

## Legislative Assembly of Alberta

Title: **Tuesday, February 23, 1999 1:30 p.m.**

Date: 99/02/23

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon. Let us pray.

O Lord, we give thanks for the bounty of our province: our land, our resources, and our people.

We pledge ourselves to act as good stewards on behalf of all Albertans.

Amen.

Please be seated.

head: Reading and Receiving Petitions

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

DR. MASSEY: Thank you, Mr. Speaker. With your permission I would ask that the petition I presented yesterday now be read and received.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to consider increasing the funding of children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

head: Notices of Motions

THE SPEAKER: The hon. Deputy Government House Leader.

MR. RENNER: Thank you, Mr. Speaker. Pursuant to Standing Order 34(2)(a) I'm giving notice that tomorrow I will move that written questions appearing on the Order Paper stand and retain their places.

I'm also giving notice that tomorrow I will move that motions for returns appearing on the Order Paper stand and retain their places.

head: Tabling Returns and Reports

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

DR. PANNU: Thank you, Mr. Speaker. I have the requisite copies of a letter written by the Canadian Association of Labour Lawyers to the Premier dated February 16, which I'm tabling today.

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

MR. WICKMAN: Thank you, Mr. Speaker. I have five copies of Building Confidence in our Health System for the Future, the report of the Health System Funding Review Committee by Alberta Health, August 31, 1998. I wish to table it.

Thank you.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I have two tablings this afternoon. The first is a letter from the Minister of Health to myself in my capacity as Health critic indicating that only three members of the Liberal caucus, eight members of the government caucus, and

one member of the ND caucus will be allowed to attend the health summit this coming weekend.

My second tabling is the 1998 survey about health and the health system in Alberta, which was administered in each of the 17 health regions in this province. The purpose of the survey was to obtain the views of the public on the performance of the health system in Alberta.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I'd like to table five copies of the document entitled Health System Sustainability: Workshops and Discussion Papers. This is by the Provincial Health Council of Alberta. It's a companion document to the 1998 annual report card to the Legislature, October 1998, reporting on the agreements reached between citizen groups and the Alberta health system at the workshops hosted by the Provincial Health Council.

Thank you.

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

MS OLSEN: Thank you, Mr. Speaker. I have two tablings today. Strengthening the Circle: What Aboriginal Albertans Say about Their Health. Consultations took place with various aboriginal communities in Alberta.

Accountability: An Action on Health Initiatives. The purpose of this document is to describe the structure and processes supporting the accountability in Alberta's health system and to highlight areas where clarification and improvement are needed.

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

MR. MacDONALD: Thank you, Mr. Speaker. I rise to table two documents this afternoon. The first is a series of recommendations that are leading to true economies and effective service in Alberta's new health care system. These recommendations are presented by the Health Care Unions of Alberta.

The second tabling that I have today, Mr. Speaker, is from Majestic Forest Products to the Department of Labour dated July 23, 1997, alerting them to the fact that 28 new roofs were being installed per day with the untreated pine shakes.

Thank you.

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

MRS. SLOAN: Thank you, Mr. Speaker. I also have a tabling today entitled Taking Stock, a report on the risks to consumers from current health system reform in Alberta. It's produced by the Consumers' Association of Canada, and the report outlines problems that have emerged as a result of the short-sighted reforms and decisions made in health care in this province by the government.

Thank you.

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

MR. DICKSON: Thank you, Mr. Speaker. I have three tablings this afternoon. The first one is copies of correspondence from this member to the Deputy Government House Leader protesting the denial of access to the health summit to Liberal MLAs and all MLAs for that matter.

The next tabling, copies of a report entitled Mental Health in Alberta: Issues and Recommendations, is a report from the Provincial Health Council dated December 1998.

Finally, copies of a report by the Health Services Funding Advisory Committee dated May 28, 1996, entitled Funding Regional Health Services in Alberta.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. I have five copies of one of many reports which aims to identify the range of services to which all Albertans should expect to receive access regardless of where they live in the province. The report is titled Towards a Core Health Service Framework for Alberta. It was prepared in 1997 by MacDonald and McAmmond and Associates.

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

MS CARLSON: Thank you, Mr. Speaker. I have a tabling on health care entitled Call for Input: MLA Committee on the Review of Health Region Boundaries. This document seeks input from various stakeholders on RHA boundaries and community-based ward development issues. The purpose of this MLA committee is to ensure that RHAs are set up to ensure maximum efficiency and effectiveness in health services delivery in this province.

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

DR. NICOL: Thank you, Mr. Speaker. I'd like to table five copies of the Rural Health Care Issues Forums Summary Report prepared by the Alberta Healthcare Association showing the recommendations on how rural health care should be delivered.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. With your permission I have three tablings today. One is a letter addressed to the Minister of Health from Marie-Jeanne Ancil-Zandbeek, and it's concerning the difficulties that her grandfather, Raoul Bergevin, is having accessing a long-term care bed.

The second is a reply to Ms Zandbeek's request from the Member for Redwater, sending her a request for submission of briefs so that she could fill in a questionnaire as a result of her concerns.

The final one is a Long-term Care Issues Forum document that was a summary of the discussions and comments from a forum that took place in 1993. It outlines the views and feelings of Albertans on several health issues including long-term care.

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

MS PAUL: Thank you, Mr. Speaker. With your permission I'd like to table five copies of A Report on the Adequacy of Measures and Standards for Health Reform. The purpose of the Provincial Health Council of Alberta is to provide advice regarding the performance of the health system and the health statutes of Albertans. This report actually outlines health goals that include improving health, well-being, and adequate, accessible, and affordable health services.

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

DR. MASSEY: Thank you, Mr. Speaker. With permission I'd like five copies of a report entitled You Told Us Where it Hurts: What Albertans Said about their Health Care System by the Alberta Medical Association, February 14, 1996, outlining that Albertans

strongly believe that quality patient care should be the driving force behind future changes to the health care system.

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

MR. GIBBONS: Thank you, Mr. Speaker. I also have a tabling today, five copies of Quality of Care: Forming Partnerships for Healthier Albertans. The Alberta Partnership for Health supports a health care system that promotes accountability and responsibility, ensures cost efficiency, and does not compromise quality of care for all Albertans.

Thank you, Mr. Speaker.

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

MR. WHITE: Thank you, Mr. Speaker. I, too, rise to table a report that was filed first in December of '93. It's by the Alberta Health Planning Secretariat. In fact, it has very, very strong recommendations I've presented to and on behalf of the government of Alberta. One of the fundamental tenets of the report says that "Albertans value their health care system" and believe it to be "a defining characteristic of being Canadian."

head: Introduction of Guests  
1:40

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

MR. CARDINAL: Thank you very much, Mr. Speaker. On your behalf I would like to introduce to you and through you to the Assembly 60 grade 6 students from the constituency of Barrhead-Westlock. They are from the Westlock elementary school. Accompanying them are their teachers, Dan McDonald, Debbie Medcke, and Sue Chapotelle, along with parents Jan Hoffart, John Stewart, Joan Gerun, Janet Riopel, and Susan Cotterill. They are seated in the members' gallery, and I would like them to rise now and receive the traditional warm welcome of the Assembly.

MS CARLSON: I rise today to introduce 25 students to you from St. Richard school in my constituency. They are accompanied today by one of my favourite teachers, Mr. Ray Brooks, and parents Tina Herklotz and Colette Doran. I would ask that they all now rise and receive the traditional warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly a group of grade 6 students from the Word of Life school. They are accompanied by their teacher, Mrs. Carol Abt, and parents Mrs. Lisa Hopaluk and Beth Majak. They're in the public gallery, and I'd ask them to rise to receive the warm welcome of the Assembly.

head: Oral Question Period

THE SPEAKER: First main question. The Leader of the Official Opposition.

#### Long-term Care

MRS. MacBETH: Thanks very much, Mr. Speaker. The waiting list for long-term care in Edmonton is 540 people, in Calgary 30 percent of the acute care beds are filled with long-term care patients, and waiting lists in Alberta continue to increase as our population ages. In November of '96 a government committee was struck to look at the issue of long-term care, and while the committee submitted a

report in August of '98, Albertans found out in the Speech from the Throne that no information would be provided to them until November of 1999, three years later. My questions are to the Premier. The first question is: why won't the government release the report that was submitted by this committee? Or was that one shredded too?

MR. KLEIN: Well, Mr. Speaker, I don't know if the Liberal opposition tabled that report today. If they tabled it, obviously it wasn't shredded. I'll take that question under notice. She's talking about something that was done three years ago.

My gosh, I can go back, Mr. Speaker, when the hon. Leader of the Liberal Opposition was Minister of Health. She oversaw a report called The Rainbow Report. I went through that report the other day, and it seems that this government, long after she left this government, had to carry out some of the recommendations. Nothing was acted upon then.

MRS. MacBETH: There was, in fact, a plan for long-term care in The Rainbow Report, and these guys dropped the ball.

Anyway, I guess the question, Mr. Speaker, is: why is it taking them three years to figure out what to do with the crisis in long-term care in this province?

MR. KLEIN: Well, Mr. Speaker, I don't know when the report was presented, but I will agree with the hon. leader of the Liberal opposition that, indeed, there are a number of patients now who should be in long-term care facilities who are now occupying acute care beds. This is one of the areas we hope to address in the budget and in conjunction with the very substantial additional federal dollars that have come through.

MRS. MacBETH: Yeah, no plan. And the health summit: it's not even going there.

Why is the government considering closing long-term care beds in communities such as Vilna when more long-term care beds are clearly needed in the province?

MR. KLEIN: Well, Mr. Speaker, that is a question that more appropriately could be answered by the regional health authority representing Vilna. [interjections] I'm sorry. The administrator. You know, I would have to have a map here.

I don't know if that is the truth or not. If the hon. member would provide me with some backup information, some substantive evidence that this indeed is going to happen, I'd be glad to check it out for her with the hon. Minister of Health, who unfortunately is not with us today. [interjection] No, Mr. Speaker. He's out traveling about with the hon. member's Liberal cousin, Mr. Rock, to find out how they're going to use that additional federal money.

THE SPEAKER: Second Official Opposition main question. The Leader of the Official Opposition.

### Education Tax

MRS. MacBETH: Thank you very much, Mr. Speaker. Yesterday the Official Opposition revealed that the government is examining alternatives to the education property tax through the Education Tax Review Committee report. The report states that residential ratepayers in many Alberta municipalities are facing substantial increases in their property taxes. My questions today are to the Minister of Municipal Affairs. Which one of the committee recommendations will be implemented in the current year in order to reduce the education tax burden on property owners in Alberta?

MS EVANS: Mr. Speaker, last year a working committee that was structured from administrators from high growth municipalities examined the imposition of education property tax on a growing community, noting that the demands of infrastructure in the community were extensive as new population came on board but similarly recognizing that new students came where new growth occurred. Their best advantage, it's true, is part of the Alberta advantage or growth, but when they presented their findings to me, it was clear that there was not a consensus or an ultimate decision that would be responsible to take forward without further examination of the issue internally in our government.

MRS. MacBETH: My second question to the minister, Mr. Speaker, is: is the government still looking at phasing out the education tax on residential property and funding the residential portion out of the general revenue fund?

MS EVANS: Mr. Speaker, that suggestion was made as were a number of suggestions from the committee. No, our government has not taken a position of phasing out the education property tax, but I would like to note that the growth in the general revenue fund to support education is considerably more than the growth of the education property tax. In fact, yearly the mill rate has been reduced. So, ideally, if you were in the average community in Alberta, you did not pay more dollars unless you were growing. I think the happy circumstance of the growth is that there is obviously more growth and wealth to absorb the extra imposition, but simply put: we have not made any statement about phasing it out.

MRS. MacBETH: Well, that's interesting, Mr. Speaker.

My third question is: when will the government release the full text of the Education Tax Review Committee report so that Albertans can assess the impact of those recommendations on their taxes?

MS EVANS: Mr. Speaker, I'm working through our government with the Treasurer and the Minister of Education. We are talking about the report and the implications. The report itself, I believe, is already in the possession of the hon. Leader of the Opposition, and I would further suggest that as we get more data and it's responsible and constructive to do so, we will provide it as we choose.

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

### West Edmonton Mall Refinancing

MR. SAPERS: Mr. Speaker, two weeks ago the Premier said that Albertans had lost nothing on the West Edmonton Mall loans and guarantees because the payments were being made, yet the Auditor General counts up millions of dollars in losses to date, and the final tab is still pending. My questions are to the Premier. Why did the Premier tell Albertans that the mall deal cost them nothing when the Auditor General has calculated losses already exceeding \$152 million?

1:50

MR. KLEIN: Mr. Speaker, I said that the loan is being serviced, which happens to be true. Yes, there has been a paper write-down on this particular matter, but how it all turns out in the end, of course, remains to be seen. As you know there are numerous lawsuits. The ATB is trying to put West Edmonton Mall into receivership. That action is being challenged. There's some question as to what the actual value of the mall is, and I'm sure all of these questions will be answered as these courtroom dramas unfold.

Yes, there is a lot of money being spent. There's a lot of money being spent right now, and most of it's being spent on lawyers.

MRS. SOETAERT: I wonder who caused that.

MR. KLEIN: Karen Leibovici caused that.

MR. SAPERS: Mighty powerful women in this caucus.

Mr. Speaker, to the Premier: given the Auditor General's conclusion that the Genra deal was killed on the basis of incomplete financial information, would the Premier explain why he thought putting Alberta taxpayers at risk was better than putting private-sector banks at risk?

MR. KLEIN: Mr. Speaker, this is the same question that was asked a week ago only in a slightly different manner. The response to that question I believe is contained in the Auditor General's report. That was a consideration at that particular time, and that has been dealt with by the Auditor General.

MR. SAPERS: Unfortunately not the case, Mr. Speaker.

Mr. Premier, what assurances do Albertans have that the government won't make a settlement with West Edmonton Mall behind closed doors, using taxpayer's money to bury the full story of the government's involvement in the 1994 refinancing?

MR. KLEIN: I'm sorry; I'm not quite clear on that question, Mr. Speaker, and I don't think the hon. member is either. Nothing has been buried and nothing will be buried, and the government is in no way directly involved with West Edmonton Mall. As a matter of fact, that goes back to one of the fundamental discussions that took place back then and that was: should the government violate its policy at that time and become directly involved with West Edmonton Mall? The answer was clearly no, absolutely not. So nothing is being buried. Everything was turned over to the Auditor General.

I'm sure that the multitude of lawyers working on the various court cases pertaining to this particular matter have literally tons and tons of documentation, all of which eventually will become public through the various court actions and certainly as it relates to my involvement or the involvement of any members of government at that time. We co-operated fully and completely with the Auditor General.

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

### Labour Relations Board

DR. PANNU: Thank you, Mr. Speaker. When announcing appointments to the Alberta Labour Relations Board two weeks ago, the Labour minister stated that the appointments had been made based on the recommendations of a selection committee made up of relevant stakeholders. What the minister failed to tell Albertans is that Stephen Kushner's appointment was not recommended by the appointments committee but was added later by the minister himself. Kushner is a well-known and outspoken anti-union advocate. He heads the Merit Contractors Association, which has consistently worked to eliminate trade unions from the construction industry. My first question is to the Minister of Labour. Why has the minister publicly stated that the appointments to the Labour Relations Board were based upon recommendations made by the selection committee when in fact the appointment of Mr. Kushner was made by the minister directly without the recommendations of the selection committee. Will he give some reasons here?

MR. SMITH: Yes, Mr. Speaker, I certainly will. I don't want to take up valuable House time and talk about all the errors made in the preamble of the question. The bare facts are that the committee process for the Labour Relations Board is that they are government appointments and they are committee assisted. Indeed, we had the Member for Cardston-Taber-Warner, Ron Hierath, as part of the committee. We've made it very clear that that was a committee that was to assist the government and that the final appointments always are, as they should be, in the domain of the minister.

DR. PANNU: Thank you, Mr. Speaker. I hope the minister has a better answer for my next question.

