

Legislative Assembly of Alberta

Title: Wednesday, March 25, 1998 8:00 p.m.

Date: 98/03/25

head: Government Bills and Orders
Committee of the Whole

[Mr. Tannas in the chair]

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

For the benefit of those that are in the various galleries, this is committee stage. It's much less formal than the Assembly stage. Members are allowed to speak more than one time to an issue. They're able, as you can see, to remove their jackets, even walk around, although we do keep to the formality that only one member stands and talks at a time. A big part of my job is trying to see that that occurs. We go through the bills sort of item by item or clause by clause, and it gives an opportunity for the members to ask questions, for the minister or the sponsor of the bill to get up and reply to the questions: that kind of thing. This is called Committee of the Whole.

Bill 12 Alcohol and Drug Abuse Amendment Act, 1998

THE CHAIRMAN: This bill has been moved by the hon. Member for Calgary-Currie. We'd ask all hon. members if there are any questions, amendments to offer. If the hon. Member for Calgary-Currie would like to begin. She's a bit surprised, because this is not the first bill that was on the agenda. We've just suddenly made a switch, and she hasn't had a chance to catch on to that.

MRS. BURGNER: Thank you. I do appreciate recognition of the fact that there was a slight change in program.

I just want to begin the discussion at the committee stage on this bill by reviewing the points. The bill is not particularly lengthy, as you can see. It's dealing with the issue of supremacy with respect to our act, paramountcy over freedom of information and the need to have an opportunity within the legislation to provide for disclosure of certain pieces of information where the community needs have been identified.

I will take the comments that we hear from the opposition at this time and deal with them as we go through this stage.

Thank you.

THE CHAIRMAN: All right. With that, any further comments?
The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you, Mr. Chairman. I'm rising to speak briefly and move an amendment. Maybe to save time, I'll ask the pages to distribute the amendment now so everybody has a copy of it.

I think that certainly overall we're supportive of what this bill is trying to do in that it's looking out for the overall health and safety of the population. However, we are in many cases dealing with a vulnerable group of people when we talk about the client base from AADAC. We need to be careful that there is a balance in protecting the public interest and in protecting the privacy and the particular circumstances of any of the clients of AADAC.

This amendment hasn't been handed out yet, so I'll keep talking until I see people have it.

As the hon. member mentioned, this . . .

THE CHAIRMAN: Thank you, hon. member. Just for hon.

members' advisement, this amendment will be known as amendment A1 as moved by the hon. Member for Edmonton-Centre. We'll wait just a moment so that everyone has one or has reasonable access.

While we're waiting for this to be passed around, perhaps we could have unanimous consent to revert briefly to Introduction of Guests.

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

The hon. Member for Lac La Biche-St. Paul.

head: Introduction of Guests

MR. LANGEVIN: Thank you, Mr. Chairman. It is my pleasure this evening on behalf of the hon. Member for Calgary-Shaw to introduce to you and through you to all members of the Assembly a group of visitors. These Albertans are sitting in both the members' and the public galleries. They're a group of 75 seniors who are associated with the organization Citizens for Choice in Health Care. They are here this evening to listen to the debate on Bill 24, the Medical Profession Amendment Act, 1998. I would like to ask our visitors to please rise and be recognized by the members of the Assembly.

Bill 12 Alcohol and Drug Abuse Amendment Act, 1998 (continued)

THE CHAIRMAN: If everyone now has a copy of amendment A1, we'd invite the hon. Member for Edmonton-Centre to continue explanation of this amendment.

MS BLAKEMAN: Thank you very much, Mr. Chairman. The amendment that I am putting forward I brought forward because I have some concerns that in the current wording of the act there's a potential for an imbalance in the interests and the rights of the two groups of people that I was speaking of. I think it's important that whenever we are potentially giving out personal information on people, we are very careful of that. In my reading of it and in the advice that I sought and received, it appeared to me that in fact any employee of AADAC, past or present, could be giving out information about any client of AADAC, past or present. I felt that that was casting the net a bit too wide.

I will read my amendment into the record now. Section 2 is amended in the proposed section 8(3)(a.1) by adding after "if" the client concerned has been provided with treatment, care or services by the Commission in the preceding 3 months, and in the opinion of a physician, a chartered psychologist or a psychiatrist or any other appropriate expert depending on the circumstances of the case.

So what I'm trying to do with the amendment is to make sure that we are talking about a current client of AADAC and not anyone that was in their database. If they're not being currently treated by AADAC, I don't know why we'd be giving out information on them. There are likely other sources that that could be coming from. I think there are real issues there about privacy if you stray too far away from those parameters.

My concern was also that there be an acknowledged third party who could look at the circumstances being brought forward under the compelling notion that information had to be released for the health and safety of the public. Therefore, I am putting forward that this would be "in the opinion of a physician, a chartered

psychologist or psychiatrist or any other appropriate expert," which obviously could include police or community health or anything else. It bothers me that if left the way it is, it's too wide open and the potential for abuse is very high.

I understand where the impetus for the bill came from in that there was an intention that as it is now, there's a complicated process that has to be followed in essentially appealing to the minister for an order in council to do this and that time is of the essence in some of these cases. Certainly when you're talking about public health and safety, time is often of the essence, and therefore the act was trying to provide for a more expedient process.

I don't think that this amendment needs to add any time necessarily to the process. It's just providing a check and a balance to make sure that all parties are protected, that we don't have an employee of AADAC who could be accused of, you know, violating someone's privacy or releasing information on a client. This is going through a third party who is recognized as an expert. So that protects the staff of AADAC. It also is protecting the public, because someone is looking out for their interests as well.

So I hope that this amendment will meet with the pleasure of the Assembly. I don't really have any further comments to make. If anyone else would like to join in the discussion, I encourage them to do so. If I haven't officially moved this motion, I do officially move it now.

That concludes my comments. Thank you.

THE CHAIRMAN: The hon. Member for Calgary-Egmont on the amendment.

8:10

MR. HERARD: Yes, Mr. Chairman. I do have a question that perhaps the hon. member who proposed the amendment might want to answer. I have a bit of a problem with the term "appropriate expert." The problem is that in this province you can call yourself an analyst, you can call yourself a counselor, and putting the words "appropriate expert" in there causes me some problems. So would you please explain to me what that means?

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

MR. DICKSON: I want to take a stab at it, Mr. Chairman. The purpose of the amendment – this makes this section congruent and basically the same kind of protection that currently exists in section 17 of the freedom of information act, which is modeled on a section in the British Columbia freedom of information act.

Member for Calgary-Egmont, if you look at section 17 of the freedom of information act, the issue is whether the head of a public body can refuse to disclose information. The provision is that that can be done if the disclosure would be expected to "threaten anyone else's safety or mental or physical health," or "interfere with public safety." Then it goes on to say:

The head of a public body may refuse to disclose to an applicant personal information about the applicant if, in the opinion of a physician, a chartered psychologist or a psychiatrist or any other appropriate expert depending on the circumstances of the case . . .

So the wording is actually identical with what's here.

The notion would be – at least it was in those other two statutes I mentioned – to bring in some kind of an objective standard. Experience has been in British Columbia, where they've had an extra year and a half of FOIP, that it's only been used four times

that I'm aware of, and in each case it was not difficult to determine who was the appropriate person. It was just to ensure that there was some more objective standard than somebody, in this case AADAC, just saying: well, we choose not to share the information.

The notion of "or other . . . appropriate expert." You don't have here an information commissioner who is able to make that call. So the Member for Calgary-Egmont can fairly say that there's not the same way of resolving the ambiguity here, because you don't have that third person. I suppose that if it came to it, it would probably have to be adjudicated. I'd suggest that I'd have plenty of confidence in, frankly, the common sense of the people in AADAC to understand that what we're trying to do is get that sort of third-party objective assessment. I could imagine circumstances in which it would be a social worker or someone in that sort of context.

I'm not sure whether I'm being responsive to the question raised by the Member for Calgary-Egmont. This isn't precedent setting, members. There's precedent for it in our own act and in British Columbia.

Thank you.

THE CHAIRMAN: Further comments?

The hon. Minister of Community Development.

MRS. McCLELLAN: Well, I'd like to make a couple of comments on this amendment. This is a very straightforward amendment but a very important amendment that's being asked for in this act. I've looked at this, not having had any discussion – I don't believe that the carrier of the bill was made aware of this amendment. Were you before? I saw the other one, but I didn't see this one. So I'm sorry. I didn't see it. I've looked at this to see where this adds strength to the meaning of the amendment in this act. If you look at the amendment in the bill where the key words are "compelling circumstances," I think that pretty well outlines the reason for this amendment.

You already have the opportunity under the act, if you read through it, for the minister to give permission for release of information under order in council. Obviously that doesn't work in all circumstances because of immediacy.

I look at: "the client concerned has been provided with treatment, care or services by the Commission in the preceding 3 months." The person, I would expect, that is attending the commission has a reason for being there. Either they've been in treatment or they know that's where you go for treatment. "And in the opinion of a physician, a chartered psychologist or a psychiatrist or any appropriate expert." I can assure you that the people who are counseling and seeing AADAC clients are appropriate people to be doing this. So I am trying to understand where this improves the situation that the act amendment was intended to deal with.

I think the hon. Member for Calgary-Currie, in introducing this act and in speaking to it, has given some very good examples as to why this is important and why you don't have time to go through what you might want to go through in other circumstances. It really is to prevent what could be tragedies. If somebody is with an AADAC counselor and reveals to them that they have some intention to do something immediate, that would be the only time that this would be used. The words "compelling circumstances" is the key here. It's critical that the counselors have that ability. I don't think that you can ask or that we should ask these people who work with clients to take this responsibility

on their shoulders without this ability. I can assure you, hon. members, that the people who work for AADAC are well trained. They are knowledgeable. They are competent. They are conscientious, and they do know their job.

