

Legislative Assembly of Alberta

Title: Wednesday, April 1, 1998 **1:30 p.m.**
 Date: 98/04/01
 [The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon. Let us pray.

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

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

Amen.

Please be seated.

head: **Presenting Petitions**

THE SPEAKER: The hon. Member for Red Deer-South.

MR. DOERKSEN: Thank you, Mr. Speaker. I beg leave to introduce a petition signed by just over 400 Albertans regarding the 1997 Bill 29, Medical Profession Amendment Act. Most of the signatures appear to be from the city of Edmonton.

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

MR. SAPERS: Thank you, Mr. Speaker. It is my pleasure to introduce a petition to the Assembly that would urge the government to amend "the Legislative Assembly Act in such a manner as to make it mandatory for the Government to hold two sittings of the Legislature each year," one in the spring and one in the fall. These signatures are in addition to the hundreds of signatures introduced in the previous sitting of the Legislative Assembly.

head: **Reading and Receiving Petitions**

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

MS BARRETT: Thank you, Mr. Speaker. I'd ask that the petition I submitted yesterday signed by nearly 3,900 Albertans be now read and received.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the government of Alberta to support quality, affordable child care options for all Alberta families, regardless of income.

We also petition the Assembly to urge the government to reverse its decision eliminating Operating Allowances to child care centres and to instead bring forth a funding formula which will enhance quality child care and keep daycare fees affordable for low income and middle income families.

head: **Tabling Returns and Reports**

MR. DAY: Mr. Speaker, I'm pleased to table some pension plan reports. These ones in particular are pursuant to section 5 of the provincial judges and masters in chambers pension plan regulation. I will table these and the annual report on the operation of the provincial judges and masters in chambers pension plan for the fiscal year ended March 31, 1995.

MR. DICKSON: I have a number of tablings, Mr. Speaker.

We'll start off with copies of correspondence from Mychelle Harding on Hunterbow Crescent North West with respect to concerns around noninclusion of sexual orientation in our human rights legislation; copies of the Equal in Dignity and Rights report, which was the last consultation, consulting with 2,000-odd Albertans on the issue of sexual orientation; the government's response entitled Our Commitment to Human Rights, which detailed that the government would do the right thing, or so they told us in December 1995; the excerpt from the annual report of the Canadian Human Rights Commission for 1997 with recommendations in terms of what's happened in every province in Canada around the issue of sexual orientation.

In addition, Mr. Speaker, I've got some nine letters from people in Calgary and other parts of the province addressing both the issue of the notwithstanding clause and sexual orientation. I have in addition an E-mail from Professor Allan Barsky of the Faculty of Social Work at the University of Calgary, visiting professor at Bar-Ilan University in Tel Aviv, dated March 29, expressing his concern: "The world is watching Alberta. Please make us proud to be Albertans."

Thank you.

MR. DAY: Mr. Speaker, I am also pleased, pursuant to section 5 of the provincial judges and masters in chambers pension plan regulation, to table the annual report on the operation of the provincial judges and masters in chambers pension plan for the fiscal year ended March 31, '96.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I'd like to table five copies of a letter from Ted Boniface, a local writer who's urging the government to institute the financial incentives for the film industry as soon as possible. Now.

Thank you.

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

MR. WHITE: Thank you, Mr. Speaker. Today I have two tablings. The first one is a letter from the Alberta Irrigation Projects Association. It states their concern with the policy change centring around the deregulation of the electric industry of this province and their concern that the residual values are not entirely returned to those that have supported the generation units by their utility bills.

The second, sir, is a similar letter, similar concerns raised by the Consumers' Coalition of Alberta, to all members outlining their concern on the broken promise that they feel is required to be fulfilled in the deregulation of the electrical industry, and that, too, is the same concern about the residual values.

Thank you for your time.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Leduc.

MR. KLAPSTEIN: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the Members of the Legislative Assembly 18 visitors from Round Hill school: two teachers, Mrs. Cheryl Oslund and Mr. Dan Adrian, and 16 students. Please extend to them the warm welcome of the Assembly.

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

MR. MARZ: Thank you, Mr. Speaker. It's a pleasure for me to introduce to you and through you a good friend and a very distinguished constituent of Olds-Didsbury-Three Hills, the reeve of Mountain View county, Mr. Pat James. I would invite him to stand and accept the very warm welcome of this Assembly.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly a very special group joining us in the public gallery today. This is 12 Japanese cultural exchange students who are here with St. Joseph high school and the foundation for international study. They're here for two weeks staying with host families in Edmonton and going to classes during the day. They're accompanied by Ms Marlene Chapor, who is the teacher/guide; Miss Ayano Kawada, who is their tour escort; and parent helpers Mrs. Donna Clayton, Mr. Brandon Beaudry, Ms Denyse Hayward, Ms Juanita McKenna, and Mrs. Trisha Ladouceur. I would ask them to please rise and accept the warm and traditional welcome of the House.

THE SPEAKER: The hon. Member for Athabasca-Wabasca.

MR. CARDINAL: Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to the Assembly some friends. They are Peter Yu and Joanna Yu, the brother and mother of our page Maria Yu. They have also a visitor from Korea, Mrs. Park Ink-Suk, and sons, Jeff Koo and Kevin Koo, who are attending school here in Edmonton. They are seated in the public gallery. I'd like them to rise and receive the traditional Alberta welcome.

THE SPEAKER: The hon. Member for Edmonton-Calder. Edmonton-Calder, do you have an introduction?

MR. WHITE: Yes, sir, I do at that. On behalf of my colleague from Spruce Grove-Sturgeon-St. Albert I introduce today through you to members of the Assembly a friend of mine from quite a ways back, a member of the staff of the city of Edmonton. He's here today to further the education of his two sons, Michael and Tim Cooper. I'd like to ask Tom Cooper if he and both boys would rise in the gallery and receive the warm welcome of the House.

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

MS BARRETT: Thank you, Mr. Speaker. It's a very special occasion I acknowledge today in introducing Hana Razga, who has run twice for the NDP. She retired from her federal government job yesterday, took early retirement, and is now part of our volunteer research team. I'm pleased to introduce her to the Assembly. She's in the public gallery. I'd ask her to rise and receive the warm welcome.

1:40

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

MRS. FORSYTH: Thank you, Mr. Speaker. I'd like to introduce to you and through you on behalf of my colleague for Innisfail-Sylvan Lake 36 visitors from Penhold school: teachers or group leaders Keith Adair, John Malsbury, Rhonda Fidler and parent helpers Dale Kelly, Tammy Grobe, Kathy Wilson, Diane Wall, Colin Mullaney, and Donna Serres. I'd like them all to rise and receive the warm welcome of the Assembly.

MRS. McCLELLAN: Mr. Speaker, it's a pleasure for me to introduce a constituent from Drumheller-Chinook, the administrator of the municipal district of Acadia, Mr. Murray Peers. He's accompanied by a regular visitor to this Assembly, someone rather important to the Member for Drumheller-Chinook. I'd like them both to rise and receive the warm welcome of the Assembly.

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

MR. BONNER: Thank you very much, Mr. Speaker. It gives me a great deal of pleasure today to rise to introduce to you and through you to Members of the Legislative Assembly the mother and sister of the hon. Member for Edmonton-Manning: his mother, Mrs. Della Gibbons from Gibbons and Mrs. Robin Barrett from Tembapura, Irian Jaya, Indonesia. I would now ask them to rise from their seats in the public gallery and receive the traditional warm welcome of the House.

head:

Oral Question Period

Health Care Workers' Strike

MR. MITCHELL: Mr. Speaker, minutes ago the Minister of Labour released a statement about the licensed practical nurses' strike, but the facts remain the same. When you dump on people long enough and you put them in impossible working conditions with increasing stress, increasing responsibility, increasing pressure, without thanks and without respect, at some point they simply say: enough is enough. We're at that point now. To the Minister of Health: will the minister take responsibility for creating a situation where good, decent people are driven to break the law simply to get this government's attention and to make this government accountable for what they have done to Alberta's health care system and the people working within it?

MR. JONSON: Mr. Speaker, I would commend all health care workers across this province, including physicians, nurses, registered nurses, and LPNs. I think that they along with their governing regional health authority boards have worked hard to reform and to make our overall health care system very productive and more efficient than it was before and have also been at the forefront, I think, of health reform across this country. Therefore, I think that we have, yes, an issue with respect to collective bargaining, but in terms of the overall system I pay tribute to its accomplishments over the last number of years.

MR. MITCHELL: To the Minister of Labour, Mr. Speaker: other than setting up yet another committee, what has the minister done to stand up for workers in this province by telling his cabinet colleagues that they are responsible for creating this climate of profound labour frustration and that they are responsible for fixing it?

MR. SMITH: Mr. Speaker, what I would like to do is table four copies of a joint statement today that talks about the importance of frontline workers and talks about the importance of these workers to the health care system and the need for fair treatment.

The Premier, Ralph Klein, and the Labour minister met this morning with union representatives Margaret Nelson, the president of the Canadian Health Care Guild, and Dan MacLennan, president of the Union of Provincial Employees. Mr. Speaker, what was agreed to at that short meeting was that both parties would meet with mediation services today at 1 p.m. to address

return-to-work and bargaining protocol. The parties are meeting with the idea of establishing good faith and looking forward to having a mediator's report out as soon as possible.

Mr. Speaker, we went one step further, which I think is important to addressing the issue. The Minister of Labour will immediately form a task force composed of representatives from each union, the employer, and the Department of Labour to focus on building new working relationships with the parties in the Capital health region. That's simply the core business of this government: to facilitate, to mediate, to provide an environment where deals can get done, deals that can get done in the labour market, deals that can get done in various sectors of that market as well as various sectors of the business market.

MR. MITCHELL: Mr. Speaker, those workers had to go on an illegal strike to get one thin piece of paper from this minister. That's about all he's done.

Will the minister at least guarantee that these people who have been forced out on an illegal strike by his government's policies will not be fined for simply standing up for their families and for all Albertans who work in or rely on what is now a clearly crumbling health care system?

MR. SMITH: Mr. Speaker, the focus of the meeting was to establish this environment where there could be facilitation, mediation take place, where people can get together around a table, talk about consummating a collective agreement. That's going to happen.

There was no discussion about working on anything different than what the law provides through the Labour Relations Board, through the due processes, through specific actions. Those decisions rest with the employer. We support the employer, just as the Minister of Health has said. We support the employee. What our job is is to create the environment to do the facilitation where these mediation services can be used effectively by both parties involved.

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

Sexual Orientation

MR. DICKSON: Thank you, Mr. Speaker. The Alberta Human Rights, Citizenship and Multiculturalism Act outlaws discrimination in only four narrow areas of activity; namely, housing, employment, access to public places, and publications such as hate literature. The Premier, however, told us yesterday that his task force advising him on the Supreme Court decision in the Vriend case is focusing on other issues like pension entitlement, something which is completely outside the focus of the court case. My question this afternoon is to the Acting Premier. Since the issue decided by the Supreme Court tomorrow is simply one of whether discrimination against Albertans in those four basic areas will be permitted, why is the Premier deliberately creating confusion, diverting attention to very different collateral issues?

MR. DAY: Mr. Speaker, in fairness I think the question is hypothetical. The ruling isn't even out yet. We don't know what it says. I'd ask why the opposition are creating confusion by asking these questions.

MR. DICKSON: Mr. Speaker, my further question to the Acting Premier would be this. Why will the task force created by the

Premier, the one he talked about yesterday in this place, not deal simply with the only question to be decided tomorrow, and that is: can our Alberta human rights commission investigate the complaint of an Albertan that he's lost his job simply because he's gay?

MR. DAY: Mr. Speaker, we don't have a direct pipeline to the Supreme Court. It sounds like the member opposite does. He's already told us what the decision is. He's told us it's going to be the one narrow arrow of definition, and he seems to have all the facts. Why doesn't he table it so that we could look at it ahead of time? That would be really helpful to us.

MR. HAVELOCK: If I could just briefly supplement, Mr. Speaker. To clarify what the Premier said yesterday, he indicated that there may be issues raised in the judgment which go beyond the question which the member has put forth today, and that's the question that's before the court. Quite often the Supreme Court will make comment on issues outside of the specific one before it, and I think the prudent thing to do is to create a task force which would hopefully be able to address a myriad of issues which may come out of the decision.

MR. DICKSON: Mr. Speaker, the issue was identified in the government of Alberta's own factum to the Supreme Court.

My final question is: on what basis can the Premier's task force be credible since the last consultation in this province on human rights heard from 2,000 interested Albertans and Alberta groups and individuals, and the government then proceeded to ignore a key recommendation in that unanimous report?

1:50

MR. DAY: Well, Mr. Speaker, we are all awaiting the decision, and we'll see what comes out tomorrow. These questions are hypothetical.

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

Electric Utilities Deregulation

MR. WHITE: Thank you, Mr. Speaker. Today the Consumers' Coalition of Alberta is asking the government why it has broken its promise to return full benefits to Alberta consumers, who paid for the generating units through their utility bills. The Consumers' Coalition states in their letter to all members:

The customers have lived up to their end of the regulatory [bargain]. They should fairly expect that . . . parties will live up to their [end of the] promises.

My questions today are to the Minister of Energy. Will this minister guarantee the Consumers' Coalition of Alberta that residential customers will receive the full value of the deregulated market?

DR. WEST: Mr. Speaker, in a deregulated market, as he has just put forth the question, I can assure that the consumers of Alberta will reap the full benefit of it.

MR. WHITE: Mr. Minister, then this side would assume that the policy will change to reflect that in the policy that's before the Legislature today and that the government's policy will be what the Consumers' Coalition's asked. Correct?

DR. WEST: That question was a bit vague, but let's just say that the full intent of Bill 27 is to bring forth a deregulated electrical system to the fullest benefit of the consumer, the customer, and Albertans. Also in the bill, we will through a thing called the balancing pool, which is an accounting place, a banking account that will take the residual value that's left for the people of Alberta, the rent that they've paid over the many, many years of regulation, return it to them through the power purchase agreements over 20 years. So I think that answers the question. He wants to know if the consumers of Alberta are protected in this legislation, and they are, to the fullest.

MR. WHITE: Mr. Speaker, given that the consumers of Alberta do not understand that fully and that the minister has not explained all the policies to Albertans, why would the minister not, then, delay the policy imposition until such time as they do fully understand?

DR. WEST: Mr. Speaker, there's getting to be repetition in this Assembly. That question is asked each and every day. Today on April 1 – and it isn't April Fools – the Industrial Power Consumers Association of Alberta, who use 50 percent of the produced power in the province of Alberta – let me repeat that: they use 50 percent of the total production of power – say here that

Bill 27 represents a compromise of views of various stakeholders and provides an acceptable framework for moving forward with deregulation of the electricity markets in a way that can be fair to all stakeholders, including utilities, consumers and municipalities . . .

While there will be lots of work to do after Bill 27 becomes law, it is important to note that this legislation is a compromise of the diverse views of all stakeholders. This process has been stalled for three years and a consensus is not possible, nor is a bill that will please everyone. Someone had to break the logjam and this bill does it. Not everyone can be completely happy with the result in such cases.

It goes on to say that this group strongly endorses a movement forward of this bill to the benefit of the consumers in the province of Alberta.

Today, April 1, EPCOR gives a letter – and I'm going to table these after this.

For EPCOR, the most important aspect of Bill 27 is that it establishes the business environment within which companies like ours, and indeed smaller independent power producers, can make investment decisions about new generation projects. Those new generation projects are so very important given that as Alberta's economy continues to grow, the provincial supply must also expand to meet the increasing demand for electricity. We want that reliability for our customers

It's copied to the board of directors and the shareholder representatives, which is the city of Edmonton.

