

## Legislative Assembly of Alberta

**Title: Wednesday, February 18, 1998**

**1:30 p.m.**

Date: 98/02/18

[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon. This prayer originates from the regional municipality of Wood Buffalo.

Let us pray.

O Lord, we thank You for the rich resources of our community, our province, and our country.

Grant us the wisdom in our deliberations and divine guidance in all our considerations.

Amen.

Please be seated.

head: **Notices of Motions**

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

MR. DICKSON: Thank you, Mr. Speaker. I'm pleased to give notice that at the appropriate time after question period I will seek the unanimous consent of the Assembly pursuant to Standing Order 40 to recognize that February 22 to March 1, 1998, is Freedom to Read Week.

head: **Introduction of Bills**

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

### **Bill 18 Engineering, Geological and Geophysical Professions Amendment Act, 1998**

MR. WOLOSZYN: Thank you, Mr. Speaker. I beg leave to introduce Bill 18, the Engineering, Geological and Geophysical Professions Amendment Act, 1998.

Mr. Speaker, the purpose of this act is to provide more flexibility in the provision of services by the Association of Professional Engineers, Geologists and Geophysicists of Alberta.

[Leave granted; Bill 18 read a first time]

head: **Tabling Returns and Reports**

MRS. McCLELLAN: Mr. Speaker, today I'm pleased to table an information bulletin about Freedom to Read Week, which runs February 22 to March 1. During this week libraries across the province will hold special events, set up displays about access to information and freedom of expression.

THE SPEAKER: The hon. Minister of Transportation and Utilities.

MR. PASZKOWSKI: Thank you, Mr. Speaker. It's my pleasure to table with the Assembly today four copies of the Alberta Transportation and Utilities primary highway construction and rehabilitation program from the year '98-99 to the year 2000-01. As well, we've also included the annual secondary highway construction program for the year '98-99.

Each rural MLA has received a copy of the project listing that applies to their particular constituency, and those MLAs whose

constituency is within the city have received information relating to the entire city. If any members would like a copy of the full report, they'll be available through my office. We're releasing these construction programs early to enable the industry and the municipalities to schedule their work for the coming year. There may be some changes to the program throughout the year depending on construction activities in the various parts of the province.

Thank you, Mr. Speaker.

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

MS CARLSON: Thank you, Mr. Speaker. I'm happy today to table four copies of the Environmental Protection ministry business plan, page 237, so the next time I ask a question on parks visitation, the minister will have the information at hand.

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

MR. BONNER: Thank you, Mr. Speaker. I beg leave to table four copies of a May 30, 1990, letter from the assistant superintendent of the Alberta Treasury Branch, Edmonton office, stating that there was no obvious source of payment of a \$28 million loan to Gainers in which the Alberta Treasury Branch was a 50 percent participant and that aside from the liquidation or disposal of the company, there was no visible means of paying that off.

THE SPEAKER: The leader of the ND opposition.

MS BARRETT: Thank you, Mr. Speaker. I have two tablings today, the first being five copies of page 391 of the Budget '98 document, in which it's stated – and I'm doing this at the request of the Provincial Treasurer from yesterday.

Alberta supports giving provinces the option of a transfer of tax room from the federal government, rather than federal cash transfers like the CHST.

The second document I'd like to table is a program outline of a conference coming up in Edmonton entitled Embracing Spirituality, Embracing Sexuality. In fact, it is subtitled Exploring Lesbian, Gay, Bisexual, and Transgender Realities in a Faith Context. For those who are interested, on page 2 the most interesting workshop will be entitled Where's the Sin? conducted by Professor Sterling Bjordahl, biblical scholar, Augustana University College, Camrose, Alberta, in which he argues that there are no biblical references to the sin of homosexuality.

Thank you.

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

MR. MacDONALD: Thank you, Mr. Speaker. I rise this afternoon to table four copies of a letter that's addressed to the Members of this Legislative Assembly. It is written by Joseph Spano and Donato Colangelo. They are workers who worked in the now abandoned Maple Leaf meat packing plant.

Thank you.

### **Speaker's Ruling Tabling Documents**

THE SPEAKER: Hon. members, this comment is addressed to the hon. Minister of Transportation and Utilities, the hon. Member for Edmonton-Glengarry, the hon. Member for Edmonton-Ellerslie, and the hon. leader of the ND opposition. This segment

of our agenda deals with tabling returns and reports, and one should simply get up, table the report, and sit down. There was a fair amount of editorial comment today. Three members basically followed, perhaps, the lead of the hon. Minister of Transportation and Utilities, who I know is quite excited about his road transportation program, but I'm sure there'll be opportunity in the future to deal with it all.

head: **Introduction of Guests**

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

MRS. GORDON: Thank you, Mr. Speaker. I would like to introduce to you and through you 33 enthusiastic students from College Heights Adventist Junior Academy in College Heights, Alberta, home of the Canadian University College, accompanied today by teacher Miss Gwen Bader and parents Mrs. Sally Becker, Mrs. Judy Balfour, Mr. Bert Picknell, and Mr. Arthur Kapiniak. They are seated in the members' gallery, and I would ask them to rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. I have two introductions today. I'm pleased to introduce two friends from Calgary who are here today to see for themselves why we sometimes complain about news coverage from the Alberta press gallery. I would like to introduce Mr. Ken King, publisher of the *Calgary Herald*, and managing editor, Joan Crockatt. Joan, of course, was at one time a legislative reporter.

Additionally, I would like to introduce five business people from Calgary and Edmonton who purchased an auction luncheon with me to support Ducks Unlimited. These gentlemen are Mr. Stuart Gillespie from Chisholm Realty Corp., Mr. Ian Barrigan from R.I. Barrigan Management Ltd., Mr. J.D. Hole from Lockerbie and Hole, Mr. Frank J. Smith from Frank J. Smith and Associates, and Mr. Ken Cairns from EBOC Energy Ltd. I would ask that they rise and receive the traditional warm welcome of the Legislature.

MR. MITCHELL: Mr. Speaker, I wanted to introduce two friends from Calgary as well, but they've already been introduced by the Premier. We think they give us great press.

I also want to introduce to you, Mr. Speaker, and to the Members of the Legislative Assembly a longtime friend and associate of mine and my caucus colleagues, a courageous hang glider, a successful businessman, owner and operator of Alberta Stamp, and, perhaps more important than both those things, the president of the Alberta Liberal Party. His name is Rick Miller, and I would ask that he stand in the gallery and receive the welcome of the Members of the Legislative Assembly.

THE SPEAKER: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Speaker. It gives me great pleasure today to introduce to you and through you two people. The first is Mr. Roger Lundgren from Norsjö, Sweden, who is over here to take a look at the politics and how they work in Alberta, and the second is Mr. Colin Oberg, who is my nephew and a first-year medical student. I'd like to ask you to stand and receive the warm welcome of the Assembly.

1:40

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

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure today to introduce to you and through you to all members of this Assembly a close friend from Lac La Biche, a hardworking lady, Mrs. Debra Lozinski. Debra is a councillor for the MD of Bonnyville. I'd like to ask Debra to please stand and receive the warm welcome from the Assembly.

head: **Oral Question Period**  
**Health Care System**

MR. MITCHELL: Mr. Speaker, the Premier continues to talk about pressure points as a way of masking the fact that failures in our health care system cost lives and cause undue suffering across this province. Undeniably, government policy has led to a 60 percent increase in waiting lists for long-term care beds in Edmonton. Now the Mistahia region is on the verge of canceling all surgery in the northwestern part of this province except for emergency appendectomies and C-sections, and specialists in Calgary are threatening to cap waiting lists for surgery at three months. To the Premier: as a result of recent meetings with the Calgary regional health authority could the Premier please tell us what pressure points have been identified and when he plans to fix them?

MR. KLEIN: Well, Mr. Speaker, the pressure points haven't been clearly identified. My undertaking to the chairman of the Calgary regional health authority was to have an examination of the situation in Calgary, and if indeed those pressure points can be justified, then we can address them.

Relative to the situation in Mistahia, I will have the hon. Minister of Health respond.

MR. JONSON: Mr. Speaker, I think there are two points to be made with respect to the Mistahia regional health authority. First of all, as I understand the correspondence that I just recently received from them, the issue with respect to the range of surgical services that they're able to offer in Mistahia revolves around the recruitment or the changing of location of certain physicians and the challenge of recruiting additional physicians for those particular specialized purposes.

MR. MITCHELL: Mr. Speaker, to the Premier: why can't the Premier say that he has identified pressure points in Calgary's health care system when he's told this House over and over again that he has been monitoring and measuring the effects of his cuts for years and years? He should know by now. Is it too much to ask that he could tell us what the pressure points are in Calgary and do something about them?

MR. KLEIN: Mr. Speaker, pressure points occur from time to time, and those pressures occur as a result of – well, for instance, we have an outbreak of flu, a very serious flu. That is a pressure point, and if I read the quotes properly from physicians, they indicate that this is not a sustained kind of situation. If there are pressure points on a sustainable basis, then we will examine those pressure points, and we will address them. That is a commitment of this government. We will not let health care in this province suffer.

### Speaker's Ruling Decorum

THE SPEAKER: Do you wish to proceed now with the supplementary? I've heard at least 16 interjections from your troops. Do you want to share this with someone else, or do you want to proceed?

MR. MITCHELL: No. I'd like to do it myself.

THE SPEAKER: Please.

### Health Care System (continued)

MR. MITCHELL: Thanks, Mr. Speaker. To the Premier: talking about forgotten pressure points, will the Capital health authority be reimbursed the nearly \$1 million in costs that it has had to pay for acute care services because the government won't provide enough funding to open up long-term care beds needed in this region? You can't just talk about pressure points; you've got to do something about them.

MR. KLEIN: Mr. Speaker, relative to the specifics as they relate to the \$1 million, I'll have the hon. Minister of Health respond.

MR. JONSON: Mr. Speaker, I think there are two or three points to be made here. First of all, I'd just like to reiterate something that I've said in the House in previous days in answer to questions, and that is that we've responded very significantly in the Capital health region in terms of overall funding: in excess of 50 millions of dollars in increased funding. Those result in some very significant percentages: a 7 percent increase this year, as I recall, and over the last two years in excess of 15 percent.

Secondly, Mr. Speaker, we have addressed in the recently announced budget of February 12 a major issue that had been there, yes, for the Capital health authority, and that is the matter of their accumulated deficit and debt. We are responding very significantly in this area.

As far as the proportioning of acute to long-term care beds, that is something that is managed by the health authority.

THE SPEAKER: Second Official Opposition main question. The hon. Member for Calgary-Buffalo.

### Hepatitis-tainted Blood

MR. DICKSON: Thank you, Mr. Speaker. There are troubling reports from Toronto today that our provincial Health minister refuses to fairly compensate victims of tainted blood, people who now have hepatitis C. Many of these infections we could have avoided if this province had insisted on appropriate tests and safeguards. Now as a result of that negligence, 20 percent of Alberta victims will likely die from the disease. Many more Albertans will suffer severe health problems. My question this afternoon to the Minister of Health would be this. Tainted blood is tainted blood. Why won't this government compensate hepatitis C victims the same way it compensated those Albertans with HIV/AIDS?

MR. JONSON: Mr. Speaker, as the hon. member well knows, there have been major efforts made between the provincial governments and the federal government as recently as the past couple of days to develop an overall comprehensive package in

this particular area which will be equitable and fair for all Canadians unfortunately affected by this particular condition. We have looked very carefully at the Krever inquiry's recommendations. I think we've been working constructively over the last number of weeks actually but particularly having intensive discussions this past weekend, and I'm hopeful that within the next couple of weeks there will be a conclusion to this particularly important matter.

MR. DICKSON: Is the bottom line so important to this government that it would tie into compensation for hepatitis C victims basic health care services, social services already being delivered?

MR. JONSON: Mr. Speaker, I do think that it needs to be recognized that as provinces all across this country we provide a comprehensive range of health care services to all people who have illness and injuries and other health difficulties. So those costs are there certainly. What we are looking at, what our goal is is an overall comprehensive compensation package for the problem well identified in Justice Krever's report.

MR. DICKSON: Mr. Speaker, my final question to the Minister of Health would be this: why not give compensation to tainted blood victims now instead of spending it, as we most assuredly will, on legal fees and court awards? Victims will die waiting, Mr. Minister.

MR. JONSON: The basis of the member's question is irrelevant to the discussions we have been having, and that is, as I've said, that we have been working on an overall approach to this particular matter, to putting in place an overall compensation plan. Essential of course to this is major participation and support by the federal government, and we've been working with them on that. I think it is time now, Mr. Speaker, for us to work diligently and get an agreement and a plan in place for these individuals as quickly as possible.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Edmonton-Mill Creek.

### 1:50 Alberta-Pacific Forest Industries Inc.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Part of any negotiation surrounding the sale of a government-owned asset such as Gainers or MagCan or the Swan Hills waste treatment centre involves a critical step called due diligence. Due diligence involves the examination of cash flow statements, business plans, financial statements, market valuations, and so on. However, the Provincial Treasurer's letter of August 28, 1997, to the president of Crestbrook, which was tabled yesterday, outlines the terms and conditions of the proposed sale of the Al-Pac loans. It states that the Al-Pac offer must not be "contingent on . . . due diligence." In other words, there cannot be any examination of the previously referred to financial information. So my question to the Treasurer is this: can the Treasurer please explain why he is denying due diligence to the purchasers on the proposed sale of the Al-Pac loans?

MR. DAY: Well, Mr. Speaker, I'm sad to say that somebody has either deliberately misled the member opposite, or he's just not reading that accurately. In any negotiations like this there is a very clear process on both sides by which they get a strong estimation of what the value of the entity is. That was clearly

done in this process. As a matter of fact the letter states very clearly – and I think the member was somewhat errant yesterday also. In that very opening session, if you want to call it that, in terms of opening a discussion the letter said: listen; if you want to negotiate this particular entity, if you want to negotiate sales of a loan, which the member opposite actually has advocated on a number of occasions – and he hasn't just said get the full amount, but get everything you possibly can, try and get a good deal. He's on record for doing that.

In that process one of the things that I stated first in the letter was that our starting position would be the full value. Obviously negotiations carry on from there. Then there's a number of other items that are listed. In terms of due diligence, Mr. Speaker, the member has been on his feet a number of times saying: can they please get from us the cost and the valuations of the due diligence that we did on our side and on our part. I have said: yes, when and if a deal is completed, all information that can be made available on that subject will be made available. He will see that we did due diligence.

MR. ZWOZDESKY: Mr. Speaker, I think I should table the letter again, because I want the Treasurer to make sure he understands that he did say that it is not contingent on due diligence.

THE SPEAKER: This is not the time for debate. This is the time for ascertaining information. Get to the point.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I wonder if the Treasurer considers withholding information from potentially prudent buyers as an example of negotiating in good faith.

MR. DAY: Mr. Speaker, it's the buyers who have the information. They have all the information available to them that we do in terms of assessing the markets and the volatility of the markets and what the price of the product might be at any given time. When you're negotiating a sale, you don't run out and hold hands with the party on the other side in terms of walking them through what they must do to be accountable to their shareholders. I mean, I know the members opposite believe in certain socialistic tendencies and the government taking over everything, but going to the other side of the table and asking the people who want to do the buying if they've considered this, that, and the other thing?

Mr. Speaker, it is very clear that we've had a good, open negotiating process with this particular organization. We will look to see if it can be finalized. If it can't be finalized, everything goes back to the original terms of the deal.

MR. ZWOZDESKY: Well, Mr. Speaker, I wonder if the Treasurer could explain what the difference is between the proposed Al-Pac deal and the Gainers deal or the MagCan deal where due diligence was allowed.

MR. DAY: Well, Mr. Speaker, I've only been honoured to have this portfolio for a relatively short period of time, not going back into the times and days in which the other reference is. I can tell you that we have done very significant diligence on this particular negotiation with good and adequate involvement, with an MLA being involved and also working with our own officials and working with the private sector and working with the people who are involved in the other entity. It's been a very good process. It's been a very positive process. Now it's just a matter of whether a deal can be concluded. I can tell you that it's been a very positive process.

### Health Resource Group Inc.

MS BARRETT: Mr. Speaker, last December the College of Physicians and Surgeons ruled that Health Resource Group, which is trying to become Canada's first for-profit, private hospital, was not allowed to perform inpatient procedures. The New Democrats have learned that HRG is as of right now keeping patients overnight in their facility following the medical procedure that the patient received. The Health minister issued a news release on January 28 basically saying: oh, wait until our new legislation comes along. Well, I'd like to ask the minister right now: why is the Health Resource Group being allowed to keep patients overnight in their facility in defiance of the ruling of the College of Physicians and Surgeons and, in my opinion, in violation of Alberta's Hospitals Act?

