

## Legislative Assembly of Alberta

Title: **Monday, November 16, 1998**

1:30 p.m.

Date: 98/11/16

[The Speaker in the chair]

THE SPEAKER: Good afternoon and welcome back. I would ask members to remain standing after Prayers so that we may pay tribute to a former colleague who has passed away since we last met.

head: **Prayers**

THE SPEAKER: Our Father, we pray for all families affected by the many tragedies which have occurred throughout the world and for those who have lost their lives since we last met.

We thank You for Your abundant blessings to our province and ourselves.

We ask You to ensure to us Your guidance and the will to follow it.

Amen.

As is our custom, we pay tribute on our first day to former members of this assembly who have passed away since we last met. With admiration and respect there is gratitude to members and their families who shared their burdens of public office and public service.

### **Dr. John Walker October 30, 1927, to June 5, 1998**

THE SPEAKER: On Friday, June 5, 1998, Dr. John Walker, former member, passed away. Dr. Walker represented the constituency of Macleod for the Progressive Conservative Party. He was first elected on March 26, 1975, and served until March 14, 1979. During his years at the Legislature he served on the standing committees on privileges and elections and law and regulations and the caucus standing committee on legislation and the caucus special committees on airport development and irrigation and the standing caucus committee on legislative strategy.

In a moment of silent prayer I ask you to remember our former member as you have known him.

Rest eternal grant unto him, O Lord, and let light perpetual shine upon him.

Amen.

Please be seated.

### **Presentation to the Assembly of Mrs. Nancy MacBeth, Member for Edmonton-McClung**

THE SPEAKER: I would now like to invite the hon. Opposition House Leader to please proceed to the bar.

Hon. members, I have received from the Chief Electoral Officer of Alberta the report of the returning officer containing the results of the by-election conducted on June 17, 1998, in the constituency of Edmonton-McClung. The said report further shows that Nancy J. MacBeth was duly elected as the Member for Edmonton-McClung.

MR. SAPERS: Mr. Speaker, I have the honour today to present to you Nancy J. MacBeth, the Leader of Her Majesty's Loyal Opposition and the new Member for Edmonton-McClung, who has taken the oath as a member of this House, has inscribed the roll, and now claims the right to take her seat.

THE SPEAKER: Let the hon. member take her seat. [applause]

head: **Introduction of Visitors**

MR. HANCOCK: Mr. Speaker, today is the anniversary of the death of Louis Riel over 100 years ago and the commencement of Métis Week. The Métis Nation of Alberta honours the memory of Louis Riel this week each year and raises the profile of the Métis people and heritage. Today we have with us in your gallery, Audrey Poitras, the president and leader of the Métis Nation of Alberta. I'd ask President Poitras to rise and receive the usual warm welcome of this House.

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

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure today to introduce to you and through you to all members of the Assembly two guests who are seated in your gallery today. They are Mr. Robert Clark, our Ethics Commissioner and Information and Privacy Commissioner, and also with him is Mr. Boris Zvonkovic, who was an employee of the LAO and is currently the research and systems officer of the office of the Information and Privacy Commissioner. I would like to ask them both to rise and be recognized.

head: **Presenting Petitions**

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

MR. DICKSON: Thank you, Mr. Speaker. I am pleased to present a petition signed by 117 Albertans protesting the passage of Bill 37.

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

MS CARLSON: Thank you, Mr. Speaker. I rise today to present a petition signed by 91 people from all over Alberta, primarily southern Alberta, who are urging the government not to pass Bill 37.

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

MS OLSEN: Thank you, Mr. Speaker. I, too, would like to present a petition to the Legislative Assembly signed by 96 Albertans opposed to the passage of Bill 37.

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

MR. MacDONALD: Thank you, Mr. Speaker. I beg leave to introduce a petition signed by 100 Edmontonians very concerned about the passage of Bill 37 by this government.

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

MS PAUL: Thank you, Mr. Speaker. I, too, would like to stand and present a petition signed by 96 Albertans to stop the passage of Bill 37.

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

MRS. SLOAN: Thank you, Mr. Speaker. I beg leave today to introduce petitions signed by 86 Albertans requesting that the government not pass Bill 37.

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

DR. MASSEY: Thank you, Mr. Speaker. I beg permission to present a petition signed by 96 Albertans asking the government not to pass Bill 37.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I'd like to present a petition signed by 96 people from Edmonton and area asking the government of Alberta not to pass Bill 37.

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

MR. WHITE: Thank you, Mr. Speaker. I beg leave to present a petition signed by some 86 Albertans wishing that the government not pass Bill 37 into law.

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

MR. BONNER: Thank you, Mr. Speaker. I beg leave to present a petition on behalf of 75 Albertans asking the government to oppose the passing of Bill 37.

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission I'd like to table the following petition with the Assembly.

We the undersigned residents of Alberta petition the Legislative Assembly to urge the government of Alberta not to pass Bill 37, the Health Statutes Amendment Act, 1998.

This petition was signed by 105 very concerned Albertans.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I beg leave to present a petition signed by 112 Albertans asking the government, urging the government not to pass Bill 37, the Health Statutes Amendment Act, 1998, which would allow for privatization.

Thank you.

MR. WICKMAN: Mr. Speaker, I'd like to introduce a number of petitions all in opposition to Bill 37, urging the Assembly not to pass Bill 37, signed by dozens and dozens of concerned Albertans. [interjections] Dozens. Pages, pages.

head: **Reading and Receiving Petitions**

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

MS BARRETT: Thank you, Mr. Speaker. I request that the petition I presented in this Assembly on April 29 regarding affordable child care 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.

THE SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I'd like to have the petition I submitted on April 28 now read and received, please.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the government of Alberta not to pass Bill 37, the Health Statutes Amendment Act, 1998.

head: **Presenting Reports by  
1:40 Standing and Special Committees**

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

MR. LANGEVIN: Thank you, Mr. Speaker. As chairman of the Select Special Chief Electoral Officer Search Committee, which reported on September 9, 1998, I would like to table four copies of the report of the Select Special Chief Electoral Officer Search Committee recommending the appointment of Mr. Brian Fjeldheim as Chief Electoral Officer for the province of Alberta.

head: **Notices of Motions**

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I wish to give oral notice today of three government motions, the first being Government Motion 32, which reads:

Be it resolved that the following changes to the following committees be approved by the Assembly: on the Special Standing Committee on Members' Services that Mr. Gibbons replace Ms Olsen, on the Select Standing Committee on Legislative Offices that Ms Olsen replace Mr. Sapers, on the Select Standing Committee on Public Accounts that Mr. Sapers replace Mr. Zwozdesky, and on the Select Standing Committee on the Alberta Heritage Savings Trust Fund that Mr. Bonner replace Mr. Zwozdesky.

Government Motion 33, Mr. Speaker, reads as follows:

Be it resolved that the Legislative Assembly concur in the report of the Select Special Chief Electoral Officer Search Committee and recommend that Mr. O. Brian Fjeldheim be appointed as Chief Electoral Officer for the province of Alberta.

Finally, Mr. Speaker, Government Motion 34 reads as follows:

Be it resolved that when the Assembly adjourns to recess the fall sitting of the Second Session of the 24th Legislature, it shall stand adjourned until a time and date as determined by the Speaker after consultation with the Lieutenant Governor in Council.

THE SPEAKER: The hon. Minister of Transportation and Utilities. Hon. minister, you advised the Speaker at the conclusion of the spring session that you would be rising in the House with a notice of motion on a question of privilege.

MR. PASZKOWSKI: Thank you, Mr. Speaker. I stand to raise a question of privilege pursuant to section 15 of the Standing Orders. Section 15(1) provides that "a breach of the rights of the Assembly or of the parliamentary rights of any member constitutes a question of privilege."

Pursuant to section 15(2) I provided written notice to the Deputy Speaker before 11 a.m. on April 30 of my intention to raise a notice.

THE SPEAKER: It's just to move the notice today, hon. minister, at this point in time, not to debate it.

MR. PASZKOWSKI: I so move.

MRS. MacBETH: Mr. Speaker, I rise to present to the Assembly notice of my motion standing under Standing Order 30, which reads as follows:

Be it resolved that this Assembly adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance; namely, government interference in the management and operations of the Alberta Treasury Branches and the role of the Executive Council and its members in the management and operations of Alberta Treasury Branches.

I table an appropriate number of copies.

I also want to serve notice at this time that at the appropriate time later this afternoon I will move the following motion:

Be it resolved that this Assembly recognize the urgent need for a broad public debate on the future of private, for-profit hospitals in the province of Alberta prior to any legislation being passed which enables these institutions.

I table the appropriate number of copies, Mr. Speaker.

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

DR. PANNU: Thank you, Mr. Speaker. Pursuant to Standing Order 30 I rise to

request leave to adjourn the ordinary business of the Assembly to discuss the following matter of urgent public importance; namely, that the Legislative Assembly ask the Members' Services Committee to amend Order MSC 5/98 to ensure that any member leaving elected office receives either the transition allowance or benefits under the former MLA pension plan but not both.

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

MS BARRETT: Thank you, Mr. Speaker. Pursuant to Standing Order 40 I rise to give oral notice that I wish to move the following motion at the appropriate time this afternoon:

Be it resolved that the Legislative Assembly urge the government to postpone further consideration of Bill 37 until after the health summit planned for early 1999.

MRS. MacBETH: Mr. Speaker, I ask for unanimous consent to waive the provisions of Standing Orders 38 and 39 to propose the following motion:

Be it resolved that this Assembly adjourn the ordinary business of the Assembly until Monday, November 23, 1998, or such other time that the Premier can attend.

THE SPEAKER: Well, at this point in time you're simply moving a motion, and we'll come to it later in the day.

head: **Introduction of Bills**

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

**Bill 47**  
**Protection from Second-hand Smoke in**  
**Public Buildings Amendment Act, 1998**

MRS. FRITZ: Thank you, Mr. Speaker. I'm pleased to introduce Bill 47, which is Protection from Second-hand Smoke in Public Buildings Amendment Act, 1998.

The amendments contained in this government bill, Mr. Speaker, streamline the original act, which was Bill 205, by simplifying the implementation and enforcement requirements.

[Leave granted; Bill 47 read a first time]

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that Bill 47 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I beg leave to table the required number of copies of two annual reports, the first being the Alberta Law Enforcement Review Board annual report 1997 and the second being the Law Society of Alberta annual report 1997.

MRS. McCLELLAN: Mr. Speaker, I have four items to file with the Assembly today. The first is a news release from the Alberta Alcohol and Drug Abuse Commission regarding National Addictions Awareness Week, November 15 to 21. This morning I had the privilege of attending the 10th annual Walk Sober, Join the Circle rally at city hall in recognition of this special week.

The second tabling is an information bulletin on the International Day for Tolerance, which is observed around the world on November 16.

I am also filing with the Assembly Health Canada's handbook, Canada's Physical Activity Guide to Healthy Active Living. This is an excellent complement to Alberta's active living strategy, and, Mr. Speaker, I will be sharing copies of that with all members of the Assembly.

Finally, Mr. Speaker, I am filing a news release regarding a special three-day exhibition of art work from the Alberta Foundation for the Arts collection that will be on display in the lower foyer of the Legislature Building until November 19. All members are invited to attend an opening reception tomorrow evening at 5:30.

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

MR. STELMACH: Thank you, Mr. Speaker. I wish to table five copies of the annual report of the Agriculture Financial Services Corporation.

MRS. NELSON: Mr. Speaker, I'm pleased to table four copies of the Alberta Racing Commission's annual report ended October 31, 1996, the Alberta Racing Corporation's 1997 annual review, and the Alberta Opportunity Company's 1997-98 annual report.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I'd like to table four copies of a letter sent to me by Mr. and Mrs. de Jongh expressing their concerns about Bill 37 and the corporatization of health care.

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

MR. PASZKOWSKI: Thank you, Mr. Speaker. It's my pleasure to table with the Assembly five copies of a highway 794 traffic survey that was prepared by the Morinville RCMP highway patrol.

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

MR. DICKSON: Thank you, Mr. Speaker. I have a number of tablings. Firstly, a copy of a letter that I wrote the hon. Minister of Health on October 9 requesting no further progress on Bill 37 pending all-party public consultations and his response and refusal to affirm that suggestion on October 28.

I also have courtesy copies of three amendments that I'll be introducing later on Bill 37, that would forbid the creation of a private, for-profit hospital anywhere in this province.

And then finally, sir, I have a number of copies of correspondence from Albertans registering their concern with Bill 37 and urging that there be no further progress taken on that wrong-headed piece of legislation pending full public consultations. [interjection] I'm not sure whether you could hear, Mr. Speaker, given the comments from the Premier.

Thank you.

THE SPEAKER: Hold on. Hold on. Hold on.

The chair is going to recognize the hon. Member for Lac La Biche-St. Paul.

1:50

MR. LANGEVIN: Thank you very much, Mr. Speaker.

As chairman of the Standing Committee on Leg. Offices I would like to make two tablings today. The first one is the report of the Chief Electoral Officer for the Edmonton-McClung by-election, which was held on June 17, 1998. Copies were distributed to members of the Assembly on September 21, 1998.

The second tabling, Mr. Speaker, is the report of the Auditor General of Alberta for 1997-98, which was submitted pursuant to section 19(4) of the Auditor General Act. Copies were also distributed to members of this Assembly on September 23, 1998.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I would like to table five copies of letters from nine different Albertans to the Premier. These letters request that the Premier stop encouraging private, for-profit health care in this province and put an end to Bill 37.

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

DR. MASSEY: Thank you, Mr. Speaker. With your permission I would like to table a letter and four copies of the letter from a respected constituent, Jo Bishop, in Edmonton- Mill Woods addressed to the Minister of Health asking him to urge the government to fully support the publicly funded health care system and to reject any legislation that would encourage the development of private health care in the province.

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

MS OLSEN: Thank you, Mr. Speaker. I'd like to table five copies of the factum from the Marie Sarah Eurig decision in the Supreme Court of Canada that was put forward by Alberta Justice.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I'd like to table the appropriate number of copies of correspondence from Albertans asking the Legislature to defeat Bill 219 on education employment relations.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission, I have a number of documents I'd like to table at this time in the Assembly. The first is copies of a series of correspondence, in this case from three constituents of mine, urging this Legislative Assembly to not pass Bill 37.

The second tabling, Mr. Speaker, is a transcript of a public statement made by Mr. Charles Relland regarding his experiences with for-profit health care in the United States and his reminder to all Albertans of the dangers of going in that direction.

Finally, Mr. Speaker, is a series of tablings which I think will be of interest to the Assembly. The first is a copy of the statement of claim filed by the Alberta Treasury Branch and West Edmonton Mall. Second is an affidavit that was issued with that statement of claim by Paulina Hiebert, an employee of Alberta Treasury Branch, regarding the issues that led the Alberta Treasury Branch to enter into the court proceedings. Nowhere in there is the government mentioned as a defendant, by the way, Mr. Speaker. And finally a statement by Martin Walrath, an employee of West Edmonton Mall, and his affidavit, evidence in the matter with the Alberta Treasury Branch.

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

MRS. SLOAN: Thank you, Mr. Speaker. With your permission I would also like to table copies of correspondence addressed to the Premier, the Minister of Health, and to myself urging this government to do the democratic thing and hold public consultations on private, for-profit health care prior to proceeding with legislation.

THE SPEAKER: The chair also has a series of tablings today. The first is a memorandum from the hon. Member for Redwater requesting that Bill 215, the Highway Traffic Amendment Act, 1998, be brought to the Committee of the Whole on Wednesday, November 18, 1998, as soon as the House business will allow.

The second series of tablings is pursuant to the Legislative Assembly Act. I table with the Assembly five copies of the following Members' Services Orders: 1/98, being Constituency Services Amendment Order No. 2; 2/98, being Executive Council Salaries Amendment Order No. 3; 3/98, being Members' Allowances Amendment Order No. 4; 4/98, being Members' Committee Allowances Amendment Order No. 2; 5/98, being Members' Allowances Amendment Order No. 5; and 6/98, being Constituency Services Amendment Order No. 3.

As well, hon. members, pursuant to section 44(1) of the Conflicts of Interest Act, chapter C-22.1 of the 1991 Statutes of Alberta, I am pleased to table with the Assembly the annual report of the Ethics Commissioner. This report covers the period April 1, 1997, through to March 31, 1998, and a copy of this report was distributed to members on June 25, 1998.

Hon. members, pursuant to section 3(2) of the Election Finances and Contributions Disclosure Act, chapter E-3, I'm pleased to table with the Assembly the annual report of the Chief Electoral Officer. This report is for the calendar year 1997, and a copy of this report was distributed to members on September 23, 1998.

Pursuant to section 61(1) of the Freedom of Information and Protection of Privacy Act I am pleased to table with the Assembly the annual report of the Information and Privacy Commissioner. This report covers the activities of the office of the Information and Privacy Commissioner covering the period from April 1, 1997, through to March 31, 1998, and a copy of the report will now be distributed to all members.

head: **Introduction of Guests**

THE SPEAKER: Hon. members, we have a long list of introductions today. We'll begin first of all with the hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly a guest who is seated in your gallery today. Mr. John Reil is attending this afternoon on behalf of Mr. Randy Thorsteinson, leader of the Social Credit Party of Alberta, and Mr. Ken Way, deputy leader of the Social Credit Part of Alberta, who are unable to join us due to the poor driving conditions. I would ask Mr. Reil, then, to rise and receive the warm traditional welcome of this Assembly.

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

MR. JOHNSON: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the members of this Assembly two families from Camrose who are visiting the Legislature as part of their home schooling program. Members of the Bishop family include Barry and Joan and their children, Jill, Blair, Neil, and Kate, and members of the Hauch family include Collin and Jane and their children, Malachai, Zechariah, and Samantha. They are seated in the members' gallery, and I would ask them to rise at this time and receive the warm welcome of the Assembly.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I have several introductions today. I'm not sure if my school class is still here, but if they aren't, we'll acknowledge them in their absence. They are from J. J. Nearing school. They are here with their teachers, Mrs. Sowinski and Mrs. Reid, and parents Mrs. Brentari, Mrs. Rockburn, Mrs. Allen, Mrs. Facchin, and Mrs. Potter. They are here on a tour of the Leg., and they're from the brand-new school in St. Albert which I will be speaking about later. I'll send them a copy of *Hansard* because I see that they're not here in the Leg. anymore.