Why did the government negotiate the premature termination of Bob Blair's appointment as the chair of the Labour Relations Board six months before it was due to expire if not because of dissatisfaction with recent LRB decisions including the ones on Dynamic Furniture, the *Calgary Herald*, and Sunpine Corporation.

MR. SMITH: Mr. Speaker, the decision for the opening that will be occurring in the Labour Relations Board, the chair, was made on a discussion with the chair and myself and we look forward to making progress with the appointment of a new chair. In fact, the previous chair has done good work. He's done good work for Albertans. He's done good work for the employer community. He's done good work for the organized labour community. Some of the work includes working with the health care unions as they were reconstructed through a period of tremendous change, posting of all the decisions on the government web site, doing more cases with less money as funds were withdrawn.

The Labour Relations Board continues to act as a quasi-independent judicial board. In fact, the appointment of Mr. Kushner is one that represents 77 percent of the labour force. Twenty-three percent of 1.5 million workers. A lot work under collective agreements. Of that, about one-half are public sector/government and the other half are private sector. The balance, 77 percent, or, quick math, about a million two workers, are not represented by an employer – its an employer appointment – at the Labour Relations Board. This is simply an appointment that reflects the constitutional makeup of the labour force in Alberta.

DR. PANNU: Thank you, Mr. Speaker. My second supplementary is to the Premier. To maintain the integrity and impartiality of the appointments process, will the Premier commit to rescinding the appointment of Mr. Kushner to the Labour Relations Board, and if not, why not?

MR. KLEIN: No, Mr. Speaker. The answer is no. No, I wouldn't consider rescinding. Prior to the appointment of Mr. Kushner to the board I had a discussion with the Minister of Labour, and I'm quite satisfied that all the requirements were fulfilled relative to this gentleman's appointment.

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

### Pine Shake Roofing

MS KRYCZKA: Thank you, Mr. Speaker. In the February/March 1999 issue of the Signal Hill Community Association newsletter, a community which is located in my constituency, Calgary-West, constituents were encouraged to be aware of the untreated pine shake problem and were asked to sign a petition in support of APSHA, Alberta Pine Shake Homeowners Association. My question is to the Minister of Labour. What is the extent of the

problems with untreated pine shakes in Calgary and southern Alberta.

MR. SMITH: Mr. Speaker, the total condition of what's occurring with pine shakes in Calgary – I don't know every roof. I do know that there's one condominium association in my very constituency, Calgary-Varsity, which is, of course, one of the premier constituencies in Alberta, that we are working with on the matter.

2:00

What we've found, Mr. Speaker, is that south of Red Deer most of the pine shake roofs are holding up. They're holding up what we think at this point is from generally drier climate conditions and the fact that the specification that's in the Building Code indicates that 500 millimetres or less of rainfall is an amount which an untreated pine shake could function in its ability to shed water. In northern Alberta, of course, there have been reports of installation where precipitation has surpassed that of 500 millimetres per annum, and the standard is based on a 20-year rolling average. So we see at this stage, in a limited survey, few roofs that have difficulty in Calgary.

MS KRYCZKA: My first supplemental is also to the Minister of Labour, Mr. Speaker. What advice can the minister provide to concerned residents in Calgary and southern Alberta?

MR. SMITH: Mr. Speaker . . . [interjections]

#### **Speaker's Ruling Seeking Opinions**

THE SPEAKER: The purpose of question period is to seek urgent information on urgent issues and not to seek opinions or provide advice.

#### **Pine Shake Roofing (continued)**

MR. SMITH: Well, Mr. Speaker, with chinook conditions, snow is disappearing. People are looking at having roofs that may or may not be a problem sprayed. There has been a fact sheet put out on spray applications for pine shake roofs. There is no evidence at this point that PQ-57, a spray treatment, was effective, and the manufacturer was conducting tests to better determine its long-term effectiveness.

Today, Mr. Speaker, I would inform the House that the two departments, Environmental Protection and Labour, were informed by the manufacturer of the spray that the testing has determined that PQ-57 is not an appropriate remedy for untreated pine shake roofs. I would ask again that anyone concerned about a roof covering should first of all have the roof inspected by a qualified person to determine the roof's condition. They should also contact the manufacturer, builder, and installer if they have questions or concerns. Of course, there is the option of contacting our web site: [www.gov.ab.ca/lab](http://www.gov.ab.ca/lab).

MS KRYCZKA: My second supplemental is also to the Minister of Labour. Can the minister tell this Assembly approximately how many homes, schools, businesses are affected in Calgary and in southern Alberta with pine shake problems?

#### **Speaker's Ruling Questions about Detail**

THE SPEAKER: That's the reason, hon. member, why we have an Order Paper, and on the Order Paper we have a section called

Written Questions and we have a section called Motions for Return, to ask that kind of specific information.

The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Wainwright.

#### **Pine Shake Roofing (continued)**

MR. MacDONALD: Thank you, Mr. Speaker. Like rot attacking untreated pine shakes, inconsistency in this government's approach to the problem is spreading. Yesterday the Minister of Labour assured this Assembly that his department did not become aware of the brown rot problem until June 1997. However, in 1997 letter tabled today from Majestic/Millar Western states, "As you know we removed our warranty on the untreated product 2 years ago and began to treat our shakes against decay." My first question is to the Minister of Labour. Who are Albertans to believe, Majestic/Millar Western or your government?

MR. SMITH: Mr. Speaker, we've been very clear throughout the process of this issue that this is clearly an issue between the ultimate consumer, the person who purchases the home in which the roof is built, the builder, the manufacturer, and the installer. That's where the warranties are implicit in the product, and that remains consistent from the first time we commented on the issue.

MR. MacDONALD: My second question, Mr. Speaker, is also to the Minister of Labour. Where are the documents from 1995 so the public can determine what went on in that year regarding this very crucial issue regarding the homeowner's of the province?

MR. SMITH: Mr. Speaker, as you know, in this House we have tabled all the information on the issue of pine shakes that has gone through the department. We've tabled it voluntarily. It's available at the Department of Labour library. It is, I'm sure, still available here in the wonderful Alberta Legislature Library.

MR. MacDONALD: My third question is also, Mr. Speaker, to the Minister of Labour. How can you tell us that your government didn't know prior to 1997 when decay and rot are mentioned in pine shake documents your department has released?

MR. SMITH: Mr. Speaker, the comment was made in finding absolute cases of the occurrence of a brown fungus inside the shake which lead to a rot which was determined to be an airborne spore. We've been very complete. We've been very open. We'll continue to do so.

THE SPEAKER: The hon. Member for Wainwright, followed by the hon. Member for Edmonton-Meadowlark.

#### **Farm Income Disaster Program**

MR. FISCHER: Thank you, Mr. Speaker. My question is to the Provincial Treasurer. Agricultural producers in the Wainwright constituency and the eastern portion of the province of Alberta are facing very difficult times because of severe drought and ongoing low grain prices. The farm income disaster program announced by the federal government, which is similar to our provincial farm income disaster program, will inject more money into the program. There is fear in the industry that the province will remove some of those dollars to other departments. Will the Provincial Treasurer give the commitment that these additional federal funds will be spent on agriculture programs?

MR. DAY: Mr. Speaker, it's true that there are federal dollars that will be flowing to the provinces, and certainly a portion of that goes to Alberta. There may be some confusion around the fact that when federal money like that comes to a province, it initially parks for a moment in the general revenue fund and then flows out to the department to which it's intended to go, and that's certainly going to be the case with agriculture. I know the minister of agriculture is still working to determine exactly how many dollars are coming this year, and those dollars will flow from general revenue to him.

MR. FISCHER: My supplemental is: are the farm organizations going to have input into how and where these additional funds are going to be spent?

MR. DAY: I've heard the minister of agriculture address that directly, Mr. Speaker, and he's made it very clear that he wants input from farm organizations, from agriculture, from industry associations. I think he's in the process of doing that right now, and it'll continue. He'll definitely direct those dollars with that guidance.

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

### Health Summit

MS LEIBOVICI: Thank you, Mr. Speaker. Health roundtables, health review committees, Provincial Health Council reviews, growth summits: tablings this afternoon was an example of all the reports that we've seen over the last five years. Yet again this week the government is going to be holding the latest in the series, the health summit of '99. My questions are to the Premier and to the Minister of Health. The recommendations from all of those prior consultations haven't fixed health care. Can you tell Albertans what's going to be different about this summit?

MR. KLEIN: Well, the hon. member is absolutely right, and you know, the situation today is no different than it was, Mr. Speaker, in 1984. In 1984, when the hon. leader of the Liberal opposition wasn't the Minister of Health – I went back and read some headlines. Now, why is 1984 significant? It's significant because Alberta was spending more per capita on health than any other jurisdiction in the country, and the headlines were the same: not enough money, nurses shortage, bed shortage, waiting lists. The headlines were exactly the same in 1984, when we were spending more per capita, far more per capita than any other jurisdiction in the country.

Then the other day after the federal government announced that it was going to restore the funding that it had removed, which was good news, there was a doctor on television, and I've said before in this House that it was alarming to hear what this doctor had to say. He said: there will never be enough money. Well, I don't buy that. Mr. Speaker, I don't buy that.

2:10

The question that this health summit will ask – and it wasn't asked in The Rainbow Report, which was the last real complete study, but unfortunately the then Minister of Health didn't carry out the recommendations. We had to carry out a lot of the recommendations, this government. The question has never been asked. It has never been asked. How much is enough, and what will Albertans get in the way of service for their hard-earned tax dollars? What will they get in exchange, and how much is enough? Can there be some kind of an informal contract to say: "Lookit; if we promise to do certain things, will you do certain things? What do we do to put in place collectively and co-operatively a sustainable health care system?" That's what the summit is all about.

MS LEIBOVICI: Thank you, Mr. Speaker. My question again is to the Premier then. If this summit is so important that it will fix health care and have all the answers, why have almost all the MLAs in this Legislative Assembly been denied access to the summit? Are you afraid of what we might hear there?

MR. KLEIN: Mr. Speaker, this is not an MLA process. Yes, there will be MLAs there as observers. The hon. Minister of Health has indicated that he would like to see on a proportional basis eight members of the government caucus, three from the Liberal opposition caucus, and one from the ND caucus as observers, and that seems to be fair. This is an exercise involving ordinary Albertans and caregivers and administrators: people who use the system, people who service the system, and people who administer the system. So this is a collective Alberta effort. This is not a partisan, political effort.

Aside from that, Mr. Speaker, there is limited room in the facility, one of the very few facilities that was available to host this summit.

But here's the real point, Mr. Speaker. This is the real point. This speaks to contradictions to say the least, to put it gently. Contradictions. When we announced the health summit, the Liberals called it a sham. They called it a worthless, useless exercise. They said that there should be a traveling road show. They indicated that they would have nothing to do with it, and now they all want to be there.

MS LEIBOVICI: As the summit is anything but arm's length and is being tightly manipulated by the Department of Health, can you tell us how this health summit is going to address the issues of public versus private health care, mental health, acute care services, emergency services, long-term care, home care, and rural health care in eight hours of small group discussions?

MR. KLEIN: Well, Mr. Speaker, you add to that all of the reports and so on that have been done, including The Rainbow Report, which goes back 10 years. You bring that all together. You look at some of the fundamental questions facing health care as it exists today. I mean this is an area of changing dynamics. It really is. As you know, 10 years ago we didn't have to face the same situation as today as it relates to for instance an aging population. We didn't have to deal with the situation of a tremendous number of exotic drugs that have since come on the market. There are changing dynamics in health care constantly going on. We think that we can see so far into the future as to what the challenges are going to be and what we want to know is how we are going to face those challenges and again ask the fundamental question: how much is enough? How much is enough, and what are we going to get for those dollars?

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

### Water Management

MR. McFARLAND: Thank you, Mr. Speaker. Not unlike many other winters south of the Bow River, many regions of southern Alberta are looking at a brown cover, and it tends to remind people of the importance of proper water management projects. With the recent cabinet approval of the Little Bow dam I'd like to ask the Minister of Public Works, Supply and Services for a current status update on the progress towards construction of this worthwhile project.

MR. WOLOSHYN: Thank you, Mr. Speaker. The member is

absolutely correct. Cabinet did give approval in December for the project. However, what is currently happening is that we have expended some \$12.3 million on the project in land acquisition and other activities, including design. The project has also undergone approval by the federal Minister of Fisheries and Oceans. We still are required to get some other regulatory permits for it. Public Works, Supply and Services has budgeted money to continue with the process in this year's current budget, and we will be putting together a construction plan with a request to Treasury Board so that the cash flows can be identified to get approval to proceed with the project at some point in the future.

MR. McFARLAND: Thank you, Mr. Speaker. With the consideration of adequate water supplies a distinct possibility, what are the capital funding restraints the minister will currently face in achieving the first step towards construction?

MR. WOLOSHYN: At the moment, the capital is not delaying the construction. We have some further engineering to do, some further approvals to go through before we can pour concrete. We've got the design well on its way, and as I indicated, in order not to slow down the process, we will be allocating money in our current budget before the approval comes from Treasury Board.

One of the things that has to be addressed is the fact that it is a four-stage project. Three of the four stages were approved. The fourth one was sent back for a further review. That's the Squaw Coulee expansion. Public Works has to come back to the joint review committee by June 15 with that particular aspect.

So currently I can say that there is no delay at this moment. We do have some land acquisition issues to address. I do stress again that we are proceeding with the engineering studies and design work. As soon as we get those under way and at the appropriate time, the cash flows that are expected – I'm sure that Treasury Board will give the appropriate approval, and we'll be able to proceed with it.

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

### **Long-term Care** (continued)

MRS. SOETAERT: Thank you, Mr. Speaker. Raoul Bergevin worked for 15 years for the Youville Home in St. Albert. As he maintained that facility that housed long-term care patients, he was promised that it would be there for him when he needed it. Well, he needs it right now, and he can't get a bed at the Youville Home. So my questions are to the Minister of Health. All we hear is talk and talk and more talk. When are we going to see some action to relieve the shortage of long-term care beds?

MR. JONSON: Mr. Speaker, I recognize that one of the challenges facing the health care system is that of placing long-term care recipients as close as possible to their home and, in this particular case, in the home that this individual worked in. To directly answer the question, I think the hon. member would be aware that there is and there has been an increased commitment to long-term care and home care even in these previous times of budget reduction.

If she were to look to the north, to Morinville, she would see being put into operation in the next couple of years a very futuristic long-term care centre. I'm probably saying that it'll be longer than it is actually. There's a very good group of people working together cooperatively among the various levels of government with the regional health authority to bring into operation a significant number of additional long-term care beds, Mr. Speaker.

2:20

We have in the city of Edmonton a number of very good projects, the Choices program, a number of others that I could go on to mention that have expanded the capacity of the long-term care. As I've indicated in this House and elsewhere, as we move into the next budget year, the whole area of long-term care capacity, particularly in Edmonton and Calgary, will be one of our areas of focus.

The point is, Mr. Speaker, that we are making progress in this area, increasing capacity as far as long-term care is concerned, and it is just not physically possible always to have an opening in a particular facility at a particular time.

MRS. SOETAERT: My second question to the same minister. Because Mr. Bergevin lives just outside of the Capital region, he cannot access a bed in St. Albert. When will the minister just admit that regional boundaries are not seamless; they are brick walls?

MR. JONSON: Mr. Speaker, I'm aware of many people from outside the Capital region that are receiving long-term care in the Capital region. I think it is a matter of availability of beds or of sites to be served. I come back to the answer that I gave before, and that is that we are giving priority focus to this area. We do know that we need to expand long-term care and home care capacity.

MRS. SOETAERT: Given that people who need long-term care deserve to be near their family and their community, will the minister show some compassion and help Mr. Bergevin? There are a lot of others like him.

MR. JONSON: Well, Mr. Speaker, I would certainly undertake to review the situation with the Capital health authority. However, there is a reality, and that is that in this province, no matter how much money we spend on long-term care, there will be circumstances where a person will have to locate some distance from their home. In fact, in many parts of the province with which I'm familiar, there is no feasible choice but to be perhaps 10, 15, 20 miles from your home, and that is the case.

