

Legislative Assembly of Alberta

Title: Tuesday, April 28, 1998 **8:00 p.m.**
Date: 98/04/28
 [The Deputy Speaker in the chair]

THE DEPUTY SPEAKER: Please be seated.
 May we briefly revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?
 The hon. Member for Calgary Glenmore.

head: **Introduction of Guests**

MR. STEVENS: Thank you, Mr. Speaker. It's indeed a pleasure to stand this evening. In fact it is the first time since being elected to this Assembly that I have had the honour of introducing a resident of Calgary-Glenmore to you and through you to this House. Rosemary Fennell is a long-standing resident of Calgary-Glenmore. I'd like Rosemary to stand this evening so that she might receive the traditional warm welcome of this Assembly.

THE DEPUTY SPEAKER: The hon. Member for Livingstone-Macleod.

MR. COUTTS: Thank you very much, Mr. Speaker. It, too, is my pleasure to introduce to you and through you this evening a very good friend and constituent from the very fine town of Pincher Creek. Carol Brown is seated in the members' gallery. I would ask her to please rise and receive the traditional warm welcome of the Assembly.

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

Bill 13
Alberta Personal Property Bill of Rights

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader.

MRS. BLACK: Yes, Mr. Speaker. It is with pleasure that I move on behalf of Mr. Hierath Bill 13, the Alberta Personal Property Bill of Rights.

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

MS OLSEN: Thank you, Mr. Speaker. I'd just like to make a few final comments on this bill. I am not going to stand in support of this bill in third reading. The apparent objective of this bill is to ensure that title to tangible personal property in Alberta shall not be taken without reasonable compensation. I'm not sure how this bill accomplishes that objective. I don't see this as anything more than a slogan bill. It's not going to prevent the province from dealing with anything federally, as was alluded to by the mover of this bill. It won't help people who are upset with the federal government over the Alberta Wheat Board. It won't allow the province or the feds to compensate anybody who loses their grain. That's something that is a fallacy that has been put out about this bill. It won't do anything in relation to federal gun control, and that's another fallacy. So I question why we have this bill.

I just want to quote the mover of this bill, the hon. Member for Cardston-Taber-Warner. He made some comments in relation Bill 19. What he stated was – and I'll quote this: I don't really think this bill will do anything or change anything; it sounds good, but it isn't going to do anything for people. End quote.

Now, I would bet that Bill 19 will do a lot more for people than Bill 13 will do for anybody in this province. The exemptions in Bill 13 are so many that it becomes a feel-good, do-nothing bill. This is the bill that's a feel-good, do-nothing bill, not Bill 19. This is the bill that nobody from the other side has spoken in support of, and I am not surprised. I would hope that nobody would rise to speak in support of this bill, because it does nothing. It does nothing at all. This bill really amounts to nothing more than a little bit of fed bashing, and it's to try and scare the federal bogeyman away. It's really unfortunate that we have other bills to debate in this Legislature and that this bill, this slogan bill, gets presented as something of a substantive nature. I just have a lot of difficulty with that.

If this bill is enacted, it's not like the Charter. It could be repealed by the government of the day at any time. Any enactment can have a clause that says that it applies notwithstanding this bill, and I know that the government side is familiar with that word "notwithstanding." And the Lieutenant Governor in Council can make a regulation at any time exempting something or excepting something from the application of the act.

That really means that this bill here holds no weight and actually is an attempt, I think, to satisfy the odd constituent the Member for Cardston-Taber-Warner has that may be concerned over the issue of federal gun control or the issue of the Wheat Board. To say that this bill is more valid than Bill 19 by stating that Bill 19 won't change anything – and he questions whether or not it will have any effect. Well, I want to question the relevance of this bill in relation to something as critical – as critical – to this province as the family violence legislation. Maybe he should stop and think a little bit about the devastation that's causing families in relation to issues of family violence, assaults, homicides, suicides, those kinds of things, and maybe not worry too much about what this feel-good, do-nothing bill can do.

With that I will take my seat, and hopefully somebody will speak against it.

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

MR. DICKSON: Thanks very much, Mr. Speaker. I'm happy to join debate, and if I hadn't been motivated before, certainly listening to my colleague from Edmonton-Norwood with an absolutely withering analysis of this sorry excuse for legislation, I'd clearly be motivated now.

I think that members even on the government side would be shamed, embarrassed into action to stand and put on the record their discomfort with this kind of a sham. This is sham legislation. The only value of this bill is nothing inside these meagre pages; it's the title. I can see it now. Government members are going to run around the province busy beating their chests proclaiming the Alberta Personal Property Bill of Rights and what a grand title that is. What a grand title. There may be some unsuspecting Albertans who don't have the benefit of reading that withering analysis by my colleague from Edmonton-Norwood or have had the benefit perhaps of even reading the text of the bill who may get taken in. This is the sort of thing that reminds us of the charlatans traveling around in the early days of Alberta,

selling whatever they had and then leaving town before the defect in the product was evident.

The government is too anxious to pass Bill 13, and the longer the House sits, the greater the chance that there'll be more public scrutiny of this empty, vacuous bill that's in front of us now. Why do I say "vacuous"? Mr. Speaker, the difficult thing is that as we go through all of the mighty seven sections here – and we discount the one that talks about "this Act binds the Crown," subject of course to everything in section 2 and section 3 and section 5. In fact, what we find is that to try and make some sense of the bill, one section refers to a set of exemptions and another section makes that provision subject to the exemptions.

8:10

We look at section 5, and the reason I like section 5 is that it demonstrates, Mr. Speaker, why the government was never serious about living up to the billing in the title of Alberta Personal Property Bill of Rights. It provides that

the Lieutenant Governor in Council may make regulations exempting any matter, provincial enactment or provision of a provincial enactment from the application of section 2.

One would have to ask: if in fact it was important to the Minister of Health and his colleagues or the Minister of Economic Development or the Provincial Treasurer, if they really felt strongly about protecting the property interests of Albertans, how could you allow the cabinet just by executive fiat, by a mere order in council to exempt other statutes? What makes that really interesting is that it's absolute total unfettered discretion. There are no objective criteria that have to be applied in determining whether something can be exempted or not. It's entirely at the whim of the provincial cabinet. So there is no point.

You know, the constituents in Calgary-Bow are probably wondering about what a mockery Bill 13 is. It's hard to muster anything other than disdain for such a shallow excuse for legislation. One might see a bill like this coming forward drafted by a private member wanting to do a little boasting back home in his or her constituency, and one might imagine that a private member's bill might come forward with this sort of nonsense in it. It may be under the name of a private member, but clearly it's a government bill. It's been adopted by the Minister of Justice, who stood up and announced with a straight face that he wanted to move this onto the Order Paper as a government bill. Well, it's preposterous, Mr. Speaker.

In fact, in some respects I applaud the government's cleverness. In a Legislature where we have seen bills come along to invoke the notwithstanding clause, Bill 37 to allow the licensing of private hospitals, I can understand the value in a diversion. I can understand the value in a straw man that you set up and assume that the opposition are going to tee off on because it's such an absolutely absurd piece of legislation. But what happens, Mr. Speaker, is that at some point the government has to acknowledge that it's a ruse – it's an absolute ruse – that there's no genuine intention to protect the property interests of Albertans. If there were, they'd be coming about it in a comprehensive way, not with this empty, empty shell of a bill.

I think surely this is the time when we can say: the emperor has no clothes; Bill 13 doesn't do a darn thing. Maybe this is a time the Member for Cardston-Taber-Warner can stand up and tell us that this is the end of the prank, Mr. Speaker, that this was his April Fool's joke, he's had as much fun as he can exploit from this sorry excuse for a bill, and now he's going to advise that the government is going to torpedo this thing, put it through the shredder. Of all the things the government shreds – let's destroy

Bill 13 and all copies of it so that future legislators won't come back and look and reflect with some disappointment on our ineptitude in passing and debating a bill of so little substance. [interjection]

My colleague from Edmonton-Calder mentioned a model parliament. It puts me in mind, Mr. Speaker, that this morning in Calgary I was part of a model parliament at John G. Diefenbaker high school. Do you know what was interesting? I looked at the policy resolutions that these young people were debating. They would have been embarrassed by Bill 13. They were dealing with substantive bills that affected Albertans. They had a bill in terms of health care and adequate funding of health care. They had bills in terms of important constitutional questions. They had thoughtful bills in terms of public education. It's only in the mother Legislature, in this place supposedly run by adults for adults that we find this bit of empty puffery.

