

Legislative Assembly of Alberta

Title: Wednesday, May 28, 1997 **1:30 p.m.**
Date: 97/05/28
 [The Speaker in the Chair]

head: Prayers

THE SPEAKER: Good afternoon. Today's prayer is an excerpt from one said in the Ontario Legislature.

Let us pray.

Our Father, give to each member of this Legislature a strong and abiding sense of the great responsibilities laid upon us.

Give us a deep and thorough understanding of the needs of the people we serve.

Help us to use power wisely and well.

Inspire us to decisions which establish and maintain a land of prosperity and righteousness where freedom prevails and where justice rules.

Amen.

Please be seated.

head: Presenting Petitions

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

DR. NICOL: Thank you, Mr. Speaker. It gives me pleasure this afternoon to introduce a petition on behalf of 1,622 people in southern Alberta who are concerned about the discrepancy in gasoline prices between the south part of the province and the rest.

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

DR. PANNU: Thank you, Mr. Speaker. I'm pleased today to present a petition to save universal health care, medicare, on behalf of nearly 200 Albertans. They affirm their support for the five principles of medicare, oppose a two-tiered health care system, and call for a national standard to be maintained.

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

MR. MARZ: Thank you, Mr. Speaker. I'd like to table a petition signed by 51 residents of Olds-Didsbury-Three Hills regarding VLTs.

head: Reading and Receiving Petitions

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

DR. PANNU: Thank you, Mr. Speaker. I move that the petition presented by the hon. leader of the ND opposition be 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

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I'm giving

oral notice of the following motion:

Be it resolved that debate on third reading of Bill 1, Freedom of Information and Protection of Privacy Amendment Act, 1997, shall not be further adjourned.

head: Introduction of Bills

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

Bill 19 Livestock and Livestock Products Amendment Act, 1997

MR. STELMACH: Thank you, Mr. Speaker. I request leave to introduce Bill 19, being the Livestock and Livestock Products Amendment Act, 1997. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

The purpose of this Bill is to transfer responsibility from the government to the cattle industry for the livestock patron's assurance fund, which protects livestock products from defaults in payment from livestock dealers.

[Leave granted; Bill 19 read a first time]

THE SPEAKER: The hon. Minister of Education.

Bill 21 School Amendment Act, 1997

MR. MAR: Thank you, Mr. Speaker. I beg leave to introduce Bill 21, the School Amendment Act, 1997. Sir, this being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

Mr. Speaker, this Bill will improve the School Act in a number of different areas, including updating the School Act so that it is consistent with the freedom of information Act, will make changes with respect to the certification of teachers, and will provide school boards with some flexibility in a number of things that they plan on doing.

[Leave granted; Bill 21 read a first time]

head: Tabling Returns and Reports

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. Today I'm pleased to table a report updating members on how this government has consulted with Albertans to reshape government policies. During the 1996 calendar year close to 300,000 Albertans have been part of discussions on the future of this province.

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

MR. WOLOSHYN: Thank you, Mr. Speaker. It's my pleasure to table with the Assembly four copies of the annual report of the Alberta Society of Engineering Technologists. Again if any members wish to receive this report, please notify my office, and we'll get one for you.

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

MS OLSEN: Thank you, Mr. Speaker. I'd like to table four copies of a judgment out of the Calgary Court of Queen's Bench, Her Majesty the Queen versus Gordon Sheward, involving a Treasury Branch cheque-kiting scheme.

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

MRS. PAUL: Thank you, Mr. Speaker. It gives me great pleasure to table four copies of a letter from the Camping Clubs of Alberta, and the subject matter is privatization of provincial parks, campgrounds, and recreation areas.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I have five different letters here that I've made four copies of, and they are regarding children with disabilities and Bill 5 in particular, hoping that the amendment changing the word "adults" to "persons" will be brought forward by the government and passed tonight. These are the copies of their letters expressing those concerns.

THE SPEAKER: The hon. minister responsible for children's services.

MS CALAHASEN: Thank you, Mr. Speaker. I table four copies of a letter I recently sent to the Workers Opposed to the Redesign of Children's Services, otherwise known as WORCS, the answers that they had requested and their concerns to be addressed.

THE SPEAKER: The hon. Minister of Labour.

MR. SMITH: Thank you, Mr. Speaker. I am pleased today to table with you in the Assembly four copies of the 1997 business plan for the Alberta Boilers Safety Association.

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

MR. MITCHELL: Thank you. I rise, Mr. Speaker, to table a letter from a resident of Peace River to the Minister of Transportation and Utilities in which he raises the concern that many businesses may never recover or indeed reopen because they are beyond the parameters in place through the flood recovery program. Changes could be made, and it's within the purview of the minister of transportation to make them.

head: **Introduction of Guests**

THE SPEAKER: The hon. Minister of Energy.

DR. WEST: Yes. Thanks, Mr. Speaker. I'd like to introduce to you and to the members of the Assembly today some guests from the constituency of Vermilion-Lloydminster, specifically 13 grade 6 students from Mannville, Alberta. That's about a hundred miles due east of here on Highway 16. They're accompanied today by their teacher Shirley Unger. They're in the members' gallery, and I would ask them to stand and receive the warm welcome of this Assembly.

1:40

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

MR. STELMACH: Thank you, Mr. Speaker. I am pleased to introduce to you and through you to members of this Assembly a constituent of the riding of Vegreville-Viking, Ms Jody Zacharkiw. Jody has just completed her first year at The King's University College and is presently working at our constituency office in Vegreville. I would ask her to rise and receive the traditional warm welcome of this House.

MRS. O'NEILL: Mr. Speaker, I'm honoured this afternoon to introduce to you and through you to Members of the Legislative Assembly two friends of mine, residents of St. Albert who are strong volunteers and excellent contributors to the quality of life that we enjoy in our community. They are Mrs. Colleen Mcleod and her son Robert Mcleod. I'd ask them to rise and receive the warm welcome.

THE SPEAKER: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Speaker. I'd like to introduce to you and through you two very important and hardworking people who've worked in my office in Calgary since 1993, Diane Leinweber and Terri Douglas. They're in the members' gallery, and I'd ask them to rise and receive a warm welcome from the House.

THE SPEAKER: The hon. Member for Redwater.

MR. BRODA: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to this Assembly five special guests. Three exchange students attending the Smoky Lake high school are Axel Clement from Germany, Jane Bouttiau from Belgium, and Valerie Benard from Belgium. Accompanying them are Mrs. Cathy Taylor and her daughter Christy Taylor from Smoky Lake. They are seated in the members' gallery, and I would ask them to rise and receive the warm welcome of this Assembly.

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

MR. BONNER: Thank you, Mr. Speaker. I'm honoured today to introduce to you and through you to members of the Assembly Miss Laura Pham. Laura is a STEP student who works in the Glenarry constituency office. This is her third summer. I'd ask Laura to stand now and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Fort McMurray.

MR. BOUTILIER: Thank you very much, Mr. Speaker. It's my privilege today to introduce to you and through you to members of this Assembly Mr. Milt Hodgins. Mr. Hodgins is an active member of the Fort McMurray community, in fact had the pleasure of being a coach to the Premier when he won his Anzac Winterfest dogsled draw team this past winter. He's in the public gallery, and I'd like to ask him to rise and receive the traditional warm welcome of this Assembly.

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

MR. MacDONALD: Thank you, Mr. Speaker. Today I am very honoured to introduce to you and through to members of the Assembly Mr. Richard McGuire. Richard McGuire is active in

the Gold Bar community. He is in the public gallery this afternoon, and I would ask Richard to please rise and receive the warm welcome of this House.

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

MR. GIBBONS: Thank you, Mr. Speaker. I have the pleasure to introduce to you and through you to the members of the Assembly my STEP student for Edmonton-Manning, Brandi Day, who is a resident of our constituency. She's a strong community person. Brandi.

THE SPEAKER: The hon. Member for Wainwright.

MR. FISCHER: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the Assembly 23 visitors from the Gus Wetter school in Castor, which is in the heart of east-central Alberta. These grade 6 students are here on a two-day educational tour of the city. In fact one little girl said that she was staying at the Riviera Hotel and that I could phone them all later on tonight. They are accompanied by their teacher Mrs. Dunkle and parents Mrs. Spady, Mrs. Unsworth, Mrs. Listoe, Mrs. White, and Mr. Blume. They are seated in the member's gallery, and I'd ask them to rise and receive the warm welcome of this Assembly.

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

MR. DICKSON: Mr. Speaker, thanks very much. It's my privilege this afternoon to introduce to you and to all members of the Assembly 39 Calgaryans. They're in the gallery opposite, the public gallery. We have with us this afternoon 37 students from AVC, the Alberta Vocational College, and their two instructors Susan Jolliffe and Daryll Landiak. I had a chance to chat with them before, and I know they're eagerly looking forward to question period. I'd invite those guests to rise and receive the customary welcome of the members.

Thank you.

THE SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. It's a great pleasure for me to introduce to you and through you to members of the Assembly on behalf of a number of our colleagues, from Lethbridge-West, Cardston-Taber-Warner, and Livingstone-Macleod, 11 special guests from the Providence Christian school who have come up this morning from Lethbridge. These students are accompanied by their teacher Mr. Chris Heikoop and his wife, Mrs. Heikoop. They come from Fort Macleod, Stirling, Picture Butte, Diamond City, and Lethbridge. It's with a great deal of pleasure that I ask them to stand in the member's gallery and receive a warm welcome from the Assembly.

head:

Oral Question Period

Homeless People

MR. MITCHELL: Mr. Speaker, yesterday in the Legislative Assembly the Minister of Family and Social Services misrepresented a study in order to justify his government's callous and uncaring treatment of homeless people.

MR. HAVELOCK: Point of order.

MR. MITCHELL: The author of the study said yesterday in response, and I quote: it is a terrible misrepresentation of the study; I am quite angry about this; it's a horrendous misuse of the study. To the Minister of Family and Social Services: has he apologized to the author of the study and will he apologize to the House for misrepresenting the findings of this study?

DR. OBERG: Mr. Speaker, the simple answer to that is absolutely not.

What we have stated and what I stated yesterday was that there is a percentage of people who are homeless who choose to be homeless. Mr. Speaker, I have another study here that states that actual studies across North America have shown that no more than 5 percent of homeless people choose to live on a sustained basis on the street.

Mr. Speaker, if the hon. Leader of the Opposition would take time to look at that study and actually find out what it was saying, he would see that in the study they looked at 110 people. Of those 110 people there were two people who were classified as people who were homeless who chose to be homeless. If the Liberal opposition just wants to throw it out and ignore these people, if they don't want to try and help them, then go ahead.

MR. MITCHELL: Mr. Speaker, in his role as minister of social services, has the minister ever met with representatives from homeless shelters in Alberta, has he ever visited a homeless shelter in Alberta, and perhaps most important of all, has he ever actually spoken to a homeless person in this province?

DR. OBERG: Mr. Speaker, what the hon. Leader of the Opposition tends to forget is that up until about eight weeks ago I was a physician in the province of Alberta. I saw these people, I talked to these people all the time.

MR. MITCHELL: Right. Well, I think you'll find, Mr. Speaker, that the bulk of the homeless are in the major urban centres in this province, and his practice was somewhere quite different than that.

Mr. Speaker, do either the Minister of Health or the Minister of Family and Social Services take any responsibility whatsoever for those people suffering from mental health and developmental disabilities who have been pushed out of institutions and programs and forced onto the streets because they have no where else to go?

DR. OBERG: First of all, I take great exception when the hon. Leader of the Opposition states that there are no homeless in rural Alberta. Mr. Speaker, that is a problem in rural Alberta and we are looking at that.

1:50

If I can, I'll just tell you a little bit about what my department has done: (a) we have given a full-time worker from the department to the city of Calgary; (b) we fund \$132,000 for 18 beds in Anchorage house in Calgary, \$674,000 for 130 beds in the Booth Centre in Calgary, \$567,000 for 180 beds at the Drop-In Centre in Calgary. Mr. Speaker, if I may, that is an increase from 100 beds. We'll go on. The United Way has increased its funding by \$100,000 to the homeless in Calgary. We're working closely with the city of Calgary. Tomorrow at a seminar that is coming in Calgary there will be a document called the Homeless Initiative Ad Hoc Steering Committee Consultation Summary. This is being released tomorrow by the hon. member and her steering committee.

So, Mr. Speaker, we are trying our best to look after the homeless. We are trying our best to look after the people who have mental disabilities. It's not an easy job, but we are trying.

MR. MITCHELL: It's not a very easy place to live either, Mr. Speaker.

Health Resource Group Inc.

MR. MITCHELL: Albertans are concerned that the private hospital in Calgary will undermine medicare by widening the door for even more commercialization and privatization of our health care system, and there is now another side to the concern, Mr. Speaker. Even the chief executive officer of the Calgary regional health authority, Paul Rushforth, has stated that he is hesitant to contract with an unproven entity, and with good reason, because HRG, the private hospital, states in its own prospectus that theirs is a new corporation with no earnings, no cash flow, no operating history, and an unproven concept for which there is no assurance that they will be successful. To the Minister of Health: is it the government's policy to allow regional health authorities to contract with private medical facilities that have virtually no track record?

MR. JONSON: Mr. Speaker, certainly the Department of Health and the minister are very concerned that any services that are provided in the health care system of the province of Alberta are provided by competent and qualified people and that the quality of health care is maintained. Certainly we want to assure that any arrangements for health services in this province meet standards, and that is why, as I reported to the Assembly on more than one occasion previously, I have communicated with the regional health authorities of the province to make sure that there is the opportunity for the minister to review and to approve any contractual relationships that may be contemplated.

MR. MITCHELL: Has the minister even discussed with HRG, the Calgary private hospital, the numerous risk factors identified in their own private placement offering memorandum? If he's so concerned about the quality of their service, has he even discussed the risks that they themselves acknowledge, Mr. Speaker?

MR. JONSON: Mr. Speaker, also as I have indicated previously in the Assembly, officials from my department have met at length with officials from HRG and have gone over and expressed a number of concerns and provisos with respect to what they may be planning. So certainly, yes, we are very much monitoring the situation, and as I've said before, all across the health care system our mandate and our purpose is to make sure that standards are met and quality is maintained.

MR. MITCHELL: Is it during those meetings that the minister made the commitment to contract with that private hospital for ensured services, and could he outline which ones?

MR. JONSON: Mr. Speaker, as I think I've also made clear, I have not met with HRG, but my officials have and have certainly briefed me on the matter.

THE SPEAKER: Third main opposition question, the hon. Member for Edmonton-Mill Creek, followed by the hon. Member for Edmonton-Strathcona.