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

### **Natural Gas Pricing**

MR. YANKOWSKY: Thank you, Mr. Speaker. My constituents, especially seniors, have been expressing concern regarding the cost of natural gas to heat their homes. I answer their questions by blaming the high cost on market demand. Now the market price is down considerably, but heating bills haven't changed. My questions are all to the Minister of Energy. Could the minister tell this Assembly why homeowners' costs for natural gas have risen by 30 to 40 percent?

DR. WEST: Mr. Speaker, that's probably one of the biggest questions I've had this winter, and most elected representatives have been asked that question by Albertans. I'm sure the opposition has been also.

I think one of the things I want to do – I'm going to answer the question as quickly as I can, but if you'd allow me to explain to Albertans and those that are listening here what a natural gas bill is composed of. It's composed of two components: a fixed charge and an energy charge. The fixed charge is to offset utility fixed costs that do not vary with consumption, such as design, installation, and financing of pipelines and the meters that are on your homes.

Now, the energy charge consists of two separate charges: the base energy charge and the gas recovery rate. The base energy charge provides for utility capital and operating costs including labour, materials, supplies, and other capital-related costs. The gas cost recovery rate is the charge to offset payments made to gas producers to supply natural gas. The EUB sets those rates by application by the people who supply gas to you. The fixed charges are assessed, they're given, and they're on your bill.

The gas cost recovery rate is market driven, the cost of gas, and the companies are not allowed to put a markup on the natural gas costs. Therefore, that rate is market driven. In Alberta at the beginning of this year, because of some market conditions the price of natural gas has risen substantially. Those market conditions are – for the first time we do not have pipeline constraint, and therefore the uptake in the United States as well as the shut-in gas in the province of Alberta have created a supply and demand that no longer makes the price in Alberta lower. Other: they expected a colder winter; economic development in Alberta is using more natural gas; more conversion of oil-using factories in the United States to natural gas have increased the consumption of natural gas and raised the price. So 30 to 40 percent of the cost of this is driven by these factors as well as a low Canadian dollar.

MR. YANKOWSKY: Thank you, Mr. Speaker. Mr. Minister, why, then, are homeowners still paying a high price when the market price has dropped by about 50 cents U.S. per gigajoule?

DR. WEST: That is why the questions come in. People see that the rate per gigajoule today is a \$1.74, and going into this winter the price ranged from \$2.27 to \$2.72 a gigajoule. The companies that supply gas apply for a winter rate, which they did from November to March of this year, and they got the winter rates, depending on whether it was Northwestern Utilities, Canadian Western Natural Gas, or Centra Gas, varying in the \$2.50 to \$2.70 range. That's the winter rate.

The prices of natural gas have dropped 50 cents a gigajoule on average since then. Now the companies must go back – and two of them have already applied – for the summer rate and a rebate back to the consumers. That is being looked at presently by the EUB. I said that they cannot mark up natural gas. They have to give it at market price, and therefore the summer rates will give a rebate to the consumers in the province of Alberta.

MR. YANKOWSKY: Thank you, Mr. Speaker. Could the minister tell this Assembly what's in store in the future for my constituents and Albertans regarding the cost of heating their homes?

DR. WEST: Well, the question is good. We've tied in what your bill is now and why the cost went up, but the future means that with the demand going on in the United States, where we supply 11 percent of their natural gas, plus the new Alliance pipeline coming on, which is going to move about 1.3 billion cubic feet a day, and the increased demands in electrical generation, cogeneration, and other things going on, natural gas rates are going to increase over the next decade. Therefore, except for the variances of cold winter and other things, people in Alberta can look to higher natural gas prices to heat their homes in the future.

THE SPEAKER: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Calgary-Fort.

#### **Assured Income for the Severely Handicapped**

MRS. SLOAN: Thank you, Mr. Speaker. To the Minister of Family and Social Services: could the minister outline what changes he is

proposing to the AISH program to be accomplished through regulation changes?

DR. OBERG: Thank you, Mr. Speaker. In keeping with the opposition's request to keep my answers short, I would ask the opposition member to look at the answer that I answered her question with last Wednesday as that's the answer.

MRS. SLOAN: That was about cabinet approval for the program, not regulation changes, Mr. Speaker.

Is it the minister's intent to create assessment bureaucracy like the WCB in order to establish client eligibility for AISH?

DR. OBERG: No.

MRS. SLOAN: Thank you, Mr. Speaker. What is the length between the recent agreement for accreditation with the Alberta Association of Rehabilitation Centres and the reforms to the AISH program as proposed?

DR. OBERG: Mr. Speaker, the recent standards that were tabled in this Legislature were standards that had been developed by people all around Alberta for the PDD boards. They were not in any way intended to apply to the AISH program.

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

#### **Flood Preparedness**

MR. CAO: Well, thank you, Mr. Speaker. In my constituency of Calgary-Fort there is a historical community of Inglewood, which was established early with the city of Calgary along the Bow River and the Elbow River. I believe the community is located within the hundred-year floodplain. My question is to the Minister of Environmental Protection. My constituents in Inglewood community would like to know the provincial programs involved in floodplain mapping in the area?

2:30

MR. LUND: Mr. Speaker, there was a program between the federal and provincial governments, and it was the flood control mapping program. Unfortunately there were some 64 municipalities that were identified for the mapping program. Currently there are only 18 of them that are complete.

The process was that the mapping would be done, would be turned over to the municipality, and the municipality would then accept, through a motion of the council, the mapping. Calgary is complete. The city of Calgary adopted it, so they know now where the hundred-year floodplain and 50-year floodplain exist and take the appropriate measures as far as issuing development permits on those sites.

MR. CAO: Thank you. My second question is also to the same minister. What is the plan to address flood prevention in that particular area?

MR. LUND: Well, Mr. Speaker, currently the provincial government has a flood control/erosion control program. However it is very, very heavily subscribed, and we certainly don't have enough money to go around. I have a copy of a letter that I wrote to the Hon. Ron Duhamel, secretary of state, Western Economic Diversification Canada. Back on January 18 they announced an additional \$50 million in flood-proofing, bringing the total assistance to Manitoba

to \$224 million. In the letter we are urging the minister to look at a joint Alberta/Canada program that in fact would allow us to develop a program where we could flood-proof many of these areas, because quite frankly the money that we have to spend when there is an event, when there is flood damage is very substantial. We believe that the smart thing to do would be to put some money up front and flood-proof as they have done in Manitoba.

Now, Calgary is not the only location. For example, High River is one that we have been looking at. It suffered a lot of damage in '95, and it would make a lot of sense to expand the program there. We've got Fort McMurray; we've got Peace River. There are many locations in the province where we believe this program would be extremely beneficial.

MR. CAO: My last question is also to the same minister. What can my constituents expect in the coming time?

MR. LUND: Well, Mr. Speaker, we just wrote the letter to the minister on February 22. It was from the Hon. Walter Paszkowski, minister responsible for disaster services, and myself. We haven't had a response back, but we are hoping that we will soon get the response and that it would be in a positive vein and that we would be able to develop a program within Alberta that would address the issues that the hon. member has identified.

head: Members' Statements

THE SPEAKER: Three hon. members have indicated their desire today to participate in Members' Statements. We'll proceed in this order: first of all, the hon. Member for Calgary-Fort, the hon. Member for Edmonton-Gold Bar, then the hon. Member for Wetaskiwin-Camrose. Thirty seconds from now I'll call on the hon. Member for Calgary-Fort.

### Lunar New Year

MR. CAO: Thank you, Mr. Speaker. Our world is so rich in culture, and Alberta has the good fortune to share that wealth. On the occasion of the Lunar New Year I would like to share some interesting traditions with you.

Many cultures in our human civilization use the lunar cycle to measure months and years. Festivities such as Ramadan, Chinese Tian Nian, and Vietnamese Tet, just to name a few, are based on the lunar year. The festival is also the time to reflect on past achievements and removing negative spirits and embracing positive goodwill to one another.

Lunar New Year is also the time for special feasting. Food is selected to symbolize good wishes. In Vietnamese popular tradition people exchange special rice cakes in square and round shapes indicating a good wish for an even and balanced life. A basket of fruit consisting of fruit names means wishing for sufficiency to live on. In Chinese tradition the dry oyster in the Chinese language also means all good things. The prawn means liveliness and happiness. Hairlike seaweed means prosperity. In particular, the dumpling in soup called jiao-zi: in the Chinese language jiao-zi literally means have a satisfying relationship resulting in a child. So watch out if your date takes you out and orders jiao-zi.

This year is the year of the rabbit in Chinese tradition and the year of the cat in Vietnamese tradition. So if you are born in the years 1927, '39, '51, '63, '75, '87, or '99, this is your year. You are in league with Albert Einstein, Queen Victoria, Marie Curie, Napoleon Bonaparte, and Orson Welles, just to name a few. Rabbits and cats are generally charismatic, witty, and intelligent.

On this occasion I wish to extend my wish to all members of the Assembly and people celebrating the Lunar New Year for a year of

the cat filled with smoothness and cuddly affection and a year of the rabbit filled with production and multiplication but in business only.

To follow this tradition I would like to ask the Speaker's permission to deliver the red pouches. That's a tradition that we have.

Thank you.

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

### Employment Standards Enforcement

MR. MacDONALD: Thank you, Mr. Speaker. Alberta Labour has moved from delivery of services to issues and public policy management, from intervention to facilitation in the workplace. This move has been a dismal failure. Fatality rates in the workplace have increased by 60 percent. The number of chronic repeat offenders with employment standards violations has increased by 25 percent. The four-year target was a decrease of over 50 percent. This has not been achieved. The department's policy of voluntary compliance has not and will not work.

This government is soft on crime. A perfect example of this is the way the Department of Labour dealt with Buffet World Inc. This employer had over 75 employment standards complaints filed against it. It took the department five years to start an investigation. The government's approach was to have a chat with the employer and encourage them to comply with employment standards. The department's response to this employment standards crisis was insufficient. It sets a very poor example for workers in every corner of this province.

What their response indicated to workers is that they are not valued, that employers are more important, and that employee rights are not a priority of this government. It sets a very poor example for employers. It states that crime does pay. Not enforcing employment standards provides an unfair advantage to those employers who chose to violate the code without fear of prosecution. Companies who play by the rules face higher employment costs. Buffet World is only one example. How many other businesses are taking advantage of this government's inadequate enforcement of employment standards?

Adequate legislation and diligent enforcement of employment standards must accompany economic growth in order to protect the workers who drive this growth. Sadly this government has chosen another path. They are soft on crime.

Thank you, Mr. Speaker

THE SPEAKER: The hon. Member for Wetaskiwin-Camrose.

### Children's Opera Society of Alberta

MR. JOHNSON: Thank you, Mr. Speaker. I would like to take this opportunity to inform members of the Legislature of a unique and innovative enterprise taking place in the city of Wetaskiwin. An enthusiastic group of young people have formed an organization called KidsOp, the Children's Opera Society of Alberta.

This society has virtually exploded onto the scene over the past three years, having its roots in a specially commissioned children's opera for the students of Norwood elementary school in Wetaskiwin entitled *Coyote and the Winter That Never Ends*, which they produced in 1997. The Alberta librettist, Dr. Mark Morris, drew on his contacts in Britain for the opera's composer Mervyn Burtch. This connection also enabled Norwood school to partner itself with another school in Cardiff, Wales, that staged a parallel production of the opera. Students in the two schools made contact with each other via e-mail, a private Internet chat room, and the Internet site that was established for the project.

2:40

Three years later, those two schools have multiplied into 24 schools in six countries worldwide that will perform the latest children's opera created by Morris and Burtch called *Raven King*. The Banff Centre for the Arts will undertake a co-production of the opera as part of the 1999 Summer Festival in Banff featuring 81 children from communities across the province. For those members interested in involving students in their constituencies, information can be found on the society's prize-winning Internet site at [www.kidsop.com](http://www.kidsop.com).

In closing, I would like to congratulate KidsOp on their international success for their recent second-place award for innovative Internet projects at the prestigious 1999 Cable & Wireless Childnet International Awards ceremony in Sydney, Australia. I salute them for their creativity.

Thank you.

THE SPEAKER: The hon. Member for Calgary-Buffalo on a purported point of order.

#### Point of Order Brevity in Question Period

MR. DICKSON: Thank you, Mr. Speaker. I'm going to refer in particular to an exchange between the Member for Edmonton-Beverly-Clareview and the Minister of Energy. The authority I'm going to cite in support of the claim of a point of order is *Beauchesne* 408(1)(a), 408(1)(e), and 408(2). This is a question, you will recall, where the Member for Edmonton-Beverly-Clareview asked a question because he wanted to know what to tell his constituents, and we then proceeded through the main question, the first supplementary, and the second supplementary to have a lengthy presentation by the Minister of Energy. It was a great course on what a gigajoule is and how it impacts on the cost to consumers, but it offends the sections I cited.

The question, in the first place, can hardly be said to be one "in respect of matters of sufficient urgency and importance as to require an immediate answer." The response from the minister can scarcely be said to have been an answer to a question "as brief as possible." Again, 409(5) talks about the matter being "of some urgency."

You gave us some direction in this House on February 18 in *Hansard*, page 415, where you, Mr. Speaker, reminded members about the importance of question period, the importance of the element of urgency. It seems that your admonition and advice have been forgotten, and I would ask that you make the appropriate direction.

Thank you.

THE SPEAKER: The hon. Minister of Energy on this purported point of order.

DR. WEST: Yes. Mr. Speaker, I think that the urgency here is as urgent as somebody asking about the education tax on property taxes. Certainly, as the increases in those property taxes are a devastation to seniors, so is the increase in gas costs. Albertans are concerned about the level of gas costs just the same as they're concerned about the level of education funding or anything. It takes a while to explain it. I mean, what the opposition would like is for us to stay mute on things that they don't want to hear about but that Albertans want to hear about and just expound on the things that they want to pass forward here. I think this point of order is out of order.

THE SPEAKER: As always, the eloquence expressed in this House is imaginative.

First of all, on the purported point of order raised by the hon. Member for Calgary-Buffalo. The first comment made essentially dealt with the length of the exchange and the response. The chair does keep track of what has transpired and what does transpire in question period. Today was actually pretty good; there were 13 sets of questions. The first three questions that came from the Official Opposition took four minutes, three minutes, four minutes, and then the ND opposition took five minutes for that exchange. The longest exchange today occurred as a result of the questions asked by the hon. Member for Edmonton-Meadowlark. That took six minutes for the total exchange.

In the case of the exchange that did occur in the questions between the hon. Member for Edmonton-Beverly-Clareview and the Minister of Energy, it was five minutes. So it was just less in fact than some other ones. Five minutes has sort of been the norm that one has tried to get through with this.

The chair, though, was going to rise once or twice during this exchange because the chair did hear that natural gas prices were market driven. Well, if natural gas prices are market driven, then one wants to look at *Beauchesne* 409(6): "A question must be within the administrative competence of the Government." If gas prices are market driven, then surely they're not within the administrative competence of the government. So perhaps that could have been ruled out with respect to that.

We've had several questions, though, too about people gazing into the future about what might happen. As long as the questions can be phrased in such a way that it's not asking for an opinion or something else, hon. members might be able to slide the questions through. But when you make them so overt, there will be some interjections in the future, because we're not crystal ball gazing. Boy, I would sure like to know what's going to happen to natural gas prices definitively. I'm not sure anybody here can answer that question.

The hon. Member for Calgary-Bow on behalf of the hon. Member for Innisfail-Sylvan Lake asked that we might revert briefly to Introduction of Guests.

HON. MEMBERS: Agreed.

head: Introduction of Guests  
(reversion)

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

MRS. LAING: Thank you, Mr. Speaker. On behalf of my colleague the Member for Innisfail-Sylvan Lake, I would like to introduce, to you and through you to the members of the Legislature a group of 50 visitors from the John Wilson elementary school. They are accompanied by teachers Tom Stones, Christine Scott, Betty Brassard, and Luc Landry, and parents Lyle McKellar, Corinne Kornelson, Maryann Shier, Anita Capustinsky, Paul Klausen, Virginia Olson. I would just like us to welcome them in the normal manner of the Assembly.