I'm not sure that there's a whole lot else that needs to be said. There may be some other members that want to disassociate themselves from this bill. If there are any lawyers in this province, if there are any thoughtful students of the Legislature that had any lingering doubts about the competence of this government when it comes to lawmaking, any lingering doubts – and that number has shrunk dramatically in the last two and a half months, I can assure you – they have only to look at Bill 13, and that surely has to be the backbreaking straw.

Mr. Speaker, maybe this is the sort of bill that warrants a standing vote. You know, people always ask: do the government members find it frustrating when they have to troop in for a standing vote? Well, sometimes it's important that people can't hide behind the government. When individual MLAs go back to their constituents, whether it's Calgary-Currie, and I know that people in Calgary-Currie understand what foolishness Bill 13 is, or Medicine Hat or Calgary-Mountain View or any of the other members here – maybe it's important that every legislator in the Assembly has to be identified in terms of whether they accept and support this bit of foolishness. So maybe that's something to consider.

I'm looking forward to any further thoughtful commentary. I'm looking forward to the extent that there's something that's missed the scrutiny through second reading and through the committee stage and now through the first part of third reading. If there's somebody that can make a defence around this tired piece of legislation, let's hear it; let's put it on the record right now. If there's somebody that thinks that they can defend this to any rational person as a useful expenditure of the time of the Legislature, let's hear that, and let's put it on the record now.

It's interesting on this bill, Mr. Speaker, that the government members have been conspicuously silent, well nigh invisible in defending Bill 13. We have one member – was it a question of drawing lots? – the Member for Cardston-Taber-Warner, who has his name associated with this. Virtually every other member in the government caucus has to bear the collective shame of being complicit in this kind of nonsense coming forward on the floor of the Legislature. Is that what's going on, Mr. Speaker? I'm hopeful that the Member for Cardston-Taber-Warner isn't going to have to hang alone on this one. I'm hopeful that somewhere in that very thorough Conservative caucus bill briefing, bill review – it would be interesting to know. This must have come to a vote at some time. That's the really scary part. This is the same gang that was prepared to buy the line that suspending constitutional rights for 703 wrongful sexual sterilization victims was a mere technicality.

MR. MITCHELL: A legal technicality.

8:20

MR. DICKSON: A legal technicality.

You have to wonder: what kind of bill scrutiny? We've got smart people in the government caucus, smart people that should be able to see through this.

AN HON. MEMBER: Smart lawyers.

MR. DICKSON: You know, I'd challenge the Member for Calgary-Glenmore to go back to his former law office, one of the most prestigious and highly respected firms not just in the city of Calgary but in the entire province and perhaps western Canada, go back to his former colleagues and partners and associates and boast to them that he was part of the gang that brought Bill 13 forward. He sat there nodding with silent acquiescence when this came through their caucus process, their bill process and came in here. He sat in support of this bill.

Well, there are other members that have other perspectives they want to add. If members will forgive me for that perhaps not so brief rant, I'll look forward to further debate on Bill 13 to see what I may have missed.

Thanks very much, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Provincial Treasurer.

MR. DAY: Thank you, Mr. Speaker. It's been a fascinating passage of time since the Member for Calgary-Buffalo stood up. Just quickly to recap some of the references. The point I'm trying to make here – and I'll reference the bill. I need to reference the bill because the Member for Calgary-Buffalo did not once reference the bill nor the principle. He could have been talking about absolutely anything. He mentioned nothing. He did not verbalize the bill. Here's what he said: April Fool's joke, no genuine intent. So, again, he's questioning.

It's one thing to go after a bill on its merits or indeed on lack of same, which should be done. Absolutely. But to say: no genuine intent, comparing all government members to charlatans traveling around the province trying to sell their wares, misleading, perpetrating this on unsuspecting Albertans, boasting, nonsense, saying it with a straight face – there's a difference here. The Member for Calgary-Buffalo is especially negligent in this area, but others have followed suit. Yes, pass him the bill; he's asking for it now.

I know that my comments will compel members, because they will now be compelled to address the merit of the bill, so finally we'll get some direct comment on the bill. He's got it now; okay. But, Mr. Speaker, there is a difference. There is a difference between debating the merits or lack thereof of a bill and insulting members who are supporting or not supporting the bill. It happens over and over again where we get away from the merits – and I've been guilty of it in the past also – of the debate and do nothing but insult and hurl the most insulting comments back and forth, and this is a classic case.

I hope those students to whom the Member for Calgary-Buffalo referred, that were involved in some kind of debate, will get a copy of what he I'm sure would propose to be classical debate. [interjection] Now, he says he referenced section 5. I didn't hear it, but I will take him at his word that there was the slightest and briefest of mentions. I didn't actually hear it, but I take him at his word. I don't stand here after a member has said that he did something and say, "You didn't," and not retract it. So I'll take

him at his word. I don't know how many minutes he went on and on and on in the most insulting language, but I take him at his word that there was a casual reference to one section.

Now, Mr. Speaker, for those who may not have read it – and there could be bills in this House that people actually have not read; I don't want to assume or presume that, because there's a lot of bills here – here is the essence. This is the principle of the bill. This is what members opposite say is a sham and say is disdain and nonsense. As usual with a piece of legislation, there has to be a list of definitions, and then there are situations that it's subject to and doesn't apply. But this is the essence of the bill: we have a member who is so concerned about the trend in governments, all governments, to overlook some basic fundamentals of justice and maybe unintentionally wind up acquiring property that is not theirs without compensating for it.

Now, isn't that an awful thing, that we would have a member who would be so concerned about the very real erosion and total lack of understanding about fundamental principles of justice and common law which is prevalent not just in Alberta but across the country and as a matter of fact throughout North America and out of that concern be willing to stand up and face abuse that is not based on one shred of merit of discussion and say, "You know, I think people should be protected"? So he writes that where

- (a) personal property is owned by a person other than the Crown, and
- (b) a provincial enactment contains provisions that authorize the acquiring of permanent title to that personal property by the Crown,

those provisions are of no force or effect unless a process is in place for the determination and payment of compensation for the acquiring of that title.

Isn't that a shameless thing to stand and say should be protected?

The member uses the words: April Fool's joke, shameless, no genuine intent. I'd suggest through you, Mr. Speaker, that the Member for Calgary-Buffalo should really apologize to the Member for Cardston-Taber-Warner, who proposed this bill. Go head to head on the merits of the bill . . .

MS LEIBOVICI: Point of order, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Meadowlark on a point of order.

Point of Order Relevance

MS LEIBOVICI: Thank you, Mr. Speaker. *Beauchesne* 459: relevance. The hon. Treasurer is going on and on and on talking about the fact that what should be happening right now is discussion on the merit of the bill, but all I've heard the Provincial Treasurer do is talk about other things that have nothing to do with the merit of the bill, which is what he says should be discussed in here. So why don't you start talking about the merits of the bill?

MR. DAY: Mr. Speaker, I'm pleased to say that the member obviously was not listening. I just read out the very principle of the bill, and I spent a fraction of the time that this member did talking about the words that he used. Only last night he stood here and talked about – what? – comparative ability of debate. Now, the Member for Edmonton-Meadowlark should have stood and ruled her own member out of order, because he did not talk about the bill. I would ask her: did you not hear me read that section? I've been standing here and expounding for some

minutes upon a member's sincere belief that there needs to be protection for citizens. Weren't you listening?

MS LEIBOVICI: Actually I was, but it took about five and a half minutes for you to get to that point.

THE DEPUTY SPEAKER: Well, certainly we have a difference of opinion. In some people's minds relevance is not unlike beauty: in the eye of the beholder. The chair has been wondering here for a considerable length of time. All hon. members know by reference to *Beauchesne* 640 or to *Erskine May*, pages 508 and 509, about third reading. Third reading is the same as second reading except in the important area that it is more restricted, being limited to the contents of the bill.

Now, the argument could be made on much of what has been said so far, and it's up to hon. members to draw attention to that. I think, hon. member, you've drawn this to our attention. I think what you have said has merit. What the hon. Provincial Treasurer has also added has merit in that others are sinning in this. I wonder if we could from this point forward through the rest of this bill deal with third reading as it is supposed to be dealt with, with what is in the bill – not what might have been, could have been, should have been – and its merit or its lack thereof.

