

Legislative Assembly of Alberta

Title: Thursday, June 12, 1997 1:30 p.m.
Date: 97/06/12
 [The Speaker in the Chair]

head: **Prayers**

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

Let us pray.

From our forests and parkland to our prairies and mountains comes the call of our land.

From our farmsteads, towns, and cities comes the call of our people that as legislators of this province we act with responsibility and sensitivity.

Lord grant us the wisdom to meet such challenges.

Amen.

Please be seated.

head: **Tabling Returns and Reports**

MR. GIBBONS: Mr. Speaker, I'd like to table today four copies of a letter from a family in my constituency to the hon. Premier. The letter details a recent experience with the health care system.

THE SPEAKER: The hon. Minister of Energy.

DR. WEST: Yes, Mr. Speaker. Today I have a couple of tablings. I'd like to table three separate documents in response to Motion for a Return 39. I'd also like to table today answers to 76 questions that were put forward during the Committee of Supply regarding the Ministry of Energy's budget and business plans. Rather than sending them individually to the individual members, they could pick up a copy of this, and it will answer their questions.

MR. JONSON: Mr. Speaker, I'd like to table four copies of a report entitled A Review of the Mistahia Regional Health Authority. This review is the result of concerns brought forward from some area residents, regional health authority medical staff, community leaders, municipal representatives, and local MLAs regarding the continued availability of quality health care services.

Thank you, Mr. Speaker.

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

MR. STEVENS: Thank you, Mr. Speaker. I'd like to table four copies of a Conference Board of Canada report entitled The Economic Benefits of Improving Literacy Skills in the Workplace. Thank you.

THE SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. I'd like to table a petition regarding VLTs which I received from the Enchant Free Church, signed by eight residents from the communities of Enchant, Vauxhall, and Lomond.

MR. MITCHELL: Mr. Speaker, I table today copies of a number of other letters that I have received in my constituency office concerning Bill 209. These letters are opposed to the sentiments of Bill 209. I should also say that I have had a number of phone

calls, some of which have been opposed and some of which have been in favour of the sentiments in Bill 209.

THE SPEAKER: The hon. Minister of Federal and Intergovernmental Affairs.

MR. HANCOCK: Thank you, Mr. Speaker. I wanted to table four copies of answers to questions on estimates during the estimates for Federal and Intergovernmental Affairs.

head: **Introduction of Guests**

MR. DOERKSEN: Mr. Speaker, it is my pleasure to introduce to you today and through you to the members of this Assembly 49 students from Maryview school, which is located in Red Deer-South. Accompanying them are teachers Kathleen Finnigan, Brad Diduch, and parents and helpers Brenda Staple, Gary Bank, Darryl Cornish, Maureen Tymchuk, Gisele Perks, Jacinta Gauthier. I would ask that they rise and receive the traditional warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Whitecourt-Ste. Anne.

MR. TRYNCHY: Thank you, Mr. Speaker. It's an honour to introduce to the Legislature today some 27 visitors from the Darwell school. They're here to visit and see the works of the Legislature. They're all dressed casually. They don't have to wear their jackets, such as we have to. I say that to the students because last night the Assembly was asked if we could remove our jackets and I said no because I was concerned about decorum, and I commented on how sometimes when we visit the schools, we see the students with their caps on. Anyway, they're here with their teacher, Mr. Ken Slade, and their bus driver, Brian Williams, and parents Dorothy Carlson, Vienna Johnson, and Mrs. Jean Ross. They're seated in the public gallery. I'd ask them to rise and receive the warm welcome of the Assembly.

MR. MITCHELL: Mr. Speaker, it gives me great pleasure to introduce to the Members of the Legislative Assembly Alida Hess, who was our Liberal candidate in the provincial election in Little Bow. She is here today accompanied by her husband, Fred, who prior to his retirement was the best baker in Lethbridge, and his retirement in fact accounts for the discernable loss of weight experienced by our Member for Lethbridge-East. They are here today with their daughter. I would ask that they all stand and receive the welcome of the Legislative Assembly.

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

MR. SEVERTSON: Thank you, Mr. Speaker. It's my pleasure to introduce to you today and through you to members of the Assembly Mr. Lorenzo Heinrichs and his 10-year-old son. They're here from Bowden. Robert is a home schooler, and he's taking social studies in his grade 6 courses. He asked his dad if he could come here and observe our question period. They're in the public gallery, and I'd ask them to rise and receive the warm welcome of the Assembly.

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

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure to introduce to you and to the Legislature 25 visitors from the Vilna school. This grade 6 class is accompanied by Mrs. Penny

Tychkowsky, their teacher; the bus driver, Mr. Trevor Tychkowsky; and two parents also, Mrs. Linda Habiak and Ms. Cindy Hrabec. I'd like to ask them to stand and receive the warm welcome of the Assembly.

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

MR. MITCHELL: Thank you, Mr. Speaker. I would also like to introduce to you Nicolas Cartnell. He is the STEP student in my office for this summer and is shadowing me today to see exactly how this place really works. I'd ask that he stand in the Legislative Assembly and receive the welcome of the members.

head: **Ministerial Statements**
U.S. Coast Guard Rescue

MR. DAY: Mr. Speaker, yesterday we heard news of an Albertan from Spruce Grove who was rescued along with four others by the United States Coast Guard while sailing in stormy seas off the coast of California. In their valiant and heroic rescue efforts four members of the United States Coast Guard were lost at sea and are still missing. On behalf of the Legislative Assembly of Alberta, the Premier of Alberta, and all Albertans, I wish to extend our deepest sympathy and prayers of hope to the families of the four brave men who risked and possibly lost their lives to save five others. The Albertan who was rescued, 41-year-old Bill Logan of Spruce Grove, described his rescuers as heroes, every last one of them.

Mr. Logan was sailing with four shipmates from Vancouver to Mexico. A tropical storm hit their 35-foot boat off the coast of northern California on Sunday, and they were forced to abandon ship. Two helicopters and a cutter rushed to their aid, and they were rescued onto the cutter. The U.S. Coast Guard helicopter went down while attempting the rescue. The search continues for the four. We understand pieces of the aircraft have been found, but the helicopter's two lifeboats and the crew's emergency equipment have not been found, giving rescue workers slim hope that they may still be alive.

Mr. Speaker, our thoughts and prayers are with the families and with those involved in the search. We pray that the courageous men may still be found alive and are able to experience the praise and rewards they richly deserve. We extend our sincere gratitude to the United States Coast Guard and wish them Godspeed.

1:40

MR. MITCHELL: Mr. Speaker, on behalf of the members on this side of the House and in particular on behalf of our Member for Spruce Grove-Sturgeon-St. Albert, I want to say that we absolutely concur in the Treasurer's statement. We, too, extend our thoughts and our prayers to the families of the four men who are missing and may have lost their lives in their heroic efforts to save these five sailors. We sincerely hope that these Coast Guard men are found to be safe, and we are very, very grateful that they have, through their efforts, assisted in returning Mr. Logan to Spruce Grove and to his family here in Alberta.

Expo 2005 Bid

MRS. BLACK: Mr. Speaker, today on behalf of Premier Klein, Community Development Minister Shirley McClellan, and the entire government I want to pay tribute to the magnificent efforts of the many volunteers who worked tirelessly over the past four years to have Calgary selected as the site for Expo 2005. I know

that the announcement from Monaco a few hours ago that Nagoya, Japan, had been awarded Expo 2005 is extremely disappointing to all Albertans and all Canadians, but we should hold our heads high in the knowledge that we put forward a superb proposal of which we can all be truly proud.

Our proposal was a team effort, and there are many individuals who put their personal lives on hold to concentrate on the bid, spending many hours away from their families. All of these individuals, particularly Jack Perraton, the bid committee chairman, and Mayor Al Duerr, deserve a very special thank you. As well, Mr. Speaker, I want to acknowledge the efforts of our Premier, who from the very beginning vigorously supported the initiative. Even though he is still not completely recovered from his recent accident, Premier Klein traveled to Europe to lend his support right up to the time the ballots were cast.

Mr. Speaker, The Land: Our Common Ground, the theme of our proposal, had an important relevancy for the world, particularly as we head into the 21st century. We know in our hearts and in our minds that had we been given the opportunity to host Expo 2005, we would have contributed to a better understanding of how the peoples of the world can live in more peaceful harmony with each other and with their environment. We know that Calgary and Alberta and Canada have gained from the increased international exposure generated by our Expo proposal. Our bid was unanimously judged to be first-rate by countries throughout the world.

The government of Alberta congratulates Japan on having been awarded Expo 2005, and we wish the city of Nagoya a successful exposition.

Mr. Speaker, 2005 is still a year of important events in Alberta as we along with our sister province Saskatchewan celebrate 100 years in our Canadian Confederation. As Premier Klein has indicated, it will be a wonderful celebration from one end of the province to the other.

Thank you.

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

MR. DICKSON: Thank you, Mr. Speaker. Albertans will truly share a very strong sense of disappointment today in learning of the loss of Calgary's bid for the 2005 World's Fair. My colleagues in the Alberta Liberal caucus understand and share that sense of disappointment. My colleagues, however, have asked me on their behalf to celebrate, to celebrate what the bid proposal achieved, what it told us about ourselves, and what it told us about our province.

Calgarians and indeed all Albertans have an incredible capacity, Mr. Speaker, to mobilize for a project, to support a project that we think is important, and the campaign to win the right to host Expo 2005 was just such a project. From the initial campaign some four years ago to simply earn the right to be able to put forward a bid on behalf of Canada right through until the time of the final presentation, I think we were all incredibly well represented.

I want to also thank Jack Perraton and Mayor Al Duerr and, through those two particular individuals, the very significant army of volunteers. What this bid proposal showed us is that there's no other place in Canada where we're entitled and privileged to have such strong support from private citizens, from three levels of government, from the business community. It was a remarkable achievement.

I had the opportunity to attend a BIE luncheon a year ago, and

what struck me – I was sitting with one of the Canadian delegates to the BIE, and this woman was so incredibly proud as the other BIE delegates were taken around to look at the facilities and the venues in Calgary. She made the observation to me that these people weren't simply being polite. They were simply astonished at the kind of volunteerism and the kind of enthusiasm that Calgarians in all parts of the city and other Albertans demonstrated for the bid.

We of course congratulate Nagoya and the nation of Japan for winning the bid. My colleagues look forward to what we think is going to be an eventful and an exciting year in this province, 2005, and we look forward to participating in the alternate activities and celebrations that will take place in that memorable year.

Thanks very much, Mr. Speaker.

head: **Oral Question Period**
Private Education

MR. MITCHELL: Mr. Speaker, yesterday the Minister of Education proposed a task force on funding for private schools just two years after he voted against our proposal for a task force on education to look at all the issues affecting students in Alberta. Alberta has about 15,000 private school students and about half a million students enrolled in public education. Tens of thousands of public school students, parents, teachers, and school council members have asked the government to look at pupil/teacher ratios, fund-raising, user fees, special needs, English as a Second Language, and, yes, the defence and promotion of the public school system. To the Minister of Education: why is the minister so quick to establish this task force on a single education issue while he voted against our proposal for a general task force on education two years ago?

MR. MAR: Mr. Speaker, you know, there are a number of issues that have cropped up during my tenure as Minister of Education. Over the course of the last year people have raised in this House and outside of this House, in schools and in communities throughout the province, issues such as special-needs students, things like English as a Second Language, and of course the issue of funding for private schools. Because of the great issue that was brought about as a result of the tabling of Bill 209, I feel that this is a sufficiently important issue that we should deal with it in the sense that there are many different points of view on it and many people who feel very strongly about it. I feel that the task force is the most appropriate way to deal with this particular issue.

Other issues have come up. I've certainly listened very carefully to people, again on things like English as a Second Language and on special needs. We've been able to make some changes and make some adjustments along the way.

A task force is appropriate for this issue at this time. That does not rule out the fact that there may be an appropriate time and circumstances for other task forces to be struck on different issues, but at this time, Mr. Speaker, this is an appropriate thing to have.

MR. MITCHELL: If the criteria for having a task force at this time on private school funding is that many people are very concerned about that issue, is the minister saying that there are not thousands upon thousands of people very concerned, deeply concerned about the underfunding of the public school system? Why doesn't he have one on that too?

1:50

MR. MAR: You know, Mr. Speaker, the whole issue of tying quality of education to the amount of money that you spend is a false premise. The Leader of the Opposition is wrong. He is wrong. He is wrong. Even a broken clock is right at least twice a day, but that's not the case with the Leader of the Opposition.

In the most recent TIMS results, Mr. Speaker, the province of Ontario spends more per capita than the province of Alberta. They are among the top three per capita spenders in education in the country, yet they had lower results in the TIMS report. The minister of education from Ontario has said: we want to find out from Alberta what is going right in their education system.

To tie the quality of education and say that there's necessarily a causal connection with the amount of money that you spend is a false premise, and the Leader of the Opposition on this point is wrong.

MR. MITCHELL: Mr. Speaker, at the very least will the minister guarantee, in the interests of objectivity, that the membership of his task force will be subject to Legislative Assembly approval before this committee starts its work?

MR. MAR: Mr. Speaker, the membership of the task force has not been determined yet, but it will include people who will have a balanced view and an open mind to all of the issues as they relate to funding of private schools. There will be individuals representing school boards, representing this Legislature, representing those who are supporters of private schools. My undertaking to this Legislature is to make sure that the composition of this task force is a fair one and it will hear from all Albertans on the subject of whether or not there should be increased funding or a change in the funding formula as it relates to independent schools in the province.

Speaker's Ruling
Decorum

THE SPEAKER: Before we proceed to the second Official Opposition main question, to be raised by the hon. Member for Calgary-*Buffalo*, hon. Minister of Education, I was going to invite you to continue responding because you had at least another half a dozen additional questions directed to you as you were giving that response. So when people rise later on points of brevity, hon. Member for *Edmonton-Meadowlark* and hon. Member for *Spruce Grove-Sturgeon-St. Albert*, please remember that if you want to shoot questions to an hon. member of Executive Council, the Chair will give them an opportunity to continue to respond.

The hon. Member for *Calgary-*Buffalo**.

Health Information Legislation

MR. DICKSON: Thank you, Mr. Speaker. The long awaited Health Information Protection Act would create new rules for the collection, the use, and the disposition of Albertans' personal health information. Now this very detailed Bill will provide the framework for the as yet undisclosed type of health technology which Alberta will use to deal with health information. Now, despite the length and the considerable detail of this Bill many questions remain unanswered, and I'd ask the Minister of Health this afternoon: is it the government's intention to have two different information commissioners, one to deal with health information and one to deal with everything else, or are we going ask Mr. Bob Clark to take on a third duty in addition to those two he already has?

MR. JONSON: Mr. Speaker, I think the hon. member knows that it is quite clear in the proposed legislation tabled yesterday that it proposes a health information commissioner. That is in recognition of the importance and sensitivity of protecting individual health care information, and that is the direction of this particular Bill.