Thank you.

head: Orders of the Day

head: Public Bills and Orders Other than  
head: Government Bills and Orders  
head: Second Reading

#### Bill 201 Tenancies Statutes Amendment Act, 1999

Mr. Gibbons moved that the question for second reading be amended to read that Bill 201, Tenancies Statutes Amendment Act, 1999, be

not now read a second time because the Legislative Assembly believes that a comprehensive review of landlord and tenant legislation is required involving extensive consultation with concerned stakeholders before proceeding with this bill.

[Adjourned debate February 17: Mrs. O'Neill]

THE SPEAKER: The hon. Member for St. Albert? Then the hon. Member for West Yellowhead to close the debate.

MR. STRANG: Is this on the amendment?

MR. WHITE: We're on the amendment, sir.

THE SPEAKER: Yeah. I appreciate that. Nobody wants to participate.

MR. STRANG: Well, I was just going to get up, sir.

THE SPEAKER: No. That's fine.  
Okay. Then we're going to call the question.

MR. STRANG: On the amendment?

THE SPEAKER: Yes.

All those in favour of the reasoned amendment to second reading of Bill 201, the Tenancies Statutes Amendment Act, 1999, introduced by the hon. Member for Edmonton-Manning, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The amendment is defeated.

[Several members rose calling for a division. The division bell was rung at 2:48 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Barrett	MacBeth	Olsen
Carlson	MacDonald	Pannu
Dickson	Massey	Soetaert
Gibbons	Nicol	White
Leibovici		

3:00

Against the motion:

Amery	Graham	Melchin
Boutilier	Haley	Nelson
Broda	Hancock	Oberg
Burgener	Havelock	O'Neill
Calahasen	Herard	Pham
Cao	Hierath	Renner
Cardinal	Hlady	Severtson
Coutts	Johnson	Smith
Day	Jonson	Stevens
Doerksen	Klapstein	Strang
Ducharme	Kryczka	Tannas

Evans	Laing	Tarchuk
Fischer	Langevin	Thurber
Forsyth	Lougheed	West
Friedel	Marz	Woloshyn
Fritz	McFarland	Yankowsky
Gordon		

Totals: For - 13 Against - 49

[Motion on amendment lost]

THE SPEAKER: The hon. Member for West Yellowhead to close the debate.

MR. STRANG: Thank you, Mr. Speaker. I appreciate the opportunity to rise today and make some concluding remarks on Bill 201, the Tenancies Statutes Amendment Act, 1999. The debate has certainly been very interesting and informative. Many important and relative issues have been raised.

I would like to thank all members who offered their insight and experiences. I have taken the comments and advice into account. I think it's quite clear that a problem exists in the tenancies act. Although it is not a common problem, I certainly believe that landlords should not be able to evict reasonable tenants using the Public Health Act or regulations in this matter. Therefore, situations should be governed by the tenancies act. Bill 201 is a way of solving this problem, perhaps not the very best or ideal way but a very effective way. Bill 201 does not make broad, sweeping amendments to the tenancies act. It targets one specific problem. When some of the members opposite wonder why this bill does not do more, I think they miss the point.

The Member for Edmonton-Manning indicated that Bill 201 is a sliver of the big picture. He is absolutely correct. This is a private member's bill, not a government bill. Bill 201 is not an attempt to rewrite the tenancies act. That would certainly require consultation; wouldn't you think? Mr. Speaker, if Bill 201 was making broad changes to the tenancies act, there most certainly would have been broader consultation with stakeholders. Again, this is a private member's bill making a slight but important amendment. Consulting with Albertans is something that this government does often and does very well. The Growth Summit and the upcoming health summit are perfect examples of this.

In conclusion, Mr. Speaker, allow me to say that I am pleased to have been able to reiterate debate on this example in this House. I think the bill has merit and that it will help address a specific problem that exists in the legislation governing landlord and tenant relationships.

So I urge members of the Assembly to support second reading of Bill 201, and at this time I would like to move second reading.

[Motion lost]

THE SPEAKER: Hon. members, before we move to the recognition of the hon. Member for Drayton-Valley-Calmar, hon. Minister of Health, did you want to proceed with an introduction?

MR. JONSON: Yes, I did.

THE SPEAKER: Might we revert to Introduction of Guests?

HON. MEMBERS: Agreed.

head: Introduction of Guests  
(*reversion*)

THE SPEAKER: Please proceed.

MR. JONSON: Thank you, Mr. Speaker. It's my privilege this afternoon to introduce to you and through you to members of the Assembly the Hon. Allan Rock, federal Minister of Health. The Hon. Mr. Rock is doing a western Canadian tour, explaining, promoting, giving us the lowdown on the details of the federal budget, which of course did have a significant part dealing with increased health care funding. I would like to welcome the Hon. Mr. Rock to the Assembly, and I'd hope that we would give him the traditional warm welcome.

Thank you.

head: Public Bills and Orders Other than  
head: Government Bills and Orders  
head: Second Reading  
(*continued*)

THE SPEAKER: The hon. Member for Drayton Valley-Calmar.

**Bill 202**  
**Farming Practices Protection Statutes**  
**Amendment Act, 1999**

MR. THURBER: Thank you, Mr. Speaker. It gives me a great deal of pleasure to have this opportunity to begin debate in second reading on Bill 202, the Farming Practices Protection Statutes Amendment Act, 1999. I'd like to begin by saying that agriculture is one of the most important industries in this province of Alberta. The land used for agriculture is a nonrenewable resource and the most powerful tool that exists for conserving the natural world. I think it would be difficult for anyone to argue the fact that agriculture is vitally important to this province and to this country. The world depends on farmers for the food we eat. Agriculture in Alberta supplies the cheapest source of food to more Canadians than anywhere else in the world.

Right now, Mr. Speaker, many people may not be aware that there is a tremendous concern about the fragmentation of agricultural lands in this country, what is often referred to as urban sprawl. The competition for land, especially productive working land, is increasing as population grows and technology improves. The land that produces food and fibre and precious, scenic, open space, wildlife habitat, clean air, and clean water is losing that competition. These lands are increasingly at risk from ill-planned development. We need to meet the legitimate need for development in ways to protect the productive and scenic lands and habitats of this province. Doing so will require a great deal of communication between all parties concerned.

Another concern and the one that I am directly addressing with the introduction of this bill is the attempts being made to force agricultural operations from continuing their normal practices by using what are called nuisance claims. In 1996, Mr. Speaker, there were over 51 million acres in farmland in this province. Now, that's pretty near a third of the total land base of the province, and that also represents 30.7 percent of Canada's total farm area. That number tells us a couple of things. First, we cannot afford to lose any of that 30 percent of land currently used for agriculture purposes. Secondly, we must preserve as much of this land as possible, because as our population expands, agriculture production must expand to meet the needs of the growing population.

This bill is ultimately about preserving our agricultural land base,

and it is about protecting those agriculture operations already in existence, provided they are abiding by the required codes of practice.

I would never argue with anyone about their right to choose the place in which they wish to live, but with that choice must come the realization and the acceptance of different lifestyles on neighbouring lands, whether they be livestock or grain operations. By this I mean that someone choosing to build a home in the country should take into account any agricultural operations that they may be building next to and understand that in that particular area there may come noise, machinery operations, livestock, and even unpleasant odour from time to time, not necessarily during the day but during the night as well.

What I'm saying, Mr. Speaker, is that this bill is intended to help these new homeowners and these new acreage owners and these new landowners become aware of the situation before purchasing and building on the land. I'm firmly convinced in my own mind that if people knew the situations that they were going into, sometimes they would prefer to go back to the city or live in some other area rather than going out there and being blindsided: all of a sudden there's manure disposal going on on the land next to them or there are combines running at night or machinery running day and night.

3:10

The fact of the matter is that we are losing agricultural land to many subdivision developments, and on top of this these new owners, because of not knowing the situations, are not always happy with the agricultural operation next to them. Mr. Speaker, I've seen many examples in this province. It could be manure. It could be livestock. It could be machinery. I have an article out of one of the eastern papers here where people felt that their property rights were being disturbed by greenhouse lights being kept on all night half a mile down the road. They said that it was infringing on their rights to privacy. So there are many things that come into play the minute somebody moves into the rural areas.

Mr. Speaker, Bill 202 has three parts. The purpose of this bill is to enhance protection of agricultural operations from nuisance lawsuits. To achieve this, Bill 202 has done the following. First, it provides within the Agricultural Operation Practices Act a definition of "nuisance" which reflects the accepted legal definition in Canada as it is found in the common law, and this definition of "nuisance" is wide-ranging. Many of the other provinces in Canada have chosen to define "nuisance" as odour, noise, dust, smoke, or other disturbance. After much discussion it was felt that to include this narrow definition in Alberta's legislation may in fact limit the benefits of the current section in the Agricultural Operation Practices Act, and thus we have chosen to place no limitations on the type or nature of a nuisance.

Secondly, Bill 202 adds a section to the Agricultural Operation Practices Act stating:

- In an action in nuisance against a person who carries on an agricultural operation, a court may
- (a) order the party that commenced the action to furnish security for costs in any amount the court considers proper; [and/or]
  - (b) award party and party costs and solicitor and client costs or either of them.

What we're saying there, Mr. Speaker, is that if somebody initiates a nuisance action against the farmer or another operation that's in that area and if they're not successful in proving that in court, then they should know up front that they are liable for all costs incurred by them against that defendant.

I realize that the *Alberta Rules of Court* do in fact cover the issues I just mentioned. However, my intent with this section is to discourage nuisance claims and to clearly outline within the

Agricultural Operation Practices Act the consequences of a lawsuit, should it reach that point. Again, my intent is to provide as much protection for agricultural operations as possible and still give a fair deal to the people that wish to move into a rural area and set up their home there.

Now, the largest part of this bill deals with the Municipal Government Act. The amendments to this act require municipalities to address the protection of agricultural operations in their municipal development plans and in their land use bylaws. If a municipality passes a land use bylaw regarding the protection of agricultural operations, that municipality must also establish a method of providing notice to owners of land situated adjacent to an agricultural operation.

This brings us back to the sole purpose of this bill; that is, to give potential landowners every possibility to understand and adjust to what already exists on adjacent land. In turn, this provides assurance to the agricultural operation that their business will not be threatened should their new neighbours consider the normal practices of their operation to be a nuisance.

To date Alberta has a large agricultural land base with relatively few areas where agricultural and urban development are concentrated together. But, Mr. Speaker, this is rapidly changing, and more and more we are seeing agricultural land being subdivided and new homes being built. Aside from the fact that our limited agricultural land base must be a concern for all Albertans, we must give as much protection as possible to those agricultural operations that already exist.

Mr. Speaker, I point out, through my information and my research, that in the MD of Rocky View alone around the Calgary area they have lost 69,000 acres to urban sprawl in the last 20 to 25 years. There are areas in the States: the state of California loses 100,000 acres a year to urban sprawl, and it's more drastic in other parts of the States. So I think it's something that we have to be very much concerned about.

Right-to-farm legislation across Canada has been designed to protect farmers from nuisance claims, provided farmers have met certain conditions by farming within generally accepted practices and in compliance with provincial and municipal laws. Nuisance is seen as the unreasonable interference with the use and enjoyment of property and also includes situations where there is actual damage to another's property.

I recognize that no right-to-farm legislation can keep all conflicts out of court. The best that any legislation can achieve is to attempt to resolve conflict before it enters court. We all know that lawsuits are expensive and time consuming for both the complainant and the farmer. It is my intent with this bill to strongly discourage the thought of trying to resolve these conflicts in court and to maintain the security of one of the most important industries in this province.

Yes, Mr. Speaker, certainly there may be other methods of protection. Most other provinces have implemented quasi-judicial boards under their right-to-farm laws. These boards review the case, try to mediate a satisfactory solution, and rule on whether the practice in question is acceptable or not. Although no cases handled by these boards to my knowledge have gone on to a civil court, it is expected that the board ruling would be overwhelming evidence to a judge on the acceptability of the practice. It would seem that these boards have actually weakened the legislation, as the vast majority of the board decisions do not in fact protect the farmer. In order to resolve the complaint, the boards regularly order farmers to modify their practices or they lose all right-to-farm protection.

It is often found that boards are not enough, and some provinces are in a position of having to develop manuals to monitor and lay out the exact uses of the boards. This increases costs to the taxpayer and

serves only to complicate matters further. I am also aware that there is an informal peer review process being formed in Alberta so that voluntary peer inspectors could mediate conflicts and recommend acceptable practices on individual complaints.

Mr. Speaker, I think the amendments suggested with Bill 202 would enhance the capabilities of these peer review groups. With the amendments I am proposing here today, people would be less likely to proceed with trying to resolve disputes through the courts and would instead seek alternative measures to deal with the situation.

[The Deputy Speaker in the chair]

We must concentrate on renewing public awareness of the importance of agriculture to our very existence. It is possible for both sides to peacefully coexist, but the key to that existence, Mr. Speaker, involves efforts at communication and understanding from both sides.

Bill 202 provides protection of both our existing agricultural operations as well as our agriculture land base while at the same time working to ensure that disputing parties attempt to work out their differences in a manner that does not result in costly or time-consuming court cases. We see many cases in this province and across the country whereby farmers have had to defend themselves at the expenditure of tens of thousands of dollars with no really good results in the end when they haven't done anything wrong in the first place.

Thank you for your time.

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

DR. NICOL: Thank you, Mr. Speaker. I want to congratulate the Member for Drayton Valley-Calmar for bringing forth this piece of legislation. It's something that is talked about quite regularly at just about every agriculture meeting you go to. They want to have some kind of statement from the legislators, from society, that says: yes, agriculture is important; yes, farming contributes to our economic system and to the basic fabric of our community.

This bill basically is designed to make sure that a farmer has a right to farm free of unwarranted harassment, if we might call it that, because what it does is it requires the municipal government to go about building into their land use plan a basic requirement for notification, awareness, and the process that's necessary for someone who wants to go and live in a rural community, in a country environment. They have to respect and be aware of the fact that their neighbour is no longer like they are, that their neighbour is no longer the neighbour they had when they were in town, that their neighbour is now a business. They've effectively moved from a residential area in town out into the industrial area of town, and they have to put up with, you know, the industrial activity, except that now industrial activity is agriculture out in the rural community. So this kind of awareness and acceptance has to be part of someone who comes to establish an acreage in a rural environment.

3:20

I was listening to the Member for Drayton Valley-Calmar as he introduced the bill and also to his comments when first reading was held. He said that the purpose of the bill was "to further protect our agricultural land base." I guess as we get into the debate on the bill, I would like some more specifics on that. I don't see it actually protecting our land base. What it is is a bill that protects the right to farm for someone who is there. This bill, at least the way I read it – and that's why I'm asking for further explanation if possible – in

no way prevents a landowner from at their choice converting the land to a nonagriculture use.

To me, that's the decision of a landowner, that would actually transfer land from agriculture into another use, and that's what we have to deal with if we're trying to protect the agricultural land base as opposed to the individual farmer and having that farmer's right to pursue reasonable farming activities sustained without threat of nuisance or potential harassment through process from neighbours who no longer like the idea, like the member said, of someone driving their tractor out of necessity in the middle of the night. I know how many times I've baled hay in the middle of the night because in southern Alberta that's the only time we can get enough moisture on it, to have it wet enough to bale, never mind dry enough, like most other people want it. So this is the kind of thing that has to be dealt with in the context of looking at these pieces of legislation.

Mr. Speaker, I think that we've got to look at the importance that agriculture plays in our economy and in our communities. It's basically one of the essential requirements of life: we have to eat to live, just the same as some of the other things. A lot of people now are taking it for granted. We've had such a great supply of food at a very reasonable price for so many years now that I think the general population is just basically assuming that it comes from the grocery store. They don't recognize the production process that's behind it. This bill is essentially going to provide the farmer with, I guess, a sense of comfort that, yes, their farming activity is viewed as important, that their farming activity is going to take priority over some other resident of the community that wants to come in.