EDO (Canada) Ltd.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Two weeks ago, on May 13, 1997, to be exact, EDO (Canada) Ltd., a Calgary-based manufacturer of fuel cylinders, filed for voluntary bankruptcy with the superintendent of bankruptcies, and according to bankruptcy documents filed in court, the government of Alberta is a shareholder in EDO (Canada) Ltd. Today I'm filing copies of the May 5, 1997, minutes of a meeting of directors and shareholders of EDO (Canada) in which the director of loans and guarantees of Alberta Treasury was present as a shareholder. My questions are to the Provincial Treasurer. Will the Treasurer confirm how many preferred and common shares the government of Alberta owned in EDO (Canada) Ltd. at the time of bankruptcy? Was it \$4.4 million?

MR. DAY: In my understanding, Mr. Speaker, of the history of this company, they used to make cylinders for natural gas powered vehicles, lightweight cylinders. At any rate, for a four-year period, as I understand it, from about 1987 to 1991, the government of Alberta purchased, I believe, \$6.7 million worth of preferred shares, and there was also research and grant money, I think, totaling close to \$3 million. So there was a considerable investment by the previous pre-Klein administration, and that was about 1987. It was over a four-year period. The government of the day had their diversification initiatives; that was one of them.

The member is quite correct. I think it was April 25 of this year that they actually filed for bankruptcy protection. By May 30 they have to have a plan in place advising creditors what kind of disbursement there's going to be.

MR. ZWOZDESKY: What attempts, then, were made by the current administration, the Klein administration, to put it in your words, to in fact recover some of our moneys by redeeming some of these preferred shares prior to the declaration of bankruptcy?

MR. KLEIN: Who's going to buy them?

MR. DAY: Well, the question that the Premier just rightly asked is: who's going to buy them? That's the unfortunate circumstance. The share value is zero or approaching that, and it's kind of tough to find a market when the values of those shares are that low. It's an unfortunate turn of events for this particular company.

In effect, with the Alberta government from 1987 to '91 buying into that in terms of shares, it made the government about a 33 percent shareholder. EDO out of the States was about 50 percent, and there were Japanese investors at about 16 percent. Unfortunately, those shares were rock bottom, just about as close to zero if not zero, and there was no market for them, Mr. Speaker.

MR. ZWOZDESKY: My final question is: will the Treasurer explain perhaps why the director of loans and loan guarantees supported that motion on May 5 to file for bankruptcy? Is there some chance that taxpayers will recover something from this, or is it a total loss of \$4.4 million?

MR. DAY: Well, to be honest, Mr. Speaker, I think the chances of any recovery are very low if not nil, to be perfectly frank.

It's not the type of involvement that this present administration would be involved in. This administration under our Premier very clearly has said since 1993 that this administration will not be involved in business, will not be involved in these loans and

loan guarantees, and in fact we have an Act in place, the business limitation Act, which prohibits the government from getting involved in those types of initiatives anymore. That was done in 1993.

Seeing the downturn in that particular business and trying to anticipate it, Treasury actually wrote down this loan loss in 1992-1993. So it was accommodated financially at that time and was dealt with at that time. Taxpayers are not stuck with that loss in this present administration. That's the history of it. It was unfortunate, and we have protection in place now through this administration. We do not get involved in those types of arrangements anymore.

THE SPEAKER: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Fort McMurray.

Health Resource Group Inc.

(continued)

DR. PANNU: Thank you, Mr. Speaker. I wish to file four copies of a submission made to the U.S. Securities and Exchange Commission by the Sun Healthcare Group, Inc. I also wish to file four copies of the interview that Andrew Turner, CEO of Sun Healthcare, did with the *New Mexico Business Journal*.

Mr. Speaker, two directors/shareholders of the Health Resource Group Inc. are connected to the Sun Healthcare Group, Inc. through its Canadian subsidiary, Columbia Healthcare Inc. My question to the Minister of Health is this: given that two of the directors or shareholders of HRG are connected to this U.S. health care corporation, which is being investigated by the U.S. government that could result in the imposition of civil, administrative, or criminal fines or penalties, how can the minister justify exposing Albertans to these types of practices through this introduction of American style health care?

2:00

MR. JONSON: First of all, Mr. Speaker, it is my understanding that the HRG entity is separate in terms of its business operations and ownership from the American company that was just referred to. Secondly, to the extent that I do understand the situation in the United States, there has been no particular judgment arrived at in the courts of the United States. The third thing that I would comment on is that it appears that the nature of the case is one which involves several companies and several health entities, and it is a quite lengthy matter.

Mr. Speaker, I think the proponents of HRG have been quite open in their information-providing as far as the links or lack thereof among these companies, and it is well understood.

DR. PANNU: Given the links between Sun Healthcare Group and HRG that I've just drawn attention to, Mr. Speaker, how can the minister say that he is not concerned about the introduction of U.S. style health care into Alberta when the CEO of Sun Healthcare Group is on the record as saying that the only proper role for government in health care is to butt out?

MR. JONSON: Mr. Speaker, I don't know the context and I'm not aware of those particular remarks. The only point that I would make is that in terms of shareholding, I think it's quite possible that there are hundreds if not thousands of individuals working in the public health care system of this province who may have shares in various corporate entities.

DR. PANNU: My last question, Mr. Speaker. I ask the minister again: will he file in this Assembly copies of all the documents generated by his department on which he bases his judgment that HRG's proposed activities do not conflict with either the Canada Health Act or provincial legislation governing hospitals under the health care system?

MR. JONSON: Mr. Speaker, as I've indicated in the Assembly before, we have done an analysis of the Canada Health Act and its five principles. We are in adherence with those particular principles. As far as information on the Canada Health Act and its meaning or direction, that is publicly available.

THE SPEAKER: The hon. Member for Fort McMurray, followed by the hon. Member for Calgary-Buffalo.

Growth Pressures in Fort McMurray

MR. BOUTILIER: Thank you, Mr. Speaker. Over the past year there has been tremendous economic activity and growth in northern Alberta in the Wood Buffalo-Fort McMurray region. As much as this is positive, there has been a downside to this growth, and that is the increased demands that are being placed on our city's health resources presently at the regional hospital. My question to the Minister of Health is: with this unprecedented 20 to 25 percent increase in demand over the past year, how is your department going to address issues such as this?

MR. JONSON: Certainly, Mr. Speaker, we do acknowledge the very rapid, tremendous growth in Fort McMurray and area. I would like to say two things by way of reply to the hon. member's question. First of all, as hon. members know, we have put in place a new funding formula for the regional health authorities across the province which is population based and therefore will be responsive person by person to the growth in the population in Fort McMurray in subsequent periods of time.

The second thing, Mr. Speaker, is that we are aware of the planning challenges that the regional health authority in Fort McMurray is facing. We have had officials from our department – for instance, Dr. Guenter, who is very well respected in terms of both developing funding mechanisms and in terms of administration and planning – in Fort McMurray within the last few weeks, and we will be following further along that particular line.

MR. BOUTILIER: Thank you, Mr. Speaker. In relation to the response the minister just made, I'm wondering if the minister would be prepared to meet, in addition, with the stakeholders and the community leadership and perhaps even the Alberta Medical Association to address these challenges because of the unprecedented growth and also the concerns that are raised because of the funding formula because of our youthful age that we do have in Fort McMurray.

MR. JONSON: Mr. Speaker, again I would like to make two points. First of all, I think it is important to proceed with the work and the alternatives that we're looking at in conjunction with the regional health authority up there. That I think is the priority that we have. My deputy minister will also be going to Fort McMurray to look at some alternative arrangements in terms of dealing with the great volume of work that the hospital is experiencing.

Yes, Mr. Speaker, when possible I would certainly be willing to arrange a meeting through the representative for that area given

of course the priority that has to be put on other duties when the House is in session.

MR. BOUTILIER: Thank you very much, Mr. Speaker. My final supplemental. Due to this growth that we're talking about today and the economic activity in the north, housing and affordability of apartment rentals and accommodations and the scarcity are of concern to our citizens. To the Minister of Municipal Affairs: I'm wondering what initiatives your department can take in helping address these growth issues and community concerns that have been raised.

MS EVANS: Mr. Speaker, as the hon. member is well aware, we are not in the housing business except as it applies to seniors' support and housing for those that are most in need. What we are doing is working with the regional municipality of Wood Buffalo, as we are in other high growth areas where demand exists, to create an opportunity and environment for sale of public properties at fair market value so that there's additional space available for developers and others who wish to take the initiative to build apartments or housing. We're very pleased to work with the region of Buffalo, quite successfully in the past and in the future, to make sure they can meet this demand.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Calgary-Currie.

Freedom of Information Legislation

MR. DICKSON: Thank you, Mr. Speaker. In the Speech from the Throne just one month ago, a promise was made to Albertans to provide open government, a promise that the Premier has made every year since he was first elected. Sadly, the actual record of the government is something very different. My question is to the hon. Premier this afternoon. How can his government claim to be open when under his direction when he's been Premier, they've used the guillotine, the extraordinary remedy to cut off debate, 19 times in four years? That's more times than any previous government in the history of Alberta.

MR. KLEIN: Well, Mr. Speaker, closure is not a step that we use very often. We use it when there is a suspicion or evidence of filibustering. Debate is something that is a time-honoured tradition in any legislative or parliamentary setting, good, honest, straightforward debate, but when you start to hear the same thing time and time and time again, that represents to me some form of a filibuster. When that happens, the government has no choice but to invoke closure, and that's what's happening in this case.

2:10

MR. DICKSON: Mr. Speaker, then, the question I want to ask at this point is: how is it that the hon. Premier has determined that three and a half hours is enough or too much debate? Perhaps he could share with us what basis he uses for determining what the threshold or the cutoff is.

MR. KLEIN: Mr. Speaker, it's not so much the time that one takes to debate a particular issue, it's really what is contained in the debate. When you start to hear the same thing time and time again, it indicates that indeed some kind of filibustering is going on. That is exactly what is happening relative to Bill 1, and that's why this government has decided to invoke closure.

MR. DICKSON: My final question, Mr. Speaker, would be this: if indeed the Premier's government is as open as he claims, perhaps he would be good enough to explain for the benefit of Albertans why his government has now started charging fees to Albertans when they try to get public government news releases from the Alberta Communications Network?

MR. KLEIN: Well, Mr. Speaker, I would be very surprised why anyone would want to gain access to a press release, because a press release is exactly what it says. It is a release to the press to be communicated to the public. So everyone can read this. I imagine that it's to cover the costs of producing.

Mr. Speaker, a press release is precisely that. Press releases go out virtually to the public through the media.

Now, Mr. Speaker, relative to communication and relative to openness, I tabled in the House today a report that indicates that we have consulted on various matters in 1996 with some 300,000 Albertans. Relative to openness, we give our press releases to the *Edmonton Sun* and the *Edmonton Journal*. I understand that the Liberals won't even talk to the *Edmonton Sun*, so how do they expect to get anything across to them?

THE SPEAKER: The hon. Member for Calgary-Currie, followed by the hon. Member for Edmonton-Ellerslie.

English as a Second Language

MRS. BURGNER: Thank you. Mr. Speaker, for my questions this afternoon I am going to use the minutes of the board of education rather than their press release, in honour of the comments just made.

At a recent public board meeting the Calgary board of education approved the following motion:

that the Calgary Board of Education's definition of an E.S.L. student for the purpose of budget not make a distinction on place of birth.

As the government restricts access to ESL funding only to students born outside of Canada, my question to the Minister of Education: what monitoring process does the minister use to measure the educational effectiveness of this program funded in this manner?

MR. MAR: Well, Mr. Speaker, the first thing that I have to do is advise the hon. member that boards are not restricted to the amount of money that we grant to them for ESL funding. We do have, as I have mentioned in this House many times, a basic instructional grant of \$3,686. Over and above that, for students that are eligible for ESL, there's an additional \$644. So we do allocate the \$644 per student that is eligible for ESL funding. The member is correct that that ESL funding only applies to those students who are born outside of Canada, not those that speak English as a second language who are born inside of Canada. If a board feels that additional resources need to be put towards an ESL program, they can move the money from the basic instructional grant of the \$3,686.

I think, Mr. Speaker, that this is an issue that has been raised in this House before, and as I have indicated earlier, I think it is an issue that is meritorious for consideration for whether we should open up the eligibility for ESL funding.

The last point that I want to make on this, Mr. Speaker, is that the \$644 for ESL funding applies for a period of three years, and we think that that is an appropriate length of time for a student to get up to speed in English as a Second Language and be reintegrated.

grated into regular programs. That, too, I think is probably meritorious of reconsideration.

MRS. BURGNER: Mr. Speaker, I thank the minister for his comments.

My supplementary question. British Columbia uses a six-year funding commitment. My question to the minister is: are we going to evaluate our three-year limitation and bring some educational evaluation to the length of time that we fund that program?

MR. MAR: Well, Mr. Speaker, I have followed with some interest some of the debate that has gone on in the education community in the province of British Columbia, particularly as it relates to the lower mainland in the Vancouver-Richmond-Delta-Surrey area. The whole issue of ESL funding has become a significant issue in that area. There is a debate that goes on as to whether six years is appropriate or three years is appropriate. Some advocates have said that you need ESL throughout an entire K to 12 program. I'm not sure if that's entirely appropriate, but it's certainly worth looking at to see if we can evaluate whether three years is an appropriate amount of time.

I suspect that the answer will depend upon the type of program that each individual school board provides. I think that there are some students who probably can integrate within a three-year plan, those students who come to this country as younger students and pick up the language much more quickly. Perhaps more time is needed for those students who come to this country at 10 or 12 or 14 years old. Those students do have more difficulty picking up the language. I don't think that there's one clear answer for every student. Each student may require a different length of time. Whether it's three or six or some number of years in between I think is something that we can look at.

MRS. BURGNER: Thank you. My final supplemental to the same minister. This is again good news to hear this rethinking on the issue. Mr. Minister, is it possible that there will be, then, some sense of task force or evaluation process that involves a broad degree of stakeholders, both from the ATA and the communities that are involved with English as a second language, in order to have public input in this new process?

MR. MAR: Well, Mr. Speaker, we have talked to school boards about this particular issue, and I can say that approximately \$4.6 million a year is spent on ESL funding in the province of Alberta. I think that we certainly can involve some input from stakeholder groups, although I'm not sure if a task force is the appropriate remedy. It is something that we try and keep in touch with, and certainly in my contact with schools and school boards and administrators throughout the province, some have indicated that this is an issue. It did come as a surprise to me as I visited schools that there were so many students in particular that are born right here in the province of Alberta that speak English as a second language. I think that there may be some merit in dealing with some school boards more than with others, because the issue appears to crop up in some places more than it does in others, but at the end of the day we certainly would entertain the comments made by and input of a number of different stakeholders.