I also have some other special guests. Cozette Dick is here with Bernadette Delpont. Bernadette is a Rotary exchange student from Richards Bay in South Africa. Her year is almost up; she's been around Spruce Grove. Also with them is Des Bulger. He is a corporal in the RCMP. He's also part of that Rotary Club, a great volunteer who organizes the Children's Wish Foundation out in Spruce Grove, and I think because of that he's a very good golfer. Also with us is Art Peddicord, who is another active volunteer in St. Albert. I would ask them to please rise and receive the warm welcome of the Assembly.

Finally, Mr. Speaker, I'd like to introduce all the guests who have come here today to listen to the debate on Bill 37, which includes Des Achilles and Heather Smith and several other active people concerned about private health care. I'd ask them to please rise and receive the warm welcome of the Assembly.

2:00

THE SPEAKER: The hon. Member for Edmonton-Glenora, followed by the hon. minister responsible for children's services.

MR. SAPERS: Thank you, Mr. Speaker. It's my privilege today to introduce to you and through you to all members in this Assembly the husband of the newest member of the Legislative Assembly of Alberta. Mr. Hilliard MacBeth has joined the festivities today, and he is, of course, a guest in your gallery. I would ask Mr. MacBeth to please stand and receive the welcome of this chamber.

Mr. Speaker, if I can continue, I also have some other special guests here, a group of 44 of the brightest and most eager students that I've ever met. They come from the school of Holy Cross in the constituency of Edmonton-Glenora. They are accompanied today by teachers Manuela Ferrante and Yvonne Chevalier and student teacher Sarah Fedoration, who isn't related to the member from Spruce Grove-Sturgeon-St. Albert but is one of her constituents. I would ask them all to please rise and receive the welcome of this Assembly.

THE SPEAKER: The hon. minister responsible for children's services, followed by the hon. Member for Banff-Cochrane.

MS CALAHASEN: Mr. Speaker, I think my guests are arriving after question period.

THE SPEAKER: The hon. Member for Banff-Cochrane, followed by the hon. Member for Edmonton-Rutherford.

MRS. TARCHUK: Thank you, Mr. Speaker. It's my privilege and pleasure today to introduce to you and through you to the members of the Assembly Mr. Alf Savage. Mr. Savage is both a very community-involved constituent of Banff-Cochrane as well as the newly elected president of the Progressive Conservative Association of Alberta. Mr. Savage, if you could stand up in the members' gallery and receive the warm, traditional welcome of the House.

THE SPEAKER: The hon. Member for Edmonton-Rutherford, followed by the hon. Member for Edmonton-Highlands.

MR. WICKMAN: Mr. Speaker, it's my privilege to introduce to you and through you to Members of the Legislative Assembly 35 keen students accompanied by six parents and two teachers from the fine school of St. Boniface in the riding of Edmonton-Rutherford. The 35 students are seated in the members' gallery, and they're accompanied by two teachers, Mrs. Coates and Mrs. Bergeron, and six parents: Mrs. Schafenacker, Mrs. Ryan, Mrs. Henein, Mrs. Hamilton, Mrs. Quist, and Mrs. Zinyk. If they would please rise and receive the warm welcome of this Assembly.

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

MS BARRETT: Thank you, Mr. Speaker. I have several introductions as well. May I start with introducing the president of the Alberta Federation of Labour, Audrey Cormack; secretary treasurer, Les Steel; employees Jason Foster, my former employee, and Gil McGowan in the public gallery. Also in the public gallery, as noted earlier, is the president of the United Nurses of Alberta, Heather Smith, along with Bev Dick, Pauline Worsfold, Louise Rogers,\* and Christine Burdett. I couldn't help but notice long-time New Democrat activist Louise Swift and Betty Mardiros also in the public gallery. I'd ask members to join me in welcoming them.

As well, Mr. Speaker, I'm not sure if they're in yet, but I think I'll do what another member did and introduce a class that is probably on their way in in a moment, the class being from St.

\*This spelling could not be verified at the time of publication.

Michael school and consisting of 28 students, the teacher being Mr. Paul Kantor and parents Mrs. Gay, Miss Linkewich, and Mr. Payne. I'm pleased to have them here on this important day. I'd ask members to join me in welcoming them.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to present two introductions to you and to the rest of the members of the House today. The first is 60 students from Minchau school who are here with eight adult chaperons and teachers. I'd like to introduce them to you if they are still here. Mrs. O'Neill, Mrs. Voegtlin, Mrs. Goss, Mrs. Cadden, Mrs. Maloney, Mrs. Hammermeister, Mrs. Graumann, and Mrs. Barchard are all here with the students from Minchau participating in the week-long museum school project that's taking place here. I would ask all of them that are here to please rise and receive the warm welcome of all members of the Assembly. Thank you.

I'd also like to reintroduce to you a gentleman I've introduced here once before. It's my constituent Ken Nelson, who is one of the unfortunate victims of sterilization that occurred some 40 years ago in this province. I'd ask him to give the crowd a wave – stand if you're able to, Ken – and ask everyone to welcome him.

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

MS CARLSON: Thank you, Mr. Speaker. I see that a good friend, a constituent, and the president of our party just walked into the gallery. Rick Miller, would you please rise and receive the traditional warm welcome of this Assembly.

MR. HANCOCK: Mr. Speaker, it's with great pleasure that I rise to welcome and introduce to you and through you to members of the Legislature two very prominent constituents of mine, Mary Zolner and Sheryl Zolner, who are in the gallery and who are here to witness I believe the first day of their daughter and granddaughter as a page in this Assembly. If they'd rise and receive the warm welcome of the House.

head: **Ministerial Statements**

THE SPEAKER: The hon. the Premier.

### **Welcome for New Opposition Leader**

MR. KLEIN: Mr. Speaker, thank you. On behalf of all my colleagues I wish to welcome the new Leader of the Official Opposition to the Legislative Assembly. Perhaps I should say, "Welcome back," since the hon. member is no stranger to this Assembly. No doubt her years of private life have given her renewed energy and a fresh perspective on the issues facing Albertans as we prepare to enter a new century of hope and opportunity.

As you know, the hon. Member for Edmonton-McClung and I once served as colleagues in the same cabinet. Although we now stand on opposite sides of the House, I still consider her a colleague in that we are both here for the same reasons. In fact, every single member of this Assembly, regardless of political affiliation, shares a common purpose, and that is to serve Albertans and to work with them in building an even stronger and better province. We are all here because we believe in the democratic system and in our ability to make a difference. But even though we are colleagues in democracy, I have no doubt that the new leader will be a formida-

ble and worthy opponent. She brings with her a deep knowledge and understanding of politics and public policy-making. Her presence here should enliven and enrich the exchange of ideas as we debate the present and future course of this great province.

Welcome back.

THE SPEAKER: This statement from the Premier today came under the category known as Ministerial Statements, and as is our tradition, there's an opportunity offered to a spokesman from the Official Opposition. But I've been requested by the leader of the third party, the ND opposition, to also have an opportunity to extend congratulations. Please.

MS BARRETT: Thank you, Mr. Speaker. Yes, I too would like to add my congratulations and welcome back comments to the Leader of the Official Opposition. She and I have been in this building longer than most of the people here when you consider that a long time ago I knew her as Lou Hyndman's assistant and she knew me as Grant Notley's researcher, and of course I chased her around on this floor when I was her critic in her portfolio of health care minister.

Throughout the years, Mr. Speaker, I can say genuinely that I have developed a friendship and a genuine respect for the Leader of the Official Opposition, and a year and a half ago I was in the same position, coming back to a place that I'd left before. I say: welcome back.

MRS. MacBETH: Well, thank you, Mr. Speaker, and thank you, Mr. Premier, for your thoughtful remarks and to the Member for Edmonton-Highlands. If I'd known how much you missed me, I would have thought of coming back a little sooner.

I'm delighted to be back in the Legislature, Mr. Speaker. I find this one of the most beautiful buildings in our province, and it certainly represents for all Albertans the importance of the job that we do within this Chamber. I am delighted, too, with my decision to re-enter public life in this province. I believe strongly that democracy is best served by open debate and certainly by a strong opposition. I join my colleagues on this side of the House with great pride for the work that they have been doing to serve democracy in this province, and I thank them for it.

**2:10**

I also welcome and thank the Members of the Legislative Assembly, because in 83 constituencies representing the people of our province we are all equals. I thank the people and the voters of Edmonton-McClung for the privilege of representing them in this Assembly, and to all Albertans I express my sincere thanks for the privilege of serving as the Leader of Her Majesty's Loyal Opposition. Our goal, clearly, is to ensure that all Albertans are represented in their very best interests, all Albertans right across this province, and to that I certainly pledge my commitment and the commitment of the Official Opposition in the House.

Thank you very much.

THE CLERK: Oral Question Period.

head: **Statement by the Speaker**  
**Impartiality of the Speaker**  
**Sub Judice Rule**

THE SPEAKER: Mr. Clerk, before we start the clock, I want you to hold it. I want to make a statement to the House today, and it

will not interfere with the normal time allotted to question period.

Before commencing with question period this afternoon, the chair would like to make a few comments concerning the chair's role in presiding over the business of the House. Reflections have been made about the role of the Speaker in presiding over proceedings or questions that may come before this Assembly. These statements have been of great concern as this Speaker's foremost priority since being elected to this position on April 14, 1997, has been to promote and maintain the dignity and respect of this office in order to serve members and the people of Alberta.

It is a basic tenet that the Speaker is to be impartial in carrying out the duties of the office. This principle is so fundamental to the office of the Speaker in the operation of an Assembly that persons inside or outside the House who directly or indirectly question the actions or impartiality of the Speaker may be the subject of a question of privilege. Members may refer to *Beauchesne's* 6th edition at paragraph 168; *Erskine May*, 21st edition, pages 180 to 181; and Maingot's *Parliamentary Privilege in Canada*, page 253.

Speaker King of the British House of Commons went so far as to state on December 10, 1970:

The bedrock of this House is allegiance not so much to the individual in the Chair as the sound wisdom, the procedure, customs and courtesies of which he is the guardian and the exponent.

The time-honoured conventions surrounding the office mandate the neutrality of the Speaker. For instance, the Speaker may not participate in debates in the House or be asked a question. Questions are directed to ministers of the government in their current portfolios and cannot be asked of a member who is no longer a minister relating to that person's term of office. The Speaker only votes when there is a tie, and then only in accordance with well-established precedents which preclude an expression of opinion about the merits of a question.

It should be pointed out that when this Speaker was elected by this House on April 14, 1997, it was known that he had served as a member of Executive Council from May 8, 1986, until October 20, 1994. It is hardly unusual to have a former cabinet minister as Speaker. Members may recall that Speakers Jeanne Sauvé and John Fraser, the first Speaker in the federal House of Commons to be elected by free vote, both became Speaker after they had been cabinet ministers. In the United Kingdom Parliament several Speakers were former cabinet ministers, such as Speaker Selwyn Lloyd, who became Speaker in 1971 and who had been Foreign Secretary during the Suez Crisis and the Chancellor of the Exchequer.

The Chair has scoured the authorities in Canada and abroad for rulings by Speakers on when and if they should absent themselves from the chair. The research has found that there is no established parliamentary rule that requires a Speaker, even a former cabinet minister, to absent himself or herself from presiding over the business of the House. Speakers in other jurisdictions have even presided over motions directly relating to their conduct in the chair.

It is the chair's role to apply the rules that have been established by members themselves in the Standing Orders, by the practices of the Assembly, and in the last resort, by an authority such as *Beauchesne* and *Erskine May*. The chair would like to review some of those rules that govern question period. The Speaker's attention has been drawn to the application of the rules on preambles. There is no discretion here. House leaders, by their agreement on April 30, 1997, agreed that succinct preambles were allowed to main questions, but there were to be no preambles for supplementaries. Preambles and questions must comply with the rules concerning

debate found in Standing Order 23 and paragraphs 403 to 420 of *Beauchesne* and must not contain unparliamentary language.

Several members have advised that among the matters raised this afternoon will be one concerning Alberta Treasury Branches and West Edmonton Mall. Such matters may be affected by the rule against raising matters that are before the courts or sub judice. Unlike some jurisdictions the Legislative Assembly of the province of Alberta has a specific Standing Order concerning matters that are sub judice. The chair would like to remind members that the wording of Standing Order 23(g) was amended by this Assembly on February 14, 1995, based on the report of the Select Special Committee on Parliamentary Reform, which was concurred in by the Assembly on November 8, 1993. Several current members of the Assembly, including the hon. Provincial Treasurer, the hon. Minister of Health, the hon. Minister of Advanced Education and Career Development, the hon. Member for Peace River, and the hon. Member for Calgary-Bow served on this all-party committee, which also included four members of the Official Opposition.

Given the changes in the wording of Standing Order 23(g), decisions of previous Speakers, especially with respect to court actions involving Principal Trust in the late 1980's, are of little assistance because at that time the sub judice rule was broader in scope. This Standing Order now reads, with respect to civil as opposed to criminal matters, that:

A member will be called to order by the Speaker if, in the Speaker's opinion, that member . . .

(g) refers to any matter pending in court or before a judge for judicial determination . . .

(ii) of a civil nature that has been set down for a trial or notice of motion filed, as in an injunction proceeding until judgment or from the date of filing a notice of appeal until judgment by an appellate court,

where there is probability of prejudice to any party but where there is any doubt as to prejudice, the rule should be in favour of the debate.

The action by Alberta Treasury Branches against West Edmonton Mall has not, to the chair's knowledge, been set down for trial. However, it is the chair's understanding that there have been notices of motion filed in this action. Once again, to the chair's knowledge, these applications have not been heard, but the sub judice rule is triggered as soon as a notice of motion has been filed.

It is extraordinarily difficult for the chair to know how debate in the House would prejudice those proceedings. The chair would like to remind members that the duty of the chair in applying the sub judice rule is to balance the interests of free speech in the House against the possible prejudice that may occur to any of the parties in the litigation. As the House of Commons Special Committee on Rights and Immunities of Members reported in 1977: "The Chair is seldom in possession of the necessary information to determine whether or not prejudicial effect is likely."

In its 1993 report the Alberta Select Special Committee on Parliamentary Reform also recognized this problem when it noted in appendix A that in applying the rule

It is clear that the final decision as to whether to allow discussion must rest with the Chair. However, all Members should share responsibility. Members should exercise restraint in referring to particular cases or inquiries. A member who feels that there is a risk of prejudice should raise the issue. Ministers, who may have more immediate information on a case or may be in a better position to judge whether a risk of prejudice exists should similarly raise the point when necessary.

2:20

It is difficult for the chair to know what questions would have a prejudicial effect on the litigation. Accordingly, in determining

whether a matter is sub judice or not, the chair must rely upon members and ministers, who have greater information about the legal actions and the possible prejudicial effect of a question or answer. Members are referred to paragraphs 505 to 511 of *Beauchesne*.

Finally, the chair would like to caution members about making references to persons outside the House who are unable to reply and once again would refer to paragraph 493 of *Beauchesne*.

This statement plus the attachments that I quoted from will be delivered to all members of the House by the pages. I would ask hon. members now to take a deep breath, sit back, and we will proceed to the question period.

head:

### Oral Question Period

#### West Edmonton Mall Refinancing

MRS. MacBETH: Mr. Speaker, the Premier of this province has engaged in a four-year cover-up of his involvement with the refinancing of the West Edmonton Mall. Why?

MR. KLEIN: Mr. Speaker, there has been no cover-up whatsoever of anything. As a matter of fact, every document that exists in my office and the documents, as I understand, of the ministers who are now in this cabinet and who were in the cabinet have been sent to the Auditor General. As well, in a couple of hours I'll be signing my statutory declaration to the Auditor General. It contains about 16 pages of questions relative to this issue, and that will be sent to the Auditor General. I understand that he has asked for information also from current and former members of Executive Council.

Mr. Speaker, I would remind the hon. Leader of the Opposition that it was this government, this Provincial Treasurer, when he learned about the side deals, those things that allegedly were covered up – when they were uncovered, it was this Provincial Treasurer who immediately went to the Auditor General and said: "There appears to be something wrong here. Will you please investigate this?" That hardly sounds like a cover-up.

MRS. MacBETH: Well, Mr. Speaker, why has the Premier been forced to issue a statutory declaration instead of just telling Albertans what he knows?

MR. KLEIN: Mr. Speaker, the Auditor General didn't come up to me and twist my arm and beat me around the ears and say, "You do a statutory declaration or else." This is the way the Auditor General decided to conduct his investigation. He wrote me a letter, and he said: I am respectfully requesting you to answer these questions, the questions that are contained on the 16 pages, in the form of a statutory declaration. He also advised that he will be asking the same of other people who were involved in that issue at that particular time. I agreed to do so quite voluntarily.

MRS. MacBETH: Well, Mr. Speaker, given that the Premier refused to answer questions in this Legislature in '94, refused requests of documents from his own office which later showed up in news clippings, why is this Premier continuing to cover up his involvement in this refinancing?

#### Speaker's Ruling Parliamentary Language

THE SPEAKER: Please. In the original question from the hon. Leader of the Official Opposition the word "cover-up" was used. The Speaker just made a statement about unparliamentary language.

There was no interjection, but he is now going to interject. The word "cover-up" has been ruled unparliamentary in this House on previous occasions, so use the thesaurus and find another word.

#### West Edmonton Mall Refinancing

(continued)

MRS. MacBETH: My second question, then, Mr. Speaker, to the Premier is: if . . .

THE SPEAKER: You may continue with the question. It's just that the use of the word is unparliamentary.

MRS. MacBETH: I withdraw the use of the word. The question stands.