MR. JONSON: Mr. Speaker, in terms of the most recent information that I've been apprised of, the facility referred to in Calgary is not doing anything that doesn't comply with the College of Physicians and Surgeons' overall accreditation of the facility. However, if the hon. member has any specific information that she would care to refer to me, I will certainly investigate.

MR. MITCHELL: Maybe she could collect the 5 percent hotel tax.

MS BARRETT: Even I'll go along with that.

Well, Jim Saunders confirmed it to my staff yesterday afternoon, Mr. Speaker. I'm surprised the minister is not aware that this is going on.

Basically, then, my question is: who's watching these guys, and who's determining whether staying overnight is a medical necessity or not? Who's in charge?

MR. JONSON: Mr. Speaker, it is quite correct that I have not assigned any Alberta Health staff to take up residence in this particular facility. Certainly, as I indicated, this report has been provided here verbally in the House. If the hon. member has a concern to draw to my attention and has documentation, I'm certainly prepared to follow up on it.

MS BARRETT: Well, I can tell the minister that the facility is contracting overnight health care with nurses and LPNs and so forth.

Will the minister agree now to put a stop to HRG allowing patients to stay overnight in their facility, considering the motion from the college of physicians and considering his obligations under the Hospitals Act?

MR. JONSON: Mr. Speaker, certainly, as I have indicated in this House, we are applying the principles of the Canada Health Act. We are applying and supporting the College of Physicians and Surgeons in terms of the accreditation and standards that they set across this province. With respect to this particular specific matter the member is referring to, I would certainly undertake to investigate it.

THE SPEAKER: The hon. Member for Calgary-Lougheed, followed by the hon. Member for Edmonton-Glengarry.

### Corporate Registry

MS GRAHAM: Thank you, Mr. Speaker. Earlier this month the corporate registration services in the province were privatized, and subsequent to that a constituent of mine reported to me that she was having a great deal of difficulty finding a registry office or some agency who could register her corporate documents, which in this case was a simple annual return. My question is to the Minister of Municipal Affairs. Under the new corporate registration system why aren't all existing registry offices providing corporate registration services that were previously provided by the government?

MS EVANS: Mr. Speaker, I'm very pleased to answer the question. We are building on the success of privatization of registry services, and when I review the figures, from the onset of this privatization we are almost half the cost per transaction, with a growing number of transactions, than we were four years ago. In the case of the registry agents themselves, almost 800 have been accredited either to deliver level 1, which is the least complex transaction, or to deliver a more complex transaction at a level 3. It's a fairly rigorous program of accreditation, and all of them are not required to take it, just those that seek to provide those kinds of renewals and those kinds of business certification transactions.

2:00

MS GRAHAM: Mr. Speaker, my first supplementary question, also to the Minister of Municipal Affairs: when a person or a corporation has to shop around to find a registry office or a service provider who will provide the right service for the individual, how can that be a better level of service for the citizens of Alberta?

MS EVANS: Mr. Speaker, through the early days of effecting this transfer so that we are moving in a higher technological fashion to be more efficient, we have found indeed that there are some hurdles to overcome. As a result, with the annual returns that are being solicited with a two-month notice provision, we're providing and highlighting a list of registry agents to the customer so they will know which ones are capable of delivering the service that will effect their transaction. Beyond that, if they choose to shop around in the market, they'll find that people are charging for their services on-site anywhere from \$5 to \$26 per transaction, and we are very closely monitoring and evaluating that.

MS GRAHAM: Mr. Speaker, my second supplementary, also to the same minister: just following up on that disparity in fee structure from agency to agency, is the government considering perhaps controlling the fees being charged or looking at a cap on these services as we have in other registry services?

MS EVANS: Mr. Speaker, we are not. The simple answer is no, and for all the right reasons. We are not contemplating doing this because we believe the marketplace will take care of itself and this government is not intent on adding more regulation.

### Treasury Branches

MR. BONNER: Mr. Speaker, over the past decades Albertans have heard three successive Provincial Treasurers state that the government does not get politically involved in the operations of Alberta Treasury Branches. Now we find out from a former Provincial Treasurer that the government used the Treasury

Branches during the late 1980s to backstop loans to Peter Pocklington for the Gainers operation so the government could keep the details of those financial arrangements a secret from both the Legislature and Albertans. To the Provincial Treasurer: have there been any government-guaranteed ATB loans backstopped by the province that have been restructured without taxpayers being informed beforehand under your tenure as Treasurer?

MR. DAY: Mr. Speaker, I can't comment on what may or may not have been said by another Treasurer I don't know how many years ago any more than I would expect the member opposite to account for something Nick Taylor said back when he was leader of the party. But I can say this: it's been very clear in this Assembly and to the public and to the people who do business with Treasury Branches that there have been some significant changes in the Treasury Branch operation, not the least of which was legislation which was passed with approval from all members in this House, including the Liberals, which really clearly delineated the Alberta Treasury Branches as an arm's-length operation having to compete on an equal basis with other financial institutions, even to the act of having to deal with their loan loss provisions, as they did last year, as other financial institutions have to do, which resulted in a short-term loss for them, and having quarterly reports last June, as a matter of fact having their first annual report, a board that is separately put in place that is accountable for the operations of that particular entity. This government and this Treasurer do not in any way get involved in the determination or the influence of any of those loans whatsoever.

MR. BONNER: For the record, Mr. Treasurer, are you saying that under your tenure you are absolutely sure of the assertion you just made to this Assembly?

MR. DAY: Mr. Speaker, if one of the members on this side asked me a main question and then said, "Could you repeat the answer again?" he'd be shouted down. I'm glad our members are more respectful and will at least let him come out with that particular question again. I've stated it emphatically. I've stated it clearly. It's on the record. It's in *Hansard*. I don't know how much clearer we can make it.

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

### Palliative Care

MRS. FORSYTH: Thank you, Mr. Speaker. Hospice Calgary has been providing services to Calgarians and Albertans since 1981. It is a nonprofit, community-based, charitable organization, which during the past years has cared for over 1,700 individuals and families as they face dying, deal with death, and rebuild from their grief. They receive no Alberta health care funding; rather they have always been totally donor based. My questions today are to the Minister of Health. Why is Alberta Health not paying for the care of dying individuals, including their medication and medical supply equipment costs, when they are dying in a residential hospice rather than in an acute care hospital?

MR. JONSON: Mr. Speaker, the service of the hospice sector in the health care system is a very important one. The hon. member is certainly correct in that the funding for this particular type of

facility and program would have to be decided upon and provided through the regional health authorities of the province. I certainly think that in terms of the care of people who are dying, this is certainly a very good option, a very important option for regional health authorities to look at. I do acknowledge also, though, that in our funding, particularly as it pertains to covering pharmaceuticals or drugs, we have an area that we need to improve our coverage in. In the budget that was brought down on February 12, we do have money set aside to provide for drug coverage for these individuals.

MRS. FORSYTH: Thank you, Mr. Speaker. I appreciate the answer, Mr. Minister.

My last question is: would the minister be supportive of having beds in a hospice available through contractual arrangements with the regional health authorities?

MR. JONSON: Well, most certainly, Mr. Speaker. First of all, we do have agencies in the voluntary sector of the health care system that have experience and expertise in this area. While I think that regional health authorities and all of us would look at this particular type of care from the point of view of its sensitivity and comfort for the patient, it also, according to the economic projections that I am aware of, offers a very cost-effective approach to providing care for these individuals. So I would certainly think it would be an option that a regional health authority should look at very, very actively.

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

### Apprenticeship Standards

MR. MacDONALD: Thank you, Mr. Speaker. There are still more signs of division in this government. The new chairperson of the province's Apprenticeship and Industry Training Board has spoken out on the skilled labour shortage in this province. Welding is classified as a compulsory trade, but the new chairman thinks that you can simply relax the standards and train a welder in six months. My questions are for the minister of career development. Who are we to believe, the chairman of this board or yourself, when you clearly state that the province's apprenticeship standards will not be compromised?

MR. DUNFORD: Well, Mr. Speaker, what we have in Alberta of course is a world-class apprenticeship system. Part of that world-class apprenticeship system is the recognition of the welding trade, and it's a three-year program. I believe that what the chairman was referring to was a pre-employment program.

MR. MacDONALD: On what information is the chairman of the apprenticeship board basing this notion? It's certainly not a pretraining, prejob program. He stated explicitly in the *Edmonton Journal* what he meant. Explain his view.

MR. DUNFORD: Well, I guess we have to stick to a script. Welding's three years in this province.

MR. MacDONALD: Mr. Speaker, how does charging \$710 to test a welder under the Alberta qualification certification program address this perceived shortage of skilled tradesmen in this province?

2:10

MR. DUNFORD: Now, that's a good question. That's the sort of thing that we believe needs to be publicized more, because up to now most people in Alberta felt they had to get into a full-blown and fully accredited apprenticeship program and had to start from day one. With the pressure there's been on skilled trades in Alberta, we've been trying to find ways in which to streamline the apprenticeship system, and there's been actually very good consultation with all of the industry. The unions have been very forthright in the manner in which they feel that some of these areas could be assisted. One is, of course, that a person that has worked on perhaps an ad hoc basis in a particular trade can now, like any other adult learner in our system who has to pay tuition, pay a fee and they can have their credentials assessed. I think that's not only important for the adult learner; I think it's a terrific thing for the Alberta taxpayer.

### Federal Transfer Payments

MR. DOERKSEN: Mr. Speaker, page 392 of the budget shows the impact of the reduced Canada health and social transfer to the provinces. In view of the federal government discussions of a possible fiscal dividend, the provincial finance ministers met in Fredericton last Friday to discuss possible options, including a reinstatement of the Canada health and social transfer or perhaps a transfer of tax points to the provinces. My question is to the Provincial Treasurer. Will the Treasurer please explain how a tax point transfer from the federal government can result in a tax reduction to the province of Alberta?

MR. DAY: Mr. Speaker, the issue was partially addressed yesterday and again not quite accurately, when the NDP leader purported to table a position on this particular matter. It's important to understand that Alberta as a province supports the whole process of equalization payments; that is, when there's an area of the country that is hurting, the payment system through equalization – there is a redistribution that goes to the province or provinces that are hurting economically. That is a clear issue on which we maintain our support and always have.

The other issue related to the CHST and that cash transfer which the Liberals reduced overall. In terms of when they were looking at their budget reduction, they slashed the health and social transfers by 38 percent to Alberta, and their provincial cousins here did not at all help us in terms of getting a message to their Liberal cousins in Ottawa that this was a very strong hit on our health and social programs. However, we soldiered on, and we continued to operate without a deficit and maintain the programs.

There has always been the question on the paper and on the table of provinces being able to take either some of the cash that goes with that transfer or the tax points. Now, when that was first made available in the '60s, as a matter of fact Quebec was the only province to take the tax room rather than the actual cash from the federal government. Other provinces are now saying, "Can we also take some tax room to lighten the load for our citizens, other than the cash?" That's one of a number of questions our province is looking at right now.

MR. DOERKSEN: Again, to the Provincial Treasurer: can the Treasurer explain to us what agreements were reached with the finance ministers at that meeting in Fredericton?

MR. DAY: Mr. Speaker, being ably represented by the Member for Red Deer-South at that meeting because in fact the budget was being brought forward here, he is doing some good follow-up work in terms of saying: "What are the decision points at this point? What was agreed?" To be totally frank, the CHST and whether that should be on a per capita basis or not, some provinces, awhile ago Newfoundland being one, had some difficulty with the per capita amount of the CHST. So we're still working on that particular one. There is strong agreement that what one province wants, even though another province doesn't insist that they also have it, that province should be able to go after that. [interjections]

Man, it's noisy over there.

THE SPEAKER: Hon. members, if the next question is, "Would the Provincial Treasurer kindly inform the Assembly what I did last week in representing him?" I think we've gone a little far. I think we're going to move on.

The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Calgary-West.

### Fish Conservation

MS CARLSON: Thank you, Mr. Speaker. Sport fishing in Alberta is worth more than \$500 million a year to the Alberta economy, and the recreational and environmental value of fish is immeasurable. Serious underfunding and understaffing have led to the neglect of key fish habitat and spawning grounds. Putting limits on the catch won't solve the problem. It is only postponing the inevitable collapse of the fisheries, particularly in northern lakes. My questions are to the Minister of Environmental Protection. Why did he wait until the fish population seriously declined before taking action to reduce the catch or set up management plans? Northern mayors and the Auditor General have been warning him about this for years.

MR. LUND: The fact is that we've had a number of studies going on, and the results of those studies have seen some reduction in the catch. In many areas we've even gone to a catch and release situation. That, coupled with our stocking program – we believe that we can, through good management, have these lakes recover their natural stocks.

MS CARLSON: Well, Mr. Speaker, why has he failed to protect fish spawning grounds by allowing culverts and roads to be built that affect these areas? It's happened all over this province.

MR. LUND: The fact is that we have in this province very leading standards that do protect the habitat, Mr. Speaker. As a matter of fact, that's one of the reasons I was so anxious to have the harmonization process go ahead, so that these standards will be common across Canada, because we have the highest standards. If we can get everybody else to come to our standards, it will be good for the fish and wildlife across Canada.

MS CARLSON: It's too little too late, Mr. Speaker.

Will he now at least use the \$1.4 million that he took by privatizing the sale of hunting and fishing licences to employ more fish and wildlife officers to improve the fish habitat? That's what's needed. The management needs to be addressed.

MR. LUND: The fact is that our total budget has seen a reduction. The \$1.4 million we are saving by privatizing the sale of licences will be used to continue to provide the service that is

necessary to do the studies, to manage the stocks of fish and wildlife, and also to make sure that the habitat for both are protected.

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

### Student Finance

MS KRYCZKA: Thank you, Mr. Speaker. I am concerned about the costs of postsecondary education in Alberta. My question is to the minister of advanced education. What financial assistance programs are in place for postsecondary students both now and for future students?

MR. DUNFORD: Well, Mr. Speaker, we have student loans of course. Student finances have come up here in the House before and will again, I'm sure. We also have grants for students in special situations. This might be single moms, that sort of thing. Also then, of course, we have scholarships for high achievers.

In the future – I think the announcement has been made, and I would want to raise it again in the House because we're very proud of it. The Alberta opportunity bursary will begin hopefully in the fall of this year and will be directed at students that are experiencing financial need.

MS KRYCZKA: Thank you.

Mr. Speaker, my first supplemental is also to the minister of advanced education. Do the financial programs focus only on students with high need, or is there any recognition for academic achievement?

MR. DUNFORD: Well, we try to focus on both, Mr. Speaker, but certainly with the majority of our programs there is a sensitivity toward financial need. On the merit side, though, I would point out to the hon. member and other members here in the House that we do have the Alberta heritage scholarship fund. This is an amount of \$12.5 million that is put aside each year for scholarships. While I don't have the exact number of students in the past year that have qualified for those scholarships, it does help a tremendous number of students here in the province.

2:20

MS KRYCZKA: My second supplemental is again to the minister of advanced education. Could you enlarge a little bit about the new bursary program regarding implementation? For instance, how soon may students be able to apply, et cetera, so they can plan?

Thank you.

MR. DUNFORD: Mr. Speaker, students could really start to apply as we speak, although they wouldn't qualify for the bursary until this fall.\* The hon. member must understand that the dollars that the government has indicated they would put into this program – namely, \$15 million a year for the next three years – are matching dollars. We are looking to the institutions and, of course, then to private sector or nonprofits, the third sector, individuals themselves, to come forward, donate dollars or make dollars available for the opportunity bursary which then our government can match.

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

\* see page 470, left col., para. 5

### Farm Income Disaster Program

MRS. SOETAERT: Thank you, Mr. Speaker. Farmers in Athabasca and in parts of the Peace country, especially in the MD of Saddle Hills, are suffering from two extremely wet years. People are losing their farms, communities are suffering, and financial advisers are being trained in stress counseling. To the Minister of Agriculture, Food and Rural Development: why does this government not use its powers under section 53(b) of the Agriculture Financial Services Act, "provides for the payment of compensation for loss or damage to crops or land," to assist those who are suffering from this disaster?

MR. STELMACH: Thank you, Mr. Speaker. We've clearly indicated over the last couple of years that we have two programs in place. One is the Alberta hail and crop insurance and the other is the farm income disaster program. The farm income disaster program has actually kicked in in the Saddle Hills-Peace River area for a number of farmers that have lost significant income over the previous two years. Unfortunately, those operations that have not shown any generation of margin previous to the loss of those two years do not initiate any – well, they all qualify for the program but don't see any payments coming out because they haven't had a margin prior to the two years of disaster.

MRS. SOETAERT: Well, you've identified the problem. We need a solution.

Will the minister at least extend credit so farmers can defer loan and interest payments? You just said the farm income disaster program doesn't work when a disaster hits two years in a row, so could you defer their loans?