Secondly, Mr. Speaker, I want to indicate very clearly that we are very sincere about our desire to have broad public input to this particular legislation from stakeholder groups, from members of the opposition, and particularly from individuals. Certainly we are open to alternative administrative structures in terms of overseeing and if necessary judging on issues with respect to access to health information. That is why we have taken the approach of tabling legislation, allowing some period of time to pass before we make any final conclusions.

MR. DICKSON: Further to the hon. minister's invitation, will he create an all-party panel to undertake the provincewide consultation on health information, using the Premier's very successful model on freedom of information from 1993?

MR. JONSON: Before I respond to that particular question – and I do want to emphasize that we are certainly interested in the recommendations, the observations of the Health critic for the Official Opposition – it does occur to me that this Bill is now before the House, and perhaps it is not appropriate. I await your comment, perhaps, Mr. Speaker, on whether we should be discussing details further at this time.

Speaker's Ruling Anticipation

THE SPEAKER: Hon. Member for Calgary-*Buffalo*, the Chair will provide a comment. The difficulty that the Chair has is that the Chair can look at the Order Paper and can see on the Order Paper Bill 30 up for second reading. The Chair listened very attentively to the hon. minister's first response, when the minister said: but we are prepared to let some time go. Now, the Chair doesn't know what that means. Does that mean that second reading will proceed today? Will it proceed Monday? Will it proceed two weeks hence? Or is the Minister of Health saying something else? So the only subjective decision the Chair can reach on that is that it's unclear to the Chair.

The Chair can only conclude from the words exercised by the Minister of Health that in all likelihood this Bill is not coming up for second reading debate today and it's unknown whether it will come up tomorrow or the next day, and, being unaware of what the government strategy is with regard to this, will not preclude the Member from Calgary-*Buffalo* from proceeding with a third question.

Health Information Legislation (continued)

MR. DICKSON: Mr. Speaker, my final question of the Minister of Health would be this: since the Act will set out the framework for protecting patient confidentiality and since the Act will not be passed for at least another eight months on the minister's own advice, why is the minister already hiring two different firms to design the system architecture? Aren't we in a position of putting the cart before the horse?

MR. JONSON: Absolutely not, Mr. Speaker. The design of a health information system based on the most modern technology

is something that is a major undertaking. It requires a great deal of planning from a technical standpoint, from a logistics standpoint. It needs the proper funding, the proper consultation taking place with respect to the technical and mechanical aspects of that particular system. It's going to be a long-term program to which we are committing certain resources this year, but it will be carrying on into 1998. The issue of health information protection, health information provision for certain essential services is certainly something that we should be addressing in the next number of months and have in place before there would be a system in place, technically speaking, that would raise issues with respect to the legislation. That is our overall plan: get the proper legislation in place. We're working to develop a system of the modern technological type for the future benefit of health care in this province.

THE SPEAKER: Third Official Opposition main question, the hon. Member for Spruce Grove-*Sturgeon-St. Albert*.

School Bus Safety

MRS. SOETAERT: Thank you, Mr. Speaker. The government's own regulations require that all people who inspect propane-powered vehicles must have a journeyman mechanic's licence as well as a certificate of training in propane highway motor vehicle conversion installation. Now, the minister's own news release states: more transport officers will be hired to inspect trucks and school buses for safety. So my question is to the minister responsible for getting our children to school safely. Since half of our school buses are propane powered, we'd all really like to know: how many of those traffic officers, how many of the 100 in your department have a journeyman mechanic's certificate?

2:00

MR. PASZKOWSKI: Mr. Speaker, the criteria for hiring, of course, is a fairly broad one in that basically the inspectors are expected to have a grade 12 education, a valid class 5 operator's licence, eligibility for special constable status, no criminal record, law enforcement diploma or related experience, heavy duty mechanic's licence in conjunction with experience in managing such issues. Part of the instruction that comes forward with these people that are hired to be inspectors includes a session on propane inspection. Now, the issues that are addressed in the propane inspection – and remember these people are not hired to maintain. I want to make this very clear that these people are not hired to be maintenance people. They are hired to inspect the buses.

The things that they inspect as far as propane is concerned include the fuel tank cap, fuel tank securement, fuel tank clearance to exhaust components, corrosion at fuel tank straps, remote fill to fuel tank hoses, liquid fuel lines secured every two feet from tank to engine, liquid fuel line clearance to exhaust components, fuel lock-off secure and functioning properly, the convertor vaporize secure, fuel tank clearance to axle drive, propane leaks, air cleaner, propane inspection certification. This is what those people are hired to inspect, not to maintain. I hope that the hon. member understands this because this is the fourth time that I have answered this question.

MRS. SOETAERT: Thank you. I'll give him two chances to answer this rightly, Mr. Speaker. I want to know: how many of your transport officers actually qualify to your regulations? How many of them?

MR. PASZKOWSKI: Mr. Speaker, I have laid out the criteria in order to be hired as a transport officer in the previous answer. Do you want me to take the time to repeat what I just answered? No? Thank you.

MRS. SOETAERT: Mr. Speaker, are you telling us that all of them have a journeyman mechanic's ticket? That's your regulation for a transport officer. Is that what you're telling us? This is your regulation. Do they all have a journeyman mechanic's ticket?

MR. PASZKOWSKI: Mr. Speaker, the qualifications for an inspection officer are grade 12, valid class 5 operator's licence, eligibility for special constable appointment, no criminal record, law enforcement diploma or related experience, or a heavy duty mechanic's licence in conjunction with experience in managing a carrier safety program.

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

Pine Ridge Forest Nursery

DR. PANNU: Thank you, Mr. Speaker. The Pine Ridge Forest Nursery has for many years supplied high quality seeds and seedlings to the Alberta forest service, the forest industry, and private nurseries. It has been the only such operation in Alberta for many years. The nursery employs up to 260 people during peak operations and is a major contributor to the economic well-being of people in the Smoky Lake area. Despite more than a year of trying, the government has so far not been able to find a suitable buyer for the facility. Even if a buyer is found, given this government's record of selling public assets at huge losses, the sale price will likely be only a fraction of what Albertans invested in this facility. My question is to the Minister of Environmental Protection. I don't see him here today, so perhaps I can address the question to the deputy Premier here. How can the minister justify his outrageous position that he would rather close the Pine Ridge nursery at the expense of hundreds of jobs and the loss of millions of taxpayers' dollars than keep it open and find ways to make it profitable?

THE SPEAKER: Hon. member, first of all, the rules are very clear about not indicating the absence of an hon. member. Secondly, there is no deputy Premier, to the Chair's knowledge, so in order of precedence we'll ask the Provincial Treasurer to deal with the question.

MR. DAY: Thank you, Mr. Speaker. I enjoy taking this particular question, and I will refer it to the minister of environment for his advisement and ask him to find a way to address it for the member.

DR. PANNU: My supplementary, Mr. Speaker: given that many stakeholders in the Smoky Lake area including the town council, the municipal district, and the chamber of commerce don't agree with this government's blind pursuit of privatization at any cost, why won't the minister reconsider his government's policy of abandoning small towns like Smoky Lake in the relentless pursuit of privatization and instead consider operating the Pine Ridge nursery as a Crown corporation?

MR. DAY: Mr. Speaker, I think the member is serious in his

intent to have an answer, and rather than just once again take it on advisement, I will ask the acting minister of the environment to address this if possible.

THE SPEAKER: Hon. member, the Acting Minister of Environmental Protection will attempt to deal with your question.

MR. HAVELOCK: Well, Mr. Speaker, based on my knowledge of this issue, "acting" is an appropriate title to be holding at this point in time. Unfortunately, I'm not familiar with all of the aspects of this, so I will certainly have this referred to the minister of environment at the earliest possible date.

DR. PANNU: Thank you, Mr. Speaker. My last supplementary to the Acting Minister of Environmental Protection: if the minister won't listen to me, will he at least listen to people in the Smoky Lake area and set up a task force which includes stakeholders from his own department, the local community, and the Pine Ridge employees to recommend solutions that will ensure that this important facility continues to provide economic benefits to the Smoky Lake region's economy?

MR. HAVELOCK: Well, again, Mr. Speaker, I can assure the hon. member and members of this House that the minister of environment does take the concerns of Albertans seriously. He does listen. I am sure that he's gathering information on this issue as we speak and considering it, but again based on my previous answer, I will have it referred to him for his immediate attention.

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

Maintenance Enforcement

MRS. FORSYTH: Thank you, Mr. Speaker. Maintenance enforcement doesn't seem to be working. Many people rely on receiving their cheques on time so they can pay their rent or buy groceries for their children. I often get calls from frustrated moms who are desperate to get some money flowing just to survive from month to month. It's a concern when these payments are not received and these creditors cannot get any information as to when they'll receive anything from their maintenance that has been court ordered. To the Minister of Justice: can the minister explain if he has taken any steps to improve this maintenance service, and will the minister consider privatizing this program?

MR. HAVELOCK: Well, Mr. Speaker, the maintenance enforcement program was established in 1986, and I can advise members of the House that an extensive review of the program was conducted by an outside consultant in 1996. Many of the consultant's recommendations have been implemented, and we are conducting additional internal reviews at this time in the hopes of finding further improvements. It should be noted that this program has close to 40,000 active files, and it impacts on approximately 55,000 children who are registered through the program. Nevertheless, we are continuing to look at ways to improve the program, and I can commit to the hon. member that I will seriously look at establishing a small working group to again review maintenance enforcement. It is an issue that is important to us, and that review could certainly include looking at privatizing either the entire program or portions of it.

MRS. FORSYTH: Well, thank you, Mr. Speaker. I am pleased to hear that.

My first supplementary is also to the Minister of Justice. What steps can the minister take to ensure that noncustodial parents can have access to their children? I have had many complaints that noncustodial parents are paying their maintenance but not getting their access.

2:10

MR. HAVELOCK: Well, Mr. Speaker, the issue of access is a problem for many families. However, I do need to emphasize that maintenance enforcement does not have any jurisdiction with respect to access. Maintenance enforcement is simply there to enforce any court orders that are put in place with respect to maintenance payments.

Unfortunately it seems that a lot of these issues arise and payments are withheld or access is denied because of bitterness between the parents. There are some programs in place such as the parenting after separation course offered through the Court of Queen's Bench, which has been relatively successful in alleviating some of these problems.

I will suggest at this time, Mr. Speaker, that I am reluctant to establish a program on the access side similar to the maintenance enforcement side, because it would certainly be very difficult and likely very expensive to monitor. Nevertheless, much like maintenance enforcement, this is an important issue, and I'll certainly consider again taking a look at access on a provincial basis.

MRS. FORSYTH: Thank you, Mr. Speaker. Unfortunately it's the children that get hurt.

My final question is to the Minister of Justice. How does the success rate of Alberta's maintenance enforcement program compare to other provinces and to other countries?

MR. HAVELOCK: Well, Mr. Speaker, our program is considered to be one of the best in North America. In fact when you compare our legislation with other jurisdictions, it is actually one of the stronger Acts presently in place. In fact many other jurisdictions have borrowed concepts and ideas from our legislation and have paid visits to see how our program is working. The quantifiable statistics are very difficult to provide, unfortunately, because all programs in North America do not operate in a similar way. They compile their statistics differently. In each province, for example, their legislation is still slightly different, and their mandate therefore is different.

I am prepared to state that I do believe we have a good program. Nevertheless, that doesn't mean it can't be improved. I'd like to see us create an excellent program for parents and for children, because if we can get the parents resolving the problems that they have, then that will do nothing other than help the children, and it's the children that we're primarily concerned about. This is why I will again consider, as I indicated earlier, conducting a very extensive review of maintenance enforcement. If we think we can improve the program, we will.

THE SPEAKER: The hon. Member for Lethbridge-East, followed by the hon. Member for Clover Bar-Fort Saskatchewan.

Royalty Tax Credit Program

DR. NICOL: Thank you, Mr. Speaker. Yesterday the Minister of Energy turned down Motion for a Return 41, requesting the

study done by the Treasury and Energy departments with respect to the effectiveness of the Alberta royalty tax credit. In 1993, in response to a similar request for this study, today's Provincial Treasurer responded, and I quote from page 803 in *Hansard*.

The studies are at an advanced stage, but they're not complete yet. I can say that the government will be sharing the information after it's completed, and it would just be premature to release it now. That's the only reason that the government will be rejecting this particular motion for a return.

My question is to the Provincial Treasurer. Will you release this report on the effectiveness of the ARTC?

MR. DAY: I'd be happy to look at that request in some more detail. The member has just read through quite a number of statements and items there. I'd be happy to sit down with him, take a look at it, and see what can be done.

DR. NICOL: Thank you, Mr. Speaker. To the Minister of Energy: I would like to know if he's sharing the results of the report with the people in the industry so that they can understand the effectiveness and the support that they get from this program.

DR. WEST: Mr. Speaker, the policy is a matter of record.

DR. NICOL: Mr. Speaker, I'd just like to ask the Minister of Energy again: what's in the report that he doesn't appear to want to share with the public?

DR. WEST: Mr. Speaker, as I said, the industry is well aware of the program and the policy and the results thereof, and there is nothing in the report that we're hiding.

THE SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan, followed by the hon. Member for Edmonton-Rutherford.

Fort Saskatchewan Hospital

MR. LOUGHEED: Thank you, Mr. Speaker. My questions are to the Minister of Health. A couple of days ago I received from some residents in Fort Saskatchewan a couple of letters of concern. One contained 22 signatures from the residents of Lions Haven and the other 1,206 signatures. These I had delivered to the Minister of Health earlier today. These citizens are concerned that the city of Fort Saskatchewan may lose their hospital through the process of the regional health authority boundary review. This hospital is highly utilized, and it's held in high regard by the citizens of Fort Saskatchewan. In addition, Fort Saskatchewan is a heavy industry area, and the proximity to hospital facilities is recognized to be very important. Because the Capital regional health authority is going ahead with the northeast health care centre, the residents fear that they will be told to go to this new health centre rather than the current one located in their community. Many of the residents of Fort Saskatchewan have told me they would like to . . .

THE SPEAKER: Hon. member. It almost sounds like the member is making a member's statement. Could you get to the gist of the question, please?

MR. LOUGHEED: Sorry, Mr. Speaker. I'd like to ask the Minister of Health: what process is being used to decide how Fort Saskatchewan will be placed in the regional health authority boundary review, and what assurances might be given to the residents of Fort Saskatchewan?

MR. JONSON: I have announced and put in place an MLA task force to review the boundaries of regional health authorities in this province. There are two basic reasons for it. First of all, there has been representation from either regional health authorities themselves, organizations, or individuals across this province whereby they feel that health services would be better delivered if there were certain adjustments in the boundaries. Secondly, Mr. Speaker, the overall desire or objective is certainly to make sure we have the best governance structures as far as our regional health authorities are concerned as we look towards the next round of the establishment of regional health boards in October of 1998.