MR. KLEIN: Then I assume she's talking about the uncovering up, Mr. Speaker, if you can't use . . .

MRS. MacBETH: Mr. Speaker, if this government was out of the business of being in business, as it said on many, many occasions, then why did this Premier break his promise to Albertans?

MR. KLEIN: Mr. Speaker, at that particular time there was great concern over the viability of West Edmonton Mall. This has been explained many times before. In answer to similar questions in this Legislature some time ago, I believe if you go back to 1994, a question by the then member for – I forget the constituency, but he was a Liberal anyway, Mr. Chadi. Well, he was a Liberal but really wanted to come over to our side. He asked me the same question, and the answer is today as it was then. What we were trying to do is find a way to facilitate an Alberta-made solution to West Edmonton Mall.

Mr. Speaker, I would remind the hon. leader of the Liberal opposition that one of her members who's sitting here today, the hon. Member for Edmonton-Meadowlark, wrote me a letter urging me personally to get involved in finding a solution to the problems facing West Edmonton Mall.

MRS. MacBETH: Mr. Speaker, you know, at what cost to Albertans? Why did the Premier have to put a stop to a private-sector-led solution that was in place in favour of one which put the taxpayers of this province at colossal risk?

MR. KLEIN: Well, the statement, Mr. Speaker, "colossal risk" is very, very subjective to say the least, because when the hon. member was in cabinet and a member of Treasury Board and a member of priorities, there were many, many deals that really did put the province at colossal risk, and we had to deal with them.

MRS. MacBETH: Oh, Mr. Speaker, you know, if the Premier's not guilty of any inappropriate direction in this matter, why is he so afraid to call a public inquiry so that all Albertans can find out once and for all what happened?

MR. KLEIN: Mr. Speaker, first of all I'm not afraid of a public inquiry relative to this issue. I have said: let the Auditor General look at all the information. He's an officer of this Legislature, appointed in conjunction with the opposition party. He is the appropriate person to examine these facts. I have always said that if he comes to the conclusion that such an inquiry should be held, then we will give that recommendation consideration at that time, and if there are sound reasons, we would call a public inquiry.



Mr. Speaker, there are reasons and there are legal reasons relative to why a public inquiry should not be held at this particular time, and I would ask the hon. Attorney General to supplement my answer.

MR. HAVELOCK: Mr. Speaker, thank you. Thank you, Mr. Premier. If there is a public inquiry, prosecution of charges subsequently laid may be affected. There are risks to the potential criminal prosecution that the government should weigh carefully. There are two primary risks. The publicity generated by a public inquiry could potentially compromise the ability of an accused to have a fair trial, and if a judge decided this was so, then the criminal charges would be stayed.

Secondly, at a public inquiry persons who are potential accused can be compelled to give evidence. If their testimony gives rise to subsequent discovery of further incriminating evidence, that evidence could be excluded by the criminal courts so that it would not be usable in evidence.

I'd like to refer, Mr. Speaker, to a case which generated significant publicity across the country, and that was the Westray case. The Supreme Court had this to say regarding the difficulties posed by a public inquiry where criminal charges are subsequently laid against a witness. What they said is as follows: in some circumstances proceeding with a public inquiry may so jeopardize the criminal trial of a witness called at the inquiry that it may be stayed or result in important evidence being held as inadmissible at the criminal trial; in those situations it is an executive branch of government that should make the decision whether to proceed with a public inquiry.

Clearly, Mr. Speaker, it has been indicated publicly by the RCMP that they are investigating any activities which may be of a criminal nature with respect to this matter, and for a public inquiry to be called at this time may undermine that investigation and subsequent prosecution.

THE SPEAKER: Third main question, Leader of the Official Opposition.

### 2:30 Private Health Services

MRS. MacBETH: Thank you, Mr. Speaker. In June of 1993 in an official statement the Premier said the following: our government is committed to maintaining universal access to quality health care; we will work to prevent a two-tiered health care system both on the basis of a person's income and where they happen to live. This is clearly another broken promise. Who is benefiting from this government's policy to promote private health care? Albertans aren't. Who is?

MR. KLEIN: Well, Mr. Speaker, this government is not promoting private health care. I was looking for a document here. I can't find it.

Mr. Speaker, this government is not promoting private health care. If the hon. leader of the Liberal opposition is alluding to the debate that will occur in this Assembly relative to Bill 37 – and obviously that's what she is alluding to. I know that they have tabled some letters that have been written to the hon. Minister of Health and to myself, but they haven't tabled the replies. As a matter of fact I signed about a hundred replies today to letters that had been written, many of them form letters, many of the letters saying the same thing, none of them on Liberal letterhead, which is surprising. But what they have not tabled . . .

MR. SAPERS: Do you see the way he treats Albertans? Do you see the way he treats you?

MR. KLEIN: The new leader has not taught you anything, Howie; has she?

THE SPEAKER: Perhaps we can proceed with your supplementary.

MRS. MacBETH: The words are hollow, Mr. Speaker. The words are hollow.

Given this government's record of deinsurance of services, of promotion of private clinics, of cutting back the public sector in order to create a market for the private sector, when will he admit that his whole agenda all along was to open up the private sector?

MR. KLEIN: Mr. Speaker, this leads to the answer that I was about to provide to the first question. Members of the opposition have filed letters that have been written to me and to the hon. Minister of Health. What they haven't filed, of course, is the response to those letters, and I am not going to consume the time of this Legislative Assembly, although I could, to file one by one by one the responses to those letters. So I will give you the essence of my replies to these individuals, and I'm taking sections out of the letter.

Private health facilities in Alberta cannot provide Albertans with services that are insured under the Alberta health care insurance plan unless they do so under the terms of a contract with the regional health authority. However, there is nothing to prevent, right now, a private health facility from offering Albertans a narrow range of non-insured services, such as cosmetic surgery, physical examinations requested by third parties, clinical psychology, and routine dental and eye care. Whether it is your local pharmacist or individual doctor, private health care providers have long been a part of Alberta's and Canada's health system.

Mr. Speaker, the hon. member's own brother is a provider of one of those, according to her statement, in a private MRI clinic. Now, relative to Bill 37.

During the legislative session which adjourned on April 29, 1998, Bill 37, the Health Statutes Amendment Act, passed second reading. Bill 37 was developed as a result of this government having listened to public concerns related to private-sector involvement in the health system. The bill will completely ban private treatment facilities from providing insured surgical services that are provided in public hospitals to any Canadian insured under our provincial health plan.

Certainly they cannot be opposed to that, Mr. Speaker.

I would like to allude to a statement that was made by the hon. Member for Calgary-Buffalo when Bill 37 was introduced. He's quoted in *Hansard*, and again I paraphrase. He said that it's about time we had legislation that would close the gap, Mr. Speaker. He said that he welcomed the introduction of Bill 37. You know, it's strange how a summer of relaxation and sunshine can change one's attitude and one's opinion.

MRS. MacBETH: Mr. Speaker, I'd like to table the government's own response to Written Question 149 on March 2, 1995, wherein it said that "private MRI clinics were not in operation prior to May, 1993," when this government was on the watch. Will this Premier stand in this Assembly before all Members of the Legislative Assembly, before the people who have been assembled here from across the province, and before all Albertans and commit that he will never allow a for-profit, private hospital in our province?

MR. KLEIN: Well, again, you know, Mr. Speaker, the essence of Bill 37 will be dealt with and the amendments, which I believe are

good amendments, but I would like to quote what the Liberal leader has said about Bill 37. The Liberal leader has said – and this is a quote. While opposed to Bill 37, she still says it's okay for private health facilities to operate, as long as it's outside the public health system. That's exactly what Bill 37 does, and if they were honest and they explained it right, then there wouldn't be all this misinformation and misunderstanding out there.

Mr. Speaker, I do now have the Liberal quote attributed to the hon. Member for Calgary-Buffalo, and this is out of *Hansard*, April 6, where the hon. member says:

It's encouraging to see the introduction of Bill 37, which is an admission and an acknowledgment that there is . . . a gap in our legislative scheme, a gap that has to be filled.

Now, what happened between now and then? [interjections]

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

THE SPEAKER: Okay. We've now dealt with that. Great anticipation for a great number of months. We've had three questions from the new leader of the Official Opposition. Now let's move on. Remember what the rules of decorum are in the House. Let's get down and maintain the business of the Assembly which we're all asked to come here to undertake.

The leader of the ND opposition, followed by the hon. Member for Edmonton-Mill Creek.

### **2:40 Private Health Services (continued)**

MS BARRETT: Mr. Speaker, the fact remains that the federal Liberals and the provincial Conservatives signed an agreement in 1996 in which both parties declared that they wanted to promote private, for-profit health care providers. Now I find that the OECD in a new report shows that 100 percent of the increase in Canada's health care spending – 100 per cent – in the last 10 years is entirely attributable to private-sector involvement, and in fact if you look at the public-sector funding of the public health system, it's actually suffered a small decrease. My first question to the Premier is this. He wants a health summit. We say that Bill 37 is bad. Why won't he put it on ice until after the health summit?

MR. KLEIN: Mr. Speaker, first of all, this bill is before the Legislative Assembly. The hon. minister will be introducing some amendments. Those amendments should go some distance if not the full distance in addressing some of the concerns that have been expressed vis-à-vis Bill 37.

I simply want to reiterate, Mr. Speaker, that this is not a bill to promote private health care in this province. This is a bill to protect the public health care system as we know it now. I'll have the hon. minister supplement.

MR. JONSON: Mr. Speaker, the fact of the matter is, as the hon. leader of the third party knows, that in this province right now we do not have the legislative power, the legislative swat to address all of the new developments and challenges that are placed on the health care system of this province relative to private facilities. In the legislation which is before the House – and I realize it's on the Order Paper today, but I do want to comment – we have put forward the strongest and in fact the only piece of legislation in Canada among provincial governments that I know of which provides some very precise measures to control the private sector and to prevent them from being hospitals in the name of insured services and insured recipients. Now, the hon. member across the

way also would possibly remember that some of her colleagues do happen at this moment in time to make up the government of three of those provinces. We're ahead of even those.

MS BARRETT: That'll be the day that Roy Romanow or . . .

### **Speaker's Ruling Preambles**

THE SPEAKER: All right, hon member. Sit down. You sent me a letter earlier this week about fairness in the question period and about preambles. The rule in preambles is: no comments before. Get to your question. That's my fairness.

### **Private Health Services (continued)**

MS BARRETT: Mr. Speaker, I have just given the Premier the reason for not proceeding with Bill 37. Knowing that it's private health care costs that cost the system, not public, will he justify proceeding with this legislation, which is bound to pick the pocketbooks of every Albertan?

MR. KLEIN: Well, Mr. Speaker, I don't think that this bill is going to pick the pocketbooks of every Albertan.

As I indicated before, the hon. minister will be introducing some amendments to the bill. I would suggest that in fairness and in the spirit of democracy those amendments should be given full and honest debate, and let's see where it goes from there.

MS BARRETT: Well, in the spirit of fairness and democracy will the Premier please just tell the Assembly, tell the people of Alberta, Bill 37 notwithstanding, that this government will never allow a private, for-profit hospital? Just ban them.

MR. KLEIN: Well, Mr. Speaker, that's what I understand Bill 37 does. I read out my response, that anything that is covered under public health cannot be provided in a private clinic. All we want to do through Bill 37 is make sure that there's absolute protection, make sure that that cannot happen. Right now it can happen because there is no provincial legislative authority to prevent it from happening. There is, of course, the Canada Health Act and the interpretation of that act. We want to take it one step further and make sure that exactly what the hon. member is talking about does not happen in terms of private health care. [interjections]

DR. WEST: Well, if you make half a million dollars a year, what do you do with it?

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

THE SPEAKER: Okay, hon. Minister of Energy. Don't get exercised; it's only the first day. I don't know who you're talking to. Did the hon. Member for Edmonton-Meadowlark move the hon. Minister of Energy to that degree? [interjection] Oh, it's the hon. Member for Spruce Grove-Sturgeon-St. Albert again. [interjections] There's always been great joy in this place.

### **Mental Health Services**

MR. ZWOZDESKY: Mr. Speaker, the Grey Nuns hospital borders my constituency and provides absolutely excellent health care services to not only my constituents but to thousands and thousands of Albertans across this province. So I want to first of all thank the

Minister of Health for recently injecting the Alberta health care system with \$61.3 million, which in part has resulted in 58 new beds being opened at the Grey Nuns, 26 of them being acute care. I was happy to help push for this reinvestment, and I'm sure the members for Edmonton-Mill Woods and Edmonton-Ellerslie would join me in that thank you. However – there is a however – one aspect of health care that needs to be further addressed at the Grey Nuns hospital and perhaps elsewhere is the issue of mental health. My questions are to the hon. Minister of Health. Can the minister please tell Albertans what his plans are to help improve continuing care services for mental health patients who are coming out of acute care systems such as facilities like the Grey Nuns?

MR. JONSON: Mr. Speaker, certainly the hon. member has focused on one of the directional priorities of Alberta Health with respect to health care in this province. Over the past five years the provincial government has nearly doubled the amount of money, from about \$32 million to \$62 million, going into community-based services across this province, a very significant amount of which is spent in the city of Edmonton and surrounding area, including Mill Woods. In addition, we are moving step by step towards transferring our provincial mental health clinic services to regional health authorities, where a co-operative agreement can be worked out to better co-ordinate those services overall. We are also working on an overall strategy and plan with respect to co-ordinating and improving I think an area which I certainly recognize as needing a great deal of attention; that is, children's mental health. So there is a considerable amount of work going on in this very important area.

MR. ZWOZDESKY: Thank you. I wonder if the minister would at the same time also review the very important issue of mental health patient placement, specifically the issue of trying to place mental health patients in facilities and in towns that are nearest to their family support network rather than simply having these patients come off acute care treatment such as at Grey Nuns and go back to their last known address.

MR. JONSON: Well, Mr. Speaker, I think that in the hon. member's question is embedded one of the major challenges facing the mental health care system in terms of moving individuals back to the appropriate community. Within the health care system currently we make every effort to make sure that a person who has received treatment and has improved is able to go back to their home setting, where there is a home with family and friends to support the person. After all, that is the most important environment of all to have with respect to mental illness.

The fact is, though, Mr. Speaker, that in a number of cases there is not that supportive environment to return the patient to, and that's why in the province we're working on community support facilities such as the recently introduced Clubhouse site in Calgary, which is based on a model successful in the eastern United States, and it has been used in other parts of North America as well. Also, a similar support facility is planned for Edmonton.

So there's a considerable amount of work going on in that regard, but it is certainly a challenge for the system.

**2:50**

MR. ZWOZDESKY: Is the minister, then, actually contemplating some additional long-term care and/or continuing care facilities to help cope with the growing number of Albertans that require mental health services in this province?

MR. JONSON: Well, Mr. Speaker, although we do have a very important consultative activity going on – that is, the long-term care review, a committee chaired by the Member for Redwater – a component of that is certainly going to be to look at improving our facilities for our geriatric patients that may be in some way challenged in this particular area. In terms of the rest of the population, once an individual has received acute care and tertiary care if necessary and treatment within a facility, our goal is to place them back in the community. We're not, for our younger age groups, looking at community facilities just for mental health purposes. Instead, we're looking for suitable housing and suitable personnel supports for these people.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Little Bow.

### Health Summit

MR. DICKSON: Thanks very much, Mr. Speaker. Albertans do want a law dealing with private hospitals but one that bans private hospitals outright. The Premier has surprised even his own Health minister with his recent announcement of a health summit in the spring of 1999. My question this afternoon is to the Premier. Mr. Premier, why a summit, where you can control the guest list and manipulate the outcome, instead of a genuine, provincewide public consultation? That's what we want.

MR. KLEIN: Well, Mr. Speaker, quite simply, we think our idea is better than theirs and so does the hon. Minister of Health and so does Bettie Hewes, according to the newspaper; you know, a former leader of the Liberal Party who, by the way, was a very valued participant in the Growth Summit.

Mr. Speaker, we have found that this process is a good process and it works. We're able to bring a cross section of people with no political agenda together to discuss in a reasonable fashion the issues facing health care – the issue of funding, the issue of administration, the issue of private/public health care, all of the issues relative to health care – and how we bring about an effective delivery of health care, how we achieve once again co-operation, working together. The nursing community, the medical community, the government, the administration: how we all start to work together to make sure that we have an effective and efficient health care system there for the benefit of all Albertans.

Mr. Speaker, that's what it's all about. We want to make sure that it is not politically driven. The gaming summit was not politically driven. The Growth Summit was not politically driven. I don't have all of the recommendations in front of me right today, but I would be very happy to table in this House in the very near future all of the recommendations coming out of the Growth Summit and the government's response to those recommendations. I would say that a large percentage, probably 90 percent, of those recommendations were accepted and are being acted upon as I speak.

It was the same with the gaming summit. Good recommendations from good, thoughtful people: people opposed to VLTs, people who wanted to keep them, people who had problems with gambling, people who didn't have problems with gambling. Good-thinking Albertans. When it was all brought together, we got good, thoughtful recommendations, which were acted upon by the government.

MR. DICKSON: Mr. Speaker, why should the people of Alberta

believe that this Premier is going to listen to their health care concerns sometime in 1999 when he totally ignored what they told him about electing people to regional health authorities, totally ignored the 1994 roundtables on health care, and totally ignored the recommendations of his own nonpartisan Provincial Health Council?

MR. KLEIN: Mr. Speaker, that is nonsense. We have been listening, and we have been consulting with health care providers. As a matter of fact, we put well over \$700 million back into the health care system, reinvested significant dollars into health care. I'll tell you what we have done. This is on the basis of what Albertans told us, and this goes back to 1993. They said: you are spending too much on the administration of health. [interjections] The Liberals would like to go back to 200 health boards – I'm sure they would – 200 separate administrations, all with their own letterhead. I see them clapping. This is so typical: administration, administration, administration. You know, the more bureaucracy the better. This is the Liberal motto.