MR. STELMACH: Mr. Speaker, let me clarify. The farm income disaster program covers poor weather growing conditions or a drop in commodity prices. The people that may not qualify for a farm income disaster program are those that showed no profit margin in the previous years before the disaster. However, keeping in mind that we wanted to help all the farmers in that particular area, we had asked our loans officers to look at three qualifying factors. One is the viability of the farm, the business management that's available at that particular operation, and also look at the collateral. We've instructed them to look at at least two of the three qualifying factors. If any of the farming operations have at least two of those three qualifying factors, we're ready to sit down and work with them and the banks and farm credit. To my current information that I have, we've helped a number of farmers in that area by restructuring and offering free business and financial counseling to them.

MRS. SOETAERT: Thank you, Mr. Speaker. Doesn't the minister realize that if these farms fold, so do their communities? I don't understand why you are not choosing to use the power you have to intervene to help them.

MR. STELMACH: Mr. Speaker, as one farmer who lived through a number of years of drought in northeast Alberta, I certainly can sympathize with what the farmers are going through in the Saddle Hills-Cleardale area. However, when it comes to the programs in place, our information is that in all those farms there is at least some viability, farm business, or some collateral. We are working with them. We are also looking at the completion of this three-year pilot project for the farm income disaster

program and how we can still stay within the WTO rules and not incur any countervail duty from the Americans when it comes to farm subsidy programs. So that is why we have to be very careful to stay away from the subsidy.

THE SPEAKER: The hon. Member for Livingstone-Macleod, followed by the hon. Member for Edmonton-Glenora.

### Nonprofit Organization Tax Exemptions

MR. COUTTS: Thank you, Mr. Speaker. In the town of Claresholm in my constituency nonprofit groups play a very important role in providing services to that community whether they're talking about sports and recreation or the arts. Some concern has been raised over the property taxes paid by curling clubs and golf clubs that were operated by nonprofit organizations and their many volunteers. My questions today are to the Minister of Municipal Affairs. Do the community organization 1998 tax exemption regulations that were announced yesterday address some of those issues that we talked about with the Claresholm town council?

MS EVANS: Mr. Speaker, in a word, yes. In our interpretation last year inconsistencies both in the nonprofit organizations plus application of tax exemptions were critical issues for a number of the volunteers in our communities. Three MLAs from the government side, Calgary-Glenmore, West Yellowhead, and Banff-Cochrane, set about reviewing 100 submissions from associations, individuals, and nonprofits and evaluated in fact that there were a number of inconsistencies, confirmed that fact, and have presented a report which the government has accepted that will enable us to recognize the value of our volunteers in this province.

MR. COUTTS: Mr. Speaker, my first supplemental to the minister: what are some of the additional activities that are now eligible for property tax exemption under the new regulations as recommended by the nonprofit tax review committee that you struck?

MS EVANS: Mr. Speaker, nonprofit day care centres for one, some chamber of commerce facilities, facilities held by charities such as the Red Cross that have few or no local beneficiaries, certain sport and recreation facilities that are accessible for use by the general public – and that is a criterion – and thrift shops or sheltered workshop facilities are also among those that may be deemed to be of value for the not-for-profit regulation.

Mr. Speaker, I should confirm that up until the end of April groups that are applying will be evaluated on the basis of their confirmation with this transitional regulation. We hope to hear from many of them.

MR. COUTTS: My final supplemental, Mr. Speaker. Over the past number of years some concern has been raised by community associations regarding clarification of their property tax status. Does the regulation address the concerns of these associations?

MS EVANS: Mr. Speaker, throughout the regulation, reading it will determine for the reader or the group the definitions of "charitable," "not-for-profit," "benevolent," and so on. We believe that the definitions are clear, that it will be easily understood, and we believe we've addressed that issue.

### Advanced Education Tuition Fees

MR. SAPERS: Mr. Speaker, recently university students in both Calgary and Edmonton have learned that their institutions will be increasing tuition fees next year by the maximum amount allowed by government policy. This government still can't even decide whether or not they're going to support the minister's promise to legislate a cap on tuition fees of 30 percent of an institution's operating costs, a move that would still see tuition fees steadily rise for many years to come. My questions are to the minister of advanced education. What calculations has the minister done to determine how many qualified Alberta students will now be prevented from attending postsecondary institutions because this latest round of increases has made it far too expensive for them?

2:30

MR. DUNFORD: Mr. Speaker, that continues, of course, to be the allegation regarding tuition increases. It continues to be the position that those folks that are unhappy, that do not agree with tuition increases bring forward. The fact of the matter is, however, that enrollment in our postsecondary system has been increasing as the tuition rates have gone up. So we have an interesting situation that relates to the question. I do not have any actual numbers, then, of anyone staying away from our postsecondary system because of tuition. We're there to help. Our job is to get people into the system, not keep them out.

MR. SAPERS: So no calculations have been done. I take it that's the short form of the answer.

How, minister, is your policy of allowing tuition fees to escalate and escalate and escalate consistent with your public statements that this government and this minister are concerned with the skills shortage in Alberta and are committed to doing something about it?

MR. DUNFORD: The postsecondary system we have here in the province of Alberta is recognized across Canada as a high-quality and a high-performance system. I don't think anybody should feel concerned, and I certainly don't need to apologize for the fact that when people pay tuitions to enter into the Alberta postsecondary system, they are paying for quality and they are getting that quality. We want to make sure that those who are investing who can pay, will pay. As I say again, for those that find themselves in financial need, we have all kinds of opportunities to get them into the system.

MR. SAPERS: Mr. Speaker, maybe the minister will tell us, if he knows or if he even cares: how many students who can't afford the escalating tuition fees because of his government's policies of cutbacks in advanced education funding have also not been able to qualify for the truncated loans and bursary programs? How many students are being left behind?

MR. DUNFORD: Clearly as we look at the history of the situation, we find that enrollment in the system has gone up. I want to use this opportunity now to congratulate the whole postsecondary system. They've made a tremendous increase in productivity. The government cuts went down, yet the enrollments went up. We've got a tremendous system.

The letters I get from people around the province that are having difficulty in getting into the system we've been able to respond to. There's no doubt that there are going to be people out there who feel that because of the tuition levels they can't get

into the system. I would hope today, through this medium and through the assistance of the hon. members on the opposite side, if they know of any student who is unable to enter our postsecondary system because of financial need, that they bring that name forward to me personally in our office, and we'll do whatever we can to help those students.

THE SPEAKER: Prior to proceeding with Orders of the Day, we have notice of one Standing Order 40 and at least notice of one purported point of order. So we'll proceed with Standing Order 40.

The hon. Member for Calgary-Buffalo, urgency.

### head: Motions under Standing Order 40 Freedom to Read Week

Mr. Dickson:

Be it resolved that under Standing Order 40 this Assembly recognize that February 22 to March 1, 1998, is Freedom to Read Week.

MR. DICKSON: Thanks very much, Mr. Speaker. I'm invoking Standing Order 40. In speaking to the urgent, pressing necessity, the issue is this: whether this Assembly and members will recognize February 22 to March 1, 1998, as Freedom to Read week. This, in fact, was something that was permitted by the Assembly, and we did receive unanimous consent in 1995.

It's in effect a celebration of section 2 of the Charter of Rights and Freedoms, the freedom of expression. The reason this is so urgent, Mr. Speaker: some Albertans are questioning the commitment of their elected MLAs, the men and women who sit in this Chamber, to freedom of expression. That's why it's so important that we disabuse any Albertans . . . [interjections]

Mr. Speaker, those are the comments I wanted to make in terms of urgent and pressing necessity. Thank you very much.

THE SPEAKER: Might we have unanimous consent to proceed with the motion as proposed by the hon. Member for Calgary-Buffalo?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE SPEAKER: The request is defeated.

The hon. Member for Edmonton-Glenora. Point of order?

MR. SAPERS: Yes, Mr. Speaker. I indicated to you that I wanted to raise a point of order during the exchange between the two members from Red Deer. I think your intervention adequately dealt with that point of order, and I appreciate your intervention during question period.

THE SPEAKER: The hon. Government House Leader.

### Point of Order Explanation of Speaker's Ruling

MR. HAVELOCK: Thank you, Mr. Speaker. Pursuant to Standing Order 13(2) I would appreciate if you could provide an explanation as to why you ruled the Member for Red Deer-South

not being able to ask his second supplementary. While I recognize that the first supplementary may well have stretched the rules and the spirit of the Standing Orders, I humbly suggest that it would have been more appropriate for you to have allowed the second supplementary and, if finding it to be out of order, to have so ruled at that time.

MR. DOERKSEN: Mr. Speaker, if I could also address this question briefly, out of due respect and under Standing Order 13(2) ask you for a ruling.

The question on the Canada health and transfer is an important issue to Albertans. It was raised yesterday by the leader of the NDP opposition, and at that time nobody in this House found it particularly amusing or funny when she asked the question.

This is a matter of importance to Albertans because transfer payments have reduced substantially. Alberta has a constitutional obligation under equalization payments, and we're proud to support that. Under the Canada health and social transfer we've been asking for equal per capita transfers from the federal government. All the finance ministers that met in Fredericton were concerned about intrusion of the federal government into provincial affairs. That was shared by finance ministers from a number of different governments with different political persuasions.

The millennium fund, which is now being talked about, is an example that we fear will intrude into the province's delivery of postsecondary education in that regard. So the question of representation at that particular meeting is of importance to Albertans. They need to know what agreements were reached, because these are significant agreements. They will be a united front to the federal government, and the future steps of these particular papers that are going to the Premiers' conferences to be addressed there are of significant importance to the province of Alberta. The question, in my opinion, needed to be asked for Albertans' clarification. In that respect, Mr. Speaker, I would ask for an explanation under 13(2).

THE SPEAKER: Hon. Opposition House Leader, you've already spoken on this point of order.

MR. SAPERS: No, Mr. Speaker. When you called me on my point of order, I had withdrawn it. I thought we were now dealing with the Government House Leader's point of order.

THE SPEAKER: Okay. I follow you. You've withdrawn your point of order, and we're now dealing with the Government House Leader's point of order.

MR. SAPERS: Right. Thank you very much. While I agree very much with the Member from Red Deer-South that the content of the meeting he talked about was very important and all Albertans want to know, as you are well aware, Mr. Speaker, of course the Treasurer has the opportunity to table documents in the House, to have a ministerial statement. It's in the Routine. He has lots of opportunities to talk about the position of the province of Alberta regarding its relationship with the federal government and tax policy and doesn't need question period to have that message put out.

I will draw your attention not just to Standing Orders and section 13 but also to *Beauchesne* section 408(1)(f), which suggests that a question should "not raise a matter of policy too large to be dealt with as an answer to a question." I think the

broad context of the question certainly violated 408(1)(f).

I'll also draw your attention to section 409(5).

The matter ought to be of some urgency. There must be some present value in seeking the information during the Question Period rather than through the Order Paper or through correspondence with the Minister or the department.

I will also now refer to subsection (12) of that section, which says, "Questions should not anticipate a debate scheduled for the day," and of course Motion 16 about the government's fiscal policies is on the Order Paper.

2:40

There are many reasons in *Beauchesne* why that set of questions should not have been allowed. Mr. Speaker, I anticipate that your ruling may end up in the 8th edition of *Beauchesne*, because I would also hope that at some point we'll be seeing in *Beauchesne* a prohibition against a private member asking a government minister to talk about a meeting that the private member was at when the government minister wasn't there.

THE SPEAKER: The hon. Provincial Treasurer on this point of order.

MR. DAY: On the point of order, Mr. Speaker. I was going to say I was surprised – I'm not surprised to hear our Liberal colleague across the way bringing in measures to restrict freedom of speech. I'm not surprised to hear that at all.

I can say that the supplementary question the member asked had to do with any decision points that followed that meeting. The whole issue of transfer payments and options to provincial governments is a critical matter as we are looking at rebalancing the federation in terms of the fiscal arrangements. So these were critical questions. The member was not asking what he did there. He represented the government and represented the Treasurer there very ably, and since that time, with the information that has been passed to me, he was wanting to know on behalf of his constituents: what is the government doing, and what decision points have been reached following that meeting? That is a very pertinent question.

I have to agree with the House leader too. I'm just somewhat curious, not challenging at all, Mr. Speaker, nor would I ever challenge the heights of your wisdom. I always stand in admiration and respect of it. But I simply want to know what would have led you to in fact rule out the second supplementary before the member had the chance to disclose what in fact he was going to be asking, and I look forward to that with great anticipation.

DR. WEST: Can I speak?

THE SPEAKER: Absolutely, hon. Minister of Energy, on this point of order initiated by the government.

DR. WEST: Well, it's not often that I take a position . . .

THE SPEAKER: This is the government point of order.

DR. WEST: Yes. And I'm speaking against it.

THE SPEAKER: Proceed.

DR. WEST: It's not often that I would take a position directly opposite to our hon. House leader, but I find so often in here that as points of order come forth, usually from the opposition, it

wastes an immense amount of time in this Assembly. I have to go home to my constituents, as they watch question period and they watch this diatribe that goes on, and I have to justify to them what is going on in here. Whether it's on our side or their side, after every question period there pop up these points of order. In this case it's on the government side. I believe that it's a waste of parliamentary time, and I speak out against this point of order, as I should on some of the others.

THE SPEAKER: Hon. members, the rules – *Beauchesne*, Standing Orders, and all the traditions – clearly indicate the purpose of question period. The purpose of question period can be outlined in *Beauchesne* 408 and a whole series of other citations, including “urgency” in 409.

Yesterday in question period the chair heard very, very clearly at one point when the Provincial Treasurer got up and indicated with some degree of pride that a colleague of his had represented him last week at a meeting of finance ministers in one part of the country. So today questions came from the hon. Member for Red Deer-South, and the chair listened very attentively again to the urgency in the seeking of information and then listened very attentively to perhaps a little longer than normal responses from the Provincial Treasurer with respect to this and thought that perhaps the matter had been dealt with rather clearly in terms of the average length of questions and answers today, which was actually pretty good except for one case. In fact, we had 14 sets of questions today.

It's certainly not with any degree of disrespect to the hon. Member for Red Deer-South, but the chair almost was anticipating the question: I had been there; would you, hon. Provincial Treasurer, help me out in terms of what we had done? Perhaps that's a misunderstanding on the part of the chair in dealing with this, and perhaps it was an oversight on the part of the chair in eliminating the hon. Member for Red Deer-South from proceeding with his question.

So with due indulgence from the hon. Member for Red Deer-South and recognizing what the Minister of Energy just said, we've now spent over 10 or 11 or 12 minutes on this point of order. That's probably about four or five times longer than would have been required in the exchange between the hon. members from Red Deer with respect to this question. So perhaps the point has really been maintained. All of the information has been raised in the last few minutes. All of the information has been gotten out. But you know, if one hon. member is representing an hon. member at a function, gee whiz, maybe the two of them probably had a debriefing someplace along the line. I don't know, but I can only suggest that that perhaps might have happened, and perhaps one other hon. member might be invited to receive that information for them.

By the way, just out of interest, February is Heart Month. February is also Potato Month. February 15 to 21 is Brotherhood/Sisterhood Week. February 15 to 22 is Girl Guide/Scout Week. February 16 to 18 is the Heart Fund Campaign. February 16 to 20 is Uncles at Large Week. February 19 to 22 are the Alberta Winter Games in Red Deer. February 21 and 22 is Guides on the Air days. February 22 to March 1 is Freedom to Read Week. February 24 is Shrove Tuesday. February 25 is Ash Wednesday. February 19 is the birthday of the hon. Member for Lacombe-Stettler. Perhaps we've spent enough time on this, and we'll probably get through the next number of days having covered this now in terms of what we said.

head: **Orders of the Day**

head: **Written Questions**

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that written questions appearing on today's Order Paper stand and retain their places with the exception of written questions 1, 2, and 6.

[Motion carried]

### Intensive Livestock Operations

Q1. Ms Carlson asked the government the following question: Between January 1, 1995, and December 31, 1997, how many complaints were received about potential pollution or odours from intensive livestock operations, how many inspections were conducted, and what action was taken, including the number of environmental protection orders and fines, under the Environmental Protection and Enhancement Act?

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

MS CARLSON: Thank you, Mr. Speaker. This information is becoming increasingly important, Mr. Speaker, as we see the number of intensive livestock operations increasing across the province. We have some concerns that with just codes of practice being in place in the province, we are not seeing the kinds of inspections that should probably take place in this case. I understand that the minister will move some amendments here shortly and will change “inspections” to “investigations.” While it's very important for us to know how many actual investigations have taken place, we would still like to know how many inspections were done, and if they were not done, if he could tell us why.

Thank you.

MR. LUND: Mr. Speaker, we find it necessary to move some amendments to this written question. Amendment 1 would be by striking out “January 1, 1995” and substituting “April 1, 1995.” The reason for this is because on April 1 of 1995 we implemented the new system that in fact keeps track of these kinds of investigations and records them as it relates to what the investigation was about.