I said here before that the mayor had phoned me yesterday, so I don't know where the representatives from the city of Edmonton are coming from.

Health Care Workers' Salaries

MS BARRETT: Mr. Speaker, some of the people who toil hardest in our hospital system have been treated by the government as if they're on the low end of the food chain. Licensed practical nurses took the 5 percent cut. Then they were fired and rehired as nursing assistants at \$2 an hour less. Then they were arbitrated another 2 percent cut last year. I won't go into details about their exact salaries, but it's pitiful. One example: in 1992 a nursing assistant was earning \$10.91 an hour to start with; in 1998 the

starting pay level is \$10.34 an hour. My question is to the Health minister. Having listened to the Premier and the Health minister for the last two weeks yaw on about all kinds of new money that was going to be announced before the end of the fiscal year, my question to the minister is: where's the money?

MR. JONSON: Mr. Speaker, with respect to the money for health care there has been a very substantial amount of money announced with respect to the health care system. The most recent announcement dealt with . . .

MRS. SLOAN: Computers.

MR. JONSON: Yes, with equipment funding. But in addition to that there were previous announcements. The overall operational increase for health authorities across this province is in the area of 60 millions of dollars that has already been announced. In addition to that there has been funding for provincewide services, Mr. Speaker.

With respect to the particular circumstances of collective bargaining, if there is an element of this question which deals with that process, I would ask the Minister of Labour if he cares to comment, Mr. Speaker, but there has been very substantial reinvestment in the health care system.

MS BARRETT: Well, Mr. Speaker, they said that there would be new money announced by the end of this month. As recently as a week ago they were saying this: at the end of March.

My question to the minister is this: how can this government justify making millionaires out of 24 doctors while they continue to ask LPNs and NAs to work at 10 bucks an hour?

MR. JONSON: Mr. Speaker, both in terms of the physicians, which I believe have been referred to, and also the other workers within the health care system, there is a bargaining process which provides for collective bargaining. I think it's a very important process. In this case, as I understand the situation, we have collective bargaining at the table between the two parties. We have the further stage of mediation, and also to ensure that there is a conclusion to bargaining where there is a neutral third-party assessment of the situation, there is compulsory arbitration. That process is there for workers who unionize to pursue collective bargaining objectives.

MS BARRETT: Mr. Speaker, the government said last week that there was going to be new money for health care by yesterday.

My question to the minister is this: how can his government justify not ruling out my tax dollars going to a private, for-profit hospital, as he did yesterday, but not providing the money that they've been promising for the last two weeks?

MR. JONSON: Well, as I've indicated, Mr. Speaker – and I think the hon. member is aware of this – in addition to our initial funding announcements for regional health authorities, which I have outlined and will not repeat, there was additional money allocated in the budget with respect to 40 millions of dollars, and then there was a very recent announcement with respect to the support of the Y2K emergency situation that we have.

2:00

Mr. Speaker, I have certainly indicated, as has the Premier – the Premier first, by the way – that we were reviewing the overall issue of regional health authority funding, making an extensive

effort to meet with regional health authorities and hear their priorities. That, of course, is being done or has been done.

THE SPEAKER: The hon. Member for Airdrie-Rocky View, followed by the hon. Member for Edmonton-Manning.

Education Funding

MS HALEY: Thank you, Mr. Speaker. Yesterday the Alberta Court of Appeal released its decision on the constitutional challenge by the Public School Boards' Association of Alberta and the Alberta School Boards Association with regard to parts of the School Amendment Act, 1994. Specifically these organizations had said that the province was violating the rights of school boards to collect and dispose of education property taxes. To the Minister of Education: how does this decision affect the powers of locally elected school boards?

MR. MAR: Well, Mr. Speaker, first of all, there were three issues that were brought forward in the case between the province and the Public School Boards' Association. The province's position was upheld on all three issues. This decision is important because it upholds the right of the government to pool education property taxes into the Alberta school foundation fund and to redistribute those funds on a fair and equitable basis throughout the province. It upholds the principle that this government is providing equitable funding for education no matter where in the province a student may live, and this is a vital component of our vision for education.

Mr. Speaker, some people have suggested that the decision threatens the existence of school boards in Alberta, but I would like to make it very, very clear that the government regards school boards as important partners in the delivery of education to our students and suggestions that we would do away with school boards are alarmist and unfounded.

MS HALEY: Mr. Speaker, to the same minister: has the decision in fact taken away any rights from the public school boards?

MR. MAR: Mr. Speaker, the answer to that is no. There's never been any constitutional basis for the formation of school boards. The formation of school boards has always been strictly within the purview of school acts and similar legislation in jurisdictions across the country. Public school boards are creatures of provincial legislation. This decision reaffirms the constitutional powers of the provincial government with respect to the delivery of education. The public education system as it now exists, with locally elected public and separate school boards, is working well. While we have reduced the number of school boards in the province to 60, we do not plan to make any further reductions.

MS HALEY: Mr. Speaker, given that 19 public school boards have passed motions to opt out of the fund, will the minister consider amending the legislation to allow those boards to do so?

MR. MAR: Mr. Speaker, the answer is no. The establishment of the fund corrected a situation in this province that existed where the amount of money available to support individual students was dependent upon the wealth of the tax base that student came from. This created funding inequities throughout the province where an individual might receive up to \$19,000 more than a student in some other part of the province. Under our current funding framework that situation no longer exists. Education funding is

provided on a fair and equitable basis regardless of whether the student is from Fort Macleod, Fort McMurray, Red Earth Creek, or Pincher Creek.

Speaker's Ruling Brevity

THE SPEAKER: Now, that exchange was a great model for all members of this Assembly: four minutes, three questions, minimum preambles, and brief questions and responses. Perhaps other members might want to pay attention to that.

Video Lottery Terminals

MR. GIBBONS: Mr. Speaker, the Liberals asked the government to provide copies of the invoices for the purchase of government VLT machines since 1992: MR55, Wednesday last week, March 25. In response the government provided information which shows that the amount of \$13 million worth of VLT invoices is missing. That means that the government has no idea how it obtained about 30 percent of its own VLT machines. To the Minister of Economic Development: where are the invoices for the remaining 2,400 VLT machines taxpayers bought?

MRS. BLACK: Mr. Speaker, when I filed the response to I think it was Motion for a Return 55 yesterday, I did not go through and add all those invoices together quite frankly, but I will check for the hon. member, and I will get back to him.

MR. GIBBONS: Mr. Speaker, second supplemental: how can the Alberta government trust this minister with the proper collection of \$600 million from gambling activities when the provincial government can't keep track of a few simple invoices? [interjections]

AN HON. MEMBER: Next.

MR. GIBBONS: Okay. Will the minister ask the Auditor General to investigate these missing invoices to ensure that the payments of these VLT machines is completely aboveboard?

MRS. BLACK: Mr. Speaker, I wonder if the Member for Edmonton-Calder wrote the question for the hon. member.

Quite frankly the AGLC goes through an audit process every year like every other agency of the government, and I think that . . . [interjections] You know, Mr. Speaker, it's amazing how the chirpers over here can dish it out, but they can't take it.

I did make the commitment to get back to the hon. member. I filed three stacks of invoices in this House yesterday, and I will have that validated back at the AGLC. But let's be very sure: the AGLC is audited in the same process as every other agency of this government.

Motor Vehicle Safety Legislation

MR. DOERKSEN: Mr. Speaker, Albertans have been expecting the government to introduce a new traffic safety act into the Legislature this spring. To date that has not occurred. My questions are to the minister of transportation. Will the minister be introducing the legislation this session?

MR. PASZKOWSKI: Mr. Speaker, it had been our intention to introduce this important piece of legislation in this spring session. It still is our intention and our hope. However, in order to

properly have all of the stakeholders have all of the possible input that they can have, to see that indeed all of the issues are properly addressed before we take the time of this House to bring forward this important piece of legislation, we felt it's critical that we go back to the stakeholders and consult with them once more to see that indeed we've addressed all of the concerns and all of the issues that may have been there so that we can indeed bring forward the legislation and deal with it in as comprehensive a way as we possibly can.

MR. DOERKSEN: To the same minister: will the principles of graduated licensing, as passed by a private member's bill in this Assembly some years ago, be incorporated into that legislation?

MR. PASZKOWSKI: This is part of the proposed legislation. The parts of the issue that were brought forward by the hon. member two, three, four years ago, will certainly be part of the proposed legislation. The elements that are enforceable will be part of it; those that are not enforceable will not likely be part of it.

MR. DOERKSEN: My final question also to the same minister is: what has the minister done in response to the more than 8,000-name petition asking for safety measures in legislation pertaining to riding unrestrained in the back of pickup trucks?

MR. PASZKOWSKI: The issue of riding in the back of pickups is an important one that we've heard concerns voiced about from many areas, not just the hon. member's constituency. This item is being dealt with. We're consulting with the various critical stakeholders involved. We've heard from, for example, the Fire Fighters Association, who indicate that indeed is an integral part of their requirements. So the issue is still being dealt with. We're trying to refine so that we don't eliminate those where it's a critical element of their ability to perform. So it no doubt will be part of the issue that will be addressed when the legislation is tabled.

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

Health Care Labour Relations

MR. MacDONALD: Thank you, Mr. Speaker. Labour relations as practised by this government have created an environment which has created two wildcat strikes in the health care system in this province in the past two weeks. Strike action has also appeared in Calgary. Surgeries have been canceled, and patients are now being transferred from the Capital health region to various locations throughout northern Alberta. My first question is to the Minister of Labour this afternoon: why did you twice jeopardize the Alberta health care system before composing this task force that you just announced?

2:10

MR. SMITH: Thanks, Mr. Speaker. I know that the hon. member has worked hard to examine the situation in this particular labour market. I know that he knows as well as I do that over 61 percent of those working in the system are working under a collective agreement. For example, the United Nurses of Alberta, which is 12,000 employees, have an agreement up to March 31, '99. As we discussed yesterday, there are seven agreements cut in essential services. There is 61 percent of the workforce

working under a collective agreement. Good progress is being made; more to report soon.

MR. MacDONALD: Thank you, Mr. Speaker. My second question is also to the Minister of Labour. If 61 percent of all these workers are working under a collective agreement, will the minister expand his new task force to include representatives from other regions and all unionized health care workers in this province? Expand your task force.

MR. SMITH: Well, you know, Mr. Speaker, that's an interesting suggestion. Let's see how this task force that we have put together today to bring representatives from the Health Care Guild, the Alberta Union of Provincial Employees, the Department of Labour, and the Capital health region together - let's see what we can gain in terms of productivity from a better working environment. Let's talk about a high-performance system. Let's talk about from productive gains go wage gains which go back to people's pay packets.

So, Mr. Speaker, it is an interesting question because if it works in this particular instance for this particular issue, I'm not opposed to taking good things and making them even better.

MR. MacDONALD: Thank you, Mr. Speaker. My third question is also to the Minister of Labour. Have labour relations in this province deteriorated to the point where we have to get assurances from the Premier and meetings with the Premier before parties that are negotiating can bargain in good faith?

MR. SMITH: No, they haven't, Mr. Speaker, not in any case at all.

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview, followed by the hon. Member for Edmonton-Norwood.

Drivers' Use of Cellular Telephones

MR. YANKOWSKY: Thank you, Mr. Speaker. Police forces throughout Canada are getting very concerned regarding people simultaneously driving and talking on cell phones. Recent newspaper articles indicate that a Toronto study last year concluded that drivers are four times more likely to be in an accident while using a cell phone. In Oklahoma a study of 200,000 police accident reports found that 5,292 of the drivers were indeed using cell phones. Right here in Edmonton a number of reckless driving charges have been laid because of drivers using cell phones, and Alberta police forces are urging this government to conduct a study on the incidence of accidents and cell phone use. My questions are all to the minister of transportation. Could the hon. minister tell this Assembly what he and his department are hearing regarding this issue?

MR. PASZKOWSKI: Thank you, Mr. Speaker. Actually this is an issue that's starting to rise up. Up until about a month ago we really hadn't heard anything. We've had several police chiefs indicate concerns. So this is an issue that seems to be current, that seems to be coming forward, and obviously we're just now starting to hear about it.

MR. YANKOWSKY: Thank you, Mr. Speaker. Could the hon. minister tell this Assembly what action he is prepared to take regarding this quickly escalating issue?

MR. PASZKOWSKI: Because this is a relatively new issue, there really is no statistical information to make any scientific judgments on. We will be looking at doing a scientific study, but certainly when the study is done, it has to be done on the basis of scientific evidence. We need comprehensive methodology. We'll need a study that indeed will have bases. We'll need benchmarks. We'll need a whole process as those types of studies usually require. So at the present time that's just the state that we are at. We're in the process of developing a process for that.

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

Day Care Subsidies

MS OLSEN: Thank you, Mr. Speaker. We have the Minister of Family and Social Services saying one thing about the elimination of the day care operating allowance and the rest of Alberta saying another thing. It is apparent that the government is feeling pressure from angry and frustrated parents and day care workers. Yet instead of acting responsibly, the Family and Social Services minister has come out on the attack, advertising that increases to child care fees for parents are driven by greedy, for-profit day care operators. My questions are to the minister of social services. Why is the minister blaming day care operators when he has received hundreds of letters outlining how the government's decision will in fact increase fees, adversely affecting middle-class and working-poor families?

DR. OBERG: Thank you very much, Mr. Speaker, and thank you for repeating the question that the hon. member on this side of the House asked yesterday. First of all, in response to the question about the ads, if I may, I will read to you exactly what it says.

If your fees are increasing more than this, there may be other factors involved. For more details about the impact on your child's day care or for information about child care subsidies, call 1-888-441-7127.

Mr. Speaker, what we did is we went on and we said: this is the range of day care costs in your area. For example, in the *Brooks Bulletin*, which is the ad I have in front of me, day care fees range from \$330 to \$490 per month. The average impact of funding changes will range from a \$30 loss to a \$28 gain per child. This is what went out.

The other thing. As I did yesterday, I must remind the hon. member that the budget item – in case you didn't read it, page 203 of the budget shows that we are spending exactly the same amount on day care this year as we did last year.

MS OLSEN: Thank you, Mr. Speaker, and we know that there's a total of \$4.4 million savings.

My next question is to the minister. Why does the minister continue to hide from angry parents and day care workers, refusing discussion and debate, and instead is now defining himself by presenting misleading figures? It's \$4.4 million you're saving.

DR. OBERG: Mr. Speaker, I don't know how the best way is to allow these members to read the budget. Maybe they should read the budget. The budget item says: 3.2.10, day care programs, \$60,594,000 in 1998-99; comparable '97-98 is \$60,161,000. What more can I say? The \$4.4 million that the hon. member is referring to may occur in the 1999-2000 year. We are talking about this budget, and there is no savings. It is a direct across-the-board transfer.

MS OLSEN: Thank you. Mr. Speaker, I was referring to the overall savings here.

Will the minister halt this attack on quality, accessible child care in Alberta and consult with Albertans?

DR. OBERG: Mr. Speaker, the information on quality. We have put out exactly the same amount of dollars this year as we did last year. I've said that probably 20 times in the House. We have 1,800 more children eligible for the child care subsidy in Alberta today than we did yesterday. We have increased the thresholds.

They talk about lower income. They talk about working class. It must be nice to be a Liberal member of this Legislature and call anyone who makes \$60,000 or less a poor person. Sixty thousand dollars is a lot of money. I have a lot of problems with what they are saying. This program was designed to put the money in the hands of the lower income people, of the working-class people, to take it out of the hands of people who are making \$100,000, \$150,000. If they consider people earning more than \$60,000 lower income, they've got another think coming.

THE SPEAKER: The hon. Member for Calgary-Cross, followed by the hon. Member for Edmonton-Centre.