AN HON. MEMBER: They're overworked.

MRS. McCLELLAN: They work hard. I will agree with that. They work hard.

They would not do this without a compelling circumstance. In fact, if they did, there are means to deal with that through the Freedom of Information and Protection of Privacy Act. If it could be shown that a client's information was released inappropriately and there wasn't a compelling circumstance to do that, I can assure you that the consequences of doing that are very, very serious and quite severe.

So I'm failing to see where this adds any strength, really, to the intention of this act or that it would expedite the circumstance that we're dealing with or in fact add any extra protection to the client that they don't already have. Mr. Chairman, I would encourage members not to support this amendment. I think it is not in the best interests of the intention of the amendment to the act.

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

DR. MASSEY: Thank you, Mr. Chairman. I'd like to speak in favour of the amendment. Having listened to the minister, she points out how responsible the personnel at AADAC are, and I think we all believe that. But I think that should that information be released, the nature of the release is such that even if a mistake has been made, the client suffers. There's no taking back that information. What this amendment tends to do is limit the vulnerability of people who have been in treatment at AADAC to having information disclosed. I think in that way it protects both the individuals working at AADAC and the people who are there seeking help.

But the amendment does raise a couple of questions, and maybe the sponsor of the bill would like to share with the House what actually happens to records at AADAC. How long are they maintained? How long is that information maintained by AADAC, and what's the nature of the storage and the confidentiality of the material that they hold in trust? So on a couple of those questions I would be interested in hearing from the sponsor of the bill, Mr. Chairman.

8:20

MRS. BURGNER: Just in specific answer to that question, the Alcohol and Drug Abuse Act is paramount to FOIP as it applies to disclosure of client information. FOIP, however, still governs the collection, use, correction, disposition, and security of AADAC records and file systems as well as how staff members handle information that is not specific to individual clients. So you have the procedures that are utilized by FOIP applicable to the records.

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

MS CARLSON: Thank you, Mr. Chairman. I also rise to speak in favour of this amendment. I understand compelling circumstances that could require a need for information to be disclosed about people who are in treatment at AADAC. I understand very well the need to ensure privacy as much as possible for those clients and to ensure that if the information is disclosed, it's under circumstances that absolutely require that.

From that perspective, I would say that supporting this amendment ensures that the staff who will be disclosing this information are also protected. It isn't just the clients in this instance who we need to protect; it's the people who are disclosing the information. So if those people don't have the training as listed in here, then what could be better, Mr. Chairman, than a second set of eyes to take a look at this information and to evaluate it? There's no doubt that sometimes these decisions have to be made very quickly, but you know yourself and even the minister said that this staff works very hard at AADAC – we would say overworks in many cases – so they're under a great deal of pressure. What would be more important to them as staff members than to have a second set of eyes or someone who has a designation who can help them to make the interpretation in terms of whether or not this information should be disclosed further? Yet the minister doesn't like it.

MRS. McCLELLAN: You don't get it.

MS CARLSON: Yes, I do get it. I get it very well.

In fact, I've had quite a bit to do with the AADAC office in the west end because it happens to be in the building of someone whom I know very well, and I've had many, many occasions to talk to the staff in that building. They talk about the kinds of time pressures they are under and the kind of stress they are under in trying to provide service to these clients and to ensure their health and well-being. Often they are placed in a position where they have to make decisions which, upon reflection, sometimes are not the correct decisions. When you're disclosing something like this, confidential information, what could be better than if there is a second set of eyes to look at it? If you'd have had that proper second set on Bill 26, there's no doubt that the Minister of Justice wouldn't have been in the kind of trouble he's been in the last couple of weeks.

DR. WEST: That's enough.

MS CARLSON: That's not enough. It's a very appropriate comment to make. If you don't like it, that's too bad. It's a fact.

DR. WEST: You're morally bankrupt.

MS CARLSON: No one on this side is morally bankrupt. We would have never supported Bill 26. That is morally bankrupt.

THE CHAIRMAN: Could you speak to the amendment, hon. minister and hon. member. The hon. minister will have an opportunity in a few minutes to add his thoughts to the amendment.

The hon. Member for Edmonton-Ellerslie is reminded to speak through the chair and to the amendment.

MS CARLSON: Thank you, Mr. Chairman. I'm sure he likes to also talk about his truck when he has an opportunity.

I'm surprised that the Member for Calgary-Currie has not responded, even though she's had an opportunity to speak to this, specifically to the amendment, so I would ask her to do so now.

MRS. BURGNER: I just want to respond with respect to the concerns raised on the amendment, and then I'll be happy to take the question.

I appreciate what the hon. member is addressing, and that is a

safeguard for counselors, a safety valve for the decisions they have to make. I want to assure the hon. member that one of the aspects of AADAC has to do with its policy with respect to disclosures and that there is a formal policy in place for the interpretation of the disclosure provisions of the Alberta Alcohol and Drug Abuse Act. They have extensive guidelines that are developed and in policy. In fact, any employee who is engaged with AADAC has a responsibility to abide by those policies, and they also have through their CEO a disclosure process whereby the individual counselor does not up and run with a certain concern but in fact has a chief executive officer who handles and vets certain situations where the disclosure issue becomes of concern.

I'm trying to address the fact that the amendment being brought forward in concern for the safeguard of the counselor and similarly in the absence of policies within AADAC to protect it is not required. So I won't be supporting the amendment.

[Motion on amendment A1 lost]

[The clauses of Bill 12 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Bill 24 Medical Profession Amendment Act, 1998

THE CHAIRMAN: Are there any comments, questions, or amendments to be offered in respect to this bill?

The hon. Minister of Health.

MR. JONSON: Thank you, Mr. Chairman. First of all, this evening I would like to table with the committee answers to questions raised by various members of the Assembly during the course of second reading. Many of these questions applied really to the type of specific debate that we have in committee. I took the liberty of having my department prepare answers, and I would like to table them with the Assembly.

I would, however, also like to take the opportunity in committee, Mr. Chairman, to speak briefly about some of the major issues that were raised in the debate at second reading. First of all, there was the concern raised with respect to the overall necessity for this particular bill. I would like to emphasize that Bill 24 deals with a professional responsibility that I think all professions have, and that is to be self-disciplining and to take responsibility to a considerable degree for their own performance and competence.

This particular legislation, Bill 24, puts into place a review process whereby, as the legislation says, at least once every five years there would be a review of a physician's practice. I think this being probably the most senior profession that we have, the one with the longest history – and a very respected one, I might add – it seems to be somewhat ironic that we do not have here in 1998 the medical profession having a system of overall performance review, and I think that we as legislators should seize the opportunity to put into effect such a program when the profession itself puts it forward.

Another very important point, I think, that was raised at second reading is with respect to the confidentiality of patient information. Mr. Chairman, in the process of this review, this PAR program, patients are invited but not required to complete patient survey questionnaires when they are attending their physician's office. There is provision that they do not have to identify themselves personally, and there are a whole host of provisions in the plan, such as responses being submitted within sealed envelopes and so on, that protect the confidentiality of the input that patients may provide. Throughout the overall PAR program there is a great sensitivity in its implementation to the privacy of individuals' information.

8:30

A point was raised with respect to the necessity for the performance committee, which is identified in the legislation, being independent, autonomous, and to avoid having what is referred to as judges judging the judges during this whole process. I think this is an important point.

I would just like to indicate that when you look at section 33.91, the council of the College of Physicians and Surgeons may make bylaws "governing the appointment of" persons "to the Performance Committee" as well as bylaws respecting numerous other matters respecting the PAR program. This is something that they would have the power to do under the legislation. It is important in these professional reviews that there should be people appointed who will look at the cases that are brought before them from a neutral stance.

I think one of the things we have to keep in mind here is that in this profession, Mr. Chairman, the doctors themselves have a great deal of awareness of the need for this particular committee to be neutral, to be of the highest quality. They do not want to have anything else be the case.

A third area that was brought up was the criticism that there was not enough consultation with respect to this bill within the profession. I'd just like to indicate – and I won't go through the whole list of things that have happened – that the College of Physicians and Surgeons of Alberta distributes its regular newsletter to every member of the College of Physicians and Surgeons of Alberta, and this particular program was mentioned in it in September 1995, July 1996, November 1996, March 1997, May 1997, and August 1997. In 1996 and 1997 the president of the College of Physicians and Surgeons made special presentations at the annual meetings of the College of Physicians and Surgeons. In the fall of 1997 the College of Physicians and Surgeons made presentations on the PAR program in Calgary and Edmonton and invited all of the approximately 25 physician specialty associations to attend. I could go on at some length on that, but I just want to emphasize that there's been a great deal of effort to contact the membership with respect to the program.

I would like to just indicate two other things. I know that there is a concern with respect to the alleged impact this could have on the practice of alternative therapies in the province. First of all, Mr. Chairman, I think it should be emphasized that since the passage of Bill 209, I believe it was, sponsored by the Member for Olds-Didsbury, the college has acted upon that legislation. We have had the approval of applications for the practice of alternative therapies. Three physicians have been approved for the offering of chelation therapy. I understand that four other approvals are pending. There has been approval for acupuncture. There has been approval for a practice known as reiki. I could go down the list. The really important thing here is that the college is moving forward with the approval of alternative therapies.