The second one is by striking out “how many complaints were received” and substituting “how many public complaints were received by pollution control division.” The third one is by striking out “inspections” and substituting “investigations.” Mr. Speaker, it's important that we look at the investigations. Those are the follow-up to these kinds of reports.

So the question that we are prepared to accept would read:

Between April 1, 1995, and December 31, 1997, how many public complaints were received by pollution control division about potential pollution or odours from intensive livestock operations, how many investigations were conducted, and what action was taken, including the number of environmental protection orders and fines, under the Environmental Protection and Enhancement Act?

THE SPEAKER: Hon. Member for Edmonton-Ellerslie, on the amendment?

2:50

MS CARLSON: Yes. Thank you, Mr. Speaker. We're happy to accept that amendment, except that we still have a problem in terms of not knowing how many inspections are done. The question was originally intended to address a specific concern of people in the province. We're seeing increasingly that landowners adjacent to people who are anticipating intensive livestock operations or to those who already have intensive livestock operations are facing a problem, and that problem is that they can't get investigations done and environmental impact studies done because there's no specific requirement to do it unless there's some sort of an investigation having been done by this department. They can't get the investigation if there hasn't been any sort of an inspection done, and there's no requirement in the act for this to happen.

I have two specific instances in front of me here where there was a request made to Alberta Environmental Protection to do an environmental impact study, and it was refused because Environmental Protection will only get involved at the request of a county to do one of these studies. The county won't do it because they say that this activity is not environmentally regulated. Therefore, then, there's no need for a study. So it's a chicken-and-egg problem with this intensive livestock farming, Mr. Speaker, and it is becoming a significant problem in this province.

We have another very similar example like this where the code of practice that is currently in operation for these intensive livestock operations doesn't require or address some of the kinds of operations that are happening on these farms. So as a result of that, we're still saying that what we need is a tabling and some information about the inspections. If you're not doing them, then we need to know why.

[Motion as amended carried]

### Forest Management Staffing Levels

Q2. Mr. White asked the government the following question:  
How many staff were employed by Alberta Environmental Protection on January 1, 1993, for forest management, and what were the comparable figures on January 1, 1998?

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

MR. WHITE: Thank you, Mr. Speaker. I rise to speak to the reasons for putting this question. You see, this particular question should not have to be ever put. If in fact the budget documents that are tabled in this House on a regular basis would be as full and complete as documents are at other levels of government, notably the municipal level of government, then a thing called FTEs, or full-time equivalents, would be fully displayed, and one would not have to ask these questions, although I have to admit that the amendments to the question and the answers that'll come back will be gratefully received.

Recognizing that we're talking about staff in the department that in fact are either administrators or those that go out and look at the lands that are owned by the Crown and that therefore this government is responsible to the people of Alberta too, recognizing that there's a need for these people – and yes, the government is going to come back and say, “Yes, well, through the advent of FMAs or managed lands the companies that are party to those FMAs are in fact regulating themselves.” Well, that may be the case, but it still behooves the government to periodically check that the agreement, as it's signed, is actually being enforced. That's where the question arises.

Now, recognizing that most of the experts in the field would agree that the annual allowable harvest in this province is, if not totally and completely allocated or overallocated, very close to being totally allocated such that there are no other great forests to be harvested from year to year that aren't currently being harvested, if one was to err in the area of environment, one would want to err on the side of caution. Not having enough people out there in the field that are doing the physical checks to see that the replanting or the reforestation is being carried out as contracted for, that the cuts are done in accordance with standard practice so as to allow some other flora and fauna to flourish and so as not to allow the spring runoff to take all the soil and collect it in some great alluvial fan outside the province and recognizing that if it is the case to err on the side of caution, then this information should be put forward each and every year to assure the citizens of Alberta that in fact their minister, their government is taking care of their resources.

I thank the minister opposite for allowing this question to stand. Thank you, Mr. Minister.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. As I listened to that long dissertation of bad information, it spurs me to almost give a 20-minute speech on some of these things that this province is doing.

Mr. Speaker, the hon. member made three or four comments that I just have to correct, one talking about the forest companies regulating themselves. There is no company that regulates itself. We write the regulations, and we enforce those regulations.

He talked about the annual allowable cut and that it's overallocated or nearly overallocated, he said. Well, the fact is, Mr. Speaker, there's some 44.5 million cubic metres of wood that grows in this province in a year. Our total allocation, even though the harvest is not total allocation yet, amounts to about 21 million cubic metres. So simple math quickly shows that that is not the case.

Mr. Speaker, he put forward this question that is extremely vague. In fact, just to demonstrate the difficulty we have with it in its present form, he talks about “how many staff were employed by Alberta Environmental Protection on January 1, 1993, for forest management?” Well, the fact is that we have a number of people in fish and wildlife and we have a number of people in regulatory services that in fact contribute to the protection of the forest and to forest management. So we have to amend this in order that we can zero in on the information that I think the hon. member is trying to get.

We must amend it, and the way we will amend it is by striking out “staff were employed by Alberta Environmental Protection on January 1, 1993, for forest management” and substituting “staff, including permanent and wage, were employed by Alberta Environmental Protection land and forest service on January 1, 1993.” I'm sure that it's the number of staff in the land and forest service that the hon. member is really trying to ascertain.

So I move that amendment and would accept the question with the amendment.

[Motion as amended carried]

### Assistance to Social Housing Corporation

Q6. Mr. Gibbons asked the government the following question:  
What is the breakdown of the \$10 million expended under vote 3.3.1, assistance to Alberta Social Housing Corpora-

tion, by individual borrowers, as contained in the public accounts 1996-97, volume 2, page 94?

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

MR. GIBBONS: Thank you, Mr. Speaker. I'd like to ask a few questions to the Minister of Municipal Affairs, and that's around Question 6, the breakdown of \$10 million expended under vote 3.3.1, assistance to Alberta Social Housing. To the minister: do you realize that the losses that have occurred in Alberta Social Housing Corporation on the disposal of mortgaged land, properties, between '93-94 and '96-97 have a breakdown in '93-94 of \$87.5 million, in '94-95 of \$94.48 million, in 1995-96 of \$48.5 million, and in 1996-97 of \$10 million? That is \$240 million in losses on disposition that had to be funded by the Alberta taxpayers over the last four years.

Thank you, Mr. Speaker.

3:00

THE SPEAKER: The hon. Minister of Municipal Affairs.

MS EVANS: Thank you, Mr. Speaker. First of all, the question that was Written Question 6 asked, "What is the breakdown of the \$10 million expended under vote 3.3.1, assistance to Alberta Social Housing Corporation, by individual borrowers," and then it continues right through the public accounts for '96-97. I'd like to move an amendment – and I hope this Assembly will accept it – that the question should now read:

What is the breakdown of the \$10 million expended under vote 3.3.1, assistance to Alberta Social Housing Corporation, as contained in the public accounts 1996-97, volume 2, page 94?

The reason for this change or amendment to the question is that the statement "by individual borrowers" has no relevance to the funding of the nonbudgetary assistance vote. Should this amendment be approved, I'd be very pleased to take questions on that particular item at another time.

[Motion as amended carried]

head: **Motions for Returns**

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of motions for returns 7 and 11.

[Motion carried]

### Environment Policy Surveys

M7. Ms Carlson moved that an order of the Assembly do issue for a return showing a copy of any surveys conducted by or for the government between January 1, 1997, and December 31, 1997, to assess the public's reaction to the environment and government environmental policies showing the questions asked, the manner in which the survey was conducted, and the results.

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

MS CARLSON: Thank you, Mr. Speaker. We think that this is

fundamentally important at this time when we've seen one-third of the budget cut out of Environmental Protection and all kinds of decisions having been made by the minister that are significantly affecting the people in this province, who we think should have or would have perhaps been consulted by this minister before he has done these things. Our information would show that these people have never been approached or asked to complete a survey or asked for any sort of a direction in terms of where they're going.

We're talking about a horrendous number of issues that have been environmentally impacted over the past year. We've got the privatization of parks. We have 30 provincial parks in this province that are up for bid by local operators. There's 100 other recreation sites that are in the same position. The feedback we're getting is that people are not very happy about that. We've got the privatization of hunting and fishing licences. What we're doing here is eliminating a lot of small vendors. In fact, the minister himself said that their own information indicates that 50 percent of the people who previously were selling those hunting and fishing licences, which constitutes mainly mom-and-pop operations in small communities, rural communities, need this kind of business and activity to thrive on and will be put out of business by this. So we'd like to know if that's what his survey indicated there and what those same operators said about losing that kind of activity. Surely he would have some information to follow up on that.

We'd also like to know if he surveyed anybody about what they think in terms of allowing oil well drilling activity on protected sites in this province and how he sees that as integrating activities really in an environmentally sensitive manner. The information we've got would indicate that people do not believe that to be true at all. Also, on allowing culverts and roads to be built across fish spawning grounds, that we talked about today, Mr. Speaker, anyone who's a fisher person or who lives in those affected areas knows how badly that affects the environment. In fact, this minister, I know, has been approached by people from the Skeleton Lake area about this specific problem, and eventually, after almost all the fish were dead, it was addressed.

It's also a problem in Lac La Biche, Fork Lake, North Buck Lake, and Antoine Lake. In fact, the Member for Lac La Biche-St. Paul is on the record on this, Mr. Speaker, saying that the budget allocations are out of whack and have to be corrected. Well, in light of that, has the minister done any kind of a survey of the people at large to find out what they feel about this? We think it's a very significant issue, and I'm hoping that he will today share the information with us.

Thank you.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you. Once again, of course, the rambling that the sky is falling and that things are turning so bad. We could go on and on about those comments on the privatization of parks, as if it just started, Mr. Speaker. The fact is that's been going on for eight years, and some 97 percent of the sites have been under contract with a facility operator before this year. So if the sky is now falling, I'm really surprised.

As far as the hunting and fishing licences and the mom-and-pop operations, as a matter of fact I've had letters from different vendors that state that under the old system they were losing money. I'm sorry to see, if it was a way of getting business into their shop, that they feel they can't afford to do it, but some 434 of those 1,100 to 1,200 vendors we had sold only 8 percent of the

total hunting and fishing licences, Mr. Speaker. So even if there is a reduction in the number of outlets, we still will have a good coverage within the province when we're finished.

Getting back to this particular motion for a return and in keeping with this government's policy of being open, accessible, and accountable, we will accept this motion as it is written.

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

MRS. SOETAERT: Well, thank you very much, Mr. Speaker. I appreciate that the minister has said he is going to table the information. I'm hoping that this statement of government environmental policies and the public's reaction to the environment would include all the public meetings and input and people that were spoken to about the fishing and hunting licence issue. I'm hoping . . .

THE SPEAKER: Hon. member, please. What we have here before us is a motion for a return. The motion for a return has been written by the hon. Member for Edmonton-Ellerslie. The chair has clearly heard the hon. Minister of Environmental Protection, who has risen and said that he would accept the question. Is the hon. Member for Spruce Grove-Sturgeon-St. Albert suggesting an amendment to the question? The question here is what is written on the piece of paper, so it's rather inappropriate to ask for something beyond it. This has been written by a colleague of the hon. member, who just rose in her place. Perhaps there's something further you'd like to add, hon. member?

MRS. SOETAERT: No. Thank you very much, Mr. Speaker, for the clarification. I'll accept that and look forward to what the minister sends us.

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

MS CARLSON: Thank you, Mr. Speaker. I'm very happy to see that this motion has been accepted, and contrary to what the minister thinks, the sky is not falling, but the fish are dying and the grizzly bears and other indicator species are in serious trouble as well as some of our natural habitat. Hopefully, his questions and feedback from the people in the province will clearly reflect that information.

[Motion carried]

### 3:10 Effect of Tuition Fee Increases

M11. Dr. Pannu moved that an order of the Assembly do issue for a return showing copies of all studies done by the government on the effect of increased tuition fees on access to postsecondary education for Alberta students.

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

DR. PANNU: Thank you, Mr. Speaker. The motion, of course, calls on me to make a few remarks about the context for this motion and the reasons for the particular request. The issue of increasing costs and debt loads related to students going to postsecondary institutions in this province and this country has become a matter of public concern. Earlier today, during

question period, two questions from both sides of the House were asked related to the issue. That shows clearly that this Assembly sees this as an important issue.

The concern about the rising debt costs and how it might affect accessibility to postsecondary education is a concern that's another personal concern of mine. It certainly is related directly to the relationship between accessibility and social policy. The minister has on several occasions inside this House and outside tried to allay fears with respect to the fact that increasing costs of postsecondary education and increasing debt loads on postsecondary students will reduce accessibility and reduce the opportunity for students, particularly those coming from low-income families and backgrounds, to take advantage of education. I think we all perhaps agree on this: that postsecondary education is a public good and that we the members of the Legislature and the government of this province should do everything we can to promote and enhance that public good.

Mr. Speaker, the minister has of course raised doubts about the fact that accessibility is being curtailed at this moment by the tuition fee policies of this government. As recently as about 30 minutes ago the minister again asked the member opposite if he knew of any evidence that students were staying away because of increased tuition fees or increasing debt loads. My submission is that the fact the minister has used to cast doubts on whether or not the students are staying away because of increased costs – I think he does it in reference to the fact that more students are coming into the postsecondary education system. In order to support the motion, I want to draw attention to the fact that one cannot infer from the continuing growth of enrollments in the postsecondary education system that there are no barriers that are being created by the increased costs of going to university, including this government's policy of capping tuition fees at 30 percent.

There are two reasons for not being able to infer the point that the minister is making. They are as follows. The population growth in this province is at about 2 percent, I guess. So the rate of growth of postsecondary enrollments reflects simply growth in population, on the one hand, and increased retention rates at the high school level. The House has, I think, been well informed by statements made by the ministers of Education and Advanced Education that more and more high school students are staying to complete and graduate in order to qualify to go to the next level. So that's one reason why the enrollments can be explained to be growing. It has nothing to do with the financing arrangements that this government has put in place to encourage students to go.

Secondly, Mr. Speaker, we have gone through a period of high unemployment rates, particularly as it related to the youth unemployment rate. The youth unemployment rate in this country has been very, very high, and this province has been no exception to that. During periods of high unemployment there is historical evidence to support the view that more young people return to school, whether it's high school or whether it's a postsecondary college or university. So this is another reason why the enrollments in postsecondary institutions have remained stable or have slowly grown. One cannot, therefore, infer from these facts on enrollments, that the minister quotes over and over again, that there are no accessibility barriers developing in this province. I asked the minister last year if he would kindly undertake some studies, given the resources that his department has, to look at the question of accessibility and if there is, in fact, a growing link between growing costs to go into public education and accessibility for students, particularly those who come from modest, low-income backgrounds.

Mr. Speaker, the reason for requesting what I'm requesting in this motion is as follows. Last September I made public a

government document which deals with tuition costs and debt loads and default rates on repayment. We issued a press release on September 26 which suggests that the department of advanced education has been doing some studies, has been monitoring the situation and producing some information which I think should be made public. It will be in the public's interest to make that information available to this House at least.

The study that we released was prepared by the learner assistance division of the Advanced Education and Career Development department. According to that document, Mr. Speaker, the debt of Alberta students in their final year of study from 1992 to 1996 increased quite radically. Taking various institutions into account which constitute the postsecondary system, the debt increases over these four years ranged anywhere from 25 percent, which is the smallest, to 34.6 percent, which was for university undergraduate students.

Mr. Speaker, similarly, the same document that the minister's own department prepared last September indicates that the default rate on the repayment of Alberta student loans has been quite considerable. The average rate, the general rate, as the document calls it, is 18.4 percent. For private-sector vocational institutions it was as high as 41.7 percent. The fact that there are these very, very high default rates happening suggests that in fact lots of students are having difficulty paying for their schooling at the postsecondary level and, secondly, that many of these students who are defaulting are ones who are unable to complete their education because they find it impossible to fund themselves to completion of the programs that they have enrolled in.

Mr. Speaker, another fact that seems to be begging for some attention is: what will be the ultimate effect, the cumulative effect of the so-called 30 percent cap? At the moment we stand at around 22 to 23 percent at the university level at the two major universities in this province in terms of the tuition fees of students, the portion that they constitute of the overall operating expenses.

As a result of some of the inquiries that we made at the University of Alberta over the last couple of weeks, we're informed that the operating costs of the university are not increasing at the rate of 1.5 percent, which is a point that we made in a recent release. If you take the operating cost rate of increase at 1.5 percent, which is the assumption that we made, which was a conservative assumption to make, it will take another four to five years before the tuition fees at the University of Alberta, for example, will reach the 30 percent mark. At that time, then, the fees will have gone up by about another \$1,300 to \$1,400. They'll be three times as much as they were, say, in 1991. This is a very, very rapid and high increase, causing obviously concerns in the minds of parents as well as students with respect to the accessibility of the system.