2:20

Aboriginal Justice

MRS. FRITZ: Thank you. Mr. Speaker, in light of recent concerns about aboriginal justice, last week I met with Chief Darlene Yellow Old Woman-Munro and Tribal Councillor Rick Running Rabbit of the Siksika Nation. The Siksika Nation believes that the management co-ordination of activities concerning aboriginal justice can be negotiated. They are seeking increased jurisdiction in this area, and I understand that they submitted a proposal approximately a year ago to the Minister of Justice. So my question today is to the Minister of Justice. When are you going to respond to that proposal?

MR. HAVELOCK: Well, Mr. Speaker, we take seriously our responsibility to assist in the development of aboriginal justice programming in the province. We have a number of agreements in place with the First Nations pertaining to court worker programs, crime prevention policing. Various justice sectors are working with the aboriginal community to improve the system generally. In January, for example, we transferred the Provincial Court to the Siksika reserve in response to a request from the community.

As concerns the specific proposal, the Siksika Nation submitted its provincial/federal proposal to the provincial government on September 24 of just last year. The proposal seeks to give First Nations more jurisdiction and control over justice, and our department has been working with them to fully determine what that means. Since September there has been ongoing dialogue through meetings and correspondence. Last month, hon. member, a committee was formed to review the integrated justice proposal and outline its policy and financial implications. No decision or commitment has been made to date; however, we are looking for a mechanism that will work within the current Alberta justice system in order to meet the concerns raised by the Siksika Nation.

MRS. FRITZ: Thank you, Mr. Speaker. My first supplemental is also to the Minister of Justice. Given that there have been calls for a First Nations justice advisory committee, which is different from an aboriginal advisory committee, to be established, I'd like

to ask the minister when he will undertake to carry that out or if he will.

MR. HAVELOCK: Mr. Speaker, we're considering a number of initiatives in the area of aboriginal justice. As I indicated at the aboriginal justice conference approximately 10 days ago, I feel we as a government can and must do more to assist the aboriginal community in addressing their concerns. I confirmed then and I reiterate now that for some time we've been considering establishing such an advisory committee to support the Department of Justice and work with the aboriginal community in addressing our joint concerns.

The response to the offer by the First Nations was a preference to pursue such an advisory committee under the understanding on First Nations/Alberta relations, which was an agreement signed between the First Nations chiefs and the Premier. Consequently we will be contacting the First Nations chiefs in the very near future to try to work out the parameters of an advisory committee. We'll be doing that soon as part of our continuing dialogue.

However, to reiterate, we are committed to establishing this advisory committee. We hope the First Nations are also committed to working with us not only to establish the committee but, again, to address joint concerns with respect to aboriginal justice.

MRS. FRITZ: Thank you, Mr. Speaker. Thank you, Mr. Minister, for that answer.

My second supplemental, then, is to the Minister of Justice as well. If the advisory committee will be established, of course funding is critical, and I would ask if you've set aside any additional moneys for any other new aboriginal justice initiatives or simply to meet this one that we've just mentioned.

MR. HAVELOCK: Mr. Speaker, money is always an issue for the department, and I can indicate at this stage that we have not set aside any particular moneys to address this initiative. However, I think we can certainly manage with the advisory committee. Any new initiatives that we have implemented through our department have always come from existing resources. I might also add that if we are going to look at some new aboriginal justice initiatives, again there is nothing in this year's budget to be able to fund those initiatives. Nevertheless, we're very keen on making a positive contribution to the aboriginal community with respect to justice issues. As I mentioned in my earlier response, we are looking at an integrated justice proposal. That will be brought forward.

Also, Mr. Speaker, as has been indicated in the House before, we are having a Justice Summit in the new year. Aboriginal justice issues are a specific matter which will be discussed at some length. I anticipate that anything coming out of this summit will obviously have budget implications, and we'll have to consider those next year. So the short answer is that I do not at this time have any additional moneys in the budget for new aboriginal justice initiatives. However, let's see what comes forward, and we can consider it in the future.

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

Breast Cancer Screening

MS BLAKEMAN: Thank you, Mr. Speaker. Breast cancer continues to be one of the leading causes of death for Alberta women. The Alberta Cancer Board and private clinic radiolo-

gists, who have been skirmishing for the past six years, have now come to an agreement and are offering us the best screening program in North America regardless of where women live in the province. My questions are to the Minister of Health. Given that the success of this program rests on appropriate funding from the province, not a patchwork of RHAs, will the minister commit to supporting this proposal?

MR. JONSON: Well, Mr. Speaker, certainly I will commit to supporting the proposal in general. I would just like to make it very clear that, number one, I certainly commend the efforts of the radiologists and the Cancer Board in being able to come to an overall agreement or proposal to the minister with the assistance of a mediator appointed by Alberta Health. Of course, we were very, very concerned and very much wanted to see an agreement between those two very important parties involved in the delivery of this particular service.

The mediator's report has been received; it is a quite complex report. We have indicated that we would like to meet with the mediator and whoever else would like to attend to meet with the department and look at the implications of the report and the specifics with respect to certain legalities and also the issue of funding. As I said, the report I think represents a major, major step forward in this whole area, but while it refers to funding, it does not identify how much and what for. I think it's a fair approach to want to know that, quite frankly. So that is the situation.

I would also like to add that instrumental in this overall advance or step forward in the whole area of developing an overall policy here, the advisory breast council that was established sometime ago, chaired by the Member for Calgary-Cross, was certainly instrumental in highlighting this very important area of treatment.

MS BLAKEMAN: Thank you for that answer.

Given that early detection is key in preventing more deaths, will the minister commit to giving a decision on funding and other support for this program by the end of April?

MR. JONSON: Mr. Speaker, actually I would agree with the member in the preamble to her first question. We do have, I think, high standards and quite a good program currently with respect to breast screening and the identification of cancer. I think I can say quite accurately that I am just as anxious as the hon. member, if not more so, to see this overall matter concluded so that we can advance and improve our overall program in this particular area. I cannot guarantee that it would be by the end of April. I certainly would like it to be the case, but I certainly want to see it happen as soon as possible.

MS BLAKEMAN: Mr. Minister, how will the privacy of Alberta women be protected with the implementation of a registry to track results from all breast screening tests?

2:30

MR. JONSON: Well, Mr. Speaker, first of all, we are extremely sensitive to the need for individual privacy. The approach to this will be as it is, I think, across the whole health care system and is very much part of the overall effort in terms of developing a health information and protection of privacy act in terms of legislation. But the whole approach here is to get overall general data on trends and successes in the performance of the system, which I'm sure the hon. member would be in favour of. And, yes, we'll certainly commit to providing for individual privacy.

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

Student Transportation Fees

MR. LOUGHEED: Thank you, Mr. Speaker. Transportation fees for students are a concern for some residents of the city of Edmonton. Some boards like Edmonton public charge \$20 per month for a basic transportation charge, yet the Edmonton Catholic board charges only \$10 per month for the same service. Many rural boards, on the other hand, charge no transportation fees, although service is provided. Can the Minister of Education explain why school boards charge such different fees for student transportation?

MR. MAR: Mr. Speaker, school boards are required to provide transportation for students that live more than 2.4 kilometres away from their designated school, and our transportation model covers the basic cost of providing that service. However, when boards start providing an enhanced service, we do allow them some flexibility to charge fees for providing that service. Boards can charge a transportation fee, or they can transfer money from other budget areas. The fee will be dependent upon the level of service provided by the board. Every school board in the province is unique, so their transportation fees can differ from board to board, but if parents have concerns about the paying of these fees, they can talk to their school board about working out a solution.

MR. LOUGHEED: Thank you, Mr. Speaker. My second question to the same minister: is it possible that school boards are using transportation fees to generate money for other programs?

MR. MAR: The short answer is no. We do not allow school boards to run a transportation service to raise money through their transportation fees. Boards can only charge transportation fees if they are incurring a cost when providing transportation services. Boards that operate their buses within the funding provided by the province do not charge a transportation fee. The long and the short of it is that if boards provide services over and above what the province funds, they may charge a fee, but those fees can only be used to cover the cost of delivering the service and cannot be used to generate additional revenue.

Recognitions

THE SPEAKER: Five hon. members have indicated their intent today to provide a statement under Recognitions. We'll proceed in the following order: first of all, the hon. Member for Edmonton-Strathcona, followed by the hon. Member for Edmonton-Norwood, followed by the hon. Member for Redwater, then Edmonton-Calder, then Wetaskiwin-Camrose.

Community Options

DR. PANNU: Thank you, Mr. Speaker. Community Options, a society for children and families, was recently awarded the Sheila Campbell co-operating agencies award from Grant MacEwan Community College. It won the award for the work in its Inglewood Child and Family Resource Centre. The award was given to Community Options to recognize its exceptional commitment to quality child care and its tireless commitment to working with the community to improve the lives of children in Edmonton.

Community Options has a long tradition of providing the highest possible child care in its group of centres. It has also become known for its excellent training of tomorrow's child care

professionals, but I believe Community Options' unofficial role may be its most important. In that role Ms Lana Sampson and the hardworking staff and volunteers of Community Options have taken a strong leadership role in advocating for quality child care. They are working with other child care centres to ensure the highest possible standards of care. They are working with parents to ensure good care continues into the home.

Mr. Speaker, I believe Community Options is an excellent example of the best in Alberta's communities: dedicated, hard-working people prepared to do whatever is needed to get the job done.

Thank you.

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

Edmonton Police Service

MS OLSEN: Thank you, Mr. Speaker. In July 1988 the Edmonton Police Service became the first Canadian law enforcement agency to be awarded accredited status by the international Commission on Accreditation for Law Enforcement Agencies, otherwise known as CALEA. CALEA was formed to develop a set of law enforcement standards and to establish and administer an accreditation process through which law enforcement agencies could demonstrate voluntarily that they meet professionally recognized criteria for excellence in management and service delivery.

I was a member of the service when Chief Robert Lunney undertook the initiative to apply for accreditation from CALEA. This undertaking was a huge boost to morale and commitment by rank-and-file police members to the department. It ensured that we were always striving to meet the highest standards of professionalism.

I am proud to be able to stand here today and recognize and congratulate Chief Lindsay and the Edmonton Police Service on the recent announcement that the result of its January assessment by CALEA was that the EPS was in a hundred percent compliance on all 413 applicable optional and mandatory standards. The Edmonton Police Service is the first accredited police service achieving this status.

THE SPEAKER: The hon. Member for Redwater.

Tim Yeo

MR. BRODA: Thank you, Mr. Speaker. Today I would like to recognize a constituent of mine, Mr. Tim Yeo of Gibbons, who will be leaving on Friday for Nagano prefecture, Japan, located about an hour's drive south of Nagano. Mr. Yeo will be conducting a first-ever Canadian Curling Association ice school where upon successful completion students will receive a level 1 certification. Mr. Yeo also plans on meeting with Governor Goro Yoshimura of Nagano prefecture.

The community of Gibbons has benefited from Mr. Yeo's icemaking skills, and he has been recognized as a professional in the art of icemaking. I'm sure the Japanese students will learn well.

Congratulations.

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

Youth Soccer

MR. WHITE: Thank you, Mr. Speaker. I rise to congratulate a

rather large group of Edmonton citizens that have dedicated their considerable time and energy to the furtherance of youth soccer. They tirelessly toil for the organization of children from five to 19 years of age into leagues, tournaments, and teams that play a game that is played throughout the world by young and old, rich and poor, highly skilled and those that just want to play, to kick the ball around on a Sunday afternoon.

The game has had a major innovation in this city by its adaptation to northern climes by moving the game indoors and changing the rules to allow, as in hockey, six players a side and to have players change on the fly. This innovation provides a fast-paced, exciting game for both players and spectators alike.

Alas, this most important innovation in recreational sport in the last 50 years requires specially constructed facilities. As we speak, those volunteers are working hard to provide these facilities in this fastest growing sport today. The members of this House encourage, I am sure, all those to forge ahead and succeed for their sake and their children and their grandchildren.

head: **Orders of the Day**

head: **Written Questions**

THE SPEAKER: The Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that written questions appearing on today's Order Paper stand and retain their places with the exception of written questions 57 and 58.

[Motion carried]

THE CLERK: Written Question 57, Dr. Massey.

Point of Order Recognizing a Member

MR. HAVELOCK: Excuse me, Mr. Speaker. I apologize, but I think that under Recognitions one of the hon. members was not able to give his, the hon. Member for Wetaskiwin-Camrose. I believe he was on the list, and perhaps he was overlooked. So is there some way we can correct that?

THE SPEAKER: Yes, we can. I'm going to call on the hon. Member for Wetaskiwin-Camrose.

Recognitions (reversion)

Camrose Volunteer Fire Department

MR. JOHNSON: Mr. Speaker, yesterday the Lieutenant Governor of Alberta presented the fire services exemplary service medal to more than 50 members of Alberta's fire services on behalf of the Governor General. It is with pride that I wish to recognize six recipients from the Camrose volunteer fire department. With so many awards being presented to the Camrose firefighters in Edmonton yesterday, you may think there were few left for duty back home, but that was not the case, as there are 30 volunteer firefighters and two full-time employees in this very well run department.

Honoured yesterday from the Camrose fire department were Fire Chief Ben Voshell, who with 40 years of service was the longest serving award recipient in the ceremony. Other recipients were captains Ernie Bertschi, Dick Huber, Don Rogers and firefighters Joel Cassidy and Emmett Kushnerick. These six

individuals have a combined history of over 150 years of providing public security in the high-risk business of fire fighting in the Camrose district.

Congratulations to all recipients, and thanks for great service.

Speaker's Ruling Decorum

THE SPEAKER: Did hon. members miss the call for Orders of the Day? There's a lot of movement when people are giving their recognitions. There seem to be members coming and going all the time. I called Orders of the Day. I recognized the Government House Leader. We had his statement. I called the motion, and it was carried. Is there any misunderstanding in all of this? Okay. Well, let's proceed then.

Clerk.

head:
2:40

Written Questions (continued)

Education Reinvestment

Q57. Dr. Massey moved that the following question be accepted: What are the assumptions, values, formulae, and calculations used to derive the education reinvestment subtotal for each category listed below as taken from the January 9, 1998, Alberta Education backgrounder entitled Agenda for Opportunity: Education Re-investment to 2000/2001: \$93 million, rate increases for basic instruction; \$171 million, enrollment growth; \$86 million, special needs; \$22 million, early literacy initiative; \$10 million, teacher aide program; \$5 million, English as a Second Language enhancement; \$13 million, student transportation; \$18 million, capital funding; \$12 million, teachers' pensions; \$8 million, equity funding; and \$59 million, adjustments?

MR. MAR: Mr. Speaker, the government is accepting Written Question 57.

[Motion carried]

Alberta Environmental Network Society

Q58. Mr. Sapers moved on behalf of Ms Carlson that the following question be accepted: How many general meetings of the Alberta Environmental Network did the Minister of Environmental Protection attend between October 1, 1994, and February 28, 1998?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. Once again we find it necessary to amend a particular question. During that time there were four general meetings, as I recall, and while I wasn't personally able to attend any of them, I did have a representative at every one of them. During that time I did meet with some other groups of the network, but not at their general meeting. So we need to amend by adding "and the department" after "Minister of Environmental Protection" and by striking out "February 28, 1998" and substituting "October 31, 1997." So the question that we will accept now reads:

How many general meetings of the Alberta Environmental Network did the Minister of Environmental Protection and the department attend between October 1, 1994, and October 31, 1997?

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

MR. SAPERS: Yes. Speaking on the proposed amendment, Mr. Speaker, I'm afraid that the Minister of Environmental Protection may have missed the point of Written Question 58, because the amendment in no way addresses the concern. Our interest is not in how many members of the minister's department met with some members of the network. Our question is specifically about the minister's involvement with the network officially. So it's not good enough to say that somebody from the department met with somebody who might be a member of the network.