Debate Continued

MR. DAY: Mr. Speaker, as I conclude my remarks, I know there'll be a rush to protect the Member for Calgary-Buffalo. But anybody wanting to review *Hansard* will see what a bankrupt approach to debate we've just heard. I applaud the Member for Cardston-Taber-Warner, who says: when governments go to take people's personal property, there had better be a place to determine the payment and the compensation for acquiring of that title other than when that person has broken laws. I think that's laudable.

You know, we live in a day where centralist, interventionist thinkers are trying to come up with all kinds of ways for what they say are temporary bits of security to take away people's freedom and liberty. It was Benjamin Franklin who said: any person . . .

MR. DICKSON: Point of order, Mr. Speaker.

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

Point of Order Questioning a Member

MR. DICKSON: *Beauchesne* 333. I wonder if the Provincial Treasurer would entertain a brief and pointed question.

THE DEPUTY SPEAKER: The hon. Provincial Treasurer can say yes or no. You don't have to give reasons.

MR. DAY: Yes, I will, as soon as I'm finished.

8:30

Debate Continued

MR. DAY: Mr. Speaker, it was Benjamin Franklin who said that people who will give up liberty for temporary security deserve neither liberty nor security. I am proud of the member from Taber who stood up for liberty and for people.

THE DEPUTY SPEAKER: May we have permission to briefly revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? Carried.
The hon. Member for Livingstone-Macleod.

head: Introduction of Guests (reversion)

MR. COUTTS: Thank you, Mr. Speaker. Thank you for the indulgence of the House so that we can complete the dynamic foursome that's up there and make the introductions complete.

It gives me great pleasure to introduce to you and through you to members of the Assembly on behalf of the hon. Member for Lesser Slave Lake a constituent of hers, Irene Salisbury, who is here this evening, and on behalf of the hon. minister of agriculture, Edith Sawadiuk from Vegreville. I'd ask them to please rise in the members' gallery and receive the traditional warm welcome of the House.

head: Government Bills and Orders head: Third Reading

Bill 13 Alberta Personal Property Bill of Rights (continued)

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

MS BLAKEMAN: Not on the question.

THE DEPUTY SPEAKER: Hon. Member for Edmonton-Centre, did you want to enter debate? I presume that the Provincial Treasurer is finished. No?

MR. DAY: Yeah.

MS LEIBOVICI: But Gary had a question; remember?

THE DEPUTY SPEAKER: Well, the way that that runs is that the member, before sitting down and ending, has to hand off to the member. He didn't do so, so there is no question after the fact.

Edmonton-Centre, if you'd care to debate.

MS BLAKEMAN: Thank you, Mr. Speaker. Well, it was most interesting to have, as far as I can tell, the second speaker from the opposite side of the Chamber to speak to Bill 13, the Alberta Personal Property Bill of Rights. I was hoping for elucidation, illumination on this. I understand that the member who spoke before me is looking for liberty for people and believes that that is encased in this bill, which is interesting, because it is called the Alberta Personal Property Bill of Rights, which I think is about property.

I'm very interested in consistency. This is a government that wants less interference, less legislation, but we are certainly getting more legislation with what is proposed in Bill 13. Obviously they feel there is a need to put in place legislation that would require compensation for property that's taken. I think all the way along the question has been asked: what exactly is this bill trying to cover? What is it trying to do?

We have what it's not able to do. It does not apply in respect of any money that's taken from people by way of taxes or levies or royalties, not where the property is acquired or retained by the Crown if this is in payment of a penalty, in other words, or a fine or a charge or a sheriff's seizure or if the possession of that property by its owner constitutes the violation of some enactment. So I can see a number of exceptions, but not much in this bill that actually lines out what it is attempting to achieve.

It doesn't apply to any federal jurisdiction here, so one takes that it would only apply to a fairly narrow focus of provincial legislation where that is involving some sort of taking of personal property that doesn't fall under any of the other things I've already outlined. Again, a very, very, very narrow focus.

I'm surprised and I have to say a little disappointed in the government. When there's still, I think, a question of caring for people and much to be done in caring for people, it seems important to the hon. members on the other side to care for things before people. I would suggest there's much work to be done in health care, home care, children's services, students, education, seniors, the homeless, the small business owners, with human rights legislation, but it seems mostly to be concerned – I'm trying to decipher my notes that I was trying to take when the hon. Member for Red Deer-North was speaking. He seemed to feel that it was concerned with fundamental issues of justice: payment of compensation and protecting people's property. I feel strongly that there is much that could be done in advance of that to protect people.

If I might ask a question: what specific additional protection of property is available beyond the plethora of common law and statute laws, protection which is already afforded Albertans? That, I believe, was the question that the hon. Member for Calgary-Buffalo would like to put to the Member for Red Deer-North. So, now we have the question on the record, and perhaps he'd like to answer that in some way.

So, those are the few comments that I wanted to make on section 13. There have only been two members that have spoken to it, and I can't say that it has enlightened me much on what exactly the bill was trying to accomplish and what specific examples any of the members on the other side could see this bill, coming into force, what situations it might apply in. I've read *Hansard*, and I've listened to what's been said. Those questions have not been answered. So I would love to have the opportunity in this final and third reading of this bill to have any of those questions answered.

Having said that, I'll take my seat. Thank you, Mr. Speaker.

[Motion carried; Bill 13 read a third time]

Bill 24

Medical Profession Amendment Act, 1998

MR. JONSON: Mr. Speaker, I move third reading of Bill 24.

MR. DICKSON: Mr. Speaker, just speaking briefly to Bill 24. I wanted to thank the Minister of Health for the flexibility he demonstrated in debate at the committee stage on this bill. This was the bill where we were trying to reconcile a couple of different interests, the one interest being alternative medicine practitioners' concern that in some fashion they were going to be treated differentially and they were going to be in some fashion treated unfairly by the College of Physicians and Surgeons. On the other hand, we had the College of Physicians and Surgeons embarking on an innovative program to try and raise the quality

of the communication and accountability of medical health professionals – both those concerns genuinely held.

I want to specifically applaud the Minister of Health's flexibility for (a) acknowledging the concerns that Albertans were expressing and (b) for attempting in a sense to countenance some amendment of the bill to try and address those concerns. We don't always see that same measure of co-operation, and when it happens, Mr. Speaker, it deserves to be recognized and applauded. The Minister of Health, I think it should be acknowledged, provided some real responsiveness to an issue that had raised a lot of anxiety and a lot of concern.

Not that the process is complete, but the key with this bill is that there's going to be, I think, a three-year review that's going to be undertaken by the council of the College of Physicians and Surgeons. Those people who are concerned with the way the bill is going to be used, I encourage them to monitor the use. Those physicians who have questions and concerns about the bill, I encourage them also to ensure that the college council hears those concerns and ensure that when the bill is monitored, it's done in a rigorous way at the end of the three-year time frame provided. Thanks again to the Minister of Health.

Thank you.

8:40

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

MS BLAKEMAN: Thank you, Mr. Speaker. This was an interesting bill, Bill 24, the Medical Profession Amendment Act. I think it was a good idea. I have certainly spoken before about my approval of a physicians' review committee. I think it's a good idea to have professionals be able to go through a peer review process to make sure that their skills are up to speed. There's a lot of new technology that is coming at us pretty fast in the medical profession. The opportunity to take upgrading or skill development or better patient relationships: there are a lot of things that are available for them.

I think it's important that patients understand or clarify their relationship with physicians in this day and age. We no longer view them as all-powerful human beings, and I think that's a good idea. We should be asking our physicians questions, and we should be encouraging them to participate in lifelong learning.

We all know that there was a great deal of concern with this bill, that the way it was written was going to negatively affect a second group of people here, that being those practitioners that are involved in alternative or complementary medicine or holistic medicine, however they choose to self-identify. I think the amendments that were put through have certainly gone a long way towards alleviating those concerns from those groups. That's certainly been the feedback that I have had from them.

As I said, the bill is not perfect. It was a good idea. I think the fact that there is a three-year review in process to review the legislation is perfectly appropriate. I trust that at that point we'll be able to fine-tune the bill if that's necessary. It's possible, as well, that the bill is not necessary at all. Perhaps with a bit of prompting the profession will take it on, and every individual doctor will choose to upgrade on their own. I think I'm being a little hopeful there. Therefore, I'm not at all averse to the prompting that is possible to be given through the legislation as put forward in Bill 24. All in all, well done. I hope this legislation serves us very well.

With those few comments, thank you very much, Mr. Speaker.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I, too, would like to lend my congratulations to the Minister of Health for having taken some of the amendments that were put forward by my hon. colleague from Calgary-*Buffalo*.

