

## Legislative Assembly of Alberta

Title: **Monday, March 16, 1998** 1:30 p.m.  
Date: 98/03/16  
[The Speaker in the chair]

### head: Prayers

THE SPEAKER: Good afternoon. Let us pray.

O Lord, grant us a daily awareness of the precious gift of life which You have given us.

As Members of this Legislative Assembly we dedicate our lives anew to the service of our province and our country.

Amen.

Please be seated.

Hon. members, today 92 years ago less one day the First Session of the First Legislature of the province of Alberta was convened.

### head: Introduction of Visitors

MS BARRETT: Mr. Speaker, it's my pleasure to introduce to you today a former colleague of yours and many of ours in this Assembly who's seated in your gallery today. John McInnis served as the MLA from 1989 to 1993 for the riding that was then known as Edmonton-Jasper Place. Prior to that he was director of operations and research for the Official Opposition New Democrats. He's here visiting with his daughter today. They've come from Vancouver. It's my pleasure to see him today, and I ask him now to rise and receive the welcome of the Assembly.

### head: Tabling Returns and Reports

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

MR. WHITE: Thank you, Mr. Speaker. I rise to table copies of letters that were received by many persons in this Legislature. They are from the mayors of the cities of Calgary, Peace River, Lloydminster, and Grande Prairie and the town of Bonnyville. They are expressing concern about the receipt of full residual value for the existing generation units in the province of Alberta and the 2002 deadline.

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 from the Alberta Department of Labour accepting pine shakes as a building material. It's dated 1993.

Thank you.

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

MR. WHITE: Thank you, Mr. Speaker. I rise today to table copies of a letter from a Ms LaBrie. She's concerned about fair compensation for those that care for her son, who is mentally and physically handicapped and requires 24-hour supervision.

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

MR. STELMACH: Thank you, Mr. Speaker. I wish to table four copies of the annual report from the Surface Rights Board.

Thank you.

### head: Introduction of Guests

THE SPEAKER: The hon. Member for Bonnyville-Cold Lake.

MR. DUCHARME: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to members of this Assembly 45 students from H.E. Bourgoin school from Bonnyville. They are accompanied by their teachers, Mrs. Trepanier, Mrs. Bureau, and Mrs. Flood, and parent helpers Mr. Veenstra, Mrs. Scott, Mrs. Carter, Mrs. Thornton, Mrs. Moosepayo, Mrs. Drozdowski, Mrs. Sinclair, Mrs. Turcotte, and Mrs. Namath. They are seated in the members' gallery, and I'd ask that they please rise and receive the warm welcome of the Assembly.

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

MRS. SOETAERT: Thank you, Mr. Speaker. On behalf of the Member for Edmonton-Riverview I'd like to introduce 37 visitors from St. Martin Catholic school. They are here today with Mrs. Markiana Hryschuk and Mrs. Luba Boyarchuk. I would ask them to please rise and receive the warm welcome of the Assembly.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. It is indeed a pleasure for me to rise and introduce to you and through you to members of this Assembly my constituency office assistant, Viviane Theriault, and a former constituent, Mike Stepa. They are seated in the members' gallery. I would ask them to rise at this time and receive the very warm welcome of this House.

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

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce two individuals. The first is Crystal Allinott, who is a legislative social work student from the University of Calgary. She is doing a field placement in my constituency office for three months. Beside her is seated Derek Christensen, who is my constituency manager, without whom our constituency would not function as well as it does. Thank you very much. If they would please rise and receive the warm welcome of the House.

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

MR. BONNER: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly Steve Cormier and 20 of his students from St. Anne Catholic elementary school. They're seated in the public gallery, and with your permission I'd ask that they now rise and receive the traditional warm welcome of the House.

### Recognitions

THE SPEAKER: Six hon. members have given notice of their interest to rise on a point of recognition today. We'll proceed in the following order: first of all, the hon. Member for Bonnyville-Cold Lake, followed by the hon. Member for Edmonton-Mill Creek, followed by the hon. Member for Livingstone-Macleod, followed by the hon. Member for Edmonton-Mill Woods, then the hon. Member for Little Bow, and then the hon. Member for Spruce Grove-Sturgeon-St. Albert.

### National Francophonie Week

MR. DUCHARME: Thank you, Mr. Speaker. Earlier today I had the pleasure of participating along with other Francophones from numerous sectors of society in the opening ceremonies of this year's National Francophonie Week at Edmonton city hall. Cities and communities across Canada are uniting with their local celebrations and using these events to truly build bridges between French-speaking people of all origins.

La Semaine Nationale de la Francophonie provides numerous opportunities to promote the influence, use, and vitality of the French language. This year's theme, The International French-speaking Community: Bursting with Youthfulness, captures the enthusiasm that accompanies these festivities. With one out of every four Canadians having French as his or her mother tongue and one out of every three Canadians speaking French, the National Francophonie Week is an excellent opportunity to express pride in the French language and culture and to share with others our personal experiences.

Congratulations to all Francophones involved in these activities. I wish them all the best for successful celebrations throughout the province of Alberta.

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

### Alberta Council for the Ukrainian Arts

MR. ZWOZDESKY: Thank you. Mr. Speaker, the Alberta Council for the Ukrainian Arts, ACUA, exists to preserve, promote, and facilitate further development of Canadian Ukrainian arts which reflect the proud heritage of about 200,000 Albertans. Recently ACUA excellence in artistry awards recognized four outstanding contributors to Ukrainian arts in Alberta. They are Mr. Bohdan Melnychuk, who owned and operated the Ukrainian Book Store in Edmonton; Chester and Luba Kuc, founders of the Cheremosh Ukrainian Dance Ensemble and the world-famous Ukrainian Shumka Dancers; the Dumka Ukrainian Orchestra including founders Ihor Karpa, Robert Snatynchuk, Orest Warchola, Roman Warchola, and Mike Duchnij, as well as Rob Andruchow, Bill Arab, Christina Chernesky, Rob Clements, Brett Donaldson, John Dymianiw, Emilian Groch, Ted Harasymchuk, Greg (Hrytz) Maluzynsky, Valerian Markevych, Ihor Nedoshytko, Tim Ochitwa, Martin Peet, John Stech, Ron Yachimec and Bohdan Zajcew. The fourth recipient was the Tryzub Ukrainian Dance Ensemble of Calgary.

I also want to recognize ACUA president, Steve Romanow; past president, Audrey Uzwyshyn; producer, Terry Mucha; visionary Dr. Roman Petryshyn; and Rena Hanchuk, ACUA's first and only honorary lifetime member.

The Legislative Assembly congratulates all the artists and ACUA's many volunteers.

Thank you.

### Fort Macleod Hospital Auxiliaries

MR. COUTTS: Mr. Speaker, hospital auxiliaries have provided valuable assistance and service for hospitals, families, patients, and medical staff in this province. Fort Macleod, with the arrival of the North-West Mounted Police, was the first community in western Canada with the first hospital and the first Hospital Aid. Fort Macleod auxiliaries celebrated their hundredth anniversary on October 4, 1997, and I am proud to say that they plan on continuing with the same mandate they began with in 1897; that is, volunteering time and talent to supply linen, make and supply

bright fresh curtains, knit baby clothes, and fund-raise for kidney foundations as well as equipment and furniture for local patient comfort.

To the president, Verna Hatton, and her 26 members, to historian and past president, Doris Falconer, and the previous 48 presidents, I say thank you for the support provided by your organization throughout this hundred-year tradition. You are truly a testimony to dedicated, selfless service to Fort Macleod and district and an example for all Albertans.

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

### 1:40 ATA Child Poverty Roundtables

DR. MASSEY: Thank you, Mr. Speaker. Today I pay tribute to Fran Savage, past president of the Alberta Teachers' Association, and the teachers of the province for the leadership role they have assumed in seeking to end child poverty. To do so, they have brought together the education sector, government, health and social service providers, the business and volunteer communities. Known as the Joint Stakeholder Committee on Children and Poverty, a current project is to hold a series of roundtables addressing this problem in communities across the province.

One of the roundtables is being held in Edmonton-Mill Woods. The goals are to bring together people who are experiencing poverty so they may express in a common voice concerns about their lives; two, to bring together people in our community to work toward improving the lives of people living in poverty; and three, to develop together a community plan to alleviate poverty within Mill Woods.

Thank you, teachers, for caring; thank you, committee members, for choosing Mill Woods; and thank you all for helping people in this community help themselves.

### Byron Smith

MR. McFARLAND: Who is a unique individual, Mr. Speaker? Byron Smith is. Following accomplished athletic involvement in hockey and track and field, Mr. Smith moved to Vulcan in 1989 to operate an automotive dealership. A community-minded entrepreneur, he donated money from each new vehicle sold at his business last year toward the purchase of a new Zamboni machine for the community arena.

On Friday, March 20, Mr. Smith will leave Alberta for nearly two and a half months as the only Canadian on a British expedition to Katmandu, Nepal. Their goal: to climb Mount Everest. Byron is selling T-shirts, posters, and mugs commemorating this climb. What is unique is that he is donating the proceeds from these sales to all the elementary schools in the county of Vulcan.

Constituents of Little Bow and all Albertans should be proud of this Albertan's initiatives, and we wish him every success in achieving this lofty goal.

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

### Brookwood School

MRS. SOETAERT: Thank you, Mr. Speaker. It's my pleasure today to recognize and congratulate the students, staff, and parents of Brookwood elementary school in Spruce Grove. Brookwood has accomplished a landmark in environmental action by completing 500 projects as part of SEEDS, Society, Environment and Energy Development Studies, learners in action program.

Brookwood is the 216th school in Canada to be granted emerald status.

Students, families, and staff have been involved for five years in completing a variety of projects that show their concern for and desire to care for our world. Classrooms worked diligently at recycling, reusing, and reducing. The school has decided to continue the work and take the next step and complete 1,000 projects, which will qualify it to become an Earth school.

Thank you.

head:

### Oral Question Period

#### Institutional Confinement and Sexual Sterilization Compensation Act

MR. MITCHELL: Mr. Speaker, last week this government succumbed to opposition and public pressure to withdraw the worst piece of legislation in 27 years of Conservative government in this province. Bill 26 was so disgraceful in fact that a hard copy of the bill was not even presented to the government caucus prior to its coming to the Legislative Assembly. The Premier did not trust his own colleagues on this one, and he accepted, defended, and then rejected the advice of his Justice minister to take away the rights of 703 very vulnerable Albertans. To the Premier: how can the Premier say that he did not understand the notwithstanding clause when he and his now lame-duck Justice minister purposely neglected to give their caucus members a hard copy of Bill 26 when they discussed it with the caucus prior to bringing it to the Legislative Assembly?

MR. KLEIN: Well, it's amazing, Mr. Speaker, how much the hon. member seems to know about the workings of our caucus. Has he got his ear to the door?

Mr. Speaker, what happens with legislation relative to the hard copy – I don't know how their caucus works, but certainly we discuss the principles of a bill. There is a process in place. It's called legislative review. That is where the hard copy is discussed. That's where there is a detailed examination of legislation to make sure all the i's are dotted and the t's are crossed. So with respect to that bill it was handled much like every other bill.

MR. MITCHELL: Given all the exposure, then, that the bill had within his caucus, what is the Premier going to do about the fact that there was not a single person in his government, not a single MLA, not a cabinet minister, who stood up and opposed the notwithstanding clause prior to the Premier bringing that bill, that disgusting bill, to this Legislative Assembly?

MR. KLEIN: Mr. Speaker, the bill is gone. It is gone. We will not be proceeding with the bill. Why does he want to discuss something that simply is not going to happen? I will admit that it was in hindsight bad legislation, and it was pulled within 24 hours. It was pulled, and now we are setting up a process to deal with the victims of the sterilization act. That process should be in place within the next week or so, and if those individuals prefer not to take advantage of the process that will be put in place, they certainly have every right to proceed through the courts.

MR. MITCHELL: Mr. Speaker, what's changed since last Thursday afternoon to assure Albertans that there are the people and there is the review process in place to make certain that this kind of threat to Albertans' rights can never happen again?

MR. KLEIN: Mr. Speaker, as I explained, there was a review. This went through legislative review. All the legal connotations of the bill were discussed and reviewed in detail. I said publicly last week that the use of the notwithstanding clause is a very serious matter indeed and that it is not to be taken lightly. I have given Albertans assurances that if for some reason it's contemplated that the notwithstanding clause would be used, there would be full, open, and complete public discussion.

THE SPEAKER: Second Official Opposition main question. The hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Speaker. Last week this government blamed its use of the notwithstanding clause on the lawyers for the sterilization victims, yet it was this government that refused to negotiate settlements with these victims. My question is to the Premier. Will you tell Albertans if you instructed your lawyers, Macleod Dixon, to settle with these victims as quickly as possible, or did you tell the lawyers to grind these victims through the court system?

MR. KLEIN: We didn't have that discussion, Mr. Speaker. We sought the advice of outside counsel, two firms, Burnet Duckworth and Macleod Dixon, as I understand it, as well as counted on the advice of our own internal lawyers.

If the Justice minister wishes to supplement, I'll allow him to do so.

MR. HAVELOCK: Yes. Thank you, Mr. Premier. Let's be clear. In the preamble the member indicated that this government is attempting to blame others for what occurred. Unless she's been out of the province or perhaps out of this world, more appropriately, sometime last week I made it quite clear in this House that I accepted responsibility for the drafting of the bill. I accepted the responsibility for taking the bill through caucus. I have since also stated quite clearly that quite frankly I became wrapped up in the legal side of the argument and I did not give appropriate attention to whether or not what was being proposed was fair and reasonable. That is why the government pulled the bill, I believe on the Wednesday. I thought I made that quite clear in the ministerial statement.

1:50

Also, Mr. Speaker, as I stated last week, we have instructed counsel to proceed with respect to settlement discussions. The Premier has already indicated that we're working on establishing an independent adjudication process. The claimants still have the right to go through court if they would like, and certainly the claimants or legal counsel for the claimants also have the opportunity to directly approach Justice officials with respect to settlement. In fact, we have had some calls in that regard.

MS OLSEN: My second question is to the Premier as well. Can you please explain why it has taken over two years and why over \$2 million has been paid to Macleod Dixon, yet the government has just started talking about settlements?

MR. KLEIN: Mr. Speaker, let's not talk about two years. Let's talk about 70 years. This legislation was introduced in 1928 and of course repealed in 1972. A lot of this only came to light through the dispensation of the Leilani Muir case, and that case prompted a number of others to come forward and seek settlement or to pursue options through the court. That is one of the reasons

it has taken so long, that we really didn't have to deal with these cases nor was there any indication that we would have to deal with these cases until after the Leilani Muir case was heard.

MS OLSEN: My final question is to the Treasurer. Given that the details of expenditure by payee for the 1997-98 fiscal year will not be released for another nine months, will the Treasurer please tell Albertans today how much money the government paid to Macleod Dixon since April 1, 1997, and how much of it was related to the sterilization victims? The question is to the Treasurer.

MR. HAVELOCK: Mr. Speaker, this question has been asked before in the House, and I've made it quite clear that because of the solicitor/client privilege issue we will not disclose what fees are paid. Part of the reason is quite frankly that that may put at risk our claim for privilege for other aspects of the case.

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

### Private Schools

MS LEIBOVICI: Thank you. Mr. Speaker, taxpayers deserve to know how their money is being spent. The Auditor General has recommended in the past that board-governed organizations provide information detailing the benefits, including salaries, paid to members of the board, the chief executive officer, senior management, and other employees. Even the Premier has said that fiscal responsibility applies to every single organization that spends public money. My questions are to the Premier. With public money going to both private and public schools, why are there different rules on disclosing how public money is spent?