The network itself, as you know, Mr. Speaker, is an umbrella organization. That organization is made up of many other organizations. There should be and one would expect that there would be tremendous interaction between individual members of the minister's department and members and member organizations of the Environmental Network. So the question really is: how many times has the Minister of Environmental Protection met officially with the network? This is very important. The minister's predecessors made it a habit, regardless of what else was going on, to meet with the Environmental Network. When Brian Evans was the minister, he made it his business. When the Premier was the minister, he made it his business, and we want to ensure that this minister is carrying on that tradition of openness and accountability and participation with the people in this network.

So we cannot accept the amendment, and I would ask the minister once again to simply provide the information: how many times did he meet with the Environmental Network up to and including February 28, 1998?

The other issue, of course, Mr. Speaker, is not just that we're not interested in how many times somebody in the department may have come across somebody who also participates in the network, but we want to know what's been happening in the last three months. On what possible grounds could the minister be saying that he'll tell us how many times somebody might have talked to somebody else up until October 31, 1997, but he wants to be silent on how many meetings have happened in the 90 days between October 31 and February 28, 1998?

Mr. Speaker, this government has often commented on how it tries to be open and accountable and transparent. The Minister of Environmental Protection has a little bit of a public relations battle to fight with environmental protection groups. He could come to his own aid by simply providing this Assembly and through this Assembly all Albertans the very simple information that's being requested by my colleague. How many times did he meet officially with the Environmental Network between October 1, 1994, and February 28, 1998?

I am speaking against the amendment. I hope the amendment is rejected, and I hope this minister will be forthcoming with the information in a responsible way.

[Motion on amendment carried]

THE SPEAKER: The hon. Member for Edmonton-Glenora on behalf of the hon. Member for Edmonton-Ellerslie to close debate.

MR. SAPERS: Yes, Mr. Speaker, to close debate, because what we have, of course, is a closed door on information coming from this minister.

I guess Albertans will just have to take the scraps of information that they're being tossed and be grateful for that. The

Minister of Environmental Protection will have to answer to all of those stakeholder groups who make up the network as to why he doesn't attend those meetings and why he doesn't want to tell Albertans about his lack of participation in those meetings. I hope that at the very least he will continue to allow those who work in his department to have a positive and good relationship with the Environmental Network even if he himself is not interested in maintaining that relationship.

We will take the information because it's the only information we're going to get, but I would encourage this minister to do his job, to pay more attention to that network to then be able to come into this Assembly and tell the members of this Assembly that he's done just that.

[Motion as amended carried]

head: **Motions for Returns**

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of motions for returns 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70.

[Motion carried]

Alberta Opportunity Company

M59. Ms Paul moved that an order of the Assembly do issue for a return showing copies of all studies, reports, and analyses conducted by or for the ministry of economic development and tourism for the period January 1, 1993, and January 26, 1998, evaluating the mandate and operations of the Alberta Opportunity Company.

MRS. BLACK: Mr. Speaker, unfortunately we're not able to accept this motion, which is, I know, a disappointment to the hon. member opposite. The department of economic development and tourism did not commission a study for those periods indicated in this motion. I would make the offer to the hon. member that if she would like to discuss the Alberta Opportunity Company further with me, I'd be delighted to sit down and brief her on the Alberta Opportunity Company. I cannot accommodate her with the dates within this motion, so I must reject it.

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

MS PAUL: Yes. Mr. Speaker, actually, to my way of thinking it was a very simple request to have that information, but obviously if the hon. minister doesn't have it, then of course it's not privy to review and to study.

The hon. minister did indicate that the dates were not conducive to what information would be made available. Then the request perhaps could be changed in terms of dates so that we have something in writing. It's just very straightforward, Mr. Speaker. If there was no study done, then reports and analyses must have been done. It is information that I'm sure all Albertans who are thinking of operating or getting into business opportunities in the province would be privy to.

So with that, I'm sorry to hear that the information is not available. I'll take the minister up on her offer of getting together, and we'll do it collectively.

Thank you.

[Motion lost]

2:50 Achievement and Diploma Examinations

M60. Dr. Massey moved that an order of the Assembly do issue for a return showing copies of all research, documents, and findings prepared by or for the Department of Education regarding gender bias and performance on achievement and/or diploma examinations.

THE SPEAKER: The hon. Minister of Education.

MR. MAR: Mr. Speaker, thank you. The government accepts Motion for a Return 60.

[Motion carried]

Ridley Grain Ltd.

M61. Mr. Zwozdesky moved that an order of the Assembly do issue for a return showing copies of all studies and reports prepared by or for the ministry of Treasury for the period January 1, 1997, to January 26, 1998, assessing the impact of grain throughput levels and associated factors on the security value and collectability/recovery of the province's loan to Ridley Grain Ltd.

MR. DAY: Mr. Speaker, I'll be rejecting that particular motion. In the interest of time, the explanation which I will apply will actually apply to a number of the requests today. There's one which actually I'll be rejecting on some different criteria.

I've discussed this and items like this with the member a number of times and assured him that it's not a matter of not coming forward with information because of not being willing to, but a number of these requests today reflect arrangements with businesses, arrangements which were done and signed and dealt with before this present administration, before 1993 as a matter of fact. All of them involve situations whereby we are not at liberty to release information about private companies. Those private companies can indeed release that information. There have been times when on a member's behalf I've actually even approached the various companies and said: listen; do you want to release that information so we can get it to this member? Invariably, following normal rules of confidentiality, companies do not release that information, nor should they have to.

I would refer the member once more to *Beauchesne* 446(2)(e), which applies in this and these other cases, and I won't stand up each time it comes up and readdress it: if that disclosure of the specified information could result in financial gain or loss for any or all of the businesses concerned or for any other person or business with an interest in the companies or loan guarantees. This type of information being revealed, companies coming forward and being forced to reveal it to their competitors in effect could actually result in financial loss or, as a matter of fact, could result in financial gain to somebody else in the marketplace and be an unfair advantage. So quite properly, unless the company wants that confidential information released, it won't be released.

Erskine May section 16(2)(C)(1)(j)(vii)(3) also applies, in that information or records may be refused if they pertain to companies or other bodies that are not under the statutory authority or control of the government. More generally, section 16(2)(C)(1)(j)(ix) applies, in that disclosure of the information may be refused on the grounds of public policy. Even the FOIP Act itself, section 15, provides for the mandatory exemption from disclosure of commercial or business information of a third party unless the third party consents to the disclosure.

That will apply in virtually all of these requests which will be rejected today save one, which I'll comment on further. In the interest of time I won't go through this again. I will, however, repeat to the member who has raised the question and to you, Mr. Speaker, and to members here that I have invited this member, anytime that he wants, to be present in the document room in the department of the Treasury, where these documents reside, to look at them under confidentiality rules. Should he see something that looks illegal, unacceptable by law, he would be free to follow that up. To date the member has not taken me up on that particular offer, but that is available to him so I can show him and reassure him that although these particular arrangements were signed before Ralph Klein was Premier, pre-1993, we still have to maintain those particular agreements as we work our way out of them.

I'd also repeat, Mr. Speaker, that these particular loan guarantees, pre-1993, total over \$3 billion in liabilities to the government. Now, with the ones that we have been able to work our way out of, some in terms of 100 percent getting out of those liabilities at no cost to the taxpayer and some even at a gain to the taxpayer and some at a loss, we're now down to less than a billion dollars in terms of liability. So we're making good progress on these.

The invitation is open for him to look at confidential documents, but it is beyond my power to release them here. I would be sued. In fact, the government would be sued. That again would be costing taxpayers money. I don't know how many times we have to explain this. I've done it a number of times, and I'll continue to do so. Those are the reasons, Mr. Speaker.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. Thank you, Mr. Treasurer, for your response, which saddens me because this is also an issue of accountability. While I respect and appreciate the comments about business confidentiality as well as the directives that he referred to out of *Beauchesne*, I do nonetheless think that when you're talking about a loan of a hundred million dollars or a loan of any amount, for that matter, there should be some greater flexibility and openness on the part of the government to look into that information and provide it.

I'm not asking for this information, Mr. Speaker, as an individual. I'm asking for this information as a member of Her Majesty's Loyal Opposition, which has in its job description, if you will, the task of being the watchdog of the public purse in the case of Treasury critic affairs, and that is why I'm pursuing it.

Ridley Grain: the current status, as I understand it, was approximately \$97.7 million in loan principal as at December 31, 1997, with about \$43 million in unrecorded capitalized interest to the same date. For that reason, I suspect the Auditor General himself has pointed out that it would be important for the government to provide information to Alberta taxpayers that measures the uncertainty that may relate to the value of the Ridley Grain loan.

So this is a motion which I would think in spirit, if nothing else, is also supported by comments made by the Auditor General. I would think that would carry some weight with the hon. Treasurer; I'm sure it does. Government has to provide this type of information, I would say, regularly and when required regarding the sensitivity of the carrying values of the loans, which are subject to certain changes in key assumptions, and be very open with that information.

The motion, Mr. Speaker, deals with grain throughput levels,

which are critical to that arrangement and that agreement and, in turn, are critical to the payback that Albertans are hoping to receive. I want to stress that I realize this is not an action that was initiated by the current government, so I can't see what the downside would be to the current government for releasing some information that caters to the request of the public for a little more openness and accountability. In fact, what it might do is allow the government to move toward some sensible exit, if that's what they wish to do, or to reassess the position of the government on it, if that's what they wish to do, without experiencing any real downside.

In fact, Mr. Speaker, in the notes to the heritage savings trust fund of '96-97 it's stated that the book value of the Ridley Grain loan is sensitive to the changes in grain throughput volumes, which is precisely what this motion calls for. There's a comment, as well, that a 1 percent change in throughput over the longer term could change the security value, the security position, by as much as \$2 million. I think that's quite significant.

3:00

I would conclude just by saying that I believe that Treasury does have some sensitivity analysis reports on the Ridley Grain loan that they no doubt have produced or received or commissioned or researched or whatever, and taxpayers deserve to know the contents of those reports so that they can properly assess Alberta Treasury's effectiveness in managing this loan, as they would be expected to manage properly any loan. So it's disappointing to me that we can't have this information forthcoming.

The final thing is with respect to the Treasurer's offer to undertake an oath of confidentiality to allow myself to enter a room and look at certain documents. While I would like to take up that offer, under the conditions that are put with it I can't see how it would benefit taxpayers for me as an individual to simply go and see the information and not be able to report back on it. It's a catch-22, Mr. Speaker. I can't see how I would be able to take up that offer, as much as I appreciate it having been given.

So with those few comments of disappointment on this particular Motion 61, I will take my seat and await a better outcome of the next motion. Thank you.

[Motion lost]

West Edmonton Mall

M62. Mr. Zwozdesky moved that an order of the Assembly do issue for a return showing copies of all correspondence exchanged between the ministries of Treasury, economic development and tourism, and Executive Council for the period January 1, 1994, to January 26, 1998, relating to the refinancing of West Edmonton Mall and the involvement of the Alberta Treasury Branches in that refinancing.

MR. DAY: Mr. Speaker, the same reasons apply as before, but I just have to add and plead with the member to realize – information related to Treasury Branches? After years of this government being accused of being involved in Treasury Branches, we went through significant legislation last year and moved the Treasury Branches at arm's length from the government, gave them their own legislation, their own board, their own reporting process. Now this member is asking me to get politically involved, reach back into Treasury Branches for confidential information about a private business.

Mr. Speaker, I'm sorry I had to address that. If I did that, I

would be pounded here tomorrow in question period with demands to resign because I had invaded that particular process. We're out of the Treasury Branch business. They are an operation with their own legislation. This would be absolutely intolerable.

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

MR. SAPERS: Thanks, Mr. Speaker. I'm very disappointed that the government would reject this motion for a return. It seems to me that the Treasurer has conveniently cited some sections of *Beauchesne* and other parliamentary authority, including *Erskine May*. He could just as well have looked at section 11, which talks about the precedent and tradition of the Assembly, and read the words in section 11: "Behind the written rules and filling in the gaps, lies the vast quantity of precedent." Of course, there is lots of precedent for when parliaments and legislatures have produced such documents when it has been in the overriding public interest to do so.

The Treasurer could have also looked at section 24 of *Beauchesne*, the whole notion of parliamentary privilege and what that means, and been reminded and through him reminded all of us that parliamentary privilege would mean that every member of this Assembly needs to enjoy several freedoms and rights, including the seeking of information.

The Treasurer would remind us that the Treasury Branch is arm's length. It is of course today certainly more arm's length than it ever has been, but recently we have had the spectacle in this province, Mr. Speaker, of having a former Treasurer of the province of Alberta take the stand in a court of law and talk about the utilization of Treasury Branches, a political instrument of government, regarding other loans and infamous loan guarantees and interferences in the marketplace; notably, in this case it had to do with Gainers.

Mr. Speaker, there has been lots and lots of speculation surrounding the involvement of the government of Alberta in the refinancing of West Edmonton Mall. It has been in part the subject of an infamous book which has recently been published in this province that has added fuel to that speculation. The people of this province would very much like to know to what extent they may or may not have been at risk or may continue to still be at risk regarding that refinancing. If this is in fact something that is in the past, as the Treasurer would have us believe, then there can simply be no harm done to the current government. If in fact it is something that is in the past, I find it hard to accept that there could be current harm done to any of those who have a business, proprietary, or financial interest in this matter.

The ministries of Treasury, economic development and tourism, and Executive Council clearly had a role to play in the refinancing of West Edmonton Mall. I think they owe it to Albertans to tell them exactly what that role has been. If there is nothing to hide and there is nothing to be fearful about in terms of political repercussions, then Albertans should have access to this information. The place to make that information available is not in some thickly padded chamber that my colleague from Edmonton-Mill Creek might be invited into but in fact in this Chamber, where all Albertans can see and know that that information was forthcoming.

The ability of this government to provide this information should not be impaired by its fear of political repercussions. I would suggest that this government has taken some very bold steps in the past to be forthcoming about mistakes that were made, political errors that were made, and in fact has made some strides

in making it very clear what government will and will not do when it comes to the marketplace. There is a chapter in Alberta's history which needs to be closed, and part of that chapter has to do with the government's involvement with the owners and operators of West Edmonton Mall. I think the Treasurer has missed a remarkable opportunity to close that chapter. What he has done by refusing this very legitimate motion for a return is to keep the speculation alive, to keep the book open, and to keep the questions very much alive in the minds of the taxpayers of this province.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I, too, am rising to express some disappointment on the rejection of this motion. It is not a request for the Treasurer to suddenly become reinvolved in areas where we've fought so hard to get him uninvolved, or at least his predecessor.

The Treasury Branches have done a very good job in attempting to clean up their operations. Those are their own words. They've done a good job in terms of trying to put a box around these so-called sins of the past. I don't know if that applies to this particular motion or not, but they've used that term as well. Here is yet another opportunity, I think, for the government to climb out from whatever rock it may be under with respect to the refinancing package, and I would have hoped they would have taken the opportunity through this motion to do that.

I want to just go on record also stressing how much we as a Liberal opposition attempted for years and years to get the arm's-length relationship that has now developed between the government and the Alberta Treasury Branches and to remove any spectres of doubt with respect to their autonomy and also with respect to the issue of possible political influence being exerted upon Treasury Branches by governments of whatever day. However, when we're talking about this particular issue that pertains specifically to West Edmonton Mall, I think it has to be noted, Mr. Speaker, that the Treasury Branches' own annual report of 1994-95 clearly shows that the level of guarantees that were provided by the Alberta Treasury Branches increased from \$124.6 million as at March 31, 1994, to \$475.5 million as at March 31, 1995. So you have about a \$350 million increase right there within a one-year period during the current government's tenure. That should, I think, warrant some type of explanation from somebody. Since taxpayers are the ultimate backstop, I think they're entitled to at least some information on that.