Now, I certainly commend the hon. member for bringing forth the concern of his constituents, but there is no direct connection at all between a review of boundaries to get the proper configuration as far as areas and populations are concerned and better governance, Mr. Speaker, and any closure of a particular hospital. That is the purpose of the particular review. I know, having been there, that the people of Fort Saskatchewan take great pride in their hospital. I have no indication that there would be any plans by anyone to close their hospital at this point in time. I hope I have outlined the purpose of the boundary review.

MR. LOUGHEED: Thank you for that answer.

Mr. Speaker, my first supplementary question to the same minister: what is the process of the three-member MLA team looking into boundary review? In what way will the residents of Fort Saskatchewan have their voices heard?

MR. JONSON: There will be very shortly an announcement with respect to the overall approach and the details of the consultation process. I can assure the House and the hon. member that there will be the following characteristics with respect to this review. A task force will visit all regional health authority regions in this province. They will meet with the regional health authority boards. They will provide an opportunity for other stakeholders to make submissions, for individuals to make submissions. They will advertise their existence very widely. So there will certainly be the opportunity for either written or oral presentations or both, Mr. Speaker.

MR. LOUGHEED: Thank you, Mr. Speaker. My second supplementary question to the same minister. The Fort Saskatchewan hospital is scheduled for renovation and upgrading, and citizens are wondering: if in fact there is a different regional health authority that they'd be placed into, would those plans still be maintained?

2:20

MR. JONSON: First of all, I would like to emphasize for all hon. members that we do have quite a number of submissions with respect to capital projects in the area of hospital facilities in this province, and certainly we want to address these as resources are available. Perhaps in more direct answer to the hon. member's question, in the co-operative or codepartment effort that we work with – the actual construction of hospitals and oversight of that is in Public Works, Supply and Services. Nevertheless the two departments work closely together, Mr. Speaker, and recommend to Treasury Board from a set of criteria which are the same across this province, the same with respect to location, the same with respect to regional health authorities. Therefore, any particular project, such as the one that the hon. member is speaking on behalf of, has to go through the same set of steps, the same set of criteria as the many others that are currently up for consideration.

Greenfield Plastics Inc.

MR. WICKMAN: Mr. Speaker, not surprisingly, the Gaming and Liquor Commission's attempt to enter the banking industry through a sweetheart mortgage deal with Greenfield Plastics in Calgary has failed miserably. The commission is now foreclosing on the company to get back what's left of the property. Incidentally, a portion of it was subdivided off and sold for approximately a million dollars. To the minister responsible for the Gaming and Liquor Commission: will the minister inform Albertans as to the terms of the agreement that was struck between the taxpayers of this province and Greenfield Plastics, including whether the \$1 million was used to pay down the ALCB mortgage?

MRS. BLACK: Mr. Speaker, in the process of privatizing the liquor industry in the province, there was an arrangement made with a company in Calgary to take over the warehouse in Calgary. As I mentioned in the House previously, we have moved forward to foreclose on the arrangement there, and I think I would be remiss in entering into that because we have gone forward with a foreclosure application. The hon. Member for Edmonton-Rutherford is quite right that we will be moving forward to gain back the money that was committed to the mortgage on that property as quickly as possible.

MR. WICKMAN: Mr. Speaker, my first supplementary question to the minister: how much of the original \$8 million selling price does the minister now expect to recover?

MRS. BLACK: Mr. Speaker, the full amount.

MR. WICKMAN: I'm a little skeptical on that.

Mr. Speaker, is the minister prepared to table a list of other properties that the Gaming and Liquor Commission may hold mortgages on?

MRS. BLACK: Mr. Speaker, to the best of my knowledge there are no other properties where the commission has mortgages.

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

Adult Literacy Skills

MR. STEVENS: Thank you, Mr. Speaker. In May of this year the Conference Board of Canada issued a report entitled *The Economic Benefits of Improving Literacy Skills in the Workplace*. To no one's surprise, the conclusion was that enhancing literacy levels in the workplace improves bottom-line performance for Canada's employers and gives employees a better chance for success in their careers. The report also asks the question: what can be done to improve the situation? Among other things, it suggests that public policy can be developed or improved upon to support literacy skills development. My first question is to the Minister of Labour. Do low literacy levels have an impact on the health and safety of workers, and if so, what programs or initiatives are in place in Alberta to address this issue?

MR. SMITH: Thanks, Mr. Speaker. It's an important question, because certainly low literacy levels can increase the injury risk for some workers. The important part is that government, business, and labour all work together to solve this potential

problem. What's happened nationally, for example, is the workplace hazardous materials information system, affectionately known as WHMIS. This unique program identifies hazardous substances in the workplace through the use of easily recognizable symbols. It approaches the literacy issue from a unique perspective.

Other efforts have been made, Mr. Speaker, by government and health and safety agencies to develop publications in other languages. Also, they're written in basic English and visual training materials. Alberta's employers recognize that through training efforts we can make great strides in improving literacy and also at the same time drive the programs toward that level of worker.

MR. STEVENS: Thank you. My next question is to the Minister of Advanced Education and Career Development. What programs and support does this minister's department currently have in place to encourage literacy skills development?

MR. DUNFORD: Mr. Speaker, when a person is illiterate, what otherwise might be a very safe and secure environment becomes a very, very dangerous world, and quite often they will encounter situations that prove both embarrassing and degrading. But these experiences can prove cathartic, and it moves them to some action, and of course my department, then, has to be ready for that when it happens.

So we as a department currently budget \$59.5 million of financial support for programs. We have, as a matter of fact, 50,000 Albertans currently involved in these particular programs, and they can be involved in a couple of ways, either through credit courses at accredited vocational colleges or noncredit courses, which go on in many, many communities here within our province.

MR. STEVENS: My last question is to the same minister. What is your department doing to develop additional policies to support this most important and indeed vital skill?

MR. DUNFORD: Mr. Speaker, the government of Alberta in 1991 approved the foundations for adult learning and development policy, and as a matter of fact again this is the first comprehensive policy in Canada about the development of essential literacy and numeracy skills for adults. The other main initiative that we have ongoing is called the adult development reform initiative, and this is where we want to integrate academic skills along with essential skills for employability of those who have not completed their high school.

THE SPEAKER: The hon. Member for Edmonton-Meadowlark, followed by the hon. Member for Highwood.

Sunset Provisions for Provincial Agencies

MS LEIBOVICI: Thank you. Mr. Speaker, the Alberta Liberal opposition is on record as supporting sunset clauses for government agencies so that Albertans can hold their government accountable. You know, even the former Provincial Treasurer has said that sunset clauses are an important step because they force agencies to look very carefully at the businesses they're in, but this current government seems to have taken a rather lackadaisical approach towards sunset clauses. My questions are to the Provincial Treasurer. Can the Provincial Treasurer explain to Albertans what the criteria and the process are for deciding which government agencies are going to continue?

MR. DAY: Mr. Speaker, that's a very good-news story. You know, about 1993 into 1994 this government, acting on what we definitely heard from Albertans in terms of moving towards smaller government and getting government off their backs, made some decisions related to not just agencies, boards, and commissions but in fact the number of regulations we have and the amount of legislation we have, and a massive review, not just of agencies, boards, and commissions but of regulations and of legislation, began. That involved people from the private sector. It involved everyday Albertans in working groups and focus groups. When we're talking about agencies, boards, and commissions, it involved consulting with people who were on those boards and with the groups they worked with and they affected, and of course we announced to Albertans that we would be doing this process and that anybody who had input or suggestions should please do that.

In that particular process, the exciting part of this – and I would suggest that if one of my members had asked me this question, they'd probably be being booed at this moment by the opposition for tossing a puffball at us. After a very thorough review 440 regulations that used to be out there hanging over the heads of Albertans were eliminated since April 1. Over 100 pieces of legislation were reviewed and eliminated, and about 50 agencies, boards and commissions were reviewed, looked at from the point of view of necessity, and eliminated. It was a fascinating process, an exciting process, and a very extensive one.

2:30

MS LEIBOVICI: My supplemental is also to the Provincial Treasurer. After such a thorough review process, can the Provincial Treasurer explain how an agency such as N.A. Properties will be able to continue for another five years even though the business plan indicates that by the year 1998 it will be nonexistent? Can the Provincial Treasurer please explain that?

MR. DAY: Absolutely. I'm delighted to respond to that. N.A. Properties, of course, was in itself a streamlining of three different holding companies that fortunately or unfortunately had to do with the dispersal of properties that were assumed through the demise of financial institutions through the '80s. Most of those properties are difficult to dispose of. Some of them have environmental problems related to them. Some of them are still in litigation.

There were three holding companies that were in the process of doing that. Those properties related to North West Trust, related to credit unions, and of course related to properties held by the now defunct Principal Group. The member opposite can get full information from her leader on that particular process. Mr. Speaker, those properties are not gone yet. N.A. Properties is still needed to handle the dispersal of those, and I can tell you that when that is done, just because the sunset provision might go out for five years – at any time, when it has done its work, N.A. can be eliminated through a simple repeal.

The thing that is most fascinating about opposition concern with this process is that they talk about things needing to be done in the Legislature. Agencies, boards, and commissions which the government feels need to be continued have to actually be brought into this Legislature, those particular ones, and we have some that are named which the Liberals didn't want to talk about very much. They have to come to the Legislature, and the members of this Assembly will make that decision on whether they should continue or not. It's a very open process and, again I'll say, quite an exciting process.

MS LEIBOVICI: My last question is also to the Provincial Treasurer. If he looks at the budget projection in the business plan, it's blank for these years for N.A. Properties.

The Provincial Treasurer indicated yesterday that the review process is ongoing. Will the Provincial Treasurer table in this Legislative Assembly, so that all Albertans know, the times, the place of the reviews, the meetings so that everyone who has an interest in these particular agencies can provide input to the review process, and will the Provincial Treasurer also table the reports of the reviews for all these agencies?

MR. DAY: Mr. Speaker, the process has been open to all Albertans and certainly to the opposition members and, I underline again, certainly due to the fact that these items actually come to the Legislature. Now, the member is asking for a report on every piece of input that Albertans have given in terms of laws, regulations, agencies, boards, and commissions that have hung over their heads. I have some bad news for the Liberals: the era of big government is over. Big governments worldwide are moving to smaller governments. The people are saying: we don't need the size of governments. Alberta is leading in that particular initiative. Alberta is leading.

Mr. Speaker, just consider what Alberta has done not only with the reductions to which I've referred. We have laid out three-year business plans, are running three-year business plans, which in effect are put together by groups of Albertans all over this province and which clearly show the direction of government. Here's some bad news for the Liberals: the role of elected people is becoming more diminished as the people, the public themselves, have a more direct role. Big government is over. Government by the people is predominant.

THE SPEAKER: The hon. Member for Highwood, followed by the hon. Member for Edmonton-Manning.

Education Funding

MR. TANNAS: Thank you, Mr. Speaker. My questions today are to the Minister of Education. Most hon. members will recall that during our recent election, funding for education was a major issue, and while many voters felt that we should pay down the debt, they also suggested increasing funding for education, which seems to be borne out by a recent Angus Reid poll which showed that 65 percent of Albertans felt not enough money was being spent on education and only 3 percent thought it was spending too much. To the Minister of Education: is it government policy to keep our average per student expenditure on public education in the position of being the seventh lowest in the Dominion, as the statistics for 1995-96 demonstrate?

MR. MAR: Mr. Speaker, the short answer to this question is no. Certainly the comparisons that have been put forward are interesting, but the real question here is: what do they mean? Some people are of the view or of the understanding that per student expenditures are how much money goes into classrooms. In fact, when we make these comparisons on a province-to-province basis, the actual per student expenditures reflect the cost of operating the education system, so it doesn't include money just for instruction. It also covers things like building and renovating schools, providing funds for school and central office administration, paying school trustees, and a lot of other noninstructional costs. We must be cautious in making these types of per student expenditure comparisons province to province.

MR. TANNAS: Mr. Speaker, to the Minister of Education: would the minister confirm or deny that our education expenditures per student for 1996-97 and '97-98 are even lower?

MR. MAR: Mr. Speaker, we don't have any per capita figures for 1997-98 at this time, and we only have preliminary estimates for 1996-97. The preliminary estimates for 1996-97 suggest that Alberta ranks sixth among provinces. So as other provinces start to go through the process of budget reductions that this province went through in the education area in '94-95, our ranking appears to be going higher in terms of its direction.

However, Mr. Speaker, as I've often pointed out in this House and in other places, the quality of education depends not upon how much you spend so much as where you spend it. It's often been quoted, when comparing Alberta to American states, that we spend less than 45 out of 50 American states, but when we look at what is spent on instruction as opposed to total education expenditures, when you look at how much is dedicated to instruction, we would actually be in the top four of those American states.

Mr. Speaker, just yesterday I did announce that Alberta students in grade 4 science and math were among the best in the world and outranked all other English-speaking jurisdictions and achieved the highest scores in Canada in both the areas of science and math. As I indicated in my answer to the Leader of the Opposition earlier today, the province of Ontario is among the top spenders in education, but they are not nearly as successful in terms of academic achievement as Alberta students, and that should help debunk the myth that there is this connection between the amount of money you spend and the quality of education that you have.

MR. TANNAS: Mr. Speaker, again to the Minister of Education: what consideration have the minister and his department given to channeling money directly to classroom instruction, particularly materials and support materials, so that the classroom learning environment directly benefits?

MR. MAR: Well, Mr. Speaker, education clearly is a priority for this provincial government. One out of every five dollars spent by this government goes to education. As I've said before, three out of four dollars are targeted to student learning. We do have restrictions on the amount of money that school boards can spend on things like administration, so very much we are trying to drive dollars into the classroom, where they'll have the most effect. We are reinvesting some dollars in education. We're targeting those dollars to high-priority areas like special needs, technology for students, and more dollars in the classroom.

head:

Members' Statements

THE SPEAKER: Hon. members, there are three hon. members who have indicated their interest in expressing themselves today via the members' statements route. I will proceed in this order: first of all the hon. Member for Calgary-Cross, followed by the hon. Member for Edmonton-Manning, followed by the hon. Member for St. Albert.

The hon. Member for Calgary-Cross.

2:40

Calgary General Hospital

MRS. FRITZ: Thank you, Mr. Speaker. Over the past hundred years the Calgary General hospital has existed in four locations in the city and has seen countless reconstruction projects, and for the past nine years the Calgary General has been one hospital located

on two sites: the Bow Valley site and the Peter Lougheed site. On April 7 of this year the Calgary regional health authority announced that the Peter Lougheed Centre of the Calgary General hospital, which is located in Calgary-Cross constituency, would be renamed. The proposal was to remove the name Calgary General from the Peter Lougheed Centre and attach the name to a new wing of the hospital.

Six individuals, Mr. Speaker, volunteered to work tirelessly to change the Calgary regional health authority's mind on this issue, and I'd like to read their names into the record. They were Dr. Albert Akierman, president, Medical Staff Association, Calgary General hospital; Ms Jan Anderson, United Nurses of Alberta, Calgary General hospital, PLC; Ms Cathy Bouwmeester, United Nurses of Alberta, Calgary General hospital, BVC; Ms Shirley Barwise, president, Calgary General hospital volunteers; Dr. Maryon Robertson, chairperson, Archives Committee, Calgary General hospital; and Ms Alice Schwieger, president, nursing alumni, Calgary General hospital.