If, however, we take the 3 percent rate of increase in operating costs, then obviously we take another few years, I guess, even if universities and colleges use the maximum allowable increase in tuition fees every year, to reach that level. It seems to me that by the time we get to about the year 2005 or 2006, postsecondary education in this province will have become so expensive that the majority of the low- and medium-income families' students will not be able to afford it. So the question of accessibility is very, very important.

3:20

I just want to draw the attention of the minister to the fact that across the border – and that's the model that in this government gets used very often – there have been in recent years some major corrective actions taken by state governments in the U.S. to re-

fund the postsecondary education system so that it will remain accessible to the majority of their citizens. Here are some examples. California over the last two years increased its funding for postsecondary education by 24.2 percent. Nevada, not a socialist haven, Mr. Speaker, increased its funding by 30.1 percent. So I am asking in light of this if this minister and this government will share with us information that they have that we don't have which gives them the confidence to say that accessibility in the postsecondary system in this province is not being curtailed. Are there any studies, and if there are those studies, will the minister kindly make them available to this House?

Thank you.

THE SPEAKER: The Minister of Advanced Education and Career Development.

MR. DUNFORD: Brother. Mr. Speaker, earlier on in a point of order my hon. colleague from the constituency of Vermilion-Lloydminster made a comment about wasting time, and here we have a wasting of time.

You know because I sent you a letter, Mr. Speaker, that I am prepared to accept this motion. We have now gone on for – I don't know. Did he make 20 minutes? It must have been pretty close. All he had to do was stand up, make the motion that the minister should accept the return, and I would have gladly stood up and said: yes, I will accept it. I am too honourable to retract the point that I made to the Speaker that I will accept this motion. I have the material here on my desk, and I have a whole box full of this stuff sitting over there in the corner that I'll be glad to table as soon as we can get this motion dealt with. What a waste of time.

MRS. SOETAERT: Well, Mr. Speaker, I'm really pleased that the minister is tabling this, but it's too bad it's in such a hot-headed way, because I do feel we have a right to speak to these motions for 20 minutes if it's something that our constituents feel is important. Certainly my constituents want to know what data and what support there are and what kind of background there is. I'm really glad that the minister is tabling it, because I know that the students in my neck of the woods would like to see how they justify the tuition hikes going up and up and what kind of effect it does have on students.

I was elected to speak for my constituents, as were all the other members in here, and if you get 20 minutes to speak to a motion, that is your right when you win a seat in this House. So I don't see why the minister is so perturbed today, but it gives me great pleasure to be able to add my support and my thanks that he is supporting this motion and giving us the information that was requested by the Member for Edmonton-Strathcona.

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

MS CARLSON: Thank you, Mr. Speaker. With the comments from the minister of advanced education, I too rise to speak to this motion. I can't believe that he would try these kinds of bullying tactics in the Assembly. Clearly . . .

#### **Speaker's Ruling Speaking Time**

THE SPEAKER: Whoa, hon. member. Hon. member, please, sit down.

Okay; the rules are very clear, hon. member. All hon. members, when recognized, have up to 20 minutes to participate in the democratic process. That's a fact. These are the rules

written by the hon. members. No one else has written these rules. Eighty-three hon. members – well, 82 exempting the Speaker. Eighty-two hon. members in this House have written the rules. They're your rules. You can go up to 20 minutes when recognized on this.

### Speaker's Ruling Parliamentary Language

THE SPEAKER: It's also quite inappropriate, hon. Member for Edmonton-Ellerslie, to use the term "bullying tactics," and I'd ask you to withdraw that.

MS CARLSON: Thank you, Mr. Speaker. I'll certainly retract that. In the heat of the moment, given his comments, at that point I felt it was completely appropriate use.

### Debate Continued

MS CARLSON: Mr. Speaker, certainly the constituents in Edmonton-Ellerslie are extremely concerned about this very issue. In fact, it's one of the top three issues that walks through my door on a regular and ongoing basis. I'm very happy to see that he has tabled the information.

Thank you.

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

DR. PANNU: Yes, Mr. Speaker, I stand to close the debate. Thank you.

[Motion carried]

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

### Bill 204

### Workers' Compensation Amendment Act, 1998

[Debate adjourned February 17: Mr. White speaking]

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

MR. WHITE: Thank you, Mr. Speaker. To continue roughly from where I left off yesterday. Speaking to the culture of this particular organization and its changes over the years, particularly in the last five years, I've noticed a change such that a member of the public, an injured worker, has a great deal of difficulty getting to the point where the assessment of the injury and then the resolution of the problem takes an inordinate amount of time and an inordinate amount of energy. Even with an advocate it does. I would think that one of the things that we would see forthcoming in annual reports and the like would be a fairly in-depth analysis of the service that's provided and perhaps independent surveys to know that the service is actually being provided in a manner that would be acceptable to members of this House.

Noting that the debt was some \$600 million a number of years ago and that today it's considerably less than that, there's a price to pay for that, and the injured workers have actually had to pay that price. You don't have to be an accountant to understand that to reduce that debt and then also to pay, in my view, exorbitant fees and bonuses to the top echelons of management as well as to return some of the premiums paid by the employers, the funds

have to come from somewhere, and they certainly came from the injured workers.

Now, this amendment here, as good as it is, I believe doesn't go far enough in a number of areas. One area where it does is in section 34; it makes up a medical panel that is appointed in the standard form of any arbitration. One expert from each side is chosen. Between those two experts they in fact choose a third, generally the chair of the board, and then the majority of that board rules. That's exemplary, that this piece of legislation does change.

The difficulty comes in that these recommendations are only that: recommendations. You'll note that in one of the sections it says:

If a majority of the members of a medical panel agree . . . then the Board shall accept those findings . . . in making any decision on the worker's entitlement to compensation unless the contrary is shown by some other compelling evidence.

Well, I mean, medical evidence is medical evidence. You've assembled the medical panel; the board has at least partially paid for the medical evidence. And then to not accept the medical evidence? I mean, that's going back to the system that is currently in place. Quite frankly, with that out, that's one of those major subjective clauses that the proverbial Mack trucks drive through. I would have liked to have seen at least some statement from the minister or someone to say that that is not the intent and that the culture of the organization will be changed such that injured workers are given due consideration.

### 3:30

Now, there is the area between section 17 and section 18 that opens up an area of third-party liability and litigation. It appears to me on the face of it that it is a reasonable section, particularly 17. Third parties are not put through the toil of suing each other when they're both protected or supposedly protected by the board.

Now section 18. There are some other sections around that concern me, and I do believe that they should be included in this bill that amends the act. A case in point now. An acquaintance of mine, prior to his injury, ran an exceptionally good, small restaurant. He was injured while he was taking the grease out the back door of his restaurant. Recognize that it was a ma-and-pa operation and that he and his wife ran it with the help of one other person. He was the primary chef. As he moved out the back door to dispose of the grease in the prescribed manner, a car came by and hit the door, and he burnt his hand with the grease. He lost the restaurant in that he couldn't work for awhile, which was bad enough. He was instructed initially by a lawyer to sue the insurance company of the driver of the car as well to initiate a claim with WCB.

[The Deputy Speaker in the chair]

WCB became involved in the case. They took over the third party or the liability of, in this case, the second party and settled on his behalf. They said, "Well, yes, of course we'll cover you fully and completely, and we'll settle with the insurance company and make things right by you." Well, they did the second before they did the first. They settled that case such that he netted some \$20,000 cash, which he thought was a little light in that it cost him considerably more than that to lose the business only for six months, let alone lose it forever.

To make a long story short, he went through the complete line of processes as outlined in the act as well as the procedures as laid out by the board, went right through to final appeal. They

awarded him a grand total of the equivalent of 3 percent disability. The man today cannot drive an automobile for a living. He tried to paint, but he cannot hold the paint can in his hand for any length of time, no more than an hour and a half. The arm just goes numb, and the ligaments freeze on him. The hand shakes to the extent that he can't hold his hand up any longer.

This is not the way the Workers' Compensation Board should act, in my view. This act does nothing to that. The critical error, I believe, was the section surrounding third parties. It was an error not to include some provisions in section 18 or around 18. I believe that the act itself is not such a bad piece of legislation. It's been worked on and renovated many, many times since its inception in 1918, and I suspect it was originally based on another piece of legislation probably in central Canada that had a number of additions and deletions and amendments to that time. There is this fundamental and nagging problem that I have with the act, and that is in the application of the act. It's those that are charged with the responsibility of dealing with the oftentimes subjective analysis of fairness and inequity between the employer and the injured worker, the employee. I could speak at great length about other cases that I have and, I suspect, other members here have, but they all relate not to specific provisions of the act but to the application.

So, sir, I shall be supporting this bill to amend the Workers' Compensation Act and will take my place and hope that it does pass, even without some of the amendments that I would have liked to have seen.

Thank you, sir.

MR. SHARIFF: Mr. Speaker, I'm proud to stand in this fine Assembly and speak to Bill 204, the Workers' Compensation Amendment Act, which focuses on two important areas with regard to transportation accidents occurring off the work site and in cases where medical opinions are in conflict.

Mr. Speaker, the workers' compensation system in Canada serves to ensure that workers receive compensation if their injury results from an accident at the workplace, regardless of fault. The system also protects employers from lawsuits. This is a good system for workers and employers.

The first provision in Bill 204 addresses transportation accidents that occur off the work site. At present an injured worker may not take civil action against any employer or a worker of an employer covered by the Workers' Compensation Act in any work-related accident, including a motor vehicle accident. Bill 204 seeks to include that civil action could be taken against the employer other than the accident employer in work-related transportation-type accidents where public liability insurance is required. Bill 204 would establish that the Workers' Compensation Board and the injured worker could pursue civil action in transportation-type accidents occurring off the work site.

Mr. Speaker, this amendment is necessary to update the Workers' Compensation Act, which existed prior to the advent of compulsory motor vehicle insurance. This amendment would also reduce the added costs to the Workers' Compensation Board accident fund and reduce employers' workers' compensation premiums.

More importantly, Bill 204 provides a method of recourse for workers to recover their losses, both physical and emotional, in the event of a transportation accident resulting in injury or death. In some cases workers' lives are drastically changed as a result of a transportation accident, including the inability to work again. Even if the worker is able to return to work, their physical ability may be significantly impaired through no fault of their own. While the workers' compensation system is in place to address

events such as this, it does not always cover the full loss to the injured worker.

This is especially revealing in cases where the worker is killed. Under Compensation for Death, section 64 of the Workers' Compensation Act:

If a worker dies as a result of an accident and leaves a dependent spouse, a pension is payable to the dependent spouse in an amount equal to the pension the worker would have received had he lived and been permanently totally disabled.

In the event the spouse has children, the full pension will be paid until the youngest child has reached 18 years of age, "at which time a five-year term pension is payable to the dependent spouse." If gainfully employed, the spouse will receive the pension phased out over an additional five years in increments of 20 percent. The same situation occurs if the spouse is employed or not and without children. The spouse receives five years of full pension and five years of pension phased out. If the spouse is not employed, the Workers' Compensation Board will train that person over a 60-month period. There are special considerations if the spouse is unable to work.

### 3:40

Mr. Speaker, as you can see, someone's life can be drastically altered by a transportation accident occurring off the work site. Bill 204 addresses this concern without altering the Meredith principle of the workers' compensation system. Employers are still protected from lawsuits occurring on the work site. Workers are still guaranteed coverage no matter who is at fault or the cause of the accident. Bill 204 simply provides workers with the avenue, as the rest of Albertans, to pursue civil action in transportation accidents occurring off the work site. This provision does not seek to open the workers' compensation system to lawsuits or end the concept of collective liability. The provision only seeks to update Alberta's Workers' Compensation Act and put Alberta in line with the other jurisdictions who have allowed for their workers to pursue civil action in transportation accidents.

Mr. Speaker, I think the amendment to the act is a good amendment and can rectify some of the problems workers or their families have faced with respect to transportation accidents involving injury or death. While we cannot rectify all problems workers face with the current system, I think we can address a definite problem area. The statistics speak for themselves. Over a third of fatalities accepted by the Workers' Compensation Board are transportation related. Of these, we suspect that at least half occurred off the work site. This is definitely a critical area, and we can rectify the current situation by supporting Bill 204.

Mr. Speaker, the second provision in Bill 204 addresses cases where there are conflicting medical opinions in complex cases that are before the Workers' Compensation Board. The bill would include that in the event medical opinions are in conflict, the workers' compensation will resolve the issue through a consultative approach involving the worker. If the issue is complex and there are conflicting medical opinions, a medical panel or review committee may be convened. This amendment is necessary to provide due process for injured workers in the event of complex cases and conflicting medical opinion and would alleviate some of the existing problems and frustration injured workers face with their WCB claims.

Mr. Speaker, I believe every member in the House has faced a situation where a constituent had a problem with their WCB claim. I am sure that in the majority of cases a worker's claim, rehabilitation, and return to work go by without too many problems. In the majority of cases the injured worker is satisfied

with the WCB. However, with more serious injuries such as head or multiple injuries, in many cases the cause or effect of the injury is unclear. Bill 204 addresses this concern by providing the worker with specialists in the field of the injury to determine the cause and effect for the particular injury or condition, which will provide a clear direction so that the WCB staff can proceed with the application for compensation.

Mr. Speaker, it is a very difficult process to uncover what sort of impairment an injury will have on a worker and how much compensation is required. Some of these injuries are recurring or will last throughout the worker's lifetime. I think we owe it to those who are injured in the workforce to provide the best medical expertise to determine the cause and effect of the injury and to assist in resolving an already difficult situation.

I know that the Workers' Compensation Board is currently conducting a consultation process, and it is likely that the provision in Bill 204 addresses one problem area. The provision provides the worker with a course of resolution in an open and accountable framework. While the provision in Bill 204 is currently a policy of the WCB, I strongly feel that in order to be accountable, this provision should be legislated to provide workers, employers, and the WCB a clear and open framework.

Mr. Speaker, Bill 204 addresses two major areas of concern faced under the current workers' compensation system. I think we can be proud as legislators in supporting this bill, which will provide workers with an updated and more judicious act.

Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. Since my election to this Assembly about 10 months ago, I have become profoundly aware of the role the WCB plays in the lives of employees in this province, particularly those who get injured at work sites. An endless number of cases come to my constituency office requesting help in their dealings with WCB. We have received representation in our legislative office from the injured workers' coalition, individual workers from all across the province, so I'm persuaded that there's a need for making changes – legal, regulatory, administrative – in the way WCB operates at the moment. There is clearly demand for these changes on the part of those who need the WCB. So I'm pleased that this initiative has been taken by my hon. colleague from Calgary-Egmont to seek some changes to the existing act.

Certainly the proposed changes to section 18 are in the right direction. In particular, the changes in section 34.1 I think are ones that deserve our support. There's no doubt in my mind about it. It's clear to me, however, that some language may have to be strengthened. I again want to compliment my hon. colleague, the mover of this bill, for encouraging input from all sides of this House. I had the opportunity to meet with him last week to seek some consensus on the nature of amendments that we might make. At that time I was quite happy and willing to support the bill as is because I thought it would certainly be an improvement over what we have now.

However, in the meantime, the trade unions/Workers' Compensation Board coalition and the Alberta Federation of Labour have communicated to the Minister of Labour through a letter that they wrote to the minister on Friday, February 13, 1998. I have a copy of it in my hand. By way of this letter they are seeking the minister's intervention to see if the changes proposed in the bill

can await consideration by this Assembly to a point at which the comprehensive review that's being undertaken by WCB and other stakeholders in the process can be completed. The comprehensive review is already under way and the coalition – this letter is signed, by the way, by the chair of the trade union/WCB coalition. Gerrie Dakers is the chair of that group, and it's also signed by Audrey Cormack, president of the Alberta Federation of Labour. It is this group, this coalition, that's seeking the postponement of consideration of the bill until such time that the comprehensive review presently under way is complete.

In view of this communication to the Minister of Labour requesting such a postponement of any further consideration of the bill, I am persuaded that there is merit in this request and that it might be appropriate for the Assembly to seek such postponement in order that we deal comprehensively with that which requires being dealt with in relation to changes in the existing act on WCB.

In light of that, it's not a matter of my not supporting that which is being proposed, those changes. The question is: is it enough? Can we make it stronger? I simply would like to hear what the Minister of Labour has to say on it and certainly what my honourable colleague from Calgary-Egmont has to say on this particular request.

Thank you.

3:50

THE DEPUTY SPEAKER: The hon. Minister of Labour.

MR. SMITH: Thank you, Mr. Speaker. It gives me great pleasure to speak to this bill and hopefully provide a little bit more information with respect to the bill and with respect to the operation of the Alberta WCB, which as you know, is responsible for providing a financially secure collective insurance system in which all employers are financially responsible for work-related accidents.