MR. KLEIN: Well, I don't know if there are different rules, Mr. Speaker. All government expenditures are subject to examination by the Auditor General.

Relative to the accountability processes that are put in place, I'll have the hon. minister supplement.

MR. MAR: Mr. Speaker, accountability for the funds that are granted to private schools was one of the issues that was raised by Albertans during the process that the MLA for Calgary-Glenmore took his task force through on the subject of private school education. I think that if the hon. member wishes to examine the recommendations that are set out in that report, there appears to be a good balance that is struck between the granting of dollars that go to public schools versus the accountability issues that were raised. I think there may be a different level of accountability because there's a different amount of money that is granted to each, but in both cases I feel that the accountability measures are appropriate for each type of education.

MS LEIBOVICI: Thank you, Mr. Speaker. Given that the recommendations do not address this issue, can the Premier explain to the public why you're handing over public money to private schools then telling the public that it's none of their business how their money is being used?

MR. KLEIN: Well, Mr. Speaker, I don't recall anyone at any time saying to the public of this province, the people of this province that it was none of their business. There was a very lengthy and thorough investigation into the matter of funding for

private schools. There are processes for accountability, and again I'll have the hon. minister supplement.

MR. MAR: Mr. Speaker, with the coming of FOIP, I think there are a number of issues that were raised on the subject of FOIP as it related to public schools first of all. There were some issues that were raised about whether school boards would be responsible under FOIP, and we are working towards resolving some of those concerns with FOIP and the public school boards. If it seems appropriate to introduce the same type of investigation into the applicability of FOIP into private schools, then it might be appropriate to look into those issues.

MS LEIBOVICI: Thank you, Mr. Speaker. Is there any reason that the Premier cannot today indicate that private schools will be subject to freedom of information legislation so that we can, in fact, find out salaries and perks of CEOs of private schools like the Neil Webber Academy?

MR. KLEIN: Well, I'll have the hon. minister supplement. I just don't know, Mr. Speaker, what the rules are relative to FOIPing a private organization. You have to understand that while there are some public funds going to private schools, the bulk of private school funding really comes from the parents. We pay up to 60 percent of the tuition. We pay none of the maintenance for the schools. We pay none of the capital costs. We pay none of the transportation. So, by and large, these schools depend a great deal, to a great extent on the amounts paid by the parents.

### Notwithstanding Clause

MS BARRETT: Mr. Speaker, I was listening with great interest as the Premier said just a few moments ago that Bill 26 enjoyed appropriate review by the leg. review committee of government. Having been the first person to raise the issue of Bill 26 last Tuesday . . . [interjections] I know the Liberals don't like that fact, but it is the fact. I can also assure all members that I watched the expressions of the front benches last Tuesday afternoon, and with the sole exception of the Minister of Intergovernmental and Aboriginal Affairs every . . .

THE SPEAKER: Hon. member, please let's get to the question; okay.

MS BARRETT: Almost there.

. . . every jaw dropped and all those eyes were saucer wide. My question to the Premier is this. [interjections] I saw it, folks; I saw it. Will the Premier tell us when cabinet knew of the contents of that odious bill?

MR. KLEIN: Cabinet knew when the bill was brought to cabinet, and caucus knew when the bill was brought to caucus.

MS BARRETT: Well, Mr. Speaker, considering that the Premier is on record with *Alberta Report* and other publications as saying that if Alberta loses the Vriend decision at the Supreme Court, he will respect that decision, will he now table any guidelines his government has in place for future use of the notwithstanding clause?

MR. KLEIN: Mr. Speaker, that is a good question, and it's something that in light of the experience with Bill 26 we might consider, because certainly we don't want that kind of thing to

happen again. So relative to the hon. member's question, yes, I think it would be worth while to review this situation in great detail. Do we have guidelines in place right now? No, we do not have guidelines in place right now, but I think it would be worth while to have guidelines put in place.

**2:00**

MS BARRETT: Thank you, Mr. Premier.

Mr. Speaker, I wonder if the Premier can now explain to us how we could have a nationally discredited minister going into the two most important Justice issues this province will face in the next year, those being the Vriend decision and gun control challenge. Can he explain that?

MR. KLEIN: Mr. Speaker, I don't think that the minister has been nationally disgraced. This minister along with other members of the government caucus did the right thing. We did the right thing by not proceeding with that piece of legislation. The hon. minister has taken the blame, so to speak. He's taking the blame based on the best advice that was given to him, not only by his internal lawyers but by two independent, outside counsel, well-respected law firms: Macleod Dixon and Burnet Duckworth. I'm sure there are many Liberals in both of those firms, perhaps even some NDs, and they offered the best advice that they could. Unfortunately, we took it. We're going to be a lot more careful in the future.

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

### High School Math Curriculum

MR. MELCHIN: Thank you, Mr. Speaker. A parent/MLA forum was held at Sir Winston Churchill high school last Thursday night with all the applicable feeder elementary and junior high schools in Calgary. At that forum a question was raised as to the status of the new math 10 curriculum that's to be introduced this fall. The new senior high programs are based on a common mathematics curriculum developed in co-operation with other western provinces and territories and released in June of 1996. To the Minister of Education: could you explain why after almost two years of work on the new math curriculum, the curriculum is not out to the schools and why it appears that the textbooks for both the pure and applied mathematics will not be available for this fall?

MR. MAR: Mr. Speaker, the courses that are referred to by the hon. member are not being introduced without textbooks and resources. Pure mathematics is being implemented this fall, in September of 1998, and there will be textbooks that will be selected for the pure math program and available by the end of April of this year.

The applied mathematics course will be available for this September but will be for optional implementation by school boards. It is not being made mandatory until September of 1999. The materials for the applied math program are being developed now. About a third of them will be ready for June of this year, and the remainder will be available in August of this year. Schools that are implementing applied mathematics this fall are aware of the resources' availability.

We are working right now with the schools and with teachers to bring them up to date with some in-servicing to prepare them for the changes. In January and February of this year, Mr.

Speaker, there were 18 workshops held throughout the province involving some 800 teachers to review the new courses. Also, our contractual arrangement with the publisher of the applied mathematics materials includes an in-service component for teachers.

MR. MELCHIN: Thank you. Mr. Speaker, my first supplemental is to the Minister of Advanced Education and Career Development. At the same meeting a concern was expressed that the new math curriculum has not yet been approved by the postsecondary institutions. Could the minister please explain why we are dealing with decisions that are going to be made with regards to children's futures when the institutions have not yet made that decision, and when will they make such a decision to approve the curriculum?

MR. DUNFORD: Mr. Speaker, I don't have a date as to when the postsecondaries might be making a particular decision. First of all, I think we need to make sure the hon. member and all members here in the House are aware that the institutions are board governed, and of course they are the ones ultimately responsible for the setting of standards. It's my understanding and my belief that members of the Department of Education are working with the institutions that will be affected. It's also my understanding and my belief that representatives from Education are also working with our transfers and admissions people. So we have a number of processes we'll be going through as we deal with this matter, and I'm sure we will be ready. The important thing is that we don't have students show up 10 years from now at our postsecondary institutions and not have the qualifications to get in. So we're following this very, very closely.

MR. MELCHIN: Thank you, Mr. Speaker. My final supplemental is to the Minister of Education. Given that the postsecondary institutions have not yet approved the curriculum, which is to be introduced this fall, and parents and children have to make some critical decisions with regard to streaming with regard to applied or pure math, is the minister prepared, given the time lines that are necessary for them to make these critical choices, to delay the introduction of the new math curriculum this fall?

MR. MAR: Well, Mr. Speaker, I've certainly heard suggestions from some people that we should delay the implementation of the curriculum. I would have the hon. member keep in mind that there are materials and resources and I think a very strong likelihood that the postsecondary institutions we've been working with will be accepting the pure mathematics portion of the program.

With respect to the applied mathematics portion of the program I think the important thing to note there is that we're not mandating its implementation until 1999. School boards are well aware of the time lines set out for that implementation. If they choose to go ahead earlier, then they can do so.

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

### Fiscal Year-end Surplus

MR. ZWOZDESKY: Thank you, Mr. Speaker. The Provincial Treasurer has publicly stated that this year's surplus will be at least \$2 billion, and I would predict that it may well be in excess of \$2.3 billion. March 31 is the date on which excess provincial revenues must technically be called a surplus and must therefore

be applied against the debt. Some sensible spending of the surplus should be in order for critical areas nonetheless. My question is to the hon. Premier. Given this huge pool of currently available funds and the dire needs of regional health authorities, education boards, urban and rural municipalities, et cetera, will the Premier tell us if his government will allocate some of the current surplus toward these critical areas?

MR. KLEIN: Mr. Speaker, we're constantly monitoring the situation relative to health and education in particular to identify pressure points, particularly pressure points that could be there on a sustained basis. If additional resources are required to alleviate those pressure points, those funds would be there.

MR. ZWOZDESKY: Mr. Speaker, what Albertans need to know today is how much the provincial government is allocating out of the existing surplus, to whom, and precisely when. Would the Premier comment?

MR. KLEIN: That decision has not been made. The hon. Minister of Health, I know for sure, is discussing with the RHAs in Edmonton and Calgary in particular and perhaps others throughout the province and working to identify these pressure points. We'll probably have a better handle on the situation by the end of the month. I will, if you wish, have the hon. Provincial Treasurer supplement.

MR. DAY: Mr. Speaker, that's entirely accurate. It would be presumptuous at this point for any more indication than the Premier has already indicated. Those discussions are ongoing with the Minister of Health and RHA chairs, wanting to be very clear where exactly the pressure points are and what the RHA chairs feel is necessary to alleviate them.

MR. ZWOZDESKY: Mr. Premier, why are you keeping Albertans waiting when you've known about the developing surplus for months and you've known about the pressure points for months? All we're asking for is a resolution to this issue now, because to those people who plan their budgets, every day is important.

MR. KLEIN: Mr. Speaker, I think it's fair to say that we'll have that information and should be in a position to have a good handle on the situation by the end of this month.

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

2:10

### **Educational Consortia**

MR. STRANG: Thank you, Mr. Speaker. The Yellowhead and Pembina educational consortia have identified the needs for increased adult education opportunities within their respective regions. My questions today are to the Minister of Advanced Education and Career Development. How does the government plan to address this issue?

MR. DUNFORD: Mr. Speaker, I had the privilege of meeting with the Yellowhead and Pembina educational consortia just a while ago, and of course they were raising the issues that the member has referred to in his question. We just want all Albertans to understand that we remain committed to providing opportunities for Albertans wherever they may reside in terms of our postsecondary system.

For the benefit of the members I might mention that there are actually four educational consortia throughout the province. This is an Alberta innovation that we're extremely proud of. Each consortium forms a partnership with institutions and communities, and their role is really to address the learning needs as they arise. With the announcements on budget that we've had in the past, we talk about access, so we feel the consortia will be able to participate.

MR. STRANG: Thank you, Mr. Speaker. My first supplementary is to the same minister. Will the mechanism be put in place to ensure that a portion of this increased funding will flow to the consortium communities?

MR. DUNFORD: Well, Mr. Speaker, we're actually reviewing that, because right now there'd have to be a member institution that would apply on their behalf. After the presentation that was made by the members of those consortia, I do have some sympathy for their eligibility to apply directly, but again that's under review.

MR. STRANG: Thank you, Mr. Speaker. My final supplementary is to the same minister. There is a need for increased apprenticeship training opportunities in the Yellowhead region. Is there specific financial support to address this need?

MR. DUNFORD: Mr. Speaker, the supplementary question dealt with the Yellowhead region. I can't be that specific, but certainly we have put more dollars into the apprenticeship programs. We're all aware of the tremendous economic viability of the Edson and Hinton area. So I'm sure that they, like the rest of the province, are going to benefit from the increased resources that the Alberta taxpayers are putting in toward the apprenticeship programs.

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

### **Welder Certification**

MR. MacDONALD: Thank you, Mr. Speaker. Last December I alerted the Minister of Labour to yet another problem in his department. The Christian Labour Association of Canada, CLAC, is issuing misleading pressure welder documentation. The Alberta Boilers Safety Association is the only authority entitled to issue grade A, B, and C pressure welders' certificates of competency. However, the CLAC union was designating their members with a C class welding certificate despite having no approval from the boilers association. My first question is to the Minister of Labour. How many of these misleading C class welder tickets did CLAC issue?

AN HON. MEMBER: Come clean.

MR. SMITH: Exactly, Mr. Speaker.

This is really a question for the Order Paper, but I would like to point out that the diligent work of the member did result in that correspondence with me. We have discussed the issue of that particular group issuing those certificates, and the matter has been brought up at the Alberta Boilers Safety Association. I'd be prepared to take the balance of the technical questioning and the specific numbers under advisement.

MR. MacDONALD: Thank you, Mr. Speaker. Now, why was CLAC not mentioned specifically in the December article in *The Pressure News* so that all members of the industry could be alerted to the fact that this organization was responsible for these documentations? Why were they not mentioned?

MR. SMITH: I don't know, Mr. Speaker. We'll certainly ask the Alberta Boilers Safety Association to read today's copy of *Hansard* and reply accordingly.

MR. MacDONALD: Thank you, Mr. Speaker. My third question is to the Minister of Advanced Education and Career Development. Is this your department's idea of how to solve the shortage of skilled welders in this province, by allowing this kind of misrepresentation to occur?

MR. DUNFORD: Mr. Speaker, the apprenticeship program in Alberta is recognized not only by the hon. member but by people throughout Canada as being of high quality. Actually it forms the model that any other province, any other jurisdiction would be pleased to use. Certainly the hon. member, from his background in the trades – he's an excellent tradesperson himself – understands the seriousness that we in Alberta take to the apprenticeship system. I can answer the question, then, on behalf of not only my ministry but all of the people on this side of the House who are represented by the government of Alberta: that is not the way in which we would deal with skilled trade shortages.

We have an excellent program here, and this minister, under my watch, is not going to do anything to harm that. While I have the attention of the House, I would just say that I'm not sure I really appreciate the inference that the hon. member was trying to make.

THE SPEAKER: The hon. Member for Calgary-Egmont, followed by the hon. Member for Edmonton-Glenora.

#### VLT Petitions in Schools

MR. HERARD: Thank you, Mr. Speaker. The Calgary public school board has passed a motion that involves its schools in the debate over video gambling. To the Minister of Education: are you aware of the details of the board's involvement in this political issue?

MR. MAR: Mr. Speaker, this is an issue that I have received some calls on and have been made aware of through attendance at town halls in Calgary. The board of education has approved a motion in favour of displaying petitions in its 222 schools. My understanding is that their decision is very clear: the only petition that would be allowed is whether Calgarians would want a plebiscite on the issue of VLTs. The CBE has made it clear that students would not be involved in the petition, but at the end of the day the decision to display a petition for a plebiscite in a local school will ultimately be made by school councils within those 222 schools.

MR. HERARD: Thank you, Mr. Speaker. My first supplemental to the same minister: given that the board says it is simply exercising its democratic right to participate in political issues, will the board make both sides of the issue available in their schools?

MR. MAR: Mr. Speaker, I've reviewed the School Act, and the

School Act clearly sets out the division of responsibility between the government and Alberta school boards. Section 44 of the act gives school boards the right to make the decision that the CBE made. Deciding how and when to exercise that right is an important responsibility. The Calgary board of education has made it very clear that they will not take a side in the issue but only want to allow the narrow question of whether or not there should be a plebiscite. Again, my understanding is that they will allow individual school councils to have the final say on whether the petition would or would not be posted within their school.

MR. HERARD: Thank you, Mr. Speaker. My final supplementary to the minister: is it ever appropriate for school boards to involve their schools in political issues?