On that particular point, Mr. Chairman, I'd just like to report on a meeting that I had some weeks ago in Camrose with representatives of the association dealing with alternative therapies. I believe their primary concern was the area of chelation therapy. Yes, in the process of approving chelation therapists, the college does use the standards established in the United States with respect to chelation therapy, but the people I talked to there were certainly in favour of that. They felt that provided the practice was authorized, it should be authorized on the basis of certain standards. [interjections]

THE CHAIRMAN: Hon. Leader of the Opposition, hon. Minister of Energy, if you wish to speak, we'll put you on the list. If you wish to talk to each other, we'd invite you to go out to any of the chambers outside.

Meanwhile, we'll hear from the Minister of Health.

MR. JONSON: In any case, I will just conclude that particular part of my remarks by saying that I sense that the whole area of alternative medicine is not an area of medicine which should not be covered where applicable by the appropriate training and standards. That is what is being done with respect to chelation therapy in the college right now, and I sense that people do want those standards to exist.

There are just two other things that I would like to mention, Mr. Chairman. One is that the performance appeal committee that's mentioned in the legislation does have a clause in it which indicates that on that particular review committee there must be a representative from the area of medical expertise being reviewed. So if there was a chelation therapist being reviewed under the PAR program, there would be someone from the alternative medicine area who was a qualified doctor in that area as part of this overall performance review committee.

The other item I just wanted to mention, Mr. Chairman, is that Bill 24 does contain strong provisions respecting confidentiality of information, including substantial fines for breach of confidentiality provisions. That, I think, is something that has to be emphasized as well. I suppose any program of this type within a profession does often relate to confidentiality. If you look at the legislation, it does have such provisions.

I will conclude my remarks at that point, reserving the privilege to speak again on the matter in committee.

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

MR. DICKSON: Thank you very much, Mr. Chairman. A number of things to say with respect to Bill 24, the Medical Profession Amendment Act, 1998. I think members will recall when this matter was dealt with on June 10, 1997, the Medical Profession Amendment Act, 1997 version, came in and there was, I think, not a great deal of public awareness around that bill. I think members will recall that it was the last day or two of that session when the bill was being dealt with, and I think all members, certainly my caucus and I expect the government caucus as well, heard from a number of Albertans, alternative medicine practitioners and patients of alternative medicine practitioners, expressing concern, concern that the bill would be used in a punitive way, that it would be used in a discriminatory fashion against chelation therapists, against physicians who chose to practise in one of those areas we loosely style as alternative medicine.

Since the time Bill 29 was dealt with in the House on June 10,

1997, I've had an opportunity, as have members of my caucus, to speak with a number of Albertans who are concerned around this issue. I appreciate the kind of information that I've received. We've also had the chance in roundtable-type discussions to talk about the bill itself, whether it can be put in some satisfactory form or whether the bill should be defeated. Those were the kinds of options that we started off looking at.

One of the things that I made a point of doing was going to the annual general meeting of the College of Physicians and Surgeons that was held in Edmonton, I think at the Westin hotel, in the early autumn of 1997. It was interesting because at that annual general meeting there was a presentation by Dr. Betty Flagler from Calgary, who was then the president of the college. She made a presentation about this. She talked – and there were other physicians who spoke – about the pilot project they ran around the physician assessment program. Dr. Flagler herself had been one of the people that had been surveyed. I think there were 29 doctors that were a part of that process.

8:40

It was interesting hearing the observations. There were some questions that were put to Dr. Flagler and Dr. Olhauser, but I think it's fair to say that from some of the information I had, I expected there might be more opposition to the PAR program and the kind of legislation we're dealing with today. For the most part, physicians had questions, but the questions seemed to be answered to their satisfaction by the college president and the registrar, Dr. Olhauser.

To this point I think that what we're trying to do is reconcile two different sorts of values or ends here. On the one hand, I think the college as a self-governing profession has a huge responsibility to do everything it can to ensure that medical practitioners in this province are responsive to the needs of their patients. If they can be better communicators with their patients, I think they should be encouraged to do that. A big part of the PAR program is one of frankly giving doctors feedback on things that they could do to be more effective in terms of counseling and advising their patients. I think that's a salutary thing. I mean, as the opposition Health critic I hear criticism from patients that find their doctors aren't responsive enough or are difficult to communicate with or don't seem to have very much sympathy. I think there's a legitimate role for the PAR program to try and address some of those things and hopefully encourage physicians to do better in that respect. So I think it's appropriate.

I've talked to a number of physicians who themselves feel that this is a problem. They think there are too many powers being accreted to the College of Physicians and Surgeons. They've come to me and asked me as Health critic if I would oppose the bill. What I've told them, Mr. Chairman, is this. Physicians all are members of the college. They have the opportunity to ensure that the executive and the registrar and the president reflect their wishes. While it may have been true in June of 1997 to say that physicians weren't aware of the program, it's tougher to say that now a year later, after there's been considerable mention both in physician publications as well as in the general media.

To physicians that have indicated to me that they think the powers are excessive, I do some comparisons with the legal profession, because I think there's some analogy there, another self-governing profession. They have a provision where Law Society auditors can come into a lawyer's office without any advance notice, and they can have access to all the records and all the books of account of a lawyer. There are lawyers also who have said that they hate the audit; they don't want the audit

process. They feel they have rights that are being violated too. I think some people feel it is disruptive to their office routine. In fact there's a *Canadian Lawyer* magazine article, March 1998, where some lawyer said, quote: some people frankly view it as gestapo-like. They feel it's impinging on the solicitor/client relationship.

Those kinds of arguments I've also heard around this bill, Mr. Chairman. I think that in some part this may be part of the price members of a self-governing profession have to pay, that kind of accountability. Now, having said that, my point is that I think there's a legitimate role for physician assessment. I think there's an appropriate role for this kind of tool.

On the other hand, I think I understand the concern of alternative medicine practitioners. I think they have concerns that we have to address. We have seen tabled in this Legislature thousands of signatures. I think my colleague from Edmonton-Centre must have tabled more than 2,000 signatures on petitions. I think we have a responsibility to pay attention to that concern. We have a responsibility to make sure that the potential misuse or abuse of physician assessment is checked, is not permitted. So with that in mind I want to try and address that kind of concern.

I received a letter from a Calgarian in Calgary-North West who had some concerns – and I'll just paraphrase – along the lines of: I don't believe the medical profession should have the authority nor do they have the competence to arrogate all forms of medical treatment and therapies to themselves. There are comments such as: in my reading of Bill 24 I find several items that are self-serving and impose unwarranted controls on practising physicians.

It's been suggested to me that if Bill 24 is to pass, it requires radical or at least very substantial surgery to be acceptable. I want to identify three things that I think have to be amended, and other members may see more.

The first one. I think that the legislation should be subject to a mandatory review in two years, three years, whatever, so that we're able to say to the College of Physicians and Surgeons: as legislators we're anxious to make sure this is not used as a tool to bludgeon alternative medicine practitioners. We want to make sure that it's used only for the stated purpose, and if you have a review at two years or three years, it gives us a chance to monitor how that statute is being implemented, because many of the concerns are in the implementation.

The other thing that has to be changed: it's my recommendation, since many of the problems relate to the bylaws of the College of Physicians and Surgeons, that when it comes to alternative medicine, when it comes to PAR, my suggestion is going to be that the bylaws of the college should be reviewed by the Standing Committee on Law and Regulations. It gives MLAs an opportunity to be able to assess. The physicians and the college council can go off and pass bylaws, and we have no input into that. If it's as important as many Albertans feel that we maintain some sort of oversight responsibility – that's what we've been elected to do; that's what we're paid to do – I think that's appropriate.

The other thing I think is very important is to ensure that an alternative medicine practitioner wouldn't be subject to five reviews in a year or 10 reviews in a year. That's possible under the bill as it currently stands. So I'm going to make a suggestion that we ensure that there in fact is one review every five years and not more. Perhaps there should be some provision, upon cause being shown, for additional assessments, but generally any practitioner, whether they're involved with alternative medicine or traditional medicine, shouldn't have to deal with this more than

once in the five-year period. That makes some sense to me.

Now, the other thing I think is important is to make sure, if it's an alternative medicine practitioner who is being reviewed, that on the performance review committee at least one of those members should be somebody who himself or herself is involved in alternative medicine. That would be a way of trying to prevent any potential misuse of the powerful tool that's in Bill 24. I think we have to acknowledge that these are pretty extraordinary powers we give the college. I'm suggesting that they're not dissimilar to the powers the Law Society benchers have in policing and monitoring the work of lawyers. I think there are some legitimate concerns that have been raised by Albertans through their petitions, through their correspondence, and through meetings with not just this MLA but I expect other MLAs. I think the minister himself said he had a meeting in Camrose with people with the same kinds of concerns.

Mr. Chairman, I've had some amendments distributed. Just before I move them, I know there are some members that . . .

THE CHAIRMAN: Hon. member, we'll move one at a time, please, and deal with that and then go to the next. I mean you can have 15 but one at a time.

8:50

MR. DICKSON: Quite. But what I wanted to do before we limit discussion on particular amendments – there's at least one of my colleagues who wanted to make some general observations, so I'll get back on my feet to move the amendments sequentially. I wanted to distribute them right off so all members have a chance to review them. I provided a copy to the minister only this afternoon. I think he's only had time to see it in the last short while. I may suggest that rather than concluding debate tonight, we may want to – in fact, the minister has suggested he had contemplated that we have a full discussion tonight but rather than voting on all the amendments, it would stay in committee stage and we'd be able to revisit it further. Hopefully that's not an inaccurate reflection of our discussion.

Mr. Chairman, what we are trying to do, then, is find that kind of compromise that responds to what I think are legitimate concerns of alternative medicine practitioners and also to address what I think is a legitimate request from the college to be able to monitor physicians and challenge them to improve their performance.

So those are the comments I wanted to make now. I'll come back and deal with the specific amendments, but I know some of my colleagues wish to join the debate.

Thanks, Mr. Chairman.