As I said, Mr. Speaker, they all worked tirelessly to maintain the name of the Calgary General hospital. They wrote letters, made phone calls, collected names for a petition, and lobbied the Calgary regional health authority. They quoted and I state:

Preserving the name of the Calgary General hospital at the Peter Lougheed site will ensure continuity of our long, historical tradition of compassionate and responsible health care for the citizens of Calgary under the new Calgary regional health authority.

Recently the Calgary regional health authority Planning and Development Committee reconsidered their original motion and unanimously endorsed the following: one, the Peter Lougheed site remain as the Peter Lougheed Centre of the Calgary General hospital and, two, the name Peter Lougheed Centre of the Calgary General hospital be displayed at the south 1988 medical wing and the west new medical wing entrance and on the lawn.

On behalf of countless Calgarians and Albertans I sincerely thank the hardworking, dedicated volunteers and the Calgary regional health authority for ensuring the preservation and continuation of an historical institution. The historic path which the Calgary General hospital has followed since its beginning on November 24, 1890, is maintained through the preservation of its name.

Thank you, Mr. Speaker.

Urban Development in Northeast Edmonton

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

MR. GIBBONS: Thank you, Mr. Speaker. My constituency in Edmonton-Manning, which is in northeast Edmonton, contains an extensive area of valuable agricultural land. It has a unique combination of soil and local climate that makes it ideally suited for market gardening. The growing season in this area is longer than Red Deer and Calgary. A wide variety of vegetables are grown for sale not only in Edmonton but farther afield. Seed potatoes, for example, are sold as far as Washington, D.C. Market gardeners realize the importance of keeping this area to produce food, yet they fear the growth of Edmonton will one day encroach upon this land. They have formed an association called TOPSOIL, the Northeast Edmonton Association to Please Save Our Irreplaceable Land.

Both owners and renters want assurance that the area will continue to produce crops so that they can plan for a longer term investment and gain maximum benefits from the area. TOPSOIL is asking Edmonton city council to recognize the importance of

the intensive agriculture in northeast Edmonton and to adopt a policy. However, the protection of the high quality agricultural land is not just a matter for this city. We need some mechanism in this province to prevent urban development from spreading across top quality land.

Various options have been suggested. I do not know what the best method would be, but I hope the minister of agriculture will work with the city and those who own and work the land to find a way to keep this area for food production. A program that works for this region could also be adopted in other parts of the province. We need to recognize that good quality agricultural land is a finite resource that needs protection.

Thank you, Mr. Speaker.

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

Special Olympics

MRS. O'NEILL: Thank you. Mr. Speaker, June 15 to 21 is Special Olympics week, a week set aside to applaud a unique group of athletes whose determination and spirit are an inspiration to all of us: Special Olympians. The week is also an appropriate time to commend the volunteers who train and support mentally challenged athletes and who organize the many competitions and special events that take place throughout the year.

The word "special" says it all. These athletes perform in the true Olympic spirit, challenging themselves to be their very best and demonstrating sportsmanship. In victory or in defeat they remind us that the true objectives of sport are to improve our health and well-being and to meet others who share our interests and to have fun. These athletes don't compete for big money contracts or professional endorsements but only for the satisfaction and joy that comes from training and competing in an activity they enjoy. They are all winners.

The word "special" also applies to the many volunteers and even sponsors who give so generously of their time and resources to ensure our Special Olympians have the opportunities and means to participate in athletic and recreational activities.

Mr. Speaker, I encourage all Albertans to lend their support to the Special Olympics, either by donating time, money, or equipment to the organization or by turning out to the many competitions and cheering on the athletes. I am sure that everyone who becomes involved will come away with a smile and a new appreciation of these athletes' abilities and potential.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for St. Albert mentioned June 15, and in the memory of the Chair it seems to him to indicate that June 15 is also the fourth anniversary of the election for the first time of some 53 members of this Assembly. So congratulate yourselves, all of those of you who were elected on June 15, 1993.

Before proceeding to Orders of the Day, might we revert briefly to Introduction of Guests?

HON. MEMBERS: Agreed.

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

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

DR. PANNU: Thank you, Mr. Speaker. I'm truly thrilled today to introduce to you and to the members of this Assembly a

prominent constituent of mine, Dr. Chuck Chamberlin, who is seated in the visitors' gallery. Dr. Chamberlin is an eminent educator, a scholar, a social activist, and an environmentalist. He gives generously of his many talents and knowledge as a volunteer to all kinds of organizations and operations, including my constituency office. I would request Dr. Chamberlin to rise and receive the warm welcome of the members of this Assembly.

head: **Projected Government Business**

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

MS CARLSON: Thank you, Mr. Speaker. Under Standing Orders would the Government House Leader please advise the Assembly as to next week's projected business?

MR. HAVELOCK: Yes. Thank you. Well, it looks like we're going to have a full week, Mr. Speaker. In the afternoon of June 16 we will be debating in Committee of the Whole Bills 32, 33, 29, 22, and perhaps Bill 28. Then after that, third reading of 16, 17, 21, 5, and 15. We will have the same order that evening.

Then on Tuesday, June 17, in the afternoon we're looking at Bills 20, 28, and 31, and that evening the same Bills.

Then I have down for June 18 in the evening and June 19 in the afternoon simply as per the Order Paper. We'll be working on Bills in second reading, Committee of the Whole, and third reading.

head: **Orders of the Day**

head: **Government Bills and Orders**

head: **Second Reading**

Bill 28

Fuel Tax Amendment Act, 1997

THE SPEAKER: The hon. Member for Leduc.

MR. KLAPSTEIN: Mr. Speaker, I'm pleased to introduce Bill 28, Fuel Tax Amendment Act, 1997, for second reading.

The purpose of the Bill is fourfold: to clearly set out which sections of the fuel tax are administered by the Provincial Treasurer and which sections are administered by the Minister of Agriculture, Food and Rural Development and which sections may be administered by either, as circumstances require; to clarify and simplify certain provisions in the fuel tax and make it easier to follow; to provide some additional enforcement mechanisms relating to the collection of fuel taxes; and to implement the government's announced reduction in the fuel tax rate for aviation fuel.

2:50

The split between ministries is required to enable Agriculture, Food and Rural Development to determine eligibility for Alberta's farm fuel benefit. That's more in keeping with the mandate of that department than with the roles and responsibilities of the Provincial Treasurer. The end result of the clarification and simplification provisions will be that Alberta's propane bottle filling stations won't necessarily have to register with Alberta Treasury and that people and entities that are subject to the Fuel Tax Act will all have the right of access to its appeal provisions.

Other amendments are consequential in nature and will bring the legislation's wording back in line with the policy intent. The additional enforcement provisions will enable Treasury to issue third party requirements that will apply to loans receivable by a

tax debtor. At present the legislation only applies to accounts receivable. This will bring us in line with federal legislation to make sure we're not left out in any distribution of funds. Also, directors of corporations that collect tax for Alberta Treasury and hold those funds in trust but then use them for their own purposes instead of turning them over will be held personally liable for the tax under certain circumstances.

Alberta's reduction in our aviation fuel tax rate was a response to the well-publicized Canadian airlines' situation. It provides a benefit to everyone who uses aviation fuel, from the small plane owner to major airlines, and helps keep us in our position of having the most favourable tax regime in Canada. Also, since this benefits everyone in the industry, not just one corporation, it promotes fairness by maintaining a level playing field. This Bill is entirely consistent with the goal of this government to ensure a fair, competitive, simple, and efficient provincial tax revenue system.

Mr. Speaker, I move second reading.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm pleased to rise to make some introductory comments at second reading with regard to Bill 28, that being the Fuel Tax Amendment Act, 1997. I was interested listening to the hon. Member for Leduc spell out what the basic purposes are, what the thrust is, and what the reasons are for bringing this forward, which I also have some indication of. Again here I just have to say for the record that I was very privileged to receive a technical briefing on this Bill as well, and as a result of that, I believe it is going to move through very quickly, because we've expressed a lot of our concerns, such as they were, to the individuals who assisted the Provincial Treasurer and the Member for Leduc in drafting this Bill in harmony, I assume, with the minister of agriculture. So that having happened will actually save the Assembly a lot of time and will receive a positive vote from this side of the House as well. It's that kind of co-operation that I believe we're all after, and I'm happy to see it whenever it happens. Quite frankly, I wish we could just see much more of it.

That having been said, I want to just reiterate my understanding, then, hon. Member for Leduc, of what it is that the main objectives of the Bill are. I think I caught most of what you were saying there in my notes here. As I understand it, Mr. Speaker, the gist of this Bill, that being Bill 28, is first of all to indeed enshrine in legislation what the administrative responsibilities will be insofar as the fuel tax and fuel tax collection and so on are in relation to the minister of agriculture and his department and the Provincial Treasurer and what their respective roles will be, in particular with regard to the Alberta farm fuel benefit and the Alberta farm fuel distribution allowance, to give two examples.

I think this change had already actually occurred under the public service administration transfer order and that we're just putting it into legislation now. Is that correct? I see the hon. member nodding his head, so I'm glad that I've got that one down right.

Secondly, it enshrines in legislation a reduction in the aviation fuel tax which was implemented, I believe, in January of 1997. That reduction saw the price of fuel tax drop from about 5 cents per litre down to 1.5 cents. I think there are valid reasons for why that took place, and I'll comment on it momentarily.

The other aspect of the Bill that I understand gives rise to it being presented now is with regard to the need for the government

to provide additional enforcement mechanisms in relation to the collection of fuel taxes. Enshrined in this legislation now will be the power to actually garnishee payments in an accounts receivable fashion from third parties for the collection of unpaid fuel taxes by a debtor. Also, there's the specification of personal liability on directors of a corporation for the use of Crown fuel tax funds that are by statute supposed to be held in trust. So I can understand why the government would be doing that.

Finally, I think the member did indicate that there's a clarification here not only of roles and responsibilities but also just in terms of the interpretation of the Act and how it reads. Various provisions in this Act will indeed be I think more readily understandable by the people who have to adhere to it or are somehow affected by it. So that also makes very good sense to me.

I want to stress a couple of points here, Mr. Speaker, with regard to some of the background to this Bill. We on the Liberal opposition side have for a long time supported, for example, dropping the rate of aviation fuel tax in Alberta, primarily for competitive reasons and to get on a little more level playing field in comparison with some of the other neighbouring provinces and the northeastern states. We want to retain as much as we can of that international flight business for example, and I'll comment on that briefly as well.

In a general sense, talking about Alberta fuel taxes as a whole, I understand that these taxes are collected on aviation fuel and clear gas and diesel fuel and they're all kind of treated the same insofar as the administration is concerned at least. In particular the Alberta farm fuel benefit, AFFB, is actually an exemption from a fuel tax. Plus I think there's a grant here called the Alberta farm fuel distribution allowance, or the AFFDA, which is provided on some of the marked fuel that's used in eligible farming operations throughout our province. The benefit here of course is generally given to farmers at the time of purchase through a reduction in the fuel price that they pay per litre. After that fuel price reduction has been paid or after the forgiveness has been received by the users, I believe the bulk dealers collect that fuel tax by including it in the price of taxable fuel that they sell to their customers. That fuel tax is actually collected by the oil marketing companies through these fuel collectors whom they themselves – the companies, that is to say – appoint. That tax is actually added to the price of taxable fuel and sold through the marketing systems to the various bulk dealers in Alberta.

I've known some of the independent bulk dealers, and I know that those who wish to sell marked fuel can apply to tax and revenue administration to become these agent/dealers. They do it quite happily. In fact, I have one in my constituency at the very far east end: Greg Yohemas, who is involved with the UFA Co-op. This is one of the many Albertans who is affected by this, so anything that makes it a little clearer for him to follow I'm sure will be appreciated by not only himself but by everybody.

The marked fuel of course can only be sold, as I understand it, to eligible purchasers, the agent/dealers, or eligible consumers. If I'm not mistaken, I think they actually have to have a registered identification number to qualify. Is it tax and revenue administration of Alberta agriculture that assigns that number? I believe it is. In any case, the purchasers with this exemption registration number are entitled to substantial savings in addition to the AFFDA grant they receive, so I think this is a tremendous boon to our farming community. In fact, I think the total expended by the Department of Agriculture, Food and Rural Development under the AFFDA program in 1995-96, for example, was about

\$31.6 million. You could view it as a cost to government, if you wish, or you could view it as a supplement to farmers primarily if you wish. Whichever way you slice it, the rural community tends to get a tremendous benefit for that, which they certainly deserve.

3:00

Bulk dealers must, of course, pass on the full amount of the tax exemption and the AFFDA benefit to their customers. The price that they charge to the customers, if I understand it correctly, before deducting the fuel tax and the AFFDA benefit must be no greater than what the dealer would have charged if that customer had purchased clear fuel. So that's fairly clearly established.

I think I'm correct in understanding that if the sales are made at a greater price, the agent/dealer or the independent bulk dealer becomes liable for any price difference plus any interest on penalties that may be assessed, which really means that each individual sale must be made to and the invoice issued in the name of the purchaser who has actually been issued or applied for the identification number. If I read correctly further on, to the background to this Bill and the spirit behind it, Mr. Speaker, that invoice of course includes the name and address of the dealer and the purchaser, the date of the sale, the volume of marked fuel sold, the selling price of the fuel, any deductions as well as any federal sales and excise tax reductions as well as the amount of any fuel distribution allowance, and a notation that the fuel tax has not been charged. The information is evidence in actual fact, then, that the sale was made to an eligible purchaser and the tax exemption of the AFFDA benefits were passed on to the eligible purchaser.

Bulk dealers, on the other hand, whose invoices do not provide adequate evidence may not be reimbursed for the amount of any AFFDA given. They may actually wind up being assessed a penalty under this Act in an amount equal to any uncollected tax. So it's quite a serious matter to violate any of the provisions here.

The final comment here is with regard to marked fuel which may not be sold to a customer if the agent/dealer knows that the fuel will not be used in an eligible operation. Otherwise, both the bulk dealer and the user, the consumer, may be liable for the tax on fuel and the amount of the AFFDA plus any interest and penalties that could accrue or be assessed at that time. Bulk dealers sometimes may be asked to sell tax exempt marked fuel to customers who are eligible for the AFFB but have not obtained an exemption or a registration number. In this case, these kinds of customers, Mr. Speaker, must first complete an application for the AFFB at the time of purchase, or they have to provide the agent/dealer with a copy of the application form indicating that they have applied for it within the previous 30 days. So it's fairly clearly laid out, and I think that's part of what the hon. member is actually referring to here when he says that it's been simplified somewhat, the language is a little more understandable, and the clarification is very clear.