MR. DICKSON: They were the minister's amendments.

MS LEIBOVICI: Weren't they yours first? From Calgary-*Buffalo* and then adopted by the Minister of Health. I remember that's what I read in *Hansard*, that the Minister of Health gave you credit for those amendments. Now that we've cleared that up, Mr. Speaker – a co-operative effort. It's come to the point where they're not sure who put forward those fine amendments, but they've come to an agreement on them. They did it together.

That is in part what this Assembly is about: to try and find the best way of providing legislation that protects and ensures that Albertans have the ability to in this case make choices in health care and to be protected when they go to their doctor's office and are assured that the services that they are receiving are services that are of a standard that is expected.

There are, however, some concerns that I understand still remain with the alternative medicine practitioners, some ideas that were not adopted by the minister, such as the three-year review, which in fact is not happening through the MLA committee that was proposed but through the college of physicians. With regards to Bill 24 and the principle of Bill 24, which is to ensure that individuals feel confident when they access the services of a physician, I believe that when we look at the broad range of medical alternatives that are now available to Albertans, in fact we may be undermining that essential principle of the bill by not ensuring that physicians who engage in alternative medicine do feel that they are included and part of and not suspicious of the intent of the college.

The minister, I'm sure, would like to feel that is not, in fact, something that is occurring. The reality is that there are imbalances, shall we say, between those that are providing alternative medicines, whether it's chelation therapy, whether it's herbal medicines, homeopathic, the whole range, and those that are providing the traditional forms of medicine. We are in a rather unusual situation right now in terms of where medicine will be going over the next 10 to 20 to 30 years as more and more people take what used to be in the realm of physicians into their own hands and try to find cures, try to find ways to ensure that they lead more healthy and productive lives.

So the intent and the principle of the bill are sound, to ensure that there are performance committees, that there is peer review, but in fact an essential element has been left out, and that is the role and the provision of a comfort level to the large number of practitioners and physicians who are now providing alternative medicine. Now, I'm sure that most of the members in this Legislative Assembly were called by individuals who benefited from alternative medicine such as chelation therapy. I know that we received a fair number of phone calls in my constituency office with regards to that. It's unfortunate that in the spirit of co-operation the minister did not in fact ensure that their concerns were allayed.

The other major issue is the fact that on the review panels there is no alternative medical practitioner who has specific training in terms of evaluating the reviews that are occurring, and this again

would have been a small step forward to ensure that the alternative medical practitioners would in fact be assured that this bill does not turn into a witch-hunt. Those are exactly the words that were used to myself when the bill was first introduced. I know that there have been some good amendments made that have allayed some of the concerns, but the reality is that it has not gone the whole route, and it could very easily have been done.

So in fact I believe that though the principle of the bill is, as I indicated, sound, we've undermined the principle of that bill by not ensuring that those concerns by the nontraditional practitioners were fully taken into account. I understand that there is a three-year review period, and it will be interesting to see what the results will be in three years' time. Hopefully the concerns of the alternative medical practitioners will not be proven to be founded and in fact what we will see is a system that does work to ensure that the health care that individuals receive in this province is of the highest standard available.

8:50

Those are my comments with regards to this particular bill. I hope that by the passage of this bill we do not in essence drive some of the alternative medical practitioners underground. I think that would be a grave injustice that we will have done to the citizens of this province if in fact that is a result of passing this particular piece of legislation. I hope that as a result of this piece of legislation we have not given power to the college that can be misused. I am sure that the college knows that we as well as many others in the province will be watching very closely to ensure that that does not occur, and I have faith in the ability of the college to ensure that that does not occur as well.

Perhaps one of the things that the minister could look at is a suggestion that came from an Andrew Sereida – and it was sent to all Members of the Legislative Assembly – that indicated that if we do pass this bill, we should create separate legislation that specifically allows and protects the new category of natural, nutritional, holistic, complementary medical practitioners, and through the creation of that kind of legislation we would, in fact, be able to provide a choice for citizens in health care.

Those are my comments. Those are my suggestions, and I hope that the minister and the college look very closely at the above.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Castle Downs.

MS PAUL: Thank you, Mr. Speaker. I just have a few very, very brief comments with respect to Bill 24. In previewing the bill and looking at the merits of the bill and what the amendments would do, I think that when surveys are done by patients and/or doctors, we have to be concerned with the issue of confidentiality. I think that any review done by patients is something that puts a patient hopefully not in a jeopardy situation but in a situation where there has to be credibility laid on their behalf. I think confidentiality is very important when you address Bill 24.

I think the bill brought forward by the Minister of Health is timely. I think it has merit, and I thank him for bringing it forward at this time. As I said before, the confidentiality issue is one of the key highlights and areas that I would like to be pointed out and stressed, because when you have public input, absolute certainty of confidentiality has to be employed.

So with those few brief comments I will conclude my debate.

THE DEPUTY SPEAKER: The hon. Minister of Health to conclude debate.

MR. JONSON: Question, Mr. Speaker.

[Motion carried; Bill 24 read a third time]

Bill 35
Colleges, Technical Institutes and Universities
Statutes Amendment Act, 1998

MR. DUNFORD: Mr. Speaker, I'd like to move third reading of Bill 35.

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

MS OLSEN: Thank you, Mr. Speaker. I just briefly want to address the issue of the 30 percent cap. We've been through this. I've spoken to this. This bill will entrench in legislation the government's existing policy of ensuring that publicly funded postsecondary institutions' budgets must be structured such that the proportion funded through student tuition does not reach 30 percent of the net operating expenditure before 1999-2000 and does not exceed that percentage thereafter. Well, we already know that they're about 22 or 23 percent, so there's a whole 7 percent that tuition can go up. Let's not forget that the students are already paying one of the highest tuition fees in western Canada and of large institutions certainly one of the highest tuition fees across the country.

I have concerns that this is going to put added pressure on students, knowing that we can go up another 7 percent in their cap. At \$3,300 and \$3,400 already, you're just going to push it up and up and up until students can't afford to go to university. We've heard the new chancellor already address that. The new chancellor for the University of Alberta has already addressed the concern that a lot of kids are not going to have access to post-secondary institutions as a result of the fees and that there has to be some other options, looking for some other bursaries and grants and those kinds of things.

You know, we already know that our students make no more than 5 or 6 bucks an hour in a summer student job, so that doesn't allow them to save much money over the summer. Certainly when they're looking at tuition increases each year, they have to work hard and usually have two or three jobs, and that's a tough thing to do over the summer. So what we've done is effectively taken away any free time our young people will have as they struggle to get through university. We are also creating a larger gap for those students who come from environments where their parents can't afford to help them or maybe they are just disadvantaged from the outset and would have loved to have pursued postsecondary education but already know that that's not going to happen.

The other aspect of that is that when you look at the poverty that exists in this province and we look at students who want to go to university, you know, we don't do anything to push them there. Many times we end up with kids who quit before they get started. Some very bright, bright children who by the time they get to grade 8 or 9 just see that they're never going to be able to afford to go to university. Therefore, there is no impetus to even get to grade 12. We know what happens from there. They're on the downhill slide. What do we do to help them out? We cut social services. We cut all sorts of programming that could help kids

move forward. One of the biggest systemic barriers is cost of tuition fees for a lot of these kids.

So I don't believe this bill is going to answer some of the problems that we're going to run into and some of the questions that we're going to have down the road. We're going to be asking ourselves why we have blocked affordable education and accessible education to our youth. As the disposable income is reduced in families, it gets to be a burden. We know that the average net debt in 1985 for a student after completing four years of university was \$16,000. We know that in 1998 it's going to be \$25,000. Where's it going to be next year and the year after and the year after? We could add 7 percent onto that – 7 percent onto that – and our kids will be in trouble.

9:00

I don't think the 30 percent tuition cap is a real, achievable goal. It's certainly something that is going to be a barrier for our kids in the future. I would like to see something supported at a more reasonable level: 20 percent is it. A lot of these kids have to leave home and pay the costs of living away from home when they go to institutions. That, added to the cost of tuition and books, becomes quite a burden to them. The last thing they need to be worrying about is making money while they're there. So we need to see some realistic goals, and I would also like to see the minister with some real outcome and performance measures that are going to validate this 30 percent, because I don't think he can do it. I think there are going to be fewer kids going into the institutions as a result of this.