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

MS BLAKEMAN: Thank you, Mr. Chairman. This is actually my first opportunity to speak to this bill, so I would like to make a few general comments, although I always find it difficult following my colleague from Calgary-Buffalo because he steals all my best stuff and does it better, but please bear with me.

This has been an interesting process for me, because in fact I was very much in favour and still am in favour of physician assessment reviews. In my other life, before I was elected, I worked very closely with some of the testing and teaching around physicians and felt that there needed to be something in place that would require physicians to be updated and to be exposed to newer ideas and just to sort of check whether the way they were dealing with people was in fact still what people were expecting

from them. We still have an idea that doctors are special and may find a place with the gods, and many people are very reluctant to question what they're telling them. While we're getting better at this and getting a better understanding of our own power as a patient and as individuals in this society, it can still be very difficult for quite a few people to stand up to a physician and say, "Well, I don't quite like what you're telling me" or "I'd like a second opinion," and find a way to communicate with their doctor. So I was and still am in favour of physician reviews.

I've also had many, many, many people approach me on this, and I feel that as part of the democratic process and as part of my duties as an MLA, I should be making sure that those views are indeed brought forward into this Chamber. As my colleague mentioned, I presented more than 2,000 petitions around the issues that were raised in Bill 29 as presented in the last sitting and in Bill 24 in this sitting. I think the concerns that certainly I was feeling, having heard from some of these people – it wasn't so much the what; it was the how. It seemed particularly rigid and in some cases draconian. There is a real fear out there that as we are opening the doors to practitioners of alternative or complementary medicine, they have a difficult time taking their rightful place. I think there certainly is a potential for abuse of them or a targeting of the physicians who have complementary medicine in their practices. We have to find a way to be able to accommodate the different kinds of medicine that people are interested in in this day and age. This has come up a couple of times now over the last few years, and we do need to find a way to incorporate this.

Yes, we are looking for ways of assessing our physicians and making sure they're up to date with the newest methodology and the best bedside manner, but at the same time, we don't want to see any process or assessment that might be developed used in a way that could be considered harassing by another group of people. So we must find a way to deal with that. It keeps coming back into this Chamber year after year. We do need to find it. If we're not successful this time, I'm sure we'll have to deal with it again. I'd prefer to deal with it sooner rather than later, frankly. It's obviously something that is very important to a large number of people in this province, and as our province moves forward into the millennium, we need to move with it in our legislation and with our understanding of what people are requiring as far as their health care needs are identified.

Now, one of the specific points that was raised to me was that the instrument for the testing or the assessment of the physicians, for example the questionnaires – the ones that have been used in the pilot projects I think were designed for a different purpose than what's being suggested in this case. They were designed for teaching physicians or for finding points where they might improve. But these weren't particularly designed to pick out any hazardous behaviour or any attitudes that would be considered counterproductive. So I think we have to be very careful about what sort of things, particularly if we're legislating them, we'd be incorporating in the legislation.

I take the point that my colleague from Calgary-*Buffalo* made about the need for a review period. I think we need a review in this legislation. I think we also need to be careful, when we are setting out on something that's fairly new and untested or at least unlegislated like the physician assessment review, that there is a time stop or an assessment period involved in that. It should be for a specific period of time, and then let's look at it. If it's not working, you know, by all means let's get rid of it. If it's sort of working, then let's look at ways of improving it. But to whole-

sale put it in place without that evaluation and review I think will get us into trouble sooner or later. It's not that difficult to put that kind of review or evaluation process in place.

There is always a concern when you're talking about getting into people's health records – always – and it's incumbent on us, particularly in this Assembly, to work very hard and to be extremely diligent in guarding and balancing the rights. I would have a great deal of trouble with anything that allowed a third party to go into a patient's medical files for whatever reason without their complete knowledge and consent about this.

I'm getting a look from the minister that's saying I don't understand what I'm talking about specifically. I hope I'm wrong. Certainly I think the point there is that if people believe that's a concern, then we have to address it. We have to find a clear way of reassuring people, because if this has come up more than once already and we are still not successful in reassuring people of the confidentiality of their health records, we're not doing it right. Maybe that's the point that truly needs to be underlined. I think in any case that normal rules of evidence should apply when we're involved in these kinds of assessments.

I didn't want to take up too much of the time, but I felt it was important that I bring forward some of the points that have been raised with me repeatedly in acknowledgment of the strong feelings that are held on this issue. I hope that we can craft legislation that will be to the benefit of as many people as possible without intentionally or unintentionally harming one particular group of people. Obviously it's come up over and over in this debate that there's a potential for harming those people that are practising complementary, alternative, holistic medicine. It is something that more and more people are in favour of and wish to have access to. I look forward to amendments that would be brought forward to strengthen this legislation.

Those are the few comments that I wanted to bring forward. Thank you for the opportunity.

9:00

THE CHAIRMAN: The hon. Member for Calgary-*Buffalo*.

MR. DICKSON: Thank you very much, Mr. Chairman. Perhaps this may be a good time to move to the first of the three amendments that have been distributed. This is the amendment that deals with the Standing Committee on Law and Regulations. This is the one that I think all members have in front of them. It was one of three that were distributed. The amendment is to amend Bill 24, section 10, by adding the following after the proposed section 97, a new section, section 98. I'm assuming that all members have received a copy of this now.

We have a Standing Committee on Law and Regulations. It's made up of MLAs of all three parties. What we propose here is that when the council of the College of Physicians and Surgeons passes a bylaw – and this is the way they operationalize the activity; they pass bylaws. Normally those bylaws are done over there, and it's not something we would ever typically see. We would have no direct opportunity as legislators in terms of overseeing, in terms of advising, in terms of responding. To give alternative medicine practitioners and patients a degree of comfort, if you will, that the bylaws will be only for the stated purpose of Bill 24 – namely, a physician review to ensure the highest possible kind of responsiveness on the part of practitioners and so on – then the standing committee would have that kind of oversight responsibility.

Now, this is somewhat extraordinary because typically the college is a self-governing profession, and the history in this Legislature has been that we simply allow them . . .

THE CHAIRMAN: I'm sorry to interrupt the hon. Member for Calgary-Buffalo. So that everybody knows, this particular amendment will be called A1.

MR. DICKSON: Thank you very much, Mr. Chairman.

This is somewhat extraordinary, and I don't want to suggest that this is run of the mill or routine. Normally, the college council goes and makes whatever bylaws they want to run their affairs. What we're saying here is that when it comes to the bylaws to make Bill 24 work, to make it operational, those bylaws should be reviewed by the Standing Committee on Law and Regulations, and there are some advantages to that. This is the one that all parties are represented on, of course.

What this would mean is that alternative medicine practitioners and patients of those practitioners would have, hopefully, some security in knowing it's not simply the college that makes those decisions. We would have an oversight responsibility as elected members to scrutinize those bylaws, to study those bylaws, and to make darn sure that the bylaws are absolutely consistent with what we all understood the college was proposing when they came and made their presentation and persuaded the minister to introduce Bill 24.

What happens is that the standing committee would receive a copy of the proposed bylaw. The standing committee of MLAs would examine the proposed bylaw to ensure three things, that

- (a) it is consistent with the delegated authority provided in this Act,
- (b) it is necessarily incidental to the purpose of this Act, and
- (c) it is reasonable in terms of efficiently achieving the objective of this Act,

and that the Standing committee then advises the Lieutenant Governor in Council, in effect the cabinet.

Now, if in fact the PAR program is as innocuous and traditional/alternative neutral as has been represented, then there should be no particular concern with this. MLAs don't want to pretend they're doctors and don't want to usurp the legitimate role of the council of the College of Physicians and Surgeons, but it just means it's a bit of a check and balance. It's a bit extraordinary, but given the number of people who through their petitions and through their correspondence have expressed concern, I think we have to be responsive to that, and I'm suggesting that this amendment would help us achieve that.

I should be clear. I'm not suggesting that every bylaw of the College of Physicians and Surgeons should be vetted through an MLA committee. I'm talking about only those bylaws that relate to this very novel procedure, the first time it's been done anywhere in Canada. If there's a concern that this may be oppressive, unfair to individual practitioners, it gives us a measure of saying: "Well, look, College of Physicians and Surgeons, council members; this goes further than what we intended as MLAs when we passed Bill 24," if indeed it's passed. So it's put forward as a constructive kind of safeguard, as something of a check and balance on what otherwise is virtually the unfettered power of the college.

I've advised the college of this amendment. I'm not sure I can represent that they're delighted with it, but on the other hand, I think they understand the purpose, why the amendment is put forward. So I don't think I can go so far as to say that the council of the college has addressed it and endorsed it, if you will, but there's certainly been communication with the college, and I think this is a responsible amendment, Mr. Chairman.

Now, I know that there are colleagues of mine who will want to speak to the amendment as well. I know that there are some

of my colleagues who have also heard from people concerned that Bill 24 may be abused or misused. That's the spirit in which we put this amendment forward. It just means ultimately that the buck still stops with us. It still means that whether you're somebody getting chelation therapy in Medicine Hat or in Stony Plain or St. Albert, you know there's not going to be some sort of discriminatory practice on the part of the college towards that treatment and towards those people.

Those are the principal arguments I wanted to make, and I expect that there are some other members of my caucus who would be interested in speaking to this amendment. I've tried to sketch it. If there are people who are opposed to it, I hope we can have a genuine debate here tonight, because I know that there are representatives of a number of organizations – the citizens for choice group – that there are Calgarians who have come up here specifically because of their concern with this bill. So if there are members who are disposed to vote against the amendment, I hope they'll stand up and share with us the reasons why they're opposed to it.

Thank you very much, Mr. Chairman.