There should be a comment made here with regard to what happens, on the other hand, if an application is rejected. We can say that if the customer's application is not approved, then no further sales of marked fuel would be permitted. A customer whose AFFB registration or fuel tax has expired actually would have to reapply with tax and revenue administration or with Alberta agriculture to obtain some new fuel tax exemptions or at least a registration number.

I think, generally speaking, the fuel tax exemption and the Alberta farm fuel benefit, the AFFB, so to speak, registration

numbers expire on December 31, 1997, in the case of AFFB, and with the other one I think we have a little longer period. It's the fuel tax exemption numbers which expire June 30, 1999, which is clearly indicated, I think, on the forms themselves, so there's no problem there. However, tax and revenue administration, at their wish, may actually extend those dates beyond the normal expiry provided there are circumstances that can be advanced warranting such a change.

I want to just switch briefly now to the aviation fuel tax, which I indicated earlier is something that we on the Liberal opposition side have been in favour of the government reviewing with a view to actually reducing. The airline business is a fiercely competitive one, and there are literally millions of litres of gasoline consumed by these aviation flights. What propelled our comments at the time, Mr. Speaker, which are now directly relevant to this Bill, was the fact that Alberta's high aviation fuel tax was in fact functioning as a disincentive, for example, for not only international flights stopping here, but it was a disincentive even for some domestic ones, Canadian flights, stopping here, as you know most of them now in Calgary, but we do have a fair share of them here in Edmonton as well.

Now, with the deregulation of domestic aviation and the recent – what was it called? – open skies agreement deregulating air travel between the United States and Canada, the competition jumped to yet an even higher level. So anything that we can do to help attract the traffic that is through here on a regular basis – let's call it the Pacific Northwest – I certainly would support.

It has to be said for the record, Mr. Speaker, in fairness, that the reduction in fuel tax on the one hand will cost us several million dollars a year in forgiveness of revenue, but on the other hand, if we can attract the sufficient volumes needed, we should recoup a substantial part of that. The hidden benefit here is of course the extra jobs that are created in servicing the industry. So there's a give and a take here that has to be sort of respected and recognized if we're to stay competitive.

As I said, that reduction actually is just enshrining in legislation something that already occurred back on January 1, 1997. I think the negotiations proceeded quite smoothly leading up to this particular change in tax for aviation fuel, with participation by the government of Canada and I think the government of B.C. was involved and of course the Alberta government. Canadian airlines were there with regard to the financial restructuring of the Canadian airline package, and basically the reduction as designed will certainly enhance our competitiveness and create extended air service opportunities, additional flight opportunities, and more jobs as well. So I think that speaks fairly loudly and fairly clearly in favour of that particular aspect of the Bill.

I know that the aviation industry and the transportation infrastructure of our province in general are very important components, Mr. Speaker, of our future economic growth and the investment and the reinvestment that we keep hearing about and we keep talking about in our Alberta economy. We've commented on that in numerous press releases actually, which really are also kind of speaking in favour of some of the moves taken through this Bill.

I want also to go on record as saying that we understand the importance and we recognize the importance of the Alberta farm fuel benefit, the AFFB, and the Alberta farm fuel distribution allowance, the AFFDA, which I commented on earlier, because these are extremely important elements in enhancing the economic transportation infrastructure at the local level, which reduce costs

in our agricultural community. I'm not talking just about our normal, so to speak, farming operations which pertain to beef and cattle or grain farming. I'm talking in a general sense to some of the value-added agricultural commodities, which the hon. minister of agriculture gave me a display of the other day. I think he had some value-added cream that had been produced for your skin, and I couldn't believe this. Was it produced out of canola?

MR. PASZKOWSKI: Oats.

MR. ZWOZDESKY: Out of oats; was it? Yes. Okay. The minister of transportation is just correcting me there. It's made out of oats. I thought: well, isn't that an incredible value-added product that is coming out of our agriculture industry. I know the minister of agriculture has many of these goodies, but there was just one as an example.

The farm benefits and the farm supports and the grants that we're giving to our farming communities support a lot of these additional initiatives and keep the costs affordable. Hence, it keeps them in operation because they can stay competitive. This Bill is designed, in part, to help clarify some of those particular aspects of the operation.

3:10

I also support the enforcement measures that are included here which are designed to ensure that the fuel tax that is owed to the Crown is collected as efficiently and effectively and, should I say, politely as possible. Nobody likes to pay the tax, but at least if you understand clearly what it is, how much it is, where it's going, when it's due, and in what amount, it just makes life a little easier although, some would argue, grudgingly so. But at least it's clearer up front, and the gist of this Bill tends to clarify that.

Just before closing off here, I want to voice a couple of concerns. I will get into more detail when we proceed with the committee stage and do a section-by-section analysis, which is only allowed during Committee of the Whole. One of them is with regard to the spirit that propels section 16, the liability imposed on refiners and agent/dealers designated as tax collectors by the Crown who sell marked fuel and collect the fuel tax by including it in the price of taxable fuel sold to customers. There's a liability here which could be extremely problematical and costly for an independent agent/dealer in a situation where the consumer's AFFDA registration, let's say, and fuel tax exemption number has expired. The consumer may have made an application at the time of the transaction, and the exemption for marked fuel and the Alberta farm fuel distribution allowance may have been applied for by the agent/dealer, and the application was subsequently rejected by the department of agriculture. So that would be one.

The final one is with regard to the spirit propelling section 2, where there's no elimination of the aviation fuel tax for international flights. Perhaps at some future time we should consider eliminating that tax completely and complete the competitive cycle.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Leduc to close the debate.

MR. KLAPSTEIN: Mr. Speaker, I move second reading of Bill 28, the Fuel Tax Amendment Act, 1997.

[Motion carried; Bill 28 read a second time]

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

Bill 16
Justice Statutes Amendment Act, 1997

MR. HAVELOCK: Mr. Speaker, I move third reading of Bill 16.

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

MS OLSEN: Thank you, Mr. Speaker. I just want to make a few brief comments in relation to Bill 16. As we've walked through the process with this Bill, many times members on this side have discussed the implications of an omnibus Bill being presented. I just want to readdress that for a couple of moments to express my concern that hopefully the government side won't make a habit of putting through omnibus Bills, where we end up with four or five different statutes being brought forward for amendment.

In particular, I'd just like to point out that if you look at the Limitations Act, we already have an amendment to that Act. That Act is not yet proclaimed. So the amendments will come in force when they receive Royal Assent, but the Limitations Act itself won't be in force until it's proclaimed. So it's an interesting situation where we're amending Bills that aren't even in effect yet.

I have a couple of comments in relation to the Judicature Act under section 37.4(1), where a security guard can ask for identification. This is a pretty broad scope for security. Given that public access to the courthouse is very significant, I'm wondering under what circumstances the security guard may in fact request ID, if this is going to be a daily routine or it's for certain situations. I know there are high-profile incidents where we want to be very cautious about the security of the entire courtroom. I'm just wondering how often this would, in fact, happen, and should the security guard explain at what point he might be asking for ID?

THE SPEAKER: Hon. Government House Leader, a point of order?

Point of Order
Third Reading Debate

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. We are now in third reading, and from what I understand, we are supposed to be addressing the principles of the Bill and not specifics of the Bill. In fact, the debate is supposed to be even more restrictive than second reading.

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

MS OLSEN: I'll accept what the Justice minister says and limit my comments here.

THE SPEAKER: That's twice this week, hon. Government House Leader.

Please proceed.

MS OLSEN: I'm quite proud of him. We'll give him an A. [interjections] You know, you've got to give a pat on the back where a pat on the back's due there.

Debate Continued

MS OLSEN: In relation to the principles of the Bill, I do not

agree with the Justice Statutes Amendment Act. I do not believe that we need to push forward a number of substantive changes to a number of different Acts and hopefully in the next session we won't see any of this. We do have the ability under the miscellaneous statutes amendments to deal with minor housekeeping issues. These are substantive changes, and I would encourage the government to allow debate to occur on substantive changes as opposed to trying to push through any number of issues under one statute.

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

MS BLAKEMAN: Well, thank you, Mr. Speaker. I'm pleased to rise to speak to third reading of Bill 16, Justice Statutes Amendment Act, 1997. I will try and focus on one of the principles in this Bill, which is really all I want to comment on. I did go back to the community organizations that are involved specifically in providing sexual assault services. They feel that this is a step in the right direction, but once again they underlined that it is not far enough and question why it was felt to put a restriction in at all, encouragement to the government to re-examine this as soon as possible, as in these circumstances there's not usually restriction placed on when one is able to begin action simply because of the nature of this kind of assault. It can come at any point in your life, and to restrict it is felt to be unduly harsh and denying people due process. A reminder and a gentle encouragement to government to continue to pursue a family law reform in which I think issues like this can be addressed. A plea to please not do omnibus Bills again. It's very difficult to debate them in an accurate manner. I think it ultimately erodes the democratic process, and in the end it really doesn't save much time nor does it give us better legislation particularly.

So those were the few brief comments that I had on Bill 16. Thank you for the opportunity to address them.

3:20

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

MR. WHITE: Thank you, Mr. Speaker. I, too, rise to speak to this Bill and against some of the provisions and principles of the Bill.

The first principle that I'd like to speak to is the principle of putting five amendments to various and sundry Bills in one Bill. That is certainly unprecedented in my short history, save and except miscellaneous Bills, which is the avenue to do it. There's a specific manner in which caucuses deal with those matters and rightly so, but this is not even close to the same principle at all. It does get into an area where there is a potential, if this principle is carried on, that the government has but two Bills to put forward in every Legislature, given the propensity of this government to get out from underneath the dome; i.e., put responsibility in the cabinet and orders in council and the like and to not have to deal with the questioning of the members here. There is a potential that we could be called together in the Legislature, have a Speech from the Throne, a truncated debate on the Speech from the Throne, introduce a budget, and truncate the questions as it relates to the budget, interspersed with one Bill, that Bill being the compilation of all that the government wishes to do. It puts the government's plan in one package, certainly, but the limited debate on it certainly would not be serving the citizens of Alberta well in any way, shape, or form, as the Premier is famous for saying.

Now, I have some particular dislike for dealing with the

traditions of a House in such a manner that sort of runs over the traditions of the House that have come from centuries of building up to this point. Yes, everything is not perfect, and it can never be perfect because it must move and be molded with the times. Certainly there is at times, as often happens, all-party agreement on a number of issues because, quite frankly, they're beneficial to the operation of the government. But if one wants to look beyond at not having this forum, not having a forum to question each individual part of this particular Bill or any other Bill like it, we get rapidly to a situation where the people in the government become out of touch. It's not by design. It's just simply a matter of people believing that they're doing the right thing and they're working at it diligently. Most of the time I believe we in Alberta are, present company included. Even they do the best they can for the citizens of Alberta.

Unfortunately, that's not good enough in a democracy. You have to have that examination, and if I heard it once I heard it a thousand times in the last election: there's an absolute necessity to have an opposition. I know many of those members present here would differ with that, but that's the ruling of others, not myself, and those are the rulings of the citizens that elected me.

There are a couple of provisions – and quite frankly I have a little difficulty with having to speak to the principle of the Bill when there are at least five of them, in that there are five Bills amended. I mean, I can't see how one cannot speak in and around the principles of all of those Bills and the principle of putting five of them together, because that's in fact what occurred here.

Now, speaking specifically to the Provincial Court Act, having had some experience in another life dealing with the courts and of course the provisions of the small claims court, with the limitation changing here, I don't recall the minister filing with the Legislature or in any debate how that particular number was arrived at. When I was dealing with the courts, it was \$2,000, which I thought was a reasonable limit. That was a limit that I could deal with. When it went up to \$4,000, that was a reasonable limit in balancing the need to have counsel and going through rules of evidence and all of those things entailed in going to a district court. I can see where there was some need for movement, although not having had to deal with applications of this nature in small claims court in the recent past, I would have liked to have known that there was some consultation, particularly with the construction industry, which deals with a great number of claims and disputes that are all centred in the up to \$10,000 range. A myriad of those are produced every week. I would have liked to have had some comment from the Edmonton Construction Association, from the Alberta Construction Association, and a number of people that are related to that industry as well as others which supply goods and services in the area, particularly in the area that I know well, in Edmonton.

I'm concerned that that limit is higher than it should be. Certainly there are a number of people that hold themselves out to be versed in the law and that are not in fact lawyers. They're not counsel, and they're not sanctioned by the bar for performing those duties. We find that there is a growing area of the law dealing with penalties under the Highway Traffic Act and the like that encroach on the area. I mention that by way of example, that the limit moving up and allowing that opening may allow many more of those kinds of consultants, I guess you would call them – I can't think they could be called much else than that – that could be moving into this area, I believe to the detriment to the overall service to the public through the courts. I have a little

difficulty with that, recognizing that in the last five to 10 years the cost of junior counsel has actually – if it has not gone down relative to inflation, I'd be amazed, because there are a great number of exceptionally good lawyers out there now, not that there ever were not.

AN HON. MEMBER: Where? Where?

MR. WHITE: Where? There in fact are. Not that there should be a growing need for them, but they seem to be there.

I would think the consultation with a lawyer, maybe not writing a statement of claim or writing the arguments for a statement of claim – it's well within reason, in a \$5,000 claim, to have that done, at least the consultation if not the appearance. Well, this, of course, doesn't prevent that with an upper limit, but what it does do is encourage people to think they can be their own lawyer and represent themselves, often to their detriment. I for one do not believe that a \$10,000 limit is reasonable. I would believe that \$5,000 or \$6,000 is probably a little closer to it, with the cost of counsel today.

That being said, I have some other difficulties with the Provincial Offences Procedure Act and how that's dealt with. It's certainly streamlined, but it's streamlined, in my view, to the detriment of those bringing applications to the court. With this procedure it doesn't make it any more or less clear, certainly to a layman, that there's any easier way of doing this or understanding the procedures as they're set down and the penalties for same.

The last Act I'd like to comment on and that I think needs some further comment is the Limitations Act and the provisions there. The general principle there, to my knowledge and from what I read, is that the cause of action against a parent from a minor is limited now. Philosophically I have difficulty with that limitation in that there are oftentimes trauma and special circumstances, and to put it in statute and take it away from the good judgment of a judge in chambers or in full court leaves me a little cold.

In summary, Mr. Speaker, I would have liked this Bill to have had a little more scrutiny from those outside this Legislature that it affects directly. I have no knowledge of that and have some difficulty voting for the provisions, particularly those that I mentioned. Therefore, I for one would have liked to have seen a little more debate on the matter and certainly would have liked to have had some debate outside the Legislature so that I could understand a little more of the implications of these particular Bills.

Thank you, Mr. Speaker.

3:30

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. I would like to seek unanimous consent of the House that should the division bells ring this afternoon, the duration between the time of the bells would be reduced to two minutes.

THE SPEAKER: Would all members in favour of the proposal set forth by the hon. Member for Medicine Hat, please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Any opposed? Carried.

The hon. Minister of Justice and Attorney-General has moved third reading of Bill 16, Justice Statutes Amendment Act, 1997. Does the Assembly agree to the motion for third reading?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE SPEAKER: The motion's carried. Ring the bells. Bring forth the members.