[Mr. Herard in the chair]

I know the hon. member and minister of advanced education wants to reach his 30 percent mark, so he's going to have that 7 percent gap closed pretty darn quick. I bet you by the year 2000 that gap is closed. Do you think you can do that?

In closing, I don't think this is a prudent move. I don't think it's wise at all, and I'd like to see some wise leadership from the hon. Member for Lethbridge-West and minister of advanced education. I'd like to see some great leadership from him, but I'm still waiting. So we'll see what happens. I'm hoping that we won't see that tuition move at all, but I don't know. I think this is a goal; right? This is a performance goal for yourself, 30 percent. You have to reach it.

With that, Mr. Speaker, I'll take my seat.

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

MS BLAKEMAN: Thank you, Mr. Speaker. Well, I'm rising to speak in third reading on Bill 35, Colleges, Technical Institutes and Universities Statutes Amendment Act, 1998. This government talks a lot about what it thinks government shouldn't do or doesn't want to do or what they don't want government to do but not very much about what they see government doing, responsible for, promoting. I believe strongly that higher education is something a government should be promoting, and I don't think that happens through Bill 35.

I think this bill moves so well along the road to making a postsecondary education much more difficult for our youth and our younger population. I think that what is being proposed in Bill 35 is short-term penny-wise and long-term pound-foolish. I think we will pay dearly for this in the future.

I notice that the hon. minister of advanced education has been

busy talking with the University of Calgary when they raised their concerns about the need for a higher number of high-technology students. The minister was proposing that there should be more industry involvement, that they should be putting money on the table, but I think there are some concerns that come out of that. If we're going to have to deal with a 30 percent cap and if that keeps rising, as is possible – costs always seem to go up here, not down, and certainly the cost to taxpayers and in this case students. So the minister seems keen on having industry fork over some of the money, but certainly in the examples we have in the States where industry gets involved in this or in other countries – and I'm thinking of Germany in particular – where industry is paying, they want focus stream students. They want students to go through the courses as fast as possible. They want students to concentrate absolutely on only what is being put forward, and they want nothing outside of the absolutely integral, necessary parts of a program. So none of this general arts stuff, none of this “let's have everybody be well-rounded citizens and take some other courses” involved. Just focus. That's what you get when industry gets involved in this, and I think that's what's going to end up happening. Obviously the minister is in favour of it. Obviously he's out there championing that more industry get involved in paying specifically for postsecondary education courses. But I don't think that helps us create a good population in the end. I don't think that gives us a wealth of experience that we can draw on.

Perhaps I might be allowed a question to the minister, a somewhat rhetorical question. Is his degree and all of his education specifically focused on being a politician? I might hazard a guess that no, it's not. Part of what makes the people in this Assembly good politicians is that they do have a wide variety of backgrounds and educational opportunities available to them that do make them good serving members of this Legislature.

Having a situation where the tuition is so high with a 30 percent cap that students cannot be affording it and we're bringing industry in to help shore up the cost of these courses does give us students who are very, very focused – and that's at industry's request – into a particular training. In this case we're talking about high-tech training. I fundamentally disagree with what is happening here. I'm not asking for higher education to be free. I don't think it should be. But I think it should be more accessible than where this bill is going to be taking us.

I understand that costs are going up, but I believe this is one function that government should be performing. I don't think they should be backing off from this and saying: well, you know, do the best you can. I think there should be solid support for education and for higher education, because I would like to grow old knowing that the people who are moving up the ranks and taking leadership positions after me have a good, well-rounded education and are not either unable to afford a higher education, period, or have been focused so narrowly into a stream that they don't understand anything else about what the world is doing.

I'm disappointed that we weren't able to look at a lower cap. Certainly the Liberal caucus has proposed on a number of occasions a 20 percent cap, which I felt would have been more reasonable. I do agree with my colleague from Edmonton-Norwood. I would like to see what is going to be coming forward in the department's performance measurements that is going to be specifically addressing the outcome of this bill. Perhaps you can prove me wrong. Perhaps you can show me in attendance figures higher enrollment, anecdotal experience from students that this was the best thing that ever happened, but I have to say that I fundamentally do not believe that.

I wish that this bill had not come forward. I don't think it's

going to help where we're trying to go as a province, especially when we look at high-tech industry, that area which we seem to be particularly needy of having students go into. When you look at the creativity that's involved, particularly in computers and computer programming for instance, again you're looking for someone who has a fairly wide background in order to be good at that kind of work. So I have to say I'm disappointed in this.

Thank you very much, Mr. Speaker, for allowing me this time to speak to Bill 35 in third reading.

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

MR. WHITE: Thank you, Mr. Speaker. I, too, rise and pick up where my hon. colleague from Edmonton-Centre left off. I, too, am disappointed from a number of aspects, the first of which is the government's insistence that students must pay more for an education.

I believe that currently the tuition across Alberta at most postsecondary institutions is somewhere in the order of about 20 percent of the cost of that education. Quite frankly, I believe when I was so lucky as to be able attend the university in this city, it was about a similar rate. It was not a great sacrifice on my part to be able to attain that, and perhaps that's why so many of us did.

But I believe that the Peter Principle comes into force here, and it goes something like: the space allotted will be filled by the time generated. This is a case in point exactly. What the institutions will look at and will see is that the space allotted to them is that 30 percent, and they will rapidly take it up. Now, that being the case and that sort of being the design of this bill – otherwise, it doesn't have any purpose that I can see – it's all meeting that same little tiny bottom line somewhere. I'd like to expand the argument by saying: look; what is the *raison d'être* of a government if it's not looking to the future? It's certainly not looking at the past. We are able to examine that and to make amends in some instances with some retribution, but most of the time we're supposed to be looking out there and saying: where do we want to get to from here?

9:10

Maybe I'm from Muskogee, I guess, but when it comes to education, that's one of the fundamentals, the principles on which you build a society. I'm not alone in that, of course, and there are many learned scholars that will relate exactly that premise to you.

I have a book out of our library downstairs that's a new book. It's called *Visions: How Science Will Revolutionize the Twenty-first Century*, and there's one quote in here that I have to read to you. It's quoted by Lester C. Thurow, who happens to be the former dean of MIT's Sloan School of Management, which is of course one of the noted schools of management throughout North America and throughout the world in fact, and in the 20th century certainly moved management systems way ahead of their time. He writes in response to a number of questions. His premise is that in the coming century, there will be a historic movement in wealth away from nations with natural resources and capital and to knowledge-based societies. He writes: “In the 21st century, brainpower and imagination, invention, and organization of new technologies are the key strategic ingredients.” In fact, many nations that are richly endowed with abundant natural resources today find themselves in a devastating downward spiral of frittering away their resources to those that have developed the

technology and the management expertise and therefore the assembled capital to reap the rewards of it.

I believe this piece of legislation is so horribly, horribly shortsighted. I've heard some of the justification from the minister, and it seemed to be all getting quickly right down to the bottom line and never dealing with what the bottom line affects and how it affects that. I think my hon. colleague from Edmonton-Centre said penny-wise and pound-foolish. This is precisely – precisely – what that saying speaks to. There is no better example than shortchanging an education for our future, because quite frankly I'm counting on the future being the students that are coming along to develop these technologies so I can live a life at least partly on the fruits of their labours.

Now, I don't know. Everyone here remembers, starting in this Legislature, we weren't allowed to have laptop computers. They were kind of archaic things, and they made noise. Today and 18 months hence there is an entire new generation of computers. Unless you're moving with that and on the front edge of that – and that's just one small area of scientific endeavour that has blossomed from the discovery of a number of theories and proof of theories in quantum mechanics. You don't sort of get there from here by juggling some kind of magic potion and throwing some alchemy up in the air and hoping something will come down. This is fundamental grassroots education from the fundamentals of physics, which is quantum mechanics, and some other imaginative works in the arts and culture, and combining these things. The synergy of all of this doesn't sort of fall out of this vertically challenged or vertically designed education system. It just simply can't be done.

Now, I don't know. I heard the minister go on at some length about his support – and I can take him at his word – for the education system that we have in the province now and the financial support that he wishes to add to it, but this bill has horribly, horribly compromised his position in my view and in the view of many others too. I would like to think that he had much more strength in caucus and in cabinet than this bill says.