Mr. Speaker, we have come a long way in terms of reorganizing health. Yes, there is still some distance to go. We have not reneged on our commitment to elect health boards; we have postponed that decision. We have postponed that decision on the good advice of health authorities who were doing a tremendous job in developing new pathways to health but simply were not there yet and felt they had some work to do. We thought as a government that it would be prudent to postpone the elections until we got the basic and fundamental restructuring under way.

Mr. Speaker, the efficient administration of health, in order to make sure that it is effective . . .

MR. SAPERS: . . . is best served by publicly funded, universally acceptable health care for all Canadians.

MR. KLEIN: Mr. Speaker, he just completed my sentence. Thank you.

MR. DICKSON: Mr. Speaker, my final question to the Premier. Since the Premier was musing recently in Banff that he would let Albertans know soon exactly what health services they should be able to expect from their public health care system, I'd like to ask the Premier to share with Albertans and share with members in the Assembly this afternoon just what services we can expect to be delisted. What services are going to be taken off the list of insured services to pave the way for private health care in this province?

MR. KLEIN: You know, Mr. Speaker, again this is misinformation, false statements. What we want is to make sure that we have an effective and efficient quality health care system for people when they need it. I believe that people who get smashed up in car accidents should have immediate and absolutely urgent, no-questions-asked access to health care, and I think that this member agrees. Do you agree? I agree that people with heart attacks should have immediate and no-questions-asked access. People with serious diseases like cancer or any other serious illness should have immediate access. The list goes on and on and on and on. I have a little wart right there. I don't know if a person with a little wart like this – and I've had it for a long, long time – should have immediate, emergency access to the health care system. If he thinks that that's what should happen, then his values are a lot different than mine.

3:00

THE SPEAKER: The hon. Member for Little Bow, followed by the hon. Member for Edmonton-Calder.  
Little Bow.

### Freedom of Information Legislation

MR. McFARLAND: Thank you, Mr. Speaker. R.I. Baker school in Coaldale was built in 1948. In its main hallway are 50 pictures depicting graduating classes for the past 50 years, part of their history. Staff from this school were informed at FOIP, freedom of information and protection of privacy, informational meetings that these pictures did not conform with the act and consequently would have to be taken down and destroyed.

On November 10, I attended a powerful, thoughtful Remembrance Day service. Thirty students had forgotten to return their freedom of information and protection of privacy release forms. They were unable to attend the service in the gymnasium with the rest of the school simply because they did not complete their freedom of information release. My question is to the Minister of Labour responsible for this act. Is the intent of this legislation to waste valuable time, energy, and history of this school, or is the onus being put where it should be, on those individuals who feel the need for protection?

MR. SMITH: Thank you very much. It's a great pleasure to be back. I've enjoyed the first hour and 40 minutes.

Mr. Speaker, I'm glad the member brought the question up, because in fact by doing so, he probably saved some very valuable archival information that adds to the rich fabric and culture of this province. There is a commonsense side to the Freedom of Information and Protection of Privacy Act. All that we ask is that people look at it and interpret from a commonsense perspective. In fact, Mr. Speaker, there's a web site; there are frequently asked questions that went out through the Minister of Education's communication network. There are people on staff at the school boards. But it is the decision of individual schools. We think that as the act rolls out and rolls out effectively in the hopes of both protecting people's privacy and ensuring a reasonable access to government information, there can be a commonsense denominator applied to each and every case. Certainly a public event that's being held to commemorate Remembrance Day, a very, very important time in our history and in Alberta, that's a reasonable expectation for media to come in, take pictures, in fact celebrate the efforts of the school. So there is no intent by the legislation, but I would ask those in the schools that have doubts to look to a freedom of information co-ordinator at the school board or, indeed, the government of Alberta through the Department of Labour or the Department of Education. Let's just work with the legislation as it benefits Albertans.

MR. McFARLAND: Thank you. Mr. Speaker, will the Minister of Labour or the Minister of Education provide me with a list of the personnel and the criteria used in communicating the dos and don'ts of this FOIP legislation, especially as it was relayed to the staff in the Palliser regional school division?

MR. SMITH: Mr. Speaker, I would certainly take it upon myself to work with the Minister of Education to provide that data to the Member for Little Bow at his convenience.

MR. McFARLAND: Thank you. Finally, Mr. Speaker, will the

Minister of Labour and the Minister of Education commit to me and other members that they will clarify any misunderstandings in this legislation to all parties and either rescind or amend the freedom of information and privacy act?

MR. SMITH: Mr. Speaker, I think perhaps the Minister of Education will add to these important questions, but certainly the member can and is invited to make his own application to the special select standing committee chaired by the hon. Member for Peace River, an all-party committee, as well as work with us on the ongoing dialogue to make this act efficient, effective, and affordable.

MR. MAR: Mr. Speaker, I will also make that commitment to work with the Minister of Labour on this particular issue.

THE SPEAKER: The hon. Member for Edmonton-Calder, followed by the hon. Member for Fort McMurray.

### Electric Power Generation

MR. WHITE: Thank you. So far the only explanations for the power blackouts are either, one, the Alberta economy grew too fast to predict; two, there was collusion amongst the power companies in order to withhold power; or three, there was something about some perceived miscommunication. Mr. Speaker, the Premier has guaranteed that there shall be no further blackouts. Commendable. In this province, sir, of plentiful resources, how could your government allow the lights to go out?

MR. KLEIN: I'd better be very careful how I answer this question, Mr. Speaker.

You can't guarantee that there's not going to be a power blackout. I mean, all kinds of things happen. Power stations get hit by electricity. I mean, there are so many causes for power blackouts. Relative to a brownout or a blackout as it relates to a number of generators being down at the same time, the hon. Minister of Energy has had a discussion, as I understand it, with the power generators, and he might like to supplement.

DR. WEST: Well, Mr. Speaker, the hon. member is a little behind the times. We had an investigation into the power outage of October 25. We called for that investigation on October 27. Of course, we had on November 4 the release of the investigation. I'm sure the hon. member can look up his copy, because he had one before, and he can see that the summary of that said that additional generation is due to come onto the system in '98 and early 1999 and that the new generation combined with the actions outlined in the following sections make it unlikely that the type of outage that occurred on October 25, 1998, will ever happen again.

We have taken steps, as I speak, to work with the transmission administrator, the power pool, the generators, and the systems controllers to ensure that services to Albertans are maintained, and as we move through in the next year and a half to two years, some 2,000-plus new megawatts of power – that's a considerable amount of power; it's about 25 percent of the production of the grid today – will come onstream on a graduated basis. We will actually be looking at surplus power before we're looking at outages.

MR. WHITE: Thank you for the response. That was a good description of what the plan is. But what in fact is the cost of that plan to the average Albertan?

DR. WEST: Mr. Speaker, the power pool works on bidding every 15 minutes of power into the pool and out on an ongoing basis, on a yearly basis. Of course I'll send the hon. member a detailed explanation of how our power pool works. Besides that, over the history of the power pool as well as the grid in Alberta the increased costs of new power coming in and out on a given demand basis has been about 1 percent up and down, depending on where the load was on an individual day. For example, traditionally we've had companies that have put power back into the pool when there were shortages, and they got paid to do that. It's called load curtailment, and we have had contracts with different companies to do that. We're investigating that right now, and we will also be investigating to ensure that the contracts we have for dumping power into the pool and shutting down their factory, that the payment for that won't exceed the 1 percent average, roughly, that's been there for the last 10 years.

*3:10*

MR. WHITE: Mr. Speaker, to the Premier: how, sir, do you explain the fact that since your government began the deregulation process in 1994, there have been absolutely no new power plants built in this province?

MR. KLEIN: Well, Mr. Speaker, it was deemed – and I think it is true today – that there are about 2,000 megawatts of excess power. So obviously there was deemed not to have been a need until now for power, but as I understand it, that power generation is now coming onstream. Again I'll have the hon. minister supplement.

DR. WEST: That's perfect, Mr. Speaker. I enjoy this hon. member's questions. They give us an opportunity to educate people as to what's going on in the province. This hon. member is the critic for the loyal opposition, and I would expect that he would do a little more research on this. In fact, I had him in my office a year ago, and I outlined not only how Bill 27 was going to work and electrical deregulation but also explained how the proposed generation was coming onstream.

Now, just so that we can get it straight, I'll read it into the record. The new proposed generation, which is now before the utilities board and some of it in construction, is as follows: Amoco at Primrose has 84 megawatts coming on in 1998. That's this year. Alberta Power at Rainbow Lake has 45 megawatts, a gas turbine, coming on in 1998. That's this year. Alberta Power at Poplar Hill has another 45 megawatts. It's a gas turbine, and it's coming on this year. Nova at Gold Creek has 6 megawatts out of a waste heat program coming on this year. Vision Quest, out of wind power, opened two wind towers yesterday, and they have another seven megawatts coming on this year. TransAlta at Fort Saskatchewan in a cogeneration plant has 120 megawatts coming on in 1999. Nova at Joffre – it's in construction; I was on the site only three weeks ago – has 400 megawatts coming on, and it should be completed in the next year to the year 2000. Syncrude at Fort McMurray has 320 megawatts of cogeneration coming on in 2000; TransAlta at Sundance, 370 megawatts of cogeneration in 2000; Imperial Oil at Cold Lake, 220 megawatts of cogeneration in 2001; Suncor at Fort McMurray, 350 megawatts of cogeneration in 2002.

When I was talking recently to Guido Bachmann, the head of the Independent Power Producers, he indicated to me that it would be with very little effort that 500 to 1,000 megawatts could be put on in capturing flaring out of gas plants on small gas-fired generators. One of the task groups is working with the Independent Power Producers so that there is no impediment to them getting into the

pool and getting through on the transmission lines to customers to contract that power. I would say that we'll report very shortly on how the Independent Power Producers are now going to go ahead and generate a tremendous amount of power. They assure us that if they were given the green light, they could bring power on in three to six months.

THE SPEAKER: Hon. members, we'll begin recognitions in 30 seconds from now. We'll proceed first of all with the hon. Member for Calgary-Lougheed. In 30 seconds I'll call on the hon. member.

First I'd like to call on the hon. minister responsible for children's services. She has provided notice that she would like to do an introduction. Hon. member.

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

MS CALAHASEN: Thank you very much, Mr. Speaker. It's my pleasure to introduce to you and to members of the Assembly nine visitors, of which only three were able to make it in today. They are from the MD of Big Lakes, from the constituency of Lesser Slave Lake. I've got some really key people who are newly elected as well as veterans of politics. The newly elected individuals are Helen Henderson, the reeve of the MD of Big Lakes; the deputy reeve, Ken Killeen, who is also sitting in the members' gallery; and David Marx, who is a councillor. Could you please give them a warm welcome to the Assembly.

THE SPEAKER: Just a little correction, hon. minister. I do believe that part of the MD of Big Lakes rests in the constituency of Barrhead-Westlock.

### Recognitions

THE SPEAKER: Seven individual members have indicated they want to participate in Recognitions today. We'll proceed in this following order: first of all, the hon. Member for Calgary-Lougheed, then the hon. Member for Edmonton-Centre, then the hon. Member for St. Albert, then the hon. Member for Spruce Grove-Sturgeon-St. Albert, then the hon. Member for Calgary-Mountain View, then the hon. Member for Edmonton-Meadowlark, and then the hon. Member for Calgary-Glenmore.

### Jack Perraton

MS GRAHAM: Thank you, Mr. Speaker. It is with pride and appreciation that I rise in the Assembly today to recognize Jack Perraton for two special distinctions bestowed upon him earlier this year. In April Jack was named the city of Calgary citizen of the year for his outstanding contribution as voluntary chair and CEO of the Expo 2005 exhibition board of directors from 1995 to 1997. Jack and his team of 874 volunteers put forward a polished bid presentation, which showcased the city of Calgary, the province, and Canada on a competitive international stage.

In June Jack assumed his new role as chancellor of the senate at the University of Calgary. He has been an effective advocate for the university, most recently in the context of the *Maclean's* magazine annual ranking of universities. Jack Perraton, QC, was born in Edmonton and graduated with a law degree from the University of Alberta in 1973.

On behalf of all members of the Assembly I wish to thank Jack for his service to Albertans and to extend to him our congratula-

tions on being named Calgary citizen of the year and chancellor of the U of C.

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

### Del Marlow

MS BLAKEMAN: Thank you, Mr. Speaker. I would like to recognize an Edmonton woman who received a national volunteer award sponsored by *Flare* magazine. Del Marlow was one of six women to receive the *Flare* volunteer award, which honours Canadian women who have dedicated a substantial portion of their personal time to enrich the lives of others and make their communities better places to live.

Del's paid work as the co-director of the northeast youth project brings her into daily contact with challenging human situations, yet she also volunteers much of her free time to personally support people in distress. Now also the volunteer co-ordinator for the Sexual Assault Centre of Edmonton, she has in the past volunteered there on the crisis line, in an administrative role, and as a counseling group co-facilitator. She is a volunteer mentor at the women's prison in Edmonton, where she is helping to prepare one woman for her release. During 1997 Del also mentored a pregnant teenager through Terra Big Brothers, Big Sisters. For most of last year Del assisted the constituents of Edmonton-Centre as the caseworker in my office.

Congratulations, Del.

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

### Sandy Mactaggart and Donald Stanley

MRS. O'NEILL: Thank you, Mr. Speaker. Last month Dr. Donald Stanley and Mr. Sandy Mactaggart, both of Edmonton, received our province's highest honour. They were inducted into the Alberta Order of Excellence.

Mr. Sandy Mactaggart is an entrepreneur and philanthropist with national and international achievements in business, the arts, and education. He is one of four founders of the Citadel Theatre, Edmonton's first professional regional theatre. He continues to support the Citadel as a governor and through the sponsorship of one production each year on the Maclab stage, which is named in recognition of his company's contributions to its construction. Sandy Mactaggart is a former chancellor of the University of Alberta and has served on the University of Alberta's board of governors. He was recently appointed honorary lieutenant colonel of the Loyal Edmonton Regiment.

Dr. Donald Stanley has been a leader in the field of environmental engineering and has been recognized for numerous community, athletic, and business endeavours. Dr. Stanley has had a distinguished career in business. I ask all members of this Assembly to join me in congratulating these two outstanding Edmontonians, Albertans, and Canadians.

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

3:20

### J.J. Nearing School

MRS. SOETAERT: Thank you, Mr. Speaker. It's my honour today to recognize the new J.J. Nearing Catholic elementary school in my constituency, in the northwest corner of St. Albert, opened to students August 31, 1998. This is a kindergarten to grade 6

school and is the newest school in greater St. Albert Catholic regional division 29. The school is named after Dr. Jack Nearing, former superintendent of schools and a much respected leader in Catholic education in the province of Alberta. The school as built has a capacity for 275 students but has 313 students already attending. In fact, a grade 4 class is already occupying part of the library space. This school, under the leadership of principal Donna Fedoration, is already known for its enthusiastic spirit and stakeholder involvement. The design committee included parents and school division staff. Prior to opening, the principal established four key parent committees to plan for the school opening, and as of September the school council is already up and running.

This new school is using the concept of school as family, thus the motto: we're growing a new family tree . . . rooted in God's love. Those who were attending the official opening at the school were witness to that family feeling already, which I was fortunate to be a part of.

Thank you.

THE SPEAKER: The hon. Member for Calgary-Mountain View.

#### Harley Hotchkiss

MR. HLADY: Thank you, Mr. Speaker. Last month four distinguished Albertans were invested into the Alberta Order of Excellence. This is the highest honour the province of Alberta can bestow on a citizen. These outstanding and extraordinary Albertans included Harley Hotchkiss of Calgary. Mr. Hotchkiss is a business and community leader who has made great contributions to health and sports in Canada. As one of the owners of the Calgary Flames Hockey Club Mr. Hotchkiss is among the people responsible for bringing professional hockey to Alberta. Through a commitment of \$5 million the Flames' owners contributed to the development of the international hockey centre for excellence in Calgary. In conjunction with Hockey Canada and the Canadian Olympic team the centre for excellence offers coaching clinics and videos, research in hockey development and sports injuries, and athletic scholarships to Canadian universities.

From 1994 to 1997 Mr. Hotchkiss cochaired the Partners in Health campaign, a \$50 million fund-raising project to support health-related initiatives in the Calgary area. Funding from Partners in Health supported the development of the first intraoperative MRI centre in Canada, helped attract world-class researchers and clinicians to Alberta, and bought state-of-the-art medical equipment that has enhanced health care for all Albertans.

I invite all members to join me in congratulating Harley Hotchkiss on being named to the Alberta Order of Excellence.

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

#### Elmwood School

MS LEIBOVICI: Thank you, Mr. Speaker. It's my pleasure this afternoon to recognize and congratulate the students, staff, and parents of Elmwood elementary school in my constituency of Edmonton-Meadowlark. Elmwood has undertaken the challenge to become an environmental green school by participating in the society, environment, and energy development studies program. Students, their families, and the staff at Elmwood completed 100 projects on December 17, 1996, and achieved green status and most recently achieved jade status on June 1, 1998, by completing 200 projects. Currently they're working on achieving their emerald status, which is the completion of 500 projects. This school's

dedication to ensuring the sustainability and enhancement of our environment is most worthy of both the Assembly's recognition and congratulations.

#### Aron Eichler and Sidney Cyingiser

MR. STEVENS: Mr. Speaker, this upcoming Wednesday, November 18 in Ottawa two very deserving Calgarians, Aron Eichler and Sidney Cyingiser, will receive a special honour bestowed on survivors of the Holocaust. These gentlemen are among a symbolic group of 50 Holocaust survivors who will represent the thousands who made their home in Canada and who overcame the greatest human tragedy and personal difficulties to contribute significantly to Canadian society.

The honour is given not only to celebrate the achievements of Holocaust survivors but also to commemorate the 50th anniversary of the United Nations proclamation of the universal declaration of human rights, which speaks of guaranteeing equality and liberty to all men, women, and children. Both Mr. Eichler and Mr. Cyingiser rebuilt their lives in Calgary and through strength of spirit, talent, and commitment have contributed incredible energy to both the Jewish and general communities. Zachor. We remember. Congratulations to both of you.