[Several members rose calling for a division. The division bell was rung at 3:33 p.m.]

THE SPEAKER: Hon. members, you have been invited back into the House as a result of a shortened bell as a result of a motion put forward by the hon. Member for Medicine Hat, who received unanimous consent of the House to go with a two-minute bell. That motion put forward by the hon. Member for Medicine Hat will prevail for the remainder of the afternoon, until rising time later today. So it need not be repeated should there be a subsequent opportunity to deal with such a thing.

[Two minutes having elapsed, the Assembly divided]

[The Speaker in the Chair]

For the motion:

Amery	Gordon	Marz
Black	Graham	McFarland
Boutilier	Hancock	Melchin
Broda	Havelock	O'Neill
Cao	Herard	Paszkowski
Coutts	Hierath	Pham
Day	Hlady	Renner
Ducharme	Johnson	Severtson
Dunford	Jonson	Shariff
Evans	Klapstein	Stelmach
Fischer	Laing	Stevens
Forsyth	Langevin	West
Friedel	Lougheed	Woloshyn
Fritz	Magnus	Yankowsky

Against the motion:

Blakeman	Leibovici	Pannu
Carlson	Massey	Paul
Gibbons	Olsen	White

Totals:	For - 42	Against - 9
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[Motion carried; Bill 16 read a third time]

Bill 17

Municipal Affairs Statutes Amendment Act, 1997

MS EVANS: I would move third reading, Mr. Speaker.

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

MR. GIBBONS: Thank you, Mr. Speaker. I stand to speak on third reading of Bill 17, the Municipal Affairs Statutes Amendment Act, 1997. This is another omnibus Bill on which we talked at great length due to the fact that the Bill presented has five distinguished Acts. Number one is the Charitable Fund-raising Act, with regards to which charities fall under the jurisdiction of

the Act as well as which charities and fund-raising businesses can get a licence and be registered. I'm going to speak on this Bill.

[Mrs. Gordon in the Chair]

Now, in Committee of the Whole we were talking about the fact that the amendment can read: up to 80-20 percent. This amendment would prevent any nonprofit professional fund-raisers from receiving more than 50 percent of the gross contribution that it may collect during the campaign. It is needed because there have been cases in the United States and Canada, including Alberta, where more than 50 percent of the money raised went to the private corporation instead of the charities during fund-raisers. We emphasized the fact of 80-20 as we were talking before, but it is up to 80-20 that is there. We proposed a 50 percent amendment, which was shot down.

3:40

As this was talked about, I heard favourable replies during the Committee of the Whole by two members of the government side, including the minister and the Member for Calgary-McCall. They referred to their experience as volunteers, fund-raisers within nonprofit community groups, and stated that possibly they would suggest more than 50 percent. That's fantastic, which means that maybe the nonprofit charity groups will be a lot higher. We suggested 50 due to the fact that we just thought it was a good figure to bring forward. With receiving the favourable responses, we can continue to dialogue on this matter.

In my experience as a volunteer I've experienced that it's an uphill battle to fund-raise, and in every facet of our children's lives we have to fund-raise; in every group that we belong to we have to fund-raise. This is something we have to really think about in nonprofit organizations. If this nonprofit organization was approached by a group and they're fighting between making possibly up to \$29,000 in a pooling program in casinos, if somebody came up to them and said, "I can guarantee you \$100,000," they're not going to ever ask a question on that until after the money's in the bank. Then they're going to question the fact: how much did that fund-raiser company make? That's when the trouble comes into play.

Pooling in casinos: I'm a big push behind that. I feel it's a way of going. You know, I've been in organizations before where we walked out with \$100,000. I've been in other groups where we've lost \$4,000. So when we're in there volunteering, pooling is a great way of doing it, but we're coming back to what I'm talking about in the charitable portion of this Bill. This is something where I hope we can sit down as a government, between the minister - and I'm right there to help. For everybody's information, I was presented with a volunteer of the year award from across Canada, presented by the Prime Minister at the time and then Premier Getty. So I have volunteered an awful lot of hours, and I believe that we have to help that group out.

Our fellow member, Laurie Blakeman, presented an amendment to section 2(3) by striking out proposed section 2(3), which states "The board is not an agent of the Crown." This sets out a clean, straightforward approach to accountability. Example: CKUA. No one can point a finger if this item is struck out of here, and nobody can actually say friends-of or friends of the government. I would really hope that the department will look at this in the future and look at this clause to quite an extent. I know we get voted down continually, but as I said last night here, it's hard to tell your friends, your relatives that you're zero for 20 when you put amendments forward. It does hurt, and I think there are some

that we do put forward that are very important.

Our third amendment was that section 5 of this Bill 17 be stricken from the Bill. The Residential Tenancies Act with regards to the ability of Banff Housing Corporation to refuse a sublease agreement: I cannot fathom that this government couldn't see that this should be hoisted from this portion of the Bill. If Banff is so unique – and I really believe it is – then this should be treated as a completely different Bill, not an Act within a Bill. We will not stand in the way of its content. This Act has been presented in the past – this is the case of Banff – under a miscellaneous Bill and was removed. The wisdom of the government and this Assembly at that time was to hoist it and do it separately. I cannot fathom, from my understanding and my studies over the last few weeks on this Bill, why we then let the department go ahead and put it forward under an omnibus Bill.

The other three Acts within the Bill are all changes to the Debtors' Assistance Act, with regards to the appointment; Municipal Government Act, with regards to fidelity bonds for municipal administration and employees that handle money; Real Estate Act, with regards to the power of the Real Estate Council. I commend the minister and the department for bringing these forward, but with the complexity of an omnibus Bill, I wish they would have been as separate items.

I sit down and make leave for other members on my side to talk.

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

MS BLAKEMAN: Thank you, Madam Speaker. I rise to speak to third reading of Bill 17, Municipal Affairs Statutes Amendment Act. Most of the work that I did on this Bill was around the Charitable Fund-raising Act part of this multipart Bill, and in most cases I wish to commend the government for the work that was done here. There's a lot of housekeeping and fix-up portions that I think make the Act stronger and more manageable, and they're to be congratulated for that. Raising the limit to \$25,000 will in fact exempt a lot of the very small organizations, which would find it extremely difficult to subscribe to the limitations and reportage that is required here.

As well, acknowledging the fund-raising businesses as compared to the fund-raising professionals, which are really two entirely different entities, the fund-raising professionals subscribing to a code of ethics and often being paid employees or contract employees of the organizations, and fund-raising businesses, generally speaking, nowadays being third party fund-raisers, not surprisingly many of them companies coming from the United States and from eastern Canada.

My colleague from Edmonton-Manning has referred to our amendment to secure a 50-50 split on the proceeds from fund-raising, and I would encourage the government to work towards that in the future. As we move increasingly to a world where many of the services that were government are being privatized or downloaded onto the volunteer sector, our expectations of what we expect the average person in Alberta to do has increased a significant amount.

I think we need to be very careful here. We've reached the overload or burnout level for many people quite quickly here, and the potential for an uprising against this is fast approaching us I think. We are requiring an enormous amount from people, and for those people who are good enough to volunteer in Alberta – and we do have many – I think we want to make it possible for

them to do the work they enjoy doing in the volunteer sector instead of requiring quite so much fund-raising from them. But when we do require fund-raising, we do need it to be monitored, evaluated, regulated carefully, and to be transparent. If we're asking our friends and neighbours, our community to donate to a project, they should be able to have good faith in us and trust that the money they're giving is going to the project. And make the regulations around fund-raising easier to subscribe to, but at the same time maintain a level of propriety that's important so that the people of Alberta trust those volunteers and those fund-raisers.

Having spoken to that section of the Act, I will conclude my remarks. The other sections that are included in here – the debtors' amendment, the Municipal Government Act, the Real Estate Act, and the Residential Tenancies Act, all of which are part of this omnibus Bill – I don't wish to address at this time.

Thank you.

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

MS OLSEN: Thank you, Madam Speaker. Just briefly, I again want to make a couple of comments on the omnibus nature of the Bill. I guess what I find really disconcerting is that when you have a Bill such as Bill 17, the exact principle of the Bill is very difficult to speak to because it's unclear or nonexistent. You have four or five different amendments under four or five different Acts, and each one has a different principle attached to it. Then you supposedly have an overriding principle on the Bill itself, so it makes it very, very difficult to speak to the principle or speak in favour of the principle.

3:50

I guess regarding that, there's also the need to vote against an omnibus Bill, where in fact if you don't agree with one amendment under one Act, then you have to vote down the entire Bill. So where you may have some great amendments and a lot of hard work to improve a piece of legislation, when it's included in a Bill such as this, then it doesn't get its worth because it can't be spoken to in a positive context. Hopefully, as I said before, whenever the next session of this Legislature is, Bills that are brought forward that are of a substantive nature will get their just debates. We can't look at cutting debate as a way of expediting all these discussions. The Bills are worthy of their debate and should be debated in the full context and full nature of what the amendments are intended to do. I really get offended when we have this kind of legislation put before us.

In fact, I have a couple of concerns with the actual substantive nature of the Charitable Fund-raising Act and certainly with the Residential Tenancies Act. The rest of it may in fact be fine, but I can't vote for the Bill and speak in favour of it simply because of those concerns. I think that limits all members of the House when it comes to that. As I said before, given the work that's been put into these Bills and the time and the money it costs to have the employees of this government draft this Bill, I think, in all fairness, that where there are good parts of a Bill, we should in fact be voting for those. As I said, it can't happen in this manner.

This is not the only one, Bill 17. There are other Bills that have come forward where the principle is unclear or it doesn't apply to all of the sections. As I said before, we've had the miscellaneous statutes where we sit down and hammer out the aspects of the Bills that we can all agree on and that we don't agree on or have some amendments made before that entire Act

is brought forward. I hope that the minister will consider that with any future Bills, that we'll certainly allow that debate to occur.

Now I'll pass it on to my colleagues here.

THE ACTING SPEAKER: Edmonton-Castle Downs.

MRS. PAUL: Thank you, Madam Speaker. I just rise to make a few brief comments on Bill 17, the Municipal Affairs Statutes Amendment Act. I would like to compliment the Minister of Municipal Affairs for her hard work. I know that being a new cabinet minister, it must be overwhelming to have to put the long hours in, and I certainly do appreciate that.

Madam Speaker, there seem to be about five main purposes to this Act, and there seems to be no obvious principle in this Bill other than to amend five different pieces of legislation. These pieces of legislation do fall under the umbrella of Municipal Affairs. I just want to speak very briefly to the five amendments that are contained in this Act. I won't go into them in any detail, just as an overview.

Number one, there are changes to the Charitable Fund-raising Act. That has been alluded to by the hon. Member for Edmonton-Centre, so it doesn't need to be expanded upon. There are changes to the Debtors' Assistance Act with regards to the appointment to and the powers of the Debtors' Assistance Board. Number three, there are changes to the Municipal Government Act with regards to bonds for municipal administrators and employees that handle money. Also, number four, there are changes to the Real Estate Act with regards to the power of the Real Estate Council of Alberta to impose sanctions on an industry member. Number five, Madam Speaker, one of the things that have been pointed out is there are changes to the Residential Tenancies Act with regards to the ability of the Banff Housing Corporation to refuse a sublease agreement.

So, Madam Speaker, just doing a very, very quick overview of the five amendments that are contained in this one Act, just as Bill 16 that was brought up in the House earlier, I find that it is something that should be considered by this government, not to bring to this House pieces of legislation that in fact are very unclear and are nonexistent.

Because there are so many different types of issues addressed in this Bill, it is impossible to vote in favour of the principle of the Bill. With that, Madam Speaker, I will conclude my remarks and will not be able to support the Bill for third reading.

THE ACTING SPEAKER: The hon. Minister of Municipal Affairs to close debate.

MS EVANS: Madam Speaker, I'd just call the question.

THE ACTING SPEAKER: The hon. Minister of Municipal Affairs has moved third reading of Bill 17, Municipal Affairs Statutes Amendment Act, 1997. Does the Assembly agree to the motion for third reading?

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed?

SOME HON. MEMBERS: No.

[Several members rose calling for a division. The division bell was rung at 3:57 p.m.]

[Two minutes having elapsed, the Assembly divided]

[Mrs. Gordon in the Chair]

For the motion:

Amery	Fritz	Marz
Black	Graham	McFarland
Boutilier	Hancock	O'Neill
Broda	Havelock	Paszkowski
Cao	Herard	Pham
Clegg	Hierath	Renner
Coutts	Hlady	Severtson
Day	Johnson	Shariff
Ducharme	Jonson	Stelmach
Dunford	Klapstein	Stevens
Evans	Kryczka	West
Fischer	Laing	Woloshyn
Forsyth	Langevin	Yankowsky
Friedel	Magnus	

4:00

Against the motion:

Blakeman	Leibovici	Pannu
Bonner	Massey	Paul
Carlson	Olsen	White
Gibbons		

Totals:	For - 41	Against - 10
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[Motion carried; Bill 17 read a third time]

Bill 21 School Amendment Act, 1997

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

MR. HAVELOCK: Thank you, Madam Speaker. I move third reading of Bill 21.

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

DR. MASSEY: Thank you, Madam Speaker. Speaking briefly to third reading of Bill 21. The opposition supports the Bill. It's primarily a housekeeping Bill. It deals with a number of matters: certification, appeals, the hiring of superintendents, the conversion of regional divisions to school divisions. Performance bonds we didn't support, but it's part of a Bill that deals with a number of other matters that we do, and resident students made up some of the content. I think the Bill would have been better if some of our amendments had been accepted.

Also, as I've mentioned I think on at least two occasions before, we're pleased that the Minister of Education consulted with the groups most directly affected by the changes that this Bill brings about. He was open to the suggestions of both the Alberta Teachers' Association and the Alberta School Boards Association, and I think it is a kind of model that we would like to see when Bills are drafted.

So with those comments, I would conclude and urge members to support Bill 21. Thank you.

[Motion carried; Bill 21 read a third time]

Bill 5
Persons With Developmental Disabilities
Community Governance Act

MR. SHARIFF: Madam Speaker, I move third reading of Bill 5.

[Motion carried; Bill 5 read a third time]

Bill 15
Protection for Persons in Care Amendment Act, 1997

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

MRS. LAING: Thank you, Madam Speaker. On behalf of my colleague the Member for Highwood I would like to move third reading of Bill 15, Protection for Persons in Care Amendment Act, 1997.

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

MS CARLSON: Thank you, Madam Speaker. I have a few comments on Bill 15. I think the largest comment we have is that this makes some progress for us in this direction, but certainly from our perspective it doesn't go far enough. What's dealt with in here is primarily housekeeping in nature, and the only strong amendment we see is the one about the definition of abuse.

Certainly, we've seen over time in this province that when you're talking about the protection of persons in care, we need stronger legislation than what we have, particularly as we see more and more people in care being kept in people's houses and outside of the direct supervision of people who have proper training or medical training in this field. For us that is a problem.

