact that currently exist within the health care system.

We are at variance in our approach with the Bill because, one, as I've said, we think that the advocacy role, the overall assessment role is best carried out by the Provincial Health Council and by the regional health authorities and by all the people in the health care system which should always be thinking about accountability and performance within the system. With respect to that, we're working on an overall accountability framework for all aspects of the health care system, not just those things that might be referred to an ombudsman.

The other thing, though, with respect to specific individual complaints, we are taking the recommendations of the Alberta Health Council. We are moving towards setting up a much simpler, much more individual, much more user-friendly approach to people being able to get information and to having individual concerns dealt with, and that is under way.

5:20

There is, Mr. Speaker, a second issue and a second reason that I would not vote for this particular Bill, and that is that this Bill has a rather detailed set of clauses regarding setting up a separate office of a health ombudsman. We do have an Ombudsman in the province right now, who has broad experience and extensive experience with respect to appeals on a whole range of government activities. My view as minister is that we should consider utilizing that particular office, adding to it a very important branch which would deal with a co-ordinated and consistent approach to dealing with health care appeals.

As a stage before that stage at the provincial level we are working with the regional health authorities to consolidate their own communication and contact and appeal mechanisms so that within the regional health authorities individual citizens know what the first line of appeal is, what the first line of response will be, which I think for the most part will be the quickest and most knowledgeable and most effective response that people can receive. If that does not deal with the matter, then there is the further appeal to what we contemplate as a branch, an additional function of the Ombudsman at the provincial level.

So, Mr. Speaker, I think that the overall thrust of the Bill is following what we're already doing. I have some concerns with its specifics, and certainly I do have the overall concern that in the debate a number of issues have been brought in which are not relevant to what is otherwise an important matter to discuss but not to support. Thank you, Mr. Speaker.

I would move that we adjourn debate.

THE DEPUTY SPEAKER: The hon. Minister of Health has moved that we adjourn debate on Bill 207. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

MR. HANCOCK: Mr. Speaker, I move that we now adjourn until 8 o'clock this evening and that we reconvene in committee at that time.

THE DEPUTY SPEAKER: The hon. Deputy Government House

Leader has moved that the Assembly do now adjourn until 8 p.m. and that when we meet at that time that, we do so in Committee of Supply. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

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

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