3:10

We also know that discussions occurred during that same period of time relative to the total financing of about \$440 million worth of debt that was outstanding on West Edmonton Mall. I believe, if memory serves me right, Mr. Speaker, that resulted in first and second mortgage debentures in the amounts of \$375 million and \$65 million respectively as of October 31, 1994, between West Edmonton Mall Property Inc. and TD Trust Company. So there's an additional wrinkle there that needs to be ironed out.

The other point I wanted to make is that we also know that Triple Five Corporation, who runs West Edmonton Mall, in a letter from Mr. Ghermezian to the Premier of the province today, the Hon. Ralph Klein, stated:

We know that your government is as anxious as we are to see this debt reduced and refinanced in a way that is consistent with the best interests of all Albertans . . . We urge your government

and/or the Alberta Treasury Branches to provide us with the assistance we need in connection with the refinancing.

And the letter goes on. Clearly there's an interest here on the part of the operators of West Edmonton Mall to move on and move out and move away from any possible shadows that may be cast upon them as a result of these deals, and so too, I think, do taxpayers want to see that move made. Therefore, the motion is presented very honestly to provide government with that opportunity.

I also want to say that West Edmonton Mall has contributed a great, great deal to this province and particularly to this city, and in no way is there any intended harm to that organization. In fact, Mr. Speaker, you may recall from former years that a committee I used to chair, called the Great Canadian awards, actually saluted West Edmonton Mall, and we presented them with the highest recognition that was possible to be given to an individual or group or entity for outstanding contributions to Alberta and to Canada.

So this motion is certainly not intended to cloud over the mall in any way. It's simply a straightforward motion asking for copies of the correspondence that took place relative to the refinancing package to let Alberta taxpayers know what that was. I think at some point we as Albertans all want to see the book closed on some of these deals and let government get on with the business of being a government, let these businesses get on with the business of being businesses, and let us get on with the important business of this Assembly.

In closing, I just wanted to express my disappointment and let the Treasurer and his department know and be on notice that I will keep coming back with these issues until we have some satisfactory resolution to them. I don't think they're just going to go away; at some point we're going to have to face the music. Here we are one year after an election. This would be a good time for the government to perhaps cough up that information and let us get on with things.

With that note of disappointment at the rejection of the motion, I will take my seat and look forward to perhaps a good outcome on the next one.

[Motion lost]

West Edmonton Mall

M63. Mr. Zwozdesky moved that an order of the Assembly do issue for a return showing copies of all loan guarantee agreements for the period January 1, 1994, to January 28, 1997, between the Alberta Treasury Branches, TD Trust Company, West Edmonton Mall Property Inc., WEM Holdings, and 626110 Alberta Ltd. relating to the refinancing of West Edmonton Mall.

THE SPEAKER: The hon. Minister of Economic Development.

MRS. BLACK: Thank you, Mr. Speaker. On behalf of the Provincial Treasurer we must reject this motion, again for some of the reasons that have already been stated by the hon. Provincial Treasurer for the previous motions. But just to refresh the members opposite as to why we have to reject it, I'll refer him to *Beauchesne* 446, *Erskine May* section 16(2), and under our Freedom of Information and Protection of Privacy Act information pertaining to businesses and clients of the Treasury Branches is exempt from the act under section 4(1). Confidential financial information of a business that meets that requirement under

section 15 must not be disclosed. So we are going to have to reject this motion for a return.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker, and thank you, hon. minister, for responding on behalf of the Provincial Treasurer, although I am not grateful for the news that you conveyed. I respect the fact that he asked you to do it.

Here again, Mr. Speaker, we're dealing with the same issue of the refinancing package that was extended to West Edmonton Mall. I think what's in need of being once again underlined here is that there was such a huge increase in the guarantee to this particular corporation. It simply doesn't follow that there wouldn't be some explanation as to why we see an increase in the exposure from \$124.6 million to \$475.5 million. Why was there such a large increase in the refinancing at that time? On what basis was it rationalized? How could the government, as the backstop, have watched and seen this happen without having queried it somehow? There must be some phenomenal collateral being pledged, I suspect, to have allowed that guarantee, which again we are all backstopping, to virtually triple, almost quadruple within the span of one year, from 1994 through to the end of March 31, 1995.

I have earlier, in the previous motion, indicated the first mortgage debenture of \$375 million that was extended on October 31, 1994, between West Edmonton Mall and TD Trust Company and the second mortgage debenture for \$65 million between West Edmonton Mall Property Inc. and TD Trust Company. I think there has to be some accountability somewhere for notes of this size, and I would have thought that perhaps the government might have been forthcoming in providing it.

The other important issue here with this motion, which is an extension yet different from the motion that immediately preceded it, is that we see a lot of new players involved here suddenly. This is no longer just an issue between the various ministries and West Edmonton Mall. This is also now an issue that brings in the TD Trust Company, the numbered company 626110 Alberta Ltd., as well as, of course, WEM Holdings and West Edmonton Mall Property Inc.

So there seems to be a growth here in terms of participation, and that is something I've been asked about a lot over the last couple of years. Unfortunately, I'm unable to provide proper responses because I simply don't have the information, but I'm sure the government would have access to that information if it wished to in fact provide it and table it in the House. However, we're going to have to proceed, I guess, so with those comments of disappointment I will take my seat.

Thank you.

[Motion lost]

3:20 Government Reorganization

M64. Mr. Zwozdesky moved that an order of the Assembly do issue for a return showing copies of documents or reports prepared by or on behalf of the Government Reorganization Secretariat from January 1, 1993, to January 26, 1998, regarding government streamlining and departmental consolidation; downsizing of the public service; elimination or amalgamation of agencies, boards and commissions; and the privatization, deregulation, or disposal of government assets or services.

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

MR. DUNFORD: Thank you. Mr. Speaker, my position, consistent with my cabinet colleagues, on motions for returns and written questions is that we as a government have an obligation to make information available, and so we will rarely reject a request for information related to our portfolios. Here comes the "but." In this particular instance, unfortunately I must reject the motion for a return, citing *Beauchesne* sections 444 and 446(2)(g)(j)(l)-(n)(o) and (p).

The Government Reorganization Secretariat was not in itself a decision-making body but a clearinghouse for study and developing recommendations to decision-making bodies such as Treasury Board, cabinet, and standing policy committees. The options discussed and presented by the secretariat are not public information; however, the decision results are. These decisions have been made public and have made what is Alberta public policy today. They're contained in budget documents, business plans, and news releases. In fact, they are evident to the public when they no longer have to stand in line for a licence plate renewal or when a government cheque is mailed out by PSC corporation.

Mr. Speaker, we considered amending the motion to provide the member with the results of government policy in this area, but this information is readily available to all members. An amendment would fail the test of *Beauchesne* 428(ff) that the questioner must not "seek information set forth in documents equally accessible to the questioner, [such] as Statutes, published reports, etc."

Therefore, Mr. Speaker, I must reject this motion.

THE SPEAKER: The hon. Member for Edmonton-Mill Creek to conclude the debate.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Well, I didn't think this was a motion that was going to pose any difficulty to the government whatsoever, because it in fact caters to something they have done and in many cases have done a fairly good job at. That was the issue of streamlining a lot of what it is that government is about. In fact, I would suggest that it might even be linked to what got them re-elected in 1997 in part. Why on earth it would be rejected is beyond my comprehension at this stage.

On the other side of the coin, of course, there's always a downside. A lot of people didn't like some of the downsizing that occurred and some of the cuts that occurred and so on. I recall entering that debate on a vigorous basis on a few occasions myself. However, in the end Alberta went through one of the largest reorganizations and downsizings of the public service probably in the history of the country, as a province at least. When we begin eliminating these agencies and/or amalgamating these boards and commissions, such as we've seen done with a number of the foundations – the lottery foundations come to mind – and privatizing, deregulating, and disposing of government assets, I think the public has again a right to see what the thinking and philosophy behind those decisions indeed was. It disappoints me that the government is not going to be able to provide any documents or reports that were compiled on behalf of the Government Reorganization Secretariat over the past few years.

Mr. Speaker, when I first contemplated getting involved in this issue of representing the public as an MLA – that was February of 1993, I think – I recall very vividly that we used a term under the leader at that time, Mr. Laurence Decore, called efficiency

audits. I'm sure it's a phrase that many people in the House remember. A lot of those points that were made under the general title of efficiency audits talked about these kinds of things: streamlining, consolidating, downsizing, amalgamating, privatizing where necessary, and so on. Ever since that time it's been something that at least in part keeps me interested in continuing with the job of serving the public, because I still think the public wants to see government operate as efficiently and as effectively as it possibly can but not at the sacrifice of essential core services to the people who elect us to serve. There is always the case that can be made for withholding certain information from the public, but why the government would be rejecting this motion – I just don't buy that one, hon. minister.

I appreciate your comments and your relevancies to *Beauchesne* and others, but this seemed to me to be a very straightforward request for reports that you could provide at your will to this House and share with Albertans what it is that propelled the government's decisions since it started the reorganization in 1993 and, at the same time, provide some insight into where it is that you as a government intend taking Albertans over the next couple of years.

So with those few comments of disappointment, Mr. Speaker, I will take my spot and look forward to at least hitting a single or a double in one of the upcoming motions. Thank you.

[Motion lost]

Government-supported Projects

M65. Mr. Zwozdesky moved that an order of the Assembly do issue for a return showing copies of all analyses undertaken by the ministry of Treasury from January 1, 1996, to January 28, 1998, regarding financial restructuring, work-out, or exit options involving projects that have received government loans or loan guarantees or in which the government has taken a shareholder position.

MRS. BLACK: Mr. Speaker, on behalf of the Provincial Treasurer once again I'm afraid we're going to have to reject this motion for a return for a number of the same reasons. I'll refer again to *Beauchesne* 446, which applies to the disclosure of information, the government's position on loans and loan guarantees, but also consultants' reports. This also applies. The freedom of information act, section 15, provides for a mandatory exemption from the disclosure of commercial or business information of a third party unless the third party consents to the disclosure. Section 24 pertains to information that may have any kind of economic or financial interest to the Crown.

Mr. Speaker, it's unfortunate that the hon. member is not able to get the information he wants with these questions. However, I would suggest he might want to visit with the hon. members on our side of the House, and maybe we can help direct him to a way in which he can get some of the information. But we must reject this motion for a return.

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

3:30

MR. ZWOZDESKY: Thank you, Mr. Speaker. I appreciate the hon. minister's comments about trying to access this information in some other fashion, given that we're meeting with the fifth rejection. I don't know how much rejection I can take, hon.

minister. It's the fifth one today. It's almost habit forming.

However, all joking aside on this April Fools' Day, I would like to simply say that these deals, these loans, these guarantees and placements the government put taxpayers into of course occurred prior to the Klein government, and all I'm trying to do is access some information to find out how it is that the government now intends to get us out of some of these restructurings via whatever exit options and strategies may exist. Now, I haven't found a single one of these contracts very simple, straightforward, or easy to understand. But I would say, having studied a number of them and in particular the Al-Pac one, that I do know there are provisions there that the government has built in for its own negotiation purposes that would allow the government to exercise some of the maximum leverage it has in order to arrive at the best deal possible for taxpayers. Are we not all interested in making sure that taxpayers receive the maximum return? Of course we are. What this motion simply requests, Mr. Speaker, is for some analyses to be provided.

I think it's important for us to see some of these valuation reports, to see some of the interim and annual financial analyses statements that have been prepared by the loans and guarantees division of Treasury. I would have thought it would have been important for us to see the Goepel Shields report, for example, which was the company who undertook the evaluation of the recent Al-Pac loan. The issue there was that we requested it under freedom of information and received 91 pages, which I think was the entire report, but something like 86 of them were blanked out. So it was of absolutely no value to receive that, and taxpayers did not learn anything, really, from that exercise.

Albertans I think have a fundamental right, Mr. Speaker, to know what happened to their money, to our money, as the government went about pursuing the financial restructurings over the last long while and how it is that government worked out its exits in one way with a particular deal and then didn't pursue that same tactic with another deal when it may well have been available.

I'll give you an example, Mr. Speaker. We know that when we exited the Husky upgrader project, we lost \$200 million, \$300 million in that deal. However, there was a provision taken within that deal for what they call upside interest. I've asked this question of the Treasurer in the House before: if, as part of the exit negotiations, it would be possible for him to look at those types of provisions and if it would be possible for them to be included in some of the other deals that I think he's working aggressively to try and put behind the current government.

We know, for example, that in other deals we forwent the ability to take a future profit position, which is another way of saying upside interest provision. In the case of, let's say, the Millar Western deal, we were quick to dispense with something like \$244 million there, receiving only 10 cents on the dollar, yet I don't think we're going to see pulp and paper prices depressed forever. So there should be some ability within these deals for the government to more clearly restructure their position in them and, as they look for exits, to not just rush to the faster and closest exit door. In this case I'm not sure if they did or didn't, but I would say that there must be a better way for government to reassess their position, take a look at the leverages we have, and take a little look at the longer term implications of what they're doing by kissing goodbye some of these deals.

Forgivenesses in Swan Hills, which amounted to \$441 million, is another example where I think we could have taken a longer, stronger, harder look. In fact, I don't even know if the Swan

Hills plant is operating today. The last I remember, Mr. Speaker, it was shut down, and we may not see any profitability.

MR. LUND: No. No.

MR. ZWOZDESKY: Is it back running now? Because if it doesn't start to turn a profit for the operators, the province of Alberta is going to wind up owning it – in what? About nine months' time? We may find it back on our laps on January 1, 1999. That's again as a result of the type of exit arrangement that was worked out.

I will take my seat here momentarily and just say once again that I'm hopeful that at some point the government will undertake to provide these analyses and clear up any of the misunderstandings or the misgivings or perhaps the misstatements that are being made about some of these deals. But if you don't clean it up, if you don't explain it to taxpayers, if you don't show it to them in black and white, I think you can expect to receive more of these kinds of requests and also more of these kind of shadowy situations being questioned.

Thank you, Mr. Speaker.

[Motion lost]

Federal/Provincial Committee on Taxation

M66. Mr. Zwozdesky moved that an order of the Assembly do issue for a return showing copies of all reports prepared for the ministers of finance, including the Provincial Treasurer of Alberta, by the federal/provincial committee on taxation between January 1, 1993, and January 26, 1998, respecting the tax on income proposal.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I believe we now have a motion that is going to be absolutely, unequivocally accepted by government, and I'm very pleased to present it.

Thank you.

MRS. BLACK: Mr. Speaker, on behalf, again, of the Provincial Treasurer, I was feeling a little bad about the ego of the member opposite, so we will be accepting this motion.

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

MR. ZWOZDESKY: I'll have to speak with more enthusiasm and use nicer words more often, Mr. Speaker. It yields better results. Thank you.

I'll just very briefly say that this matter, of course, has taken on some renewed interest, particularly in the last year, as a result of decisions that were taken by the ministers of finance to give provinces such as Alberta the ability to establish, if they wish, their own tax rates and the ability to apply provincial credits and deductions where each province feels it might be required.

Furthermore, while we recognize that the federal government and the provinces will also soon be releasing a discussion paper on the tax on income model, I think it's critical to understand and support the fact that Albertans should have an opportunity to assess extensive work that may have already been done on this issue, especially work that was done by the federal/provincial committee on taxation. The final report on tax on income from

the members of the federal/provincial committee on taxation was in fact given to the ministers of finance in June, 1994, and it provided a possible structure – a technical model, if you will – of the tax on income. I'm looking forward to the fuller responses once they're brought forward.