So we would expect to see in the next Assembly a much stronger Bill come forward that will more clearly address those significant issues for us.

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

MS BLAKEMAN: Thank you. I rise to speak to third reading of Bill 15, Protection for Persons in Care Amendment Act. I've had quite a bit of feedback from the community on this Bill, and I just want briefly to make a few comments on that.

This amendment Act is a valuable addition. It is important that we take our responsibility towards persons in care seriously and do our utmost to ensure that they are protected. In presentations from community groups I have been shocked at how people do take advantage of persons in care. That's not what I like to think about this province, and anything we can do to address that is a move in the right direction. I do look to the government to continue to strengthen this Act, and the Liberal opposition has made a number of very concrete suggestions to that end.

I was approached by a community group that, to my understanding, is the only one that works with elder abuse. Of course they would be covered under this Bill. The points they've asked me to bring forward are that this Bill still only covers people in institutional care and that we need to address abuse by guardians, which is far too frequent; also, those that are in noninstitutional care. This program called EARS is an excellent program in the community, and I have worked with them before. I would urge the government to avail themselves of their expertise as they work towards improving this Act in the future.

With those few very brief comments, thank you very much.

[Motion carried; Bill 15 read a third time]

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

4:10

[Mrs. Gordon in the Chair]

THE DEPUTY CHAIRMAN: I'd like to call the Committee of the Whole to order. I would remind hon. members that you can in fact take your suit jackets off at this particular stage in the debate.

Bill 29
Medical Profession Amendment Act, 1997

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

MS CARLSON: Thank you, Madam Chairman. I rise to speak to Bill 29, the Medical Profession Amendment Act. I think that there are some good things in this Bill that we would like to speak to. Of course we have a few concerns here, but first of all I'll speak to some of the points that I am in support of.

I think that the physician achievement review program is a good thing to have. To have a performance committee established certainly will be of benefit, I think, and add some confidence in terms of consumer awareness. I think that their purpose in terms of assessing the standard of medical care provided by registered practitioners for their patients is important. Particularly when we see the kinds of changes that are happening in the medical profession, it's important that all patients have the confidence that their doctors will maintain a high standard of education and updating with new systems, new techniques, new information, and new drugs that become available. So it seems to me that the establishment of this committee would move us in some direction in terms of accomplishing that or at least maintaining a high level of standards. I know that currently in the province all doctors are required to perform a number of hours of education work per year, and that's a really good thing. The hours required in Alberta to update their education in a year are far fewer in number than those that are required in the States, so that's something that needs to be reviewed.

In terms of having a committee established with the objectives of looking at performance, I think it's an interesting concept when you start to talk about ongoing assessments of competence. I think that a general assessment is an important thing to do, particularly with some of the doctors who are aging and who haven't had the ability to keep up with all of the new techniques. Then there would be a number of options in terms of giving those practitioners an opportunity to update their knowledge. To take courses, to gain further knowledge, or to go under supervision with someone who can make sure that they're upgraded in the areas that are necessary is good, and I think that it's very forward thinking to be moving in that direction. A lot of this deals with those bylaws that will have to be then adhered to.

I think that it's more of a problem for the doctors who are not in urban centres. I'm wondering how the minister is looking at making upgrading and ongoing education very accessible and affordable to those doctors. I know that they have a family practice review I believe on a yearly basis for general practitioners who are rural practitioners, so it's very specific to that kind of a practice. I think that's a very good thing. But one of the things we hear every year when that review is undertaken is that

it's costly to get to. It's held in a location in Alberta that is not easily accessible to all rural doctors. So they have the costs of the fees, they have the costs of staying there, and then they have the cost, if they're a sole practitioner or don't have enough doctors to cover their practice, of having to bring in doctors to cover the practice.

So there's lost income and other expenses associated with that, and you can't always get a doctor to come and cover the practice in the absence of the existing one, so it can either put a bigger strain on the doctor's partners, or you simply can't find anybody and there's no coverage. We've seen examples in this province where that has caused significant problems, where in fact there has been a couple of deaths attributed to not having coverage during that period of time. This Bill doesn't deal with how that kind of coverage will be provided and what the Minister of Health is prepared to do to address that very significant issue in rural Alberta. So I'm wondering why that is missing here.

I think that practitioners having "to produce any books, records, papers and other documents or things relating to patient care" is interesting. I'm wondering what the expectation is there. Is it towards looking for some sort of standardization in terms of record keeping? Is it looking at the kind of detail that is being provided there? Exactly what is the intent of that? Once again, security is always the issue in these areas, and I'm wondering how that will be addressed. As I read this, it's only the performance committee that will have access to that information, and I'm wondering if that will be a standard practice and how you will train practitioners to upgrade their standard of record keeping. Particularly, I think of practitioners who have been in practice for a great many years. They're very set in their ways in terms of how they keep their records and in fact what they even disclose in the files. Many doctors choose not to disclose much information at all. So I'm wondering how they're going to monitor that and set the standards for that. I think that that particular aspect just needs a little bit of clarification for me, and then I think that probably I'll be able to support it.

[Mrs. Laing in the Chair]

Then it talks about further actions of "unbecoming or criminal conduct." I'm not sure where this was previously covered, if it's just something that's done through the AMA or if there's some other body that looks at it, and what kind of standards are going to be set there. It seems like there isn't a great deal of description here in terms of what would constitute "unbecoming or criminal conduct." So when you just have a committee deciding this, who's going to be the appeal process for a situation like this, and how are they going to set the standards? So that's a question for me.

4:20

I think that "mandatory participation" is good. I'm wondering if currently registered practitioners are going to have some input into establishing the specific mandate for this committee and all the specific issues that will have to be dealt with. Those are a few of my concerns in that regard.

The membership of the committee is also of interest to me: "at least 5 members and not more than 9 members" from "classes of registered practitioners," which I think is good. Then "one member of the public who is not a physician," I think is good also. But I'm wondering what they're going to do in terms of getting members from the different classes of registered practitioners in terms of really getting a representative cross section - I

would think that that would be quite important - and whether or not "at least 5 members," which would be four from here and one from the public, would be enough in this particular instance. There are so many areas of specialty right now in the practice of medicine that I have a concern that the baseline number may be a little bit low.

I don't have any problems with the performance committee in terms of their conduct.

Confidentiality. The issue there of course is that the instant you have more people with access to patient files or records . . .

THE ACTING CHAIRMAN: Hon. member, we can hardly hear you. I wonder if you could speak a little closer to your microphone.

MS CARLSON: Okay. Sure. Thanks. Nice to know you're listening.

MR. HAVELOCK: Debby, don't be suggesting.

MS CARLSON: Just come over here, Jon, and we'll show you. Right here. You can sit right here.

MR. HAVELOCK: Do I have to buy you dinner first?

MS CARLSON: No, but you'll be sorry if you come.

Back to the issues here. I think when I review the bylaws in terms of this Bill and what the council may make in terms of them, I don't have a real problem with any of those. It looks to me like they're in line with the kind of direction that we would like to see there.

When we move on to section 4, they're amending the failure to comply requirement - I don't see a real problem with that either - and then add:

In the case of a review . . . on completing his review the investigation chairman shall

- (a) direct that no further action be taken, or
- (b) direct that the matter be dealt with by an investigating committee.

Well, I think that's also something that's commendable and should be in there.

Then section 5: section 56(2)(b), they've gotten rid of that. I think that's okay. They replaced it with:

that the registered practitioner pay, in an amount and within the time fixed by the council, all or a portion of any or all of the following:

- (i) the costs of the investigation;
- (ii) the costs of the proceedings before the investigating committee;
- (iii) the costs of the proceedings before the council.

Now, I have a little problem with this, because I'm not sure that it's a wise or even reasonable expectation that they have to pay the full costs, particularly if there is found to be no wrongdoing in that situation. It seems in that particular instance perhaps an unfair burden for the practitioner to pay.

[Mrs. Gordon in the Chair]

In regard to that, I have a question about their continuing ability to practise during the time period that they are under investigation. Will they be suspended in that case? Without pay? I don't think there's any kind of insurance coverage for that kind of a thing. So what do we expect to have happen there? If the minister could address those questions, I would appreciate it.

I think, Madam Chairman, that that concludes my comments on this particular Bill.

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

MS BLAKEMAN: Thank you. This is a really interesting Bill, the Medical Profession Amendment Act. I'm pleased to see it come forward, and I know it has a good deal of support on this side of the House.

I remember speaking with some physician colleagues – I work with them – about this project, and I know that there was a good deal of concern from them that they would not be reviewed by peers who truly understood their field and that they would be subject to scrutiny by people who really didn't understand all that was expected and all that went into it. The pilot project having been run, it seems to me that a fair bit of thoughtfulness and insight has gone into developing the project, and hopefully that's all reflected in the actual implementation of this amendment Act. I think it is a good example of modernizing and being responsive to the concerns that have been addressed.

We do expect our physicians and our medical practitioners to be more responsive to us in this day and age. I think that the age of the physician as God has passed, and I think that's probably a good thing. People are much more knowledgeable about medical techniques and medicine in general and health and wellness in general. I've always been a promoter of that. I'm very glad to see it.

I note that the committee overseeing the achievement review program conducts formal reviews of all licensed physicians on a regular basis, and these reviews involve both written tests, peer reviews through questionnaires, medical chart audits, and feedback from patients. I think the feedback from patients is particularly important. That's the additional check and balance in this system.

From having worked on the licentiate of the Medical Council of Canada exams, part 2, I know that some medical practitioners can do very well on written exams but clinically find it a bit more difficult. So it is important that physicians are reviewed through a complementary series of examinations, and that appears to have been included in this particular Act. I hope that there will be good physician participation, and I understand from the presenting member that part of the reason for the amendments was to ensure the participation of physicians and also appropriate appeal and remedial mechanisms, having that in place. I think you do have to have the participation of everyone, and this will make it mandatory for them.

The idea of protection of participants from actions of defamation and the review not being used in any future disciplinary hearings is an interesting one, and I guess I'm a bit cautious about that. I hope that is going to work for the best, and I will look forward to seeing the implementation of that. I think there is a possibility for problems there, but for the time being, let's see how it goes. I was pleased to see that a number of different groups came together to develop this, including the Consumers' Association of Canada, which is a voluntary group from the nonprofit sector whose advice and expertise I value greatly in matters like this.

So overall this looks to me to be a very good idea. I hope the implementation will be swift. I hope that there's also a good public education program around this. I know that this government hasn't been inclined to spend much money promoting

programs, but I think it would be helpful to do that. That might be a suggestion. Certainly people can easily misunderstand something as multilayered as this appears to be. As well, I know that there's concern in the medical practitioners' field itself about how this will affect them and whether this would affect them negatively, so I encourage the minister and the department to look at that and to be as open and transparent about the implementation of the program as possible.

That concludes the comments that I wanted to bring forward about this. I don't feel the need to go clause by clause through this particular Bill. It is well supported, and I know that my colleagues from Calgary-Buffalo and Edmonton-Glenora have already spoken at length to it.

Thank you.

4:30

THE DEPUTY CHAIRMAN: The hon. Minister of Health? Edmonton-Norwood.

MS OLSEN: I'd like to thank the hon. Minister of Health for letting me rise. I just have a couple of comments to make.

Certainly this amendment is favoured by the medical profession. I know that it's been addressed by my other colleagues, but I'm wondering about the type of promotion that this legislation is going to get so that it's not construed as a disciplinary process for other types of concerns within the medical professions – be it incompetence and those kinds of issues – that it's separate from that, and that this is going ahead as an education process.

I guess the other concern I have is that this is certainly an amendment I can support, and it is a good attempt. Perhaps it doesn't go far enough in that the process of the questionnaire is then selective. I believe that the physician is going to be able to choose the patients that he wishes to give that to. That's incorrect? Okay. That's good to know. So it's going to be a random type of selection, where the physician will just randomly give that to his patients or that will be mailed out. My question is: how will that be administered, then, if it's going to be random?

I'm very concerned that we ensure this is given in the light of improvement and education for the physician and that we don't end up going through this as – or as somebody believes it to be – a disciplinary process for any other actually substantive violation of the Medical Profession Act at all.

I am concerned about the protection aspect of it. I think that Bill 30, now that it's been introduced, will help clarify some of those concerns for me. Those concerns, of course, are the confidentiality aspect and the privacy of the patients filling out the questionnaire. In terms of that information, is it going to be an anonymous questionnaire given back? If not, how can we assure the patient that the information that they're giving is not going to be released to anybody else or become public? I'm assuming that Bill 30 will assist with that concern, but I still have to raise that. Also, in terms of the doctors and their promotion of it, the physician end of it, how will that be promoted from their end of it?

So those are just some questions I have. I don't know if the minister could answer them or if we'll get to that later.

Thanks.

MS LEIBOVICI: I do have some questions with regard to this particular Bill. I recognize that there has been a fair amount of consultation that has occurred prior to this Bill being brought forward to the Legislative Assembly and that in fact there has been a pilot program as well – the PAR program I believe it was

called – that looked at this. But as my hon. colleagues before me have indicated, there are a number of questions that are still outstanding with regard to this particular Bill.

I think that, as we've indicated earlier, there seems to always be something missing. I know that nothing can be 100 percent, but there does seem to always be something missing in Bills that are put before this Legislative Assembly. Some of the questions that still remain with regards to this particular Bill are the certainty of confidentiality and in particular the meshing between Bill 30, I believe it is, the privacy of information Bill just recently introduced within this Legislative Assembly, and this particular Bill, the Medical Profession Amendment Act. So that is an issue that I think needs to be addressed.

Another issue that needs to be addressed as well is whether this particular Bill will affect any of the disciplinary mechanisms which currently exist within the College of Physicians and Surgeons. Now, there are some other issues that are questionable, I guess, or worthy of question having to do with whether or not there are going to be any fines within this particular program. It's my understanding that in the new section 33.9 there's no penalty and that in fact section 17 of the Medical Profession Act did have a penalty. So is there or is there not a penalty involved with regards to personal information being used improperly? The minister has not had the opportunity to respond to that particular issue.

Another issue has to do with the appointment of members. It's noteworthy that there is a member of the public who is not a physician that will be on the performance committee, and I'm sure that that probably was one of the recommendations put forward by the Consumers' Association of Alberta in discussions that were held with them to put forward this particular Bill. I wonder whether or not the government is planning – and this is a little bit of an aside – any kind of promotion to ensure that patients know about the establishment of the performance committee, how those members are to be appointed, and in particular how one becomes the member of the public who is on the performance committee, whether it will be an open process.

It's not indicated in the Bill how the appointments will occur. At least, I can't see it in here. Section 33.7(1) indicates that “the Performance Committee shall have at least 5 members and not more than 9 members,” but there is nowhere that I've seen here as to how the appointments actually occur. I would imagine that would be in the bylaws, but again those are not bylaws that most people would be aware of unless there is actually information that's provided. Probably the best place to provide that information is in a physician's office. So I'm wondering if the minister can tell us whether those budgetary dollars would come from the government – I would hazard a guess that they do not – and whether there has been any discussion as to who is responsible for providing that information so that in fact the public is aware of the performance committee and the ability to be a member of that performance committee.