Forest Conservation

MS CARLSON: Mr. Speaker, last week when questioned about the Alberta forest conservation strategy, the Minister of Environ-

mental Protection did not seem aware that the strategy makes reference to his special places program and states that protected areas must exclude industrial development and other activities that disturb the land surface. By refusing to answer the questions that I asked last week, is the minister saying that he does not support the Alberta forest conservation strategy recommendation?

2:20

MR. LUND: Mr. Speaker, once again the hon. member has made the assumption – I guess it must be an assumption – that in fact there's a recommendation in the forest conservation strategy that said that there would be no development within a protected area. The fact is that in some of the verbiage within the forest conservation strategy there is reference made to development within a protected area, and it's true that they do indicate that they feel there shouldn't be any development. However, it's not part of the recommendations.

Certainly, under the special places program, which is the protected areas program in the province, we have demonstrated by things like the changes to the Willmore wilderness park area that in fact there will not be any disturbances or major industrial developments within that area. So we've demonstrated that we will do it, but it's not a recommendation in the forest conservation strategy.

MS CARLSON: Clearly he still hasn't read it, Mr. Speaker.

Does this mean that the minister is rejecting the strategy's recommendation to complete the special places program to represent the full diversity of all forested natural regions of Alberta in the manner identified in the strategy?

MR. LUND: Mr. Speaker, I'm just searching for that one recommendation that is within that area. Once again, it does not talk about not having any development within a protected area. Like I said before, there is mention made of that strategy in the verbiage within the overall document, but it's not one of the recommendations.

MS CARLSON: Well, Mr. Speaker, one of the participants in that strategy would not sign it because she knew this was going to be exactly what the minister would do.

What other aspects of this strategy is the minister intending to ignore? Is he going to throw it all out the window? Who cares? Right? Not you.

MR. LUND: Mr. Speaker, this government is not ignoring the conservation strategy. As a matter of fact, we are going to be addressing every one of the recommendations.

I've now found the recommendation that the hon. member is referring to, so I must put it on the record to demonstrate that what I've been saying right from day one is accurate. Recommendation 13:

The Government of Alberta under the Special Places program, complete its system of protected areas to represent the full diversity of all the forested natural regions of Alberta, in a manner that is compatible with the need for protected areas as identified in the Alberta Forest Conservation Strategy.

School Boards' Amalgamation

MRS. O'NEILL: Mr. Speaker, it was just announced today that the Vegreville and Edmonton Catholic school boards have agreed to join together to form one singular regional school division. So my question is to the Minister of Education. Why has the

government approved this regionalization of two school boards joining in regionalization when they don't share a common boundary?

MR. MAR: Mr. Speaker, it is not uncommon in the province of Alberta for a Catholic regional division to be responsible for two communities even if they are not geographically connected, but they are connected by their commitment to Catholic education. In this particular case, as we move towards a goal of 16 Catholic school divisions in the province, we think the boards will achieve efficiencies in the manner in which they operate.

Certainly this amalgamation would not have happened but for the fact that both the Edmonton Catholic board and the Vegreville Catholic board felt that they could achieve something positive by merging and seeking the efficient management of their schools together. I believe that they can as well, Mr. Speaker, and I think that the use of technology like fax machines and telephones and teleconferencing will allow the teachers and the trustees and the principals to remain in communication even though there is not a geographic common boundary between those two boards.

MRS. O'NEILL: Mr. Speaker, could the Minister of Education explain how he and his department were involved in this regionalization, in this decision?

MR. MAR: Well, we have certainly been supportive of this regionalization, and we have encouraged boards to do exactly this. At the end of the day, Mr. Speaker, the real credit for the regionalization must go to both the Catholic boards of Edmonton and Vegreville. I think that because of their hard work and their flexibility and commitment to this better type of school system, the real credit must go to them.

MRS. O'NEILL: My third supplemental is: how does the regionalization affect the court case between the government and the separate school boards over the boundary changes?

MR. MAR: In my opinion, this regionalization between Vegreville and Edmonton is a very positive step towards the resolution of some of the issues that the Catholic school boards have with regionalization. As a result of the approval of this regionalization, Mr. Speaker, the Catholic school board in Vegreville has agreed to withdraw from the court action, and the remaining boards that are parties to the action are now looking at possible options for their own regionalization. I and members of my department and the Alberta Catholic School Trustees' Association will continue to work with the boards that remain parties to the action in an effort to resolve some of these outstanding issues.

THE SPEAKER: The hon. Member for Edmonton-Norwood, followed by the hon. Member for Calgary-Fish Creek.

Treasury Branches

MS OLSEN: Thank you, Mr. Speaker. On April 30, 1997, the Auditor General in an appearance before the Public Accounts Committee indicated that his office is still continuing its investigation of inappropriate business practices at the Alberta Treasury Branches. Alberta taxpayers, unfortunately, know the results of at least a portion of this investigation: an April 22 court judgment describing a \$1 billion cheque-kiting scheme that resulted in a \$3 million loss to the Treasury Branches. These practices not only damage the profitability of the ATB but impact on the financial

bottom line of this province. My question is to the Provincial Treasurer. Why did it take five years for the Treasury Branches and this government to uncover this \$1 billion cheque-kiting scheme? Why weren't the appropriate monitoring systems in place?

MR. DAY: Mr. Speaker, banking history is full of unfortunate incidents where people develop elaborate schemes to try and get money from the institution themselves. As I understand it, when this was brought forward as an item of concern, as soon as it was spotted, the Auditor General was in there and various investigative people. An investigation was done, and the scheme was found out. The person, as I understand, was charged. It's very unfortunate that the world is full of dishonest people. Whether they rip off a bank, an ATB or a private bank, or steal a Brink's truck or cheat on their taxes, it happens a lot. It's very unfortunate, and I think ATB is just thankful that this particular scheme was found out.

MS OLSEN: Well, in fact, the Bank of Montreal uncovered this scheme in 1993.

My second question to the same minister: in the interests of ensuring more effective accountability at the ATB and to prevent future cheque-kiting schemes, will the Treasurer release all the forensic studies conducted by outside accounting firms such as Peat Marwick and Ernst & Young on banking practices at the ATB?

MR. DAY: That's a tall order. I wouldn't even be able to tell, nor am I responsible for, nor should I know every question that's being asked within that particular operation, and then you run into all kinds of situations with rules of evidence. You know, it's a tall order.

I'd be happy to get whatever information I could. I do know that, in an ongoing way, the Auditor General has people in the ATB going right through the operation, looking to see if there's other inconsistencies and things that need to be followed up. So if there's any information which I can get to the member, feel free to do that.

You know, I've extended an invitation to my critic, the Member for Edmonton-Riverview . . .

AN HON. MEMBER: Mill Creek.

MR. DAY: Mill Creek. I knew that. It has a view over the river. I guess that's what I was thinking of.

I've extended an invitation – I don't know if he's received it yet or not – for the finance critic to meet with top officials from ATB to ask any questions and to get a handle on what's happening.

MR. ZWOZDESKY: Got it today.

MR. DAY: He got the invitation today. If my finance critic would like to invite his leader to attend – that wouldn't just be a onetime meeting, but in fact as a citizen, as a member of the opposition, I want him to feel he has access there. So this question or other ones, absolutely feel free to ask. We can't think of all the questions all the time, and we're more than happy to receive the assistance of the opposition in this regard.

2:30

MS OLSEN: I'm sure we'd be more than happy to assist.

To the Minister of Justice: will the minister assure Treasury

Branch depositors and all Albertans, for that matter, that any further evidence of business practice irregularities uncovered by the Auditor General and the chief inspector of the ATB will be prosecuted?

MR. HAVELOCK: Well, Mr. Speaker, certainly if there is any evidence forthcoming of any criminal wrongdoing, the department would prosecute fully. I'm not familiar with anything else that has come forward at this time. However, what I would like to indicate is that quite often these forensic audits which are conducted form part of the public record which is placed before the courts in order to prove a case against a particular defendant. More often than not there is a full disclosure to defence counsel. Those records are easily available to the general public. Certainly if there is anything that comes forward, I can assure this House that we will fully prosecute. Let's not jump the gun. Let's see what actually is coming out, and we'll take it from there. I can certainly make that commitment to the member and to the members of this House.

THE SPEAKER: The hon. Member for Calgary-Fish Creek, followed by the hon. Member for Edmonton-Castle Downs.

Calgary Hospitals

MRS. FORSYTH: Well, thank you, Mr. Speaker. Hospitals are by far the largest consumers of our health care dollar, using up to 40 percent of their budget. There is talk of a new hospital in southeast Calgary, where the population is expected to increase dramatically during the next several years. The tough and painful decisions we've made to close a hospital I hope have taught us a lesson when we are now talking about opening a new one. My questions today are to the minister of public works. What public consultations will take place to assure residents of southeast Calgary that their needs will be met?

MR. WOLOSHTYN: Thank you, Mr. Speaker. I think the hon. member has touched on a couple of important points, and that is that we've gone through not a painful restructuring but a very good restructuring of the hospital system. One of the fallouts from that was the fact that there is a hospital in downtown Calgary that is no longer required and which is in the process of being decommissioned. As a part of that process the city of Calgary will end up getting total ownership of the site as opposed to owning a part of it, as they do now. In order to ensure that the hospital planning for the future is kept intact, the city of Calgary has committed to find a site somewhere in southeast Calgary which would be used for a health care facility if and when that health care facility were required. That's just to ensure that there is an allocation of land for it.

MRS. FORSYTH: The minister touched on my next question. Where exactly will the hospital be built?

MR. WOLOSHTYN: I must reiterate that the hospital has not been announced, is not being planned, is not being built, and I don't know if it will even come about by the year 2020. What I'm saying to you is that in order to have good planning, the city of Calgary, along with the Calgary regional health authority, has identified the southeast quadrant, I believe, of the city of Calgary as a high growth area. As that raw land is being developed, we want to ensure that we have serviced property within that area that would meet the needs of a health facility if and when it were required.

MRS. FORSYTH: Okay, Mr. Speaker. Then, if and when this hospital is required, how much is it going to cost and how is it going to be paid for?

MR. WOLOSHTYN: Well, if and when have been dealt with, Mr. Speaker. Now we don't know what if and when is dealing with.

THE SPEAKER: Thank you very much, hon. minister. The ifs and whens are hypothetical and speculative. The purpose of question period is urgency, not to deal with matters that may arise in the year 2020.

The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Edmonton-Beverly-Clareview.

Parks and Recreation Areas

MRS. PAUL: Thank you, Mr. Speaker. One concern and one concern only about the government plans for the wholesale privatization of half of our parks and recreation areas is that standards will fall as they have in some cases where campgrounds have been privatized. I tabled a letter today dated April 21, 1997, that the Camping Clubs of Alberta sent to the Minister of Environmental Protection that complains that the cleanliness and attractiveness of campgrounds has deteriorated dramatically since the management of campgrounds was privatized. To the Minister of Environmental Protection: what is the minister doing to address the concerns of the Camping Clubs of Alberta?

MR. LUND: Mr. Speaker, first of all I want to take this opportunity to thank the author of the letter. I believe, if I remember right, that the individual claims that they represent about 350 campers. I appreciate hearing from those folks because we are very, very anxious that our operators provide a good service, that the service is comparable to the service that was there before the contract was put in place. We've got to remember that as we were going through this process, we didn't have a lot of operators who had experience, so it's been somewhat of a learning experience for both us and the operators, but the province is committed to making sure that the campgrounds are going to be operated in a manner that is satisfactory to the public.

One of the things that we've done with the changes that were just announced is that we're going to be allowing the operators a longer term tenure. They will be very, very anxious to have the people come back to the facility, so we know that they will be providing a service in the future that is comparable to what was there before the contractor got the contract.

MRS. PAUL: Mr. Speaker, why has the minister not enforced its standards when campgrounds are privatized so that all Alberta campgrounds are well maintained?

MR. LUND: Mr. Speaker, our staff do endeavour to enforce the standards that we have in the contracts and that we have written. Unfortunately it does take some time. Yes, we will admit that we have had to cancel some contracts because the operators have not been able to live up to the agreement. But we are confident that as we move forward and we get more experience and the operators get more experience and they have the opportunity for longer term tenure, those sorts of things, we will have a system that is comparable to prior to any privatization.

MRS. PAUL: My third question is: if the minister is unable to maintain standards at privatized campgrounds, how will he

maintain standards when whole parks and recreation areas are handed to the private sector?

MR. LUND: We are going to continue the contracting out of recreation areas, the services to people, Mr. Speaker. Ninety-seven percent of the area that we administer under this program, we are going to continue to operate. We believe that we need to focus on the areas that are in the category of preservation and heritage appreciation. For the tourism and recreation areas, yes, we will set the standards; yes, we will enforce the standards. But we believe in those areas that the private sector can do a very efficient and effective job of providing the services to the people.

2:40

THE SPEAKER: The time for Oral Question Period has now left us. Prior to going to Orders of the Day, the hon. Government House Leader on a point of order.

Point of Order Parliamentary Language

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I believe in his opening question today, to the hon. Minister of Family and Social Services, the Leader of the Opposition indicated that the minister had misrepresented a report in yesterday's question period, actually misrepresented the content of that report. I have before me page 778 of yesterday's *Hansard*, and I would simply like to make reference, one, to the report that was being referred to. It is called the East Village Community Study: Final Report, written by P. Lynn McDonald and Tracy Peressini – I hope I've pronounced that right – in January of 1992.

Now, the comments made by the minister:

When I made those comments, Mr. Speaker, I was quite simply saying that there are some people who choose that type of lifestyle.

The comment that was made later on when he quoted from the report:

An especially popular view that sprang to life during the Reagan years was that most of the homeless are, as Reagan put it, "well we might say, homeless by choice" . . . A careful reading of the literature would suggest that all of these stereotypes are true of some homeless people and none of them are true of all homeless people.

Now, Mr. Speaker, what gives rise to the point of order is Standing Order 23(h), (i), (j). Quite clearly, based on what the minister stated yesterday, the report did indicate that some people choose to be homeless. He went on to clarify that he felt that was a very small number, yet based on the report, his statement was an accurate and reasonable interpretation of its contents.

The minister therefore did not misrepresent the contents of that report, and I feel that the Leader of the Opposition should withdraw the remark and apologize for having suggested that the hon. minister did misrepresent the report.