MR. MAR: Mr. Speaker, I guess on the policy issue the question is: is it allowed? The answer is yes, it is allowed. But no, I do not think it is appropriate. I think it is very interesting that the Calgary separate board of education has decided that its schools are not an appropriate place for having petitions to deal with VLTs.

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

#### Anesthetist Shortage

MR. SAPERS: Mr. Speaker, if there is a national shortage of anesthetists, in Alberta this means that even when surgeons are available to take advantage of scarce operating rooms, operations cannot be scheduled because there are no anesthetists. This week the Calgary regional health authority will close operating rooms in the Rockyview and Foothills hospitals because of this shortage. Will the Minister of Health please inform the Assembly of the specific steps he is taking to recruit anesthetists to fill the five vacancies in Calgary?

2:20

MR. JONSON: Mr. Speaker, the member has identified what is, yes, a shortage in the Calgary regional health authority's area. I would like to put this in context, though. During the past year the number of physicians in the province has increased, and there's been a significant increase in the number of specialists. In the initiative that is under way, it is my understanding that the Calgary regional health authority is actively recruiting for those positions. I hope that they will be successful. Whatever information and resources as a department we can provide to any regional health authority involved in this type of recruitment in the area of certain specialties, we are certainly available to help.

MR. SAPERS: What special provisions is the Minister of Health putting into place to make sure that not one single surgery is canceled or delayed in Calgary because of the shortage of anesthetists?

MR. JONSON: Mr. Speaker, I think the hon. member well knows that highly specialized physicians in areas such as anesthesia are in great demand across Canada, across North America. There is no easy solution to being able to just produce two or three anesthetists out of thin air. These are, as I said, highly trained, specialized doctors. They are sometimes difficult to recruit because there is a very competitive situation out there. However, as I've said, in Alberta we have been successful in developing

within our own medical faculties or recruiting from elsewhere a number of very highly regarded, highly qualified physicians such as Dr. Rebeyka here in Edmonton, who is doing children's heart surgery for much of western Canada. This is one area, yes, that I recognize is an area of shortage right now. Recruiting is going on, and I certainly hope that this recruitment drive will be successful.

MR. SAPERS: Given that Calgary and Edmonton have to compete with the much higher incomes being offered in Toronto, Vancouver, and Victoria, will the Minister of Health please specify exactly how long he will let waiting lists for surgery grow before he makes more money available to regional health authorities so that they can recruit anesthetists now?

MR. JONSON: Well, Mr. Speaker, without getting into the matter of negotiations that are ongoing with the Alberta Medical Association, I would just like to indicate that the level of remuneration that an anesthetist is able to make under the current funding arrangements is quite substantial. As I said, this is a very specialized area, but I think we are quite competitive with other provinces in terms of our overall economic situation for doctors.

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

#### High School Departmental Exams

MR. TANNAS: Thank you, Mr. Speaker. My questions today are to the Minister of Education. Late last year the Minister of Education announced that the November and April diploma exams were being eliminated to save money. There was strong objection to this action in my constituency, where our largest high school, the Foothills composite, is on the quarter system. We're all grateful to learn that they're being reinstated. Can the minister then explain and reconcile these two actions? What has happened? Is it a flip-flop?

MR. MAR: Mr. Speaker, my initial assessment of the program involving diploma examinations in April and November indicated that there were fewer students than expected writing exams at that time and that the administrative cost did not warrant an expanded program. However, upon review of schools like the one the hon. member mentioned and speaking with school officials, in my view now, despite the cost of these sittings, I think the discontinuation of these April and November sittings of examinations would make it extremely difficult for schools to implement or maintain some of the flexible programming such as year-round schooling and the quarter-mester system referred to by the hon. member.

Having taken a second look at the needs of the students and the needs of the schools to implement those innovative programs, we sought to find an alternative to canceling the additional exam sittings. Accordingly, we've reinstated three of the five diploma examinations for the November 1998 sitting with a further three diploma exam sittings in each of November and April thereafter.

MR. TANNAS: Mr. Speaker, my first supplemental, then, is to the Minister of Education. Can the minister assure the Assembly that this new initiative is cost-effective and commit to funding the quarterly exams for all three years of his Education business plan?

MR. MAR: Well, Mr. Speaker, reinstating a modified April and November exam sitting with three exams each supports the

flexible programming in order to meet the students' needs. I think that on a per student cost basis it will also become more cost-effective as there is an increasing number of students who opt for that type of programming. The cost of administering these additional exam sittings will be roughly \$300,000 in 1998-99 and roughly \$330,000 per year for each subsequent year, and we will find that money from the existing budget.

MR. TANNAS: Mr. Speaker, my final supplemental is to the Minister of Education as well. What review process will the minister institute so that the modified program will have true long-term meaning for students?

MR. MAR: Mr. Speaker, I am a very, very strong supporter and believer in creativity and ingenuity and innovation in education, and I also am committed to providing choice to students. I think the commitment must be that we will continue to look at these programs, and if they are continuing to have positive results for students who take those programs, who make those educational choices, then we will find strong support for the continuation of such examinations.

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

#### Video Lottery Terminals

MR. GIBBONS: Thank you, Mr. Speaker. Friday afternoon the government quietly released an AADAC report outlining the horrors of VLT addiction. It stated that the two main things that led to VLT addictions were the speed of the games and the easy access through bars and lounges. At the drop of a hat the government is ready to slow the machines down. My questions are to the minister responsible for promoting gambling. Will the minister slow down VLTs, or is her decision dependent on the approval from the Treasurer, who needs VLT moneys to balance his budget?

MR. HAVELOCK: There's no such minister in this government.

MR. GIBBONS: Thank you. To the same minister, the minister of lotteries and gaming, the member responsible: why is the government only prepared to deal with the speed of VLTs and not the easy access to them?

MRS. BLACK: Mr. Speaker, as the minister responsible for the Alberta Gaming and Liquor Commission, I'll take the question. There was an announcement on Friday that the government has asked the former Ombudsman, Harley Johnson, to head up a gaming summit at the end of April. This summit will ask Albertans to come forward with their ideas and concepts on gaming in the future for this province. All of the information will feed in through the summit and will be part of a review that the government committed to as a result of the lotteries review report that came out three years ago. I would suggest that the hon. member should actually pay attention to that summit and listen to the responses from Albertans that will come forward into the future. Insofar as the report that was released on Friday, I would ask the chairman of AADAC to supplement the answer.

2:30

MRS. BURGNER: Mr. Speaker, I thank you for the opportunity just to clarify that the clinical study we released on Friday was a

very, very small sampling of about 84 people who found themselves in need of treatment. As a result of this small sampling, we chose to use that information to assist us in our treatment of problem gambling, which is our mandate. I'm sure the hon. member will be aware of the fact that AADAC has incorporated some of the recommendations that came through from that report.

I might point out that it's very important for those who work in the AADAC organization and the community that relies on them that the AADAC organization does not set the gambling policy of this government. It responds to its mandate to provide appropriate treatment. So the study was very helpful in providing some support for our staff persons in this respect.

MR. GIBBONS: Thank you, Mr. Speaker. To the same minister, the minister responsible for gaming and lotteries: why won't the government let Albertans decide the issue of easy access to VLTs through a provincewide plebiscite?

MRS. BLACK: Mr. Speaker, for probably the 10th or 15th time in this session I will go back again to the review committee report on lotteries and gaming that was headed up three years ago, where 18,500 Albertans responded to the public hearing process and the request for information to come in. Clearly, Albertans said at that time: let us make the decision on whether we have VLTs in our communities on a community-by-community basis.

We have honoured that commitment as a government, Mr. Speaker. Communities have made decisions on a community-by-community basis. Some have chosen to remove the VLTs; others have chosen to keep them in place. That process has been under way now for a couple of years quite frankly. So to change the process midstream I think would be ignoring the submissions from 18,500 Albertans who responded to the request from the Lotteries Review Committee who asked for ideas from Albertans.

Now, clearly, Mr. Speaker, communities have the ability to make that determination on their own, and there will not be a provincewide plebiscite on this issue.

THE SPEAKER: The hon. Member for St. Albert, followed by the hon. Member for Edmonton-Glengarry.

### Health Services in the North

MRS. O'NEILL: Thank you, Mr. Speaker. One of the most positive aspects of our provincial health care system is that regardless of where you live or work in Alberta, you have access to the best medical care in the country. However, you need only to look at a map to see the challenges that face northern Alberta. Its vast geography and its sparse population make the delivery of health services in northern communities unique. My questions today are to the Minister of Health. Is the Capital region the only centre in northern Alberta that has trauma and critical care facilities?

MR. JONSON: Mr. Speaker, the regional hospitals in Grande Prairie and Fort McMurray provide what is referred to as level 2 trauma care or acute care. This deals with a large number of the needs in those particular regional health authority areas. However, it is also the case in the province that what was referred to in hospital categories as trauma level 1 is only provided for northern Alberta in the Royal Alex and Walter C. Mackenzie hospitals here in Edmonton.

I would like to point out, Mr. Speaker, that these two Edmonton hospitals do serve all of northern Alberta in this regard. The

other thing is that highly specialized services of this latter type are, generally speaking, only offered in major centres all across Canada such as Winnipeg or Vancouver and Victoria.

MRS. O'NEILL: Thank you. My second question is to the same minister. Given the fact that the distance between Edmonton and the Northwest Territories is roughly 1,290 kilometres and the distance between Calgary and the U.S. border is approximately 325 kilometres, are there provisions in the funding model for regional health authorities that recognize the unique challenges of providing health care in northern Alberta?

MR. JONSON: Yes, Mr. Speaker, the current funding formula does have factors in the formula which provide for distance from major centres. There's a compensatory factor there as well as a factor with respect to the cost of doing business in northern Alberta. Those particular factors are applied all across the province, but certainly because of the distances identified by the member, they are more applicable or have more frequent application across northern Alberta.

MRS. O'NEILL: Thank you. My final question is again to the Minister of Health. Given the fact that the funding for health regions is on a population-based formula, if resources are added to address key pressure points, will these funds be applied equally throughout the province?

MR. JONSON: Mr. Speaker, the funding formula is certainly applied equitably across the entire province. The population funding formula also adjusts for the most recent population statistics that are available to Alberta Health. For instance, this year there is very strong population growth in a number of centres due to our strong economy, and we will update population figures for places such as Calgary, Fort McMurray, and Grande Prairie to recognize as nearly as possible their very rapid population growth.

THE SPEAKER: Before we proceed to Orders of the Day, may I take this opportunity to congratulate and thank all hon. members in the House for outstanding decorum and demeanour in each of the last two days. Very much appreciated.

Might we revert briefly to Introduction of Guests?

HON. MEMBERS: Agreed.

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

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

MR. WHITE: Thank you, Mr. Speaker. It's with pride and great pleasure that I introduce today to you and through you to the Members of the Legislative Assembly 18 visitors from the Alberta Vocational College English as a Second Language course. They're here with their instructor, Yuri Drohomirecki, and they are in the public gallery. I gather they hail from some 13 different nations to come to our province to make Alberta their home. They are desperately learning the new language and the new culture, and hopefully they're here to understand a little of what we do here and view democracy in progress. I'd like to ask them to rise in the public gallery and receive the warm welcome of the House.

head: **Orders of the Day**  
 head: **Government Bills and Orders**  
 head: **Second Reading**  
**Bill 20**  
**Fair Trading Act**

[Adjourned debate March 9: Ms Blakeman]

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

MR. WHITE: Yes, Mr. Speaker. I rise today to add to the debate on Bill 20, the Fair Trading Act, sponsored by a member from the northeast part of our province. It's a very good step, I might add, amalgamating some seven pieces of consumer legislation into one and therefore serving the community much better. It is a fair whack of reading, mind you, but the index and the manner in which it was brought together deserves some praise for the drafters of this legislation.

There are some new provisions to it too. The particular one that I'm interested in, having been the recipient of a negative bill at one time – I can see that the act should include that provision and in fact does. From all I can see, the enforcement of that provision will not be that terribly difficult to deal with, particularly if it occurs in the magnitude of the last negative billing act that occurred in this province. I have to say that each and every one of the provisions would be up for debate in subsequent readings of this bill in a section-by-section, clause-by-clause analysis, and perhaps some additions and deletions are in order to get the best possible piece of consumer legislation that this province can have.

2:40

There is an area of concern in the way of fair trading that I'd like to bring to the government's attention in preparation for subsequent readings of the bill, and that deals with the purchase of automobiles in this province, not so much new automobiles but those used vehicles, everything from the vehicle that is just off the lot and is second-owned way down to the other end, the purchase of the winter beater, as it's described, and the provisions that centre around what's called in the business whacking. It's a term used for rolling back a speedometer and therefore making an automobile appear for all intents and purposes to be much less used than it is.

It's a fairly common practice in this province, whereas in other provinces it isn't, primarily because of the provisions in various and sundry acts that prohibit this practice. The ramifications of being caught are so severe that a practitioner in the automobile business would lose his licence and therefore his livelihood. The curber would and could be subject to a substantive fine and be brought to ridicule as well. I would think there would be some provisions in this Act that could cover that, not necessarily in the highway vehicles act but more in this act in that it has to do more with fair trading than anything else.

In fact, there are a number of other areas in that same vein that I think should be considered, too, when we get to the clause-by-clause section review of this bill. They centre around a practice that does occur in this province but which is severely restricted in other provinces and in states of the United States of America, and that is the practice of custom sales of stolen automobiles. What occurs, I understand and I'm told by those in the business, is that when an automobile has been written off, the SIN registration number is out of service. It is then lifted from that automobile, and an automobile with the same general appearance and specifi-

cations is then stolen and the numbers swapped. That automobile is then sold as the wrecked automobile. Now, that doesn't occur in other provinces because when that automobile is written off, the SIN is registered such that it cannot be then activated again. It can't go through any process other than being totally scratched. If the number does come up for reregistration, the number will be a red flag.

I gather the department is working at a solution, but I don't think – at least to my knowledge it doesn't appear – that that has occurred and that it is fully in place at this point. If it is, then I don't see it in this piece of legislation so as to attract the attention of a consumer such that the consumer would know that this kind of practice – that is, the trading of SINs – in fact is against the law and that there are provisions for that.

There are a number of other areas in the Fair Trading Act that should have some further scrutiny and perhaps some additions, and that's getting into the area of selling mutuals, selling financial instruments and the like. There are some fairly good provisions under the act that deal with the Alberta Stock Exchange, but they certainly don't appear in the Fair Trading Act, and it doesn't refer to them either. I think that would be a reasonable location for some provisions, perhaps in the area of division 4 or one of those divisions that covers credit and credit ratings and the disclosure of some of those kinds of things.

The use of credit cards over the Internet is of some interest to many of us that have received bills that we did not think we incurred – in fact, we didn't order anything – and they continue to show up on a credit card bill. There doesn't seem to be anything that this Legislature intends to do about that. Perhaps there isn't anything that can be done beyond the provisions of this act. The use of credit card and credit card numbers on the Internet is becoming a much bigger business than we anticipated a number of years ago when the last renovation of these sorts of bills took place and, I suspect, will continue to grow at an exponential rate. Likewise, the fraud that occurs will be growing at an exponential rate also, and perhaps there should be some provisions to curb that trend.

There are a number of provisions in this act with regards to the leasing of all and sundry items. I suspect – I haven't read specifically where the act repeats the earlier provisions, but hopefully it will – that in the terms and conditions of reclamation of the goods leased on a longer term basis that are reclaimed prior to the completion of that lease, the asset can be disposed of through public auction to establish a price, and then the collection of that residual value of the asset can thereafter fall to the original lessor to settle the account in law. But I don't see the provisions precisely, and it concerns me that we're going through this renovation of this act and I haven't been able to put my finger on it. Perhaps the minister would assist with that when we get into the finer provisions.