The collective approach, Mr. Speaker, protects every employer covered from the uncertainty of financial ruin, I guess, resulting from a work-related accident. Perhaps even more important, the no-fault coverage offered by workers' compensation ensures that injured workers covered by the act receive benefits regardless of whether a worker was at fault for the accident in question.

Bill 204, Mr. Speaker, proposes amendments to the Workers' Compensation Act that would, one, require that the WCB, when medical opinions are in conflict, resolve the conflict through a consultative approach or, if issues are complex, convene a medical panel; and two, restrict the immunity from lawsuit now provided under section 18 of the act.

As all members know, the WCB is a board-governed organization that does operate at arm's length from the government with funds provided by Alberta employees. It does also operate, Mr. Speaker, as a legislated monopoly. The government appoints the board of directors to represent the interests of Alberta workers, Alberta employers, and the general public.

I would like today, Mr. Speaker, to table a letter from the WCB directors outlining the concerns with Bill 204. Just prior to tabling this, I'd just like to read, if I may, into the record a key paragraph saying that

the Board has determined that the key concepts in the amendment related to medical panels are already incorporated in current legislation and policy, and setting these concepts in legislation instead of policy would remove any flexibility of the organization to enhance procedures except through a lengthy legislative change process.

Further, Mr. Speaker:

The Board of Directors cannot support this amendment as it would undermine the comprehensiveness of the current no-fault workers' compensation [program]. It would diminish the protection from civil action for some employers while creating two different classes of claimants under the Act with each receiving different compensation for similar injuries.

Mr. Speaker, I'd like to table four copies of this letter and encourage all members to get a copy of this prior to voting on this bill.

So, as I said, the WCB has advised me in this letter that they are unable to support the bill as it is currently written. The board is concerned that the proposed legislation will erode no-fault protection for some workers and employers, potentially opening the door to further erosion of the no-fault principle and other circumstances. There is also a concern that the bill would diminish the protection from financial liability for some employers in specific situations, that it could create two classes of claimants with each potentially receiving different compensation for similar injuries, and that the bill would reduce the flexibility of adjusting procedures related to medical reviews and panels to improve services to injured workers. And I can see where they're coming from, because as you know, Mr. Speaker, once legislation is passed, it becomes a very difficult, tedious medium in which to work, whereas regulation does give . . .

MR. DICKSON: A point of order, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo is rising on a point of order. You have a citation for us?

**Point of Order  
Questioning a Member**

MR. DICKSON: Thanks very much, Mr. Speaker. Pursuant to *Beauchesne* 333 I wanted to ask the hon. minister if he'd entertain a question.

MR. SMITH: Thanks very much, Mr. Speaker. I think it's more important that we get the full text of the statement into the record. Then we will, I'm sure, have ample opportunity for other members.

**Debate Continued**

MR. SMITH: The WCB, Mr. Speaker, has come a long way over the last few years. The board of directors of this organization is there to reflect the interests of its stakeholders. As such, they have developed processes to ensure appropriate review of policies and legislation that would affect their customers. The board of directors of the WCB is telling us they have serious concerns about Bill 204. They're telling us that it may undermine the fundamental principle of worker's compensation, the long-standing trade-off between workers and employers. The board of directors has heard from stakeholders, both labour and management, concerned about Bill 204.

I have also received correspondence from both businesses and labour, Mr. Speaker, concerned that they have not had an opportunity to provide their input. This speaks to the importance of the private members' process and the due diligence that capable members have in bringing these issues forward to the legislative floor. But unlike government legislation they're not always subject to the same extensive or perhaps set-in methods of consultation that occur in boards such as the WCB, which is an

arm's-length organization that is actually undertaking an extensive two-year policy review at this stage.

Mr. Speaker, I do think it important that when members vote, they vote on a knowledgeable base. That's why I'm pleased to inform the House that I've received correspondence from the Canadian Association of Petroleum Producers, who say in their letter that

CAPP is concerned that this Bill has the effect of potentially eroding the foundations of the Meredith Principles fundamental to the Workers' Compensation Act . . .

CAPP disagrees with the concept of removing motor vehicle accidents from the Workers' Compensation Act.

Also, Mr. Speaker, the Alberta Building Trades Council have written and said:

There is a major review ongoing at the [WCB]. That review will wrestle with a number of these issues and if there is a requirement for housekeeping legislation it will come in the fullness of time. Shortly put, it is better not to tinker with the Workers' Compensation Act now but rather to move ahead with the review and allow that process to have full scope to consider issues and then to do the housekeeping by way of legislative amendment afterwards.

From the Alberta Federation of Labour:

We strongly urge you and other members of the government to stop Bill 204 from proceeding to Third Reading. Let's put the issues contained in the Bill on the back burner until the WCB and its stakeholders have had an opportunity to complete their review of benefit policies.

Only in Alberta, Mr. Speaker, would you have such complete consensus between labour and employers, and I think it speaks highly to the unity and the working environment that's been created in this great province.

Mr. Speaker, I'd also add that Imperial Oil has written asking for

the opportunity to make representations to a legislative committee on the serious implications which this amendment will have on our company.

The Industry Task Force on Alberta Workers' Compensation: This change will create an exposure which will dramatically affect the cost of insurance.

They want, again, more input, more opportunity to consult, Mr Speaker.

The Alberta Roadbuilders and Heavy Construction Association, representing over 400 members and their 18,000 employees, would like to go on record as strongly opposing Mr. Herard's Bill 204 and urge you and your colleagues to withdraw support.

Syncrude, Mr. Speaker:

We are strongly opposed to this Bill being passed without employers having an opportunity to consider and make submissions on the many ramifications of these proposed changes.

What I'm getting, Mr. Speaker, is the community responding to some terrific initiatives put forward by members who have done due diligence, who've done research, who've done some consultation, but saying: it's a broader forum than simply the floor of the Legislative Assembly; we know that the WCB has a broad and extensive review ongoing, and we'd like to be a part of it.

**4:00**

Mr. Speaker, let me now turn from the consultation side to the representation side. Firstly, let me congratulate the Member for Calgary-Egmont for the work that he's done on this bill and congratulate the work of his researcher, Chris Ghazouly, who worked hard to bring important issues to the floor of this Legislature. I for one, Mr. Speaker, am certainly not opposed to what he's trying to accomplish, and I am not entirely opposed to the basic principles of the bill. I believe, however, that it is critical

that there be adequate consultation with those who would be affected by the bill.

Mr. Speaker, this is an employer-funded organization. It does not take tax dollars. Benefits accrue to the injured workers. Indeed, last year more benefits were paid out than ever before.

On the legislative process, Mr. Speaker, the tremendous right enshrined in this Legislature for every member to bring forward a private bill for debate I think is a privilege that we have to hold high and continue to honour. I also believe in the sanctity of the free vote on these private bills and that this debate in fact brings more accountability not only to our members but accountability to the organizations who are affected by this legislation. They now must respond to the challenge that this member has put forward in this debate by raising this private member's bill. But we do need to have consultation with outcomes. We do need to have a commitment to change, and we need to have a commitment to improvement. There are accountability functions in this equation for workers, employers, and indeed the Legislature.

So I believe we've run into that disconnect where you bring a private member's bill to the floor of this Legislative Assembly, it has 100 minutes of debate that occur, and it can have a potential impact of millions of dollars on both sides of the pay/collect equation. It's something that has far-reaching impact and ramifications to the insurance, health care, and business communities. Therefore, Mr. Speaker, I believe it's necessary for us to take more than 100 minutes before enshrining specific instructions to an agency via legislation. I believe we have the ability through the consultation process and the accountability of this board to members of this House that exist outside the Legislature and that we can have the amendments examined, discussed, subject to full and broad consultation. Then legislative changes that are brought back to the WCB can be in the form of something similar to the amendments in 1995.

What this has done, Mr. Speaker, is indicate the interest of all members in this organization and also the commitment that members have to serve their constituents in a most proficient manner and in their best effective manner. They have viewed these as issues that they need to examine, and this is the private member method of bringing things to the floor. I believe it's an extremely positive issue. It's an important issue, but it's an issue that because of its importance and dollar ramifications has to go out into the broader expanse of public debate, public consultation through the process of the WCB and then return to this House in that format for legislative amendment.

Thank you very much, Mr. Speaker.

**THE DEPUTY SPEAKER:** The chair would observe that the hon. minister was quoting from a number of letters. Perhaps those are originals, but would you provide us with copies at some point in the exercise?

**MR. SMITH:** With pleasure, Mr. Speaker. I'll be tabling these right now.

**THE DEPUTY SPEAKER:** Okay.

The hon. Member for Edmonton-Glengarry.

**MR. BONNER:** Thank you, Mr. Speaker. It's a pleasure to rise today and to speak to Bill 204, the Workers' Compensation Amendment Act, 1998. I would like to thank the hon. Member for Calgary-Egmont for bringing this bill forward and for the tremendous amount of work that he has done on the bill.

This is a very important bill to Albertans. This important bill on the Workers' Compensation Act is a bill on one of the oldest acts still in use in the province today. It was proclaimed in 1918, and it was based on the Meredith principle: an understanding that workers would be insured through an employer-funded, no-fault insurance fund in exchange for giving up the right for them or their dependents to sue their employer for job-related injuries, disease, or fatalities.

The Workers' Compensation Board's responsibility was to provide high-quality service to both employers and injured workers, with fair compensation. The Workers' Compensation Board has long been at the centre of a number of controversies, and this bill, the Workers' Compensation Amendment Act, 1998, should assist in reducing the number of controversies. I am certain that a majority of MLAs have had complaints from constituents in regards to the Workers' Compensation Board.

Bill 204 addresses two significant problem areas that injured workers and their families face under the current workers' compensation framework. The first issue deals with the bar-to-sue provision in the area of transportation accidents under section 18 of the Workers' Compensation Act. The second problem that Bill 204 addresses is cases where medical opinions are in conflict and the injured worker is cut off WCB benefits. There is currently no section that specifically addresses this provision under the current Workers' Compensation Act.

Most of these complaints deal with a group of severely injured workers who for some reason or another have not experienced that high-quality service and fair compensation in dealing with their claims. They were guaranteed this provision under the Meredith principle. These are the injured workers whose claims, because of their nature, are not settled in a short time and drag on for months. These months, for many of them, soon turn to years. The number of hours spent on these claims by WCB workers, advocates, and MLAs is immense. They are high-maintenance claims and weigh heavily on the entire system.

However, the greatest price is the price now being paid by those severely injured workers. There is a definite pattern in all of their stories. While waiting months and years for their settlements, they are forced to use whatever resources they have accumulated just to survive. The first recourse is to use any savings that they and their families have accumulated. When these are exhausted, their next move is to sell the family car and any personal items that may be of value. Their last desperate decision is to sell their home. At this point the injured worker is not only facing financial crisis but also great stress in their family situation. Many marriages end in divorce. We now have a situation where the injured worker sees no light at the end of the tunnel. They have moved from a position where their bodies were injured and have not healed to a more severe position where their injured bodies are now joined by injured minds. This price, Mr. Speaker, is far too high for people who were willing workers and desire some type of closure to this ugly chapter in their lives.

As the hon. Member for Calgary-Egmont has stated, this number is extremely small. Some of the many reasons for their frustration were confirmed by the results of a survey conducted by the former MLA from Leduc. One of the questions he asked in his survey was: has your case been resolved? Eighty-three percent of his respondents said no. Another question he asked: how would you rate the WCB's response time to your case? Sixty-two percent of those responded very poor; another 22.9 percent said poor. This amounts to over 90 percent of those people surveyed who said that response time was a major issue in dealing with

their cases. The absolutely extreme case that was brought to attention by this report was a case that started out in 1939 and was finally resolved in 1991.

#### 4:10

The additions after section 34.1 will definitely assist in reducing these injured workers' anger and frustrations and make this bill a very good piece of legislation. Section 34 deals with the use of medical panels when there are substantial differences, and those are key words in this bill: "where there are substantial differences in medical reports" as to the extent of their injuries. Medical panels will also serve as benchmarks and ultimately make the entire system of WC much more efficient. It will help improve the delay times that are expensive to WCB and so frustrating to workers. Presently we have cases on record where the documents and recommendations submitted by medical experts have been overturned by medical advisers who are not necessarily experts in their particular field.

Another area that this bill addresses, Mr. Speaker, is the bar-to-sue provision in the area of transportation accidents under section 18 of the Workers' Compensation Act. Presently under the act workers give up the right to take legal action against employers and other workers covered by workers' compensation for work-related workplace injuries. The employers are responsible for paying all of the costs of the Workers' Compensation Board through premiums. These premiums reflect the cost of the claims in the industry and their individual accident record. Currently if an accident occurs, the accident employer is originally charged with all costs arising out of the accident. If an employer under the act was responsible for the accident, then those costs that were originally charged against the accident employer got transferred to the account of the negligent employer. If a third party was also involved in the accident and they were the negligent party and not covered by WCB, then the WCB and the injured worker may take civil action against the third party. If there is a settlement under the process, the injured worker receives 25 percent of the settlement and the board retains 75 percent of the settlement.

Mr. Speaker, it is unfortunate that my time is up, but I would urge all members in this Assembly to vote for this bill, with minor amendments, and particularly section 34.1, which will put the injuries of these workers in the hands of the experts.

Thank you.

THE DEPUTY SPEAKER: I'm sorry to interrupt the hon. member, but Standing Order 8(5)(a) provides for up to five minutes for the sponsor of a private member's public bill to close debate. Therefore, I invite the hon. Member for Calgary-Egmont to conclude the debate on Bill 204.

MR. HERARD: Thank you very much, Mr. Speaker. I want to thank all the members for their good comments and good counsel with respect to this bill, and I'll look forward to working with members from both sides of the House to improve this bill at committee.

Due to some of the confusion, though, that I've heard in some of the speeches, I want to restate that one of the principles of this bill is to bring a process of fairness to cases that are in conflict of medical opinion. Now, it's the intention here that this would kick in before benefits can be changed or terminated, not after. This would provide a mechanism for injured workers to get some degree of due process and fairness with respect to situations where you clearly have medical opinions that are in conflict. So why is a caseworker capable of making a decision that's in conflict when

they're not doctors? We have to have a due process with respect to that, and that's what this is proposing.

Now, the first principle deals with injured workers not at a work site but on our highways, trains, planes, and so on, and the bar-to-sue provisions. There is currently a letter-writing campaign that is going on based on misinformation on this point. I would agree with the hon. minister, and I want to thank him for his support of the principles of the bill. I agree that there needs to be a consultation process done on that point before the act is proclaimed, but I've got to remind all hon. members that at second reading we're voting on the principle. Okay?

Private members don't have the resources of a ministry. We don't have the researchers who are able to do all of these things. With respect to not proclaiming that area that some people have a problem with, I think having a consultation to clear that up after this bill passes . . . What I'm finding is that when the right information goes out – and there's some publication that's been sent out now that was originally against this but now has come out in support of it because they have the facts.

So I guess, Mr. Speaker, I would really urge all members to vote in favour of this, but I do want to thank the minister for his support of the principles of this bill and for indicating that the letter from WCB today does state, "Although the board strongly supports some of the principles . . ." We're dealing here at second reading with principles, so I really want to indicate that it is my full intention to proceed to a consultation process in due course once this becomes passed in third reading but before proclamation. So I would urge all hon. members to vote in favour of this and would move second reading of Bill 204.

[Motion carried; Bill 204 read a second time]

#### Bill 205

#### Alberta Bill of Responsibilities

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

MR. SHARIFF: Thank you, Mr. Speaker. It gives me great pleasure and satisfaction to bring Bill 205, the Alberta Bill of Responsibilities, to the Assembly for second reading today. This is a concept I have been reflecting upon for quite some time. The result is this well-drafted, concise piece of legislation we will address today. I trust that at the conclusion of our debate my colleagues will be able to support this concept as I do.

Bill 205 moves beyond the scope of what traditional legislation has accomplished. We spend most of our time in this Assembly defining the parameters of the relationship between government and the individual. This is the role of government. How that role manifests itself will vary from political system to political system and from government to government. Instead of outlining the relationship between government and the individual, Bill 205 provides another opportunity. It provides us with the opportunity to address relationships between individuals to the extent that we are able to. We acknowledge that there is a role for every individual in our society. The individual molds our collective future and ensures the well-being of society as a whole. They are responsible for and motivate our economy, politics, families, and friends. The individual is the catalyst for everything which occurs in a society. We cannot underestimate the power of the individual.

Mr. Speaker, in 1960 Canada enacted the Bill of Rights to protect certain fundamental individual rights. This legislation sent

the message to Canadians and the international community that we were serious about the protection of fundamental rights. However, since the Bill of Rights was not paramount to other legislation, it was difficult to apply to legislation of equal status. The Alberta Bill of Rights of 1972 is based on the federal Bill of Rights and is still in effect in Alberta, although it also lacks paramountcy to other legislation.