Now, I have some background in science, and it has helped me a great deal in dealing with a lot of things, but it certainly doesn't help me dealing with, I believe, a fundamental error in direction of this government. It's totally and completely shortsighted, and this little wee thing called this bottom line, this fixation – I'm at a loss to understand why we have to look at these bottom lines and examine them in minute detail when the grand plan has no meat on it, no structure, nothing to say: okay; where are we going and how are we going to get there? This bill speaks to the worst possible motives for having any kind of a bill before the Legislature, and what it does is limit something. Yes, it limits the upward value of the amount that a student has to put to their own education, but what it in effect does is limit the effect of a postsecondary education system in this province. Quite frankly, it's more than disappointing. It disgusts me somewhat.

Thank you, sir.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I, too, rise to speak to Bill 35, the Colleges, Technical Institutes and University Statutes Amendment Act, 1998. As I read this particular piece of legislation and look at trying to address the principle of the legislation, because that is what third reading is about, I'm having a lot of trouble figuring it out. I'm not sure if this is a bill so that

the minister of advanced education can sit around the cabinet table and say: sorry, guys; this is all that it's going to be.

Speaker's Ruling Third Reading Debate

THE ACTING SPEAKER: Excuse me. Just to correct you. At second reading we deal with principle. At third reading we deal with what's between the covers of the legislation. So you deal with what you have and not what it could have been or should have been. What you have.

Thank you.

Debate Continued

MS LEIBOVICI: Well, what I have is a bill that doesn't have a lot between the pages, Mr. Speaker. That's the problem. This is government policy. So why are we now legislating government policy? Every one of the ministers can be bringing forward, the Minister of Health can be bringing forward – how much? What is the cap for the regional health authorities? The Minister of Education can bring forward percentages. This is a very strange bill as I'm looking through it.

As I look at what's between the pages, Mr. Speaker, what I see is that it says 30 percent unless the minister decides that that's not what he wants. So, again, we've got a bill that isn't. We've got a bill with a huge notwithstanding clause in it. So I really wonder what the point is of these particular pages other than a statement that the minister wants to make.

Now, I've got to at least give the minister credit. When the students were out on the steps of the Legislative Assembly a few months ago, the minister came out and on the spur of the moment decided that he would address that assembly of students. I think that's perhaps where he came up with the idea of the cap. So as a result, we end up with a piece of legislation that, as I said, has this huge notwithstanding capability within it. So, you know, the question is: what good is the piece of legislation if he can then waive it at whim?

What we seem to have here is a bill that talks about putting on a cap of 30 percent, unless there are reasons for that not to occur, in which case “the Minister may, by written notice to the board, waive the requirements.” What we don't have is the intent as to what will happen when this bill is in fact passed.

9:20

Now, I look at the tuition fee revenue for a place like, for instance, the University of Lethbridge, which I'm sure the minister is very familiar with. For the year 1996 to 1997 what we're looking at is tuition fee revenue as a percentage of net operating expenditure, which may or may not be what the 30 percent cap is on. We're not sure about that either, because it's not specified within the bill, within these pages. The University of Lethbridge is up to 28.9 percent. Now, it's not going to take a whole lot for that particular university to hit that magic 30 percent.

So that brings me back to my original question, which was: what is the actual intent? Is this so the minister can now say, “Well, 30 percent, University of Lethbridge; that's it; that's all there is” and therefore try and ensure some votes from the students there. Is this so that he can say to the University of Lethbridge: “You know, the government policy is 30 percent. I've talked to the cabinet members, and you know, I've got the little out section in the bill. So in fact you can go over 30 percent, but we'll keep it quiet, and I'll give you the ability to go

over 30 percent.” It's just very strange, very strange, Mr. Speaker.

When we look at the whole issue of education and the reason that we're now – the minister, I think, probably would have a sound reason to say that there should be a cap on tuition fees, and of course the 30 percent is much too high. We on this side of the floor have talked for a long time about 20 percent, and again when I look at the range of institutions and their total fee revenue as a percentage of net operating expenditure, the vast majority are over that 20 percent mark. So in fact what the minister needs to do is to roll back and to try and figure out a way that education is accessible to students across this province, that education at the postsecondary level is not only accessible but does not in fact cost those students an amount that leaves them with an incredible debt after three or four years.

Now, for those members who are in the Legislative Assembly who have gone to either community colleges or universities, at least in our time period we did not come out of university with a \$40,000 debt load, which is on average what that debt load is.

MR. DUNFORD: Kids today are paying for your education, which was too cheap.

MS LEIBOVICI: The minister wants to engage in discussion. Are you going to come up after?

MR. DUNFORD: You got a free education, and they have to pay for it.

THE ACTING SPEAKER: Hon. minister, through the chair, please.

MS LEIBOVICI: I'm not quite sure what the minister was saying, but the reality is that the provision of education is a common good and is something that Albertans across the province almost to a person agree should be provided to our children. The reality is that with individuals who are knowledgeable – in fact, when you're looking at how you attract industry to this province, it is with knowledgeable individuals, and to be competitive in the global economy, which is what the members of the government benches like to talk about, what needs to happen is that our young people have to have that postsecondary education.

Now, someone said a little bit earlier that nobody is saying that postsecondary education should be free. I would like the minister of advanced education to look at two things. One is that in this province we have not had a review of education either at the elementary level or at the postsecondary level since – I believe 1956 was when the last royal commission was. It's time for us to have an in-depth review of education from preschool to postsecondary.

The other thing that I would like for the minister to look at is the model that is in Quebec, where the CEGEP system is in fact free to individuals and there is no tuition. What that CEGEP system is is a postsecondary college, technical college, that is in fact free to Quebecers. As a matter of fact, I am a graduate of that particular system, the first graduate of the CEGEP levels in Quebec. You know what? I believe it worked. The education I received there was an education without parallel, and from there I went on to university.

The reality is that for those students who perhaps cannot afford a university education no matter what the levels are, at least it gives them a foothold. It gives them a postsecondary education

that provides them with either an arts type of background or a technical type of background. If we want to look at how we enter the new millennium, how we become forward-thinkers and reach for the future, this is one way to do it. I know that the minister has the ability to do it, because any minister who can come forward with this bill so that he in fact has ammunition around that caucus table and around the cabinet table to say, “That's it; back off; 30 percent is it; it's in law” – I think we've got to give that minister credit.

The other issue is: why are the tuition fees so high? The hon. Member for Edmonton-Centre referenced an article that dealt with training, and the minister actually was quoted within that article. What seems to be occurring at the university level is that it's becoming a training ground for businesses, and in reality university was never meant to be that.

[The Deputy Speaker in the chair]

What in fact we are doing as taxpayers, then, is providing a direct subsidy to corporations by ensuring that the training that they would otherwise be required to do within their businesses is being done at the university level, and that is not what university is about. The reality is that in Canada and in Alberta the training that goes on within corporations is minimal. In fact, if we had better training within corporations, the universities could then be structured to do what was their original intent.

The issue around the 30 percent fee hike, the fact that what we're seeing is a lack of accessibility – in fact, with the fees that high, we are almost ensuring that there will be a lack of accessibility for some students who would otherwise because of their marks be able to enter into university but cannot afford to enter a university. This government's insistence on maintaining a low minimum wage so that even if students wish to work part-time – and a large number of them do – in fact they cannot make ends meet. You know, it surprises me that when we look at the tuition fee cap, we hear the Minister of Labour over and over and over again saying, “Well, it's students that get the minimum wage.” Well, what we need to do is ensure that the minimum wage is high enough so that students can be assured that they will not come out of university with a \$30,000 to \$40,000 debt. [interjection]

Now, the Minister of Public Works, Supply and Services is engaging with me in this discussion, and I see that he seems to be in full agreement with most of what I'm saying. I know that he will be arm in arm and I think the Minister of Intergovernmental and Aboriginal Affairs as well – where's Stockwell? Where's Stockwell when you need him? The triumvirate over there will be sitting arm in arm around the cabinet table and saying: “You know what? Thirty percent is too high. Having listened to what the Member for Edmonton-Meadowlark has said, having looked at what is within the pages of Bill 35, in fact what needs to happen is we should look at government policy being 20 percent. Then we can bring in an amendment to Bill 35.” I guarantee that if you brought in an amendment at 20 percent in the fall sitting of the Legislative Assembly, we could probably pass that in about two or three days. We might even be able to do two readings in one day. So that's an incentive. It could be the fastest bill, other than the Miscellaneous Statutes Amendment Act, that we have seen in this Legislative Assembly.