I might note that there are a number of people that are really quite happy with the legislation, albeit they do have some reservations about various portions of the act. I note with interest that an old friend of mine, Ross Bradford of the Better Business Bureau, is quite pleased with the legislation, as most of this side of the House is also, but there is some need for visiting and discussing, in his view, section 42 and sections around that.

Mr. Speaker, I have a number of specific recommendations and questions to be asked and hopefully answered to perhaps even modify the bill in later readings. But as to the principle of the bill, I must commend the Member for Bonnyville-Cold Lake again for bringing the bill forward and commend the drafters of the bill,

a very, very readable bill, something that does not always occur in this Legislature.

Thank you for your time and consideration, sir.

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

2:50

MS BARRETT: Thank you, Mr. Speaker. I, too, commend the sponsor of this bill for bringing it forward. I know that at one point many years ago, when Dennis Anderson was the minister of consumer and corporate affairs, he had started working on this type of legislation. In principle it's certainly overdue, but I do have a few comments about the bill and its shortcomings.

I think it's important to note that marketplaces exist to serve the community at large. This bill remains a bit of a hodge-podge amalgamation of statutes lacking a common thread. I note that it does have limited scope and it does not sufficiently address telemarketing. I would say that it lacks a clear guiding philosophy, which is not to say that it's not a decent bill in principle – it is – but it would be much improved if it had a sense of a guiding philosophy. I believe it leaves the public policy-making much too much to the minister through regulations. However, I guess I've been saying that pretty consistently since I got re-elected in 1997. When I was not in the Assembly, I noticed, because I was reading *Hansard* and the bills in that three and a half year period, that a majority of the bills that were passed by the Assembly – a majority – actually gave enhanced powers to cabinet – i.e., through regulation – and took away powers from the Legislative Assembly.

One of the things I would suggest is that it doesn't spell out the basic principles in the form of what I would call a consumer bill of rights against which government policies or legislative initiatives could be measured. They are still addressed but not in the context of what should be, I would say, a consumer bill of rights. These include the right to product safety and quality, the right to honesty and fair dealing, the right to information, and the right to effective remedies. It does not assist consumers in making well-informed purchasing decisions. It merely maintains the status quo.

Consumer protection legislation must apply without exception or limitation to all types of consumer transactions, I would argue, whether property or goods or services. For example, it doesn't clearly include modeling schools, self-improvement schools, fitness clubs, funeral services, 1-900 telephone numbers, and price scanners in stores. That's a really interesting one.

I haven't had a chance – you know, being the leader of a two-member opposition caucus keeps you really busy. You never get around to doing all the research you'd really like to do. But I do know about some studies, mainly out of the States but confirmed in a couple of locations in Canada, that up to 30 percent of the products that are analyzed by those price scanners are wrongly analyzed. In other words, the price that pops up on the computer screen and the price that the consumer pays, unless she or he made note of the price that was marked on the shelf, is higher than the price that was marked on the shelf, up to 30 percent in some American cities. I can't recall the actual statistics for the Canadian comparative studies, but some of them were pretty shocking. There is no restriction against incorporating that kind of remedy to those problems in this kind of bill. I'm kind of surprised that it didn't come up, but maybe I heard about these studies and nobody else did. That's entirely possible too. I tend to flip around on the radio dial when it's time for news. You know, one time I'm listening to one newscast, and half an hour

later I'm listening to another one. But I know I heard it on a couple of occasions.

I believe also that the bill fails to sufficiently address telemarketing practices, which require, I'm sure, additional scrutiny. It merely enables the minister to address those situations through regulations. I mean, I don't want to overdemocratize things, but me, I like to see some things done in public and particularly from the consumer protection angles. Those things should come before the Assembly. If there's dirty laundry out there, let's wash it inside here and fix the rules in a way that the public can see the dirty laundry, first of all, and see the kinds of rules that we're trying to implement to remedy those problems.

The cooling-off period provided to consumers to enable them to read contracts and reflect on their major purchases is, well, not long overdue, because we do have some provisions, but I think we may benefit by having a longer period of time. The seven-day cancellation period, for example: the reason for the seven days is not spelled out. I don't see why we couldn't have up to 30 days for that cooling-off period.

Also, when it comes to consumer product warranty, I believe protection should extend to all consumer goods both new and used and to all consumer services. Now, I might be out of my territory here. I may stand to be corrected, but I don't think the interjurisdictional debates between the provinces and the federal government would have any impact on my requesting that that concept be part of the bill itself, not part of the preamble but part of the bill. If I'm wrong, if there is some jurisdictional reason that we couldn't do it, then I'm pleased to know about that. The design and content of the written warranty document should be regulated to ensure that certain relevant information is provided in an understandable and meaningful fashion.

My reading of the bill indicates that consumers don't necessarily have the right to prepay debts before they are due without penalty. Now, I understand that the bill was attempting to be flexible here, but I don't believe that that was spelled out.

I am delighted that interest rates for credit cards must be disclosed in the consumer's application for credit. All of those provisions I think are excellent. Let me just see. I've got more under credit here.

When a store or service facility goes bankrupt, consumers should have the right to the return of their deposits before commercial creditors are compensated. I have always believed that. If I'm not mistaken – oh, I don't think I am. It might be tricky to look it up unless all of the old *Hansards* are on line. I remember doing up questions for the late Grant Notley on that very subject a long time ago. It would have been between '82 and '84. I know I did. So I'd like to make that point.

Yes, here's another flaw I think. When goods purchased on credit are found to be defective, I believe consumers should be able to withhold payments instead of having to pay and then pursuing suppliers in court. I mean, that is a very simple legislative technique to make sure that suppliers and manufacturers – remember the supplier provides you with a product that's defective, and the supplier isn't going to get paid because you have the right to withhold payment on that credit card until the product is rendered satisfactory to the consumer or returned to the manufacturer. I can tell you that the supplier is going to go after the manufacturer to get the money. The supplier is not going to be caught in between. So I don't see any reason why we could not have that provision in this bill.

I also would like to argue that all creditors, not just collection agencies, should be prohibited from engaging in certain objection-

able collection practices. Those prohibitions should apply to department stores or financial institutions that do their own in-house collections of consumer debts. Now, I must say that in all the years that I worked here as a researcher, as an MLA, and then returned recently as a MLA, I cannot recall a constituent phoning me up and telling me about bad practices of department stores trying to collect moneys owed to them. I do know of stories – I can give you too many examples of these – where the collection agencies have acted like sanctioned bullies. Perhaps it is that the department stores, if they're not satisfied with the response they get from the debtor, turn the matter over to a collection agency. In any event, there's no harm in protecting the consumer by expanding the notion that creditors have to avoid objectionable collection practices. To encourage creditors' compliance with the act, it seems to me that the consumer should have the right to damages if a debt collector contravenes the act and should also be able to apply to a court for cancellation of that debt.

Oh man, there's so much here. You know, I think I'll get to the bottom line. I've got a lot of information I'd like to deal with here, but I think I'm going to save most of it for committee reading. Otherwise, I'm going to take up my full 20 minutes, and you know I don't like to do that. My number one policy is that my speeches conform to my height.

I'll go to consumer education then.

MR. BONNER: You're five foot six.

3:00

MS BARRETT: The Member for Edmonton-Glegarry flatters me. He says I'm five foot six. I should advise the Assembly that at my highest point I was four feet 11 and three-quarters; I'm now down to four feet 11 and one-quarter. I'm on the wrong side of 40, everybody, the wrong side of 40. Look what's in my hand: the reading glasses to prove it. Honestly, the 'bifoggles'. That's what some people call my bifocals: the 'bifoggles'. "What's the matter with you, Pam? Can't you see properly?" [interjections] Yeah, the 'bifogeys'. Good one.

Let me get down to the bottom line: consumer education. The main problem with consumer protection is lack of consumer awareness. I'm going to attribute this to the incredible down-sizing of the consumer and corporate affairs department, having absorbed it into first one department and then another. The lack of awareness is markedly higher amongst the more vulnerable groups such as the poor, the uneducated, the elderly, the new Canadians, those living in isolated areas. This is absolutely true. Go shop at Lucky 97 or some of these other places and see. Well, actually, some of those people are pretty smart. Although I know it can't come under the terms of this bill – or possibly it could – I would like to see the government actively educate people of their rights and protect them from exploitation.

The bill further allows for the establishment of industry-based boards for self-regulation. I am 100 percent opposed to that. Self-policing is inappropriate in a complex world like we see today. As the self-regulation industry is biased, it will not serve the public interest.

Finally, let me say that I believe the remedies in this legislation actually encourage litigation. A consumer complaints board, if established, would be a much more effective means of adjudicating disputes between consumers and suppliers. You know, the Premier said a couple of days ago in the context of the sterilization victims' claims that he doesn't want to see a cottage industry of lawyers developing around this issue. Well, that's what has happened in the small claims courts, and on that note, the

monetary jurisdiction should be increased at the small claims court. The bottom line is that encouraging litigation just really reduces human beings to being a bunch of little consumers and self-employed contractors and robs us of the notion of institutions that provide for the common good and for society. We are not just a bunch of individuals; we are a society. Bringing back something like a consumer complaints board I think would help remedy that.

I'll leave the rest of my comments to committee reading. Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Airdrie-Rocky View.

MS HALEY: Thank you, Mr. Speaker. I have just a couple of brief questions for the minister and the hon. member who's carrying the bill for her. It's with regard to the Auctioneers Association of Alberta. I understand that they had some serious concerns about the legislation, the Fair Trading Act, that in fact as a consequence of this legislation we are repealing the Public Auctions Act. Their concern was that they felt they hadn't been fully consulted on it. I understand that you have met with them. I'm wondering if you could enlighten us as to whether or not their concerns have been satisfied or if in fact you'd be looking at amending the legislation when it does get into committee.

Thank you.

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

MR. GIBBONS: Thank you, Mr. Speaker. I rise today to speak to the principles of Bill 20, the Fair Trading Act. This is a very extensive bill, and to the Member for Bonnyville-Cold Lake, my compliments for bringing such an extensive bill forward. It is very important to Albertans. I give very strong praise to the hon. member for all his work.

As I look at this Bill 20, the Fair Trading Act, for the most part this act simply is an amalgamation of seven different pieces of consumer legislation into one. Whenever we hear – and I get a lot of calls from the industry I was from – from seniors that are being victimized by fly-by-night renovators or corrupt tradespeople, we ask ourselves: are there any regulations that can help them? The most important part of this bill is the increase to consumer protection for seniors, as far as I'm concerned.

It noticeably cuts the red tape, which modernizes the legislative framework. It has been 30 years since this bill was last worked on, and so many changes have taken place in that period. This is way overdue.

We all know that most people in Canada live with credit cards; this is a credit card world. It is becoming common to listen to tales of people in our lives that know someone who has been taken by a credit card scam, and I hope we don't get as bad as we keep reading about in different news reports. To carry credit cards is easier, less cash in the pocket. We all know how easy it is to use the credit card, and we pay everything by card. We have to be very careful of it.

One thing that was brought forward is under section 42. Some of the people that have been approached, stakeholders and interest groups contacted by our researchers – Miss Wendy Armstrong of the Consumers' Association of Canada, Alberta branch, says that overall they are pleased with this legislation and want to see it passed. They did express concern regarding how much appears to be left up to the regulations. They would like a formal process

put in place requiring the minister and the department to consult consumers regarding regulation changes.

Section 42 is a new and very important section which allows the minister to deal with recent and emerging consumer fraud issues like telemarketing and Internet sales. Because these facts of modern life are changing and are still new areas of consumer fraud, the government will argue that this must be left entirely up to the regulations so changes can be made easily when they are needed. However, in the next decade ahead this will likely be the biggest growth area for consumer fraud. To cut the Legislature out of dealing with these emerging consumer issues is not only undemocratic but also completely undermines the role of the Legislature to enact laws and protect Albertans. Therefore, this section dealing with these emerging consumer issues should be included in the legislation.

The government has done a relatively good job in doing their homework on most of this bill, but by leaving telemarketing and the Internet up to the regulations, one cannot help but think that the homework was not done relative to the issue. The government should have at least taken a stab at consumer protection in this area. MLAs could better fulfill their obligation to their constituents if they could debate and discuss these issues as part of the legislation.

It should be noted that other pieces of extensive legislation are also updated yearly by the government. For example, the new Municipal Government Act, which was first introduced in 1994, has experienced amendments every year as changes occur with the ways municipalities operate and adjust their roles.

We also contacted the Better Business Bureau, western division, a gentleman named Ross Bradford. They are, overall, quite pleased with the legislation and want it passed. They also expressed concerns regarding the extent to which the act will rely on regulations. I'd like to note that the Better Business Bureau and the Consumers' Association of Canada, Alberta branch, have one main concern with this piece of legislation. They're especially concerned about how much is left to the minister's discretion through the regulations. Both groups want this legislation passed but still have this concern. A question to the minister: what specific steps will the government take to make this information in regulation a public process, one that includes at least the two groups mentioned above as well as the public at large?

The Canadian Federation of Independent Business. We contacted Brad Wright. They're very happy with the legislation and look forward to easy passage.

We also contacted the Alberta Construction Association, Merv Ellis. They're pleased with the bill overall and therefore support it. They say that the bill tends to modernize consumer protection, which is needed. Some concerns were expressed confidentially.

One that was brought up previously by a member is about the auctioneers. They're not pleased but are looking forward to more information and dialogue.

Mr. Speaker, I await committee for more input. Thank you.

3:10

THE SPEAKER: The hon. Provincial Treasurer.

MR. DAY: Mr. Speaker, I too would like to congratulate the member for bringing forward this bill. The opposition member who just completed his remarks alluded to the fact that a number of associations have in fact given some endorsement, albeit cautiously in some cases, to the bill. I commend the member for a lot of work that he's done in terms of consultation and doing the fine lines of this particular legislation.

There are fine lines that are represented. There's the fine line between just how paternalistic a government should be and, also, stepping up to the plate to help alert citizens to the very real dangers that can sometimes be imposed upon them. As a Conservative government we need to make sure that we don't overstep that line and become all things to all people, but I do think there are protections that are necessary and that this bill indeed contains some of those protections.

I just want to briefly reflect some of the concern related by the Auctioneers Association, Mr. Speaker. The whole business of auctioneering is something that is unique, I think, in the marketplace in terms of the buyer/seller relationship and also with the negotiations that go on between the buyer and the seller. The auctioneer himself being a person who is representing both parties at one time, that makes for a degree of uniqueness, and the fact that it is the freest of market systems in some ways, because the product being sold goes to the highest bidder, goes for what it is worth at that time in the present circumstance. Because of that very unique and important relationship, I think the Auctioneers Association and its representatives make a good point when they say that their act should not be one of the ones which would be included in this bill.

Because this bill embraces a number of acts, I believe it does have a streamlining effect, and it's laudable for that and should be supported for that purpose. Anytime a group of citizens comes forward with some very real arguments on how the industry and in fact the public can be negatively affected by a particular piece of legislation, then we as legislators do need to attend to their concerns.

I think the auctioneers act, as it presently stands, serves the public well and is a very good, protective piece of legislation as well as an enabling piece of legislation because it allows auctioneers to do their job and to practise their profession, but if included in this particular act, I think it would severely restrict and diminish the capabilities of the ongoing relationship between buyer and seller that is afforded by the process of auctioneering. Since there have been very few weaknesses shown with the present legislation that applies to auctioneers today and because they have a very strong bonding system in place for all auctioneers, which would prevent and protect should a difficulty arise with somebody practising in that particular profession, I believe they make a good case for their act being exempted. I would hope at the committee stage that would be given some serious consideration. I know that the minister and the promoter of the bill have had meetings and are concerned about this, and they're showing good and valid interest. I would hope that that interest would continue so that the concerns represented by the Auctioneers Association are dealt with in a very clear way.