Thank you.

[Motion carried]

Westaim Partnership

M67. Ms Paul moved that an order of the Assembly do issue for a return showing copies of all agreements and amended agreements signed by the government between January 1, 1990, and January 26, 1998, pertaining to the Westaim initiative.

MRS. BLACK: Mr. Speaker, I'm pleased to accept the motion.

MS PAUL: Well, I don't feel as rejected as the hon. Member for Edmonton-Mill Creek. Thank you very much, hon. minister.

[Motion carried]

Fish Studies

M68. Mr. Zwozdesky moved on behalf of Ms Carlson that an order of the Assembly do issue for a return showing copies of reports or documents compiled between January 1, 1993, and the present time showing the location of spawning areas, fish-bearing streams, named and unnamed, entering and exiting the hereinafter named lakes, migrations, seasonal movements, and age structures of fish, and the intensity of sport, commercial, and domestic fishing and sizes of catch in Lac La Biche and Elinor, Ethel, Frenchman, Fork, Kehiwin, Lodge, Marie, Missawawi, McGuffin, Square, and Vincent lakes in the northeast boreal region of the Department of Environmental Protection.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. I came here today once again prepared to provide all kinds of information to the opposition. We have to do this by amending the motions. However, one week ago today we went through the same thing. I think I amended five. I had to then listen to a bunch of whining, sniffing, wailing, and carrying on by the opposition because we had amended it so that in fact we could give them the information. The motion once again is written so poorly that I'm sure that if we were to accept it as written, we would not be able to give them the information they're asking for. So that's one reason why I'm finding it necessary to not amend this one but reject it.

The other reason, Mr. Speaker, happened in the House here just a very short time ago. I don't want to have the members once again embarrass themselves by, perhaps as they did before, talking against the amendment and then turning around and voting for the motion. So we'll save them that embarrassment, and I will simply reject this particular request.

3:40

MR. MITCHELL: Mr. Speaker, we said we'd accept the amendment. We were under the impression that the minister had an amendment that was suitable, and in the spirit of co-operation we were going to accept it. Now he seems to have changed his

mind. I don't know. I mean, I'm looking at this, and it doesn't seem to be all that complicated for him to come up with this information.

It was interesting that a colleague of his earlier on said that he, of course, as a minister of the Crown makes every effort to release information because it's his job to do it. Now we get this half-baked reasoning for the minister not producing this information. You know, I consistently get a sense that he's not as aggressive about protecting the environment as he should be. You only have to analyze what he does, and this is just more proof of it. We just want some simple information, Mr. Speaker, simple answers to some simple questions so we can find out what he's really trying to do. It's very difficult to find out what this minister is really trying to do. Well, we know what he's not trying to do: he's not trying to protect the environment.

[Motion lost]

Advertising for Budget '98

M69. Mr. Zwozdesky moved that an order of the Assembly do issue for a return showing invoices for all newspaper, television, and radio advertisements promoting Budget '98 aired or printed on or before February 12, 1998, that were placed by or on behalf of the government.

MRS. BLACK: Mr. Speaker, on behalf of the Provincial Treasurer we once again will be accepting this motion.

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

MR. ZWOZDESKY: Thank you very much. We'll accept that and look forward to receiving that.

[Motion carried]

Advertising for Budget '98

M70. Mr. Zwozdesky moved that an order of the Assembly do issue for a return showing invoices for all newspaper, television, and radio advertisements promoting Budget '98 aired or printed after February 12, 1998, that were placed by or on behalf of the government.

MRS. BLACK: Mr. Speaker, again on behalf of the Provincial Treasurer we are pleased to accept Motion for a Return 70.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. We appreciate that acceptance and look forward to receiving the information.

[Motion carried]

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

[Mr. Tannas in the chair]

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

Bill 204

Workers' Compensation Amendment Act, 1998

THE CHAIRMAN: I'd call on the hon. Member for Calgary-Egmont to offer comments.

MR. HERARD: Thank you very much, Mr. Chairman. I want to update the House on the consultation process that has taken place since I asked for a delay at committee on March 3, 1998, on Bill 204.

I've had numerous meetings with interested parties and many long phone conversations that have led to a much better stakeholder understanding of Bill 204. I've had good success in numerous face-to-face meetings with various sectors, success in reducing the misunderstanding that existed due to the initial WCB information update on this bill. To their credit, the WCB did meet with me and revised the information dated March 6, 1998, to indicate that contrary to the misconceptions that were out there, workers cannot sue their own employer or another worker of that employer, and secondly, the right to sue will not apply if the accident occurs on a work site.

Now, this information is crucial in understanding that Bill 204 does not erode the Meredith principles in the way that so many respondents were concerned about. All we're talking about here is subrogating the WCB to a workers' cause of action. They already do this in some third-party accidents, and we are simply adding another category of accidents to the categories where they already do. To the injured workers nothing changes in how the benefits are handled by the WCB, and the injured worker does not need to go out and hire a lawyer. The WCB will simply subrogate itself to the cause of action.

Mr. Chairman, I sent out the new WCB information, along with the debate in the House, to more than 100 organizations and individual companies throughout Alberta. I asked them to get back to me if they continued to have problems with this bill. I have received very few responses that indicate continued concerns with this area of the bill from interested parties who have taken the trouble to do due diligence on Bill 204. I will deal with some of the remaining concerns a little later.

Mr. Chairman, there's new information that I should make the House aware of. In my original debate I had indicated that five other jurisdictions had similar legislation. In addition to Manitoba, New Brunswick, Nova Scotia, Newfoundland, and Yukon, I have since learned that Prince Edward Island and Quebec also have enacted similar provisions to those of Bill 204. This means that now seven out of 11 Canadian jurisdictions have recognized some of the same problems that I'm trying to remedy with this bill.

Mr. Chairman, another area of clarification deals with the current benefit policy review being undertaken by the WCB. I'm informed that this is not a review of how injured workers are treated by the WCB system but rather a benefit policy review. I will table information supplied by the WCB dealing with individual privacy of participants and their submissions on the 15 themes that are involved in the benefit policy review. Incidentally, none of these themes deal with the difficulties that injured workers are having in dealing with the WCB. That begs the same question that I asked before: will this WCB process of reviewing itself do anything for those injured workers who are having difficulty with the system and the issues of fairness that this legislation addresses? I sincerely hope so, but I don't see where injured workers' concerns are part of the themes in the WCB policy review process.

Another important aspect of this debate, Mr. Chairman, deals with a number of WCB injured workers who are currently on welfare. You'll remember that Judge Meredith indicated that the true aim of a compensation law is to provide for the injured workman and his dependents to prevent their becoming a charge upon their relatives or friends or the community at large. Well, hon. members, the original purpose of the compensation legislation doesn't seem to be working all that well.

I did indicate in debate that I had requested information from the minister of social services on a number of injured workers on welfare. The response is as follows. And please note, hon. members, that the number of cases that I refer to here are only injured workers who are receiving both WCB and welfare support. From August '93 to March 1994 670 injured workers were on welfare; 1994-95, 741; 1995-96, 672; 1996-97, 605; '97-98, 513.

3:50

Now, that's a staggering 3,201 cases, Mr. Chairman. However, to be clear, many of these injured workers were on welfare for more than one fiscal year. I'm advised that the total number of individual injured workers on welfare during that period is 2,217 workers. This high number of injured workers on welfare is very disturbing to me because the 2,217 cases do not include injured workers who have been cut off WCB benefits. The minister was not able to supply the information as to how many people currently on welfare were cut off WCB benefits. Perhaps only the WCB knows for sure. This is very troubling because it seems most of the cases that I see in my constituency are workers who have been cut off WCB benefits.

So how many do we have in total? Hon. members, please think about your own experience with WCB cases in your own constituencies to confirm the concern that I have. Exactly how many injured workers are we really talking about here? How many of these injured workers have wives and children? How many souls are we in fact affecting by what we're dealing with here in this Legislature?

Why are these people on welfare? Is it not a measure of the performance of our compensation system? Is the protection of injured workers and their families from becoming welfare clients no longer the objective of compensation legislation? How many more injured workers are on CPP disability or using up their employment insurance prior to welfare? What additional costs to our health care system does this problem present? I don't know, but I've asked the Minister of Health to see if he can determine that from his department. I suspect that the information on the total number of these cases can only be provided by the WCB. I have not yet had a response, but I hope we can determine the true cost on the community at large that the good judge was trying to avoid.

Now, this isn't just about the cost to society at large. There's another cost here, hon. members, a very heavy human cost to the lives of individual injured workers, their wives, and their children. Who can calculate that cost, and what currency should we use? Clearly the main reason for compensation legislation espoused by Judge Meredith has been seriously eroded and should be independently reviewed. In my view, this is extremely troubling information and should be ample reason to have that independent review that so many Albertans are asking for.

I look forward to the debate at committee, and I'll do my best to answer any questions that you may have. Thank you.

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

MR. BONNER: Thank you, Mr. Chairman. I want to commend again the Member for Calgary-Egmont on the tremendous amount of work that he has done. As well, I want to support him in his comments today on Bill 204. As he mentioned earlier, the Meredith principle was an understanding that workers would be insured through an employer-funded, no-fault insurance fund in exchange for giving up the right for them or their dependents to sue their employer for job-related injuries, diseases, or fatalities.

Of course what many of us have found through our constituency offices is that unfortunately there has been a breakdown, and unfortunately there are far too many people, the walking wounded, out on our streets today that have fallen through the cracks. These are the injured workers out there who are severely injured who, for whatever reason, whether their injuries were too severe or their bodies did not heal or whatever, have been cut off other benefits, have had their benefits severely reduced, or have had to rely on some other type of compensation or financing to take care of them. There is a major problem here, because the WCB's responsibility in all of this was to provide a high-quality service to both the employers and the injured workers with fair compensation.

We see the tremendous impact that so many of our other services in society are having to pick up because of these severely injured workers. Again, they are such a very, very small percentage of all workers. We see the impact they are having on, for example, the social services department because they do not have sufficient funds to live on and they are forced to go on welfare. We see what is happening with them having to go back time after time after time to our health care because unfortunately they are no longer being taken care of by Workers' Compensation Board. As well, we see, as the member stated earlier, that many of these people have had to go to the Canada pension plan to get some type of financing. As well, perhaps the worst is the false hope that so many of these injured people put into our legal system, into advocacy, whatever. They are unfortunately, in all of their stories, experiencing the same type of thing. Of course, when these bodies, after years and after many, many delays, do not get healed, then this starts to prey on their minds, and these are again just an increasing amount. It is an escalating problem that is forced on to other parts of society.

What I see in this bill and what has been proposed here is a mechanism that will certainly help to eliminate or at least reduce the drastic delays that so many of these injured workers have. Not only will it stop the incredible amount of time that these people have to wait in order to get some type of closure, whether it is no future compensation or perhaps a partial disability pension or whatever it might be – I think it is highly important that we do cut down on these time delays, because this is a time period when so many of these people have to go through their resources that they've built up over the years, whether it's bank accounts, whether it's their homes that they're forced to sell, whether it's their cars that they must sell. The toll that this puts on a family, particularly a family with children, is absolutely incredible.

In looking at the bill that the member has proposed, I certainly support the idea that in third-party liability, even when an accident happens to two people that are both covered by the Workers' Compensation Act, this be handled by the private insurance companies that they are insured under. Of course, as was brought out earlier, when the Meredith principle was introduced, there was no such thing as compulsory insurance at that time. So this is one of the positive steps in here.

The second part of this bill, that is a very good portion of the

bill, is of course the idea that we use medical panels. At this time I would like to propose an amendment which deals with medical panels to the bill. I can wait until those are passed out, Mr. Chairman.

4:00

THE CHAIRMAN: The chair would observe that the necessary signatures are attached to the amendment, and this amendment will be called A1.

The hon. Member for Edmonton-Glengarry is invited to move the amendment and make his comments.

MR. BONNER: Thank you, Mr. Chairman. I would like to move at this time that Bill 204 be amended as follows: section 4 is amended in the proposed section 34.1 by striking out "may" in subsection (2) and by striking out the proposed subsection (3).

There's a very good reason, Mr. Chairman, why I proposed these amendments. It deals primarily with the issue of

where there are substantial differences in medical reports that may affect whether compensation is to be paid or the amount of compensation to be paid to the worker, the worker may request that the Board convene a medical panel.

By striking out that word "may," what we do in this very, very small group, where there are substantial differences in medical reports, is we allow a decision to be made on these severely injured workers and these workers who have not had closure in their dealings with WCB. What it does is it puts the decision on their injury in the hands of the experts.

This is a very, very good point. It will allow some type of closure to come to these people. It will get away from the idea now where we can have a review at WCB by a caseworker, by a medical adviser who certainly doesn't have anywhere near the training that our medical experts have. It will also make certain that the people dealing with this person are specialists in that particular field.

With those comments, Mr. Chairman, I would ask everybody to support the amendment to Bill 204.

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

MR. HERARD: Thank you very much, Mr. Chairman. I want to thank the hon. Member for Edmonton-Glengarry for his comments with respect to support on this bill. I know that he has had many, many experiences with injured workers as well, and we are trying to deal with issues of fairness.

Now, with respect to the amendment that he's bringing forward, if we remove the word "may" with respect to "may convene a medical panel," I think what we're doing is essentially tying the board's hands completely with respect to any kind of discretion that they would need to have in the event that certain workers were in fact trying to take advantage of the legislation and convene medical panels that were clearly not necessary. That is something that was discussed at some length during the preparation of this bill.

With respect to that point, if the WCB responds to a worker and says, "We are not going to do a medical panel on your case," it must provide its reasons. I'm sure, hon. members, that it would be very, very careful how it crafted those reasons, because what we're dealing with here are sections of the law, no longer sections of policy. I believe that the existing wording offers some flexibility with respect to that, because after all, the board does have the ability to make policies. But we are putting something here in legislation that is very rigid already with respect to that.

The other situation that I want to bring to the attention of the House is that I really appreciate the support with respect to this, but I made it very clear to hon. members on the other side that if they had amendments to bring, I needed to have those amendments in writing in enough time to ensure that we could discuss the amendments as a caucus. That's the way the process works. I can't as a private member say yes to an amendment that I have not discussed with my caucus. That essentially provides some checks and balances that should be there. You know, I'm afraid that I can't support the amendment, because we really have not had the opportunity to discuss it because the process was not followed. So I would urge all members to defeat the amendment.

Thank you very much.

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

MS OLSEN: Thank you, Mr. Chairman. I rise in support of the amendment, and I do want to acknowledge the Member for Calgary-Egmont's comments in relation to the amendment just being received. However, he's saying that he hasn't had time to take it to his caucus. Let's bear in mind that this is a private member's bill. This is not a government bill. It is the member's bill. So that doesn't necessarily hold a lot of water. I do understand that if he'd had it a little earlier in the day, he could have given it some thought, but that's not a reason to defeat a good amendment.

The amendment stands as a very sound amendment, and indeed I think this particular section is a good first step. However, "may convene a . . . panel" allows for the total discretion to go to the WCB, and the injured worker has very little to say. If the WCB decides they don't want to convene a medical panel, then they indeed will not.

In order for this to represent fairness – and I think that's the notion that the hon. member brings the bill forward on to begin with: you know, fairness is the way we would like to see the WCB operate. I, too, have had many constituents who have come forward, and I think this particular bill will enhance the relationship among all stakeholders, including and most importantly the injured worker. However, I think it would sort of be shortsighted for us to think that the whole issue of WCB still having the upper hand – there's no balance of power. It doesn't level the playing field.