9:30

So to wrap up, what I believe we have here is a bill that in fact in some instances, as with the University of Lethbridge, will be

a bill that has no relevance. In fact, with the University of Lethbridge at the point that it is right now – and I know the minister of public works is listening to this very carefully – in fact the Minister of Advanced Education will be waiving that 30 percent cap within the new year or so. What we have is a bill that the minister can now wave around when he goes to student demonstrations, to student meetings and say: “Well, we listened to your concerns. We in fact have now put that cap in legislation. So don’t worry; it’s not going to go over 30 percent. It might be a little steep, but it’s not too bad. Bear with us, and in fact it will be okay.”

What the minister can’t unfortunately say is that if it comes to a time within this province when there is a serious commitment to advanced education from this government – and I guess it will have to be from a Liberal government – and in fact what has to happen is that tuition fees should be rolled back, that is not within this particular piece of legislation. I urge the minister to look at an amendment that he in fact can roll back the tuition levels to lower than the 30 percent.

It’s interesting that what he’s now established in law is 30 percent. If he wishes to make that 25 percent, he has to come back to the Legislative Assembly. If he wants to raise that, he has to come back to the Legislative Assembly. It’s a very strange bill from that perspective, that in fact what he is legislating is a percentage of revenue in a sense that other institutions can obtain. Generally that does not occur. Either that occurs through the budget process; that occurs through ministerial responsibility; it occurs through government policy. It does not occur through legislation.

That’s why I started off my comments by saying that there must be another underlying reason for this bill. I think we’ve talked about that; that is, the various issues such as the minister having the ability to carry this in his back pocket and say: “Now it’s a guarantee. Don’t worry about it.” But I urge all the students to say: “What we now want to see as a guarantee is that there will be a rollback. We now want to see as a guarantee that the notwithstanding clause will not be used. We now want to see as a guarantee that education as a whole will be looked at in this province, because it needs to be.” We’ve seen piecemeal approaches from the Minister of Education. We’ve seen piecemeal approaches from the minister of advanced education. Yes, minister of public works, through the Speaker, in fact as a former educator I know that you understand that education needs to be looked at as a whole within this province.

We need to look at some of the other examples that other provinces and other countries around the world have put forward with regards to education in the primary levels as well as education at the postsecondary levels.

I am sure that the triumvirate will remember this particular debate on Bill 35 and will at some point, as they’re sitting around that caucus table, say: that had a ring of truth; that had something that we should be doing in this government. I say to the government members in the front bench: please, look at these suggestions, because I believe that in fact it will make it better for the students in our province.

It should be the ultimate goal of each one of us in this Legislative Assembly to ensure that the young people in our province have secure futures, to ensure that the young people in our province are well educated, and to ensure that the young people in our province do not come out of university with a debt load that drags them down to the point that they cannot function and provide for either themselves, their families, or be active participants in the workplace or in the economy.

Thank you very much.

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

MR. DUNFORD: Question.

THE DEPUTY SPEAKER: The hon. Minister of Advanced Education and Career Development has moved third reading of Bill 35, Colleges, Technical Institutes and Universities Statutes Amendment Act, 1998. Does the Assembly agree to the motion for third reading?

SOME HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: The motion is carried.

[Several members rose calling for a division. The division bell was rung at 9:37 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Amery	Haley	Mar
Black	Hancock	McFarland
Broda	Herard	Oberg
Burgener	Hlady	Renner
Cao	Jacques	Severtson
Cardinal	Jonson	Shariff
Coutts	Klapstein	Stevens
Day	Laing	Strang
Dunford	Langevin	West
Friedel	Lougheed	Woloshyn
Fritz	Lund	Yankowsky

Against the motion:

Blakeman	Mitchell	Paul
Dickson	Nicol	White
Gibbons	Olsen	Zwozdesky
Leibovici		

Totals: For – 33 Against – 10

[Motion carried; Bill 35 read a third time]

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

[Mr. Herard in the chair]

9:50 Bill 38
Public Health Amendment Act, 1998

THE ACTING CHAIRMAN: Hon. members, when we adjourned, we were dealing with amendment A1 as proposed by the hon. Member for Calgary-*Buffalo*.

The hon. Member for Calgary-*Buffalo*.

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

add that the Minister of Energy had complained last night he couldn't read my writing, so since last evening I've had that amendment typed. I just asked for that amendment to be distributed. It's the same amendment as had been scribbled out by this member last evening, but it's been typed out, so the Minister of Energy can read it clearly. It's been confirmed by Parliamentary Counsel and the table officers I think as the same amendment, A1.

Now, just so that we're clear, the amendment does this, and I just go back to section 3. Section 3 of Bill 38, Mr. Chairman, is the one that in effect will take the Public Health Advisory and Appeal Board with a current dual mandate and chop it in half. It discards that part of its mandate which deals with giving advice so that we have a much narrower focus. The only thing that this board will now be able to do under the provisions of Bill 38, section 4, will be to hear appeals. Now, that's an important and legitimate function, but it won't do those other things. Just while I'm speaking, I'm hopeful that I can get one of the pages to bring me a copy of the Public Health Act, the mother statute.

Mr. Chairman, people I know are asking what the Public Health Advisory and Appeal Board has done in terms of dealing with general advice before, and just to refresh members' memories, in the 1995-96 annual report the answer would be not much, because you look at page 5 under advisory activities, "activities were carried out by the Board in this capacity during the reporting period," and then in 1996-1997 virtually the same comment. So it hasn't done a great deal. But there is the potential, and I remind members that the Provincial Health Council currently has no statutory basis. It's done some very useful reports, but those things have been done by ministerial fiat, not by statute.

There is no statutorily created body that can do investigations. Why is it important? Well, one need look no further than the 130th annual meeting of the Canadian Medical Association. They held a meeting last summer in Victoria. Perhaps the Minister of Health was there as a special guest. If he wasn't, there probably was somebody from Alberta Health. I just want to highlight some of the problems in the health care system that potentially the public health advisory board is able to do.

If you look at page 4 of that report from that 1997 meeting, this is what was identified. There was a report on Canadians' perceived access to services and the percentage reporting deteriorating access in the last couple of years. These are things, Mr. Chairman, that potentially we could lose if this amendment isn't passed. What we would lose is this. Fully 65 percent of Canadians report deteriorating access in the last couple of years; 54 percent report deteriorating access to emergency services. Availability of nurses in hospital: 64 percent of Canadians reported deteriorating access in the last couple of years. Waiting time for surgery: 63 percent of Canadians identified perceived access to services as deteriorating. And it goes on and on: access to family physicians, availability of home care, access to specialists, waiting times for tests.

We know in this province that's a problem, and we know, whether it's the Fraser Institute or any of those other bodies, that we have some of the longest waits to access some speciality services anywhere in Canada. So what statutorily constituted body surveys those things and addresses some of those issues and undertakes investigations? If Bill 38 passes without the amendment that's on everybody's table, we've lost that one body statutorily mandated to do that.

I'm the first to acknowledge that the record of this advisory board is a poor one. We're used to seeing the Ombudsman's report, other reports where they detail a host of issues and

problems that are being addressed and investigated. We don't hear any of that. Nonetheless, there is that potential there, and I don't want to mislead people and say it's doing the job. The opposition would like to say it's not, that it's not at all. But it's a big leap to go from there to say, "Well, since it's fairly ineffectual, why don't we scrap the whole thing," without something in its place.

Members will remember – and I don't think it's secret – the Minister of Health has been working on a plan to give the Ombudsman an expanded jurisdiction. I think the minister has said that, I'm not sure if publicly. I think there's some indication, certainly at the Legislative Offices Committee, that that's under serious review. If that's the case, we don't know when that bill is going to come in. So what we're trying to do with this amendment is to bridge that transition. It seems to me it's positive, it's timely, and what's the cost to government in accepting this amendment? If, as I expect, the minister is able to bring in changes or some cabinet minister is able to bring in amendments to the Ombudsman Act, perhaps in the fall of 1998, and say those go into force sometime early in 1999, the minute that act comes into force, this amendment is of no consequence anymore. There's no role for it anymore. But until that happens, why wouldn't we want to protect against that gap?

The date of January 31, 2003, is clearly an arbitrary date, and I want to be clear with members on that. The expanded role of the Ombudsman is coming, and I think it's going to include matters within the legislated mandate of the regional health authorities pursuant to section 3, which I think sets out the mandate in the Regional Health Authorities Act.

Now, Mr. Chairman, if I'm wrong that there's an Ombudsman Act amendment coming, I hope somebody stands up and says so. If I'm wrong that that's likely to come in the fall of 1998, somebody should stand up and say that. If I'm wrong that those amendments are not going to create an ability to hear complaints of what's going on in regions, somebody should stand up and say so. Those are three key assumptions I've made that underlie this particular amendment, and in preparing amendments, we're simply making the best judgment we can with the best information we have now. So those are sort of the underlying issues.