There's also a question that I have on 33.4(1), which talks about conducting a general assessment of the professional performance of each registered practitioner, and that's to take place at least once every five years. This assessment can occur “at any reasonable time.” That is the wording that's in this particular Act. I'm wondering if the assessment is to see what in fact happens on a regular basis in the office of a physician; in other words, whether that assessment is one that is a spot check, so to speak, whether the performance committee just knocks on the door and enters and “reasonable time” is considered regular

operating hours, or whether the performance committee will be phoning the physician and saying: this is when we would like to come and inspect the place and to look at your books, records, et cetera. As everyone is aware, there's probably a qualitative difference between inspections that occur with and without warning. This is not indicated under 33.4(1). It just says, “may at any reasonable time.” So perhaps the minister can address that issue as well.

4:40

Actually, I see here that the members of the performance committee are appointed by the council, but in fact that still does not negate my other comments as to how those appointments are made. How does the council choose who will be on that particular committee?

There's also an item here under 33.8(3)

Members of the Performance Committee shall be paid fees for attendance and reasonable travelling expenses in accordance with the by-laws.

It's interesting that “reasonable” is beside the words “travelling expenses.” I agree that there should be obviously, as this seems to indicate, a cap on what is a traveling expense, but there is no “reasonable” in front of the words “fees for attendance.” We know that some physicians' time is worth more than other physicians' time, based on their expertise and based on their specialty. I wonder: will each member of the performance committee be paid according to what their rate would be if they were performing their normal duties, or is it going to be a flat rate? What is the accountability, and to whom is the accountability? I would imagine that the accountability for the establishment of the bylaws is back to the council, but again, that's not outlined here in the legislation.

I know, Mr. Minister, that these are very specific points. As I indicated at the outset of my remarks, it is very difficult to try and cover every base when a Bill is being put forward, but I would urge the minister to look at some of these questions that have been brought up not only by me but other members in an attempt to ensure that this legislation is as close to perfect as possible.

It indicates in 33.8(4):

The Performance Committee may from time to time appoint one or more persons having special technical or other knowledge to inquire into and report to the Performance Committee in respect of any matter.

This is an interesting clause within the legislation that I would have thought might be more appropriately within the bylaws of the committee. It seems to be unusual to place a clause such as that into a piece of legislation when that is really the bylaws, the internal regulations of a particular committee and the way that committee functions.

Seeing that it is in the legislation, though, I'm wondering whether that is the clause that allows for – and perhaps there will be – paid staff and support to the performance committee and if that is what the intent of this particular clause is. It basically says “in respect of any matter.” “Any matter” could be to help in the performance of the performance committee in the enactment of its duties. If that's what that particular section is for, then I would appreciate the clarification. If it's because the members from the classes of registered practitioners who are on the performance committee do not have the technical ability to look at a particular case, then I would have thought the wording in 33.8(4) would have been a little bit different than what it is there. The wording probably should read something along the lines of: to inquire into

and report to the performance committee in respect of a particular investigation that the performance committee is looking at. The wording may be no more than wording that was drafted and may have no meaning other than the meaning that's attributed to enabling the performance committee to look at a particular case. If it is larger than that, then it would be interesting to know what the particular circumstances are.

The performance committee has a variance, again in 33.7(1), of "at least 5 members and not more than 9 members" and one member who is a "member of the public." On the classes of registered practitioners, my question to the minister is: how many classes of registered practitioners are there? Perhaps I should know this, but I don't. Are there more than eight? The maximum number of classes that can be included in this particular committee is eight because one of the nine members is a member of the public. If there are eight classes – and I recognize that it is the council that will be making the appointments – would the legislation not have read better to indicate that there will be one or two members from family practitioners, that there will be one or two members from general surgeons, that there will be one or two members from another class of practitioner, to be a little bit more specific with regards to how that will occur?

There are some other concerns that I have as well as to whether there is inherent in the legislation any actions or anything that prohibits an individual from pursuing any other legal course of action. I think that this is something that needs to be answered as well, as to whether or not the disciplinary process that's involved in this particular legislation has any impact on any other kinds of legal remedies that a patient may have or in fact a physician may request to follow. There are various bits and pieces of this Act that may well overlap with other Acts, and again, it would be interesting to hear from the minister whether all those different bits of the puzzle, as the Member for Edmonton-Glenora called it, fit together in a nice picture, so to speak.

4:50

The most important aspect of this Bill is the opening up of the ability – and members on this side of the House will be supporting the Bill – to look at providing protection for patients as well as providing a mechanism whereby physicians can be reviewed and where there is an ongoing assessment of the physician care that is being provided in this province. The minister does in fact need to be commended; it is my understanding that there has been a fair amount of consultation with regards to this particular Bill. But given that this is a first step towards ensuring that patients do have rights as well as responsibilities in their health care situations, I would hope that the minister would move a little bit further on this particular Bill, and I would hope that we will see an ombudsman within the province that deals with the issue of health. This is something that has been called for over a period of time and that I think could mesh quite nicely with the performance committee that we see in front of us and could help to ensure that patients are aware of the rights that are due them.

As the minister is aware, I did put forward a pamphlet on patients' rights. I think that this is something that the government may well want to continue to ensure that patients are empowered in our health care system. What this Bill does do is start the process of communication between patients and physicians. It is a proactive move and, I think, a step in the right direction. Again, I would urge the minister to go that extra step to ensure that patients can communicate and know what their rights are with physicians.

Thank you very much.

THE DEPUTY CHAIRMAN: May I remind members that it is getting a little noisy in here. I do recognize that it's close to the witching hour, but we do have to hear the debate.

The hon. Member for Edmonton-Castle Downs.

MRS. PAUL: Thank you, Madam Chairman. I would just like to stand and make a few comments with respect to Bill 29, Medical Profession Amendment Act, 1997.

In reviewing the Act, I would like to commend the hon. Minister of Health for bringing this forward. There are a lot of advantageous aspects to this Act with regard to the performance and expectation of patient/doctor relationships. I realize that the program will regularly review the performance of licensed physicians in Alberta. Of course that will include written tests, peer reviews, medical chart audits, and then, obviously, the feedback from patients.

Madam Chairman, the Bill should include and be very cautious of the fact that one of the key areas that should be implemented is public input. I think that is important whenever you have an exchange of critiquing between especially doctor/patient relationships, boards, whatever. Public input is one of the areas that has to be looked at. There also has to be with that public input the absolute certainty of confidentiality. When you fill out questionnaires, especially if you are a patient, there is the thought of intimidation by a doctor. There is that feeling that doctors are in control. Patients must feel that whatever their input is to that doctor, it will be done in a confidential manner.

As well, I recognize the thinking behind the Bill and commend the College of Physicians and Surgeons for being proactive in initiating this process. This is evidence of the empowering of the patient and consumer in the health care system. In that respect, Madam Chairman, you can see that the Minister of Health also recognizes this need and wants to implement this sort of program.

Madam Chairman, I didn't really want to get into the whole Bill at this time; the hour is going on. But I stress the fact that confidentiality is one of the key components that must be looked at and also that the reviews that are done are by people who can do it without thoughts of implication, thoughts of discipline on their behalf if a physician comes back with a low score. I think it should also be pointed out that we would like to know or would like input as to how a physician is disciplined in terms of a low score. We would hardly think that the strong arm of the law will be coming forth in dealing with the physician, but you have to be sure that if the low score is there, there is some consultation with that doctor, that things are changed, and that an investigation will take place.

Madam Chairman, those are just the few comments I would like to make on Bill 29. As I said before, I am very pleased to see it come forward, and I commend again the College of Physicians and Surgeons for being proactive in initiating this process.

Thank you, Madam Chairman.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Calder.

MR. WHITE: Thank you. I rise to speak to Bill 29 from a number of aspects and in particular some of the individual portions of the Bill.

First of all, I'd like to speak to the overall principle, which is governance and self-governance in a profession. It helps in this society to have as many professions as possible, and the true professions govern themselves. It alleviates the problem of a

government having to do this all the time, to judge whether one should or should not be practising in these areas. The medical profession has been doing this in Canada for a number of years and, I would say, quite successfully.

5:00

A couple of areas give me cause for concern, and one of them is a recent incident that occurred in Calgary that the Member for Strathmore-Brooks pointed out: the overprescription of drugs. As I understand it, what occurred in this particular instance, after it was brought to this particular member of the medical profession's attention, was that he up and resigned. Well, I would have thought that if the predecessor of the PAR program actually existed and did what it should have been doing, they would have been able to get to this practitioner much, much earlier and been able to curb this practitioner's ways and save that practitioner the difficulties of having to go through a resignation entirely from the profession, to point out where the errors were and some of the problems that obviously this member was having with his patients and his patient load.

I'm not sure that this particular review with the teeth it has in it to do a member some good – and if it cannot be done to that extent, perhaps there has to be some remedy. I can't see it in the Bill. Perhaps it is in the Medical Profession Act itself, to remove members, which I'm sure it is. I'm not too sure that the teeth here and the way it's expressed in this amendment . . .

THE DEPUTY CHAIRMAN: Excuse me, hon. member. It is getting a little noisy in here. Thank you.

MR. WHITE: I didn't notice. Thank you, Madam Chairman.

The difficulties with the program seem to be in application. I point out the areas that deal with the score. There doesn't seem to be any lower limit by which one would say: "Okay, Mr. Physician or Madam Physician; you have failed abjectly. We will try one more time to review your situation and to produce another score." But should that occur, well then I would suspect that the college should in fact do something about it, either to move the member on or to counsel that member so as to get to a state where they would be performing at a level that would be acceptable. The arm of this particular law doesn't seem to be very strong.

Another area that particularly concerns me, too, is that even though the confidentiality of those members of the public or the patients that are supposed to be assisting in the review by the college of the practitioners – I would think that the identity could be well known relatively easily. The physicians themselves are permitted to choose the patients that send these reviews in. Presumably, there are three or four of them that'll be asked for their opinion on the performance of their physician, and the practitioner would not have much difficulty in identifying who those people are, I would suspect, with the limited number.

I have some difficulty with the confidentiality and being able to identify those people. If that be known to them, that they have been chosen by them, then obviously their response to the questions will be tempered somewhat by the potential of those people being found out. There are a number of people, myself not included, that find that their family doctor, next to their family, is probably the most important person in their life and would not go out of their way to do anything other than give that person a very good review, presumably because that person is currently treating them for some or any number of conditions. I would not like to see that occur, and I'd like to hear from the

government side or from some quarter some arguments that would lead me to believe that there is some rational reason for a practitioner that is being reviewed to be able to pick and choose those respondents that he would like to have interviewed.

Now, having had some peer review in the engineering profession myself, I understand the need to be reasonably selective. You can't just fire off a shotgun, but I would have thought that perhaps the more prudent way to deal with this in the protection of the public would be to ask for a considerably larger list of patients or clients, if you will, and choose at random from those and not be so selective so that one can get a true feeling for what the performance of an individual practitioner is.

Now, undoubtedly this particular piece of legislation has had a great deal of review by the Alberta Medical Association and certainly the College of Physicians and Surgeons, which is the governing body of course, and I would think that a number of their comments and questions have been entered in the record, but certainly this member has not been made aware of it, and this member is called upon to make those kinds of judgments.

I see the weighting of these scores, and having very little experience with practitioners other than with a family doctor for my own family, I see that the peer assessment is in a questionnaire which contributes some 10 points to the overall score. I don't know how one can judge from the interviews of a layperson and put it to that extent. Now, I would like to think that the government is doing all they can to make sure that the profession does govern itself in accordance with the founding principles and to make sure that those of us that are being served by these people in fact are served with the highest performance, and I believe that to be the case.

Quite frankly, in all the medical attention that this member has received in this province, most recently a hip replacement, the service from the medical profession has been superb, and I have no reason to question any of the members. However, what I did as my own review prior to the selection of any kind of practitioner to cut holes in my body was to do more than just a cursory analysis of their performance from those in the profession, what could be their own peer review, as well as those that had surgery like mine. I have the capability of doing that. Others in this society certainly don't.

This piece of legislation would and could be most useful if the information was then published. It would get the competition. Now, I'm not too sure whether that's feasible, and it certainly wouldn't be to the liking of most practitioners, I'm sure, but it would save a great deal of searching for this member when going to look for a specialist in a particular area.

There's a good deal more to be said about this Bill. From an engineer's point of view, there certainly isn't a great deal that can be added to the argument without more knowledge of the profession, but from the fundamentals of what I read in the Bill, I would at this point, save hearing argument to the contrary, be voting in favour of this Bill, because it seems to me that it does add a great deal more to the protection of the public and the protection of the medical profession to self-govern such that their performance would be up to the standard that we the citizens of the province of Alberta are paying for, Madam Chairman.

5:10

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Glengarry.

MR. BONNER: Thank you very much, Madam Chairman. I rise

today to speak to Bill 29, the Medical Profession Amendment Act, 1997. I would like to congratulate the hon. minister on this piece of legislation. I think it's a very good piece of legislation, and it's certainly one that can be refined to shore up any inadequacies that might occur over time.

[Mr. Clegg in the Chair]

I like particularly the fact that it will enable a regular review of physicians by the College of Physicians and Surgeons. I think that when we do have this as part of the review panel, it will ensure Albertans that the top people in the profession are able to make some very good judgments of their own. I think this is particularly important in the field of medicine, where advancements are occurring rapidly, new procedures are being introduced constantly, and it is extremely important that doctors do keep up to date. It also causes doctors to be accountable to themselves. So when they are judged by their peers, it certainly does add a great deal to this piece of legislation.

The second area that I'd like to look at is the area here where we deal with freedom of information. I think that for too long in the medical profession the public's input was not required, and I sincerely like the idea of development that creates a review program that involves written tests, peer reviews, medical charts, audits, and feedback from the patients, particularly the patients, who have for so many years felt left out. This will certainly give them a voice in this particular procedure.

I do have one concern, and that is that when we deal with section 33.9, I do not see any penalties in this particular area.

I do like that this is proactive, that the College of Physicians and Surgeons has taken it upon themselves to improve this particular process. I also like the idea that all the participants would be protected from accidents or defamation. I also like the fact that the doctors are the ones who are going to pick the patients who are going to be sought for feedback. I feel that all

of these do enable this process to be a great improvement on what we have had.

Once again, I would urge all members to vote for this piece of legislation because I think it is very good.

Because of the late hour I would like to move adjournment at this time, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. member has moved that we adjourn debate. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Carried.

MR. HAVELOCK: Mr. Chairman, I move that the committee do now rise and report.

[Motion carried]

[Mrs. Gordon in the Chair]

THE ACTING SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Madam Speaker, the Committee of the Whole has had under consideration and reports progress on Bill 29.

THE ACTING SPEAKER: Does the Assembly concur?

HON. MEMBERS: Agreed.

[At 5:18 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