I guess if we're trying to deal with this from the perspective of how to really get it in place – this basically says, you know, that you can't bring nuisance suits against the farmer – some of the other options that we could have looked at or that might be considered would be things like putting a caveat on a title that says that if you're going to subdivide even what used to be the first out or the first right of subdivision for a farmer on an initial title, that subdivision should be caveated to the point where the new owner of that subtitle recognizes that this piece of property, this new subdivision, is in the context of an agriculture zoning area.

I know that's not necessarily a proper term to use in the context of rural Alberta because it's not really zoned agricultural. That's the base of most of our rural communities, and they don't have the same strict interpretation of zoning as they do in an urban municipality. They do have land that has just traditionally been agricultural and is considered agricultural, and you end up then having to appeal or apply for your use permit or your change of use. But for the subdivision itself, when it's going to be put into a residential or a rural acreage format, I think we need to look sometimes at saying: look; you recognize you're moving out into an agricultural community; you're recognizing that things are going to happen, that the neighbour has to have a land base to put the manure on, has to have a process that, even using reasonable practices, does create an odour. You know, not everybody appreciates the good smell of a feedlot next door. They want to have some things under the same kind of environment that they had when they lived in town, and that has to be dealt with.

I think this bill effectively is going to go a long way to doing that, especially when we couple it with the debate that's going on right now about changing the code of practice for livestock, that will be able to provide a much clearer definition of what are acceptable practices for farmers, especially in the areas where we're dealing with some of the issues of nuisance impact on neighbours. This is going to be really important for both the farmers' sense of what they're doing and what activities they're carrying out and also for the nonfarm resident of the rural community.

So, Mr. Speaker, I think this is the kind of bill that we really should be looking at strongly and supporting. There are some issues that we'll bring up when we get to the subsection debate dealing with the wording of some of the specific sections and what they mean and how they're approached. But when we look at the overall aspects of this bill, I think we'll find that most of the members of the rural community think this is a statement that commits local governments to recognizing the importance of agriculture, recognizing the sustainability of their individual farm operation, and in many ways will protect them from the issues that come up with the normal and ongoing aspects of being part of a community.

We have to look at how this will work in with the documents that have been circulating about the changes to the Agricultural Operation Practices Act in the context of how we're going to deal with possibly having regulations and the code of practice as opposed to building that into regulations, how that will be enforced. The outcome of this process has to be clear as well. If a nuisance complaint is actually brought forward, what is the measuring stick that the farmer has to meet, and then what are the implications for it if through the process they are found in violation?

So it's important that we look at this in the broader context. This bill in itself sets a process in place, makes a statement as much as really puts a lot of teeth in it. The teeth are going to come when we see the new agricultural operations code of practice, that is being debated and circulated now and that I hope is coming forward soon in the context of our debate here.

You're standing, Mr. Speaker. I take it that my time is up.

THE DEPUTY SPEAKER: I hesitate to interrupt the hon. Member for Lethbridge-East, but the time limit for consideration of this item of business has expired.

head: Motions Other than Government Motions  
3:30

### **Mental Health Legislation**

501. Mr. Coutts moved:

Be it resolved that the Legislative Assembly urge the government to undertake a review of all legislation concerning mental health patients in Alberta to determine if legislating community treatment orders would benefit mental health patients, especially those with psychotic illnesses who respond well to medication but who have a pattern of non-compliance following discharge.

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

MR. COUTTS: Thank you, Mr. Speaker. This motion addresses an area of concern for a specific group of mental health patients in Alberta and proposes a possible solution; namely, providing community treatment as an alternative to hospitalization. Supporting this motion would be one step toward helping those individuals with mental illness who respond well to medication but who have a pattern of noncompliance with their prescribed treatment following discharge.

Community treatment orders, or CTOs, are one form of community committal for mental health patients. The process is a legal mechanism which enables a court order to be established to force a person with a serious mental disorder to comply with a treatment program outside the hospital. Although this strategy has been in place for a number of years in some states in the U.S., it has only recently been considered in Canada.

There are strong feelings on both sides of the issue. Proponents,

who tend to include family organizations and psychiatrists, see it as a way of addressing the tragedy of people with mental illness circling in and out of mental hospitals with no continuity in their community treatment. Opponents, including groups advocating civil liberties, argue that effectiveness of community committal has not been proven and that it undermines a person's basic civil rights. However, this argument negates the rights of these people to proper care and protection given the vulnerable state in which their illness leaves them.

Mr. Speaker, arguing for civil liberties is a way of turning a blind eye to an issue that demands compassion and an outstretched arm of hope for the plight of those who struggle with mental illness. More than that, it condemns these people to a possible lifetime of the stigma associated with mental illness and little hope for the restoration of their lives and for those of their family members.

Mr. Speaker, community treatment orders would allow for compulsory psychiatric treatment in specific cases where legal authority is necessary in order to give treatment to an individual without their consent and where the person does not need to be detained in the hospital for treatment. It is important to recognize that community treatment orders are very specific to a small group of mental health patients who suffer from illness that affects their brains in such a way that they are unable to recognize the fact that they are ill. This means that they are unable to voluntarily exercise their right to receive available treatment. However, early treatment and stabilization on medication greatly improves the prognosis for people with chronic and severe brain diseases.

Frequently in and out of hospitals, these patients have a long history of responding well to treatment while in the hospital but suffer a relapse sometime after being released. This is because once released, these people perceive themselves to be mentally acute again and therefore are able to stop taking their medication. But they fail to understand that once they stop taking their medication, it's only a matter of time until the symptoms of this disorder resurface. Often it is the time when these people are at risk, causing harm to themselves or possible harm to someone else. CTOs would require those individuals who suffer from long-term disability psychotic disorders to submit to psychiatric treatment in the community.

Mr. Speaker, I would emphasize the fact that this treatment option is for a very specific group of mental health patients and that the CTOs are considered as a last resort in the treatment for a small number of cases. They are effective for people with an extensive history of mental illness and provide an opportunity for those individuals to lead a relatively normal life.

Mr. Speaker, these people are also unable to perceive the relapse of their illness prior to or after the symptoms begin to reappear. The fact is that when a person is physically ill, they know they must see a doctor, but when a person is mentally ill, the thought capacity that would normally tell them to see a doctor is that very part that keeps them from seeking help. This is precisely where compassion for their predicament should be balanced with their civil liberties in order to provide them with the opportunity to have their illness brought into remission.

What's happening in the rest of Canada, Mr. Speaker, with regard to CTOs? There has been consideration for the benefits of community treatment orders, particularly in Saskatchewan, where it is legislated within their Mental Health Services Act. British Columbia recently introduced a similar type of procedure concerning involuntary committal in their Mental Health Act, and Ontario is exploring the idea through a report to be presented to the Minister of Health. The report will examine the applicability of community treatment orders to the mental health services offered in that province.

Mr. Speaker, the practical question is: how have community

treatment orders fared in practice? The big argument opposing the use of any kind of involuntary treatment for the mentally ill is that involuntary treatment or involuntary committal infringes on individual rights and freedoms under the Charter of Rights and Freedoms. Thus it is important to ensure that any type of involuntary treatment is well regulated and provides for an appeal process accessible to the patient. I am sure that most people have heard the horror stories of the mentally ill who have been abused and mistreated in asylums during the '50s and the '60s. We would never want those events to ever be repeated. The problem with this line of argument is that it denies a certain segment of our population the treatment that will help them lead relatively normal lives in relationships with their family members and in many cases for them to become productive members of society.

Mr. Speaker, to say that CTOs would be a violation of the Charter of Rights is to err on the side of civil liberties and negate compassion. To focus only on civil liberties in a case where a person is unable to understand their need for treatment is to say that every person has the right to be mentally ill without receiving the help they need.

The Saskatchewan Mental Health Services Act allows for a psychiatrist to order compulsory psychiatric treatment in the community through a community treatment order. This is only possible if in the preceding two years a person has been an involuntary psychiatric patient for a total of 60 days or more, on three or more separate occasions, or has been the subject of a CTO before. However, the CTO does not come into effect unless a second physician has also examined the patient and writes a certificate of support of a community treatment order. The order then requires the person to submit to the medical treatment which is prescribed for the medical disorder and to attend appointments as scheduled with the attending psychiatrist and with the designated case manager.

Where a person who is subject to a CTO fails to comply with the requirements of the order, the attending psychiatrist may order the return of the person for compulsory examination and other possible remedies. The person who is the subject of a CTO may appeal the order to a review panel for the area and, beyond that, to the Court of Queen's Bench. Finally, the CTO can last for a maximum of three months and can be then renewed.

Mr. Speaker, CTOs have been established and legislated in Saskatchewan for the past four years, and to date there have been no Charter issues arising as a result of the civil liberties violations. In addition, the province has issued approximately 50 CTOs annually over the last four years since the legislation was enacted. In speaking with officials involved in the implementation of the legislation, they report that the orders have been quite successful. Given that CTOs are well regulated in Saskatchewan, there have actually been some complaints that the rules are too strict. Specifically, physicians have reported that the process is too cumbersome, and those closer to the patient feel the regulations should be made less rigorous in order to help more patients sooner.

Mr. Speaker, if Alberta were to incorporate a similar mechanism within our own Mental Health Act, we would also need to implement certain safeguards and criteria rigorous enough to protect the civil liberties of people suffering from mental illness. This way the community treatment orders could be served only when it's in the best interests of the patient. This is less intrusive than committal to a facility, because a person's support comes from the people who follow his treatment rather than from the people in the institution. As a matter of fact, it has been suggested to me that the Public Guardian office may be involved in helping to incorporate a fair, efficient mechanism for an effective made-in-Alberta approach to CTOs.

Mr. Speaker, in order to be a viable alternative to our current system of mental health care, community treatment orders would have to be intended for the benefit of the individual and the protection of the public. The criteria determining who would be eligible for CTOs would have to be strict, and the process to access this treatment tool would have to be guided by clear rules and parameters. Only then could mandatory community treatment orders be another tool within the continuum of services available in the treatment of individuals with severe and persistent mental illness. Given the individuals that would be helped by the implementation of community treatment orders, I believe we should therefore support the review, as this Motion 501 has put forward, to explore this potential treatment option further.

Thank you, Mr. Speaker.

3:40

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

MR. DICKSON: Thank you, Mr. Speaker. This motion is actually a particularly interesting one. Given what's happened in the neighbouring province of Saskatchewan, I think it's timely and it's appropriate that in the Legislature we should be looking at this kind of a remedy. I think that for any of us that have had the opportunity to talk to a family where you have a 17-year-old, 18-year-old schizophrenic child and you talk to the parents, as I've been able to do and as, I expect, many other members have, you see the amazing kinds of challenges that these people have to deal with. If you have that sort of example where that 18-year-old, 19-year-old young person who has a serious schizophrenic situation or condition refuses treatment or doesn't maintain a treatment regime, the impact on the family and the people who love and support that individual is just enormous.

Many of those people I've certainly had a chance to meet with, and they've often said that for that young person who's living on their own in an apartment in downtown Calgary and just simply stops taking treatment, there has to be some way of having that person committed to a mental facility, a mental health institution to be able to ensure this individual takes their medication, receives medication when it's appropriate. So it's, I think, important that we deal with this.

The motion is general, and I appreciate that the sponsor was talking about what goes on in Saskatchewan, where there is a model. We can look at that and see what part of it would apply here. The motion of course isn't prescriptive and simply talks about a new remedy that would be available called a community treatment order.

One of the things that I wonder about. As somebody who's no mental health professional, I look at the Mental Health Act and look at the very broad array of remedies that are there. I look at the provision in I think it's part 3, Treatment and Control, of the Mental Health Act. I note in particular section 29, provision for objection to treatment. I guess what I'm wondering is: if you were to have one of these compulsory treatment orders, would a patient, the individual, have access to a remedy like the objection to treatment in section 29 of the current act? That's a provision where, for the individual who is detained against their wish, involuntarily if you will, there is a right of appeal to a review panel.

I don't know. I'm not familiar enough with the Saskatchewan legislation to know whether there's an equivalent kind of provision, but that would be one of the things that immediately jumps out at me. You'd want to make sure that there are some safeguards, because the potential for requiring somebody to take treatment against their will is an extraordinary, extraordinary remedy. In a province like this one, where we pride ourselves on individual

initiative and individual autonomy and the rights of individual citizens, it's just such an extraordinary situation that we could say that somebody is going to be picked up on the street against their will, taken to a community mental health clinic to receive medication, whatever.

One would think that while we can acknowledge there are some situations where that's probably appropriate, it has to be so carefully constructed and developed, and there have to be sufficient kinds of review mechanisms to monitor against any potential abuse. I would want to make sure that if this sort of thing existed, there would be something equivalent to section 29, that there would be provisions for that review and oversight. Now, the sponsor talked about court orders, and I wasn't clear from him in terms of Saskatchewan whether there's some court review of these compulsory treatment orders, but that would be perhaps one way of ensuring that these things were not abused, were used sparingly.

You know, Mr. Speaker, I think of people in Calgary who work with the Schizophrenia Society there, people like Faye Herrick and Peter Aubrey, who have had a lot of work in this area. They tell me that they think there's a need for this kind of legislative remedy. I'm persuaded because those people have lived this kind of awful situation where they see a need that isn't being adequately met. I'm persuaded by that. So I guess what I'm saying is that my concern is how we restrict it and monitor it and ensure it's used sparingly.

I guess the other thing is that this motion is very broad when it talks about reviewing legislation to determine what "would benefit mental health patients, especially those with psychotic illnesses." It strikes me that before we see this as being the primary response, there may be some more immediate things that we could do as a province. This isn't to say that there isn't value in this kind of a compulsory treatment order. But, you know, right now in the city of Calgary it's very common that you may wait as long as nine months to see a psychiatrist. Now, it can be faster if you're in the process of trying to take your own life, but access to mental health services is enormously difficult.

For those of us in the Calgary area, we see a situation where we've had yet another adolescent take their own life, another suicide in the community of Airdrie. There are some things that can't be prevented, and there are some things that the province can't prevent, but I think we'd all want to make sure that we looked at every possible thing that we could do as a community, as a province to ensure that people that are having mental health issues get help when they need it. Mr. Speaker, I think that before it gets to the point of a community treatment order, a compulsory treatment order, we'd want to evaluate: are there other kinds of barriers to accessing mental health services that may present an even bigger problem than the absence of the kind of remedy that the sponsor of Motion 501 is urging?

I think in this province our mental health system, if I can call it that, has got a bunch of different elements. The Mental Health Act is a key one, and that presumably would be the statute that would have to be amended to incorporate the kind of tool or device that's being suggested in the motion, but the act is only sort of part of the issue. Access to mental health beds is a huge concern.

3:50

I also notice that in Calgary there's an agency called Chrysalis that has provided emergency counseling support to people in mental health distress. Their contract has been canceled with the Provincial Mental Health Advisory Board, and now there's some prospect the Provincial Mental Health Advisory Board may provide the crisis service. You know, this is one of those things where I look and I see a program that's providing actually excellent service. I'm speaking of the Calgary area. There are other agencies, I think, doing

comparable kinds of things in other parts of the province. But in the community that I represent, there's a great deal of concern and nervousness, apprehension that we're seeing not a big expansion in mental health services but a reduction, a contraction. So that gives me a lot of concern.

Where are the community treatment orders going to be discharged? As I understand it from the sponsor, he doesn't want people having to be trucked to Alberta Hospital Ponoka or Alberta Hospital Edmonton necessarily. I think the notion is some kind of a community facility, some kind of a clinic in downtown Calgary or downtown Pincher Creek or wherever these things could be accessed. But what we're seeing is – and this goes back. The old Provincial Mental Health Board had recommended that in Alberta we wanted to move from 60 percent of our provincial mental health dollars going into the institutions and 40 percent into communities. Flip that so that 60 percent were going to community facilities, like the kind of clinic that I think is implicit in Motion 501, and 40 percent funding going into those big institutions like Alberta Hospital Ponoka and Edmonton and the other facilities we have in the province. What we're seeing, the last time I looked, is that it's 70 percent. We've gone from 60 percent to 70 percent of our mental health dollars provincially going into facilities and institutions.