If the hon. member is not wanting to consider this particular amendment, maybe there's a way to, simply by adjourning debate on this bill today, go back and talk to my colleague the hon. Member for Edmonton-Glengarry and discuss some of the guidelines that might be used for the WCB and the stakeholders to determine when the medical panel should be convened. That way you're adding a balance of power and you're creating a level playing field. I think that would be more helpful than just saying: I'm going to defeat it because I didn't get the amendment on time. So I put that to the hon. member, if he would consider that, and I'm sure we can work through something that would be more palatable to him.

4:10

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

MR. HERARD: Thank you, Mr. Chairman, and I thank the hon. member for reminding me that this is a private member's bill. Even if it is a private member's bill, there has to be a process and there has to be vetting because we want to bring the best possible legislation to have the best possible chance of passing private

members' bills. Essentially that means that if we're going to have amendments – and I very clearly indicated to everyone who wanted to participate in amendments that if they provided those amendments, I would most definitely bring them to the attention of the caucus. That's normal. We just don't want to have flaky bills, so we discuss and vet these things.

With respect to the amendment, I think one has to be very careful with respect to the potential here for abuse. It could be very easy, for example, for someone to go out and get a few medical opinions that would differ from what he knows is on file at the WCB and in fact establish a review process for very flimsy reasons. I think there needs to be some flexibility in there for the WCB to in fact refuse to do it but to provide its reasons. Because it's in legislation, I would say that they would be extremely careful in using that provision and they would want to make darn sure that the i's are dotted and the t's crossed. So I will still indicate that I won't be supporting this amendment and urge at least all hon. members to defeat it.

I do want to add a little bit to what I said earlier with respect to the welfare numbers. I've been advised that these figures do not include AISH; therefore, I would expect that these numbers are going to be revised upwards. I would certainly undertake to provide these numbers as well as any information that I can get from perhaps the Department of Health to perhaps clarify the picture that we've got something very serious here. If we add AISH to these, I think the numbers are going to change. So with that, I'm just going to recommend that we defeat the amendment.

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

MS BLAKEMAN: Thank you very much. I'd like to speak in favour of the amendment that's been put forward by my colleague from Edmonton-Glengarry. Certainly the hon. member opposite has acknowledged that the WCB legislation and the setup of it is imperfect. Essentially we're trying to balance between competing interests. I don't like to see it in such an adversarial way, but frankly that is the setup right now. On the one side we have employers who don't wish to be paying any more in premiums than they're already paying, and on the other side we're looking at workers who feel that they're not getting a fair or impartial hearing and that the deck is stacked against them. So I was really pleased to see the legislation brought forward by the hon. member, but I am in favour of this motion. I think it strengthens the legislation, and it goes a step further in attempting to balance the power difference between the employers and with them the WCB and the workers.

As was mentioned earlier, we find a number of injured workers in our offices going: I wasn't listened to; I was coerced. Some people feel bullied. Others feel they weren't given the option of going to a WCB-approved physician. Others certainly feel that having their own physician's files reviewed in sort of a desk review and then the judgment against them overturned is not fair. Therefore, enabling a worker to be able to ask for this panel to be convened I think goes a long way towards balancing that. I mean, we'd have to assume that WCB is doing a good enough job right now that you're not going to have every worker asking for this panel to be put together. The legislation is quite clear in saying, "where there are substantial differences in medical reports." So I'm assuming that there will be a reasonable use of this. It is a very frustrating period for a worker who feels that they don't have any other option.

Certainly the Member for Calgary-Egmont has been very clear

in pointing out the number of people who are destitute or on their way to destitution, collecting social assistance or AISH or who knows where they are, because they are unable to work, unable to find work in the area they've been trained in, and have now been injured and can't do that same kind of work.

I ask the members of the House to consider this carefully in trying to find a balance. We're really feeling the weight of these injured workers, all of us, and we need to go much further in being able to look after them adequately and make sure that they don't become a burden on society and that they're able as much as possible to be contributing members. So I urge you to support this amendment.

Thank you.

THE CHAIRMAN: The hon. Member for Edmonton-Norwood on the amendment.

MS OLSEN: Thank you, Mr. Chairman. I just want to make a couple more points. I think the whole notion of having this particular section in legislation, "if the Board does not convene a medical panel, [it] shall notify the worker of its decision and provide reasons" – I'm not convinced by and I would not support the argument that the WCB, because it's in legislation, would think carefully about how the balance of power is working.

Now, it does set out, as my colleague said, "substantial differences in medical reports." Therefore, if somebody is making an application or a request under section 34.1(1), then it would lead me to believe that there are substantial differences and that they have been noted to be substantial. Therefore, the request is put forward, and for a balance of power to occur, then indeed the medical panel should be convened. Now, my hon. colleague hasn't gone this step, but I myself would even believe that it should go one step further and say "shall" instead of "may convene a medical panel." I believe the whole notion of coming to some sort of level playing field has to exist, and in this particular bill's section it does not.

Let's not forget – and I just want to note for the hon. Member for Calgary-Egmont – that the WCB has been the centre of many, many controversies in relation to employee assessments. In order for us to really do the job we're doing, I like any other MLA would rather not have to deal with those situations, that things were working so well that those folks, the injured workers, wouldn't have to come through our doors. But they have to feel – they have to feel – that they are on the same playing field, that they're looking at somebody as an equal, as opposed to feeling that there's been a tremendous power imbalance in this relationship. That's the situation that is what sort of drives us to look for changes.

You know, I'm concerned if we don't do that. Like I say, if we don't acknowledge in legislation that we're calling for substantial differences in medical reports, if that's the case and if that's the grounds that the injured worker is applying for a medical panel to be convened, I'm not sure and I guess I'm not understanding why the hon. member won't or doesn't want to create that particular level playing field.

4:20

I still hearken back to, yes, I know it would have been much more expeditious if we'd been able to get you the amendment on time. Far be it from me to be saying this – and I can't believe I'm saying this – but I would even suggest regulation. [interjections] I know I'm getting carried away. Sorry. But somewhere along the line we identify with what some of those differences

may even be. What are "substantial differences"? Your view of substantial differences may be much different than mine and one doctor's is going to be different than another doctor's, certainly depending on where we're coming from in our different lives. I bring that forward. Like I say, far be it from me to be talking regulation, but somewhere along the line we should be able to come to some sort of amenable point here.

I'm just wondering if the hon. member will consider adjourning and working with my hon. colleague here to work something out that might be a little bit more acceptable, or accept the fact that you've already identified "substantial differences" as being the prerequisite to go forward to 34.1(2), acknowledge that, accept it, so we can, certainly me, feel more comfortable in supporting this legislation.

Thank you.

THE CHAIRMAN: The hon. Member for Edmonton-Gold Bar on the amendment.

MR. MacDONALD: Thank you, Mr. Chairman. It's a pleasure to rise this afternoon and speak to this amendment that has been put forward by my hon. colleague from Edmonton-Glengarry. This amendment would allow perhaps a streamlining of all the appeals that go on with the injured workers in Alberta.

In 1995 there were 126 cases of injured workers who went the route of the Ombudsman's office to find resolutions to their problems. In 1996 there were 119 injured workers who had to go to the Ombudsman to find resolutions to their problems. Now, in 1997 there were claims involving time off work. There were over 36,000 claims, Mr. Chairman, in all of the WCB, and of all those claims there were a little better than 1,300 of them that reached the appeals process. There's obviously trouble here. There are people falling through the cracks.

I commend the hon. Member for Calgary-Egmont for bringing this legislation forward, but in order that all the injured workers have access, fair access, to any sort of resolution, then this amendment that is proposed by the hon. Member for Edmonton-Glengarry is very worth while.

Thank you, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Edmonton-Mill Woods.

MS PAUL: Thank you, Mr. Chairman. I beat him to the draw.

In just reviewing the notice of amendment on Bill 204, I think what it does is it adds strength to the bill. It leaves out the question of "may" or "may not." Once you say that "the Board shall review the medical reports and may convene a medical panel to investigate and report on the worker's condition," well, that sort of makes the bill, in my view, a little wishy-washy. The intent of the bill is to give workers that option and that choice and that avenue in which to state their case. So when I see the word "may," to me that conjures up thoughts of not adding strength to the bill. It seems like they're asking for permission when in fact it should be a given that they have that choice.

Mr. Chairman, I think from my reading the bill and my understanding of it, the intent or the strength of the bill is that we have that option, an option that should be part and parcel of the legislation. While it is a private member's bill – and perhaps we were a tad remiss in not getting the amendment on the floor at an earlier time so that the hon. Member for Calgary-Egmont would have had time to review it with some of his colleagues – I think

it speaks well for every member who has some concern perhaps with the amendment if they could express that this afternoon.

Mr. Chairman, speaking to the whole intent of the bill, whether or not we defer the bill to a later date so that some consultation can take place, I think it has excellent merit, and I want to commend the hon. member for bringing it forward. As has already been stated – and I won't get into all the particular cases that I'm sure we've all experienced as MLAs when we deal with workmen's compensation issues – there seems to be a real disparity and a real problem with getting any sense or any expedition of opinion or resolve that needs to be done when people who are applying for workmen's compensation are in real crisis. People in crisis need to be heard. If this board, this extra panel is an avenue for them to be heard and to form an opinion and listen to the concerns of the worker and to make a recommendation that is clearly in favour, hopefully, of the injured worker, that action will be taken. As I've stated before, I think it's always important that there are other avenues for people to be heard that are in crisis and need assistance and need some sense of well-being.

The onus has always been on the Workers' Compensation Board per se. Now there would be another avenue where there could be either compensation or good clear rationale as to why not. I know that in all our offices we've encountered constituents that have been on workmen's compensation for a number of years and have lost their compensation due to some technicality or whatever, and the files go back years and years and years, long before some of us were elected.

So I think that the amendment does have merit. The hon. Member for Edmonton-Glengarry has done a good job, I believe, in taking out the word "may." It strengthens the bill. It gives it some meat and potatoes, and it lets the bill stand on its own merit. I believe that the medical panel is very necessary as an avenue.

Mr. Chairman, I'm not sure if you can hear me over the ruckus. It seems to be that attention spans are not that great. Anyway, with those few comments I will take my seat, and I hope that everybody here, because it is a private member's bill, will stand and speak to the amendment.

Thank you.

4:30

DR. MASSEY: Speaking in support of the amendment, Mr. Chairman. I hadn't had an opportunity to address Bill 204 but certainly support any effort that is taken to improve the lot of WCB claimants. All of us have faced in our offices these claimants who come to us with files literally feet deep and tales of years and years and years of trying to get some satisfaction to their claim. For some of them it's almost become a lifework, and it has certainly distorted and affected the lives of those claimants and their families.

The WCB and its policy is committed to the Meredith principles, and it's an overriding commitment to the historic social contract between employers and workers. It's really that social contract between employers and workers that is the reason for WCB, and they've used the Meredith principles as the basis for their organization: no-fault guaranteed insurance; protection from lawsuit for both the employer and the worker; collective liability, with the employers getting together and sharing responsibility; fair compensation so that the workers are treated fairly. Giving workers the benefit of the doubt is important to workers. The first payer: it's the WCB's responsibility to compensate for work-related disabilities. The WCB under the Meredith principles is given exclusive jurisdiction, and injury prevention and management are an important part of their work.

I believe that what this amendment gets at, what is missing from those principles, is a principle that says that claims will be dealt with as expeditiously as possible. That's really what this amendment starts to get at, and hopefully this would be part of a number of actions that could be taken that would see workers and their claims dealt with quickly. Whether the answer is yes or no, I think the workers deserve that. I think that if workers were apprised of those Meredith principles, they would scoff at whether or not some of them are actually principles that are supported in actions by WCB, but I think they would all agree that having their claims dealt with quickly and fairly is extremely important to them.

The changes to the bill that the amendment from our colleague from Edmonton-Glengarry would make I don't think are so significant that they should in any way cause the bill not to be supported or cause discomfort on the part of the mover of the bill. I think we can all understand that we would feel more comfortable if we were able to consult with our colleagues about proposed amendments like this, and I would suggest, as one of the previous speakers has done, that it could be adjourned and brought back. But I would encourage members to support amendments like this that would help claimants have their concerns dealt with quickly and, in this case, by a disinterested third party. That would help, I think, build confidence among workers that the WCB does deal fairly with their claims.

Thanks, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Edmonton-Glengarry on the amendment.

MR. BONNER: Thank you, Mr. Chairman. I'd just like to conclude with a few statements as to why this amendment is so necessary. I think to get to that point, we have to get back to why, first of all, we had a workers' compensation act introduced in this province in 1918, number one, and what led to us having the Workers' Compensation Act. Of course, the two huge tragedies that happened very early in the 1900s in this province were the Frank slide and the Hillcrest Mine disaster, where we had 189 workers killed. Now, in both of these the major tragedy of course was the loss of life, but what else occurred were secondary tragedies where families were left destitute.

What we have right now with a very low percentage of our workers here in the province are secondary tragedies, where families and children are having to pay a huge price because of a process that is in place in the Workers' Compensation Board, which is slow, which is inefficient, and which certainly is not meeting the needs of a very, very small number.

Now, in 1996 we had only 119 cases that went as far as the Ombudsman. In 1996, Mr. Chairman, I believe there were somewhere in the neighbourhood of 90,000 claims made to the Workers' Compensation Board. Because of the great increase in our economy here in Alberta, it's estimated that we're going to crack 100,000 injuries that WCB has to process this year. Even if this number were to rise to 120,000, 130,000, 140,000, that is a very, very small number of medical panels to be called. Of course, this deals with those types of injuries that the Workers' Compensation Board lists as hard cases, cases where they will take specific caseworkers and apply them to those individuals. These caseworkers are not sympathetic; they are not going to rush out and solve these people's problems. So it grinds and grinds and grinds, and we destroy people.

What this amendment will do is, first of all, raise the bench-

mark for the type of work put out by WCB, by their claims adjusters, by their medical advisers, and it will make the whole system more efficient. Again, we are talking about a very, very small number, less than one-tenth of 1 percent.

The secondary tragedies that I talked about earlier were the time delays: time delays which eat up money, time delays that eat into a person's sanity, time delays that eat up a person's self-worth. So we have the walking wounded on our streets, and everyone in this Assembly gets at least one of these persons in their office per year. I feel that this amendment will certainly increase the efficiency. It will certainly decrease the amount of costly time delays. It will make our entire system much more efficient, and it is especially important when we are dealing with something like the WCB, which, as we've heard over and over and over in this House, operates at arm's length from the Minister of Labour and are accountable only unto themselves. If these claims were being handled in an efficient and just manner, then there would certainly be no reason that we would require a bill of this nature.

So this amendment certainly will make this bill a better piece of legislation. It will make it much stronger, and it will certainly do an incredible amount of benefit for those injured workers who have not had satisfaction when it comes to dealing with their claims. What we are talking about here, Mr. Chairman, is fairness. I guess the best case scenario that I can bring is that in a survey done by the former MLA for Leduc, he had a case that was started in 1939 and was not resolved until 1991. That's certainly not fair to anyone. It is certainly a tremendous cost to society. So I would think that we should without a doubt pass this amendment.

With those remarks, Mr. Chairman, I would like to conclude my comments on the amendment. Thank you.

[Motion on amendment A1 lost]

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

4:40

MR. PHAM: Thank you, Mr. Chairman. I would like to join the debate on Bill 204 at the committee stage. For the last few weeks my office and, I believe, many other MLA offices have received many letters from many of the stakeholders. Many of those letters urge us to vote against this bill or to put a stop to this bill one way or another. I reviewed and I read each and every one of those letters very carefully, and I found something very amusing about those letters: many of them are identical. Some are from Calgary, some from Edmonton, and some from Lethbridge. They are identical word for word, and I couldn't help but think of a letter-writing campaign.