4:20

In 1982, as we all know, the Canadian Charter of Rights and Freedoms was entrenched and became a part of the Canadian Constitution. By entrenching the Charter, we have acknowledged that there are clear parameters of behaviour on the part of the government and citizens. Government has the responsibility to ensure that citizens' rights are not violated. This is our safeguard. The status of the Charter has allowed it to be used to develop a very extensive body of jurisprudence in regards to the application of our rights and freedoms. The dichotomy of the application of the Charter is such that on the one hand Canadians have the opportunity to address fundamental issues of rights, and on the other hand we have become a rights-based society. We are very concerned with how we are treated by others and what we are owed and no longer seem to understand that we also share responsibilities.

Common to any declaration of rights is an inherent responsibility for all citizens. We cannot exercise our rights unless we respect those of others. It is our responsibility to do so. As Albertans we trust and understand that our fellow Albertans will act in a reciprocal manner. It is this common understanding and practice of what our responsibilities are towards each other which will perpetuate the community and our province as a whole. The responsibilities or obligations have been recognized by the United Nations in their international covenant on economic, social, and cultural rights from 1976. The United Nations recognized that an individual is a member of a community who, having inalienable rights transcending law, must have corresponding obligations. The individual benefits from their community and must act in respect of the rights of others. The notion of responsibilities associated with rights is not new.

Mr. Speaker, I believe we have reached an important time in our history. As a society I believe we are experiencing some growing pains. Since the Charter has been entrenched, Canada has gone through a transition. We now need to move away from a rights-based society to one which embraces responsibility as well. Our rights are clearly outlined. The limits of those rights have been discussed and debated. We should never violate the sanctity of those rights. However, we can no longer take them for granted. We need to articulate our responsibilities, we need to understand them, and we need to teach them to our children. I believe that the individual rights we enjoy can be complemented by a comprehensive list of responsibilities we share.

The Alberta Bill of Responsibilities is an attempt to accomplish this. It articulates how we ought to behave towards each other. It sets a standard, and it would serve as a common reference point for all Albertans. When I speak of the responsibilities outlined in this bill, I speak of the responsibilities shared by individuals and those incumbent upon government.

Section 1 of this bill refers to the very specific individual responsibility of any one of us to ensure that we respect the rights of others as they are defined in the Charter. This is simply a reflection of the rights outlined in the Charter. This includes respect of the life, liberty, security of the person, enjoyment of property, and religion of others. I agree that there are already

laws which prohibit this type of personal invasion from taking place, and I also know these laws are violated on a regular basis. I will not pretend that this bill will ensure that everyone will behave appropriately if the bill passes. Although you and I understand that there is an interconnection between our rights and responsibilities, many people do not understand this relationship.

Section 2 deals with the foundation of our society: our families. It requires that we take responsibility for our actions and the actions of our minor children. It acknowledges that we are responsible for providing safe, secure, and nurturing environments for our families and that we have a responsibility to maintain and protect our children. I know that many of us do this, and we do it because our family is the most important thing in our lives. We love them. We nurture them. We educate them. We teach them values and provide emotional support for them. We take the very best care of our family members. The truth is that all of us do not do this. Some parents do not take the time and effort to nurture or even support their children. Sadly enough, some are not concerned about their children's well-being. Mr. Speaker, children and their well-being are very important. I take full responsibility for my children. I know that I've done my very best to instill within them a certain set of values and respect for others that will govern their behaviour. I trust them because I have taught them to be good citizens, to respect others and to respect themselves.

Mr. Speaker, some of you may be aware of how the Swiss deal with family responsibility. The Swiss Civil Code compels families to look after their children financially and makes them responsible for their behaviour as well. They replace government responsibility with individual responsibility wherever possible.

Section 3 of the bill refers to the government's responsibility to

- (a) preserve and manage [our] . . . natural resources for future generations,
- (b) exercise fiscal responsibility . . . and
- (c) promote individual well-being by maintaining effective health care, education and social welfare systems.

This government already does this and does it well. I want to make sure that future governments acknowledge this responsibility and act on it.

Bill 205 requires that each minister consider the precepts of this bill when developing their departmental business plans. This government takes these responsibilities seriously. Each department has clearly articulated their role and acknowledged their responsibilities in their business plans and indeed in the operations. As an example, the Department of Environmental Protection's mission statement is to "protect, enhance and ensure the wise use of our environment." The Department of Health's mission statement is to protect, maintain, restore, and enhance the health of Albertans. The Department of Education's mission statement is simply the best possible education for all Alberta children. Government has embraced its responsibility towards Albertans. Bill 205 ensures that they will continue to do so.

Bill 205 also addresses the concerns about strong community values Albertans have recently raised at the Alberta Growth Summit. During the Alberta Growth Summit last fall, we had the opportunity to address some issues put on the agenda by Albertans. You will recall that last summer we were involved in an extensive provincewide consultation on how we all viewed the future of this province. We asked fundamentally: what kind of province do we want to live in? What would Alberta need in the coming millennium in terms of infrastructure, industry, social programs, and human development? What would Alberta need to do to be successful? What do we need in order to secure

economic success and go beyond to the not so tangible but no less important area of the well-being of community and society?

4:30

Delegates discussed and developed a clear vision for our province. What is interesting is that these ideas did not come from one region or a single sector. They came from all delegates in one way or another. I will touch on a few of the features of an ideal Alberta established at the summit: respect for one another and to treat each other fairly, safe communities and low crime rates, the well-being of children, pride in the province and empowerment to play a role in shaping future direction, friendly people with a strong community spirit, and an open and honest government.

Mr. Speaker, this vision is part of an ideal Alberta. It's a vision of our future. These features are important to my constituents, and they are important to me. They are also all achievable through the efforts of individuals, not necessarily through government. The Alberta Bill of Responsibilities can facilitate this vision and empower Albertans. The Alberta Bill of Responsibilities represents an important movement toward an empowered and confident Alberta. It gives Albertans the means to make a better future for themselves and for their children.

Mr. Speaker, I look forward to further debate today and trust I can count on the support of members of this Assembly. As you reflect upon the debate that will follow, I urge you to consider the following. If you can codify rights, why can't you codify responsibility? After all, they are two sides of the same coin. If you are one of those who has been speaking about responsible government and responsible leadership, are you willing to put your money where your mouth is? Are you receptive to a new way of governance as we enter the new millennium, or have you begun suffering from the dome disease?

Thank you.

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

MS OLSEN: Thank you. A very, very interesting bill.

MR. DICKSON: Don't get carried away.

MS OLSEN: I won't get carried away. I'm going to speak to the principle of this bill.

I commend any member who brings forward a private member's bill, but this one raises so many flags for me. I see red lights going on actually. [interjection] No. No sirens here. Red alerts though.

Where can I start? Okay. I understand that the bill sets out five responsibilities that individuals have to other citizens. It sets out four responsibilities that individuals have, and it sets out responsibilities for the government. Most everything that is discussed is discussed in relation to other statutes. Much of what is in here is set out in other statutes. The other comment I want to make is that many of those other statutes have penalty sections for violating certain things, like the Criminal Code here and the Canadian Charter of Rights and Freedoms. This is a pretty big book, and they all have penalties associated. So I'm a little concerned here.

[Mr. Clegg in the chair]

I would consider this bill to be, I guess, almost duplicitous in what it's trying to do, almost redundant in many ways.

If I can just move on, you talk about the individuals having responsibilities "to respect the rights of others to life, liberty, security of person and enjoyment of property." I, under this Canadian Charter of Rights and Freedoms, read those very same words somewhere in here: "life, liberty and security of the person." You know, we already have this kind of thing in the Criminal Code. It enforces the responsibility, and it has significant penalties for offenders.

Stating that individuals must "abide by the law" does nothing to enhance the enforcement of the Criminal Code. This is the law that we like to rely on along with the provincial statutes that exist and many other acts, and I kind of wonder how an Alberta Bill of Responsibilities can help to enforce law. It doesn't. The fact that we want to send out a message that people have to abide by the law – that's what I do as a parent. That's what you do as a parent. All of our other institutions preach that same message, and that message is that, you know, we want our children as they grow to abide by the law. I don't need this bill to tell me that I need to do that. It does nothing to enhance the enforcement of those laws at all. It doesn't assist in any way.

You talk in your bill about individuals respecting the religions of others. I do believe that in the Canadian Charter of Rights and Freedoms, which, by the way, is part of the Criminal Code – there are some aspects of this that actually every police officer has to look at and abide by. Consequently, as you know, cases will be thrown out of court if people don't do the right thing by this act.

We have human rights acts. You talked about the Alberta Bill of Rights. You talked about the Canadian Charter of Rights and Freedoms, which is entrenched. We should be so fortunate as to have that entrenched in our land, because very much it then says that there are certain responsibilities, duties, and rights that people have, and the Canadian Charter of Rights and Freedoms prohibits discrimination on the basis of religion. So I'm concerned – here we are again – that it's duplicitous. The other thing is: let's not forget that these supersede provincial legislation.

The other aspect of it is that we do have still a Canadian Human Rights Commission and we have a little bit of the Alberta Human Rights Commission left. It's splintered. We're not quite sure what it really is, but complaints for a violation of those kinds of issues can be taken to the Human Rights Commission. Now, if we had a very functional, effective Human Rights Commission, not just arm's length but totally independent of this government, then we would see some really enhanced decisions coming out of the commission. You know, I sit back and I say: what really is the intent of this bill?

The other aspect of it is exercising "freedom of speech, including freedom of the press, without impediment." I just want to make a note here. I think there was a comment – and I can't read it. Maybe I need glasses or something now. But I think it was the Premier of this province who said: I believe in free speech as long as you say the right thing. That was a quote from the Premier of this province. I believe in free speech as long as you say the right thing. My goodness. Thank goodness we have an entrenched Charter of Rights, because if that's what our Premier is talking about, we're in trouble. However, freedom of speech does exist, and it is a Charter right, and the laws of this land protect that right.

Now, what this bill says, however, is that a person must allow other people to exercise this right "without impediment." What's scary is that sometimes you have built-in impediments, and the reason for that is because we don't want things like racist comments to be accepted. We don't want people to be able to go out and incite hatred against any identifiable group. Sometimes

there are reasonable impediments, and that, my friend, is a reasonable impediment. Inciting hate against another group is unacceptable. It's unacceptable in a country where we enjoy the full freedoms that we have. So I would be concerned that you would suggest that without impediment is something that should happen. Absolutely not. I just can't accept that whole line of reasoning at all.

#### 4:40

Another aspect that we have: “. . . freedom of peaceful assembly and freedom of association are not used to impede the rights and freedoms of others.” Well, there are times when this activity is appropriate and times when it is not. Again we have laws to deal with that. Municipalities issue permits for all sorts of groups, from parades and marching bands to do their thing to little kiosks on the sidewalk during the Fringe up here and during the Calgary Stampede and all of those kinds of things. You know, there's absolutely no reason to prevent peaceful assembly at all.

Sometimes we get caught up in what we believe, in that sort of homocentric notion that what we believe is right and that's the only thing that is right. Well, we have to open our minds and be much broader than that. We have to be able to be accepting of all people, all people's beliefs. You don't have to agree with them, but you have to at least be able to acknowledge that your way is not the right way and it's not the only way.

Also, I guess on that note I want to just comment that during a strike anyone can peacefully engage in picketing an employer's place of business to persuade or endeavour to persuade anyone not to enter the employer's place of business to do business with the employer. That falls within the Alberta Labour Relations Code. Now, that doesn't mean to say that physical confrontation can then occur without this huge, monstrous piece of legislation, the Criminal Code, maybe coming into play somewhere, but certainly just by virtue of a striker being out on a picket line – they have a right to do that, and they should be able to carry out that duty.

I'd like to move down to “individuals are responsible for . . . the actions of their minor children.” Well, let's just make the assumption that, yes, most of us, at least in this Assembly, will say that we're responsible for our children. But let's not forget that many of us have teenaged children, and those children may not always listen to us. [interjections] Yeah, that happens, if you can believe it. Teenaged children don't always listen to their parents. You know, we're not generally held accountable for the actions of those children in either criminal law or civil law. So I'm concerned. Just to make the broad statement that we're all responsible for our teenaged children, who may be 16, 17 – you know, we can't chain these kids to their beds. We can't beat them. We can't do all those sorts of things. They have to be responsible for their own actions.

To hold a parent responsible for a teenaged child's behaviour is actually something that I can't support. I mean, you may in fact have an 18 year old who is totally out of control. Does that mean you're responsible? You could be the most decent person in the world, which I'm sure you, the hon. member presenting this bill, are. Is it then your fault that your child went out and committed some kind of crime? Would it be your responsibility if your 17- or 18-year-old son stole somebody's car and got in an accident? So then you're held accountable for all of that? No. You have to think about how much control you can reasonably exercise over your teenaged child, and I think that's something you have to give some thought to.

What if you have a situation where mom and dad are divorced and one of them has custody of the child and maybe the other one

hasn't seen the child for five or six years and that child gets into some difficulty? Or maybe the kid has taken off and run away from home, and mom and dad would like to have them home but have only a reasonable amount of control they can exercise over them. Do they then become responsible for everything that child does after he takes off from home? I know that the hon. member as a social worker would know that with runaway children you can't chain them to their room. Right? A lot of these kids run and run and run and run. Every time you take them home, they run. At what point, then, do you say: “Well, look. I've done the best I can”? Your words were: we all believe that we're doing the best we can. And if you've done the best you can as a parent and that child chooses that route, there is nothing that you can be held responsible for. I mean, it's just not a reasonable thing to ask.

Individuals are responsible for “providing a safe, secure and nurturing environment for their families.” This is a very, very nice statement. It is a very nice statement. But what are you going to do if somebody doesn't provide a safe, secure, nurturing environment for their family? There again is no enforcement provision in this piece of legislation. This is a very nice piece of legislation, but there's no enforcement provision for that. However, under the Criminal Code there are charges for not providing the necessities of life. And there's the Child Welfare Act. We just went through this with Bill 1; right? We just went through what's deemed to be a child in need of protective services. If a child's been abandoned, absolutely.

The Child Welfare Act has some sanctions under there, and one of those sanctions, after Bill 1 passes, is going to be a \$25,000 fine, albeit I'm not quite sure we're going to see \$25,000 fines handed out in the provincial courts. I would be very surprised, when we see \$200 or \$300 fines handed out in the criminal courts for other violations of the law. Or you can get two years in jail. At least there's a sanction under the Child Welfare Act. There's a sanction under the prostitution legislation that's coming through. So we're going to have those things. But there sure aren't any sanctions under this very nice bill. So, you know, I'm not sure why we would have that particular section.

Individuals are responsible for “maintaining and protecting their children until the children reach the age of majority.” That's a nice statement in a nice bill, but it does nothing to improve the law as it already stands. Not all parents end up not having responsibility for their children at age 18, at the age of majority. If you're a divorced parent and if you are paying for your child, you have a financial responsibility to pay for that child as long as he's going to school. You know, he could go to school for 10 years. He could be 30 years old, and he's still your child and you're still paying. I'm just trying to highlight some of the concerns I have. There are all sorts of other pieces of legislation that act very responsibly to address some of these issues.

The government's responsibility. Now, the government does have a tremendous amount of responsibility. To preserve the environment and manage resources for future generations: I bet my colleague from Edmonton-Mill Woods is going to talk to that issue, about what the government's responsibilities are in terms of protecting the environment, because I think she doesn't think they're doing such a good job. [interjection] Oh, Edmonton-Ellerslie. Sorry.

#### 4:50

MR. ZWOZDESKY: Which includes Mill Woods.

MS OLSEN: Which includes Mill Woods and not Mill Creek. All right.

You have that section of the legislation, and there's nothing there that binds the Crown to this statement. There's nothing there that makes the Crown actually accountable under this. So it's interesting as to why we would have that there. Like I say, it's very nice. This is very nice, but it doesn't really do anything.

[The Speaker in the chair]

Well, we know that the government's responsibility is to exercise fiscal responsibility, to ensure that it operates within its means. We know that the government has a debt retirement bill. This government isn't allowed to carry a deficit. Mind you, there aren't any penalties for not doing that either, so that's also a piece of legislation that . . .

AN HON. MEMBER: They should pay out of their own pockets.

MS OLSEN: Yeah. Maybe they should pay out of their own pockets for that. Pay the difference. So that's an interesting section in this bill as well.

You know, there are many people, by the way, that rather than starving their children or neglecting their education take out a second mortgage. Now, that's going into debt, but sometimes that has to be done by some people. That's a responsibility for some people. That's not always the best route to go, but I mean those are options out there for people so that they can get through the tough times.