MR. SAPERS: Mr. Speaker, the Government House Leader has tried his best to defend his colleague minister. Unfortunately, his use of the Peressini study is indefensible in the context in which it was presented. In civil court of course the best defence to defamation is truth or fact. Tracy Peressini, who is one of the coauthors, in a telephone interview used the following words – and I'm quoting directly – to describe her own view of the minister's misuse of her research. She was very angry that Dr. Oberg was using her study to back up his comments. Now the quote: it is a total misrepresentation of our study; in the study only 1.8 percent of the people interviewed said that this was a choice.

Mr. Speaker, the Leader of the Official Opposition was making direct reference to the author of the report in the choice of the word "misrepresentation," which admittedly is a strong word but an appropriate word given the circumstances.

This is a very, very significant issue, and for the government to be perpetuating the myth that people are homeless by choice is, quite frankly, shocking. And for it to go further, for this minister to stand in the House and try to defend that misrepresentation instead of simply apologizing for the confusion compounds the problem.

While I understand that the Government House Leader finds himself in a position where he has to try to defend the indefensible, that's what we're dealing with. I will quote, Mr. Speaker, for your benefit and for the benefit of the members of the government front bench, *Beauchesne* 486(1), which reads:

It is impossible to lay down any specific rules in regard to injurious reflections uttered in debate against particular Members, or to declare beforehand what expressions are or are not contrary to order; much depends upon the tone and manner, and intention, of the person speaking; sometimes upon the person to whom the words are addressed.

Then of course 491 in *Beauchesne* reads as follows:

The Speaker has consistently ruled that language used in the House should be temperate and worthy of the place in which it is spoken.

And now most importantly:

No language is, by virtue of any list, acceptable or unacceptable.

A word which is parliamentary in one context may cause disorder in another context, and therefore be unparliamentary.

The reason why I quote 491 at this point is to underline the fact that the context of the words used is very important. In this context it is perfectly appropriate to say that that minister misrepresented that study because in fact, Mr. Speaker, that's exactly what happened.

THE SPEAKER: I take it that's the extent of the contributions with respect to this point of order.

Hon. members, we've had tabled in this Assembly in the past expressions which are deemed to be parliamentary and expressions which are deemed to be unparliamentary. The Chair would like to draw to the attention of all members *Beauchesne* 490. In *Beauchesne* 490 it states, "Since 1958, it has been ruled parliamentary to use the following expressions," including "Misrepresentations." In this Assembly itself on June 29 in the year 1989 the Speaker of the day held that it was not unparliamentary to use the word "misrepresentation."

Now, having said that, one should also refer one's self to *Beauchesne* 491, which has already been mentioned here in the last few seconds: "A word which is parliamentary in one context may cause disorder in another context, and therefore be unparliamentary." So in essence we have from time to time that kind of a situation.

The Government House Leader by quoting Standing Order 23(h), (i), and (j) certainly at least talked about the tone of it.

The Chair will assume that basically the word was used today in the context only that perhaps the minister in question may have been wrong, rather than have gone out of his way to be deliberate about being wrong, and there is a difference in the context.

head: **Orders of the Day**

head: **Written Questions**

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Well, thank you, and I'm actually prepared. Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places.

[Motion carried]

head: **Motions for Returns**

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of Motion for a Return 25.

[Motion carried]

Health Resource Group Inc.

M25. Dr. Pannu moved on behalf of Ms Barrett that an order of the Assembly do issue for a return showing copies of the full business plan called Plan for the Organization and Delivery of Complementary Health Services in Canada from HRG Health Resource Group Inc., being the full document from which the Minister of Health tabled the executive summary in the Legislature on April 17, 1997.

DR. PANNU: Mr. Speaker, I think it's a very important document. A large number of questions have been raised in this House with respect to information that pertains to the probable establishment of a for-profit, private health care facility in Calgary.

2:50

The minister has been kind enough to present an executive summary from the document, and the request before us is to ask the minister to table the full and complete document. The availability of the document for examination by members of this House is predicated on the assumption that this document is related to a development in the health care system which could, if allowed to proceed, damage seriously the public health care system in this province. It is clear to me at least that if this proposal is allowed to proceed, it will undermine the public health care system. It will set in motion the forces that have been trying to establish a parallel private, for-profit health care system in this province, and if this development is to go unchallenged, it will bring into Canada a two-tiered, American-type health care system.

Why is an American type of health care system not acceptable to Albertans? It's not acceptable, Mr. Speaker, for two main reasons. It does not meet the core requirements of the Canada Health Act. The American health care system is not universally accessible. It's not publicly funded and administered. It leaves out a very large percentage of poor Americans from adequate medicare coverage. So the one major problem of the American-type health care system is that it simply does not provide adequate health care for all people who are covered by the kind of plan that the American health system represents.

The second major problem with that system is that it's extremely expensive. This government clearly has been trying to argue for many years that services such as health and education must be delivered at the lowest possible cost. We may or may not agree with the argument the government makes with respect to this drive towards the lowest cost at which these services must be delivered, but certainly we agree that they should be delivered at a cost that's reasonable. Surely the American health care system

and those that are designed on that model are some of the most expensive health care systems in the world. The American health care system costs Americans: it takes out of the American economy close to 15 or 16 percent of the GDP, whereas the Canadian health care system, the way we have had it here, including this province, is one of the most accessible, universally available systems and one that's also delivered at a cost that bears no comparison with the high costs of the American-style, two-tiered health care system.

It is for that reason that there is a great deal of anxiety among Albertans – regardless of their partisan commitments, regardless of their politics, regardless of their political preferences – for maintaining and strengthening the health care system that we have developed in this country over the last 30 or so years. Albertans are extremely worried that the conditions under which our hospitals now operate, the conditions under which our health care workers now do their work are conditions which encourage the entry into the health care field of for-profit operators who promise to deliver quality health care at a cost which not every Albertan can afford.

The declining quality of health care delivery in this province, the declining standards of health provisions in this province are for everyone to see. In today's *Edmonton Journal* is a story about what's been happening to heart patients in this city: being admitted to hospitals, told that they'll undergo surgery tomorrow, and then being told at the last minute that, no, they have to wait another three, four, five, or whatever number of days. So postponements of surgery in very serious cases of heart ailments happen again and again and again, and the patient may have to hear this news of postponement of surgery three, four, five times. During that time that the heart care patients, seriously ailing, are waiting, they are admitted and expenses incurred by their having to stay in hospitals while they are waiting for their surgery.

Distinguished, eminent physicians in this province, in this city are expressing concern about the inadequacy of health care facilities and the increasing inadequacy of the facilities under which they have to work, under which they have to provide service to their patients.

Albertans want to have an open debate about what the future of health care is going to be in this province. Albertans are very concerned about the Health Resource Group and its projected plans and the impact that the growth of this facility may have in the years to come on the future of a publicly funded health care system. It doesn't take, I think, a great deal of intelligence to infer that if the publicly funded health care system is allowed to continue to deteriorate, if it is allowed to slip into conditions under which it cannot effectively provide the medically necessary services when they are needed by Albertans who suffer from serious ailments, then clearly those Albertans who cannot expect the health care system to provide these services to them will in desperation, not out of choice but out of desperation, look to alternatives such as the one that HRG plans to offer in this province.

It is clear, Mr. Speaker, that Albertans need to have an effective voice in how their publicly funded health care system is going to be altered, changed. In order for them to have this voice, they need to know from the government, from the minister, from the for-profit health care providers who want to enter the system all the information that is necessary for Albertans to engage in open and fair debate about the future of the health care system. It is for this reason that it is important that the members of this House have available to them the document that this motion for a return has requested.

I strongly urge my colleagues in the Assembly, I strongly urge

the Minister of Health to make available to us the document that's requested by this motion.

Thank you, Mr. Speaker.

3:00

MR. JONSON: Mr. Speaker, I rise to reject Motion for a Return 25, and the reason for this is that it is quite clear that the vehicle of motions for returns in this Assembly is not designed to solicit information which is readily or will be readily available. It is a parliamentary vehicle for obtaining information which is not otherwise available to members of the Assembly and is information that would be useful to them.

Mr. Speaker, it is my clear understanding that the Health Resource Group is prepared to release their business plan, to provide their business plan very shortly to people who request that particular document, and of course that would not be confined just to members of this Assembly either. They would be prepared to provide that particular information. It's my understanding that the member across the way may be aware of that.

The other thing on a related matter, which I think is related because it emphasizes the point that this information will be available and that what HRG is proposing is going to be openly reported on by themselves, is that it's also my firm understanding that the representatives of this particular firm are prepared, in addition to providing the document being referred to in the motion, to meet with representatives of the opposition parties, if they so request.

I think, Mr. Speaker, that this is an item of information where there is a clear avenue for the hon. leader of the third party to pursue. I would certainly invite that leader to pursue this particular avenue of obtaining information which is there and does not need the time of the House to deal with a motion for a return. Perhaps that request has already been made by the hon. leader, and possibly there's a positive reply. I don't know, but certainly I would recommend that that route be pursued. As I said, it's my clear understanding that the information is planned to be made available.

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

MR. SAPERS: Thanks, Mr. Speaker. I was very interested in the minister's response and was paying close attention, particularly to the new parameters which he outlined for the purposes of motions for returns. I'm not sure that these have previously been articulated by the government, so I will be reviewing *Hansard* very, very closely to see whether or not in fact the minister has just laid some new ground that may betray what the intent of the government is in terms of complying with *Beauchesne*. I see the minister waving *Beauchesne*, and it could be that he and I have a very different interpretation of those sections of *Beauchesne* that deal with written questions and motions for returns. So we'll get back to the minister on that.

Also, Mr. Speaker, I would like to just have on the record my concern about the other side of the minister's response, which seemed to indicate a far more intimate awareness of the plans of the Health Resource Group than the minister has ever betrayed before. We've been told various times, both in this Assembly and through media reports, that the minister doesn't know what the scope of the plans are for HRG, yet he seems to be aware of their business plans, the timing of their proposed business announcements, and some of the other details which he just addressed in his response. So I'm concerned that perhaps there's more to this

story. Certainly we hope that HRG agrees with the minister and will be releasing its plans to the public and also to members of this Assembly in short order.

Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. I'm certainly willing to take the assurance of the Minister of Health seriously and take his advice to pursue the alternate avenue, but in case we fail to get the information, we'll be back. I wonder if the Minister of Health is willing to give us a date by which he'll be willing to release the information in case our efforts fail when we pursue the other avenue.

MR. DICKSON: Before the end of the session.

DR. PANNU: Certainly. I hope it's by the end of this session that we get that from the minister.

Thank you.

[Motion lost]

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

**Bill 207
Alberta Health Care
Accountability and Entitlement Act**

[Debate adjourned May 27: Mr. Yankowsky speaking]

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

MR. YANKOWSKY: Thank you, Mr. Speaker. Picking up where we left off. Under the Canada Health Act all provinces and territories are required to provide health services that are publicly funded, comprehensive, universal, portable, and accessible. The Act specifies that provinces are required to provide Canadians with medically necessary services as provided by physicians as well as hospital services.

Mr. Speaker, in this province Albertans have access to many more services than are required under the Canada Health Act. We provide long-term care, home care, immunization programs for children, mental health services, and extended health benefits for seniors. We also provide health promotion, injury and disease prevention services, protection from environmental health hazards, community care and support, respite care, palliative care, air ambulance services, communicable disease monitoring, co-ordination of specialized treatment for tuberculosis and sexually transmitted diseases. Rehabilitation services provided by the Alberta government, including physical therapy, respiratory therapy, occupational therapy, and speech pathology, are not required by the Canada Health Act, yet the regionalization of Alberta's health system has ensured that each of these therapies is now available to Albertans in every single region of the province.

To further improve upon Albertans' accessibility to quality services, our government is providing a 2 percent increase in 1997-1998 to each RHA. These dollars will improve home care, long-term care, and emergency services. In addition, both the Calgary . . .

MR. SAPERS: Point of order.

THE SPEAKER: Hon. member.

**Point of Order
Relevance**

MR. SAPERS: Yeah. I'm questioning relevance, Mr. Speaker. Bill 207 – perhaps the member speaking should acquaint himself with the Bill – has two general sections, the section that would create a health care bill of rights for the people of Alberta and then would create the office of the Alberta health care advocate. It's not a money Bill. The amount of money spent on various therapies that may or may not be available to Albertans is irrelevant to the Bill.

3:10

Even the principles of the Canada Health Act, as the member started off his comments, are not directly referred to in the Bill. The Bill has been very carefully crafted to deal with a health care bill of rights which would entitle Albertans to a listed quality of services – and you'll find it in section 3 of the Bill – and then the creation of the health care advocate.

So while I have been patient to this point in listening to the member, so far he has failed to address either the principle or the substance of Bill 207.

THE SPEAKER: Thank you very much, hon. member. This is second reading of the Bill, and some degree of liberty is provided to that. We'll sincerely encourage the hon. Member for Edmonton-Beverly-Clareview to continue his remarks.

Debate Continued

MR. YANKOWSKY: Thank you, Mr. Speaker. In addition, both the Capital and Calgary RHAs each received an addition \$20.4 million for the delivery of provinciewide services to all Albertans, services which include heart surgery, kidney dialysis, bone marrow and organ transplants, neurosurgery, cancer surgery, trauma and burn treatments. These are actions of a government which is committed to providing quality health care to all Albertans and is a clear demonstration that Alberta does much more than the Canada Health Act requires. Health care in Alberta is a priority of Albertans and a priority of this government, and we will continue to provide these extra services in addition to those required by the Canada Health Act. Bill 207 only provides for the basics, and it duplicates legislation already in place. The health care provided in this province offers Albertans so much more.

Bill 207 also outlines a set of principles by which health care should be provided. It states that health care should consist of "promotive, preventive, curative, rehabilitative and supportive health services." Certainly, Mr. Speaker, many of the services I have mentioned today promote those principles. Another example of this is our government's recognition that a primary function of the health care system is to keep us healthy and not just to treat us when we're ill, so over the next two years Alberta Health will spend \$1.5 million to implement a promotion project that focuses on the health and wellness of Albertans. Again, it is very clear that we already abide by the principles found in Bill 207.

Mr. Speaker, Bill 207 states that

- (b) health care must be appropriate to the needs of the community;

- (c) the community must be involved in health care planning and evaluation;
- (d) information regarding the financing . . . of health care facilities and . . . performance [measures]

must be open to the public. That's great. We agree. That's why each one of these principles is outlined in the Regional Health Authorities Act, an Act that this government passed back in 1994.