Those are my remarks today at second reading, Mr. Speaker.

THE SPEAKER: The hon. Member for Bonnyville-Cold Lake to close the debate.

MR. DUCHARME: Thank you, Mr. Speaker. In reference to the concerns that were raised by the Auctioneers Association, I'd just like to share at this time that discussions are ongoing. We are hoping that if there have to be necessary changes in regards to the act, that would be looked at when we work in Committee of the Whole. So at this time I'd like to pose the question on second reading.

[Motion carried; Bill 20 read a second time]

**Bill 24**  
**Medical Profession Amendment Act, 1998**

MR. JONSON: Mr. Speaker, I would like to move second reading of Bill 24, the Medical Profession Amendment Act, 1998.

The College of Physicians and Surgeons of Alberta has requested amendments to the Medical Profession Act for the 1998 spring session. This particular bill has three major parts to it; I should say really two major parts and one minor. First of all, it is designed to implement the physician achievement review program. Secondly, it is designed to clarify and remove certain restrictions on the College of Physicians and Surgeons' ability to levy fees. Finally, Mr. Speaker, there is a housekeeping amendment concerning the cost of discipline hearings.

[The Deputy Speaker in the chair]

First of all, Mr. Speaker, I'd like to speak regarding the physician achievement review program. The intent of the PAR program is to provide regular feedback to physicians about their performance in practice, promote continuous improvement in medical practice, and promote a dialogue between physicians and patients on quality of care issues. I think it's significant that the profession has brought forward this program. It is quite common to many occupations and professions to have a program within their organization of continuous improvement and upgrading of practice, so this is certainly commendable in that it brings this type of a program to the College of Physicians and Surgeons. This is not to say that many, many physicians across this province do not avail themselves of upgrading opportunities, keep current with the latest discoveries, the latest techniques and applications of treatment in the province. But this provides an overall program, and it is quite special, I think, in that it does look to those members of the public receiving service as an initial source of information.

Mr. Speaker, the bill provides that at least once every five years a physician performance committee, appointed by the College of Physicians and Surgeons, will conduct a general assessment of the professional performance of each licensed physician through a standard questionnaire process. An individual assessment may be carried out following a general assessment where indicated. This individual assessment could involve chart audits, observations, observed action, case review and may also lead to a more formal assessment with written tests and remedial activities.

Mr. Speaker, legislative changes are necessary to provide a statutory basis for the program and to enhance confidentiality provisions to ensure that the objectives of the program can be met without fear of third-party demands related to civil or other proceedings.

Mr. Speaker, the second major area of the bill's content deals with fees. All of the current provisions in the Medical Profession Act which authorize the College of Physicians and Surgeons of Alberta to make bylaws respecting various types of fees will be moved to a new section 97. Section 97 will also clarify that the College of Physicians and Surgeons may levy annual fees for registration of diagnostic and treatment facilities, fees for accreditation and inspection of diagnostic and treatment facilities, and that these fees are separate and distinct from the fees for other types of registrations. Section 97 will also enable the College of Physicians and Surgeons to pass bylaws respecting fees which clearly differentiate between various types of registrations,

whether practitioners, facilities, or services. Section 97 will also authorize the college to continue its current practice of levying fees for various reviews it conducts, such as services it provides for the certification of specialists, as well as providing for imposing a fee for late payment of other fees. Section 97 will also remove the statutory limit of \$200 on overall registration fees.

3:20

Mr. Speaker, as I indicated, the bill does contain an amendment with respect to section 56(2). This section is amended to clarify the ability of the council of the college to require a registered practitioner who is the subject of discipline proceedings to pay all or any portion of the costs associated with any or all of the various steps in the discipline proceedings. This, of course, would be related to that person being found at fault in the overall proceedings.

I would like to indicate and talk for a moment in the House, Mr. Speaker, about one other aspect of this particular legislation. This is a piece of legislation with some amendments and I think improvements that is basically parallel to a bill previously introduced in the Assembly. One of the concerns with that particular piece of legislation was that brought forward by the alternative therapy supporters. Since that bill was left to reside on the Order Paper, the College of Physicians and Surgeons has moved to put in place bylaws to deal with the approval of alternative therapies in this province or, as I think they are probably more appropriately referred to, complementary therapies.

Now that those bylaws are in place, I'd just like to report briefly on the progress that has been made in this particular area. As of March 10, 1998, three of the seven physicians who had applied have been approved to perform chelation therapy. The four additional applications were under review, with approval pending subject to receipt of additional information. Also, Mr. Speaker, as of March 10, 1998, the college had given approvals to physicians to perform craniosacral therapy, thought-field therapy, herbal therapy, and reiki . . .

DR. TAYLOR: Thought-field therapy?

MR. JONSON: Herbal therapy.

DR. TAYLOR: Oh, herbal. I thought you said thought-field therapy.

MR. JONSON: I did say that. Mr. Speaker, I did say that.

I would just repeat the list for hon. members, Mr. Speaker. As of March 10, 1998, the College of Physicians and Surgeons of Alberta had given approval to physicians to perform craniosacral therapy, thought-field therapy, herbal therapy, and reiki therapy. One application did not require approval – that was with respect to hypnosis – while one other was not approved, and that was for a practice known as fen/phen.

The goal of this legislation, as I've indicated, Mr. Speaker, is to implement the overall PAR program. It is, I think, commendable that the college has brought this particular initiative forward and has done some refinements since the last bill related to this was introduced. As I've indicated, one of the concerns raised in the initial discussion of the previous bill was certainly with respect to alternative or complementary therapies. The college is now able to show progress in approvals in that area of the practice of medicine.

Therefore, Mr. Speaker, I commend this bill to the Assembly for consideration.

### Speaker's Ruling Decorum

THE DEPUTY SPEAKER: For the attention of the Assembly, there's a fair amount of discussion going on in here behind the back of the minister and around the sides. I wonder if we could show him some courtesy and refrain from those kinds of loud discussions.

The hon. Member for Edmonton-Mill Woods.

### Debate Continued

DR. MASSEY: Thank you, Mr. Speaker. It's my pleasure to speak to Bill 24 and the physician achievement review program. We will, of course, be supporting the bill and its objects. If you look at the objective of the bill, it's to provide or enable a regular review of physicians by the College of Physicians and Surgeons and ultimately to improve the quality of medical practice in the province. So the object, the goals are laudable. I think the College of Physicians and Surgeons has to be given great credit for taking the initiative in bringing forward this bill and making a very good attempt at improving relations with patients.

If you look at some of the underlying principles that seem to be embedded in the bill, I think they were outlined fairly well in the pilot project that was conducted by the College of Physicians and Surgeons, where they outlined the goals of the physician achievement review program. The first goal they wanted the program to achieve was to provide feedback to physicians about their performance, and any kind of performance review seems most appropriate. The person who will most benefit will be the physician who is being scrutinized. It's the kind of responsible goal that we would expect legislation like this to have as an object, having been brought forward by the college.

A second goal would be to promote dialogue between physician and patient, an opportunity to talk about expectations surrounding medical care, and to promote a more patient-centred approach to medical care in the province. So I think the goals and objects of the bill, along with the goal of trying to continually improve the quality of medical practice, are to be supported and to be encouraged.

When you look at the bill, it makes you reflect upon the unique role that physicians play in our society. They've long held a position of respect in the public mind for the kind of selfless work, the kind of work that's involved in life and death decisions, that calls for great dedication on the part of the practitioners to the profession. In consequence, I think the public has responded to that and has bestowed upon them a fair amount of trust and respect. This bill I don't think in any way works against that or would detract from the kind of respect they're held in and, I think, will enhance it.

I think it's the kind of action we would expect from all professions, that they are continuously looking at themselves and the way they conduct themselves. Probably among professionals the professionals themselves are some of the most severe critics. It's of benefit, I think, when those professions are deeply involved in and can control the kinds of assessments and the kinds of evaluations that are carried out.

One of the questions that we have – and I suspect that it was a misreading of the powers and duties of the performance committee, because as I heard the minister speak, he indicated that each physician and surgeon will be reviewed at least once every five

years. As I read section 33.3(1) of the bill, it says, "The Performance Committee may." "May", I guess, is out of context, because it's "in accordance with the by-laws" that the "may" applies. So the intent is that at least once every five years the review of licensed physicians will take place.

### 3:30

One of the major concerns is confidentiality of patients and information about patients. When that information is being sought primarily through questionnaires, there is some concern about how effective that will be, and there is also a major concern about what might become of that information that is provided through questionnaires. No one would want respondents to those questionnaires to be identified outside the parameters of the evaluation that's being undertaken, so confidentiality is going to continue to be a problem for us. I think the kinds of regulations and the assurances that are here may allay some fears, but it still is a major concern.

One of the other problems may surround the whole notion of how information about a physician is gathered. Relying heavily on questionnaires may only do part of the job. To really discover how a professional operates I think takes some time and takes the investment of some resources. When I look at investigations elsewhere of professionals and attempts in research to get at actually what happens, there's a much wider range of research methods employed than the taking of questionnaire information, information that's gathered from questionnaires, supporting that with actual observations and with interviews of clients. That is not a one-shot effort. Usually, to be valid such studies take place over a period of time and usually are conducted in depth and, as I said, over some period of time. So I guess the danger might be that there's a control over who gets the questionnaires. The other side of that is that it might be superficial. The kind of information that would be yielded by using some alternate research methods and trying to find out in more in-depth ways actually how a practitioner is conducting his or her practice may not be yielded exclusively through questionnaires.

I think the object of the bill is one, as I said, that we support. We have some concerns that may be subject to some amendments as the bill progresses.

I guess another issue that I would raise before I close is the issue of impartiality, and that is of the performance committee that's going to be looking at it. How that committee proceeds I think will be scrutinized rather closely. Again, it comes from the profession and is going to be controlled by the profession, and it may open itself to some questions by outsiders.

As I said, we support the intent of the bill. It's, I think, another step in providing the public with the assurance that medicine and doctors are conducting their affairs in the highest professional way possible. It's another tool that the public can use to be assured that the profession is acting responsibly.

So with those comments, Mr. Speaker, I am, again, glad to support the bill. Thank you.

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

MR. BONNER: Thank you very much, Mr. Speaker. It is a pleasure to rise this afternoon and speak to Bill 24, Medical Profession Amendment Act, 1998. In reading over this bill, I was glad to see that the object would be to enable a regular review of physicians by the College of Physicians and Surgeons of Alberta. It was very interesting, as well, in reading over the bill, in that it

paralleled in so many ways the review process that I went through in becoming a teacher and also later on in my teaching career when these types of reviews were introduced into the teaching profession. Prior to becoming a teacher, the first review process was of course during the student teacher phase, which our medical doctors go through in the course of their studies. The next review that we underwent was in our second year of teaching, when it was determined by a superintendent or his designate whether we would indeed get a permanent professional teaching certificate. At that point we were not looking at any further reviews unless we changed school boards or changed schools. So we got into where many people said that the practice in teaching is one year of experience and 24 years of repetition. I think in so many ways the medical profession parallels this thought.

I was glad to see that Bill 24, the Medical Profession Amendment Act, was introduced. There are many strengths in this bill that I like. I had a brother-in-law who was studying at Purdue for his doctorate. One of the areas he had to study was the whole field of what type of candidates the medical profession is attracting and how they track their academic achievements with the quality of doctor that they got out. They found that not necessarily did the people with the top marks make the best doctors, that in a number of cases these doctors were lacking either in their bedside manner or their ability to go on and do research or whatever. So I think what this bill will do is address these types of individuals and certainly be a very positive experience and make them better doctors.

The third point I'd like to make at this time is that the doctors are very skeptical. With a review when they haven't been under review, they're certainly going to be apprehensive, and it will certainly cause them quite a bit of stress until such time as they do experience the process. This is quite understandable considering the great amount of dedication they had to put into their studies just to become a doctor, the great expense that has occurred. Yet when we look at it from the other side, the public also has to have some degree of confidence that if mistakes are being made, there is some mechanism along the way which would allow these mistakes to be rectified.

This is an educational experience for the doctors. I think it has done an excellent job in setting that up. It will certainly raise the bar of our expectations of doctors and of their expectations of each other. This is a process that has been well thought out, and the college is to be congratulated for the amount of work they have done in setting up this process. It probably comes at a time when it is deeply required.

Medicine, like so many fields, is changing extremely fast, and with the introduction of more and more technology it will certainly be changing even quicker. This process will certainly allow for free discussion between doctors. It will introduce some new strategies, or they will have the opportunity to talk about it. I can only see it as a win/win situation for all people.

The bill deals specifically with the physician achievement review program. Under current situations physicians would be reviewed every five years, and I think this is quite a reasonable period of time. I would certainly support this part of the bill. Again, the process whereby the panel is going to review the physician has been set up very well. One party is the physician's own patients and those that he would select. Therefore, we certainly address the confidentiality of the doctor in that he can choose those people. As well in the bill, when those people are chosen, they are protected from any repercussions that might come out of the review. I like that particular part too.

### 3:40

The next part of that committee, which is essential in my books, is the coworker, because there is no more valid review that can be done than by coworkers. It is from our peers that we certainly should be able to rely on judgments or reviews that are qualified. I like the idea of questionnaires being completed by all of these people and then to have the results of these surveys compared to standard profiles by the physician achievement review board. At that point it is the responsibility of the board to determine whether any further investigation is called for or if the doctor continues. If there are serious performance issues, then the board certainly has the power to refer these to the College of Physicians and Surgeons to be handled under existing disciplinary reviews.

What does this legislation change? One of the greatest things it does change is that the participants would be protected from actions or defamation. Again, when we do have this type of legislation, then all members can speak freely, can speak honestly, and it does become a learning situation for all.

Another point I do like here is that the findings of the physician achievement review would not be shared, so the doctor again has this one great issue of confidentiality protected. This is, again, vital in this whole process if we are going to have open, honest reviews and not just rubber-stamped reviews. I also like that doctors or others would not be able to use the physician achievement results information for other uses, such as privileging or advertising. I think this bill certainly has done a tremendous amount in looking at the two issues of, number one, confidentiality and the other, impartiality. Again, two very, very pertinent areas if we are to have meaningful, open, honest reviews of our physicians.

In closing, I certainly want to say that I will be supporting this bill. I think it is a major step in our whole position here of a physician review. I think it is a necessary step in our review of the physicians in this province. I think that with very few minor amendments we will see that this bill will be a very positive piece of legislation.

Again I want to thank all people who were involved with drafting Bill 24. Thank you very much.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. It's of course a pleasure to speak to Bill 24, the Medical Profession Amendment Act, 1998, because I see in it capacity for some history-setting legislation, which on first reading I'm quite intrigued by, and I have some comments I'd like to make.

I want to address the overall or governing spirit which I believe governs this particular legislation. To me, Mr. Speaker, it appears to be one of the highest forms of accountability or at least an attempt to have our medical practitioners become a little more self-policing on one hand and a little more explainable and accountable to the public on the other. I note with great interest, too, that the government obviously is taking this matter quite seriously, because it's the Minister of Health himself who's brought it forward.