Now, I know the Member for Calgary-Bow is here, and mental health was a very big part of what I'm calling the Laing report. I don't remember the formal name of it. But it seems to me that this was one of the areas that had been identified in the Laing report, if I can describe it, as an area that required an immediate infusion of dollars. Mental health was an area of particular acute need.

It seems to me that if we were able to ensure that there were adequate dollars, if we were able to devote more of those mental health dollars to community programs and community facilities and so on, that may go a long way to ensuring that treatment is readily available. I don't know, but I suspect one of the reasons why people are not staying on their treatment regime may be because it's difficult to see their psychiatrist or their mental health therapist if they're having a particular difficulty. Maybe there's difficulty in accessing mental health programs. So before we resort to this extraordinary remedy, can we make sure that we've sort of exhausted all of the other kinds of ways of linking people up with the service they need when they need it?

The other thing that strikes me I think I'd mentioned before. When I find out how difficult it is in the city of Calgary to see a psychiatrist or to get a mental health bed, I think this may be a problem provincially, and this may be creating more of a difficulty than any community treatment order is going to be able to solve.

I think of the situation of a mental health professional in the city of Calgary who told me this story before Christmas. She was working with a woman with a dual diagnosis. She had a developmental disability and a mental health disability. This woman, in the opinion of the professional, required hospitalization because she was at risk to herself and at risk to others. This woman had gone to Foothills hospital emergency and had been turned away, so the mental health professional went with her. They spent five hours in the emergency ward at the Foothills hospital in December arguing with a succession of intake nurses and physicians. Finally at the end of about five hours they found a bed for this woman.

What happens to those people with mental health issues who don't have an advocate who is going to spend five hours in an emergency ward lobbying, pushing, arguing, asserting to make sure they get a bed? Well, it seems to me it doesn't take a whole lot of imagination to imagine those people leaving the emergency ward and going back to their apartment or house or whatever. I just think that there are a lot of problems around the issue.

I think at the end of the day I would support the motion, but I think there's a host of other things that we've got to be doing. Before we rely on this, there are a lot of other kinds of supports we have to be providing in the area of mental health.

Thanks very much, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Wetaskiwin-Camrose.

MR. JOHNSON: Thank you, Mr. Speaker. It's with pleasure that I rise this afternoon to speak to Motion 501. I believe this motion, sponsored by my hon. colleague from Livingstone-Macleod, contains some very worthwhile ideas that should be both debated and supported by the members of this Assembly.

Motion 501 is about assisting Albertans who suffer from severe mental illnesses and are unable to recognize their need for treatment. As the sponsor of this motion has already described, it is designed to implement a review of legislation concerning mental health patients in Alberta. In other words, Mr. Speaker, the motion is about examining our options to determine the best way to help persons with serious mental health concerns.

While the motion does specifically mention the idea of community treatment orders, which have been successful in other jurisdictions already mentioned, it is not about advocating this course of action alone and above all others. Instead, Mr. Speaker, we must look at the system we have in place and whether the addition of community treatment orders to our mental health system would benefit our system's patients.

A periodic review of our mental health legislation can only be a good thing for Albertans, Mr. Speaker. It is estimated that around 335,000 Albertans seek treatment for mental illness every year in this province. About 290,000 Canadians may be diagnosed with schizophrenia at some point in their lifetimes.

New methods of treatment for many mental disorders are constantly being discovered, easing the side effects suffered with older medications and allowing treatment to be provided with greater dignity for the individual. While I believe that a review of our legislation may be of benefit to all patients and health care professionals, the proposal outlined in Motion 501 will be most beneficial to the small number of Albertans who suffer from a serious disorder for which they are not being treated.

Mr. Speaker, community treatment orders provide for compulsory treatment of individuals with severe mental illnesses but within a less restrictive environment. They're designed only for those patients who desperately need treatment but are unable to voluntarily exercise their right to either consent or to refuse medical help.

I'd like to share with the members of this Assembly a case that has recently been brought to my attention involving the plight of a young woman from a nearby constituency who suffers from a severe mental illness. This young woman has been diagnosed as having borderline schizophrenia and is currently not receiving treatment for this illness since being released from hospital.

4:00

Mr. Speaker, this young woman unfortunately is unable to acknowledge her illness, and although she may not be well equipped to make decisions about the state of her health, she will not consider voluntarily admitting herself for hospital treatment. As she is not considered a danger to herself or to others, this young woman does not meet the current criteria for involuntary committal under the Mental Health Act.

There are several requirements that may be met before an individual in Alberta may be civilly admitted to hospital under the

Mental Health Act. The first requirement is to determine whether the individual is suffering from a mental disorder. The act contains a fairly strict definition requiring that an individual experience severely disordered mental processes that substantially impair their judgment, behaviour, or ability to meet the ordinary demands of life. The second requirement to be met is evidence that the individual poses a danger to himself or herself or to others. This is an extremely subjective process, Mr. Speaker, that often requires more than the observations of the physician doing the assessment, but unfortunately such extrinsic evidence is often not available when an individual has been isolated from the community. Finally, it must be determined that this person is unsuitable to be admitted to a facility other than by involuntary committal.

Now, I would like to state clearly for the record, Mr. Speaker, that I feel these requirements are beneficial in preserving the civil liberties of those with mental illnesses. After all, these sorts of powers of apprehension and detention only exist in one other context, which is the criminal law. There is a vital and ongoing need to ensure that we continue to balance individual needs for treatment with the civil liberties while ensuring at the same time that society's interests are protected.

Treating an individual against their will has long been held to be a violation of that person's bodily integrity and security. Where it is possible for a patient to give consent, they have the freedom of choice to give that consent or refuse to give it. But, Mr. Speaker, it would be unreasonable for us as a society to take individual liberties to such an extreme that we would allow people not able to make their own choices to suffer because we are unwilling to step in and assist them.

Unfortunately, the current system has had difficulty accommodating this young woman that I've been talking about. She is not ill enough to be committed under the Mental Health Act, nor is she aware enough of the seriousness of her illness to seek the help she needs. As a result of her illness this young woman has been evicted from her home, is currently living on the streets and relying on church groups for her daily meals. She has virtually nowhere to go.

But it is not an unwillingness on the part of the health care system or social agencies to provide assistance to this young woman which has brought her to her present situation. Instead, Mr. Speaker, it is simply the fact that this woman, as a result of her illness, is unable to recognize the extent of her mental disorder and does not fit within our current models for treatment. Consequently, these agencies are left without the tools to help her. In this sort of situation a community treatment order may be a solution to provide help to this young woman.

It is appropriate that the criteria in place under the Mental Health Act remain high. It is neither wise nor appropriate to commit people against their will except in the most extreme circumstances, but the option proposed in Motion 501 that we're dealing with here may be of assistance in ensuring that individuals suffering from severe mental illnesses, such as this young woman I've described, are able to receive the treatment they need to be mentally well again. For the sake of individuals like this young woman that I've described, I believe it is important that we support Motion 501.

Thank you.

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

**MR. GIBBONS:** Thank you, Mr. Speaker. I'm pleased to stand today to speak to Motion 501, community treatment orders for mental health patients. For those that do not know, Alberta Hospital is within my constituency, Edmonton-Manning, and I really applaud

the Member for Livingstone-Macleod for bringing this motion forward. I hope that another member from the other side, Edmonton-Beverly-Clareview, will stand up too, because it is a major item in our constituency offices.

After being elected and realizing the workload that an MLA's office has to handle, I became aware of the full moon scenario that's out there and the fact that people come through the door looking for help and assistance. Those are the people that have been moved from Alberta Hospital out into the community. These patients move into group homes, back with their relatives, or their relatives move into the city to make a place where they can live with them.

There's a major thing that happens here. My heart goes out to these constituents when they come into my office looking for help, and they're looking for help because something has gone afoot with their medication. Maybe they have forgotten to take their medication, whatever the reason, but they're coming in. They do not want to go back to Alberta Hospital. They do not want to deal with the doctors, nurses, or whatever. In their own minds they feel that that is probably the worst place they've ever been.

I got into a situation that I approached Alberta Hospital on, and I have a very good working relationship with them now. I have a triggering method that I work on with them. If somebody comes in the office and I feel they are in a position where they are dangerous to themselves or they need to be rerouted back in there, I get caseworkers working on it. The hospital knows who the patients are, the residents of Edmonton-Manning or the area, once I give them their names, and somebody is actually routed out to help them.

The major problem that actually has happened as part of the government changes to health care services is that mental health services users have been moved from the institution to community settings. This was a step which was applauded by most providers and consumers of mental health services. I would not want anybody to think that I do not believe in what happened, but now that this method has been out for a few years, I do believe we have to start correcting it. We have to start making better places, better routine checks or whatever.

One of the approaches that has been mentioned to me – this happened in the U.S. – is that through the government or through private owners people have bought walk-up apartments, and the walk-up apartments are where patients can go and rent. But what will happen in this case is the outreach workers from the hospital will go a few times a week or once or twice a week and actually visit, pop into each apartment, which is different than what they'll find in the hospital, where you have open doors. You can walk by and walk right in. This is where they'll come into the building, knock on each door, and actually see how everything's going. That to me is a fantastic savings to the health system.

Opening up beds back in Alberta Hospital is something I would like to fight for but not as a means of getting us back into a system where that's the only place for patients to go. In Alberta, where you have Alberta Hospital Edmonton, Alberta Hospital Ponoka, and Claresholm, patients that do leave there do not end up in Small Town, Alberta. They move to a large town, and I get reflections on that, but not to the numbers that actually do hit Edmonton, Calgary, Red Deer, and so on.

I really feel that they move into the large cities to be blended into the big numbers, and this is where we see and we look at the housing supports or homelessness in both Edmonton and Calgary and the percentage of these people that are actually coming out of the mental institutions. If we look at those numbers, numbers that have been given by the previous speaker, 335,000 Albertans are treated yearly in this province.

Estimates provided by the Mental Health Association's 1997

report show that the mental health facilities are showing increases in admissions, certifications, psychiatric hold and constant care hours. At the same time, the average length of an inpatient stay in these facilities has decreased. Although the system is attempting to deal with increased numbers of individuals in need of service, it would appear that the attempt to build community services is failing.

#### 4:10

Waiting lists. The Child and Adolescent Services Association reports that the average wait list for treatment for individuals considered at risk to themselves or others is 5.4 months. For others not considered at risk to themselves or others the average wait for treatment is 8.4 months. The wait for residential treatment programs at CASA House in Edmonton can exceed a year for those individuals requiring this service. Early intervention is critical for these young people that are in distress. To help prevent them from winding up in the criminal justice system is the other aspect that is a major item.

In Calgary waiting lists for psychiatric services for emergent care is four weeks. For nonemergent care the average wait is seven months.

Mr. Speaker, I like to hope that most people in the Legislature will look at this motion brought forward by the Member for Livingstone-Macleod and stress that it is very, very important to introduce into our health system at this particular time.

Community services and outreach. The number of qualified community outreach workers in Alberta is really inadequate. More resources are needed to go into training, and recruiting for these individuals is something we have to really stress. Education for our whole province, when it comes to health, is a major item. An educated person can be a very healthy person.

There is an ex-patient from Alberta Hospital who came into my office one day, and I had met him on another occasion. He came in. Being polite, I talked to him. He handed me a resume, and being polite, I read the resume. At the end he said: "Would you hire me? Would you think that somebody out there in a company would hire me?" This man had a master's degree in engineering, a master's degree in accounting, and somewhere along the line, at 29 years old, something went wrong. After a number of years in Alberta Hospital Ponoka and Edmonton he is actually out. Fortunately, because of a career and being a very good saver of money, an investor when things were going better for him, he is not a poor individual. He actually went out and bought a house in the Edmonton-Beverly-Clareview area and is an outpatient. From coming out of my past, the industry of steel and engineers in the structural end and all that, this man had a fantastic resume. But I had to admit to him, knowing his history and working with him on different occasions, that he probably would never get back into the workforce, which is unfortunate and terrible.

I feel that we have to look at this motion and really push for it. Discharge planning and patient education is number one. I mentioned before how it hopefully should be done. From my dealings with Alberta Hospital Edmonton my heart goes out to the work they have to do, the lack of beds they have, and the lack of training that can actually get some of the individuals back in the workforce. I really feel that we should carry and push this forward.

In order to deal with the waiting lists for mental health services, I believe that the Alberta government must work in association with postsecondary institutions in the province to implement the programs which will increase the number of mental health professionals in the province. Issues relating to remuneration and working conditions for these professionals must be addressed to ensure that these individuals remain practising in Alberta, and that's going back to what I'm saying about education.

Regional health authorities need to be given full responsibility for mental health services throughout the province and need to put in place co-ordinating offices for these services within their regions. Individuals requiring services should be referred through a single point of entry. I deal with the Capital health region when it has to do with health, but I don't deal with them when it has to do with Alberta Hospital Edmonton. There's something amiss. If we're going into regions and we do feel that the individuals who have been appointed are very good individuals for that, I would like to stress that that should be carried on.

I would like to work with organizations in an effort to establish transition housing for individuals who no longer require institutionalizing but who are not yet ready to live on their own.

Mr. Speaker, at this time I take my leave.

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

MRS. LAING: Thank you, Mr. Speaker. It's with pleasure that I rise this afternoon to speak to Motion 501, and I'd like to commend the Member for Livingstone-Macleod for bringing this motion forward. I believe this motion is very timely and concerns an issue worthy of the Assembly's consideration and support.

As mentioned earlier, there are arguments both for and against community committal for people suffering from mental illness. I understand these arguments, Mr. Speaker, and I believe that community treatment orders provide the best solution to the community committal problem.

Mr. Speaker, I have a couple in my constituency who've suffered the anxiety of being unable to help a loved one estranged from them by mental illness. This couple lost their daughter when at 24 years of age she went missing. She has been lost for 16 years and only recently discovered living on the street. She has been diagnosed with paranoid schizophrenia. This woman's parents heard about where she was through a friend of their elder daughter's and based on this information sought out their daughter. However, their daughter's mental condition has made her fearful of her family, and as a result, when she discovered that they were looking for her, she fled to another city.

Again her parents went to see her and were unable to make contact with her. In addition, they had difficulty getting information about her because of the restrictions caused by the Charter. This woman is now 45 years old and weighs approximately 80 pounds. She is undernourished and unable to take care of herself, yet fearful of her family as a result of her mental condition. The family got a warrant to have their daughter detained for psychiatric evaluation. However, the doctor at the hospital kept her for one hour and released her without an evaluation or medication. I really do question the motives behind that type of conduct.

At the time she was found, she was homeless and living on the street. She's very vulnerable and unable to care for herself. Even her hair could not be combed because it had not been looked after for a long time, and she wears the same clothes regardless of the season.

There was nothing the family could do to help her because of the prohibitions and concerns about her civil liberties. In this particular case these civil liberties are actually working against helping this woman. How can this be, Mr. Speaker? How can people who are mentally ill be left to make decisions for themselves that affect their lives and in some instances even threaten their very lives?

The suicide rate among individuals with mental illness is between 10 and 15 percent. Anything that can be done to reduce this dreadful loss of life should be fully supported.

Mr. Speaker, last year I was the co-chair of the ad hoc steering

committee on the homeless initiative in Calgary. Through that experience I learned that one-third of the homeless people in shelters are mentally ill. These people could with medication and proper treatment lead normal lives. They could hold down a job. They could pay their bills on time, and they could be offered a place to live where they would not be evicted because of their inability to maintain a place of residence.

However, as our system functions now, there's no way to ensure that these people receive the care they so desperately need. It's this lack of insight into their own mental illness that is the major contributing factor to patients refusing or drifting out of treatment. When these people are on their own, they frequently go off their medications and end up losing their place of residence because of their behaviour. They end up once more back on the street or in the drop-in shelters, and family members have little resource to ensure their relative's safety or to protect them. They are vulnerable, often beaten and abused, robbed and alone.