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

9:10

MRS. O'NEILL: Thank you very much, Mr. Chairman. I would like this evening to speak against the amendment, and the reason I'd like to do that is by way of putting in context my opposition to the amendment.

First of all, I'd like to begin by saying that I feel this piece of legislation is something that we should all take a very careful look at. We should divest our approach to it by getting rid of the fear that has been generated around the reading of this piece of legislation. I feel that this amendment is addressing and trying to address a concern that really doesn't exist and should not be there when we look at this act.

I'd like to also comment on the fact that I believe the medical profession is obviously a very honoured and certainly a very difficult profession. When we look at this profession and those who are engaged in giving care and administering health care to us as citizens, we can certainly observe that there are a variety of ways in which the profession specializes, different fields in which the medical professionals approach us and our needs and our illnesses. All of these are essential. All of these concerns, all of these areas of specialty are essential to the evolution of good health care for all of us as citizens.

Certainly as the world unfolds, the medical profession also is open to the fact that we must take a look at new ways of administering health care, at new ways of giving care for the health of our community. Alternative medicine, as we've come to note it, is a way in which the medical profession is open and ready to receive all of those opportunities and all of those discoveries, if you will, that contribute to the health of the nation. These are good. So, too, must legislation be very, very careful in order that health care and the medical profession are very good custodians of that trusteeship, if you will, that has been given to those who practise medicine.

I myself am a teacher by profession, and I'd just like to go back to the context in which we as teachers function. Just like every other profession we are also regulated. We are also reviewed, and we are given professional assessment. Because of that, I feel that this particular bill, without the amendment, does look after us properly as professionals. Whether we be health professionals, whether we be teachers within the teaching profession: all of us

rely on the fact that we should be professionally reviewed, that we should be evaluated. That is for the protection of those whom we serve and so too for the medical profession, I believe. It is right and it is proper and it is just that within the medical profession there be this opportunity for review.

In opposition to the amendment, I don't think we need a review of the process of the review. So I speak in favour of the bill and the intent of the bill but against the amendment that has been proposed here, because I feel it is something that is obscuring the approach and the intent of this particular bill. Also, I object to this amendment given the fact that physicians are already regulated. They are certainly regulated and reviewed by their own college, and that is for the protection of all people, people who want the choice of how they will be cared for and of how the medical profession can look after them and address their needs.

So, Mr. Chairman, I speak tonight in favour of the bill, and I speak against the amendment to the bill because I think it points to needless review of review. We don't need that. All we need to do is to divest the fear that has been built up around this bill in people for lack of clarity in their understanding of it.

I'd like to conclude my remarks this evening, Mr. Chairman, by indicating that we should not be fearful. In fact, we should be comforted by this bill, knowing that we are putting in place legislation that will make the medical profession be as they intend to be: custodians of their rightful delivery of the professional standards to which they have ascribed and subscribed. So I conclude my remarks against this amendment. It is needless.

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

MR. SAPERS: Thank you very much, Mr. Chairman. I rise to speak in favour of amendment A1. I will begin my comments by saying that you cannot, like an ostrich would, bury your head in the sand and hope that all of the scary stuff goes away. It is not good enough to just hope that we could wish away the concerns that people have about Bill 24. The fact is that whether Bill 24 is a good and benign thing or an evil and untrustworthy thing, time will eventually tell.

What we know for sure is that there are many people in this province who see things in Bill 24 that perhaps the government didn't intend. It doesn't mean the government was blind or lazy or had fallen down in its responsibility, but it could very well be that there are opportunities in Bill 24 that will be taken advantage of by those who would not be in favour of certain kinds of medical practice. So that fact being there, being part of the context in which we are reviewing Bill 24, it has to be addressed. One of the best ways we can address the concern around Bill 24 is making sure that every aspect of this bill is dealt with in the bright, direct daylight, that none of Bill 24 or any of its resulting initiatives will be dealt with behind anybody's closed doors, whether they be behind the closed doors of the cabinet or behind the closed doors of the College of Physicians and Surgeons.

I have unending respect for Alberta's medical community, and I have nothing but the highest regard for the work that the College of Physicians and Surgeons of Alberta does. What I also know is that there are many men and women who practise medicine who have communicated concern about some parts of Bill 24, and they have communicated some concern about the degree to which it extends the powers of the College of Physicians and Surgeons. So if Bill 24 is a good and helpful initiative, then there could be nothing wrong with the most public debate possible. Even the people I've spoken to in the College of Physicians and Surgeons are not necessarily opposed to this amendment if this amendment will assist in this bill being acceptable to the medical community

and to the many men and women in this province who receive alternative therapies who are cautious, if not skeptical, if not frightened about the potential of Bill 24.

[Mr. Herard in the chair]

So saying that a standing committee of the Legislature, which is not a frivolous thing at all but a very substantial thing, should have an opportunity to review the work of this self-governing profession as they apply regulations to the practice of medicine and ultimately to the treatment of patients cannot be seen as a negative or an intrusive thing. It is certainly not heavy-handed. In fact, it's one of the most evenhanded things we could do. If the medical profession wants this change and if this change is good, then there is nothing to be concerned about by having the regulations surrounding this change in oversight be debated and be discussed and be considered by a standing committee of the Legislature in full public view and with total accountability.

9:20

I cannot accept the argument put by St. Albert that if we simply close our eyes and click our heels three times and say, "There's no place like home," all good things will happen and all the fear will dissipate. The fact is, the concerns are there. They're real. They've been communicated eloquently and forcefully, and they shouldn't be ignored. This amendment is one way this Legislative Assembly can both demonstrate their commitment to the self-governing profession of medicine and honour the views of many Albertans who have some concerns about this bill. After all, that's why we as legislators should be here. We should be here trying to find compromise and consensus, to the best of our ability, between two discordant views. It's a classic example of what our role is. This amendment would achieve that, this amendment would serve all Albertans well, and I think it would reflect well on the legislative process.

So I would urge members of this Assembly to consider this not as a partisan attempt to interfere with the government legislative initiative but rather as a reflection of legitimate concerns put by the citizens of this province that should inform and influence our vote on this matter.

Thank you.

THE ACTING CHAIRMAN: The hon. Leader of the Official Opposition.

MR. MITCHELL: Mr. Chairman, thank you. I would like to lend my voice to the voices of reason that have been speaking before me in support of this amendment.

MRS. McCLELLAN: That would be the Member for St. Albert.

MR. MITCHELL: No, it wouldn't be actually, but thanks for setting me up for that answer. We just want a little reason over there. We get it.

Mr. Chairman, the fact is that this bill is breaking new ground. On the one hand, it has the potential to allow for a process that ensures that alternative medicine is given the credibility of a proper review. On the other hand, it has the potential for allowing inherent conflict or inherent bias. I'm not being accusatorial in that respect at all, but it's new ground for the college as well. In fact, I understand that the college is not opposed to this kind of amendment because they see that their process gains credibility if it has an outside objective review. So the proposal to have the Legislative Assembly Committee on Law

and Regulations meet as a vehicle of sober second thought to ensure that these bylaws, the bylaws established under this act, are appropriate and capture and ensure objectivity in the review of medical professionals who are outside the traditional purview of the College of Physicians and Surgeons just makes fundamental sense.

I'd join my colleague from Edmonton-Glenora in making the point that naive wishes that the world will be right just because we believe and imagine and want it hard enough simply do not generally work in the real world. That's why we have systems that are based upon checks and balances. That's why we have an opposition and a government. That's why we have the adversarial process in the courts. That's why we have officers of the Legislative Assembly like the Ombudsman who report to an all-party committee of the Legislative Assembly. In this case, when we're breaking new ground and there are potential problems and objectivity and credibility need to be established and re-established, naiveté in assessing this amendment diminishes and dismisses it unfairly. This is an amendment that makes sense, that the people who are in support of alternative medicine would like, that even the college sees has advantages in establishing its credibility in this process, and it's an amendment that simply should be supported.

I would ask that all the other members of the government side, other than the Member for St. Albert at least – I'd even ask her. But certainly the other members, would you please support it.

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

DR. MASSEY: Thank you, Mr. Chairman. I would like to speak in support of the amendment. I don't think it's a huge move, but I think it's necessary and a move that will bring some relief, some feeling of security to people who are concerned about the legislation and how it's going to be enacted. So it's I guess a fail-safe mechanism for those people who do have some concerns about the act and how it will affect a wide range of providers of medical services. For that reason alone, I think the bill and this whole process in its early operation need to be carefully scrutinized, need to be carefully monitored. And if we can build into the bill some assurance to people who have reservations about it that there are safeguards and mechanisms that will relieve some of the concerns they have, then I think we have an obligation to do it by way of this amendment. It's a small move but an important move for people who want to see a second sober look taken at actions that are proceeded with under the parts of this act.

So I would encourage members to support the amendment. I think it makes sense, and it's the right thing to do to improve the bill and to make the bill acceptable to a wider number of Albertans.

Thanks, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Manning.

MR. GIBBONS: Thank you, Mr. Chairman. I'd like to say tonight that this amendment, A1, strengthens what I feel this bill is all about. This is a breaking of new ground in this profession. I am pleased to rise tonight to speak to this Bill 24, Medical Profession Amendment Act, 1998. I'm quite happy to see that the object would be to enable a regular review of physicians by the College of Physicians and Surgeons of Alberta. We must look at

ways our medical profession will be supported with the restructuring. Hopefully this will have the support of this particular government.

I think the College of Physicians and Surgeons has to be given great credit for taking the initiative of bringing forward this bill and making very good attempts at improving relations with patients. This amendment speaks to this. The first goal that they want in this program is to achieve and provide feedback to physicians about their performance, and any kind of performance review seems most appropriate. The persons who will most benefit will be the physicians who are being scrutinized. It's the kind of responsible goal that we would expect legislation like this to have as an objective, having been brought forward by the college.