I see here that the minister in this bill is contemplating establishing a committee that I've never heard of before – that is, the physician performance committee – but it would be one that I could support. I don't have a problem with this. I would recall – and perhaps the hon. minister from a previous life would also recall – that we did talk about similar review committees,

performance committees with the ATA years ago. I don't know that it ever culminated in any formal committees with the teaching profession, but I do recall a very active discussion. Now I'm going back to the late '60s and early '70s when I was personally involved in that profession. I know that we talked a lot about the public's request for more openness and accountability within that profession, and for a variety of reasons we weren't successful back then in establishing a review committee or a performance committee. I'd be interested to know whether or not they in fact have something like that now. I'm not sure they do. Anyway, we'll await comment on that point.

Now, I really do think what is critical, however, and what I recall from that discussion that I'd like to bring to the House today is how difficult it was to not have the judges judging the judges, which is the best way to say that. That's why I would request that the minister pay particular attention to the actual establishing of the committee members, what the criteria will be, and also that there is enough perception and reality that the performance committee is not only capable of the work from a technical and experience point of view but also can satisfy the public's insatiable appetite, you might say, for complete arm's-lengthness in the process, from complete independence in the process, and from the possibility that we'll be putting judges to judge the judges. That was always a serious question in the teaching profession, and I suspect it probably still is a matter of concern to some.

So more details respecting the particular powers, the mandate, the reporting mechanisms and so on may flow from this. I appreciate that you can't put everything into the bill, hon. minister, and you've probably taken all of this into account one way or another. But to satisfy this particular member, I would certainly appreciate, I guess, some explanation of those points.

A few other issues catch my attention by way of the spirit of the bill, Mr. Speaker, and one of them is with respect to the consultations that must have gone on to arrive at such a piece of legislation. With "consultations" I would be quite interested to have the minister explain in more detail how the doctors themselves were involved in this process. I raise this because I will never forget the experience that I had in 1993-94 with the so-called roundtables on health and education and so on. Then I recall later a very serious meeting of some 900 doctors, if memory serves me, that felt they were excluded from the process, excluded from inputting into the health care restructuring, such as it was back then. No doubt the Minister of Health has in mind a process or perhaps has already undergone that process of speaking directly with and receiving comments from the most affected stakeholders, which, other than patients, are of course the doctors themselves. I'm sure probably part of that consultation must have involved the AMA, the Alberta Medical Association, and other bodies, the College of Physicians and Surgeons and so on. It would be interesting to know what their comments were and how they were involved in the process and also what the level of the individual doctor's support was during the consultation process.

**3:50**

I'm not sure, Mr. Speaker, if we have similar legislation in other provinces or not after which this may be patterned, so it may be earth breaking in that respect as well. I'm certainly receiving it with positive vibrations on first blush at least.

I think the process that's set up in the bill caters very well to the accountability issue that I raised at the beginning of my comments, and that is that there is the ability of this performance committee to raise issues on their own when they feel that a

particular doctor has been brought into question by either one of the associations I've mentioned or by his or her own patients or through some other way. I see that the performance committee does intend to take a significant period of time to review what may turn out to be allegations or to verify the facts. I think that's a very sensible period of time, so I can certainly support that.

I'm also impressed with the fact that there's an ability within the bill, Mr. Speaker, to allow the individuals who are being assessed to have some fair representation, and I'll comment later on the appeal process that's there. Also in here I see that there's an ability for the assessment of competence and/or the assessment of performance to be diligently reviewed. That's well spelled out, and I can certainly support that.

The other issue that I enjoyed reading – and I'm happy it's here – is with respect to the rights of entry, let's call it, onto the premises where a registered practitioner is undertaking his practice. I think this is an important part of the normal review process, but I see by the way it's written that the spirit behind it doesn't just suddenly require a doctor to receive unexpected guests, that being the performance committee itself. The bill goes on to talk about things like "at any reasonable time" under section 33.4. While we're not here to dissect the individual parts, I think the spirit of that is well conveyed by the hon. minister. So I see a lot of these provisions as being quite normal and quite necessary and even lenient in places.

As I read further, I was again struck by the sensible time lines, hon. minister, that seem to be here. The first reference is the five years, which is in accordance with bylaws and so on, to conduct this professional performance on sort of a regular basis, at least once every five years. I think that's a very sensible time line. The medical profession, as we all know, is changing so rapidly that by the time I finish this speech, it will have changed probably manyfold again. [interjection] Well, that will depend on how fast I speak; won't it, hon. member? Again, I see on further pages other references to 90 days, and I see an appeal process which is 30 days and so on. So in a general sense I think we're presenting very sensible time lines, and that's good.

I do have a comment and a question here with respect to the issue of how investigations arise, and I note that the thrust of the bill talks about how the issue of incapable practising or lack of skill or judgment in the practice of medicine may apply. I'm just curious to know what it is that the exact criteria would have to be before a formal request would be placed and acted upon by the performance committee. In other words, what would really initiate or what would have to happen to precipitate the performance committee actually going through the whole nine yards of discoveries? There must be certain circumstances, hon. minister, under which the performance committee would receive a request for a performance review but not necessarily act on it. They would have criteria. Apart from common sense, they may have some specific guidelines that perhaps are crafted and might exist outside the legislation, because of course I appreciate we can't get every nook and cranny looked after in the bill.

I'm also interested – and it's a curious question to me – as to whether or not a physician may subject himself or herself to a review. I mean, that may sound a little funny at first blush, but you know, there are extremely high ethics in medicine, as there are in pretty well all professions, I'm sure. But in medicine in particular if a doctor isn't sure, do they have the ability through this bill to put themselves under scrutiny? I would think they do, but it's just a point that I wanted clarified.

The issue of confidentiality is another aspect that I think bears

some quick comment, Mr. Speaker. There is nothing more sacred, I don't think, perhaps apart from marriage, than the relationship between a doctor and a patient. It's an extremely sensitive area. It's an area that has attracted a lot of press lately. It's an area that is constantly being reviewed and discussed in light of freedom of information legislation, how it will be used. I recall it being an issue when we talked about the smart cards – what were they called? – health care smart cards, and whether or not it was appropriate to have them in our province because of the potential of them falling into the wrong hands, because of the potential for information to be somehow picked off the computers as patients went from one doctor to another, to a specialist and so on.

I'm concerned about the confidentiality aspect of the bill and what protections are built in. I do notice some references to that aspect, but once things go under the microscope, as they would in a performance review setting before a formal review panel, it's surprising the amount of information that will have to be gleaned in order for that panel or that committee to make a sensible decision. As a result of coming to a decision, they surely will be probing very deeply, because presumably they're dealing with an extremely serious allegation; otherwise they wouldn't be before them. The committee probably has the ability to even recommend that a member be disbarred from that profession. So I would be very cautious about the approach that we take and how we treat the confidentiality of these hearings. And would it be something that requires the information or the findings of that hearing to stay only within the performance committee's purview, or would it perhaps have to be referred elsewhere? Then the other question is with respect to legalities and possible legal representation by the person accused or the practitioner who's on the hot seat.

Now, I want to just comment as well, if I could, Mr. Speaker, with respect to an issue I mentioned earlier, and that is the composition of the actual performance committee. I note that the bill requires at least five and not more than nine and that all but one of the resulting number, whatever it will be, is from the actual registered practitioners' list as prescribed under the bylaws. I mentioned the issue of legalities earlier, and I'm wondering if the minister may not see fit to include at least one legal representation on that committee for obvious purposes. I mean, I see the profession being largely self-policing. I don't have a problem with that, but I'm thinking, too, there's a role for what I would call an ombudsman-type lawyer, someone who's not working for either of them but can sit there and provide good advice and make sure that it's a fair and sensible process, which I'm sure it will be. I would be comforted to know that there was somebody in there that was in a neutral position and able to provide the advice to both sides as the issues unfolded.

4:00

I know that when we talked about, for example, the ability for an appeal committee to receive an appeal within 30 days from the practitioner that's alleged to have breached some conduct, it's extremely important for that appeal committee to also be very far removed from the first process and to be as independent as the government and the guidelines in the legislation can have that committee be. I notice, for example, in the case of the WCB we have the CSRC, the Claims Services Review Committee, that goes through a decision process after the case manager has looked at it. Then we have a whole separate body called the appeals advisory committee, and they sit very independent of the actual WCB personnel; at least that's my information. I think it presents another very fair level of hearing, if you will. The only reason

that a system like that might work is because we've gone to great pains to not only design it so but to have it be de facto so. That independence is absolutely critical in the interest of fair and sensible play, and I'm quite sure that the minister is interested to pursue that.

One or two quick final comments in the few minutes I have left, Mr. Speaker, are with respect to the actual decisions that the performance committee will be taking. I noted here in section 33.9 that the "information obtained by a registered practitioner under this Part shall not be published, released or disclosed," et cetera. I talked about the importance of confidentiality earlier, but I wonder: how, then, does a decision get rendered? If it doesn't get rendered in writing, how do you do that? It says that it "shall not be published." Now, does that mean published as in shall not be printed? There shall be no written record of the proceedings? Or does it mean published in terms of book publishing and release to the public? It's just a question I have, because it may be a small oversight that needs some attention. I would think that as a matter of record, they would have to have either extremely good recording equipment to rely on or they'd have to have some hard copy evidence, if you will, of the proceedings that the committee panel members all sign. Or how else do we know that it's the real decision?

Again, I appreciate the fact and I agree with the fact that the information should not be released or disclosed by either the committee or the practitioner who's on the hot seat, but I'm not sure that there shouldn't be some written records to fall back on. The reason I suggest that, Mr. Speaker, is because we have seen countless times where courts have overturned decisions for wrongfully convicting someone. Heaven forbid that should happen to an innocent person in any walk of life but particularly so when we're taking away a person's livelihood, not to mention their pride and dignity, which they have worked so, so hard throughout their lifetime to attain and retain.

The other part that concerns me is with respect to the actual appointment process of the members. I have spoken many times on this issue with respect to government boards, government agencies, government commissions, government foundations, and the like. I feel very strongly that the appointment process is just as important as the appointment outcomes. I want to be very assured that the process of appointments has been discussed and scrutinized very carefully so that we don't run the risk of anybody feeling that they are into anything of a political nature, anything of a self-serving nature, for example. Is there a provision, for example, where the appeal committee has been appointed and suddenly we find out that the practitioner before them knows one of the members? Is there a provision built in to substitute those people? How does that work so that we don't have any possibility of conflict of interest or personality clashes?

I'll come back in committee, Mr. Speaker, with more questions. Thank you for the time.

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

MR. SAPERS: Thank you, Mr. Speaker. When we first had a chance to take a look at this series of amendments to the Medical Profession Act about a year ago, there was general agreement that some kind of physician assessment, peer review should go on and the current provisions could be enhanced. At the time, we raised the issue about confidentiality and we raised the issue about accountability. Then session adjourned, and we didn't have an

opportunity to come back in the fall, like so many of us were hoping, to continue debate on it at that time.

The government has reintroduced it. I'm curious to know, in the year's absence, when we've seen this bill before, what the government has learned about the concerns from the various alternative practitioners. I did hear the minister's comments, talking about how some approvals had been granted for some kinds of therapies, but I continue to hear all kinds of angst, ranging from concern to outrage, that this is some sort of a conspiracy on the part of the government and the College of Physicians and Surgeons to put doctors out of business, that there's a range of therapies out there that, for whatever reason, the government has decided are not therapies that Albertans should be able to access and that, for whatever reasons, if medical practitioners provide these therapies, the college would be there to squash them and to terminate their practices.

Now, if I've heard these concerns, I'm positive the minister has heard these concerns. I think before we see this bill move too much further through the House, we should know how those concerns have been dealt with, unless the minister is saying, I guess, one or two things: either this is the first he's ever heard of them, or he's heard the concerns, reviewed them, and dismissed them as being unfounded or illegitimate or unwarranted.

The notion of a self-governing profession is one that I think we're all fairly comfortable with. As the government has moved to self-policing and self-regulation in so many fields of endeavour, it's nice to come back to sort of the touchstones of self-governing professions. Doctors, lawyers, et cetera, are really at the forefront of that and have tremendous experience, so it's very responsible of the government to listen to a request from a self-governing body, the College of Physicians and Surgeons in this case, who has come forward and has said: we think we can make our process of oversight more effective, more sensitive to the community. And I don't want to interfere in what I think really is the purview of a self-governing body like the College of Physicians and Surgeons.

I've had an opportunity to talk with staff from the college, with board members of the college, and with physicians really across the province, and I think, for the most part, physicians are happy to see the college be proactive and move ahead in the establishment of a physician performance process or committee.

There are some concerns, though, that the college may be going further than the profession is yet ready for. It's hard for me to make a judgment whether that's good or bad. If the college is actually ahead of the profession in making the process more open, more accountable, more transparent, then I guess the profession will come along, and that's not necessarily a bad thing. But, on the other hand, this process will only work if the members of the college, the physicians themselves, participate in it openly and honestly. So if the profession doesn't trust the process, thinks the college is out too far in front of them, then this won't give us the kinds of results that I think we would like to see.

#### 4:10

So the amendments to the Medical Profession Act as they're proposed aren't without their issues. The legislative changes are required. The college can't go ahead and do these kinds of things, the physician peer reviews, without a legislative change. On the other hand, as a member of the Legislature I'm not sure that we have had a complete discussion or the fullness of information around this issue, and the people who are at various end points, whether it be the alternative providers who are raising an alarm at this point or whether it be even the traditional physicians

who are saying, "Wait a minute; I think the college is a little bit further than where we should be at as a profession" – I don't think we've had a chance to assess all of that information.

I was listening to the minister's introductory comments, but I think the minister was exceedingly cautious in those introductory comments. I know that he has more information about these concerns, and probably the next chance he will get to speak is at the committee stage of this bill. I hope that when he takes his opportunity to rise and speak at committee, he will illuminate a little bit for the House where the docs are coming from on both sides, because it's not clear that the practice of medicine is speaking with one voice on this bill.

All of that being said, the College of Physicians and Surgeons I believe made a presentation – gee, it must be getting close to two years ago, at least a year and a half ago – to the standing policy committee on health on this bill. If I recall that presentation correctly, they addressed a pilot project and a survey that had been done, but I can't recall whether the pilot project on the process had been completed, and I would like to know what the outcome of the pilot project on PAR, the physician achievement review, has been.

I would also like to know what the college has done in terms of its national role, because I am aware that the other licensing bodies across the country at the time we first reviewed this series of amendments were looking very, very closely at Alberta to see if this change was implemented and what it would mean. So I'd like to know whether the minister has availed himself of the opportunity to be updated as to where we stand nationally on this issue and whether our college is still seen as being on the vanguard of this kind of peer review process or whether we are now in a position of Alberta being nicely, moderately in the middle of the pack or whether all the other jurisdictions have eclipsed Alberta and we are going to be playing catch-up with this series of legislative changes.

On a very practical level the review process is different than the disciplinary process, but it's the same body that would do both. I should clarify that. The College of Physicians and Surgeons will be responsible for both. There will be a committee established for the purposes of PAR, and there's another disciplinary body that operates under the College of Physicians and Surgeons, but they operate conjointly under the umbrella of the College of Physicians and Surgeons. I'm wondering whether or not that's enough distance. I'm wondering whether or not – and I know this has been referred to by a couple of members already – the minister is satisfied that there are enough safeguards on the information transfer, on the information exchange, on the degree of confidentiality.

I have tremendous respect for Alberta's physicians, and I do not suggest that they operate in any way in an unethical or unprofessional way, but just as I will sit down and discuss freely and openly with my colleagues things that go on in my caucus – and I'm sure the Minister of Health sits down with his colleagues and discusses freely and openly things that go on in cabinet, because it's a shared experience – I am equally certain that doctors will get together from time to time and freely and openly discuss things that are going on within their profession. Even though there are some 5,000 physicians and surgeons licensed in the province of Alberta, that's still a relatively small universe. It's a relatively close fraternity.