It is the role of the RHAs, under the guidance of Alberta Health, to ensure that these principles are met within each region. Mr. Speaker, RHAs have legislated responsibility to assess the needs of the region and to allocate resources accordingly. It is their role to ensure that Albertans residing within the region have reasonable access to quality health services. They have the responsibility to develop services which meet the needs of the individuals and the families for simple and quick access to the right services.

Mr. Speaker, the Department of Health is currently defining reasonable access as it updates the core health services in Alberta document. This document will ensure that all regions offer a similar mix of services to all Albertans. In addition, it will provide all Albertans with a clear sense of the range of health services to which they can expect access.

Albertans have the opportunity to be involved in shaping health services in their own communities through the community health councils. To ensure that community members are involved in community planning and evaluation, community health councils have been established in all health regions in Alberta. The councils are composed of community representatives who consult with the public to ascertain their needs and ensure that they are being met. Once again, Mr. Speaker, the principle of involving the community in health planning and evaluation has already been met by the regional health councils.

Mr. Speaker, the general principles for providing health care detailed in Bill 207 can already be found in current legislation. The Canada Health Act and the Regional Health Authorities Act are all based on these guidelines. Clearly, the principles detailed in Bill 207 for the provision of health care services are already part of Alberta's health care system.

Mr. Speaker, I would like to turn to the provision in the Bill for an Alberta health care advocate. In 1989 The Rainbow Report recommended that the government appoint an advocate whose role would be to focus on the health status of Albertans; review the efficiency, effectiveness, and suitability of the health system; set broad priorities; and communicate on health matters with and to Albertans.

Albertans rejected this proposal. Albertans told us in the Partners in Health document, the government's response to The Rainbow Report recommendations, that they did not support the creation of a health advocate. Albertans were concerned that such a position would simply create another level of bureaucracy and not serve their interests. It was generally agreed that the powers and functions of the proposed advocate belong to the Minister of Health. Mr. Speaker, we listen to Albertans; therefore, we do not support the creation of a health advocate. The sponsor of the Bill is aware that Albertans rejected the idea of a health advocate, yet the member still brought this Bill forward.

I would also point out to the member opposite that although the role of the health care advocate places greater emphasis on investigation, there is some overlap with the duties of the Provincial Health Council. It is the role of the council to evaluate the success of the system in achieving Alberta's health goals, to identify strengths in areas that require greater attention, to

evaluate the adequacy of existing performance measures, and to act as a resource in reviewing health policy issues and matters affecting the regional delivery of health services. Therefore, Mr. Speaker, a health advocate would simply duplicate the role of the Provincial Health Council.

In addition to the role of the Provincial Health Council, the government recently announced a new regional concerns resolution process which could see the expansion of the role of the provincial Ombudsman into the health system. The proposal for a health care advocate in Bill 207 is not only unnecessary, but it has been rejected by Albertans.

Mr. Speaker, Albertans do not need a health care advocate. Albertans do not want a health care advocate. Our province does not need yet another piece of health legislation. The legislation already in place – the Canada Health Act, the Regional Health Authorities Act, and the Alberta Health Care Insurance Act – ensures that our health system is based upon the principles included in this Bill.

Perhaps these two hours would have been more constructive and valuable if we were able to discuss new efficiencies and innovations for our health system. It may have been valuable to discuss these issues to ensure that our health system remains a top-rate health system, one that continues to provide all Albertans with the health care that they need when they need it, today and in the future. In my mind, Mr. Speaker, this would have been time better spent.

In closing, Mr. Speaker, I want to say that the principles found in this Bill already form the guidelines for our health system in this province. To pass this Bill would be to pass superfluous legislation, and I encourage my colleagues to reject this Bill.

3:20

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

MR. SAPERS: Thanks, Mr. Speaker. It's hard to know where to start, you know. Bill 207 does two things: sets out the framework for a health care advocate, sets out the framework for a health care bill of rights. The government itself tried to do this initiative, to come up with a health care bill of rights. Their own party rejected it.

The member who was just speaking – I don't know; he must have been living someplace else for the last couple of years. To say that Albertans aren't concerned that they need a health care advocate is just such a strange assertion that I could hardly believe my ears. Furthermore, for the member to say that the reason why Albertans rejected it and the reason why the government rejected the creation of the office of the health care advocate is because we don't need another level of bureaucracy is very odd, considering that this is the government that created, since they began their onslaught on health care, a second minister responsible for health care restructuring to sit at the same cabinet table with the Minister of Health, created another standing policy committee with another quasi cabinet minister as the chair of that, created the Provincial Health Council, and already has the Health Facilities Review Committee in place.

Mr. Speaker, this government said they didn't want to create more bureaucracy, and they've created more bureaucracy than we've ever needed. In fact, every time they had a health care crisis of their own making, they formed another committee. It got so bad that one of the most popular bumper stickers on the streets of town said: honk if you're on a health care committee. So for them to say that they were afraid of creating another bureaucracy

is just such a distortion of the truth and such a contrivance that it is offensive to this Legislature.

Now, the fact is that when this government says they already have a commitment to health care, all we have to do is look at the recent history of being fined by Ottawa once and losing millions of dollars in transfer payments because they violated the Canada Health Act. Now it's taken the extraordinary step of the federal Minister of Health coming to Calgary and, because he couldn't get the Premier's attention or the Minister of Health's attention any other way, saying directly to Calgarians and to this government: if you keep on messing with health care, we're going to take you down; if you keep on threatening the public health care system, we're going to make you stop in the only way that we know how. Thank goodness for a strong federal government with a real commitment to public health care, instead of the lip service that this regime pays to the Canada Health Act.

Now, Mr. Speaker, I only have, unfortunately, a couple of short minutes left to talk about this Bill, and there is another inaccuracy that I have to clear up. When that member stands in this Assembly and talks about the community role in health care and trumpets the community health councils, I challenge him to show up with me at a meeting of one of the community health councils in this city or anywhere else in the province where those members volunteer their time. Every day, every hour that they spend is a volunteer commitment to try to make the health care of this province accountable to the people of Alberta, and they are frustrated. They are frustrated because they are not resourced, because they don't have the mandate, because they're not given the help that they need by the government or by the regional health authorities, and in fact it's just gotten even worse.

For him to only tell half the truth in this Legislature is deeply offensive to me and my colleagues and to all of the Albertans who serve on these health councils, because if he doesn't know he should know that his Minister of Health just a few short days ago circulated a memo to all the regional health authorities with a whole set of proposed guidelines that will put these community health councils directly under the thumb, make them mere servants of the regional health authorities. So for him to distort that by talking about the wonderful experience that these community health councils have really tells us where this government is at and where this member is at in terms of being out of touch with Albertans when it comes to health care.

Now, the health care advocate, Mr. Speaker, is an absolutely necessary addition to the landscape in Alberta, and I'll tell you why. It's because Albertans can't get the health care they need, and when they can't get it, they don't even know where to complain. The Provincial Health Council said that themselves in their report.

Let me very quickly, in the time that I have, just recite one case that underscores the need for a provincial health care advocate in this province. Here is a situation where between Thursday, October 24, at 9:45 a.m. and Saturday, October 26, at 3 p.m., a period of only 53 hours, a gentleman was transferred in a fragile medical condition on four separate occasions to various hospital facilities within the Capital health authority. The family believes that these multiple transfers led to medical complications from which this individual never recovered and ultimately led to his death.

Let me give you and the Assembly a summary of what happened, this shocking litany of what happened to this individual who was in need of medical attention, didn't get the care that he needed, and now the family is left wondering where they can go to have their complaint investigated, because everybody's passing

the buck. Mr. Speaker, I'll table the document for the benefit of the Assembly.

THE SPEAKER: I hesitate to interrupt the hon. Member for Edmonton-Glenora, but under Standing Order 8(5)(a), which provides up to five minutes for the sponsor of a private member's public Bill to close debate before all questions must be put to conclude debate on the motion for second reading, I would invite the hon. Member for Edmonton-McClung to close debate on Bill 207.

MR. MITCHELL: Thank you, Mr. Speaker. I'd like to thank the Members of the Legislative Assembly for their participation in the debate on my Bill. I don't agree with all of what was said by any means, but I certainly appreciate the attention that the Bill drew and the interest that it created.

The issue remains, Mr. Speaker, that this is a government that is playing fast and loose with the public health care system. There has been step after step after step down this slippery slope to the erosion of our public health care system. The most prominent step was the government's failure for almost a year to stop private clinics from charging facility fees, at an expense to Alberta taxpayers of almost \$4 million. How they can say they are defending the public health care system on the one hand and be penalized for \$4 million at the same time is quite a feat. That the Member for Edmonton-Beverly-Clareview would suggest that he speaks for all Albertans when he says they do not want an advocate – he certainly doesn't speak for the many hundreds and thousands of Albertans who in fact have approached us saying that they are fundamentally concerned about the health care system.

Most recently, two days ago, we saw a respected doctor in this city having to go public, something that he found difficult to do, to raise serious concerns about the quality of health care his son received for something as basic as an appendix. We have seen a government that refuses to put in the Alberta legislation the five principles of the Canada Health Act. They pay lip service to those principles. They say they defend them, but we all know, Mr. Speaker, that actions speak far louder than words, and we would simply like to see them put in the principles of the Canada Health Act. Short of that, because we've lost that – they've defeated that – we'd like them to support this Bill.

This Bill outlines basic health care rights for Albertans, a necessary step given the condition of health care policy in this province today, given that the quality, the accessibility, the universality of that health care is certainly in jeopardy. It calls for the creation of an advocate to deal with health care problems. My colleague from Edmonton-Glenora listed the litany of committees, internal controlled-by-government committees, that have been structured to try to meet the onslaught of problems and concerns from the public. None of them are independent. A health care advocate would be.

Finally, we have focused on the need to explicitly prohibit the charging of facility fees for medically necessary services through this legislation, which would enshrine that initiative and that prohibition in legislation, where it would be far more difficult for a government not committed to public health to tamper with it.

All of this has great implications for what's occurring in Calgary with the private hospital, Mr. Speaker. It is clear that the government will not be explicit about what that hospital is going to do because it's afraid of what people will think and do when they find out. I would think that if they are as concerned and as

committed to preserving the five principles of the Canada Health Act as they say they are, and if they're concerned that the private hospital doesn't contravene the Canada Health Act, they would be very, very interested in supporting this Bill 207. I would ask them to rise in the House when we ask for a standing vote and have them support this Bill.

Thank you.

3:30

THE SPEAKER: All those in favour of second reading of Bill 207, Alberta Health Care Accountability and Entitlement Act, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

[Several members rose calling for a division. The division bell was rung at 3:31 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the Chair]

For the motion:

Blakeman	MacDonald	Pannu
Bonner	Massey	Paul
Carlson	Mitchell	Sapers
Dickson	Nicol	Soetaert
Gibbons	Olsen	Zwozdesky
Leibovici		

THE SPEAKER: Madam Clerk, just a second. Hon. members, you're in the Assembly. You have no choice; you cannot abstain. You must either vote for or against. So I take it you're rising now?

AN HON. MEMBER: Yes, sir.

THE SPEAKER: Please continue.

Against the motion:

Amery	Havelock	Paszkowski
Boutilier	Hierath	Pham
Broda	Hlady	Renner
Burgener	Jacques	Severtson
Calahasen	Johnson	Shariff
Cao	Jonson	Stelmach
Cardinal	Kryczka	Stevens
Doerksen	Laing	Strang
Fischer	Langevin	Tannas
Forsyth	Lougheed	Tarchuk
Friedel	Marz	Thurber
Fritz	McFarland	West
Graham	Oberg	Yankowsky
Haley	O'Neill	

Totals: For – 16 Against – 41

[Motion lost]

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

[Mr. Tannas in the Chair]

THE CHAIRMAN: I'd like to call the Committee of the Whole to order.

Bill 205
Protection from Second-hand Smoke
in Public Buildings Act

THE CHAIRMAN: We're asking if there are any comments, questions, or amendments to be offered.

I now call on the hon. Member for Calgary-Cross to make her comments.

MRS. FRITZ: Thank you, Mr. Chairman. I'm pleased to bring Bill 205 to Committee of the Whole today. In doing so, I'd just like to share with my colleagues in the Legislature that I have very carefully read in *Hansard* the remarks that were made during second reading of this Bill. As well, over the past two weeks I've been involved in many, many discussions with my colleagues on both sides of the House as well as stakeholders and Parliamentary Counsel about specific sections of the Bill to ensure that we've made it as effective and complete a piece of legislation as possible.

THE CHAIRMAN: Hon. member, you're moving the amendment that we'll call – well, first of all, there are four items. Is this as one amendment or as four?

MRS. FRITZ: Thank you. I'll be moving that one as one amendment. There are four steps to the first amendment. I actually understood that Parliamentary Counsel realized that. It was their suggestion. I've asked them to circulate it.

THE CHAIRMAN: No, no. That's fine. It's up to you.

MRS. FRITZ: Mr. Chairman, as I was saying earlier, we've already debated the principle of the Bill, which is the Protection from Second-hand Smoke in Public Buildings Act. That principle was passed in the Assembly here, in a standing vote, with a majority. The lengthy list of hazards that were associated with exposure have already been outlined to us.

As you indicated, Mr. Chairman, I am introducing four amendments as a package. I understand that they are being circulated to members, and I would like to table them for review now. Is it appropriate to review the first amendment, or would you like me to wait until they've been completely circulated?

THE CHAIRMAN: Hon. Member for Calgary-Cross, the Chair was having difficulty for a little while hearing you, and I was trying to determine whether in fact you had moved this amendment.

MRS. FRITZ: I have.

THE CHAIRMAN: It'll now be called A1. They're being circulated. Go ahead and speak to the amendment.

MRS. FRITZ: Thank you, Mr. Chairman. The first amendment says that in section 1(c) of the Bill we strike out subclause (ii).

That amendment I look at as simply being a housekeeping amendment. It's removing the Legislative Assembly from the definitions of the Act as an employer. I say that because in reviewing *Hansard*, there seemed to be some confusion even with comments from the Chair about the role of the Legislative Assembly as an employer, because MLAs do not view themselves as employees of the Speaker or of the Assembly. So I move to delete that, and I think that perhaps that will clarify more readily who the employers are, and that is the Legislative Assembly Office, which is the employer for the purposes of the Bill.

3:50

I'll move on, then, to point B: that in section 2 we add the following after subsection (6). If you look in the Bill, that's on page 3. After subsection (6) we'll add point (7), Mr. Chairman, and that point (7) will say:

Notwithstanding any other provision of this section, the Special Select Standing Committee of the Assembly on Members' Services may designate rooms for smoking in those portions of the Legislature Building or its precincts under the authority of the Legislative Assembly and the Legislative Assembly Office.