THE SPEAKER: Before proceeding with Orders of the Day, we now have some administrative work to do. I have received notice of three points of order. We have at least one question of privilege, and we have some other items as well.

So the three points of order we'll deal with first. The first one of these is the hon. Member for Edmonton-Glenora.

#### Point of Order Sub Judice Rule

MR. SAPERS: Thank you, Mr. Speaker. Earlier today, before question period commenced, you made a statement regarding sub judice and made reference to Standing Order 23(g). It's in reference to 23(g) that I rise on a point of order this afternoon.

In a response to a question that was originally put to the Premier but then handed off to the Attorney General, the Minister of Justice read from a prepared text, clearly in anticipation of wanting to answer a question about why we couldn't have a public inquiry, but the prepared text didn't mesh very well, I don't think, Mr. Speaker, with your previous cautions about the use of the sub judice rule. I would like to say that when the question was put to the Premier regarding the need for a broad public inquiry regarding the Alberta Treasury Branches and its involvement in the refinancing of West Edmonton Mall, as it was directed to do, I would argue, by members of the Executive Council, the Minister of Justice talked about how this could somehow get in the way of a subsequent proceeding. I'd like to say that there have been lots of examples of public inquiries, royal commissions, commissions of inquiry going on at exactly the same time when there have been matters brought before the courts. The Minister of Justice was very selective in his reading of some case history and case law. I would argue that there are several other cases, and he could have mentioned, for example, the Krever inquiry and the lawsuits there.

So, Mr. Speaker, I would hope that the Minister of Justice will recognize that that is not going to be a productive argument and that he won't take up time in the Assembly again to trot out an argument that really he's already been cautioned not to use and try to deflect attention away from legitimate questions about the behaviour of the Premier and the government in relation to a significant matter of public interest.

MR. HAVELOCK: Well, I stand here waiting for the point of order, and I haven't heard it, Mr. Speaker. I don't know what he's raising. Is he arguing sub judice? If that's the case, all I simply pointed out is that the RCMP had indicated publicly that they are investigating the matter. Then I went on to indicate how, if a public inquiry were to be held, it may jeopardize that investigation. That's all that was stated, nothing I see that offends against the Standing Order. If this is the way that the session is going to go – I've been here for a year and a half as House leader, and I have to suggest it's probably his weakest argument I've heard yet.

MR. SAPERS: You said that last time.

MR. HAVELOCK: Well, you're getting worse.

THE SPEAKER: Hon. members, I fully anticipated another form of argument with respect to this when the hon. member rose on the point of order.

MR. SAPERS: Well, what I meant to say . . .

THE SPEAKER: No. You don't get a second chance.

One caution I'll give. I listened very, very carefully to the question. I listened very, very carefully to the answers, because there were two answers. If I would make one comment, it would be that the answers tended to be rather long, but then the question was rather expansive. So brevity is the only message I give with respect to that particular one. I think we'll move on.

The hon. Member for Calgary-Buffalo.

#### **Point of Order Imputing Motives**

MR. DICKSON: Thank you, Mr. Speaker. I'm citing 23(h), (i), and (j) in Standing Orders. I'm taking issue with comments made by the Premier when in fact he quoted from *Hansard* of I think it was April 6, 1998. I'm always flattered when the Premier pays attention to what I've said in the Legislature, but I regret that he didn't read more than the first 30 lines on page 1368. If he'd read beyond the first 30 lines, he would have seen that this is what I said: "The difficulty is whether in fact Bill 37 that we're looking at now is the vehicle to be able to do that."

I've always said – and I'd be astonished if anybody in this Assembly felt otherwise – that there is a need for a piece of legislation to specifically address private hospitals. What I went on to say in the balance of my 20 minutes was that Bill 37 isn't the vehicle. So one of two things: either the Premier read my entire speech and selectively chose to read out only the first part, which gave a wholly distorted meaning, or he may have gotten exhausted after reading the first 30 lines and wasn't able to continue. But in either event, Mr. Speaker, the inference and suggestion from the hon. Premier that I had supported Bill 37 in second reading is patently false, and I'm happy for the opportunity to be able to raise that at this time.

Thank you.

3:30

MR. HAVELOCK: Well, Mr. Speaker, to begin with, the hon. member has no idea what portions of the hon. member's remarks in *Hansard* the Premier read, although if it's like most of his other comments, I'm sure he couldn't get past the first 30 lines.

Nevertheless, what I'd like to suggest is that all he's doing is just really trying to clarify for the House why he supported Bill 37. It's

a question of interpretation; it's a question of clarification. There's no point of order here, and I think you need to set a tone very early in this session that we shouldn't have the process of raising points of order as a means to simply clarify one's position. They're abusing the process.

THE SPEAKER: Well, the fascinating thing is how does one know if one is using a point of order to clarify anything unless you've first of all heard the argument put forward by the individual in support of the point of order, wherein lies the whole dilemma, hon. Government House Leader. I concur, though, with the Government House Leader that this was not a point of order. The hon. member has corrected the record, I think, which was the intent, but under the guise of a point of order for clarification.

One is really fascinated, you know. Perhaps maybe in the next several months one should actually take the Standing Orders again and review them. Perhaps there are some clarifications, and this might be one that we would want to actually take a look at. Again, when one asks for brevity with respect to an answer and then one reads only a portion of somebody's text and doesn't give the rest, then it becomes an argument from the hon. individual saying: well, you need to clarify my whole argument. I think the hon. Member for Calgary-Buffalo did that. Again, no point of order. Let's move on.

The hon. Leader of the Official Opposition.

#### **Point of Order Clarification**

MRS. MacBETH: Thank you, Mr. Speaker. I rise on a point of order under Standing Order 23(h). It was in reference to some remarks made by the Premier that health care costs were out of control previous to 1993. I want to table a document which shows the annual average percent change in real per capita health spending in Canada and the provinces for the period of 1987 to 1991, from the health information division of Health Canada, which shows that in fact Alberta had the best cost-control spending record in the country.

As well, I'd like to table a document out of the Treasury Department's own documents called a Fiscal Overview Presentation, which shows that health care costs for the period 1985 to 1993 held very steady in this province.

MR. HAVELOCK: Well, the dilemma continues, Mr. Speaker, again using a point of order to clarify a particular position. There's no point of order here.

THE SPEAKER: Well, 23(h) says: "makes allegations against another member." I listened very, very, carefully. I didn't see any allegation against any other member. There certainly was a discussion in terms of dollars and what have you. The reality is that there was no individual money being spent by anybody in this Assembly on behalf of health; this is public money. Okay. We raised it, dealt with it. Move on.

#### **Privilege Allegations against a Member**

THE SPEAKER: In the last day of the spring session some event occurred that the hon. Minister of Transportation and Utilities and as well the hon. Government House Leader corresponded with the Speaker on with respect to a point of privilege. We shall now deal with it here.



MR. PASZKOWSKI: Thank you, Mr. Speaker. It was a question of privilege on April 29, 1998.

Mr. Speaker, I stand to raise a question of privilege pursuant to section 15 of the Standing Orders. Section 15(1) provides that "a breach of the rights of the Assembly or of the parliamentary rights of any member constitutes a question of privilege." Pursuant to section 15(2) I provided written notice to the Deputy Speaker before 11 a.m. on April 30 of my intention to raise a question of privilege in this Assembly. A copy of my notice was also sent to the hon. Member for Spruce Grove-Sturgeon-St. Albert, who, as I will submit, breached my privilege as a member of the Assembly.

As you know, Mr. Speaker, the spring sitting of the Legislature adjourned on April 29. This being the first day of the fall sitting, it is the first opportunity that I could speak to this matter. My privilege as a member of this Assembly was breached as a result of the comments made about me by the hon. Member for Spruce Grove-Sturgeon-St. Albert during question period on April 29, 1998, at approximately 2:35.

During the first supplementary question on highway 794, as reported on page 1810 of *Hansard*, the hon. Member for Spruce Grove-Sturgeon-St. Albert asked: "How many deaths does it take? What's the magic number?" That is presumably the number of deaths before secondary 794 is upgraded to, essentially, primary highway status. There is no doubt in my mind that the hon. member implied that I as a member of the Assembly and as a minister of the Crown do not care about the lives of Albertans. The hon. member not only implied that I don't care about the lives of all Albertans; she went on in her final supplementary question with a clear and explicit accusation. She said:

Why do you put partisan politics ahead of the safety of people?  
Are the lives of the people in Westlock more important than the lives of the people in Sturgeon?

The hon. member has clearly accused me of approving and rejecting road improvements based on partisan politics and recklessly putting the safety of Albertans at risk. Mr. Speaker, this is clearly not true. The statement made by the hon. member was libelous. The hon. member has clearly and explicitly insulted my reputation and my integrity as a member of this Assembly and as a minister of the Crown.

Mr. Speaker, section 10 of the Legislative Assembly Act deals with breaches of privilege and contempts of the Assembly. Subsection (2) states in part:

The following acts constitute breaches of privilege or contempts . . .  
(a) an assault, insult or libel on a Member;  
(b) obstructing, threatening or attempting to force or intimidate a Member in any matter relating to his office.

The statement made by the hon. member is clearly insulting and libelous as well as "attempting to force or intimidate a Member in any matter relating to his office." Therefore, the action taken by the hon. member falls squarely within section 10 of the Legislative Assembly Act.

The Legislative Assembly Act is a statutory authority enacted by Her Majesty by and with the advice and consent of this Assembly to govern the conduct of the Assembly. Given the seriousness of this accusation made by the hon. Member for Spruce Grove-Sturgeon-St. Albert, I submit that section 10 of the Legislative Assembly Act is paramount should there be a question about the applicability of section 23 of the Standing Orders.

I also wish to point to another source of authority on this question, Mr. Speaker. On page 50 of Bourinot's *Parliamentary Procedure and Practice*, fourth edition, it says in part:

. . . any scandalous and libellous reflection on the proceedings of

the House is a breach of the privileges of parliament, but the libel must be based on matters arising in the usual transaction of the business of the House. So, libels or reflections upon members individually have also be considered as breaches of privilege which may be censured or punished by the House, but it is distinctly laid down by all the authorities: 'To constitute a breach of privilege such libels must concern the character or conduct of members in that capacity.'

Mr. Speaker, the insult and libelous statement of the hon. member related to my capacity as the Minister of Transportation and Utilities and therefore is a breach of my privilege as described on page 50 of *Bourinot's*. I want to mention that this passage from *Bourinot's* was recognized by the former Speaker when he ruled on a question of privilege on May 11, 1994. That ruling was reported on page 297 of the 1994 *Hansard*.

In conclusion, Mr. Speaker, I believe that the actions of the hon. Member of Spruce Grove-Sturgeon-St. Albert constitute a serious breach of privilege.

3:40

THE SPEAKER: We had, as I'd indicated a little earlier, two notices that came to the office of the Speaker with respect to this matter. I do believe, unless further advised, that they both deal with the same issue, so I think we'll recognize the Government House Leader on this matter and see if they both work together.

### Privilege

#### Allegations against a Member

MR. HAVELOCK: Thank you, Mr. Speaker. I stand to raise a separate though related question of privilege pertaining to the same allegations made in this Assembly on April 29, 1998, by the hon. Member for Spruce Grove-Sturgeon-St. Albert against the Minister of Transportation and Utilities. I provided written notice to the Deputy Speaker on April 30, 1998, of my intention to raise a question of privilege in this Assembly. I also sent a copy of my notice to the hon. Member for Spruce Grove-Sturgeon-St. Albert. This being the first day of the fall sitting, it is the first opportunity that I can speak to this matter.

Mr. Speaker, I believe the Minister of Transportation and Utilities has firmly established a prima facie case of privilege based on the allegations made against him by the hon. member previously referenced on April 29, 1998. In addition, I submit that the same allegations made by the hon. member also constitute a breach of privilege or a contempt of this Assembly as a whole. Section 10 of the Legislative Assembly Act states in part that in addition to being a question of privilege, an insult or libel toward a member is also a contempt of the Assembly which the Assembly may inquire into, adjudicate, and punish.

Furthermore, Mr. Speaker, on May 11, 1994, the chair was similarly confronted with a question of privilege regarding statements made toward another member. At that time the Member for Edmonton-Glengarry accused two ministers of interfering with the regular process of awarding contracts. The chair, in finding a prima facie case of privilege, indicated that while a dispute over facts does not give rise to a question of privilege, an allegation based on those facts may. In other words, as the chair indicated, the truth of the statement is not at issue. The issue is the impact of the statement on the member's and the Assembly's status in the eyes of the public. The chair's ruling on the question of privilege appears on page 295 of the *Journals*.

Mr. Speaker, the accusations made by the hon. Member for Spruce Grove-Sturgeon-St. Albert against the minister were mean spirited and reckless, and although they were designed to insult only

the minister, their effect was to insult the good work and decency of all members and to diminish the respect due to this Assembly.

In closing, Mr. Speaker, I believe that a prima facie case of privilege has been established, not only in respect to the minister's privileges but also in respect to the Assembly's privileges. Therefore I would ask the chair to find the same.

Thank you.

THE SPEAKER: The hon. House leader of the Official Opposition.

MR. SAPERS: Thanks, Mr. Speaker. This is a very, very serious matter and one that I've taken some time over the summer to review. First of all, I think it's important to take a look at *Alberta Hansard* for the accurate record of exactly what was said on April 29, 1998, because when that record is reviewed, one can find no accusations, just very serious, hard-hitting, and heartfelt questions, questions that really arise as much from my colleague's own personal experience, as that is the experience of so many of her constituents who have come to her on the matter of highway 794.

If we look at page 1810 of *Hansard* on April 29, 1998, we see a question put:

Given that people are on the verge of blocking off highway 794 in protest, what is it going to take for the minister to do the right thing? Make it safe. Plan it this year. How many deaths does it take? What's the magic number?

There's not an accusation there. There's a request for information put in a very aggressive way but not in a way that in any way impugns the hon. minister of transportation's reputation, unless the minister for whatever reason reads more into the question than is there. In section 25 of *Beauchesne* the description of privilege ends with the following quote:

In my view, parliamentary privilege does not go much beyond the right of free speech in the House of Commons and the right of a Member to discharge his duties in the House as a Member of the House of Commons,

again reminding us that the privilege has to pertain to the blocking of a right or a duty in the Assembly, which clearly didn't happen. The minister went on to answer questions, participated in debate subsequently, and was here when we adjourned for the summer.

3:50

Mr. Speaker, if you turn that argument on its head just a little bit, what you'll see is that this argument, this claim of privilege would threaten the free speech of my colleague from Spruce Grove-Sturgeon-St. Albert, because what my colleague was doing was reflecting her constituents' concerns regarding the safety of that highway, which cuts through her constituency. Since the most sacred thing that we have in this Chamber is freedom of speech, I find it hard to accept an argument that is simply based on being made to feel uncomfortable about a serious, serious issue as the basis of a question of privilege.

Now, *Beauchesne* is also instructive, Mr. Speaker, in another way, because if we review section 26 of *Beauchesne*, we will learn the parliamentary tradition of the distinction between a question of privilege and a question of order. Section 26 reads:

- (1) A question of order concerns the interpretation to be put upon the rules of procedure and is a matter for the Speaker or, in a committee, for the Chairman to determine.
- (2) A question of privilege, on the other hand, is a question partly of fact and partly of law – the law of contempt of Parliament . . .

which we'd previously reviewed,

. . . and is a matter for the House to determine. The decision of the House on a question of privilege, like every other matter which the House has to decide, can be elicited only by a question put from

the Chair by the Speaker and resolved either in the affirmative or in the negative, and this question is necessarily founded on a motion made by a Member.

Now, section 27, more to the point, says:

A question of privilege ought rarely to come up in Parliament. It should be dealt with by a motion giving the House power to impose a reparation or apply a remedy. A genuine question of privilege is a most serious matter and should be taken seriously by the House.

Mr. Speaker, it would therefore only be in the most extreme case, with the most obvious evidence of a right being taken away from a member and a right that has to do with that member's duties and responsibilities in the House, that a question of privilege ought to be raised. Again, I would argue that not only is there no evidence that any right has been offended by the question put on April 29, but certainly no right as it pertains to the duty of any member of the front bench in this House was affronted.

Mr. Speaker, in section 28 of *Beauchesne* it reads:

It is clear that many acts which might offend against the law or the moral sense of the community do not involve a Member's capacity to serve the people who have chosen him as their representative nor are they contrary to the usage nor derogatory to the dignity of the House of Commons.

In other words, some things may offend on a personal level, but they are not necessarily contrary to the dignity of the House, and they certainly do not constitute privilege.

Mr. Speaker, if I can have your indulgence for just a minute or two more, I'll go on to refer to at least one more section of *Beauchesne*, section 31, where it says, "A dispute arising between two Members, as to allegations of facts, does not fulfill the conditions of parliamentary privilege." Essentially what we have here is a dispute pertaining to the reasons why or why not a secondary highway would be paved or not paved. There is a difference in perspective. There is the reality of my colleague who lives in that constituency, who travels that highway, and who hears on almost a daily basis from people who have fears for their safety about that highway. Then there is the view from the minister of transportation's chair, where he has a rather dispassionate ability to stand back and say, "Well, it's not my decision," or "It's not up to me," or "Maybe it's up to the municipality," or "Maybe it didn't make it onto a priority list" and doesn't have to deal every day with the concerns being brought forward by people who believe that their lives may in fact be at risk because of the condition of that piece of road. So section 31 I believe also gives us some guidance that a dispute as to facts does not constitute parliamentary privilege.

It's always a somber occasion when a question of privilege is raised in the House. It would be a particularly sad occasion if a question of privilege was actually established. There is no prima facie case of privilege. In fact there's not even a glimmer of a case of privilege. What we do have, I believe, is a dispute about facts, facts about a very, very sensitive issue, an issue, I'll add, Mr. Speaker, that has still not been resolved, an issue that may in fact come before this Assembly again.

Thank you.