Because we are now going to have this performance committee, this performance review process, and it's not clearly established who exactly all of these people may be, because it's left to

regulation, which I think is a huge failing of the bill – but we'll get to that in committee – I tend to have some sympathy for the docs who say: you know, this is creating a different level in the star chamber, but it's still the same star chamber. They've expressed that they don't necessarily have the confidence – and again I'm not saying that it would be done purposely. But because it's really such a small community out there, that information could be transferred and shared in a way that could be very detrimental to an individual practitioner's practice.

Now, when that thought was first shared with me, my initial reaction was – and I don't mind telling you, Mr. Minister – well, that's too bad. If somebody is doing something unprofessional or if somebody is doing something and they put patient safety at risk, then frankly I don't care how that information comes to light. I'm just appreciative that it would come to light and that we'd be in a position through the college to do something about it. But then I began thinking that if you're setting up a process to do peer assessment and you want that process to be complied with and you want that process to paint a true picture of what's going on out there, then people have to be guaranteed of confidentiality, and if there's even a suggestion or a whiff or a hint that information gathered in that process will be funneled directly into a disciplinary process, then I think you've just cut off the effectiveness or the efficacy of your peer assessment and review process.

The difficulty is not in supporting a physician performance committee. The difficulty isn't in supporting a series of amendments that creates this new process. The difficulty is in not knowing the details. If I can be critical of the minister for just a minute, what I would say is: you've had a year to reflect, ruminate, on these potential problems and these deficiencies in the legislation. You've had a year to meet with stakeholders. You've had a year of dialogue. You've had a year of the Official Opposition sitting like a nasty watchdog, you know, staring at you. In that year it seems that you could have either built more things into the legislation that reflected these concerns, or if you really were convinced that these kinds of details are best dealt with by regulation, you could have, as you have with some other regulations, developed draft regulations and circulated them for broad discussion. You very well may have a vest pocket full of regulations that you've shared with a couple of people, sort of like: "Psst, come here. Do you wanna come and see my regulations?" But you haven't taken them out of your vest pocket and put them down on the table for a variety of people to have a look at and to comment on.

4:20

Again, because we're treading on some of the most sensitive, in some respects threatening parts of practice – you know, opening yourself up to scrutiny and review by your peers and by a committee and by the college, by the licensing body – it seems to me that nothing short of total, complete openness and transparency, complete public buy-in, total exposure to that kind of scrutiny, would be acceptable. Because if this kind of a process becomes the law of the province, if this bill proceeds to become a law and the college is given this increased mandate, then we have to ensure that we have created a bill, that we've created a law that will deal with all of the quibbles, that will deal with the alternative providers who have said that this, for whatever reason, is frightening or threatening, and we would have to deal with the doctors who are saying: I'm not sure I can trust the confidence in this process.

We have to make sure that the accountability, Mr. Minister, isn't just one way, that it goes in – I was going to say both

directions but I guess multiple directions because we'd be accountable in this Chamber as well. So the accountability has to be ensured in terms of the college, the individual physicians, and the members of this Assembly to ensure that no unwarranted risk and no information is being put into jeopardy and no compliance is being threatened and that ultimately patient safety is enhanced through our actions in passing Bill 24.

Mr. Minister, I've asked you to come back to the House and put before the Assembly some answers to some pretty specific questions. I don't know exactly when this bill will be on the Order Paper in committee. I do appreciate that you were listening, and I hope that you'll be able to provide some of that information. If it's easier to present some of that information in written form, if there is an analysis that's been prepared by your department, I know, on behalf of my colleague the Member for Calgary-Buffalo, that we'd all be thrilled if you wanted to table some of that information just as soon as you can get it copied.

With that, Mr. Minister, I will pass the torch to my colleague.

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

MS CARLSON: Thank you, Mr. Speaker. I'm happy to stand once again and speak to this bill in the Legislature. The last time this was up for debate, I wasn't sure whether or not I would be supporting it. Since that time period I've had an opportunity to go into the community and talk to some of the doctors who will be affected by this and to a number of constituents who may be in a position at some point where they'll be part of the review process.

Mr. Speaker, while I will be supporting it, I still have some concerns. Like my colleague from Edmonton-Glenora I believe that the minister has had a year to put together some detail to answer the questions that we had when this was previously up for debate and to come back and share that information with us. In the absence of that information I have a number of questions that I would really hope he will be addressing prior to this coming up for a vote at the committee stage. For sure at a minimum what I would like to see are the results of the pilot project that they had here. Certainly that would give us some indication of the process itself, whether or not it's going to be effective and acceptable to all of the docs who will now be having to undergo and participate in this project. So if he could share that information with us, I think that would be an excellent place to start.

There's no doubt that looking at education and quality improvement in this profession is the right direction to be going in. With the kind of technological changes that we have, there's no doubt that we need to ensure that every doctor is up to speed in this province and providing the best possible quality care to their patients. With the wealth of information that's out there that they have to keep up to date on and the kinds of busy practices most of them have, I think that is potentially a problem and potentially a conflict for them.

I know that they are required to participate in a number of seminars and discussion groups and different kinds of information-sharing processes throughout the year, but we all know that some people participate at a more active level than others in that kind of a process, and I'm not sure that it's always effective. So certainly taking a look at some sort of criteria that measures whether or not they've effectively assimilated that kind of information and are appropriately using it in a clinical sense is a positive step forward.

Every time you do that kind of a review, you do open yourself up to a number of potential problems. Certainly the process itself of using a questionnaire has the potential for being a problem. People can interpret questions differently and answer them differently, so I'd like to see one of the questionnaires to determine the effectiveness of open- or closed-ended questions and precisely what it is that they're trying to measure here.

We're given a list of the domains of performance that'll be assessed here. Cognitive and clinical skills, I think, could be hard for patients to assess, Mr. Speaker. Unless they're seeing a number of doctors in similar kinds of circumstances, I'm not sure that they have a performance benchmark on which they can assess clinical skills. So I'm wondering specifically how that will be measured and reviewed. Then, again, you have the kinds of fluctuations in evaluation. What I think may be an excellent clinical skill may be in somebody else's mind less than excellent. So you get into those kinds of problems.

Communication skills: something effective to measure, but once again, a lot of it's in the eye of the beholder, Mr. Speaker. Psychosocial management is an interesting point to be measuring on given the kind of atmosphere that doctors are operating in in this province at this point in time. Given the pressure put on them from the financial and billing perspectives, we're seeing in many instances doctors moving away from providing psychosocial skills in their practices, and I'm wondering how that trend will affect this kind of a performance measurement.

Office management: again, I'm unsure what that means. Does that mean the degree of detail and skill that they keep their office files in? Does it mean the friendliness of the staff? Does it mean an evaluation of . . .

#### **Speaker's Ruling Decorum**

THE DEPUTY SPEAKER: Hon. ministers, if you'd conduct your visit outside, the chair would then be able to hear the hon. Member for Edmonton-Ellerslie.

Hon. member.

MS CARLSON: Thank you. One of the ministers doesn't really care about listening, Mr. Speaker. [interjection] Oh, the Minister of Education is sitting there talking while the Speaker is speaking.

MR. MAR: I apologize.

MS CARLSON: There. He apologized. Thank you very much.

MS CALAHASEN: Oh, we were talking about your speech.

MS CARLSON: It doesn't matter what you were talking about. I think the issue is that people can hear what's going on.

#### **Debate Continued**

MS CARLSON: I was talking about office management. Are you evaluating the effectiveness of the front-end people? Are you evaluating whether or not a doctor is ahead of schedule, behind schedule, whether he keeps to appointment times? If a person has a pressing time in terms of office management, is he prepared to extend that? I think those are all issues that will vary from office to office and will be evaluated and interpreted differently by the people who are filling out those questionnaires. So if we could get some feel of the expectation in that regard and also, in regard to all of these matters, the weighting that's going to be given to

each of them. I think that will have a big impact on the eventual outcome for these doctors and the kinds of goals or improvements that they'll need to look towards.

I have some concerns about what the college will do with the results. Certainly it is important the feedback goes back to the doctor. I have no problem with that. I have no problem with establishing some sort of a benchmark in terms of trying to help those docs who fall below the benchmark get back up to speed. But I have a concern with what happens in that process of bringing them up to speed and the profile patterns that "will have to be compared with other measures of physician performance to determine which ones may identify a need for closer inspection." We don't get any definition here of what they mean by "profile patterns," and we don't get any definition here in terms of the amount of time that's going to be required for the doc to be brought up to the benchmark level, the costs associated with that, or any kind of change in terms of the way that the doctors manage their offices. So I think we truly need and the doctors truly need more definition in this regard, Mr. Speaker.

4:30

This ties into the expected costs, where they are expecting this whole process to cost the doctor not more than \$200 to complete effectively. I'm assuming there that they're talking about hard costs, Mr. Speaker, but there are some soft costs involved in this process. Certainly the doc has got to meet with the patient, explain the questionnaire, explain the rationale about why they're asking them to fill it out. There's a soft cost of the doctor's time in that time period. Who's going to measure that? Then, too, their colleagues in assessing them is a cost of time and certainly is something that needs to be taken into consideration. The meetings afterwards with the college and any follow-up action required may have hard costs associated with it: if they've got to put cash out for studies, the loss of billing time while they're out and about doing that kind of thing.

So I'm wondering if any estimation has been done on those costs and, if so, if that information could be shared. I would think that it would be impossible for a doc to participate in this program for a total cost of \$200. It just doesn't seem to be a reasonable expectation. I think we need a better projection of not only what the hard costs would be in this regard but also the soft costs around this.

In a lot of this the interpretation will be subjective. They talk about poor score results not necessarily being a poor performance by the physician but that individual kinds of experiences and improvements may be required. Once again, different doctors practise in different sorts of environments, and I'm wondering if this is going to be a one-size-fits-all model or if there's going to be some sort of adaptation made for people who do work in different kinds of environments.

I have a concern, too, with the doctors choosing the patients and the others who respond. For sure, that won't give us a good cross-representation of the patient profile that the doctor has in their practice. That may be a bad thing or that may be a good thing; I don't know. But it won't be representative; that's for sure. For one thing, if it were me, I would be choosing patients to fill out the questionnaire who easily understand the process, who will make what I would believe to be a fair or even a good representation of the situation, and who possibly would tell me afterwards how they filled out the questionnaire. The issue of confidentiality comes into this, and it definitely, I would think, eliminates the profile of some client participation. So that's still a concern for me. There's no doubt that there is a problem in

terms of other people identifying the client mix, but I think there are other ways that you could address that situation.

Acceptability by the doctors in terms of accepting the feedback their patients give them. No doubt it is more easy to accept from people that you know and that you have chosen, but once again, they may not actually be touching on some of the issues of concern that may actually reside in the practice. So I'm wondering how they'll get around that. They're saying that the primary purpose of the feedback is education, not assessment, but there's no doubt that assessment is going to be one of the outcomes here.

I think that participation being mandatory is important. I think that you can't apply this just to some and not to others, and I would be concerned if there was any kind of an opt-out clause about that.

Confidentiality is a concern. Like the Member for Edmonton-Glenora said, it's a small community. There is a lot of feedback between doctors and between specialities, and no doubt word will get out if someone has a poor performance review. But I'm not as concerned about that, because this is an issue that will be there amongst colleagues. I'm more concerned with the feedback that patients may be sharing outside in the community. There is no way to control that, Mr. Speaker. Once again, if I were a doctor, I would be looking to give the questionnaire to people who I believed would keep that confidentiality. Then, once again, that may not be the best representation of the practice. So I would like to have some more information from the minister about ensuring confidentiality so that we can share that information with the people in the community.

From that perspective I think that concludes my questions at this point, Mr. Speaker. I look forward to getting some responses to these and questions asked by my other colleagues and to further debating this once we get into committee.

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

**MR. WHITE:** Thank you, Mr. Speaker. I rise today to speak on Bill 24, Medical Profession Amendment Act. I remember the previous edition of this act and the discussion that went on at that time. Quite frankly, I'm impressed that the bill went away and that there's some amendments and some additions to this bill. In general it appears as though it's a step forward, as the bill at the time was a step forward, moving from a profession where it appears to most of us, that are not competent in the field of medicine, that these were the untouchables, the ones that were a long ways away from evaluation. This self-evaluation, which most professions and self-governing professions are required to do, seems to be innovative at least and perhaps breaks some new ground here.

The engineers do it much differently and instituted a program, starting this year I believe, where it's a matter of not only a self-governing profession – and the act reflects that – but self-analysis annually, not biannually and not every five years but annually. Members, in order to maintain status as full practising members and therefore have the rights to seal documents and drawings and cast opinions in various areas, are in fact reviewed by themselves. They must fill out a questionnaire and file that questionnaire as to their opinion of their competence and their upgrading, not merely a maintenance of a level but an upgrading in the area of their particular speciality and competence.

This does a number of things, not the least of which goes on the assumption that a profession is ever changing and that the

professional must always change in order to keep up with the profession in the deliverance of that service. This doesn't quite do that, or it doesn't set out the parameters of that. It's a different way of dealing with it. It appears that one has to come to the attention of the profession, of the practising body, the college, in order to have some competence questioned. Now, that doesn't seem to me to be the answer. There should be an ongoing and regular review. This bill says, "The Performance Committee may, in accordance with the by-laws, conduct a general assessment." It does not say that it will.

Now, I would have thought that the method that the engineers use and partially the method that the accountants use for keeping up and reporting that you in fact are keeping up as a professional and therefore maintaining your professional competence would be in order. I don't know what attention would be drawn to a member and, then, whether in fact the college or the performance committee can turn it down, because their first order of business is to determine, if a concern is brought to them, whether in fact any further specified action takes place. Well, if the member in question happens to be the all-around jolly good fellow and this is the first occurrence, the first time they've ever heard anything, and all the things centred around being a good performer and this is one complaint – it may in fact be just the one complaint or the one concern that was raised. That doesn't do anything to satisfy the general public that the member is practising to a standard that would be acceptable, because it simply is not reviewed.

**4:40**

I would like to know – this act doesn't say – what gives rise to an assessment of competence in the very first instance. The member oneself, I suppose, could ask for one. That would be the natural way to do it. Another member in the profession could note something and say, "My references to this practitioner haven't been taken as seriously as I might think," and therefore complain, or it may be a member of the public. But none of that is specified within. Certainly for the average soul that's not really familiar with how these things do occur and is unaware of how one lodges a concern about a practitioner's competence without causing great furor

and without causing a great deal of unnecessary heartburn to all concerned, this seems to be a fairly benign approach. But it doesn't seem to have any method of kicking it off. I'd like to know why that doesn't occur, and perhaps there could be some additions to the practice.

There is a very special part of this bill, too, that I think is particularly apropos, and that's an appeal committee. Having had to deal with this sort of thing in my own profession a number of times, having to deal with others' level of competence, I know that it is always advantageous to spell out clearly the appeal process so that not just one hearing takes place and a judgment is rendered. But if either party believes that they didn't really get to the root of the matter and, therefore, come to the conclusion that that person believes, there is another opportunity to do so contained within the act so as to keep the parameters understood by either the complainant or the respondent in this case, if in fact there is a complainant.

I notice that it's been drafted quite well and that there's proper notices of appeal and that the appeal committee is structured such that it's different members than the original. It clearly lays out how the business is to be conducted so that any complainant or any practitioner will be able to clearly refer right to the bill without having to go chase hither, thither, and yon to decide how to conduct themselves or whether they need representation or

counsel or whether in fact they can conduct the business themselves and save that expense and be able to be personally involved on a moment-to-moment basis.