Now, as the Bill stands, it's not clear elsewhere in the Bill – and that was brought forward by several members of the House – exactly who would determine where smoking areas are in the Legislative Assembly as well as the Legislature Building and the Annex. The Assembly, including members' lounges, are under the authority of the Legislative Assembly. So, Mr. Chairman, this amendment makes it clear that the Special Select Standing Committee of the Leg. Assembly on Members' Services would determine where the smoking areas are and maintains the authority of the members of the Assembly in this area. It would also be given the responsibility for the remainder of the building where employees of the Leg. Assembly Office work, and that, too, is not covered in the Bill, which is what this amendment does.

Under section C I'm asking that we add the following after section 10 – that's located on page 5 – and that it be 10.1. What that says is that “in the event of a conflict between this Act and Part 1, Division 2 of the Legislative Assembly Act, the latter shall prevail.” Now, that amendment comes about as well through discussion that members of the Legislature have put forward, some of the concerns that they brought in regards to the privileges, immunities, et cetera, of the Legislative Assembly itself. Much discussion occurred with Parliamentary Counsel in regards to this amendment and as to what would overrule in the event of a conflict, and that is the Legislative Assembly Act. I believe this is an important amendment, and I leave that at this time for debate from members.

Under section D – and that's on page 5 as well – under “Coming Into Force” I've asked that in section 12 we strike out “6 months” and substitute “12 months.” Then that would read, “This Act comes into force 12 months after the day it receives Royal Assent.” I believe that's necessary, through discussions with the minister who is responsible for public works. It's necessary because of the number of steps, in discussion, that need to occur before implementation takes place as far as the content of the Bill and as to how it affects the facilities. We must remember that there are 750 facilities and over 20,000 employees that are affected by this Bill, so that's why that amendment has been put in place.

Having said that then, Mr. Chairman, I am looking forward to the debate of the members in regards to these amendments. As I've said, I've put them forward as a package.

Thank you.

[Mrs. Laing in the Chair]

THE ACTING CHAIRMAN: Calgary-Buffalo.

MR. DICKSON: Thanks, Madam Chairman. There's been actually a lot of good input, that I expect all members have received from Albertans and groups and organizations that are interested in seeing this excellent legislative initiative supported and ultimately passed. In terms of the amendment we're dealing with, I take it we're dealing with, effectively, all four amendments at the same time, Madam Chairman, and that's the way I'm going to make my comments.

The starting point, I guess, is that I'm interested that all of those employees who work in the Legislative Assembly Building, whether they're Clerks or people involved with security, have the same protection, equivalent protection, that government employees have in any other provincial government office. I think that's essential, the importance being that we're talking about protecting the safety of Albertans who may otherwise be subject to second-hand smoke just by virtue of working in an area where smoking is permitted indiscriminately. So the issue is really, as I understand it, how we deal with this peculiar nature, the sovereignty, of the Legislative Assembly. I have no problem, subject to a couple of amendments I'm going to introduce later with other government offices. The issue is this building and the premises under the control of the Speaker of the Legislative Assembly, which would be basically the building we're in now as I speak and the Legislature Annex, which is effectively under the control of the Speaker.

The purpose of the second part of the amendment is to create a body which would stand in the place of the employer to designate where smoking may be permitted. As I look at the package, I think you could leave in the B part of the amendment and not go with amendment A, because the combined effect of amendments B and C I think get you where you want to go. My concern is: can there be an argument that the intention was that the Assembly and buildings controlled by the Assembly are not subject to the Act? I suppose I look at it because you still have the Legislative Assembly Office, 1(c)(iii), that may not be the concern I first apprehended. Anyway, my objective: I want to make sure that people working in and around the Legislature have protection equivalent to employees in any other government office.

The part of the proposed amendment that I suppose would be the most contentious would be extending the time for proclamation from "6 months" to "12 months." I'm of mixed views here, because on the one hand I very much appreciate the efforts that Calgary-Cross has gone to in terms of trying to come up with a workable Bill, a feasible Bill. I understand that this is better than many Bills where there's no provision for proclamation, where it's entirely left to the discretion of the Lieutenant Governor in Council. I'm not sure that we have to delay it that further six months. I think that six months should be ample time for us to find ways to protect the employees on these premises and in other Legislative Assembly offices from secondhand smoke. There ought to be a way of being able to do that within six months, so I'm reluctant to see it extended to 12 months.

I wish we weren't making that amendment, that that wasn't in front of us. My inclination would be to perhaps support A, B, and C and vote against D. Members are going to have to determine, since it is a private members' day, whether the delay of six months is going to be a reason to vote against the amendment. I suspect that other than giving me a chance to verbally articulate all the unanswered questions I've got, this may not have

been helpful to other members, but it's a question of how we achieve the objective behind the Bill without diluting it to the prejudice of those people who work on these premises.

So those are the comments that I wanted to make to the amendment that's in front of us now, Madam Chairman.

[Motion on amendment A1 carried]

4:00

MRS. FRITZ: Excuse me, Madam Chairman. You called it as A1. Are you including the entirety of the package?

THE ACTING CHAIRMAN: Yes. It was A1.

MRS. FRITZ: You're calling this entire package A1? So this doesn't come back.

THE ACTING CHAIRMAN: Yes. That's what we had agreed to. [interjection] On A1, which was the motion by Calgary-Cross: A, B, C, and D.

MRS. FRITZ: Okay. Thank you for that clarification.

THE ACTING CHAIRMAN: The hon. Government House Leader.

MR. HAVELOCK: Well, thank you, Madam Chairman. I believe that the amendments which I would like to propose have been distributed to the House. I'd like to give a little bit of background as to why I'm asking for these amendments.

In February of 1996 the restricted smoking policy, which attempted to reduce smoking and possible exposure to secondhand smoke, was approved and then implemented by the Department of Justice, and that implementation has actually taken place over the previous 10 months. Since the policy's been implemented, smoking is no longer allowed in casework, classification, placement, or other program areas. It is not permitted in areas where courses or classes are being conducted except during morning, afternoon, and evening coffee breaks. Smoking has also been eliminated from all visiting areas. All indoor recreation areas are smoke free, including evening activities outside of the living units. Also, the common area of all living units with individual cells are smoke free during regular working hours except morning, afternoon, and evening coffee breaks. We've also put in some similar provisions with respect to reducing staff smoking in the workplace. Employees are allowed to smoke only in designated areas but not in common areas such as muster rooms, rest areas, or dining rooms.

Madam Chairman, from the department's perspective, it is important that we put this amendment forward. However, in doing so, I think it's clear, based on what I've just relayed to the House, that we have made some extraordinary efforts to eliminate smoking in our correctional facilities. However, I can indicate that smoking is probably one of the few luxuries that our convicted prisoners have left, and I think that removing the ability for them to smoke in their cells, for example, may well create some problems.

So I would ask the House to support the two amendments that I have put forward. This will certainly help us to continue to implement our nonsmoking policy in our correctional facilities while enabling us to maintain peace and order within those facilities.

THE ACTING CHAIRMAN: The Minister of Justice has proposed amendments which we will call A2. Mr. Minister, are you including both as a block?

MR. HAVELOCK: Yes, Madam Chairman.

THE ACTING CHAIRMAN: So they are as a block. All right. Thank you.

Calgary-*Buffalo*.

MR. DICKSON: Thanks, Madam Chairman. Actually, I'm really encouraged to see the A2 amendment come forward. I'd heard some thought that there might be an effort to exempt the correctional facilities in the province of Alberta, so it is very positive that in fact they're being included. I think that secondhand smoke is a particular issue, and I've certainly heard from correctional officers on that score. As I read the amendment, we in fact are extending the scope of the Act so that it does cover correctional facilities.

AN HON. MEMBER: I don't think you're right, Gary.

MR. DICKSON: The information I'd received before, Madam Chairman – I know it has always been some good advice about thinking first before speaking. I'm going to have that little plate installed on the front of my desk.

I see that I may have misinterpreted the comments from the Minister of Justice. I would be speaking against the amendment, because I think what was possible, from talking to people involved in correctional facilities – instead of simply exempting, instead of simply carving out all correctional facilities, we would have been further ahead to put the minister to the further point of trying to come up with a formula or a solution that would be more selective. I think this is not particularly targeted, and the fact that correctional institutions would be in effect exempted from the Act is problematic.

I'm going to vote against this particular amendment, and I'm going to encourage other members to vote against it as well, Madam Chairman. Thank you.

THE ACTING CHAIRMAN: May I remind members that we only have one person standing at any one time, and right now that will be the hon. Minister of Justice.

MR. HAVELOCK: Yes. Thank you, Madam Chairman. Just to clarify for the Member for Calgary-*Buffalo*. We have put in place, as I indicated in my introductory remarks, a number of actions and policies to reduce smoking in the correctional facilities. Part of the difficulty that we have, of course, is that the facilities are unique. There are very few that are the same. So we need to look at them on an individual basis. One of the reasons why we are looking at exempting the facilities from the Act is to allow the individuals responsible for administering those facilities some degree of flexibility.

However, I will reiterate in the House that we do have a commitment, as indicated by what we've done in the past, to have smoke-free environments within our correctional facilities to the extent possible. Again, that has to be subject to ensuring that we're able to maintain some level of peace amongst the prison population.

I take the member's comments seriously. I have indicated to the department that we would like to continue to look at furthering

this policy where possible with respect to smoke-free environments within the prisons, but, again, we're subject to some practical constraints.

[Motion on amendment A2 carried]

THE ACTING CHAIRMAN: Calgary-*Buffalo*.

MR. DICKSON: Thanks, Madam Chairman. I have a further amendment, which is only now being distributed. This addresses what I think is one of the weaknesses in the existing Bill. Not that there are a lot of them, but there's one. I draw members' attention to section 2(4), which talks about:

Where an employer has designated a room for smoking under subsection (2) in a building or portion of a building the construction of which commenced before January 1, 1998, the employer shall, to the extent reasonably practicable, ensure that the room conforms to any requirements of the regulations.

Then we've got a further provision for the construction of buildings "after December 31, 1997."

4:10

Now, what happens is that you've got a kind of flexibility with existing buildings and a much higher standard for buildings built after December 31, 1997. So what I wanted to do with this amendment is to give, in terms of existing buildings, a reasonable transition period to do the upgrading in terms of ventilation and so on but have an outside drop-dead date when the standard would have to be met.

What we've inserted in the amendment is "December 31, 1999." So what happens is that rather than . . . Let me back up and say that without this amendment, given the fact that I don't expect a whole lot of new government office construction activity, most government office buildings have been built and would fall under section 2(4); in other words, buildings built prior to January 1, 1998. What happens is that there is, I think, an unreasonable degree of latitude in determining what is "reasonably practicable," and there's no incentive in those government departments to do the changes in terms of ventilation and so on to ensure that the same standard that is going to apply in new buildings would be met in older buildings. So we thought that "December 31, 1999" affords effectively a two and a half year period for buildings to be brought up to the same standards as new buildings at least in terms of the ventilation in a smoking room. We thought that was important. It's, I think, a sufficient period to allow the Department of Public Works, Supply and Services to meet that higher test, yet it does mean we're moving forward to a consistent level, which is something that doesn't apply without this amendment.

So for all of those reasons, Madam Chairman, I would encourage members to support this particular amendment, which would give us a new (4.1) and would ensure that in existing government buildings we are working towards, within the next two and a half years, ensuring that those smoking rooms have an acceptable level of ventilation and meet the other kinds of requirements that we're going to insist on in every new building that would come onstream after December 31, 1997.

So that's the reason I move the particular amendment that's on everybody's desk.

THE ACTING CHAIRMAN: All right. Members, we are calling this amendment A3, as moved by the hon. Member for Calgary-*Buffalo*. Are there any further speakers?

Calgary-*Cross*.

MRS. FRITZ: Thank you, Madam Chairman. I received this amendment a little earlier from the hon. member, and at the time I indicated to the member that I believed I could not support this amendment in the way that it was written. That's because my understanding of what it says, which you can correct, is that it's indicating that all buildings prior to those dates that are mentioned within the Act will be renovated and that we have this time to do that up till 1999.

THE ACTING CHAIRMAN: Calgary-Buffalo.

MR. DICKSON: Thanks, Madam Chairman. The intention is to afford a two and a half year period to all existing government buildings to ensure that there is the necessary renovation or adjustment in those workplaces to ensure that the smoking rooms in designated smoking areas in those buildings will be at least as safe as the designated smoking areas in buildings built after December 31, 1997. So you've got a transition period where whatever is "reasonably practicable." So there's the flexibility, but that can't continue forever, in my view. That's the reason the amendment creates that outside date. I think frankly, although there may be other members who have a clearer view, from my discussions this is not an enormous outlay of dollars. If in fact departments have the opportunity over two and a half years, the modification would be fairly modest and could easily be staged to meet the December 31, 1999, deadline.

So I don't know whether I'm being responsive to the Member for Calgary-Cross, but that's the purpose of the amendment. That's the reason for it.

THE ACTING CHAIRMAN: Thank you.

Little Bow.

MR. McFARLAND: Thank you, Madam Chairman. With respect, Calgary-Buffalo, I can't endorse the amendment that you've proposed for the following reasons. Maybe it's too specific to one particular instance, but even when you consider that you're phasing in two years in which people could conform, I would suggest to you the following example. A regional hospital in one of our cities has of its own accord imposed a no-smoking policy of sorts within the hospital itself. Unfortunately, I can't see that this will ever work in the case of the regional hospital because of the financial implications that they of course will say makes it impossible for them to provide ventilation.

This particular building is basically a very new style of building. None of the windows open. They've previously had what they call the smoke pit downstairs in the garage. The powers that be decided that there would be a smoke-free environment in the hospital. That's fine, but they went one step further and dictated that there would be no smoking within 75 feet of the building. Now, they've already gone as far as anyone can go, but I don't see now where the staff at all can have any place to have a cigarette. A patient, particularly in a psychiatric unit, or a distressed parent who's come in after an accident to look after a child and it's 40 below, they can now go outside, across the street, 75 feet from the outside edge of the building in order to have a cigarette.

I respect what you're trying to do, but even if you allow a two-year phase-in, I can't see a facility the size of this regional hospital altering their ventilation system after already imposing the policy. In my mind, many of these government buildings have already taken care of the secondhand smoke problem that's being addressed in this entire Bill.

Thank you.

THE ACTING CHAIRMAN: Calgary-Buffalo.

MR. DICKSON: Thanks. I very much appreciate the comments, but my response would be this. As I understand the Bill, we'll have buildings that are smoke free. [interjection] Exactly. In fact, section 2(2) says that "an employer may . . . designate for smoking . . . rooms." This only applies in those cases where the employer has designated a smoking room. I mean, if a facility, as I understand it, is already smoke free, then there's no requirement that they have to do anything. It would be only those buildings that say: we're going to have a designated smoking area.