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

When you look at this bill, it makes you reflect upon the unique role that physicians play in our society. They have long held positions of respect in the public mind for the selfless hours, the kind of work that involves life and death decisions. That calls for great dedication to the profession on the part of practising physicians. One of the questions that we have – and I suspect it was a misreading of the powers and duties of the performance committee because I've heard the minister speak. He indicates that each physician and surgeon will be reviewed at least once every five years.

9:30

Mr. Chairman, in closing I do support this bill, and I do believe that this is a major step with the physician review. I'd like to thank the Minister of Health and those who put so many hours into this, and I do encourage everybody to accept this amendment being put forward as A1.

Thank you, Mr. Chairman.

[Motion on amendment A1 lost]

MR. JONSON: Mr. Chairman, I would move to adjourn debate. I thank members for their thoughtful discussion this evening. I'm sure that there'll be other amendments to be considered the next time this bill is called, and I look forward to dealing with them at that time.

Thank you.

THE ACTING CHAIRMAN: The hon. Minister of Health has moved that we adjourn debate and that the committee report progress when it rises. All those in favour of that motion, please say aye.

HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Opposed, say no. Carried.

Bill 14
Alberta Science and Research and Technology
Authority Act

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: I just lost a step there for a second, Mr. Chairman.

We've had some debate on Bill 14 previously to talk about the general principle of the bill. The bill, while it's somewhat technical in nature – no pun intended – would really achieve a very simple intent, and that is the merging really of the Alberta Research Council and the Alberta Science and Research Authority. It forms this new corporation continued under the name: the Alberta Science and Research Technology Authority. It changes the nature of the relationship of those organizations to each other, obviously, and also of those organizations to the minister and to the government and also to industry and to their partners, whether they be in universities or in the private sector or in the international community.

The bill, as we know, is part of an overall strategy which would see Alberta move forward into the area of really I think the most promising part of the future, and that's to do with how science and technology can be used as an economic development instrument and also as a means of advancing other social benefits.

Any concern that I have with the bill is really about what it doesn't say and what it sort of leaves on the table, sort of leaves as a question in the minds of people who follow the science, research, and technology communities and their concerns in this province. For the longest time it has been a practice of the government of Alberta to ensure that there is a fair distance between political policy and the political agenda of the government and the pursuit of science.

For that reason, when I took a careful read of Bill 14 and consulted with stakeholders across the province, it occurred to me that while this bill may be part of an overall initiative that the government is trying to put forward and that initiative in its broad sense is a positive and forward-looking one, in the government's move towards operationalizing its vision for science and technology it may be leaving some things behind. One of the things that it may be leaving behind is that tradition of the separation between government policy and the pursuit of science.

So I would like to propose an amendment to Bill 14 at this time. It's an amendment that would see a preamble inserted into the bill. I will pause and allow for the distribution of my amendment.

THE ACTING CHAIRMAN: Hon. member, we will call this amendment A1. I note that it's been duly signed and initialed by Parliamentary Counsel.

MR. SAPERS: Are we okay?

THE ACTING CHAIRMAN: Yes, if you are satisfied that hon. members have their copies.

MR. SAPERS: I want the Member for Stony Plain to support this amendment. I want to make sure he has it. All right. I'm satisfied that the Member for Stony Plain has had a chance to read this now, so we'll continue.

The preamble that I would like to have inserted into the bill would read as follows:

Whereas throughout its history the Alberta Research Council has effectively served Albertans through an arm's length relationship with government; and

Whereas it is advantageous that any continuation of the Alberta Research Council be established in such a way that it does not compromise nor constrain the professional integrity of the Council's scientific and technical staff;

Therefore . . .

That's where the preamble would end, and the rest of the bill would remain as proposed by the minister responsible for science, research, and information technology.

The reasons why I think it's so important to have this preamble have to do with the history of the Alberta Research Council, which was originally established really as part of the University of Alberta back in the 1920s. The Alberta Research Council became chartered as an independent Crown agency, and the emphasis is on the word "independent." Because it's always been recognized in a democracy that there should not be interference between the pursuit of science and the development of government policy or political policy, that independence was maintained. The integrity of the Research Council as an independent body was maintained.

Mr. Chairman, I don't want to be overly dramatic, but there are lots of international examples of how terribly wrong things can go when government is seen to be directly driving science for no other reason than purely political aims. Our imaginations, I think, can paint the picture and fill in the details of some of those examples. Suffice it to say that that has not been the practice in Alberta, and it should not be the practice in Alberta.

While I don't believe that it's the intent of the minister that he would unduly interfere with basic science and research in this province, I think that the basic science and research community needs not just to have my interpretation of my understanding of the minister's intent. I think they need to have the Good House-keeping seal of approval that this Legislative Assembly can offer by ensuring that such separation between the pursuit of science and research and political interference is, in fact, part of the legislative framework that the research and the science exist within and under.

9:40

Now, it would be naive of me to say that the Alberta Research Council has been totally immune and isolated from the government of Alberta. It not only would be naive; it would just be plain wrong. The relationship has always managed to maintain equilibrium and balance, and it is this equilibrium and balance which I believe is reflected in the preamble.

I want to say at this point when I'm speaking to the amendment that this amendment is crucial to a full understanding of the government's intent, I believe, as it puts into full operation its vision for the science and research community. I don't think it interferes at all with the intent of the bill. There are some dangers in the bill that might be overcome if this preamble were a feature of the legislation.

[Mr. Tannas in the chair]

It may be argued that preambles should only be in legislation when they're absolutely necessary. I would argue that a preamble is a very important feature of a bill, and I would suggest that we should see them more frequently. It may be suggested by some that this preamble doesn't, in fact, address the entire scope or intent of Bill 14, but I would argue that it is still generic enough in nature that it communicates a very clear message which should be made concretely and clearly at the outset of any major policy initiative as it pertains to science and research.

What we would be left with is something that enhances Bill 14, something that would clearly state the government's intention around Bill 14 and the future of the Alberta Research Council and the newly created Alberta science, research, and technology authority. It would add comfort to all of those men and women

who are currently involved in those pursuits and all of those who are looking at Alberta as a potential site to invest in research and development activities.

Mr. Chairman, I would ask for the speedy acceptance of this amendment as I think that it strengthens the government's hand. I think that it's probably one of the most helpful amendments that I have brought forward to the service of this Assembly, and I would ask that it gain the support of the members here.

Thank you.

THE CHAIRMAN: The hon. minister responsible for science, research, and information technology.

DR. TAYLOR: Thank you, Mr. Chairman. I'd just like to make a few comments in regard to the member opposite's amendment. While recognizing his good intentions and accepting his good intentions in regards to the amendment, at the present time I don't think we can accept it on this side, and I'll give you just a couple of reasons why we can't accept it.

MR. STRANG: Give us one.

DR. TAYLOR: No. Actually I've got four or five, member.

In the first place, this amendment does not add anything to the bill. The fundamental issue in this amendment, as the member talked about, was keeping ARC at arm's length from political interference. Quite frankly, that's in the bill already. Bill 14 merely combines the ARC Act and ASRA; it doesn't change the present relationship of the ARC to the government. So this preamble, in fact, doesn't add anything to the bill.

Now, if you look at the second "whereas," that has to do with staff, and it's our legal advice that in fact this does not add anything to the staff content or the staff proposal, the staff issue. It does not create a right for staff, so really that is unnecessary as well.

Thirdly, preambles on the whole, when they deal with the bill, generally encapsulate all the ideas of the bill, and since this amendment only deals with one, I would suggest, while recognizing the good intent, again, of the member opposite, that this is inappropriate as it only looks at one.

Fourthly, Mr. Chairman, it actually could be quite dangerous. Our legal advice is that in the interpretation of an act such as this, if it goes to court at some stage of the game, the courts look at the preamble for intent. If it is challenged in court with this preamble, it could restrict the interpretation of the act and actually do damage to the rights of workers, and I'm sure the member opposite would not want any damage to or any control put on the rights of workers.

What I'm suggesting – and I hope it will be acceptable to the member opposite – is that once the bill is passed, I will write a letter and address all ARC staff and assure them of their security, assure them that the relationship will not change between government and the ARC and that we will hold their work and their professionalism as paramount. I think if we do that, that will take into account and look after the concerns that the member raises in his preamble.

So at this stage I would encourage members not to support this and would adjourn the debate on the bill.

MR. RENNER: No, no, no.

DR. TAYLOR: No. I don't adjourn debate on the bill.

MR. RENNER: No. You don't want to adjourn debate. Sit down.

DR. TAYLOR: No. I sit down. Sorry.

THE CHAIRMAN: That was a nonadjournment motion, I think. The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Having made one of those nonadjournment motions myself last night, Mr. Chairman, I'm happy to see it recalled.

I'd like to speak in favour of adding the preamble to the bill. I think preambles are like prefaces to books. They set the stage. They give the reader a sort of guidepost as to what's going to follow, and they can encapsulate in a few short words some of the important aspects of what is to follow. So I think this preamble is important if you take it, as the presenter has, in the context of the ARC.

The ARC has been a particularly successful Alberta institution. It works with customers and with partners to bring technology and to bring basic science and basic research into the commercial world, to make possible commercial products as a result of basic research that has been carried out. It provides advice to a wide range of businesses and corporations and small start-up companies. And, yes, it provides advice to government. It's that link to government, as a creature of the government and also as an agency that provides advice to the government, that is extremely important and one that deserves, I think, fairly careful and constant scrutiny.