Another provision that particularly impresses me, too, is that at least one member of the performance committee is not a physician, is a member of the general public, hopefully one that has a general knowledge of the law and its application and that, I suspect, would be well respected in the community for their judgment on many matters. This particular instance I think is a great addition to the bill, and it leaves me quite impressed with this.

The confidentiality leaves me a little concerned in that, yes, there's that relationship between the patient and the doctor of course. I can understand the reason for confidentiality there, but in other professions the competence of a practising member, when called into question, is quite a public affair, particularly after the initial ruling, after a complaint has been brought forward and a ruling is rendered that, yes, there is some further investigation required here and it goes on to the next stage. It's the secondary and tertiary stages of investigation in any profession that become noteworthy, to say the least. To maintain this confidentiality leaves me a little, little concerned that a true representation of the performance of the member in question is not found.

[The Speaker in the chair]

It worries me that it has been generally accepted for years and years and years, probably because of our proximity to the United States and probably because of the conduct we see portrayed on television and the news media from the United States, that doctors go way out of their way to protect their own. I know that not to be the case, but this particular provision leads one to believe that that could well be the case, maintaining a very, very strict confidentiality on the investigation and the findings of a committee. It is not the manner in which I would like to see it conducted, although I would err on the side of openness as opposed to what this bill purports to do: err on the side of confidentiality.

There is another section that particularly does not impress me, and it's the awarding of costs so that the registered practitioner always must pay. Now, I would think that the council could and should be wise enough to accept that there are and will be errors in this, and the practitioner should not have to pay every time. I would think that would be part of the ruling, that for any tribunal, or in this case the performance committee, part of their rendering a decision would award costs. In the normal case, of course, I would think that well over 90 percent or better, almost 100 percent of the costs of an investigation and the cost of the proceedings through the investigation and the cost of proceedings before counsel and all the appeals that there are, too, would be awarded against the practitioner. But that does not mean that it should be automatic, and this provision says that it's automatic. It does not leave any element for error, which could be found if perhaps a complainant or a number of complainants were less than truthful for whatever reason.

The last area of the bill itself that I'm particularly pleased about is the protection from liability. In order to have a tribunal of this nature perform the function, any performance committee in this case, it must have the ironclad guarantee that the best job they do is free of any liability. If there was any hint of a liability following from any decision, save and except a malicious action, which would not be protected under this provision I'm sure, for anything less than that, you'd want all your active members to be able to participate in this review process in order to make sure that the broadest of all possible influences can be brought to bear.

Any hint of a liability for some members would send them scurrying, and rightly so.

4:50

There are a couple of provisions or effects that concern me somewhat, and I'm sure it's been visited many times. The physician under review is permitted to choose the patients and others who may respond to this questionnaire. Now, I would think that if you have a complaint brought forward asking for this review, that person would be allowed to submit to these questions in order to give a fuller and broader picture. If I were to ask, as one does, for references from some member of the public on my performance, I think I could find quite a few that would give me glowing reports, but that in fact may not be the accurate picture of my performance as a member of this Legislature, and I would think it should be modified and tempered somewhat in that area.

The last area of concern really is that with the advent of alternative medicines in this province – naturopathy and homeopathy and all of those other treatments that are a little different, yes, and that sometimes have relevance and sometimes don't have relevance – it appears to me they could be called into question here with this peer review and not have a very good hearing. The outcome might not be that which we'd like as members of the public.

I can think of a bill that was passed in this Legislature some time ago, and it centred around the treatment of a number of ailments. It was the injection into and drawing out of the bloodstream of some chemical supposedly to clean and filter the blood. Well, the physicians of the day were dead set against the practice of this medicine and in fact did a great deal to try and keep their members, that were in good standing at the time, from remaining so, to a great deal of conflict in the industry and in the public. I'm not sure that Bill 24 would satisfy that. As a matter of fact, it may work in the reverse, and that does concern me a little, particularly as it relates to the confidentiality of the matter.

Mr. Speaker, a number before me have made comment on virtually all of the other areas that concerned me. I heard them, and they put the case very, very well. I look forward to hearing some answers to those questions and queries in subsequent readings of this bill and perhaps amendments.

With that, sir, I'll take my place and allow others to make their feelings known.

[Motion carried; Bill 24 read a second time]

## Bill 25

### Justice Statutes Amendment Act, 1998

THE SPEAKER: The hon. Deputy Government House Leader.

MRS. BLACK: Thank you, Mr. Speaker. On behalf of the Minister of Justice I'm pleased to move second reading of Bill 25, the Justice Statutes Amendment Act.

Mr. Speaker, this act amends the Court of Queen's Bench Act, the Provincial Court Judges Act, and the Justice of the Peace Act. The purpose of the amendments is to ensure the independence of the courts of Alberta in keeping with recent decisions of the Supreme Court of Canada. As such, there is a common theme present in all of the amendments, explaining why they have been introduced in this Assembly in one bill.

Such amendments include providing for a judicial compensation commission to make recommendations regarding the setting of compensation for Provincial Court judges, masters, and justices

of the peace and requiring that compensation be established for Provincial Court judges, masters, and justices of the peace; authorizing the Court of Queen's Bench and the Provincial Court to set the sittings of these courts; establishing a judicial inquiry process to review complaints against Provincial Court judges, masters, and justices of the peace; providing that the supernumerary judges may be appointed on the recommendation of the Chief Judge; initiating a process for reviewing applications for justice of the peace appointments and establishing categories of justices of the peace and providing that any change designated by the minister in the residence of a judge is subject to the consent of the judge.

Mr. Speaker, the act also establishes a mandatory retirement age of 70 for masters, which is consistent with the mandatory retirement age for Provincial Court judges.

Mr. Speaker, I believe the foregoing adequately summarizes the substantive provisions of the act, and I encourage all members to support the expeditious passage through this House.

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

DR. MASSEY: Thank you, Mr. Speaker. I'd like to make a few comments about the principles underlying Bill 25, the Justice Statutes Amendment Act, and then some of the questions that seem to arise out of those principles.

There seem to be three major principles. The first is that there has to be in place a process to deal with complaints about masters in chambers, Provincial Court judges, and justices of the peace. Everyone knows that if you have a complaint against any of those, there is a process that can be followed, a way for a complaint to be dealt with. The second principle seems to be that complaints are best handled through the formation of groups. In this case they've been labeled judicial councils, and the establishment of judicial councils is part of this bill. Thirdly, that a compensation commission could best set the remuneration for judges, masters, and justices of the peace. So they are three principles that seem to be supported in the bill.

The minister in her opening remarks talked about the independence of the judiciary being paramount, a principle that was the underlying goal of the bill. But we have a number of questions that really, I think, get at the heart of that. Does the bill really make the judiciary more independent, or does it in many ways make it more dependent upon government?

Some specific questions that the principles raise start with: who are the members of the judicial council, and should that membership not be detailed and be a detailed part of the amendments that are before us? How are the judicial councils bound by recommendations? One of the things that the judicial council can do is set up judicial inquiry boards, and the relationship between the judicial councils and those judicial inquiry boards is unclear. Do they have to impose the sanctions of the board, or are they free to impose sanctions of their own? What about the costs? These are some of the details we will be exploring when the bill moves to committee stage, some of the details we'll want to examine there.

5:00

A third question those principles raise is: should there be an appeal possible of the judicial council decisions? Right now that doesn't seem possible. That whole notion of there being some appeal of the decisions of those judicial councils is one that I think we have to explore.

A further question is: will in fact the Provincial Court judges end up having their salaries set by the cabinet, as they now are?

The way the bill is structured, it's supposed to be independent, a commission will look at them, but in effect the process outlined in the bill would seem to indicate that it's going to be business as usual in terms of cabinet setting that remuneration.

The fifth question is: what is the rationale for the changes to the Justice of the Peace Act? These are major changes in this bill to the Justice of the Peace Act, and there doesn't seem to be any rationale. What brought those changes on? They didn't seem to arise in court decisions. Under that, there are some rather curious things that beg to be asked. Why 10-year terms for justices of the peace? What's magic about 10? Where did that come from? Why nonrenewable terms? What prompted that to be included as part of the act? Again, there's questioning about the massive changes to the Justice of the Peace Act that are included in this amendment and where those changes came from. Hopefully the minister will have an opportunity to respond to that.

Again coming out of the principles is number 6: why isn't the membership of the nominating committee set out in the act? Again it goes back to the judicial councils. The same in this case: why don't we know? Why isn't that membership designated so that everyone will understand what the positions that are going to be named are? Why are these changes here now? It seems a little premature to be bringing forth these changes and there's a task force out there that's supposed to be bringing back recommendations on these very issues. Why are we not waiting for that task force to make its recommendations to the Legislature?

A further question arising out of those principles is: should the Minister of Justice be the one to set up the code of ethics and the conflict of interest rules for masters in chamber? Is that the individual that should be setting out that code of ethics? Are there not other more appropriate individuals that could assist in that task and that should more rightfully be involved in that task?

A further question coming out of the principles is: why are the workings of the compensation commission left for regulations? It seems again to leave open some interference in the operation of the commission. It seems that instead of being left for regulations, we could have expected, given the principles underlying this act, that it would appear as part of the amendment.

I guess a last question out of this preliminary set that I formulated going through the act is: what is the relationship between the compensation commission and the government? Is the government bound to act upon recommendations of the compensation commission? Can they overturn their recommendations? It goes back to a previous question I asked, and that's: just how is this going to work, and how much independence does the commission enjoy?

Those are some of the preliminary questions I had, Mr. Speaker, arising out of the identification of some of the principles that seem to underlie the act, and I'll look forward to answers and further information as the bill continues.

Thank you very much.

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

MR. SAPERS: Thank you, Mr. Speaker. When the Minister of Justice introduced this bill for first reading, he indicated that while Bill 25 was a bill that would amend several statutes – and I believe it's four, not counting the consequential amendments – we would appreciate that they all shared a common thread and would not be subject to the criticism that it's one of these damned omnibus bills that shouldn't be allowed to come forward in the format that we had seen in the last session of this Legislature. I have to give the Minister of Justice credit to that extent. There is a common thread. The amendments to the Judicature Act, the Provincial Court Act, or the Court of Queen's Bench Act, et

cetera, all do share a theme, and I'm happy to see that. But the bill was also presented as one which was somewhat housekeeping and was a tidy package that was going to bring Alberta into compliance with Supreme Court of Canada decisions and that really we shouldn't be looking for very much substance in this bill.

I don't know whether the minister and I just have a different opinion as to what is substantial, but when I read this bill, I was actually quite surprised that it wasn't just about the selection process for judges or the way judges would be paid or even the restructuring of a committee that might be looking at disciplinary actions when it comes to judges and masters in chamber and justices of the peace. In fact, it went far further than that. There are sections in this bill that actually totally rewrite the law of the province as it comes to justices of the peace. For the first time, I think, in this bill we have three categories now of JPs. You've got presiding ones and sitting ones, and there's a third category – I can't recall what the title is right now – and there are different terms and conditions around their appointment. Most surprisingly there's a term specific limit now embedded in the law. It's a 10-year term limit on the appointment, and I understand it's to be nonrenewable.

When we were first reviewing this in our legislative review process in the opposition caucus, I joked that that must have been a dictation error. It must have been a section about tenure and not a section about a 10-year limit. But it was no dictation error. Apparently the minister is serious that he would like to see JPs appointed for a single term, nonrenewable, and that that term be for 10 years. I wonder about that. I wonder about the disbanding of the judicial review committee as it now exists and instead replacing it with this judicial council under the Judicature Act. I also wonder why the Court of Queen's Bench masters will no longer be answerable to the Chief Justice of the court but will now be answerable to this other body established under the Judicature Act.

This bill, I think, is going to give us lots of fodder for a detailed review at Committee of the Whole, and that's not because we're necessarily opposed to the overall intent of the bill, because as the bill was introduced, the intent was to ensure the independence of the courts. We as an opposition were very quick to point out to the government when we thought that judicial independence was being threatened. You may recall, Mr. Speaker, it wasn't that long ago that there was quite a flap in this province over the independence of the bench and a suggestion that judges could just be fired if they didn't like the working conditions, or "Who were they to think that they should get a raise?" There was a fair bit of tension, I think, that developed between the court in Alberta and the provincial government, so we're happy to see the government take some action that would reinforce the arm's-length relationship between the bench and the executive.

#### 5:10

But this bill goes much further than simply working towards independence. I would note that the act again calls for having a couple of laymen or nonjudges on the council, and that's good. You would think that would also reinforce the nature that this isn't a government oversight function, but under the current law, there are two positions on the judicial council as well. To the best of my knowledge, those positions have never been filled by the government. So I'm wondering whether the government will be moving with alacrity and dispatch to fill those positions if this bill ever becomes law.

I also note that in the bill there are some conflicts between the

to-be-created board of inquiry and the judicial council in their role and in the sanction. It's possible they may provide different sanctions. I'm wondering whether I've just misread the bill or whether there's something the Minister of Justice was wanting to accomplish by allowing that to happen or whether it's an oversight under the Judicature Act that that would be allowed for.

The bill also changes the relationship of the minister and the Provincial Court. I note that in the bill the court will set its own calendar and designate sittings. In the past that's been a matter of ministerial responsibility. We would, on behalf of Albertans, be able to come to the Assembly and query the Minister of Justice about the court calendar, but that responsibility seems to have disappeared in this bill and now becomes a matter of the administrative competence of the court.

The other question I had when I was reading through this bill is that I was wondering about its relationship to the commission that was established to review judges' compensation. This judicial compensation task force is meeting. It has as its mandate the examination of the level of compensation, the level of pension benefits for judges, other kinds of benefits and allowances, and other issues relevant to the financial security of the court. Now, this commission of inquiry is still doing its work. It was only established on the 3rd of this month. I'm not aware that it has reported, yet we have this Bill 25. If you go through the bill – and I'm not going to go through the bill section by section now. But if you go through the bill and particularly if you look at the areas left to regulation, what you find is that there are overlapping areas here. The Judicial Compensation Commission would seem to have been usurped by Bill 25. If that wasn't the intent of the government, then it would be interesting to know how they're going to dovetail the work of the commission with this legislation.

I could ask a similar question, Mr. Speaker, about the Alberta Justice Summit. The summit has amongst its mandate the examination of public confidence in the system of justice as well as other questions relating to the court system. Given that Bill 25 is a substantial overhaul of the administration of the courts, particularly as it relates to judicial accountability and independence, it would seem to me that again we have a bit of a conflict with the minister getting out ahead of the parade. He announces a Justice Summit but then introduces a bill, and there seems to be a little bit of a mismatch in timing.

So, Mr. Speaker, I've concluded that this bill is more than housekeeping, that it does have many substantive elements. While I'm glad that it's an omnibus bill that we can actually talk to the principle of, I guess I'm not so heartened that it still has within it several very substantial areas of legislative change, some of which could have been stand-alone bills, particularly the changes to justices of the peace. This bill pretty much repeals the existing legislative framework around JPs in this province and substitutes something brand new, certainly of enough consequence that it could have carried its own weight as a stand-alone legislative initiative.

In any case, Mr. Speaker, I would like to move that we now adjourn debate on Bill 25.

THE SPEAKER: Having heard the motion by the hon. Member for Edmonton-Glenora, all those in favour, please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. The motion is carried.  
Deputy Government House Leader.

MR. HANCOCK: Mr. Speaker, given the hour, I'd now move

that we adjourn until 8 p.m. this evening at which time we reconvene in Committee of Supply.

THE SPEAKER: Does the Assembly agree with the motion put forward by the hon. Deputy Government House Leader?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

[The Assembly adjourned at 5:17 p.m.]