What other kinds of things could be investigated by the provincial health advisory and appeal board? Well, the section is actually quite broad. What we're trying to do with this amendment is address: the board can "advise the Minister on matters pertaining to the public health." Well, the Minister of Health often speaks about population health. I mean, that's pretty broad. Population health includes suicide rates. It includes low birth weight babies, an area we have a really high incidence of or an unacceptably high incidence. Population health covers all of those things.

So one can argue that the mandate that the Public Health Advisory and Appeal Board has is huge, just absolutely huge, and on being requested to do so by the minister, it can do a number of other things: make investigations and so on. The key part would be the first part, advising "the Minister on matters pertaining to the public health," because those things don't have to be triggered by a ministerial request or memo. It's simply a question of when the board chooses to deal with those things. Who knows? Maybe if the board members read some part of the *Hansard* debate, they may realize that there are some Albertans that are expecting them to take that mandate and to run with it and to do some of those things until it's been supplanted by some different investigative process or some different complaint process.

10:00

The other provisions that are going to be lost. This is a contrary argument, and it weakens the amendment, but to be straightforward with members, I want to highlight it now. The board provides that when the minister requests it, there can be investigations. The board can collect information and so on, conduct research, but that's only triggered by an intervention by the minister, and if the minister doesn't intervene, those things don't happen. The minister right now can instruct Miss Hambrook and the Provincial Health Council to do all those things. So the Minister of Health may suggest that. If you look at that part of section 3 in the mother act, that doesn't really get us any further ahead than where the public health council is. That would be a fair observation.

I shouldn't insist that the minister would take that view, but anyone who follows the many, many reports that have come out from the Provincial Health Council – what have we got? Six or seven reports. I've got a whole stack of them in my office. They can't replace the board's mandate in section 3(1)(a) "to advise the Minister on matters pertaining to the public health." Those, I think, are the principal comments I wanted to make.

One of the other things that would be significant is that the board might be able to advise the minister. In fact, it says that the board "shall" advise the minister, not may but shall advise. So it's mandatory. It's interesting: has the board advised the minister about concerns that we have one of the lowest per capita spending on health anywhere in the nation? One would think that if this board were on its toes, it would be in the minister's office on a weekly basis with a list. The list may not change, but one would think that those kinds of issues would be brought forward and brought forward on a regular basis.

There was a shocking report that came out the other day that showed that in terms of young women, teenaged girls smoking, it's increasing at I think a pretty alarming rate. That's the sort of thing that this board would be able to identify and advise the minister on: what responsibility he may have or what kind of action plan he ought to develop to deal with teen smoking, particularly among high school age girls or young women in this province. That's the sort of issue that this kind of a board, if properly motivated, would be able to do, and I think those would be important things to do. Before we eliminate that mandate, which is effectively what Bill 38 does, don't we have to replace it with something?

The Minister of Family and Social Services has, to his credit, consistently addressed smoking reduction strategies. He's spoken in the House and spoken in committee and spoken with the media frequently and forcefully about the importance of protecting against secondhand smoke, of programs to try and reduce smoking. Well, this is exactly the sort of thing that this board has a mandate to do. If you eliminate this part of the mandate without replacing it with something else, what does that mean for those issues like the increasing rate of smoking among young women? Who addresses those things? Who puts them in a report? Who brings those things forward in a really impactful kind of way? Well, I'm not sure, Mr. Chairman, just who does that. So I think that's of some particular concern.

We have some issues in terms of teen suicide. We talked about teen smoking. If you look at the reports – and they've been good reports from the Calgary regional health authority, from the Capital regional health authority – what they identify are some of those population health factors. They talk about poverty. They

talk about the number of parents, in the Calgary region for example, who say that they don't have enough money to be able to properly meet their children's needs, their family's needs in terms of shelter costs, food costs, and so on. That's a matter of population health. That would be a matter that a public health advisory board, properly motivated, ought to be, should be talking about and should be nudging the minister on.

This minister is not one of those people that's averse to constructive comment. The minister typically welcomes it, and he should be applauded and recognized for that. I think that that minister has to hear that advice, and maybe he gets tired of hearing it from the opposition and maybe gets tired of hearing it from some other sources. Here is an advisory group that he appoints; he controls this committee. Why wouldn't we want those people to be in the minister's office anteroom once a week with another issue, another concern? He's a genial fellow. He'd hear them out and give them a polite reception whether he acted on the recommendation or not. Isn't that what has to happen? Isn't that what Albertans expect in our health care system? We stand to lose that. We stand to lose that, Mr. Chairman.

I think the Minister of Health would be the first one to say that he hears comments from his caucus members, that he hears advice from all opposition critics, that he hears advice from a lot of different sources, but it's not always constant, and you have people changing. I mean, wouldn't it be useful from the minister's perspective to have a single source sitting down with him on a regular basis and saying: "Mr. Minister, we have to deal with this problem. We've got to deal with teen suicide. It's too high." We had a motion the other day talking about an abortion reduction strategy, plans to reduce the number of unwanted pregnancies. That's a health issue and an important health issue.

This agency that we're about to lose, Mr. Chairman, if the amendment isn't passed, would be able to nudge and prompt and maybe even cajole the minister a little bit to pay some particular attention. He doesn't ignore them, but maybe there's some areas, some concerns where he could do some more, whether it's HIV reporting, whether it's dealing with tainted blood. This mandate, to do all of those things and many more that the Minister of Family and Social Services and others could bring to mind much faster than I can, is about to be lost. If we're going to lose that, hon. members, if we're going to eliminate that mandate, don't we have to have something better in its place? Doesn't there have to be a better vehicle – and there isn't right now – a vehicle that's mandated by legislation, something that doesn't exist at the caprice or whim of a particular minister? Don't we need a statutorily mandated body doing that? So if we can amend the Ombudsman Act, we can maybe do some of those things. All this amendment does, once more, is bridge that connection.

Now, I'm close to running out of time, and I know that there are going to be some other members who have some perspective on it as well. I think, you know, this is an amendment that is as inoffensive as one could craft. This amendment doesn't cost the government any money. This amendment doesn't force the government to do anything differently than what's being done now. If in fact the government is bringing in a better complaint mechanism and investigation review mechanism, they should be happy to have this to smooth the transition.

Those are my comments at this stage, Mr. Chairman. Thank you.

10:10

MR. JONSON: Mr. Chairman, I would like to just speak briefly

in opposition to the amendment. I'd like to just cover three points. The hon. Member for Calgary-Buffalo might recall being involved in questioning the minister in the House extensively on one of just many reports and areas where information is provided about the performance of the health care system. For instance, we now require that there be an annual report from each regional health authority with performance measures, a report on what their standing is with respect to those performance measures. I know of particular interest to the hon. member was the report from the Calgary regional health authority. It reports on many of the things that were mentioned in his commentary this evening.

Yes, we do, Mr. Chairman, have the Provincial Health Council. At the provincial level we do a comprehensive annual report, which has a long, fairly substantial list of performance measures, where we use external surveyors. We have candid and accurate compilations of the results of the various measures all across the province. I just want to make that point. We have expanded actually our overall area of reporting and accountability.

Secondly, Mr. Chairman, this is no reflection upon the individuals on the appeal board being referred to here. I believe I've had the privilege of being Minister of Health for approximately two years, and I have not closed my door, I assure you, but I have not once had any advice from this body, although they have conducted their appeal function I think very responsibly and very expeditiously.

The third point I wanted to make, Mr. Chairman, is that prior to bringing forward these amendments, and that applies to all of the amendments in Bill 38, there was extensive consultation with RHAs, medical officers of health, public health inspectors, and other stakeholders with respect to what the future direction and mandate of this particular board should be. The bill reflects the more focused mandate that the board should have; that is, being an appeal board.

Mr. Chairman, I regret not being able to recommend support of this amendment, and I move to adjourn debate in committee.

THE ACTING CHAIRMAN: The hon. Minister of Health has

moved that we adjourn debate on Bill 38. All those in favour of that motion, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Carried.

MRS. BLACK: Mr. Chairman, I move that the committee now rise and report progress.

[Motion carried]

[The Deputy Speaker in the chair]

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

MR. HERARD: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports progress on the following: Bill 38. Mr. Speaker, I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

[At 10:16 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]