THE SPEAKER: Hon. members, questions of privilege are the most serious questions that can be raised in the Legislative Assembly and in a parliament. Arguments have been raised by the Minister of Transportation and Utilities and also by the Government House Leader, and a position has been set forward by the House Leader of the Official Opposition.

Does the hon. Member for Spruce Grove-Sturgeon-St. Albert wish to contribute to this? [interjection] No. Please. That's her choice. Everybody has a choice.

Are there additional members of the House who want to participate in this debate on this question of purported privilege? I take it there are none, and it's very clear, hon. Member for Spruce Grove-Sturgeon-St. Albert, that there's nothing more you need to add to this. Okay.

Well, on the basis, then, of the positions set forward, I think I'm going to take that information. The Blues will be available to me very, very shortly. There are allegations made and a fair amount of quotations that have come from various texts, and one will have to consult with them, and I shall now attend to that matter. I will defer a decision on this matter today and in all likelihood, hopefully, will be in a position to deal with it tomorrow afternoon at the conclusion of question period. Hopefully it will be by that point in time. So I shall now attend to that matter of business and invite the Deputy Speaker to be Speaker.

[The Deputy Speaker in the chair]

THE DEPUTY SPEAKER: We have before the Assembly five motions, the first one from the hon. Leader of Her Majesty's Loyal Opposition, a Standing Order 30. Would you care to make your comments?

head:           **Request for Emergency Debate**  
                   **Government Interference in**  
                   **Treasury Branches Operation**

MRS. MacBETH: Thank you, Mr. Speaker. I move under Standing Order 30 the following motion:

Be it resolved that this Assembly adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance; namely, government interference in the management and operations of the Alberta Treasury Branches and the role of the Executive Council and its members in the management and operations of Alberta Treasury Branches.

Mr. Speaker, this clearly is a motion which meets the requirements of the Assembly with respect to urgency. The first paragraph I'd like to quote is under Standing Order 30(7)(a), which is "a genuine emergency" and, number two, "immediate and urgent consideration." Certainly the genuine emergency in this debate is about the integrity of the operations of the province's major deposit institution. The genuine emergency also relates to the role of Executive Council in the operational decisions of a for-profit corporation.

Standing Order 30(7)(b) speaks of only one motion per day, which is certainly being met in this instance.

Standing Order 30(7)(c), that it be a matter of a single matter, and it is certainly that, Mr. Speaker.

Standing Order 30(7)(d), that it not be a matter of a previous Standing Order in the session. There has of course been no previous Standing Order on the Alberta Treasury Branches in this session.

Standing Order 30(7)(e), that the basis of a question of privilege, while not applicable, should be mentioned as not arising in this case.

Standing Order 30(7)(f) says it must not raise an issue that "can only be debated on a motion on notice." There are no outstanding notices of motion on this same issue as is raised in the present Standing Order. On the Order Paper for the 29th of April there are no written questions, motions, or notices of motions.

4:00

Turning then to *Beauchesne* and the requirements to meet the argument for a Standing Order 30, Mr. Speaker, I turn to *Beauchesne* 387. It refers to the "administrative competence of the

Government." Certainly it does that.

Under *Beauchesne* 389 the public interest suffers "if it is not given immediate attention." Well, certainly the public interest is the intense scrutiny and cloud under which the Alberta Treasury Branches are now operating. The government is the sole shareholder in Alberta Treasury Branches, and the public needs to know whether it is a public asset or a public liability. The public interest is in knowing whether the manager of the ATB operates it or whether members of Executive Council operate it.

With respect to a further argument for debate, under *Beauchesne* 390 the rules of the House do not permit early debate. Of course, we know that the Speech from the Throne, the budget, and the estimates have all passed, and there is no bill before the Assembly on ATB which would afford us an opportunity to discuss this matter.

Under *Beauchesne* 390, a matter of urgency. The urgency is not the matter itself. The urgency is on the need to debate the matter, Mr. Speaker.

Under *Beauchesne* 391, the sub judice exception, the matter for debate is the role of the members of Executive Council in the ATB operation and management. The subject matter of the lawsuit is a guarantee agreement respecting Triple Five Corporation's debt in which the Alberta Treasury Branch is the guarantor, the loan agreement between Triple Five and the Alberta Treasury Branches, and the failure of Triple Five to maintain the mall and certain ancillary side agreements. Relief as sought is the appointment of a receiver/manager to operate the mall and the voiding of certain agreements, documents which were all tabled in the Assembly today. So it doesn't apply.

Under *Beauchesne* 395, member conduct. This motion examines the role of the Executive Council and not the conduct of a particular member thereof. Frankly, there's not enough information in *Beauchesne* to determine what is meant by this exception.

Mr. Speaker, I read into the record the motion that we have before us pursuant to Standing Order 30. Trust and credibility are at the core of a government's relationship with its citizens. This government's actions over the past four years to cover up, to hide, and to deny its political involvement in a \$418 million refinancing of the West Edmonton Mall is a shameful exercise, a fundamental breach of trust resulting in a credibility gap between this government and Albertans. To put it in terms that the Premier and the government can fully understand: their denial, their cover-up, and their willful actions to hide the truth from Albertans has created this deficit of credibility and trust. I would think that members of the government would be as eager, as we are, to eliminate this deficit of credibility and trust as they were to eliminate the fiscal deficit and debt.

Mr. Speaker, there is no greater sense of urgency than to rebuild credibility and trust between government and its citizens. It has been lost. It is time for the Premier and the government to come clean before Albertans, to tell the truth and nothing but the truth about their involvement, their direction, their interference in the Alberta Treasury Branches' lending decisions, and their approval of a refinancing arrangement that has been kept hidden away from Albertans for over four years.

The Premier of this province has stressed the urgency of this matter. On September 12, 1998, he stated, and I quote: I'd like to get to the bottom of this as soon as possible. Well, we have that opportunity today before the people of Alberta, Mr. Speaker. We need this debate to take place and these questions to be put within the cradle of democracy, the Legislative Assembly of this province, in the court of public opinion, not the Court of Queen's Bench. We

need a frank, open, and truthful discussion about the issues in this House for Albertans, not sworn affidavits and statutory declarations taken behind closed doors where no questions can be asked.

There are two other matters I would like to briefly raise that point to the urgency of this matter. A former Provincial Treasurer who departed this House some 20 months ago once said that the Treasury Branches are near and dear to the hearts of Albertans. Mr. Speaker, I agree. Albertans have placed their trust and their confidence in Alberta Treasury Branches for the past 60 years. They believed that Alberta Treasury Branches operated at arm's length from this government, but tragically this government's involvement in the lending decisions of the Alberta Treasury Branches on the West Edmonton Mall has caused uncertainty, concern, and despair amongst Albertans.

I have heard the uncertainty and the concern expressed by many Albertans in my travels across this province. As elected officials we have a responsibility, Mr. Speaker, to the 978,000 depositors, the 209,000 loan account holders, and the 2.8 million Albertans who are shareholders in the Treasury Branches to set the record straight here in the Legislative Assembly at the earliest opportunity. That is why we bring forward this motion. The future of the Alberta Treasury Branches is too important to Albertans that we can leave the extent of this government's involvement in the matter to be determined by the courts over the next several months or even several years. In the financial sector, confidence is extremely important. We need to ensure that Albertans continue to have the greatest confidence in the independence of the Alberta Treasury Branches.

Finally, Mr. Speaker, I would like to address the issue of government openness, accountability, and transparency, all hampered by these actions of this government. We've heard these words used often by the government, but their actions speak louder than their words. Just last December the Alberta Official Opposition asked the Premier's office for correspondence, memoranda, and other supporting documents on the refinancing of the West Edmonton Mall. You know what we were told? We were told by Executive Council that the Premier's office had no correspondence, no memoranda, and no supporting documents. Albertans will never know what is hidden unless . . .

THE DEPUTY SPEAKER: I'm sorry to interrupt the hon. Leader of the Official Opposition. I have two people who have indicated their wish to make a point of order.

#### **Point of Order Relevance**

MR. HAVELOCK: Mr. Speaker, I just want to get the member back onto the issue of urgency as opposed to a debate with respect to the matter itself.

THE DEPUTY SPEAKER: On the point of order.

AN HON. MEMBER: It's not a point of order, I don't think.

THE DEPUTY SPEAKER: Okay. Could you move as quickly as possible to the conclusion?

#### **Debate Continued**

MRS. MacBETH: It's clear, Mr. Speaker, that we get this urgent matter before the Assembly. Otherwise, Albertans will never know what else is hidden behind the basement vaults, in the Premier's

office, behind the doors of the Ministry of Economic Development, in Alberta Treasury, or for that matter what evidence may have hurriedly been stuffed down government shredding machines before it was able to be received by the freedom of information process, which this government, of course, put in place.

Alberta Liberals believe that government openness, accountability, and transparency are urgent matters, Mr. Speaker. The question that Albertans are being asked here today is whether this government is willing to walk their talk on openness, accountability, and transparency before this Assembly or whether it's simply just another empty slogan to hang alongside the billboards of: he won't let you down, he cares and he listens, or getting out of the business of being in business.

Thank you, Mr. Speaker.

MR. DAY: Mr. Speaker, in entering this discussion, I'd first like to preface my remarks, as I always do when there are questions related to Treasury Branches, by underlining the fact that this is a very profitable organization. It is a strong organization. As a matter of fact, in stark contrast to a suggestion that the public interest may be suffering, this particular institution continues to – continues to – post profits and improve their bottom line. The reason I say that right up front is because some – I'm not suggesting any here – would take this argument and deal with it in a way which is not sensitive to the fact that people's financial interests, their savings and their deposits and their loans, are very important to them. Let's make it very clear – and I know this discussion will continue as we're here day to day – that this institution is in no way at peril. As a matter of fact, it is in an improving bottom line situation all the time. I send a message, as do the profit statements themselves, to all present depositors, loan holders, and to people doing business with ATB and those considering it that this indeed is a strong institution. A strong institution and continuing strong.

#### **4:10**

I'd also like to direct remarks specifically to Standing Order 30, which talks about urgency. Now, Mr. Speaker, this, I want to say, is an important matter, and I agree with the member raising it as a matter of importance. It is very important. When we look at Standing Order 30, the emphasis is on urgency – on urgency. So let's make it clear. This is important, but is it so urgent that the business of the Legislature should grind to a halt – how could that ever happen? – and we put aside such things as a discussion on Bill 37, which I'm hearing from members opposite is also of high urgency? I don't hear a Standing Order 30 from the member opposite to do that.

Mr. Speaker, we need to concentrate on the question of urgency, and it would indeed be urgent if there was a suggestion that nothing was being done about this particular matter, if there was nothing being done to look into the concerns that have been raised, if there was nothing being done to explore the involvement of Executive Council related to this particular loan. If nothing was being done, then I would be in agreement with the member that there would be a high level of urgency on this particular matter.

In 1994 there was discussion, discussion which the Premier was involved in, discussion which he is very open about talking about. When a very sensitive matter related to this loan came up for discussion, it was the Premier who said: if possible and before finalizing another deal, see if there's an Alberta solution to that. That's a Premier who very openly spoke about that at that time, very openly speaks about it to this day. As a matter of fact, the particular memo which he sent addressing that particular fact was

published in a book, and that book has been out for a long, long time. Everybody has known about that. This particular memo, which he is very open about, has been out there for quite a long period of time. It has never been raised as a point of urgency by the opposition. An important point, yes, but one in which the legislative business of the government should grind to a halt? They've never raised that before.

That was back in 1994. In 1995, Mr. Speaker, legislation was brought in which set up a board of directors for this particular asset, the Alberta Treasury Branches.

MR. SAPERS: Mr. Speaker, is this on urgency?

MR. DAY: Mr. Speaker, it was very interesting that that organization continued for some 60 years, almost 60 years, just short of that, before it even had in fact a board of directors.

This is directing to the question of urgency. Is anything being done? I listened patiently to the remarks opposite. I did not interject. I did not do any catcalls, as I'm hearing now. All we ask is for similar respect from the leader. We sat patiently listening to her remarks.

Now, Mr. Speaker, this board was put in place in 1995. Legislation was put in place to do that. In 1997 more legislation was introduced related to governance, related to accountability, related to openness, related to investment procedures, corporate procedures, and financial procedures. The reason that was done was to improve the accountability, the transparency, the operation, and the performance of this particular asset.

When that happened, a new board and new legislation, the board enacted and brought in new management to deal with all of the loans, not just West Edmonton Mall but in fact to deal right across the board, an entire review. As Mr. Speaker I'm sure will recall, about two years ago there were substantial losses reported with the loan loss review, which most financial institutions had done in terms of their own institution, the main chartered banks back in 1992 and 1993. Most banks then took a substantial write-down on their loan loss provisions, getting a much more realistic point of view of where they were at. Treasury Branches enacted that particular process a couple of years ago and very openly and accountably took some loan loss, got very realistic about the loans that were out there.

That particular practice that they went into is normal practice for a financial institution. But with all those other chartered banks, when they did their loan loss reviews, it wasn't reported. There was no political tie-in. So even though those institutions took losses, none of that was deemed worthy of reporting, because the politics was out of the particular equation. But anything that's done towards Treasury Branches quite rightly gets the glare of the public spotlight, and so it should.

As a product of that review the question of the West Edmonton Mall loan came into very intense consideration by the board, so intense, Mr. Speaker, that legal action began, instituted by the Treasury Branches, on matters related to that loan. Further to that, when the Treasury Branches began certain proceedings to indicate that they would be open and wanting to look at a new financial arrangement that would affect the present owners of the mall, it was at that time that a caveat surfaced into public view, a caveat of which there had been no copy in the Treasury Branch files, no copy in any government files, but in our view it somewhat mysteriously surfaced from the West Edmonton Mall files.

That particular caveat was so alarming to the government, not to the opposition – it had been out for a month, and they expressed no

alarm whatsoever. [interjections] Mr. Speaker, on this point of urgency being pursued now, today, in a far more effective way than the debate as articulated by the member opposite, when that came to the knowledge of the government, I immediately contacted the Premier. We looked at that caveat, which had some very disturbing suggestions, totally unbusinesslike, and some suggestions reflecting political involvement. At that point it was the Premier's desire that something even more rapid than what the present court cases would allow for take place regarding all circumstances related to that loan, and that included any involvement of members of Executive Council.

We're hearing from the opposition that they want to have a debate today about a situation which the Premier said we must begin an investigation on right away. He said that this summer and asked the Auditor General, through a letter to me, to immediately explore all circumstances related to this loan. I'll tell you what the Auditor General has done.

MS OLSEN: All circumstances?

MR. DAY: Yes, all circumstances. It's very clearly in the letter: all circumstances.

Mr. Speaker, what the Auditor General has done, realizing that some of the circumstances were actually tied up in matters noticed before the court but wanting to deal specifically with the very question being raised by the opposition, involvement of Executive Council or government interference and was it inappropriate – that focused question was taken up by the Auditor General to pursue with all haste, not so hastily that things would be overlooked but to pursue with intensity and haste. Our indications are that possibly by the end of this month – I'm saying possibly because I cannot dictate to the Auditor General when he has to have a certain report out – he will be tabling a report which will reflect on whether or not the Executive Council involvement, any former or present members, related to this loan was appropriate or not.

The Premier himself today talked about 16 pages of questions which the Auditor General has given to him so that they can be documented and he can be held to account, because he wants to be held to account on this. He wants to be seen and heard on this issue in terms of everything that he did and what other members of Executive Council may have done related to this loan. That is urgent. The government has taken urgent action, Mr. Speaker. It is a priority.

As I close on this issue, Standing Order 30(2) talks about, again, urgency, not importance. Though this is important, it talks about urgency. A suggestion that nothing is being done. Standing Order 30(6) itself says that the "debate does not entail any decision" at all. Mr. Speaker, this is not a matter that should stop the business of the Assembly because the Auditor General, and the court cases which are working their way through but mainly the Auditor General, is proceeding forthwith with a very extensive survey and questioning of all members of Executive Council, a report which will be before us in a matter of days, if not weeks.

I suggest, Mr. Speaker, that the reference made by the member opposite about this taking several years has no substance at all in fact. The Auditor General has said that the portion of his report dealing with members of the Executive Council and their involvement with this loan is proceeding expeditiously and will be before us if not in days within weeks. I suggest that this is not a matter of urgency qualified under section 30, which means all debate and all of the business of the House stops, and that we continue on with the pressing matters of business of state before us today and we wait

for the Auditor General's report on this matter.

4:20

THE DEPUTY SPEAKER: The chair has received indications from at least three members that they wish to speak to the urgency. It appears that we're almost having the debate in the urgency. It's sometimes a bit difficult to tell where a member may go in their addressing of the urgency, to note whether in fact what they're saying is really applying to the urgency, until after they have concluded that particular trend of thought, should it be called so.

The hon. leader of the ND opposition has asked to speak to the urgency. Hon. member.

MS BARRETT: Thank you, Mr. Speaker. In speaking to the urgency, I think we need to identify just a couple of plain facts here. Number one, we don't know when the Auditor General's report is going to be available. Number two, we don't know how long this session is going to last. As far as I'm concerned, if the government pulled Bill 37, we can get their supplementary estimates done and let them out of here. But we don't know. I don't know that the Health minister is going to do that. I hope he will, but I don't know that.

Then the issue is: at what point can we, all members of the Assembly, have a thorough accounting in a fashion outside of question period? It couldn't be done during the summer because the House wasn't sitting. I'm grateful to the Provincial Treasurer for releasing that most indicting memo on August 4. I think he did the right thing, but since then there have been a number of allegations and questions raised. We know, for example, that when the provincial government first sued that great patron of the city of Edmonton, Peter Pocklington, it took nine years before the very first of those suits – and there were several suits – got to trial. Nine years. We know we're not going to wait nine years. It is true that we will be getting an Auditor General's report. Now I understand that there are possibly two reports that we will get, the first half and then the other half, that we may not get at all. Well, if we don't get that while the House is sitting, how are we going to hold the former Executive Council accountable for its actions?