Mr. Speaker, when these people are in a state where their illness is not being properly treated, they are at risk of being harmed through drug or substance abuse or being out on the street unprotected and vulnerable. Although most mentally ill people are not dangerous, when the severely mentally ill go untreated, there is an element of dangerousness that cannot be ignored. The safety and lives of others can be jeopardized when severely mentally ill people are not receiving appropriate treatment. Tragedies do occur. However, for the most part they are preventable. I believe that community treatment orders would decrease the chances of members of the public being hurt when someone is desperately ill.

4:20

Community treatment orders would ensure that proper care and attention are given to these people so they are protected and safe. It would also give family members peace of mind and comfort knowing that their loved one is being properly cared for. It would also offer them help in maintaining long-term relationships with their affected relative or friend. Many of the parents I've met are getting older, and their biggest concern is what will happen to their child when they go and no one even knows where they are.

The individual would benefit from reduced stays in the hospital. However, such an order would allow prompt readmission should there be signs of deterioration in the person's mental and physical health. Currently someone who has experienced a relapse in their illness will be put back into the hospital for further treatment. The worst possible situation for someone with a chronic severe mental illness is the stop-and-start treatment, with a major deterioration between episodes.

CTOs are an approach that allows a treatment program to be followed but permits considerable individual freedom. They enable the individual who badly needs the treatment to be a partner in the program, to have a say in their own recovery, and to ultimately lead a normal life surrounded by the support of their family. This is far less intrusive than commitment to a facility would be, as people remain in their community and close to the people who care for them. They're not sent away from their family and friends to an institution. In southern Alberta people have to come up to Ponoka or to Claresholm or to Edmonton to receive treatment, and they definitely are a long way from their family and friends.

A community treatment order would have the added advantage of improving continuity of care. It's more likely that the individual would stay with the same treatment team instead of bouncing back and forth from one facility to another. Compulsory treatment in the least restrictive setting is effective. Contrary to removing the rights of the individual, it serves the severely mentally ill by giving them

the right to some relief from their illness and eventually a reduction in their many admissions to a hospital.

As discussed by my hon. colleagues, in certain and specific cases of mental illness community treatment is the best solution. Furthermore, as we've seen from Saskatchewan's experience, a balance can be achieved between having the compassion to offer assistance to those made vulnerable by mental illness and at the same time ensuring the protection of their individual civil liberties.

Mr. Speaker, people with a serious and acute mental illness are often unable to understand what's in their own best interest. As a result they fail to seek help or to comply with treatment regimes thereby putting themselves at greater risk. Community treatment orders could serve as a less restrictive alternative to involuntary hospitalization for a specific group of individuals suffering from mental diseases that inhibit their ability to recognize their need for treatment.

Mr. Speaker, I think it's important we are sympathetic to the concerns of family members and support a principle of the least restrictive treatment option for their loved ones. With the appropriate safeguards in place to ensure the rigorous protection of civil liberties for all people accessing our mental health system, I believe community treatment orders would be a valuable part of a comprehensive system of mental health care in Alberta, and I would urge everyone to support the motion.

Thank you.

THE DEPUTY SPEAKER: In the minute remaining, the hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. I will have to be brief as I only have a minute to respond to this particular motion. I will say that while I feel the motion is good intentioned, I believe the motion does not address what the key issues are in mental health. In fact, the motion is too narrow, and it looks at legislation solving problems that are occurring within the mental health delivery system that we have in this province. If we were to deal with those issues, then in fact some of the individual cases that we've heard in the Legislative Assembly today would be addressed through appropriate community services, through appropriate follow-up by professionals who would be able to know whether or not there are recurrences of illnesses.

Thank you.

THE DEPUTY SPEAKER: I regret to interrupt the hon. Member for Edmonton-Meadowlark, but under Standing Order 8(4) I must put all questions to conclude debate on the motion under consideration.

[Motion carried]

MR. HANCOCK: Mr. Speaker, in light of the time might we ask for unanimous consent of the House to move to the next order of business, Government Motions.

THE DEPUTY SPEAKER: We have about four minutes left before we go to the next order of the day, so he's asked for unanimous consent to waive that so that we don't start Motion 502. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. You have your wish, Government House Leader.

head: Government Motions

7. Mr. Hancock moved:

Be it resolved that when the Assembly adjourns to recess the current sitting of the Third 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 DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. This motion and the next motion which I will be putting, with respect to the Easter adjournment, are just the standard administrative motions that we put forward at the beginning of each session to allow us to adjourn at the appropriate times. I would request the support of the House for these motions.

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

MR. DICKSON: Thanks very much, Mr. Speaker. You know, this is one of my favourite times in every Legislative Assembly. We've gone through the throne speech. We've seen the government unveil and in some cases tease us with their 40 or 50 pieces of legislation. We know the budget is coming. We're just starting to digest what we think is going to be the substantive part of the government's program, and we get this opportunity to debate the motion dealing with adjournment.

It seems to me that this always takes on some particular significance. I don't know the way this is in other Legislatures, but in Alberta, where it seems that the government decides to turn the lights on in this grand old building rarely and briefly, when we sit, the length of the session becomes particularly important.

When I look at this motion, it raises a couple of concerns for me. The first one. I go back, Mr. Speaker, to that very brave initiative in 1993 when the current Speaker, then Government House Leader, and Mr. Grant Mitchell, who was then the Opposition House Leader, put together a comprehensive agreement. One of the key parts in that agreement was that we were going to have a spring session and a fall session.

Now, it didn't indicate how long those sessions were going to be, but it said that we would have a spring session that started every year – there'll be some in the Chamber who remember better than I. There was an outside date when the spring session had to start – I think by the middle of February or the end of February, something like that – and a fall session that had to start by October 15. It was open ended, as is appropriate, because no one knows in advance how much public business there is to be debated, so some sessions will be shorter and some longer. There was at least a certainty. We came to work knowing that there were going to be those two sessions. What we then saw, of course, was that in I think 1997 there was no fall session. That was the time we had a spring session and the fall session was just canceled.

DR. NICOL: There were four days of debate on the Quebec referendum.

MR. DICKSON: I have the wonderful opportunity to be associated with people who have far better memories than I do. I'm reminded there was a four-day session to deal with an issue of pressing importance.

MR. HANCOCK: How could you forget that?

MR. DICKSON: I'd say easily, Mr. Government House Leader, easily.

There may be some in this Chamber who take for granted the opportunity that we have to attempt to hold ministers of the Crown accountable, to raise questions we hear from our constituents and from those other 20 Calgary constituencies. Lots of questions, Mr. Speaker. The briefcases fill up before we leave to come to Edmonton. We look forward to this opportunity, because we know that when we write letters to ministers, we don't always get responses.

4:30

MR. WOLOSHYN: That's not true. I always respond.

MR. DICKSON: Well, there are always some that are faster in their responses.

You know, an interesting thing, Mr. Speaker. One of my favourite parts of every spring session is when opposition members work so hard to come up with thoughtful, analytical questions in terms of the budget that's presented by the Provincial Treasurer. And there I am, sitting in my constituency office sometime after Stampede week – it's usually either the last week in July or the first week in August – and I get an envelope. I get an envelope, and it's from the minister. I don't want to embarrass any particular minister this afternoon. With trembling hand I take my letter opener, I fillet the top of the envelope, I pull out this letter, and it's the responses to questions that I asked in Committee of Supply so long ago I can hardly remember how many months. It was usually three months before or four months before when I asked those questions, and now I get the responses.

If we were sitting a little longer than we do in this province, maybe we wouldn't have to be sitting in our constituency office getting our responses to questions and then excitedly saying: "But I have a follow-up question, Mr. Minister. This begs more questions. It raises a host of other questions." I'm left with my phone and my fax machine and my word processor, and it just isn't as productive as being able to come into this place.

I've digressed a little bit, but I wanted to share with members how valuable I think the time in this Assembly is and how important the time in this Assembly is. As somebody who unabashedly acknowledges having dome disease, I'm proud to be a legislator. I love this place, Mr. Speaker. We shouldn't always be in such an amazing rush to turn the lights off and escape this place.

I understand, Mr. Speaker, that from time to time it's not a lot of fun, particularly if you're a cabinet minister. I understand, if you're the Provincial Treasurer or the Government House Leader, that there are lots of pesky questions always being put to you. Pesky questions. If you're the Minister of Family and Social Services or the Minister of Municipal Affairs, there are questions coming at you. There are written questions you have to deal with. There are motions for returns. There's budget debate. If you're one of the lucky ones and have a designated subcommittee of supply, you may have four hours of questions you've got to try to deal with. I understand that's not always a lot of fun, but this work is important. It's work that Albertans expect us to do. I'm sure other members have had the experience where somebody will phone up and they're surprised you're in your constituency office in September, October, or January because they assumed the House was sitting.

[Mrs. Gordon in the chair]

I think what's happened is simply this. This motion allows each one of us to reflect on our attitude toward the Assembly and the work of the Assembly. It allows each one of us to look into our heart and

determine why it is that legislative sessions in this province are so amazingly brief. In dealing with Motion 7 and looking at when we will rise for the end of the spring session, I'm drawn back to the throne speech. I'd say, in dealing with Motion 7, that if in fact the government intends to solve all the problems they've identified in the throne speech, if they've got answers for all of these issues and a lot more that the Leader of the Official Opposition identified in her response to the throne speech the other day, it seems to me we're going to be here until after Stampede week. [interjections] Madam Speaker, the living expenses are less than every other Calgary MLA, and those members should look a little closer, because they are.

THE ACTING SPEAKER: On the motion, please.

MR. DICKSON: Absolutely, Madam Speaker. The point I was going to make is that if the Legislature sat longer, some of us wouldn't have to make three trips a week to Edmonton to be able to sit on the freedom of information committee or the health information committee or any one of those other host of things that opposition MLAs have to do in the centre. We'd be able to arrive Sunday night and go home Thursday night, and we wouldn't have to do all that ferrying back and forth for the host of meetings that happen in between.

Madam Speaker, when I asked members to look into their hearts and determine for themselves how important they think the Legislative Assembly is to their constituents and to the province, I anticipated that there'd be some different responses. I anticipated that some people would have a very different view of the work to be done in the Legislature than others. But it seems to me that as we go through the throne speech and we look at those areas that have been identified in terms of health – I mean, how long is it going to take us to solve the problem of a Calgary regional health authority that currently has a deficit of about \$25 million? That's an operating deficit. In addition, they have approximately \$50 million that they calculate they have to spend to replace equipment, to upgrade equipment, just in terms of their capital expense. That's not a onetime expense; that's an annual expense. That's some \$65 million that the Calgary regional health authority doesn't currently have.

We have 12,000 people in the city of Calgary waiting for surgery. We are 300 hospital beds short in the city of Calgary. Three hundred hospital beds short. We have seniors who can't get access to a long-term care bed. We have to spend time in this Legislature, Madam Speaker . . .

THE ACTING SPEAKER: Hon. member, a point of order?

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

MR. McFARLAND: Yes, Madam Speaker. Section 23(h),(i),(j). I would like to ask the member opposite if he would correct a previous statement saying that all other Calgary MLAs received more expenses than he did. The first two I happened to look at, Calgary-Fort and Calgary-Mountain View, no matter how you looked, the expenses were less than the Member for Calgary-*Buffalo*.

THE ACTING SPEAKER: On the point of order, Calgary-*Buffalo*.

MR. DICKSON: Well, I don't think it's a point of order. I think it's *Beauchesne* 333, a question, and I'm happy to respond to the question. If he looks, there's an item there for travel. There's also an item for subsistence. If he looks at the subsistence item, for every one of the 21 Calgary MLAs you will find that the average subsistence allowance is between \$18,000 a year and \$21,000 a year.

MRS. FORSYTH: Be very careful what you say.

MR. DICKSON: Well, I invite members to look at the subsistence allowance. [interjections] I'm talking about the subsistence allowance, and that's what I said before, Madam Speaker. So if the member looks at that, I defy him to find another Calgary MLA that has a lower subsistence rate.

THE ACTING SPEAKER: Hon. members, we have before us Motion 7. Let's get back to the relevancy and dealing with the motion. A few minutes ago I heard the hon. member talk about the work that's done in the Legislative Assembly. What's transpired over the last five minutes hasn't been relative to Motion 7, so I'd ask that we fix our debate on Motion 7 so we can get on to the other government business.

MR. DICKSON: Thanks very much, Madam Speaker. I was simply trying to respond to the question that was raised by the member opposite, and I think I've done that.

4:40

#### **Debate Continued**

MR. DICKSON: In terms of why we have to sit in this Legislature for a reasonable duration, it's to go through and address those questions, and I was talking about what's going on simply in the area of health care. I talked about the 12,000 people awaiting surgery. You know, where are those answers going to be found, Madam Speaker, outside of this Assembly? I don't think they are. I think this is the forum to be able to discuss those things.

We talked a few minutes ago, in terms of dealing with Motion 501, about access to mental health services. You know, there's only one person in this province elected with the responsibility to ensure that people have access to quality health care. It's the Minister of Health. He's not answering questions when this Assembly is not sitting, at least not in a direct fashion, and there are plenty of health questions that have to be put. When we talked about some of the mental health issues raised a moment ago, it was indicated that we could be sitting from now until Stampede week and two months into the fall, and I'm not sure we'd still have the answers that we need.

In terms of education I look at the Calgary board of education, which currently has about a \$35 million deficit. Madam Speaker, there is a requirement by the Minister of Education that the Calgary board of education has to eliminate that \$35 million over five years. So if they take \$7 million a year out of the budget for the Calgary board of education – the chief expense area is teachers' salaries. I want to be in this Assembly when we see from the Calgary board of education how many teachers are going to have to be dismissed, how many teachers are going to have to be laid off by the Calgary board.

We've got 100,000 schoolchildren in the public system in the city of Calgary. They expect when they can't learn in an adequate situation because of overcrowded classrooms, lack of classroom supports, lack of support to mild to moderate special-needs students and that sort of thing, that this Legislature would be sitting and that we've got a Minister of Education who is able to respond to questions, answer questions about those things. So all of those things are compelling reasons why I think we shouldn't be in such a rush to adjourn the House.

I can go through and talk about some items that we haven't seen. It's interesting to me that the freedom of information amendment act is nowhere in the throne speech. You know, the select special committee dealing with that has had I think about 14, 15 meetings. They've come up with a series of recommendations. The Liberal opposition didn't agree with some of them, but what happened is that there's an important need for some changes for the purpose of

advanced education institutions, the big universities, all universities, the school boards. That's nowhere in the throne speech. I don't know whether that's coming forward or not, but that's a compelling reason why we shouldn't be too anxious to cut and run and turn the lights off in the Assembly.

In terms of advanced education there are just a host of issues, and those things require our attention as well, another reason why I think we should not be in a huge hurry to turn the lights off and leave this place.

The other thing that occurs to me now. We're soon going to be dealing with a budget. I guess on March 11 the budget is coming down. Next to the throne speech I guess that would be the most important other instrument that the government brings in in terms of implementing their program and their policy. If we didn't have such a budget review process with all of the four subcommittees overlapping, if we didn't have committees sitting at the same time, we would ensure that every MLA in this Chamber who had questions on behalf of constituents would be able to ask them, the way we had done it in 1992 and 1993. It takes a few more days to do that.

I know the Provincial Treasurer, formerly as Government House Leader and now as Provincial Treasurer, is a big fan of the new budget review lite process, but at the end of the day we're not getting the kind of budget scrutiny that's required. Every time those budget committees report back, it seems to me there are always five or six opposition MLAs that have a question in their back pocket they want to ask that they weren't able to raise in the designated committee or in one of the regular subcommittees of supply. They wait in the report-back section. Their constituency doesn't get called, and they lose the opportunity to ask that question, another reason why I think we ought to recognize there's some real value in this Chamber in terms of staying as long as it takes to get the business done. I'm not talking about keeping this Assembly going once we've exhausted business to deal with, but let's make sure that we don't unreasonably abridge due deliberation on those issues, whether a budget, a throne speech, or new legislation.