There's another issue here: the government's responsibility "to promote individual well-being by maintaining effective health care, education and social welfare systems." [Ms Olsen's speaking time expired] Well, you know, as the social services critic I am going to end this particular discussion at this time. This is a very nice bill, but I just can't support the bill in principle.

Thank you.

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. It gives me great pleasure today to speak to Bill 205, the Alberta Bill of Responsibilities. This is a bill which has definite merit. The ideas and objectives that are presented in Bill 205 are very important for a democratic society based on the rule of law. This is a bill to stimulate thought and is a challenge to conventional paradigms. It's a vehicle for debate. Our modern day society has come to focus almost exclusively on rights. Because of this there is perhaps not enough consideration for the responsibilities that we as individuals have in a free society. This is not to say that rights are not important. They certainly are. However, we must earn rights by fulfilling our responsibilities, responsibilities not only to ourselves but to each other and to society as a whole.

Bill 205 does not endanger the rights of Albertans that they already have under the Alberta Bill of Rights or the Canadian Charter of Rights and Freedoms. In fact, this bill reinforces these rights by making individuals responsible for respecting the rights of others. With greater responsibilities the rights of Albertans will be enhanced.

Mr. Speaker, Bill 205 is significant because it attempts to define the responsibilities of Albertans. Section 1 outlines the responsibilities Albertans have to each other. With this bill Albertans will be required to do several things. First, "individuals have a responsibility to respect the rights of others to life, liberty,

security of the person and enjoyment of property." These are really basic democratic principles. If we are to enjoy these rights, it's our duty to respect the fact that all Albertans may enjoy these rights, for without this respect for others these rights are not nearly as meaningful.

The second responsibility individual Albertans have under this bill is to "abide by the law." Mr. Speaker, respect for the rule of law is probably the single most important obligation we have as citizens in a democracy. This bill would legislate our responsibility to honour the laws of Alberta and Canada, because when an individual breaks the law, he or she must understand that they give up some of their guaranteed rights.

Third is the responsibility to "respect the religions of others." The freedom of religion is a basic right guaranteed under both the Alberta Bill of Rights and the Charter of Rights and Freedoms, but one can not freely choose and practise religion unless the freedom is respected by others. Bill 205 states that it is our responsibility as individuals to respect the religious freedoms of our fellow citizens. This is so important in our changing Alberta that is now home to many of the world's great religions.

Fourth, Mr. Speaker, Bill 205 makes it clear that individuals have a responsibility to "allow others to exercise freedom of speech, including freedom of the press, without impediment." This is yet another important responsibility that we have. It may be very surprising to some, but the Canadian Charter of Rights and Freedoms does not specifically guarantee freedom of speech. It includes the freedoms of thought, belief, opinion, and expression, but there's really no specific reference to free speech. With this in mind, it's vital that we should be responsible for respecting free speech, because this, too, is a fundamental principle of a free society. Bill 205 makes this message clear to Albertans.

Mr. Speaker, the fifth provision is that Albertans have the responsibility to "ensure that freedom of peaceful assembly and freedom of association are not used to impede the rights and freedoms of others." This provision is an extension of the Alberta Bill of Rights. By making Albertans responsible for allowing other Albertans to associate and assemble, this bill ensures that we will continue to enjoy the freedom of association and assembly.

Section 2 of this bill outlines responsibilities of individuals in Alberta. Subsection (a) states that individuals are responsible for "their actions and the consequences of those actions." This is similar to having respect for the rule of law. Here I think it's appropriate to quote Lincoln's law. Lincoln contends that whenever A annoys or injures B on the pretext of saving or improving X, then A is a scoundrel. The essence of Lincoln's law is that in order to enjoy our own individual freedom and liberty, we absolutely must respect the freedom and liberty of others. If we value our own freedom, then we need to bear the responsibility of our actions and the effects of those actions. Mr. Speaker, Bill 205 captures this concept quite well.

Section 2 also emphasizes the responsibilities of parents and families. Some people may feel the importance of the family unit in today's society is not what it used to be, but this is all the more reason, if it is so, to make parents and the extended family more accountable for their families. When responsibility is removed from friends, family, and self, social ties are weakened. For families to be strong and healthy, parents must assume complete responsibility for the actions of their children. Making parents more responsible for their children would be a useful step towards reinforcing the importance of the basic family unit.

Mr. Speaker, Bill 205 also recognizes the responsibility of the government and the ministers of the government. Fundamentally,

government has four basic responsibilities: the first, protect property rights, something this government presumably does but will do more if Bill 13 succeeds; second, uphold and enforce the rule of law; third, provide citizens with responsible government; and fourth, offer universal education. Section 3 of Bill 205 expands these by outlining other responsibilities of government such as managing Alberta's environment, being fiscally responsible, and promoting some key social programs.

Finally, Mr. Speaker, ministers would be made responsible for complying with the provisions of this bill when releasing their ministry's business plan under section 13 of the Government Accountability Act, but Bill 205 would make government responsible for its actions in much the same way that individuals are expected to be responsible for their own actions under the bill. Responsibility and accountability are ongoing duties for both governments and individuals. One does not lose their responsibilities simply because they have a good record in the past or in the present. The responsibilities outlined in this bill are lifelong responsibilities, responsibilities that must be taken seriously at all times and really under all situations.

5:00

Mr. Speaker, it can be argued that the Bill of Rights and the Charter of Rights and Freedoms have had some side effects that are cause for concern. In particular, the Charter has become a vehicle for some special-interest groups, many of whom are funded indeed by Canadian taxpayers' dollars. These groups complain their way into prominence and then demand special rights to protect their cause. Instead of demanding rights, these individuals and organizations would perhaps be better served by paying equal attention to their own responsibilities as citizens in a democratic and free society.

Mr. Speaker, the current rights revolution, if we may call it that, is to some alarming. It is a concern because the main goal of some, perhaps all too many, special-interest groups or pressure groups is not so much to protect the individual from the state but rather to demand bundles of goods, services, money, privileges from that state. It's no wonder that the rights revolution has occurred in perfect step with the overspending of the federal and provincial governments in the last few decades. It takes an incredible amount of time and money to appease everyone under the Charter of Rights and Freedoms and in some instances under the Alberta Bill of Rights.

Mr. Speaker, Albertans have demonstrated that they understand better than most Canadians that governments cannot and more importantly should not be involved in every single aspect of the lives of the individuals in that society. If government takes on the roles of mother, father, chaperon, baby-sitter, boss, breadwinner, then society indeed I think has a problem. That problem is often referred to as cradle-to-the-grave or womb-to-the-tomb scientific socialism, and we need only look at some of the devastating 20th century examples to realize what the consequence of that ideology may be when it's carried to its logical extremes.

We believe that the correct approach is to focus on individual responsibility and freedom rather than collective rights and consequent handouts. Individual liberty and freedom may be lost when governments quit asking what is good for individuals and start asking what's good for some individuals or, worse yet, what's good. When government starts asking the latter two questions, a new system begins to emerge, a system where people are no longer considered equal, but they're considered alike. In this case, government believes that it can make life fair, but to make life fair, government then needs to be bigger, enormous in

fact, and has to be involved in every aspect of the lives of every citizen in order to be fair to everybody.

William Gairdner, a respected Canadian author, has written about the trend towards positive rights or things provided to individuals by the state. In his book *The War against the Family* Mr. Gairdner illustrates the trend towards positive rights using an example. He asserts:

This phenomenon has led to a wholesale "rights fever" in Canada, such that there's almost nothing left to which someone does not claim some right or other. I even heard a man argue that he had a "right" to marry! I pointed out, to his embarrassment, that this means someone else had an obligation to marry him. A moment's reflection [on that kind of conundrum] reveals that rights and obligations are reciprocal notions.

Mr. Speaker, I think this private member's bill is a sign of the times. Albertans are realizing the consequences of a rights-only based society, and there's concern. Albertans understand the responsibilities that must be borne before rights are awarded. It's a give-and-take situation when responsibilities are assumed, and the rights follow.

As I said at the outset, this bill merits our consideration as it seeks to bring responsibilities back to the forefront. It seeks to make us realize that if we wish to enjoy the rights we have in our free society, we must understand and live up to our responsibilities. For the most part, Mr. Speaker, in order for us to be responsible and therefore free, responsibility must be personal. It begins with the individual. However, to the extent that the responsibility should be shared and merged in a free society, it should be shared and merged the same way as political power, which means starting again with the individual. Responsibility must proceed from the bottom up, not from the top down.

To reiterate, if responsibility is removed from friends, family, and self, social ties are weakened. Bill 205 proposes that government declare and recognize some of its responsibilities. Because our government represents the people, it has certain obligations to the people. I wish to thank the hon. Member for Calgary-McCall for bringing this bill forward to have its elements debated and considered in this Assembly.

Mr. Speaker, in a perfect world everyone would be aware of their responsibilities in society and Bill 205 would not be necessary. However, as we all know, this world is not perfect. Bill 205 is a reminder to Albertans that rights are not free; they must be earned and exercised. Rights are earned when responsibility is proven.

Mr. Speaker, these are some of the reasons I support the intent of this bill, and I believe all members of the Assembly should give it their fair consideration. Thank you.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I'd like to speak about the intent of Bill 205, the Alberta Bill of Responsibilities. I have to admit that it's caused me a bit of a conundrum this afternoon because in many ways I'm wondering whether by giving debate to this bill, we dignify it with a respect that it doesn't deserve. I'm finding this a slogan bill. I'm finding this a bill that is incorporating ideas that are already incorporated in other jurisdictions and legislation which supersedes this bill. This is invasive legislation into personal lives, and for a government that says that they want to interfere less in people's lives, I don't understand why they would be bringing forward a bill that interferes in the most intimate way in their lives. I think this is disguising rhetoric as legislation. I would be interested in hearing

from the Member for Calgary-McCall what role he sees this bill taking in good government. I think this is making a mockery of the work we are trying to do here in this Legislature.

Bill 205 talks about responsibilities, and it does go over a number of things that are already included in the Charter of Rights and Freedoms. I note with interest that it's including "enjoyment of property" under those things that would be a responsibility and a protection under this proposed legislation. That is not something that's included in the Canadian Charter of Rights and Freedoms, I think for a very good and a very Canadian reason: because we have always valued people before property. I would be interested in hearing why the member has included enjoyment of property under this bill. That is something that I have never respected in the American Constitution, and it has certainly given rise to a litigiousness that is unseen anywhere else in the world as people battle others over whether or not they were entitled or allowed to enjoy their property. Do we really want to be bringing that forward in Alberta?

Abiding by the law, respecting the religion of others, and freedom of speech are all very well protected and eloquently protected under the Charter of Rights and Freedoms, and that document would supersede this one. So why is this legislation being brought forward? It is a slogan bill.

The one area that I note with interest – and it surprises me, frankly, that it would be brought forward by the hon. members in the government – is the section that's talking about ensuring that "freedom of peaceful assembly and . . . association are not used to impede the rights and freedoms of others." This is interesting, because this is what the abortion clinics have been asking to be enacted for some time to keep the protesters far enough away from the clinics to not be impeding the business of the abortion clinics. So I will admit to being surprised that this would be brought forward in a government bill. But if you have listened to the request there . . .

THE SPEAKER: The hon. Member for Highwood.

#### **Point of Order Private Members' Public Bills**

MR. TANNAS: A matter of clarification, Mr. Speaker. These bills are private members' public bills, not government bills.

MS BLAKEMAN: Right. Sorry.

THE SPEAKER: Hon. members, that's absolutely correct. The interjection is an appropriate one. This is not a government bill; it's a private member's bill.

MS BLAKEMAN: Yes. I stand corrected. I'm sorry. As soon as I said it, I knew I had stepped outside the bounds. Nonetheless, brought forward by a member opposite.

#### **Debate Continued**

MS BLAKEMAN: I'm really interested in the family and responsibility section. I'm assuming that there is some intent here – perhaps that could be expounded upon – that this has something to do with greater enforcement of young offenders and making it possible for parties to sue the parents of young offenders or young people that have breached the law. It puts forward an interesting philosophy underneath it. It seems to be saying that parents should take total responsibility for children. How then do you teach responsibility to children if you never allow them to have it?

You have parents rushing in and being totally responsible for them until the day they turn 18, and then you cast them out. I don't know quite where any young person is to practise that responsibility, to learn it, to test it, perhaps even to have trial and error in accepting responsibility as a responsible citizen, when there is this great overriding concern that parents will be ultimately responsible.

#### **5:10**

As always, I'm deeply suspicious of this government when it has failed to sign the UN declaration on the rights of the child, and then I hear stuff like this about responsibility. There is an interesting attitude that is expressed about families and children and how much jurisdiction, power, and responsibility parents have over their children. So I don't understand what the original intention of it was.

I notice that the member spoke at length about parents who don't take the time and effort for their children. As a social worker I would have expected an acknowledgement of the number of people who would dearly love to take the time and effort but living in this part of the country don't perhaps have that luxury because they're working two or three jobs at minimum wage – being the lowest minimum wage in the country – to try and look after their children or searching for affordable housing or accessible, quality child care. I think it was a little unfair to tarnish all Alberta families with some indication, as I heard it, that people are choosing not to do this and that they should have the responsibility legislated upon them.

This bill appears to replace government responsibility with individual responsibility. I think that is following along with a trend that I've certainly seen come across from the members opposite. I think government has been quite successful in downloading a number of things onto the community, or the municipality, or the individual, so this is a further one down onto the individual and the families.

The Member for Calgary-McCall also spoke about the issues that were raised by Albertans at the Growth Summit. I think, certainly in my reading of the proceedings from that Growth Summit, that people seemed most concerned about the partnership between government and communities and particularly where government would be going with their responsibility for health and quality of life. I remind you that specifically included support for arts and culture, recreation, and sports.

So I think government does have a role to govern, certainly to protect people – and that's been mentioned by one of the members opposite – to provide services like health and education, and to support those quality of life issues that we expect from this government.

One of the things that most confuses me about this bill is that there's a number of expectations placed on individuals about their responsibility, but usually you would expect to see enforcement laid out. If it's serious about requiring people, legislating people to be responsible, you would expect to find enforcement of the legislation of that responsibility. I would also be expecting to see a penalty for when one fails to fall underneath the auspices of this bill. So it's a bill that says you should do this but doesn't give any monitoring, enforcement, evaluation, or penalty if one fails to do that.

I don't see this as a very helpful bill to anyone, and I truly wonder why it was put forward. I am interested in hearing more from the hon. Member for Calgary-McCall on why this bill was written and brought before this House. When there is so much pressing legislation, programs, policy that need to be discussed

and debated in this province, I do not understand why this bill has been brought forward. It is a slogan bill. It is covering actions and intents that are clearly laid out in other legislation. It is not giving any specific direction as far as enforcement or penalty, or reward for that matter, for following what is under this legislation. I do find this frivolous, and I question why this was brought forward. It is a repeat of things that do it and say it so much better, and it is interventionist on a scale that I would not expect from this government.

It's a good socialist bill. Indeed, it will legislate people to be as the hon. members opposite wish them to be. They don't seem to respect Albertans to be responsible on their own. They are going to legislate them to become that way, which I find surprising. I would have thought more respect for Albertans than what I'm seeing brought forward in this bill.

MS CARLSON: It's surprising for people who are against legislated gun control.

MS BLAKEMAN: It is surprising for people who are against legislated gun control. The interventionist seems to run the entire . . .

MR. HAVELOCK: Point of order.

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

**Point of Order**  
**Private Members' Public Bills**

MR. HAVELOCK: Mr. Speaker, just very briefly. We're discussing private members' bills. We are not discussing government legislation. So would the member please keep that in mind. This member has brought forward this bill, as he has a right to do, and this is not a government initiative.

THE SPEAKER: Hon. Government House Leader, we had that interjection a few minutes ago. It's been dealt with.  
Continue.

MS BLAKEMAN: I carefully avoided making any reference to government. I've been talking about members' opposite, individual bills. There are many private members on that side, and I'm sure they appreciate that distinction.

May I continue, Mr. Speaker?

THE SPEAKER: Absolutely.

MS BLAKEMAN: Thank you so much.

**Debate Continued**

MS BLAKEMAN: The irony of that was that I was drawing to a close with my comments, but I appreciate the opportunity to speak a few more minutes.

I look forward to any elucidation that is forthcoming from the private members opposite. I hope I do not have to wait for a long time, and I hope this has not been a use of our time that could have been better used elsewhere.

With that, Mr. Speaker, I would like to adjourn the debate.

THE SPEAKER: The hon. Member for Edmonton-Centre has moved that the debate now be adjourned in this matter. Do all members agree?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? So moved.  
The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that the Assembly do now adjourn until 8 p.m. this evening and reconvene in Committee of Supply.

THE SPEAKER: On the motion put forward by the hon. Government House Leader, those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: So ordered.

[The Assembly adjourned at 5:19 p.m.]