Now, I suppose you could logically rule: well, let's just wait and see when the Auditor General's report comes out. But if it comes out on the day that the government and the opposition have agreed to adjourn this session, guess what? It's too late to sponsor a motion calling for a debate of urgent public importance. The issue, then, is that I think the government is logically cornered on this one into agreeing with and upholding the argument of urgency. It boils down to: we don't know. The government says: trust us. Aah, Mr. Speaker, that's pushing it, you know. No, I don't trust the government. I know that the Provincial Treasurer can't tell the Auditor General when to make his report, but the fact of the matter is that the Premier just signed a 16-page statutory declaration today. How long is it going to take to process? How many other cabinet ministers and former cabinet ministers does he have yet to process before he can submit his final report?

I think it's pretty obvious. The matter is of urgent public importance, as is Bill 37. So if I don't win my motion today, I'm looking forward to raising that tomorrow.

Thank you.

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I'll be brief. I'd like to simply refer the House to Standing Order 30(7), which clearly states that "the matter proposed for discussion must relate to a genuine emergency." As described in the hon. Leader of the

Official Opposition's request for Standing Order 30, this is clearly not the case. There is no genuine emergency as the issue relates to the Treasury Branches and the role of Executive Council, and I think that's been very well explained by the Provincial Treasurer in his remarks.

We need to also be mindful of the fact, Mr. Speaker, that the Auditor General is conducting a full investigation of this matter, including the political ramifications and implications, and we expect to see that report coming out in the near future. Also, there is a criminal investigation ongoing, and there's a civil matter before the courts.

So quite frankly this issue is covered off every way it possibly can be, and therefore there's no real need to have the debate in this Legislature. I think the government has taken all the prudent steps that it could and should with respect to this matter, and I would therefore urge you to rule that there is no urgency nor any genuine emergency, as the Standing Orders require.

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

MR. SAPERS: Thanks, Mr. Speaker. If it were up to this government, we would never have a debate on the role of the Executive Council in the operations of the Alberta Treasury Branches. There has never been a public debate on that point, and if we left it to the government, to the front bench, to decide, that dirty laundry would never be aired in public.

Mr. Speaker, I want to point out through you to the Attorney General and to the Treasurer that a careful reading of the Standing Orders and even a cursory understanding of parliamentary tradition would indicate that the purpose of an emergency debate is for the House, for the Assembly, to have some ownership of an issue. It is absolutely irrelevant to talk about what the Premier may or may not say in some form of a written statement to some inquiry that is taking place outside the precincts of this Assembly. The purpose of the motion for a Standing Order 30 debate on the interference of Executive Council into the operations of the Alberta Treasury Branch is so that that debate can be held in this Chamber in the light of day, in public with members of the media and the public here to hear it, to witness it, and to hold accountable those members who make their arguments.

The Treasurer mentioned that the Treasury Branch behaved as some normal bank would in the early 1990s in terms of writing off bad loans. Well, two points, Mr. Speaker. First of all, the Treasury Branch isn't a bank; it's a financial institution set up under provincial statute. The statute itself is being challenged; the constitutional validity of that is being challenged. That is not business as normal.

Number two, the second point, is that it is not normal for a financial institution to issue press releases when they update their quarterly earnings and single out a particular client and say that they have grave concerns around this particular part of their portfolio the way the Alberta Treasury Branch did recently with its quarterly update news release where they singled out the West Edmonton Mall. That's not business as usual, Mr. Speaker. It's not business as usual when a former Treasurer under oath in a matter involving Mr. Pocklington says, "Yes, of course we used the Alberta Treasury Branch as an extension of our policy. Why wouldn't we? It was ours to do with as we wanted," which was the gist of Mr. Johnston's testimony.

It is not business as usual and certainly speaks to an urgent need when the Auditor General year after year after year talks about the need to study the loan approval and monitoring process.

THE DEPUTY SPEAKER: Hon. Member for Calgary-Egmont, excuse the chair for trying to keep up with all of the items that are being bandied back and forth. A point of order.

**Point of Order  
Relevance**

MR. HERARD: I notice that you're very busy over there this afternoon. This part of the debate in my understanding is to urgency. I have yet to hear a single word on urgency in the hon. member's debate.

MR. SAPERS: On the point of order, Mr. Speaker.

THE DEPUTY SPEAKER: Yes, hon. Member for Edmonton-Glenora.

MR. SAPERS: Mr. Speaker, I listened very intently to the Treasurer's remarks on this matter, and I listened very closely for an intervention. Every matter that I am raising I am raising in response to issues put before the Assembly in this debate by the Treasurer and allowed by you, sir. I would suggest that if the Member for Calgary-Egmont has an issue with any of those points that are being raised, he should perhaps meet the Treasurer in the lounge and discuss that with him later and stop interrupting this most serious and important debate.

THE DEPUTY SPEAKER: I think the point of order brings to issue the fact that the chair has indeed allowed rather wide-ranging discussion on what might be classified as urgency. As the chair has allowed that, hopefully we could conclude very quickly further remarks on the matter, but I did want to allow people to have a say. I think your point of order probably is well taken, as your observations on the issues that gave rise to that point of order.

So we'd invite the hon. Member for Edmonton-Glenora to conclude his urgent remarks.

**4:30**

**Debate Continued**

MR. SAPERS: Thank you, Mr. Speaker. I will. As I was saying, the Auditor General year after year after year has warned members and all readers of his report about his concerns about cross-collateralization, about the loan monitoring and approval process, about accountability issues to do with the Alberta Treasury Branch. When the Treasurer speaks to the fact that nothing has been done and then talks about all of the things the government has done in relation to its relationship with the Alberta Treasury Branch, I am more convinced than ever of the urgent need for this debate at this point in time.

Mr. Speaker, the Treasurer through an order in council still appoints the boards of the Alberta Treasury Branch. Correspondence sent to myself from the CEO of the Alberta Treasury Branch is by way of policy copied to the Treasurer. It is clear that there is still a very tight relationship between the Alberta Treasury Branch and Executive Council.

Mr. Speaker, there is an old adage about justice: justice must not only be done; it must be seen to be done. When the Treasurer talks about openness and accountability, that can happen in this place better and quicker and easier than almost any other venue.

The performance of the Alberta Treasury Branch is not the issue. It's the performance of the government which is the issue. The Treasurer well knows that if the Alberta Treasury Branch makes a bad loan, it affects the taxpayers of this province. Mr. Speaker, this is urgent.

The Treasurer is wearing his sweat-soaked loonie pin, and that

sweat-soaked loonie pin is supposed to remind us all that our primary job is to watch over the decisions of the government when they spend those taxpayers' dollars. The balance sheet of the province of Alberta is affected by the actions of this government as they relate to Alberta Treasury Branch.

The Treasurer also spoke of the need to instill confidence in the Alberta Treasury Branch. If we are concerned about maintaining profitability for the Treasury Branch, the security of the depositors, then the Treasurer himself has made one of the most fundamental arguments in favour of an urgent debate. Confidence in the ATB must be restored as quickly as possible. This is in fact the country's ninth largest financial institution, with nearly a million depositors and over 200,000 loan accounts. This government has an obligation to come clean and end their meddling in the affairs of the Treasury Branch, and the way they can start doing that, the first step on the road to that recovery, Mr. Speaker, is to admit the urgent need for a public debate. Delay means more opportunity for memories to fade, for documents to be shredded or, as we've seen during other scandals, for documents actually to be burnt on a hillside.

Mr. Speaker, this is in fact the first opportunity that this Assembly has had to raise this issue in debate since we have seen the letters showing direct political involvement at the highest levels. It's our first opportunity to raise this matter since the court documents have been filed. It's the first opportunity that we have come together in this Chamber since the CEO of the Treasury Branch has speculated in public about the privatization of the Alberta Treasury Branch.

Mr. Speaker, the fact is that there are so many urgent matters pertaining to the Alberta Treasury Branch that I can think of no better way for us to spend our time this afternoon than to debate the future of this financial institution which in some way impacts on the hopes and the dreams and the aspirations of so many Albertans and Alberta taxpayers.

Finally on the matter of urgency, I would argue that retaining public confidence in their elected members in this Assembly is always urgent. Mr. Speaker, I know that every day in my constituency I am stopped and asked: "Is it true? Did the government interfere?" I'm being asked: "Did somebody take a bribe? Is somebody on the take? Am I safe to do business with the Treasury Branch? Is the mall a good place for me to establish my business?" There are so many matters of public concern before us, and one of those concerns is in fact the integrity of this whole Chamber, because any government misdeed reflects on all elected members in this Chamber.

The potential of an additional \$343 million of taxpayers' money being put at risk is indeed both serious and urgent. As members, when we leave here today or when we return to our home constituencies, we must be able to look our constituents in the eye and tell them what each one of us did to protect their – and I underline "their" – \$343 million.

Mr. Speaker, particularly in our small communities where the Alberta Treasury Branch is the only financial institution, where the ATB holds constituents' deposits and their loan accounts and their guarantees, maybe even their retirement savings accounts, we have to get to the bottom of how this government has interfered in their operations. How can anyone in this Assembly go back home and look those constituents in the eye and say, "No; protecting the security and financial soundness of your life savings, your business loan, or your retirement plan just wasn't very important to us today?"

The fact is, Mr. Speaker, the matter at hand is both serious and

urgent to individual Albertans and to the credibility of their government. As members of this Assembly we have a duty to show the people that we serve that we take their business very seriously. Simply put, to not deal immediately with the issues of political interference and denial by this government in its direction of Alberta Treasury Branches on an urgent and serious matter would be negligent to the extreme on the part of each member of this Assembly.

Thank you.

THE DEPUTY SPEAKER: Certainly a rather wide-ranging debate in the last almost hour. We started shortly before 4 o'clock, and it is now – what? – 22 minutes before 5.

The chair is prepared to rule on the issue of leave for the Standing Order 30 application and would thank all members who participated on the question, particularly those that reflected on urgency.

Firstly, the chair notes that the notice requirements of Standing Order 30(1) were met by the hon. Leader of the Opposition's letter providing notice, which was received on November 9, 1998. Before the question can be put to the Assembly, the chair must rule whether the motion contravenes any of the provisions of Standing Order 30(7). A motion of this Standing Order must relate to a genuine emergency. From the debate it appears that most of what they were talking about transpired in the past, so it seems doubtful if it in that sense would be an emergent problem.

As was noted by Speaker Schumacher some years ago, there is a difference between a matter that is controversial and one that's being a genuine emergency. There is no question that it is an important matter. I think all members speaking on the matter have indicated that this is an important issue; that is, the issue of the Alberta Treasury Branch.

Although the motion was not worded in this way, it would seem from the debate that it might contravene the sub judice rule. The leader referred to court documents filed in the West Edmonton Mall case, which is indeed as the hon. Government House Leader referred to.

The rules of debate found in Standing Order 23 apply to a motion under Standing Order 30, particularly 23(e). It seems hard not to see this as a motion of censure, which is prohibited as indicated in paragraph 394 in *Beauchesne*, sixth edition. Accordingly, the chair will not put the question, and the request will not proceed.

head: **Motions under Standing Order 40**

### **Private Hospitals**

THE DEPUTY SPEAKER: We now have a Standing Order 40 from the hon. Leader of Her Majesty's Loyal Opposition. The hon. Member for Edmonton-Glenora.

Mr. Sapers on behalf of Mrs. MacBeth:

Be it resolved that this Assembly recognize the urgent need for a broad public debate on the future of private, for-profit hospitals in the province of Alberta prior to any legislation being passed which enables these institutions.

MR. SAPERS: Yes. Thank you, Mr. Speaker. On behalf of the Leader of the Opposition I would like to begin debate on the urgent need to find my file. See, I expected a different ruling on the Standing Order 30 and had to reach down into my bag of tricks here to find my notes. But now that we're all together on the same page, the matter that we have to decide now by unanimous consent

is whether in fact this matter has urgency. I will reflect just momentarily on the Treasurer's comments in the previous debate, where he said: Oh, we've got the urgent matter of Bill 37 before this Assembly; is there urgent public business that perhaps we should get on to? So I'm assuming that the Treasurer agrees that we should get on to a debate quickly about the need for a broad investigation of the future of for-profit hospitals in the province of Alberta.

Mr. Speaker, the issue of an urgent debate is, I believe, very clear. It will be made so with absolute clarity when the Member for Edmonton-McClung . . .

4:40

MRS. MacBETH: Do I move it or do you?

MR. SAPERS: It's been moved. All you have to do is just talk about it.

Mr. Speaker, we've had a moment of fun on a procedural issue here, because of course the Leader of the Official Opposition was talking to members of the public on this very matter. This is a motion that was put forward in the Assembly according to the Standing Order. I believe that when you review it, you will find that appropriate notice was given, that the wording of the motion is appropriate, and now what we have to do is find unanimous consent.

We would ask for that unanimous consent so that the trust of the Assembly and its members as it relates to the issue of health care can be restored. Because of this government's flirting with and ties to private hospital promoters, there is a lack of confidence in this government's commitment to Canada's public health care system, a system where all citizens receive care at a lower cost than an American system where some 40 million men, women, and children are left out. Seniors, parents with an ill child, in fact all Albertans must be reassured that the health services they need will be there when they are required. The stress and strains of an illness on a family weigh heavily upon each and every one of its members, Mr. Speaker, and that stress is only increased if they have to worry about their ability to pay before they seek out medical services. To increase this stress yet again because of doubts regarding a government's commitment to publicly funded, universally accessible health care is immoral to say the least.

This Assembly and this government must send a strong and unequivocal message immediately that they are rededicating their efforts to protect and to fortify public health care in Alberta and their commitment to each and every one of the principles of the Canada Health Act. Mr. Speaker, it is in fact urgent that we allay the fears of imminent U.S. private health care corporation invasions. Albertans and indeed all Canadians must be reassured that we will not be the jurisdiction in Canada that allows the foothold for American for-profit hospital providers. These U.S. health giants should be denied the opportunity to drive a wedge into our public health care system. NAFTA is a reality, and we cannot be blind to that reality. The eyes of Canada and North America are upon us. If this government allows Canadian private, for-profit corporations to run hospitals, then under NAFTA American private, for-profit medical corporations must be provided equal, nondiscriminatory treatment and the same access to what they perceive as nothing more than a lucrative market.

Mr. Speaker, we have already seen the disproportionate influence of private operations and private clinics in the health care system in Alberta. The lobbyists and the party contributors are small potatoes compared to the influence and dollars wielded by billion-dollar



health giants that will be coming at us from the south.

Mr. Speaker, I caught your eye advising me to deal with the issue of urgency. I am in fact underlining the importance of stopping private health care from coming any further into Alberta than it currently is. The time to do that is right now. This is an issue that can't wait a day or an hour or a minute.

This is urgent for people whose health depends on a healthy public system. There are constituents of mine and I daresay constituents of yours, Mr. Speaker, who are waiting on surgical waiting lists, waiting for diagnostic services, waiting for specialists, waiting for proper home care, waiting for community care, waiting far too long and increasingly waiting longer and longer and longer for similar services everywhere in this province. The waits for mental health patients are unconscionable. The waits for our seniors are unconscionable. The waits for our children needing pediatric specialities are immoral.

Mr. Speaker, we have to turn our full and immediate attention to meeting the needs of our constituents and our communities.

THE DEPUTY SPEAKER: Hon. member, I'm getting a little confused about the difference between a request for urgency and a speech. Can you sum it up in one moment? I know it's a broad topic.

MR. SAPERS: Thanks, Mr. Speaker. It is a broad issue, and I am trying. The bottom line on this debate is that there is a fear in this province, in all corners of this province, that private health care is at the door and that private delivery of health care is coming into this province . . . [interjection] Do you want to ask him to leave, Mr. Speaker?

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

THE DEPUTY SPEAKER: Hon. member, the chair was not privileged, thankfully, to hear remarks made. Please ignore them. I can't hear them, so I can't make any comments about whether the hon. gentleman should leave or do anything other than to ask him to restrain himself in the few seconds remaining for the urgency call on this Standing Order 40.

#### **Debate Continued**

MR. SAPERS: Thanks, Mr. Speaker.

Yes, and as the minister of advanced education said, it might in fact be a conspiracy. If it is a conspiracy, it's a conspiracy of this government. So the issue is one of need for a public debate and a public consultation before we allow these profiteers to come in and take over our health care system.

Mr. Speaker, it is absolutely urgent that every one of us do everything we can to stop the further deterioration of our public health care system because of the greedy wants of a few profiteers.

THE DEPUTY SPEAKER: It's a Standing Order 40, hon. member. May we have unanimous consent, then, to proceed with the motion as proposed by the hon. Leader of the Official Opposition and moved by the hon. Opposition House Leader? All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed?

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: The matter is defeated. [Several

members rose] I don't believe that Standing Orders permit a standing vote. It's unanimous consent, so it only takes one member.

Standing Order 30(7)(b) states that "not more than one such motion may be proceeded with on the same day." The first motion 30 did not proceed, so in the view of the chair, the second Standing Order 30, which was proposed by the hon. Member for Edmonton-Strathcona, may proceed. So if you wish to proceed, would you speak on that.

#### **head: Request for Emergency Debate**

#### **4:50 Benefits for Former MLAs**

DR. PANNU: Thank you, Mr. Speaker. I rise to request, pursuant to section 30 of the Standing Orders, that the matter of the Members' Services Committee Order 5/98 is of such urgent and grave importance that it be addressed in the House today. With your permission I would like to draw your attention to the urgency of the matter and give you a bit of a background on this.

Following the decision of the Members' Services Committee, I wrote a letter to the chairperson of the committee, the Speaker of this House. The letter was written on October 8, and it was written because I received a number of phone calls from my constituents asking me where I stood in relation to the decision that was made and made public by the Members' Services Committee the previous week. The Speaker was away, so my concern wasn't addressed until the Speaker's return. The letter that I received from the Speaker in this regard was dated November 9, so it took more than three weeks for me to get the attention of the Speaker. I understand that that was because the Speaker had been away.