I'd say to the hon. member that if we believe what we're saying here, that secondhand smoke is dangerous and compromises the safety of Albertans, why would we be prepared to go more than a reasonable time by putting people at risk in an environment that isn't safe? What I'm saying is this: if you go to the length and the trouble of creating a designated smoking area, let's make sure that that's a safe smoking area with adequate ventilation. If somebody chooses not to have a designated smoking facility, as perhaps is the case in the hospital you cite, they have no problem. They don't have to do any renovation work. It's only if they designate a smoking room, member, through the Chair.

Am I being responsive to the question you raised? Thank you.

THE ACTING CHAIRMAN: The hon. Member for Medicine Hat.

4:20

MR. RENNER: Thank you, Madam Chairman. I certainly appreciate the intent of the motion that the hon. Member for Calgary-Buffalo has brought forward, but frankly I think that it makes it much more difficult to live up to the principle of this Bill. When I read the Bill, the current section (4) as proposed in the Bill says:

Where an employer has designated a room for smoking under subsection (2) in a building or portion of a building the construction of which commenced before January 1, 1998, the employer shall, to the extent reasonably practicable, ensure that the room conforms to any requirements of the regulations respecting independent ventilation of designated smoking rooms.

So it's recognizing, as the member indicated at the beginning of his remarks on this amendment, that the vast majority of government buildings that would be affected by this were in fact constructed prior to, some of which may require some extensive renovation. So I think that this gives the minister or the employer, the one responsible for designating a room for smoking, the ability to deal with where "reasonably practicable."

So it may mean that every building is not virtually the same, but that recognizes that buildings are built in different eras, and in some cases it might be totally impractical to have a perfectly ventilated room. It might be that in the case of that building, the compromise that's set is that there is a window that opens. That might be the best that they can do, or they put in an exhaust fan or something. It may well be that there's only one person in the whole building that smokes. So why would you go out and spend thousands of dollars so one person could go into this room and smoke?

I think that the only reason there is any way to support this Bill is the fact that it does accommodate a number of different circumstances. While I have some problems with the Bill itself – and frankly, I'm not sure that I will be able to support the Bill all the way through the process – one good thing I can say about it is that it does allow for some flexibility and does allow for some

common sense. I think that if the amendment proposed by the Member for Calgary-Buffalo were passed, that would remove that common sense and would remove the ability for someone to deal with something on a case-by-case basis.

I would urge members to vote against the amendment.

[Motion on amendment A3 lost]

MR. DICKSON: One further amendment I want to propose at this stage. I indicated at second reading that when I looked at the Bill, specifically at section 10, I was troubled by 10(3) and 10(4), because it allows the "Special Select Standing Committee of the Assembly on Members' Services," in the case of the Leg. Assembly Office, or the "Select Standing Committee on Legislative Offices," in the case of legislative offices, to "order that any regulation be inapplicable to," which effectively would allow Executive Council to basically deny employees in this precinct the protection that we think is important for government employees in the Department of Justice or the Treasury Department, the Energy department. If there are any left, those people in the Energy department are going to want that same protection from secondhand smoke.

What my amendment would effectively do is take out (3) and (4). Given the other amendments that have already been identified, particularly A1, point B, it seems to me that there is now no reason to leave sections 10(3) and (4) in. I think it's just dangerous, saying that what the Legislature is now offering government employees on the one hand we're going to allow two committees of the Legislature potentially to take away. I think that what's good enough for government employees in a government building across the street from here should be the same standard for those people who work in these premises, this building and the Annex.

For those reasons I'd encourage members to see this as being a positive amendment. I'm going to respectfully suggest that this also respects the peculiar position that the Legislative Assembly occupies in being sovereign and not subject to laws of general regulation. I think in this Bill we are specifically making a decision as legislators in an area we are sovereign in to provide that same measure of protection here. So for all those reasons I'd encourage members to support this amendment, Madam Chairman.

THE ACTING CHAIRMAN: Hon. member, we'll have to wait a few minutes as the members are just now receiving their copies. Could the pages please give them to the members who are seated and go back and fill in the others later. Thank you.

This would be amendment A4. We'll give people a minute because they haven't had a chance to even read it yet.

The hon. Member for Calgary-Cross, while our members are reading the amendment.

MRS. FRITZ: Thank you, Madam Chairman. I'm going to be supporting this amendment. This is an amendment that was brought forward through second reading. As I said, I've reviewed *Hansard* very carefully and the remarks made from members on both sides of the House in regards to the way in which (3) and (4) were making regulations inapplicable to the Leg. Assembly Office. That in itself flagged for the public at large that perhaps we were looking at our Legislative Assembly and Annex, et cetera, as having special privileges, which are not there, and being above what is being put in the Bill for the public at large with the previous facilities.

I think that the amendment that was put forward under A1 very, very rightfully does include the Special Select Standing Committee of the Legislative Assembly on Members' Services designating smoking rooms in both areas, whether it be the Leg. Assembly or the Leg. Assembly Office, which of course includes the Annex. For employees looking at this or employees reading *Hansard*, that could be an analogy much like they have their joint work site committees making those types of policies within their own buildings.

For that reason I would support the amendment and would say that sections (3) and (4) should be removed from the Act now that we've passed the first amendment.

THE ACTING CHAIRMAN: Any further speakers to amendment A4?

The hon. Member for St. Albert.

MRS. O'NEILL: Yes. Madam Chairman, could I ask the sponsor or the mover of this amendment a question, if I may, just for clarification? I don't understand whether this means that the offices – in other words, MLA offices – are subject to the whole thing, or are we removing it by removing these sections? I need clarification on this.

THE ACTING CHAIRMAN: Calgary-Buffalo, would you like to respond to the member?

MR. DICKSON: Well, my understanding is that we're not removing them. All we're doing is removing the ability of a committee to say, in effect, that they're going to exempt out of this Act, that applies to all these government offices, big chunks of the building here and the Annex and those things that are controlled by the Legislative Assembly.

THE ACTING CHAIRMAN: Thank you.

Calgary-Cross.

MRS. FRITZ: Thank you, Madam Chairman. For further clarification, that's exactly the first amendment that we did put forward, section (7). It's very, very clear that it is Members' Services who are going to be designating rooms in "the Legislature Building or its precincts under the authority of the Legislative Assembly and the Legislative Assembly Office." And yes, that includes Members of the Legislative Assembly offices. So that's why we've put in section (7), and that's why we would not be making them inapplicable, which is why we'd support this amendment on the floor.

4:30

THE ACTING CHAIRMAN: Are there any further speakers to this motion?

MRS. FORSYTH: I just have to get a clarification from the Member for Calgary-Cross about the amendment she brought forward originally, that was agreed to in the House in regards to section (7), about "Notwithstanding any other provision." She brings forward "the Special Select Standing Committee of the Assembly on Members' Services." If what she's saying is about the amendment that Calgary-Buffalo is bringing forward, why wasn't that brought forward with your original amendment, deleting number (3) and (4) under section 10? Quite frankly, now I'm really confused.

THE ACTING CHAIRMAN: Any further speakers?
Calgary-Cross.

MRS. FRITZ: Thank you, Madam Chairman. I did not bring forward the removal of sections (3) and (4) as an amendment. The reason I did not do that is this. As I mentioned in my opening remarks, I've had consultation over the last two weeks with members from both sides of the House, and quite frankly that included the Member for Calgary-Buffalo, because he put this forward in second reading. We were very aware that this should be removed. The member asked if he could bring it forward as an amendment, and that was agreed upon, which is why it's here today in this form.

THE ACTING CHAIRMAN: Any further speakers to amendment A4, which has been proposed by the Member for Calgary-Buffalo? Are we ready for the question?
The Member for Banff-Cochrane.

MRS. TARCHUK: Thank you. Clarification seems to still be needed by many people on whether or not MLAs can have smokers in their office. So what is the answer to that?

THE ACTING CHAIRMAN: Okay. Calgary-Buffalo, would you like to respond?

MR. DICKSON: The power has been delegated to an all-party committee of the Legislative Assembly. In this case it's the Special Select Standing Committee on Members' Services that will do the designation. That's a committee that has representation from the government and the opposition side. They're going to do that. Because of that, there was no need for this very general power in section 10 to allow the committees to say that regulations would be inapplicable. In other words, we're sort of working within the regulations, like we do in other government departments. That's the consequence of the initial amendment A1. Then there's really no reason for those sections to still be left in section 10.

MRS. TARCHUK: Thanks.

THE ACTING CHAIRMAN: Any further speakers at this point?
All right.

[The clauses of Bill 205 as amended agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed? Carried.
The hon. minister of agriculture.

MR. STELMACH: I move that the committee now rise and report.

[Motion carried]

[The Deputy Speaker in the Chair]

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

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Public Bills and Orders Other than**
head: **Government Bills and Orders**
head: **Second Reading**
Bill 208
Kananaskis Park Act

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

SOME HON. MEMBERS: Question. Question.

MR. MITCHELL: If you want to vote for it, I'll sit down right now.

Thank you, Mr. Speaker. I said this before, and I'm going to say it again. On Bill 207 I said: I've been standing in this House for 11 years, and I'm hoping for a yes. Yeah, I am. I am eternally optimistic. While I have felt very strongly about each and every one of the Bills that I have ever presented to this House in these 11 years, this one I know is the best and is so compelling that even the members of the Conservative caucus will be compelled, driven to support it on its merits. I would like to rise and see that this rises above partisanship, because Kananaskis park deserves that its future and its relevance to the lives of Albertans, its cultural significance to Alberta and Albertans are given consideration on their own merits. This Bill, the Kananaskis Park Act, will create the Kananaskis park in the northern part of Kananaskis Country.

It's quite a surprise to many Albertans with whom I speak that the Kananaskis area is not actually a park and that therefore there is very little rigorous mechanism to stop development. In fact, much development is planned for that Kananaskis area which will have detrimental environmental and other effects. It comes as a surprise to people that it is not a park, and it has been construed in their minds, perhaps not consciously, that in fact it is a protected area in a significant way. But it's not, and we want to make sure that it is.

The Bill is designed to help protect wildlife, especially by preventing further encroachment on wildlife corridors in the Kananaskis and Spray Lakes valleys. It is to prevent further commercialization, particularly the construction of the Evan-Thomas golf course. There is another series of developments on the books. Some of those are not reversible, but those which are we would like to see reversed as well.

4:40

There are some strong arguments, Mr. Speaker, for why we have done this, but first let me explain exactly what area I am considering and contemplating in this Act. The Kananaskis park will specifically protect the Kananaskis and Spray Lakes valleys from the pressures of further development, as I said. The park

would provide protection for the northern part of Kananaskis Country, covering an area of about six townships, or 500 square kilometres. It would be about the same size as Peter Lougheed park. It would link existing protected areas and extend from Peter Lougheed provincial park in the south to Wind Valley and the southern edge of the Bow corridor in the north. It would link Banff national park in the west with the Elbow-Sheep wildland park in the east. It would make that area one of the most spectacular and best-protected natural areas in this province and therefore would rank it and preserve its rank amongst the best, most spectacular, most beautiful natural areas in the entire world. Our fear would be that that stature, that status is in jeopardy and could in fact be eroded.

Currently on the books the government has these developments in mind or in progress to varying extents. On the Spray Lakes there are the commercial boat tours from the base of Mount Sparrowhawk. There is heli-skiing proposed on Mount Sparrowhawk. There are plans for a \$350 million all-season destination resort at the end of the Spray Lakes, which are to this point largely untouched. There is also proposed a second golf course in the Evan-Thomas area and an alpine village with 300 accommodation units near Evan-Thomas.

There are some serious . . .

DR. WEST: And more people seeing pristine land.

THE DEPUTY SPEAKER: Hon. minister, I've got you down on my list to speak. If you would not anticipate this opportunity while the hon. Leader of the Opposition is speaking, then we'll give it to you immediately following, should you so wish.

MR. MITCHELL: This position embodied in this Bill is taken by me because it will achieve some very, very important things. I want to emphasize, as I said before, that the area does not have legislated protection, and in fact there are plans for large-scale developments that would affect the natural sustainability of the area.

The valleys are particularly important corridors for wildlife, especially large mammals like grizzly and black bears that need to be able to move north-south through the Rockies to maintain genetic diversity. Mr. Speaker, for us this is interesting because the protection of the Kananaskis area is part of a broader Alberta Liberal Canadian Rocky ecosystems policy. Kananaskis is one of the key areas, but we also see the need to protect areas along the entire length of the eastern slopes, which are increasingly becoming encroached upon.

A couple of things to note. One, there is a great deal of support for prohibition of further commercial development in the Kananaskis area. In fact, several surveys that have been done underline that very, very strongly. A leaked copy of a 1996 government survey – and the minister is undoubtedly aware of this and didn't get the answer that he wants – indicates that about 80 percent of respondents want no additional recreational facilities in Kananaskis Country. They're happy with what is there, and they're of the belief, I would argue, that you can't necessarily improve upon something as "pristine," to use the Minister of Energy's word, and as spectacular as Kananaskis with further commercial development. In fact, many respondents said that additional recreational facilities would actually detract from their stay in the park.

A summer of 1996 survey conducted by a coalition of environmental groups found that 80 percent of the 800 respondents at

Barrier Lake visitor centre within the proposed Kananaskis park did not want more recreational development, and 64 percent of the 160 respondents at resort areas in Kananaskis did not want more recreational development.

The argument that seems often used by the government – and it's certainly an important question to ask – addresses the presumed trade-off between economic development and environmental protection. In fact, there is so much evidence that the two are not a trade-off and that strong environmental policy and strong environmental protection enhance economic development in a way that we want to do it, which is through diversification. [interjection] The minister is nattering at me here. Maybe I can answer his point, and that is that there are more forms of economic development than simply building more commercial development in parks.

In fact, ecotourism is huge, internationally renowned. It's not as though there are many limits to the number of four-star or five-star hotels in the world, but there is absolutely a limit to the number of Kananaskis park type areas in the world, and there are countries that are now putting what's left of their forests into museumlike compounds because they are gone. People will come from all over the world to see the kind of natural, wildland, wildlife places that we have in this province. Somehow we have to understand that it is step by step – small development, small development, bigger development, bigger development, and another small development – that ultimately will take away this remarkable resource and this remarkable asset.