Again, their role is to bridge the gap between basic research and market developments, and they do that very, very well. They have a long history of success, and that success is in a number of areas where there could be some fairly strong or striking conflicts with government and government policy. One of the areas, for instance, where they do a lot of research and applied research is in the area of environment. We know the kind of controversy government policy in this area alone has generated and the kind of strong feelings there are about environmental policy. The council has been involved in pollution control and air pollution projects. It has been in land-based waste management projects, in land reclamation, in sustainable, renewable natural resource management. It's been in a large number of areas in the environment where the government at times has pursued a policy that has been at least challenged by other groups. So the ability of the Alberta Research Council to be independent of government policy and to pursue projects that it deems to be appropriate is extremely important.

9:50

Another area where they have had a strong track record is in forestry and pulp and paper technology. Again, it's an area that is fraught with controversy. If you've listened to question period in this House in the last number of years, questions about the government's stance on renewable natural resource management, on forestry, on pulp and paper pepper the records of question period. So it's important that in this area the Alberta Research Council feels comfortable that it is independent of government policy and is free to pursue projects that it deems worth while.

There are other areas: agriculture, biotechnology, and energy. You don't have to be in this Chamber very long these days to hear conversations and debate about changes in the energy industry. They have, again, a good track record of working in technologies in the energy area for recovery of upgrading heavy oil and

bitumen. I mean, they just have been doing some wonderful work in a number of areas, and it would be a shame if in any way as a result of the changes that are being incorporated in Bill 14, the ARC felt any less independent.

I heard the minister respond, and I think he came up with some good suggestions. He said that he'd consulted lawyers, and given what's happened in this House the last week, I'm not sure that that's the kind of assurance that the House is going to accept as bringing any kind of satisfaction or relief in terms of this bill or any others. He also talked about writing members of the Research Council a letter. I suggest he do that anyhow. I know it's not unknown for ministers of the Crown to change, and the minister today may not be the minister tomorrow. This legislation is going to be in place. I think we've heard time and time again that that was then and this is now. It would be unfortunate if as a result of this legislation a future minister or a future government were able to say: "Well, those letters were then. That's what they thought then, but circumstances have changed."

It would be, I think, prudent for us to have something like this preamble in the beginning of the bill. I think it would be useful if more bills had not only a preamble but also had a fairly clear statement of the principles that were being endorsed in the bill. So this is one step along the way.

I also heard the minister talk about what he saw as one of the shortcomings of the preamble in that it only addressed one part of the bill. I would suggest to him that maybe a worthy project would be for him to add to that preamble another paragraph or two to round out the preamble and make it complete, as he thinks it should be.

With those comments, Mr. Chairman, I would urge members to support the amendment.

[Motion on amendment A1 lost]

SOME HON. MEMBERS: Question.

THE CHAIRMAN: Are you ready for the question?

The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you. Speaking of questions, Mr. Chairman, I hope that in Alberta we'll never have to answer the question: without a truly independent, scientific advisory body, where could the government possibly go to get independent and sound advice when it's critically required on pressing matters? I accept the minister's intention, and I will encourage him to send that letter. I hope that that will be enough and that that will be seen as binding enough, I suppose, to satisfy those who would view this bill critically and suspiciously. There have been obvious examples where the relationship between scientific institutions and their government authority is influenced in such a way as to denigrate or diminish the science that results.

The amendment has failed at this point. I think what we need to do is take at face value the assurances of the minister and understand that those people involved as employees or contractors or agents of the new authority will in no way have their professional integrity questioned, that in fact it will be respected and protected in every way that that can be done.

Mr. Chairman, Bill 14 does move the authority and the council into some new territory. Time will tell how productive and fruitful that move will be. I'm encouraged, at least, by the words of assurance that the minister has provided tonight. I know that

there are those who are following the progress of this bill that will be taking a look at *Hansard*, and they'll be reflecting on the debate. Perhaps they'll feel that their concerns have been mollified and that they've been addressed. At least what we have is a clear understanding of the issue and, I think, a recognition on the part of the minister that while the amendment may not have been the way to address the issue, at least the concern of independence and integrity exists and should be spoken about in the open instead of in whispers. For that, at least, I think this has been a fruitful debate.

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

MR. ZWOZDESKY: Thank you, Mr. Chairman. I just have a few brief comments for the minister. I've already spoken to this at second reading and given all the glowing accolades I felt were necessary to both the Alberta Research Council and to the Science and Research Authority board. This Bill 14, which essentially amalgamates all of those, I've gone through in greater detail now, and I find I can support the bill on the basis as presented, although as I read it through, it occurred to me that I couldn't answer a question for myself. So I'll ask the minister to look at this in his next few days before it goes to third reading.

I understand quite clearly from the way the act is laid out, hon. minister, that all the discoveries, inventions, and improvements that are made in processes, apparatuses, or machines, et cetera, are actually going to vest in the authority itself, and that I appreciate.

A little later on it says that the "business and income of the Authority and of a subsidiary that is wholly owned by the Authority are not subject to assessment or taxation," et cetera. There are references made to real property, to personal property, to business property, to the fact that the new authority will have the ability to acquire real property and construct buildings, make improvements, et cetera. I just want to know – while all of those things are going on, it's clear that the authority will own them, but in the event of dissolution of the authority within whatever period of time, I don't see in the bill where it actually says that those ownerships over those different properties, some of which would be intellectual properties, some of which would be physical property, revert back to the government.

10:00

Now, traditionally what would happen, as the hon. minister knows, in any number of other organizations or agencies or even bylaws of Crown corporations or arm's-length foundations, there is a windup clause that deals specifically with those types of tangible and intangible assets and the bylaws normally would specify where they would go in the event of dissolution or windup. But here I notice on page 4, section 5, there's reference made to the authority having the ability to "make bylaws respecting [its own] conduct," and it has to be "with the approval of the minister." So I would assume, hon. minister, that you would ensure there would be that type of windup dissolution clause built in. It's quite traditional. The next line under that says, "The Regulations Act does not apply to by-laws under subsection (1)," inferring that what is ordinarily covered by the point I'm raising in the Regulations Act would be null and void. So you'll have to work it in somehow. I'm sure you've probably thought of it, but I thought I would just flag it for your attention.

Mr. Chairman, I firmly believe that science, engineering, technology, science-related research, and the like are definitely part of the critical future of this province. Again, I cite the example of what's going on with the wonderful work in tar sands

development, which I've had some exposure to just recently. I'm extremely impressed with what I see happening there, and I see all kinds of potential that we have, if we put the proper investment and the proper monitoring checks and balances into that investment, for tremendous growth of new jobs and new skills, new training of individuals, tremendous opportunities for our young people, incentive for those same individuals, the ability to attract more expertise of a national and international level into our province. I am fully in support of anything that creates and stimulates that kind of activity in the province.

The other quick point, Mr. Chairman, is with respect to item (f) on page 4, which is part of (4), where we state in the bill that the authority at the request of the minister must

encourage the science, engineering, technology and research community and its infrastructure in Alberta to attain international excellence to enable Alberta to be internationally competitive.

That, too, is a critical point. I'm not sure how it is that the minister or the authority at the request of the minister would enact that, but again I would assume that's something that would be monitored very closely by the minister, because it goes without saying that that international excellence is something we're extremely proud of in this province, hon. minister, as you well know. So I would really like to just flag that.

Then my final point is with respect to the preamble that was given. I listened very carefully to the minister saying that there was nothing added to the bill with the preamble as proposed. I understand the point you made with respect to the second "whereas" clause, that it could be potentially dangerous to the workers or to the employees, and I appreciate your writing a letter on it. But the first part of the preamble, which deals with the history of the Research Council being an effective mechanism that has "served Albertans through an arm's-length relationship," may be something that you would like to revisit at another time, hon. minister.

As I think back to some of the preambles that were taken out of other bills – and I would just cite the Alberta multiculturalism act that we discussed last year – you may recall, Mr. Chairman, that we withdrew something that I think was very important in that preamble, the word "multiculturalism" itself. Now, fortunately after a few private little lobbies we got the word back in there, but it's more a question of a signal through the symbolism of the word usage that gets sent to that community we're trying to affect that, I think, is deserving of the minister's consideration and support. So this notion of simply congratulating them in a way that is not harmful to the bill at all I would ask the minister again to re-emphasize in the forthcoming letter that he has coming on.

With that, hon. Chairman, I will conclude my remarks and take my seat and support this bill.

Thank you.

[The clauses of Bill 14 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

The hon. Deputy Government House Leader.

MR. HANCOCK: Yes. Mr. Chairman, I would move that we now rise and report progress.

[Motion carried]

[The Deputy Speaker in the chair]

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

MR. HERARD: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills and reports the following: bills 12 and 14. The committee reports progress on the following: Bill 24. Mr. Speaker, I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly. I would also like to table copies of documents tabled during Committee of the Whole this day for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Government Bills and Orders**
head: **Third Reading**
Bill 14
Alberta Science, Research and Technology
Authority Act

DR. TAYLOR: I move third reading of Bill 14 and thank the members opposite for their consideration.

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

MR. SAPERS: Thanks. Bill 14 is making rather speedy progress through the Assembly. A couple of things should be said at third reading. The Alberta science, research, and technology authority will become the offspring of the marriage between the Alberta Research Council and the ASRA board. This new authority will consist solely of its members. Therefore, the appointment of the members will be of utmost importance to all Albertans and to all members of this Assembly.

There have been outstanding Albertans appointed to the boards of those organizations to this point. The ARC has done some rather . . . [interjection] I'm just wondering if I should wait for the Minister of Energy to finish sounding off or whether I should just try to talk over him.

MR. MITCHELL: Maybe he could drive off.

MR. SAPERS: Yeah, maybe he could drive off with his new hitch.