In the letter to the Speaker I outlined several concerns with respect to the decision with respect to MLA allowances and remuneration. But the one issue that I feel most strongly about and which I think can in fact be addressed by this House and corrected right away has to do with the transition allowances. It's urgent that we address the matter today because the Members' Services Committee does not meet, as far as I know, when the House is in session. It met before the House was called into session.

THE DEPUTY SPEAKER: Hon. member, I know that the chair has allowed a rather wide range of latitude, but could you speak to the matter of urgency, why we need to debate this issue now, rather than the merits of the case.

DR. PANNU: Thank you, Mr. Speaker. That's precisely the point that I'm making right now, at this moment.

This House and members of this House will not have an opportunity either during this session or until after the next session before this matter can be addressed. The matter is urgent. This is the only opportune time to address it. So my submission to you, Mr. Speaker, is that you allow an emergency debate on the matter of order 5/98 today and at this moment.

Thank you.

THE DEPUTY SPEAKER: The chair is prepared to rule on the issue of leave for the Standing 30 application and thanks the hon. member for giving us notions for urgency. Not much further debate, then, is necessary. The notice requirements of Standing Order 30(1) were met, as the ND House leader's notice was received in the Speaker's office late in the afternoon of November 12 of this year. For the chair to put the question to members under this Standing Order, the motion must meet the requirements as set

out in subsection (7) of our Standing Order 30 regarding the urgency of debate and other criteria. However, even for getting to that point, it must be noticed that under subsection (6), "an emergency debate does not entail any decision of the House," yet that is how the motion is worded.

Furthermore, in the chair's view it raises a question that can only be debated on notice and therefore violates subsection (7)(f). Even if these problems were overcome, the chair cannot see how the motion relates to "a genuine emergency calling for immediate and urgent consideration." Accordingly, the request for leave is not in order, and the chair will not put the question on this Standing Order to the House.

head: **Motions under Standing Order 40**

**Postponement of Bill 37**

THE DEPUTY SPEAKER: We have a Standing Order 40 on record. Would the ND House leader wish to move that on behalf of his leader?

DR. PANNU: Mr. Speaker, the Member for Edmonton-Highlands is here, so I presume that since I haven't had a chance to say a word, maybe she can take over.

THE DEPUTY SPEAKER: Thank you. Since you haven't begun, then the apparent inconsistency is really just that. Hon. member, have you moved the motion? If you've moved the motion, then you must continue.

DR. PANNU: No, I haven't.

THE DEPUTY SPEAKER: You have not moved the motion? All right then. The hon. ND leader of the third party.

Ms Barrett:

Be it resolved that the Legislative Assembly urge the government to postpone further consideration of Bill 37 until after the health summit planned for early 1999.

MS BARRETT: Thank you, Mr. Speaker. I'm pleased to move this emergency motion.

Mr. Speaker, I think you know that I do not move emergency motions based on frivolous reasons.

MR. HAVELOCK: What?

MS BARRETT: That's correct. To the Government House Leader: that's correct; read my lips.

I am profoundly concerned about this bill, and the emergency part of it relates to an announcement by the Premier last Friday which he has subsequently reaffirmed in the House and to members of the media, and that is that it is the government's intention to hold a health summit. Mr. Speaker, first of all, I called for the health summit last February 26, and I'm pleased that the government is now responding to the New Democrat agenda. However, that proposed summit will not take place until late January or February, according to the words the Premier spoke today in his availability session with the media.

Now, I argue that if you have probably Canada's most controversial health care legislation on the Order Paper, which in fact will be called, apparently, in Committee of the Whole tonight first thing, at 8 o'clock, when you say you're going to consult with Albertans

about health care, then my argument is: why don't you do the consulting first and the legislation later? The emergency part has to do with the actual nature of the legislation.

Finally last June the Premier affirmed what I have been saying about it since last January: yes, it could allow for private, for-profit hospitals. Well, my belief is that it is deliberately designed to do that. He argued today that no, no, we need to keep advancing this legislation because it also gives the minister the ability to say no. It's legislation that fills what he believed to be a statutory lapse. I asked him then: "Well, why don't you just say no to private for-profit? If you just say no, then we'll let it go." The Premier refused to do that. Therefore I'm forced into sponsoring this motion that asks that the government support me and the other opposition members support me in calling for, I guess, the death of this bill prior to the proposed health summit. I don't know how to make it any clearer than that. Either the government is committed to listening to people or it's not. I don't think you can say one thing and do another.

**5:00**

The Premier says: we're going to have a health summit. I say: drop Canada's most contentious health care bill until you've been through that health summit. It's pretty obvious to me that that's a logical thing to do, and if the government has any reasons otherwise - perhaps the Health minister would like to tell us why it is that he'd like to push this legislation despite the fact that it is universally opposed in this province and the opposition to the bill is deep and profound. Why would they want to do that in advance? Just a couple of months, Mr. Speaker. Just a few months.

I say that this is an urgent matter of public policy, and the government should explain to us why it won't stall the bill prior to hearing from Albertans. I think the only reason, Mr. Speaker, is that they know that people would come out in droves and speak about this legislation if it's still on the books, if it's still up for consideration. What they'll do at this health summit is say: "Oh, don't worry about it; that's already passed. Don't worry about it," and they won't even put it on the agenda. Am I right, or am I wrong? Is this bill going to be on the agenda at the health summit? I'd like the Health minister to tell me.

THE DEPUTY SPEAKER: The hon. leader of the ND opposition has moved Standing Order 40. May we have unanimous consent to proceed with the motion as proposed by the hon. leader of the ND opposition? 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: The motion is defeated.

We now have a fifth motion for our consideration. The hon. Leader of Her Majesty's Loyal Opposition has given notice of motion today on a motion requiring unanimous consent. However, the chair is uncertain as to whether the member is proceeding under Standing Order 30 or Standing Order 40 because the motion refers to adjourning the ordinary business of the House, which is the language used in these Standing Orders. Anyway, hon. leader, would you please speak to your motion.

**Adjournment of Session until November 23, 1998**

Mrs. MacBeth:

Be it resolved that this Assembly adjourn the ordinary business of

the Assembly until Monday, November 23, 1998, or such other time that the Premier can attend.

MRS. MacBETH: Mr. Speaker, I am very conscious of the rules of the House, which call us to be very careful in naming members; however, I base my reasons for presenting the motion on the fact that the Premier issued a news release in recent days to say that he will be absent for the remainder of the week. In order to accommodate his schedule and to give him an opportunity to respond to questions that will be put to him in this Legislature, we thought it would be useful to . . .

THE DEPUTY SPEAKER: Sorry to interrupt the hon. leader. The question first is: may we have unanimous consent for you to proceed with your motion, having indicated to you that there was some concern of whether it was a 30 or a 40, as opposed to the merits of the motion? So may we have unanimous consent to move the motion as proposed by the hon. Leader of Her Majesty's Loyal Opposition? 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: The motion to hear the motion is defeated.

head: **Orders of the Day**

head: **Government Bills and Orders**

head: **Committee of the Whole**

[Mr. Tannas in the chair]

THE CHAIRMAN: Would the Committee of the Whole come to order. I'd like to remind people of the normal convention for Committee of the Whole; that is, we have one person standing and talking at a time. For those people who wish to engage in lively conversation, please do so outside in the lounges.

**Bill 37**  
**Health Statutes Amendment Act, 1998**

THE CHAIRMAN: We have for our further consideration in Committee of the Whole Bill 37, Health Statutes Amendment Act, 1998. Any comments, questions, or amendments to be offered with respect to this bill to the hon. Minister of Health?

MR. JONSON: Thank you, Mr. Chairman, and I welcome the opportunity to continue debate of Bill 37 in committee. I would just like to make the overall comment that certainly this is an important piece of legislation, and as many people in the Assembly this afternoon have identified, I think it's an important piece of legislation to move forward with.

Mr. Chairman, I have filed with the table officers proposed amendments. I would like to ask that they be distributed, and I would like to make some overall comments with respect to them. I would like to make these comments with respect to Bill 37 and as related to the House amendments that I am bringing forward. Let me begin, though, by saying that when I introduced Bill 37 in the spring session of the Legislature, it was for one reason and one

reason only: to give government the authority to take action to protect our public health system from the potential negative impacts of private treatment facilities. It was to give government the legislated mandate to prohibit, restrict, or control private health facilities seeking to provide health services outside of the public health system should it be in the best interests of our public health system to do so.

Albertans were concerned about the possible impact of private treatment facilities beginning to offer services in the province that now might normally only be provided by the public system. Ironically, Mr. Chairman, the opposition members say they are concerned about that, but on the other hand they do not want to move forward, it would appear, with I think very constructive legislation. Albertans, in our view, wanted the government to step in in this particular area. However, Mr. Chairman, at the present time there is no legislation in place which would give the government the authority to intervene. If a private treatment facility wishes to be in operation in Alberta, all that is required is accreditation by the College of Physicians and Surgeons of Alberta, an area, I think, where they have an appropriate role but not the overall role of approval in these areas. If a private treatment facility received that accreditation today, it could begin to operate. Even the College of Physicians and Surgeons was uncomfortable with this role as it seemed to extend beyond its mandate to ensure medical safety. Bill 37 is designed, Mr. Chairman, to fill that void.

Further, this bill with its amendments would allow the college to continue to fulfill its mandate of assessing the safety of performing various procedures in various settings and the overall ability of physicians to safely perform procedures within those settings. But as far as the overall access to private treatment facilities, we feel that we must make it very clear that our responsibility will be taken up in that regard as far as government is concerned.

**5:10**

Now, Mr. Chairman, in the amendments being presented this afternoon, we are making it very clear that when it comes to the provision of services in this province, when we're talking about insured services to insured people in this province, that type of service is only available through a public-insured entity or treatment facility, i.e. a hospital. Also in these particular amendments we're making it very clear that even if various clinics or private treatment facilities operating totally outside of the Canada Health Act, totally outside of the insured health care system of this province do choose to operate – and I think even the Leader of the Official Opposition acknowledged very recently, actually, in a speech that we do have this private entity or this private sector or private group in our medical system and have had for some time – those types of clinics and facilities must have the approval of the minister on behalf of government. There are various criteria in the legislation, further strengthened by the amendments, which make sure that this provision is used to make sure that the overall public interest of the health care system in the province is protected.

These amendments to Bill 37, Mr. Chairman, will totally prohibit any private treatment facility in Alberta from providing insured inpatient surgical services now provided in our public hospitals to any person covered under a provincial health care plan anywhere in Canada. This will mean that no private hospital in Alberta will be allowed to provide insured services to insured Canadians. Let me repeat with respect to these amendments that no private hospital in Alberta will be allowed to provide insured services to insured Canadians, and insured services to insured Canadians is what our overall public health care system is all about. There will be no

applications for accreditation to the college to provide such services. There will be no contracts with regional health authorities to provide these insured services for insured Canadians. Insured surgical services for insured Albertans now only provided in our public hospitals will continue to be provided only in our public hospitals. The role of private treatment facilities will be restricted to uninsured services, such as cosmetic surgery, that are not medically required and therefore are not paid for by the public system and for services for uninsured persons or those not covered by the Canada Health Act such as non-Canadians or Worker's Compensation Board clients. Even in the case, as I said before, of uninsured services for uninsured persons, the full provisions of Bill 37 will apply.

A private treatment facility seeking to provide these uninsured surgical services will still have to first obtain accreditation from the College of Physicians and Surgeons. If, of course, the college says no, the process ends right there. If the college provides accreditation, the facility's proposal will still need to be reviewed by the Minister of Health. This review would still include an assessment of the impact on the public health system even though it could only be for uninsured services for uninsured persons, and the Minister of Health could still prohibit, restrict, or control the facility's operation based on the results of the review.

This revised Bill 37 will give Albertans the strongest legislation of any province in Canada in terms of protecting the public health system and supporting the principles of the Canada Health Act. This revised Bill 37, Mr. Chairman, will send a clear message to all Albertans that this government is determined and committed to having a quality, publicly funded health system accessible to all Albertans and should, I think, silence or meet the criticism of even the strongest critics, who are genuinely concerned about the bill of course.

So, Mr. Chairman, I want to conclude my remarks by saying that in addition to all those things I've said, these amendments and the bill itself clearly say an unqualified no to any private facilities wanting to duplicate the role of our public hospitals.

Thank you, Mr. Chairman, and I move the amendment.

THE CHAIRMAN: Okay. The amendments will be called amendment A1.

I'll call upon the hon. Member for Calgary-Buffalo to add his comments.

MR. DICKSON: Mr. Chairman, thank you very much. What I was hoping that the minister would say – I've only had the benefit this afternoon of seeing the amendment – and after seeing the news release last week, I've been keenly looking forward to this.

I guess my first comment is: would the minister be prepared to sever A and B so we can vote on the two elements separately? I'll explain why in a moment. I'm wondering if that would be acceptable to the Minister of Health. It means that we can deal with this, I think, in a most efficient way, with the greatest degree of dispatch. So I'd ask the minister if he'd be prepared to do that, Mr. Chairman.

THE CHAIRMAN: The hon. Minister of Health on the issue of whether or not these should be split now or voted separately or debated together.

MR. JONSON: Mr. Chairman, at this time, no, I would not agree to that because there has been considerable work on this piece of legislation and the amendments, and as is sometimes the case with important legislation, the amendments fit together to accomplish a common cause. I would need to be convinced otherwise.

THE CHAIRMAN: Okay, hon. Member for Calgary-Buffalo, I guess we have the answer to that. So we'll continue, then, as A1 for the whole thing.

MR. DICKSON: Sure, and I'm happy to embrace the challenge offered by the Minister of Health.

Let me start by saying this, Mr. Chairman. It struck me that on April 29, when we last were at committee stage dealing with this bill, we were looking at what one might describe as follows. The Minister of Health had brought this great big ugly pig into the Legislature, and he'd asked Albertans to admire it. We weren't very impressed with it. So what's happened in the intervening half year? He's painted the pig blue, a nice Tory blue. He's put a ribbon around the pig's neck, and he's brought it back in and said, "Now will you not agree it's a beautiful pig?"

MRS. FORSYTH: It's a pretty pig.

MR. DICKSON: Well, my friend from Calgary-Fish Creek says, "It's a pretty pig." She may have been fooled by the new coat of Tory blue paint and the ribbon around the pig's neck, but, Mr. Chairman, it seems to me that the bill with this amendment is still an ugly pig.

Mr. Chairman, let me try and identify an issue here that I may not have made clear when we were expressing concern with Bill 37 in March and April of 1998. There is clearly a concern that many of us had that insured services might have been provided in a private hospital. That was a very real concern. To the minister's credit – and I'm almost reluctant to say anything positive because somebody sure as guns is going to excerpt this little comment I'm about to make and in question period I'm going to be beaten over the head by somebody saying, "Dickson, you said something positive, so obviously you approved everything the minister was doing." So I'm hopeful we're not going to see that happen again in this House.

I want to say that clearly the minister has heard that concern that people had about insured services being done in a private hospital. The amendment, certainly the B part of his amendment, does address that and does help to ensure that people are not going to be going to the HRG facility in Calgary or the new private hospital that may be created on the site of the Holy Cross hospital or any other private hospital springing up. Whether it's in Leduc or downtown Edmonton, they're not going to be able to do an insured service.

So that's a positive move, but what the minister perhaps didn't hear from the very spirited debate, both in this Assembly and on the streets of the communities of the province of Alberta, is the concern with having a developing, parallel, private, for-profit health system. This amendment, particularly the B part dealing with the approved treatment facility, may well attempt to deal with part of the problem, but it does nothing to address the fact that we are developing in this province a parallel, private, for-profit health system. The minister said a moment ago: well, we already have a private component. The concern that I have – and many people have taken the time to write and fax and E-mail the Minister of Health – is that we started off a number of years ago in 1992 with about 21 percent of the dollars in our health care system going to private, for-profit providers. That has grown since 1992 to now something in the order of 31 percent. I think, Mr. Chairman . . .

5:20

AN HON. MEMBER: Why?

MR. DICKSON: Somebody asked why. Well, the short answer to

that is: if you start starving your public health care system, you will nine times out of 10 create a false demand for a broader range of private health services. What Albertans have been saying to me, Mr. Minister, through the chair, if they haven't been telling you – and I suspect they've been telling you as well – is that they want to stop that. They want to draw the line. They want to ensure that in another two years it isn't 50 percent of health care spending that's going to private, for-profit operators. They want to build some fences around the extent to which private, for-profit operators are providing essential health care services. That's why I'm disappointed, and that's why this is still a big, blue, ugly, pig. Despite the ribbon around its neck and despite this amendment, it still doesn't allay the concerns of Albertans.

Now, since this is rolled together, let me quickly deal with the A part. The A part of this amendment, in fact, wouldn't provide any person with any more comfort. Firstly, it's flawed, because what we've done in this act is we've focused on "insured surgical service." Well, there is a whole range of other services, so why is it a surgical service that's been identified? Mr. Chairman, what the minister proposes to do is say that it's not an insured surgical service provided by any physician, but only by a physician who's enrolled in the plan. Now, you know, I've looked at this and I've not had the benefit of examining it further, but . . .

#### **Chairman's Ruling Decorum**

THE CHAIRMAN: Hon. members, I know that we haven't had a great opportunity to visit with one another in the months that have

occurred since we last met. If you wish to catch up on the news, please go out to the lounges. It's getting harder and harder to hear the hon. Member for Calgary-Buffalo. For those that wish to talk, please go out to the lounges. The rest of us will hear the comments on the amendments.

Calgary-Buffalo.

#### **Debate Continued**

MR. DICKSON: Thanks, Mr. Chairman. It may be that members' attention is wandering a little bit. It's been a long day, and what I propose to do at this time is adjourn debate at committee stage on this bill.

THE CHAIRMAN: Okay. The hon. Member for Calgary-Buffalo has moved that we adjourn debate on Bill 37. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no. The adjournment is in order.

We are in committee, and on the Order Paper we are scheduled to meet this evening at 8 p.m. in Committee of the Whole. So the chair would suggest that we now recess until 8 p.m.

[The committee adjourned at 5:26 p.m.]