Mr. Chairman, before I go into the content of these letters and before I go into the concerns that were addressed in those letters, I would like to remind every member of this Legislature of the existing conditions that we have in Alberta. WCB has the monopoly. It controls all the employers out there. It determines exactly how much each employer will pay in the premium rate. Therefore, it is not difficult to understand that when WCB writes to these employers requesting them to oppose any legislation that touches WCB, these employers will be more than eager to comply. That may be the reason why we received so many letters coming from so many different employers but looking exactly the same. I hope that somebody at WCB is going to read *Hansard* today, because if they are going to do a letter-writing campaign next time, maybe they should do a better job of trying to personalize these letters so that it looks like they come from the employers themselves.

There are two main reasons why these people are opposing Bill 204. The first main reason is they say that many of the points raised in this bill are already in WCB policy and therefore need not be restated in legislation. I have problems with that reasoning, because if something is right, regardless of where it is, whether it is in policy or whether it is in legislation, it is still right. If it is the right thing to state in the policy, then it should be the right thing to state in the legislation. If anything, we should make sure that it is in the legislation so that if somebody wants to change the right policy, they have a tougher time to do it. If it is only in the policy, then maybe when new management or someone else coming in may try to change it, it is a lot easier for them to change it. So that first argument obviously doesn't make sense to me.

The second argument that they say is that because this bill has not gone through a full consultation with the stakeholders, because WCB is doing that right now, we should wait two years until the consultation is completed so that we can address this issue at that time. I have great concern with that idea. Every one of us in here can wait. I can wait two years. Mr. Chairman, you can wait two years. But I think that many of the injured workers cannot wait. I don't think that their families can wait either. If it is the right thing to do today, it will be the right thing to do tomorrow. If at the end of the public consultation, at the end of the consultation with the stakeholders we do find that it is the wrong thing to do, I will be the first one to volunteer to bring back amendments to change these things. But I don't think that it is the wrong thing to do, simply because of the letters and the problems that we encounter.

Many people will question why I have been following with a high level of interest WCB problems and WCB policy over the past few years, and I can assure them it is not because of political gain. Many of these injured workers, frankly, do not vote for the government.

MR. DICKSON: They vote Liberal.

MR. PHAM: They do not vote for Liberals either. Many of them are so sick and in such difficult conditions that they may not even be able to vote.

When each of us takes office, we do that with pride. We do that with the pride of helping others who are less fortunate than us, to fend for the people who cannot fend for themselves. Every time we stand up against WCB, we always have the letter-writing campaign, the employers complaining, and there's always a political price to pay. But if we don't do it, who else will? Each of us has to ask ourselves that question. It is not easy to stand up against WCB. It's not easy to take all of this flak, but we have no choice. Imagine how difficult it is for us to do that. Then you can see how difficult it is for an injured worker who is going through health problems, financial problems to try to find justice with a system that has no accountability.

Mr. Chairman, four years ago when I was first hit with three or four cases with WCB, I was sending them through the system, monitoring them to make sure that those workers were treated fairly. After I found out that they were not treated fairly, I went to the WCB and raised several issues with them. This was way back in 1995. To my dissatisfaction and to my disappointment WCB has not dealt with me in an honest way.

They used at that time a survey to claim that 85 percent of injured workers were happy with WCB service, and I asked them more than once directly: was that survey done in a neutral,

unbiased way, and was everybody included? They gave me the assurance more than once that it was done in a neutral and unbiased way. It took me two years with every trick in the book that I could use and with every piece of power that I could gather to finally make them release that questionnaire that they used in the survey. Right there in questions 1 and 2 they kick out everybody who is a long-term injured worker. That survey is only used explicitly for the short-term injured worker. With that kind of practice, with that kind of trick that they play, how can they expect lawmakers, how can they expect any Albertan to trust that organization?

Today WCB has a monopoly. Their budget is being paid for by the employers. Their budget cannot be scrutinized by anybody, by us in the Legislature. They can do almost anything that they want. I think that this Bill 204 is only the first step of many steps that we will have to do to bring back some accountability to this organization. Many people have suggested that an independent review is the best way to deal with WCB because it is not the only problem that they have. I myself would like to put this thing on the table but put a hold on it for now.

4:50

I hope somebody at WCB does read the *Hansards*, because we are being pushed to the limit, every one of us in here – and I say many of my members, not on the other side. Our patience has limits. They should never forget that this Legislature gave them the monopoly, and this Legislature will take that monopoly away if we find that abusive actions are being done by the board. Today I think that we are on the last leg of doing that. The line between calling for that public, independent review is very thin, and WCB needs to step only one step further. We will do everything that we can to invoke that right.

One of the problems that many of the injured workers are encountering in their medical file is the thing called pre-existing condition. None of us has the perfect body. Today if they take my body and go and X-ray it, I bet that they will find something wrong with me, but I am healthy and living and working every day. If some unfortunate thing happens to me and I have to rely on WCB and if I am a long-term injured worker one or two years down the road, a WCB medical expert will pull my X ray out and will say: Hung, you have this condition; therefore we're not responsible for your injuries.

It's very, very difficult to argue with WCB medical panels, Mr. Chairman. But they forget one thing. In medical science there is nothing absolute; you only have medical opinions. When you have medical opinions, you always have different opinions, and it is almost impossible to tell which opinions are correct and which opinions are not correct. That is why I believe that in WCB policy we have a thing called benefit of the doubt policy. If that benefit of the doubt policy is applied properly – that is, to give the workers the benefit of the doubt whenever we have conflicting medical information – we would have never had the problem we have today in the Legislature. We would have never had to bring in this Bill 204. I think that the hon. Member for Calgary-Egmont has a lot of courage to bring up a bill like this, and I understand that he has gone through a lot to be able to take this bill to this stage. For WCB to write a memo saying that these policies are already in the policy or in the current legislation – I tell them that that is an insult to our intelligence.

Every day we deal with all kinds of constituents who have all kinds of problems ranging from A to Z. I don't mind at all dealing with an issue that we have some control over or that we have some responsibility for. WCB issues are a strange set of problems by themselves. On the one hand we have no control at all over the WCB, but every time they screw up with somebody,

they end up in our office blaming us for what happened to them. Mr. Chairman, I feel that we are partially responsible for those people because we do give the WCB that monopoly. It makes me feel really upset when we try to improve the situation by bringing in I think very mild amendments like these amendments in Bill 204, and the WCB uses all of the power that they have over the employers trying to stop them. If we review these two amendments closely, we will see that they are not asking for the moon. They are only asking for the most reasonable way for the workers to fight for what is rightfully theirs.

I would urge every member of the Legislature to review very carefully the letters that you received opposed to this legislation to draw the conclusion for yourself whether those people wrote the letters because they have read the bill or because they are acting on recommendations and are just writing a letter that something else recommended to them. Act in a responsible way. In the name of injured workers and their family members who are being hurt every day, I ask you to please vote for this bill because it is the right thing to do.

Thank you, Mr. Chairman.

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

MR. MacDONALD: Thank you, Mr. Chairman. I rise to speak on this Bill 204 again. I have some further questions in committee regarding this bill and this initiative that's been put forward by the hon. Member for Calgary-Egmont.

We are proceeding with another discussion and another debate here about the WCB, its relationship with the Department of Labour, and that relationship with the injured workers of Alberta. As I was entering the House this afternoon, I met one of those injured workers, Mr. Manuel Januario from north of Edmonton, the president of the Provincial Injured Workers Coalition of Alberta. He was hoping to be in the gallery to hear this debate this afternoon, but I believe he's at the Royal Alex hospital in support of the LPNs who are on job action up there. I don't see him here. But he and his group have a very, very active interest in the proceedings of this House, in particular regarding this bill.

Now, in the past we have heard various statements about the independence of the Workers' Compensation Board. I was alerted in a release that was made by the independent federation of small businesses regarding the financing of certain programs in the Department of Labour that there was a transfer of money for OH and S programs, educational programs for workers, from the Workers' Compensation Board. If the hon. Member for Calgary-Egmont can clarify this for me, I would be very, very grateful. If this is indeed true, how much money is going into these accident prevention programs? How much of this money is going from the Department of Labour to educational programs for workers to prevent, for instance, back injuries?

We know from past experience, each and every hon. member in this House, of constituents coming to us with stories that lead us to conclude that there is not a great deal of confidence in the appeals process by the injured workers in Alberta. Now, Mr. Chairman, when we're looking at this bill, we think of \$2.5 million that's going to be spent on yet another review outside this Assembly that's going to take place to look at this problem but not specifically at this problem as it is directed. I once again would like to congratulate and encourage the hon. member for standing up and speaking out on behalf of many of the injured workers in this province.

5:00

This workers' compensation review that is to take place is a

two-year review. There are to be consultations throughout the province, as I understand. They're going to be divided up into different levels. But there is going to be no review that's going to include this appeals body. I have concern about that, particularly with that amount of money being spent. This review perhaps would shed more light on this problem, Mr. Chairman. This bill, as it sits here – perhaps we should wait and expand this \$2.5 million review, look at every detail that's in this bill. We've got a little less than two years to do it, from what I can understand, before this is going to report in February of the year 2000.

There are going to be various consultations taking place throughout the province: Hinton, Grande Prairie, Lloydminster, Fort McMurray, Calgary, Red Deer, Medicine Hat, Edmonton, and of course Lethbridge. If we are to go this route and expand that \$2.5 million review committee to look also at what's wrong with the appeals commissions, the tribunals that are set up – perhaps this is the route we should take. If we look at the time frame and the major consultation events that are to occur in the next two years, there's ample time in there. There's going to be a telephone survey, from what I can understand. There are going to be workshops. Let's get everyone involved. Let's get the Injured Workers' Society involved in this and give them a direct say in the proceedings. We can talk about this further.

As early as 1995 there was a review of processes regarding WCB and appeals. We must dust off those reports and have a look at them. I'm sure the hon. member considered those when he was looking at drawing up this bill, particularly in regard to his medical panels. In the discussion on medical panels, Mr. Chairman, the idea of physicians looking at this – a physician for the injured worker, a physician for the company, whatever is going to be done – is an idea that has merit.

I would conclude that we should leave this bill as it is and see the consultation process throughout the province. If we're going to spend the money, let's listen to the people: listen to the employers, who are paying the premiums, listen to the workers, listen to the medical community, and also listen to the workers, Mr. Chairman, who have fallen through the cracks in the system and now are living rather painful lives. All one has to do is go to one of the meetings these injured workers carry on on a regular basis to know that the system has failed them. Anything that will improve the system and improve the lives of these workers, I will support.

With those comments, Mr. Chairman, I shall take my place.

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

MS PAUL: Thank you, Mr. Chairman. In speaking to Bill 204 in committee, I again will commend the hon. Member for Calgary-Egmont for bringing this bill forward. I think it's very timely. I think the Workers' Compensation Act is one of the oldest acts and is still in use obviously today. It was proclaimed law in Alberta in 1918. The basis on which the act has been in use is the Meredith principle. It sort of outlined an understanding that workers would be insured through an employer-based, no-fault insurance fund in exchange for giving up the right for them and their dependents to sue their employer for job-related injuries, diseases, or fatalities.

The Workers' Compensation Board has been at the centre of a number of controversies, often involving employee assessment rates or the level of Workers' Compensation Board pensions provided to workers. I think, as I mentioned during the discussion on the amendment brought forward earlier, the offices of MLAs are quite often inundated with constituents that are trying

to secure workers' compensation due to an injury in the workplace, obviously, or some sort of compensation.

It has actually long been prevalent that a lot of injured workers are not satisfied with the report that comes back or the decision made by Workers' Comp. They don't believe that the WCB has taken into consideration the full severity of the injury or disability, and therefore they haven't provided them with rightful entitlement. That, Mr. Chairman, is really stressed in a lot of cases.

The hon. Member for Edmonton-Glengarry mentioned that a case started in 1939 was only resolved in 1991. That just gives you one obviously extreme example of the postponement of some sort of settlement for that individual.

I think, Mr. Chairman, that when you have an extra panel or another panel of people in authority to make a decision, even though it is made up of two medical personnel – obviously a medical opinion is just that. With every opinion that goes forward in the medical field, the opinions obviously vary. There has to be some sort of concrete decision-making done by Workers' Comp, and I think that this extra panel just gives all workers that are in crisis, that need to be listened to – quite often that is the thing that is deemed necessary when you're dealing with people who for whatever medical reason are not able to keep working in the workforce, that some sort of settlement or compensation is necessary.

There is also frustration that is often exhibited when the worker's claim is supported by their own doctor, but then the board turns around and chooses to only listen to the opinion of their own medical specialist. I think that with this extra panel obviously there is another avenue. Quite often cases are so severe and the frustration mounts and it leads to violence, which has been seen in Workers' Compensation offices. There have been suicides and shootings as recently as 1994.

5:10

Mr. Chairman, I support the concept of requiring the Workers' Compensation Board to use the medical panel. Obviously the panel will include at least one doctor who is appointed by the injured worker, and as the final dispute and the severity of the injury is discussed with that person that is one of the members of the panel, I think that shows that there is some rapport with the injured worker and the medical practitioner, and that rapport can be reflected in the outcome and the decision that panel would make.

Mr. Chairman, I think that Bill 204 has a lot of merit and is very timely. There are a number of changes due to the economy, due to accessibility, due to the numbers of injured workers in the province, and I think it's timely that it be addressed. It's unfortunate, I believe, that it has to be brought to the Legislative Assembly because of the uncertainty and the unrest with decisions that have been brought forward, and I hope that the Workers' Compensation Board sees this as an act taken in good faith and that they see the merit in an avenue such as this.

With those few comments, Mr. Chairman, I'll take my seat and let the discussion continue.

Thank you.

THE CHAIRMAN: Okay. The hon. Member for Calgary-Egmont.

MR. HERARD: Well, thank you very much, Mr. Chairman. I want to thank all of the good comments that have come with respect to the clauses of this bill. I did want to say a couple of words about the medical panels because I think it's important to

understand the difference between what is being recommended by this bill and what is currently in practice. I'll do that by sharing with you a conversation I had with an injured worker who announced to me a few days ago that he would be one of the very first people to receive one of these medical panels that in fact WCB – and I've said it before in debate – had implemented in their policy. I said, "Please explain to me how this is going to work," and he said, "Well, first of all, remember I'm from Calgary." So he's a Calgarian. He said, "Well, I get to pick one doctor out of a list of three that they gave me, and they're all in Edmonton." Okay?

Now, that's the process currently in place. Well, I'm sorry. The panel currently in place is a panel of two, so how are you going to get agreement with respect to the medical facts? We need at least three. We need the injured worker to be able to pick the doctor that he wants to have there. Any court of law – and let's not forget that the WCB is in fact a quasi-judicial body – wants to have the best possible evidence before it, and the best possible evidence isn't somebody who hasn't seen the file or who receives documents transmitted to them electronically and comes up with some sort of an opinion. The best possible evidence is the doctor who treated that injured worker, and that's why we need to pass this into legislation, so the process is fair.

With that, hon. members, I'd call the question.

[The clauses of Bill 204 agreed to]

[Title and preamble agreed to]

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

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

The hon. Government House Leader.

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

[Motion carried]

[The Deputy Speaker in the chair]

MR. SHARIFF: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 204. Mr. Speaker, I wish to table copies of all documents tabled in the Committee of the Whole on this date for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that the House now stand adjourned until 8 p.m., when it reconvenes in Committee of the Whole if I'm not mistaken.

THE DEPUTY SPEAKER: The hon. Government House Leader has moved that the Assembly do now adjourn until 8 p.m., when we meet in Committee of the Whole. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[The Assembly adjourned at 5:18 p.m.]