10:10

THE DEPUTY SPEAKER: The chair is not reticent in trying to quiet other people, and for the life of me I didn't hear anything, so I apologize for that.

In any event, the hon. Member for Edmonton-Glenora is speaking, and the chair would invite him to continue to do so.

MR. SAPERS: Thank you. Before I was so rudely interrupted by the outburst from the Minister of Energy, I was congratulating the

men and women who have served the Alberta research community in this province so well for so long.

Now, the fact is that they've been appointed by executive committee up to this point, and the Lieutenant Governor in Council through executive committee will continue with these appointments. I would hope that as the opportunities for the 25 members of the authority become apparent when there are vacancies, when people make it known that they would like to serve on the new authority, there would be a full and open mechanism put into place for the review of these applications and for the appointments. I offer to work with the minister to set up a nonpartisan process for the purpose of informing Executive Council in the appointment process.

Of course, we in the opposition would like to see on a broader basis the most arm's-length process possible for the appointment of people to this authority. This becomes particularly important because of the discussion which we just had at the committee stage of the bill. The more neutral and independent the appointment process is, the more I believe the fears and concerns of interference will be diminished. So I would encourage the minister to consider that, and as I say, please call on this member of the opposition and any of my colleagues should he require our assistance in setting up such a process.

The other point that I'd like to make at third reading has to do with the duties of the authority under section 4 of the act. It's very clear that the authority reacts to the minister. We've just had that debate, and I'm not going to rehash it because that would be an inappropriate use of third reading time. The wording of the bill is very clear in that it says "The Authority, at the request of the Minister, must" do certain things. Referring to the bill, one of the things the authority must do at the request of the minister is

conduct an annual review and evaluation of all Government science, engineering, technology and research policies, priorities and programs, evaluate their compatibility with the economic and social policies and priorities of the Government, and recommend to Executive Council the amount of public money that a program should receive.

Mr. Speaker, the fact that the authority must provide this advice and information at the request of the minister isn't necessarily a bad thing. I would hope that the authority would take it upon itself, even if the minister doesn't ask for it, to provide that kind of evaluation. In fact, in my mind it would even be much more impactful and important for the authority to act of its own volition, independent of any request of the minister, to provide this annual evaluation of government policy and, specifically, for this authority to feel that it is legitimate and proper for them to speak up, to speak out, to be heard when they think that a program of public importance is not receiving adequate public funding.

One of the things that's happened which has been a very, very negative aspect of government policy in recent memory has been the creation of authorities that feel somehow constrained to speak out against government policy. Probably the best example I can think of is the creation of regional health authorities who feel somehow that they would be biting the hand that feeds them if they criticized government health care policy. I would hope we are not creating a situation with the new Alberta science, research, and technology authority where they will feel constrained and that in fact they will feel emboldened and invited to comment on government policy and initiative, including funding independent of any request from the minister. Again, time will tell. But

implicit in my comments, Mr. Speaker, is a challenge to the minister to encourage this new authority to be that proactive and to do so without any fear or concern that they would be biting the hand that feeds them.

The bottom line to all of this, Mr. Minister, is that Bill 14 represents an initiative which is not fraught with some difficulty or concern but nonetheless an initiative which has enjoyed, so far, good support in this Assembly. In my own review – and I have taken the time to discuss this bill not just with the minister and his staff, who have been helpful and forthcoming, but also with people within ASRA, within ARC, and within the broader community. I would have to say that on balance there is support for this initiative, but the concerns, even though they may be voiced by a minority, are robustly voiced by that minority. We have to be mindful of that as we watch and monitor the progress of this new authority and the appointment of its board members and the work that this authority will be doing.

I appreciate the opportunity to get those comments on the record at the third reading stage of this bill.

[Motion carried; Bill 14 read a third time]

Bill 17

Metis Settlements Statutes Amendment Act, 1998

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

MR. DUCHARME: Thank you, Mr. Speaker. I am pleased to present Bill 17, the Métis Settlements Statutes Amendment Act, 1998, for third reading.

I'd like to at this moment just share a couple of responses in regards to some of the questions that have been addressed during the Committee of the Whole stage. I believe that they require a little bit of clarification.

One of them was in regards to the issue of public consultation. I'd like to share with all members that there were reviews of proposed amendment summaries conducted at settlement meetings in the fall of 1997. Several of the changes resulted directly from individual and petition concerns raised by members with the commission and the minister. An example was access to disclosure statement agreements of candidates for councillor, appeal provision for membership approvals, and new conflict of interest provisions.

Another area that I'd like to possibly share on is in regards to the issue of lack of expertise and accountability. From 1990 to 1997 the settlements evolved and grew significantly in their governance skills and in the capacity and maturity of their governance and administrative structures. This growth is noteworthy, especially considering that they took on major elements of governance almost overnight under the Métis settlements legislation. The settlements now handle the typical kinds of rights and responsibilities taken on by other local governments.

In conclusion, Bill 17 will provide Alberta's eight Métis settlements with the necessary provisions in order to further recognize them as a form of local government comparable to other municipalities in this province. I urge all members of the Assembly to please support Bill 17.

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

MR. WOLOSHTYN: Thank you for your support.

MS BLAKEMAN: Thank you. Thank you for the encouragement from the member opposite.

My colleague from Edmonton-Norwood had wanted to make a tabling earlier and neglected to do so, so I would like to make that tabling at this time. It is a letter to the Member for Edmonton-Norwood from the Canadians for Organizational and Personal Accountability. I'll table five copies of that.

10:20

This has been a very interesting debate on this. It's my first opportunity to participate in it. We are in third reading at this point. Obviously the legislation will go on to pass. The experiences I've had around this and the people that have spoken to me are raising, I guess you could say, an alternative point of view that they wanted to make sure got on the record. I think some other colleagues have raised this in different ways. From some long communication with people I'd just like to try and put the feelings of some of the people that are dealing with Métis settlements on the record for us to consider in context, some of the points that were raised with me.

You know, if you were a person on the street or if you were using the reasonable person test, how would you take the circumstances that we're talking about currently in Alberta with the Métis settlements? If the government of Alberta passed legislation which took away a person's land or property and put the title in the name of the municipal council and then that municipal council was also given the authority to pass bylaws and policies which require this person to now pay taxes on that land that is no longer theirs and over which they really had no say, then the government would say that this person needed advice and outside expertise in order to understand and accommodate themselves and their family under this new system. This advice and expertise was to come from the very same municipal council. These people have lived under the rule of this council for seven years now and feel pretty strongly that they've watched over a billion dollars go into the salary of the local councillors and the administration.

Certainly they think it makes matters worse that the provincial government expended additional moneys on salaries and administration in order to monitor the management of these very same municipal councils. I think there's a very strong feeling that it's not making them feel any better when they feel they'd been promised an economic base and a job when this land was taken away. Both the land and the money had been given to the municipal council, and seven years later no economic base and the people still have no jobs. They no longer have land of their own, and the money has almost run out. The municipal council still has to find a way to financially support itself.

Of course the issue of taxes gets raised. They're looking for public funds. How else are they going to support the government and pay for the services they're involved in?

THE DEPUTY SPEAKER: Hon. member, this is third reading.

MS BLAKEMAN: Yes.

THE DEPUTY SPEAKER: Third reading is only on the bill, not what might be, what could have been, what should have been. Just on the bill itself.

MS BLAKEMAN: Okay. I thought I was doing that, but I hear myself being corrected by the chairperson.

AN HON. MEMBER: The Speaker.

MS BLAKEMAN: By the Speaker. I'm sorry. Oh, my goodness. Heavens. By the Speaker.

What I'm trying to do is recap the points and the intent of what's being raised in this bill. [interjection] Can you not hear me? No, you can't hear me?

AN HON. MEMBER: That's right. We can't hear you.

MS BLAKEMAN: Okay. I'll try to project a little more.

This is on the intent of the effect of this bill on people, and certainly there is a section of people who feel that they are not being accommodated in this. I think that's worth taking into consideration as we look at this bill in third reading. This is the last opportunity to speak to the whole of the bill. Is that not adequate?

MRS. McCLELLAN: And who would they be? Who would these imaginary folks be?

MS BLAKEMAN: Well, they're not imaginary, certainly not the people that I spoke to. They looked like real human beings to me. I do take the concerns they were raising seriously.

So there's certainly a lot of support for Bill 17, and there's been a lot of work and consultation go into it. But as always, not all people feel that they were heard, and I think it's been expressed a number of times that a number of the people living in the Métis settlements feel disenfranchised. They feel that the councils are not taking into consideration what has happened to them, and while they're willing to work within this system that's being presented in this bill, they're also looking to the future and what their economic benefits are supposed to be as coming out of this bill.

Those are the notes that I really wanted to bring forward, and I thank you for the opportunity to speak to the bill in third reading.

[Motion carried; Bill 17 read a third time]

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

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

MR. WOLOSHYN: Thank you, Mr. Speaker. I would like to move third reading of Bill 18, the Engineering, Geological and Geophysical Professions Amendment Act, 1998.

[Motion carried; Bill 18 read a third time]

10:30
Bill 3
School Amendment Act, 1998

MR. HANCOCK: Mr. Speaker, I would move third reading of Bill 3, the School Amendment Act, 1998.

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

DR. MASSEY: Thank you, Mr. Speaker. I think we raised a

number of issues last night, the main one being the reasons for the change in the bill from “work experience” to “off-campus education programs,” and the minister provided us with his explanation. Unfortunately, it still has left many of us not really understanding the intent and what the added powers of that amendment to the bill actually gives to school boards. Bill 3 was one that we supported, but given that we were left without a

satisfactory explanation, I think that we will be voting against the amendment.

Thank you.

[Motion carried; Bill 3 read a third time]

[At 10:31 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]