Studies indicate clearly that economic diversification and economic development follow strong environmental policy. A study that looked at the northern U.S. Rockies and southern Alberta and B.C. found a number of things. One of them is this: the protection of wilderness habitat that sustains wild carnivores such as grizzly bears and wolves does not have a detrimental effect on local or regional economies. There was a strong argument to be made from that study that that was an alternative hypothesis to the common one that somehow if you protect it, you hurt economic development.

A study of the Yellowstone region of the U.S. found that the most prosperous communities were those that maintained quality of life and protected nature, that ecological functions and scenic open space in the ecosystem are consistent with, indeed vital to economic well-being.

What's interesting to note in that context, Mr. Speaker, is that even in the downturn in the energy industry during the '80s, Calgary grew. It didn't falter in its growth or in fact decline in growth. It grew. One of the reasons, I'm sure, is that people come to a place like Calgary because of the natural amenities like the Kananaskis recreational area, which should be a park and which, if it's destroyed or eroded, may have a huge detrimental impact on some of the values that people see when they live in or move to Calgary.

A further report, a consensus report supported by over 30 economists from all five Pacific Northwest states, stated this: in short, the Pacific Northwest does not have to choose between jobs and the environment; quite the opposite; a healthy environment is a major stimulus for a healthy economy.

4:50

I quote a study on the Columbia River basin that showed: wilderness, wildlife, scenic vistas, the solitude of wide-open spaces, and recreational opportunities on public land are significant and well-documented elements influencing business location in the interior basin. There is, Mr. Speaker, a strong observation

that with respect to the creation of a new Kananaskis park, many companies in Calgary or companies outside of Calgary selecting a location will appreciate the advantages of unspoiled areas in Kananaskis Country, being as close as they are. The development of Banff national park, the overdevelopment in fact, and of the Bow corridor makes it increasingly critical to protect some adjacent areas and wildlife in a more natural state for the enjoyment of Calgarians as well as for the enjoyment of all Albertans.

[Mrs. Laing in the Chair]

I'd like to relate a personal story, Madam Speaker, if I might. I was at a talk by Steve Ferraro, who is a Calgary-based professor of the environment and a noted, in fact internationally renowned, author and researcher of grizzly bears. He is a remarkable academic and a remarkably committed and thoughtful environmentalist. He was making a presentation in which he made the point very graphically that up to the late 1800s grizzly bears lived as far south as Mexico. It was natural habitat. They lived throughout the United States. They lived throughout all of western Canada and some of eastern Canada. Today grizzly bears in North America are almost exclusively found in Alberta because of the increasing encroachment on their habitat. The area that we are talking about, that would be Kananaskis park, is critical habitat corridor for grizzlies. Their proper functioning in their ecosystem cannot occur if that corridor is limited, is encroached upon in a way that these very sensitive mammals will not be able to accommodate.

I had a very, very moving experience during the election when Steve Ferraro came out with me and did an event with us at the Evan-Thomas golf course site. I can remember standing there. It was about 10 or 15 below, with the beautiful white, pristine snow, the mountains behind that, forest off to my left, a blue sky, and a clear, sunny day. That was a very, very powerful moment. It was punctuated by the question of one of the reporters, who said: well, where exactly are they going to build this golf course? Steve Ferraro said: right here on this river, in this beautiful valley, and what you see here as forest will be gone. That person was absolutely stunned and flabbergasted to realize that this piece of land, that could not in any conceivable way be improved upon by commercial development, would be destroyed in the creation of a golf course. That golf course will be exactly in the line of the corridor that grizzlies have used to migrate, as they need to do consistent with their biological necessity.

I think that the canary, in one sense, Madam Speaker, has begun to die. To contemplate that grizzlies lived as far south as Mexico barely a hundred years ago and that today they are struggling to survive in the northwest part of North America is quite a remarkable and frightening observation. What it says is that we have a particular responsibility in Alberta to preserve something as remarkable as those grizzly bears and to uphold and appreciate, recognize the value that the environment has not only to all of us as people in Alberta but to people across the world. I feel a real sense of burden in that responsibility.

I know that decisions look so easy today. Well, one heli-skiing pad and a four-star hotel, the Four Seasons hotel: we've seen many of them. What's another 300-unit alpine development? They seem like small things if you consider the expanse of Kananaskis, but they are not. At some point, Madam Speaker, we have to make a decision to say: "Enough is enough. We will preserve some places in this province in their pristine state as much as is humanly possible, because they are part of what we

value. They are part of our hearts. They are part of our culture. They are part of what we are as people. We have a responsibility to do that and to do it effectively." This Bill does. I hope the members will vote for it.

THE ACTING SPEAKER: Hon. Leader of the Official Opposition, we aren't clear as to whether or not you have moved second reading. Would you please do that now?

MR. MITCHELL: I certainly do move second reading of this Bill. Thank you.

THE ACTING SPEAKER: Thank you.
Calgary-East.

MR. AMERY: Thank you very much, Madam Speaker. It's a pleasure to rise and speak. Bill 208 seeks to protect the western part of Kananaskis Country from development. While the hon. sponsor of the Bill may have good intentions, the proposed Bill is simply redundant. The designated park area is already protected under specific policy and legislation. Furthermore, the entire Kananaskis Country area is deemed as important to this government and not just the proposed park area.

[The Deputy Speaker in the Chair]

Mr. Speaker, Kananaskis Country was established in the late '70s and is a blend of provincial parks, recreational facilities, and protected and multiple-use areas. Specific policy and management directives were established to govern the magnificent area known as Kananaskis Country to allow for a balance of recreational development and industry while protecting the environment. The Kananaskis Country policy and the eastern slopes policy directed and zoned K Country for recreational development while ensuring the preservation of the environment and allowing for the development of natural resources. The blend of policies provided a framework for the interaction among users, with the overall goal of protecting sensitive areas within K Country.

Mr. Speaker, management of K Country is governed by the Provincial Parks Act and the Public Lands Act and is handled day to day by Alberta forestry, lands, and wildlife. The Kananaskis Country subregional integrated resource plan, the IRP, established in 1986, outlines five management areas within K Country and dictates management of all resources, including water, forestry, wildlife, fisheries, and other activities in the area. This management strategy serves to guide the specific management areas within K Country and designates areas for recreational development or protection, such as zone 1, prime protection, or zone 2, critical wildlife.

Mr. Speaker, K Country involves a wide range of activities, and as such the Kananaskis Country Interdepartmental Committee oversees planning, policy development, and development proposals. This standing committee consists of senior management from Environmental Protection and other departments, two citizen representatives, and a representative from TransAlta Utilities.

As you can see, Mr. Speaker, K Country represents an important part of this government's priorities and is managed accordingly. K Country is an international destination known for its beautiful blend of parks, natural use areas, and recreational facilities. Development of the area is consistent with all the policy and management guidelines outlined earlier. This government's goal is to meet the recreational needs of Albertans while

maintaining the environment for future generations. Such is the case with the Kan-Alta golf course in the Evan-Thomas Creek area of K Country, a project that the sponsor of this Bill would have this government rescind.

Mr. Speaker, the Natural Resources Conservation Board was established under the Natural Resources Conservation Board Act. The NRCB reviews applications for natural resource projects that affect the people, the economy, and the environment of Alberta. Applications for proposed developments may include many activities, including recreation and tourism. The NRCB must assess and determine whether these projects are in the public interest of Albertans. The board includes public representatives as well as an extensive consultation process that includes many stakeholders that may be affected by the project.

5:00

In 1993 the provincial government accepted the NRCB's conditional approval of the Kan-Alta Golf Management project for the construction of an 18-hole golf course in the Evan-Thomas Creek area of K Country. NRCB's decision contains several conditions. One is requiring a wildlife habitat mitigation and enhancement program to be designed by Kan-Alta to the satisfaction of the fish and wildlife division of Alberta forestry, lands and wildlife. Second is stipulating that the location of certain facilities on the north side of Evan-Thomas Creek be reviewed and approved by fish and wildlife before proceeding with the construction and requiring the use of certain construction techniques in the flood plain of Evan-Thomas Creek to reduce potential disturbance of the environment. Mr. Speaker, as you can see by the NRCB decision, which is consistent with the policy and management strategies that govern K Country, environmental concerns are kept at the forefront of any development project.

In another NRCB decision the Three Sisters project, located in the town of Canmore outside of K Country, was accepted. The portion of the project proposed for the area known as Wind Valley, located in K Country, was not accepted. The NRCB ruled that the environmental effects would not be manageable and there would be serious risk and long-term effect on certain vegetation types and species of wildlife. Mr. Speaker, once again, as the NRCB's decision indicates, environmental concerns and the protection of K Country and wildlife habitats are important to this government and is indicative of the specific policy, management, and legislation already in place.

This government realized the increased demand for development in K Country. Some policies were developed years ago and need to be adjusted for the current demands and environmental concerns of today. As a result, Mr. Speaker, Environmental Protection is currently undertaking a second phase of review to update its policies for recreational development in K Country to take into account the growth in neighbouring jurisdictions, changes in tourism and recreation, and the increased interest in private-sector development for the area. In keeping with this government tradition of public consultation, the first phase of the review included participation by the public and stakeholders, including two surveys and numerous focus groups with over 50 interest groups. The second phase of the review will address public concerns of the first phase of the review and will be factored into any directives of the K Country policy. This review takes into consideration today's realities and serves to protect K Country.

Since 1977, Mr. Speaker, K Country has been managed with the intent of permitting orderly recreational development in such a manner as to allow the widest possible range of recreation

opportunities while ensuring the preservation of this valuable resource. Indeed, K Country continues to be governed by specific policy and park protection. The Wind Valley natural area, 85 percent of which lies within K Country, and the Elbow-Sheep wildland provincial park, which is entirely within K Country, include almost 100,000 hectares recently designated under Alberta Special Places 2000. As part of Special Places 2000 management plans are made to ensure they are consistent with existing land use plans. Under the minister's proposal the use permitted by the eastern slopes policy and the Kananaskis Country subregional integrated resource plan will continue in the designated area. Currently Bow Valley, which borders K Country, is also at the local committee stage for designation under Special Places 2000.

Mr. Speaker, Special Places 2000's made-in-Alberta strategy ensures that Albertans and stakeholders from across the province contribute directly to the development of this program. Special Places 2000 serves as a guideline for sustainable development linking environmental and economic interests and serves as another protective mechanism in K Country.

Mr. Speaker, these recent initiatives strengthen the protection mechanisms already in place. Combine these initiatives with the current legislation, management strategies, and policies, including the current recreation policy review, and I think it is impossible to deny that this government views the preservation of K Country as important.

Environmental Protection's recently announced management strategy for Alberta's recreation and protected areas program, Completing the Puzzle, serves to co-ordinate the management and protection of Alberta's recreation and protected areas. This strategy will serve as a blueprint for the total land base of protected and recreation areas and outlines the allocation of resources to meet the expansion of the province's protected network, which is expected to triple before the year 2000. Mr. Speaker, specifically with regards to the proposed Kananaskis park in Bill 208, the area is already protected by current policy and management practices and borders the Wind Valley natural area, which was recently designated under Special Places 2000.

The proposed park area is located in the Kananaskis-Spray resource management area. As outlined by the Kananaskis Country subregional IRP, the area is oriented to the preservation of environmentally sensitive terrain, watershed protection, the preservation of rare, fragile, and representative landscapes, the maintenance of a beautiful and pleasing landscape, and the protection of critical wildlife ranges. Much of the proposed park, Mr. Speaker, including Kananaskis and Spray Lakes Valley is located in zone 1, prime protection, and zone 2, critical wildlife, as outlined in the Kananaskis Country subregional IRP. The Wind Valley natural area is also located near the proposed park area and was recently designated under Special Places 2000.

Bill 208 proposes redesignating areas in the western part of Kananaskis Country and joining Peter Lougheed provincial park with Elbow-Sheep wildland provincial park. Mr. Speaker, new legislation is not needed to protect this area. It is already well protected through a combination of existing legislation and policy. I've previously outlined the extensive policy, management, and legislation already in place and the current review of recreation policy. We will continue to balance Albertans' needs for any additional facilities with environmental consideration throughout K Country and not just the two valleys highlighted for consideration as a park in Bill 208.

I also have some specific concerns with regards to Bill 208. In fact, Mr. Speaker, many clauses within this Bill are already set

out in legislation, policy, or management practices. Clause 2 in the schedule indicates protecting the areas south of the Bow corridor and north of Peter Lougheed provincial park, linking Banff national park with the recently created Elbow-Sheep wildland provincial park on the east. Much of the areas described, as indicated earlier, are either deemed prime protection or critical wildlife in the Kananaskis Country IRP. As such, these areas are protected through the policy guidelines respective to these two zones.

In addition, Mr. Speaker, areas north of this area – namely, Wind Valley natural area and east Elbow-Sheep wilderness provincial park – are part of the special places program, and a further adjacent site, Bow corridor, is under consideration at the local committee stage. The creation of a park to protect this area is unneeded and unwarranted legislation. The proposed Act directs policy that is already in place or is just not needed.

For instance, the Act excludes new grazing, timber harvesting, and mineral exploration in the proposed park. These activities are already excluded. In addition, other restrictions proposed for the area, such as the use of off-highway vehicles, are already in place. Mr. Speaker, I am not sure why the sponsor of this Bill felt that it was necessary to raise a flag on these issues. These activities are already clearly restricted by policy, management, and by designating areas. The sponsor of this Bill is trying to raise issues that just aren't relevant.

5:10

Furthermore, the sponsor of this Bill would have this government take back approval of some planned approved developments, such as Evan-Thomas golf course, which have already gone through extensive studies, a formal environmental impact assessment, and a review by the Natural Resources Conservation Board for environmental, social, and economic concerns. What would we be telling Albertans who have gone through this lengthy

approval process, Mr. Speaker, if we rescinded our decisions? We have numerous checks and balances in place to include public and environmental concerns, and we will continue to balance these concerns.

The Liberals have indicated that we are planning major development in K Country. For the record, Mr. Speaker, this is just not the case. All development projects in this area are severely scrutinized and will continue to be. Public involvement in K Country policy and management is quite extensive. The new directives with the review of recreation policy will further strengthen existing management plans, legislation, and policy. The management strategy, *Completing the Puzzle*, will serve as a guideline for Alberta's protected and recreation areas into the next century. This government will continue to manage all of K Country in a responsible manner, and our past and current decisions are an affirmation of our dedication.

Bill 208 does not offer anything new, Mr. Speaker. As such, I cannot support this Bill.

At this time I would like to adjourn debate on Bill 208.

THE DEPUTY SPEAKER: The hon. Member for Calgary-East has moved that we adjourn debate on Bill 208. 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.

[The Assembly adjourned at 5:13 p.m.]