We've seen bills come through the Legislature already that have received second reading after a very brief number of speakers. That's because those are bills that are not hugely contentious, and that's I think appropriate, that we don't delay and waste the time of the Assembly dealing with those bills when there's no serious disagreement and the bill is remedial. But there will be bills coming forward. When the daughter of Bill 37 comes back, when some of these other bills come back, there are going to be major issues, huge issues, and we're going to want to explore those as vigorously as we can. We want to be able to challenge the government just as vigorously as we can on those issues.

Now, Madam Speaker, I hadn't intended this to be my response to the throne speech, and I know that I've got some colleagues who also have I think very compelling reasons why we shouldn't be in such haste to pass Motion 7. Perhaps we might even suggest that before we pass the motion, we get the Government House Leader to make some commitment that we're going to stay at least until . . .

MR. DAY: August.

MR. DICKSON: . . . the middle of May so that we know we'll have adequate time for questioning the government on all their bill initiatives. The Provincial Treasurer would like to stay longer, but Madam Speaker, he and I have to disagree on that, because I don't want to stay here longer than the work of the people of Alberta requires.

Thank you very much, Madam Speaker.

### Speaker's Ruling Relevance

THE ACTING SPEAKER: Before I recognize the next speaker, I would just like to say something. Hon. member, you talked about how you hoped this wasn't your response to the throne speech. I hope it wasn't either, or the chair would certainly have to get you on relevancy, because there's a big difference between responding to the throne speech and dealing with Motion 7.

Next speaker, the hon. Member for Medicine Hat.

### Debate Continued

MR. RENNER: Thank you, Madam Speaker. When the Member for Calgary-Buffalo began his remarks, he made reference to the fact that, oh, here we are again; it seems like the perpetual motion and debate that takes place. [interjection] Exactly.

The fact that he spoke to this motion prompted me to make my annual speech to this motion as well and to once again on an annual basis correct all the statements that have been made. I won't say misconceptions or misinformation because I know that that's unparliamentary, and I would never do that. So let me just make some observations about this motion, about the purpose of this motion, and perhaps for the record correct some of the inferences made by the Member for Calgary-Buffalo.

4:50

This motion, Madam Speaker, as you well know, is strictly a procedural administrative motion. This motion in no way affects the length of the session. The member was inferring that if we pass this motion today, the session will be shortened by merely passing this motion. Well, nothing can be further from the truth.

A wise, wise legislator once told me that governments have the opportunity to determine the opening day of session, but the reality is that the opposition are the ones that determine the closing day of session. So whether we are sitting here the middle of May, as the member suggests – and I was quite happy to hear the member suggest the middle of May. That gives us a target to shoot for as House leaders. But whether we're here the middle of May, the middle of June, or the middle of August, that all depends upon how long it takes for this collective group of individuals here to deal with the business at hand. The business is outlined in the throne speech. It's outlined in press releases that have been made by the government. It's no secret how many pieces of legislation we need to deal with and the process that's involved with dealing and discussing each of those pieces of legislation. So for the member to claim that by passing this particular motion we are going to shorten the ability of all members in this House to have access to the Legislature is hogwash, Madam Speaker.

The other thing that I found quite amusing. The member made reference to: let's keep the lights on in the Legislative Assembly. As the member made that comment, I overheard the minister of public works, who after all is responsible for keeping the lights on in this place, assure all members on this side of the House – and let me pass on his assurances to members on that side of the House – that the lights always remain on in this place and you need not worry about the minister turning the lights off.

All I can say is that we end up every year, on an annual basis, with a whole lot of posturing going on on both sides of this House dealing with a motion that is purely and completely procedural. As a matter of fact, I'm new to this House leader game, so maybe I will understand better the Standing Orders that we operate under, but frankly I don't understand why it's necessary to pass this motion in the first place. At the end of every day the House leader stands up and says:

I move that we adjourn until 1:30 tomorrow. Well, with this motion in place the House leader stands up and says: I move that we adjourn pursuant to motion such and such. Why do we need this motion? At some point when all of the business has been done, when every member has had ample opportunity to speak his piece and speak his mind on every piece of legislation, why doesn't the Government House Leader just stand up and say "I move that we adjourn"?

However, I do have respect for the Standing Orders. As of this point in time the Standing Orders are such that we have to deal with this purely procedural administrative motion, and I ask all members to support this motion.

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

MR. WHITE: I thank you, Madam Speaker. That which we were just treated to by the whip opposite begs a response certainly. When the member doesn't know the relevance of a lot of the closing motions in this Assembly, with such a vast majority, then he should be chastised severely. I mean, this is a place that he should know does not exist for his pleasure alone and does not exist for merely throwing it up and saying: this is what the government has laid down, an edict, and therefore it becomes law. There is something called democracy. It's spelled out quite clearly. It's the people's right to know.

You don't just wash aside all the tradition, and it in fact started thousands of years ago. It didn't start when that member he had mentioned, the honoured politician or parliamentarian that he knew, said that oppositions have care and custody of the closing of a session. It's absolute hogwash in return, sir. Absolutely. I mean, if this side could dictate when we came and went, we would deal with items such as some education finance, some fundamentals of what education is and what the relevance is to the people of Alberta. But do we do that? Not likely. No. We pass a budget that has three items, four items perhaps, and we just sort of wave this magic wand and then it all happens out there. No, it doesn't.

Why wouldn't you take the advice of all the municipal councillors in this province and get down to the nitty-gritty, get down to understand where the funds are directed? We hear from that side on education that the funds are directed always at the kids in the classroom. Well, you don't ever explain any of that to the populace, none. Never is there any explanation of that. If you really wanted to debate, you'd debate the fundamentals of finance of this province. You'd debate things that had some relevance. You wouldn't hear the Treasurer and the other ministers just lay out five items. You'd actually debate it so it would be on the record, so those that objected, those that didn't understand or were unable to understand the numbers as they're set down would have that explanation. You'd have much less to-do about people marching on the Legislature and other kinds of antics if you actually explained it in this House.

But, no, that doesn't occur. We barely get started. We haven't even finished the reply to the Speech from the Throne, which is supposed to be the guiding light, the beacon of all hope. That which all is centred around this session is supposedly that speech. We haven't even got to replying to it. On this side perhaps two or three or four speakers have been able to have that opportunity. Certainly very few of the government people have been able to express their views on what the general direction of this province is.

Yet here we have a motion that says: hey, we want outta here. We want outta here on a whim. Anytime we want, we say: hey, that's it; we're outta here. And don't for a minute believe it hasn't happened before, because that's exactly the way it happened in '94. I was here. I know it. Boom, it ended. I arrived one noon and that was it. They called it. [interjections] There's some big noise over

there, Madam Speaker. I don't understand. I'm having difficulty concentrating and speaking.

We wouldn't want to be able to extend this session so we could deal with some public works' questions. No, we wouldn't want to do that. All these contracts that are let that we never hear about. Basically if you go to any municipal government and look at their books to be able to understand what is being said, every single item is accessible. They don't need any freedom of information because it's there. It's laid out before them. You don't have to dig through mounds of paper that are stroked out or apply somewhere to have some information officer say yea or nay as to whether you get the information. It's there.

This government works at secrecy. I mean, you can't believe that this government works so hard at it. It's a whole lot easier just to tell people what's on your mind than saying that you can't find out. No, this government is not going to do that. No, no, no. What we want to do is we want to have it in our hip pocket so that at any point at all – that's the motion I'm speaking on, motion 7 – we can enact it. We can say: nope; we're outta here; we don't have to answer any more questions; we don't have to say anything to the people of Alberta that we don't want to. That's what the motion says. This is not just a mere formality that just has to take place, that has to be on the books. In fact, it does not. It could be the very last motion, and it should be the last motion. It should be that the government of the day at the time says: we want to close down this Legislature because of this reason, this reason, and this reason. Boom, boom, boom. Lay it out.

That would be a point of discussion, and the people of Alberta then would understand why the session was closing. But that doesn't occur. No, no, no. It's just allakazam, bam, whoop, there we go. We're outta here. Throw the paper in the air and hit the door. Well, I'm sorry; that's not going to be the way this member would like it to be. Certainly if you asked the people of Alberta, if you've ever had the opportunity to ask them about the procedures in this place, they would tell you: just make it simple. Do what you want to do at a time you want to do it, but setting all of these motions in place months and months and months in advance is – well, you can't really say it's not democratic, because it follows the rules, but it's an application of the rules that certainly does not lend credibility to the system, to those that come and listen in the galleries or those that pick up *Hansard* and understand the progress of the votes.

5:00

Now, if you really, really wanted to set a schedule in here, you would say: "Okay. Look; we want to have a really good and complete understanding of how the people of Alberta view the delivery of health care in this province." You wouldn't take a traveling road show with limited input to Calgary. You'd do it on the floor of the Legislature. That's what it's for. Somehow or other, people in this House don't seem to understand that that is what the Legislature is about. If you go back to either the original democracies, the Greek democracies or the English, which this is based on, the Westminster system, you'd understand that that's exactly what it is. That's exactly what you want. You want the issues to be brought before the Legislature and spoken of item by item. So understand. You'd have people coming before you presenting items.

There's no reason that this House could not sit in a forum of an all-members committee, a Committee of the Whole. None whatever. It is done in many, many, many jurisdictions. As a matter of fact, the Westminster model in Western Australia, which one of our members of this House is visiting as we speak, is that kind of a forum. Mostly they wear ties and come properly attired, but that's the end of the

formality. In committee it's first names, and it is understanding. It is querying every member of the administration. In this case they would be deputy ministers. I think they call them deputy ministers there also. That's the different forum. We have gotten so far away from democracy under the dome. Dome-itis, or dome disease, is invented by the governing parties. That's what it's invented by. It's not invented by any democracies in the rest of the world.

Look at the agenda. What do you have on the agenda? Look at the bills that are before us. Some darn good bills here, I might add too, put forward with all the right intentions. They will be debated and should be debated, but there are a lot of them here that don't require the time. Well over nine-tenths of the first 10 or 12 bills that I can see here should in fact be in a miscellaneous statute. You just ask us. Send it over for review, as it was done by one of the members opposite to this side. We read it, said: yes; okay. We checked it out with those that it involved and said: "Yeah, it's done. Sure. Put it on." You could have done the same thing with two of the bills.

That is not what this House is to do. You hear members opposite saying: "If you want to waste time, just stand up and keep talking. Hey, this motion will just happen when you've finished talking endlessly about these bills that we've put forward." Well, therein lies the problem. The bills that you've put forward aren't dealing with the fundamentals of what the citizens want to hear. They want to know what's happening in education. They want to know why this government does not put enough money, in their view, to hire enough teachers for the special programs, the special-needs children or the English as a Second Language programs. All of those things are not done. That's the kind of thing they want to know about.

I have to go back out to my constituency and tell them: "Oh, no. Do you know what we did today? We passed a motion so we could close down." They look at me and say: "What? You just opened up; you just got started. Aren't you talking about all the things that I want to know about? Aren't you talking about how the health care system will be there when I get there, when I get old enough to really heavily rely on it?" No. No. That's not what's happening in this place. I have to go out and tell them how farcical it is. Well, you'd know who I blame when I get out there. I don't know who you blame when you get out there and say: "Gee whiz, we didn't really discuss a whole lot today. The opposition went on about a whole bunch of things, but we don't bother listening. We just do all our work in caucus. We lay out all the legislation. We don't bother telling anybody. Nobody can hear the debate behind closed doors, because that's what caucus is about. Then we present this wonderful case, list the bills, and we put them all out there for everybody to see, but we don't ever talk about them. No, we wouldn't do that. We're government. We wouldn't want to talk about the bills and tell the people of Alberta why we support these. No. What we want to do is just put them out there. Then the very next thing we want to do is say: okay; this is our legislative agenda and this is what we're going to do and this is the motion that closes the place down."

Well, I'm sorry. I mean, you bring school kids in here and tell them to put that in their little workbook of what really happens here. When they ask you what you do, you say: "Well, as a government member I sit in the Legislature and listen to the ministers answer questions of the opposition. Once in awhile I ask a puffball, and then once in awhile I get to move a motion of something." They ask: well, what was the motion you moved? You say: well, it happened to be the motion to close the Legislature down after about seven days in the House. They say: well, gee whiz, that was really exciting; wasn't it, Mr. Member?

I mean, is that how you explain it? I certainly don't like to explain it that way. I like to think that democracy can and will work

in this province, but it certainly doesn't seem to be working today. I would like to take the member to task further, but the hour – and those on this side that wish to speak to the matter further, I'm sure, would have some words of wisdom to add to this debate.

Madam Speaker, I thank you for your time, and I will take my seat now. Thank you.

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

**MS LEBOVICI:** Thank you, Madam Speaker. I, too, would like to address Motion 7, which indicates:

Be it resolved that when the Assembly adjourns to recess the current sitting of the Third 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.

Well, we all know that the reality is that it's the government that will decide when the session is adjourned. It brings to question why it is required to put in place this particular motion at this particular point in time. There are other issues that could be addressed, and it almost seems as if the government is pre-empting the discussions that will be occurring within the Legislative Assembly over the next few months. In fact, when we look at what some of the acts are that have been put forward by the government, it may well be a short session, because it is obvious that a lot of the pieces of legislation that have been put forward at least to date deal not with substantive issues, issues of where we want this province to be in the next few years, but deal with housekeeping items and probably could be put under an omnibus bill. In reality, it would work very well within the confines of the Legislative Assembly if we were looking at a way to change the way we work within the Legislative Assembly.

If I can just bring forward for people's memories the omnibus bill. What happens is that the respective critics and the ministers look at what the items are within the bills. Well, the minister has obviously put it forward, and the critics look at it. There's a little bit of give-and-take as to whether or not it makes for a good piece of legislation. There is not a whole lot of discussion within the Assembly around the omnibus bills. That is not a structure that is followed in the majority of cases when bills are being put forward in the Legislative Assembly. So what ends up happening is that we tend to have an adversarial relationship, when in fact what could happen is more of a co-operative relationship within the Legislative Assembly.

In fact, I've had opportunity to work with the former Minister of Labour, and I'm hoping that in my new critic portfolio with the Minister of Health it might be possible to look at some issues in a more co-operative manner. In fact, I have had a brief discussion with the deputy House leader and whip around the bill that he's looking at putting forward, and he's provided me with some assurances that I would be able to sit down with him and the staff that are working on that particular bill, the Health Professions Amendment Act, to look at the rationale for the act and the way it's being presented as well as the wording of the legislation.

5:10

Putting that aside, the reality is that putting forward a motion such as this one, Motion 7, tends to raise a bit of a red flag, that I don't know is required to be raised at this early point in time within the legislative session. In fact the government has at its disposal a whole host of techniques, a whole host of methods, by which they can shorten the session. We've seen many times when they've put closure forward in the Legislative Assembly, where they've decided that that's it, that they're not going to discuss an issue anymore. They know the time that they wish to be out of the Legislature. So why put this motion forward at this time? What assurance does it provide to the government or to the backbenchers to have this

particular motion on the Order Paper and passed? I don't know that we've heard any good reasons for it.

Again, it doesn't take a whole lot to put an item such as this on the Order Paper. The House leader can do it at any time and have debate on it at any time within the constraints of our Standing Orders. It just is very odd that it has now become the habit of this government to have this motion here at this point in time. The reality is that the Official Opposition is more than willing to stay in the Legislative Assembly to debate the issues to the fullest to ensure that we provide as much opinion and expertise as we have on this side to make legislation better for the citizens of this province and to ensure in fact that legislation, once passed, does not have to be brought back and amended continually over and over and over again.

We've seen this on many occasions where in fact what has happened is that legislation, in some cases flagship legislation, has been put forward in the Legislative Assembly and has been voted on, has been pushed through closure, and then, lo and behold, the warnings, the advice that members on this side of the House provided, which had been totally ignored, have in fact come to pass.

Perhaps if there wasn't this motion that has this push for the government to move towards an ending of the Legislative Assembly and if some more reasoned thought could be given as to when in fact the end of a session would be so that it could be talked about within the government caucuses as well, "Is this the time that we want to close down the Legislative Assembly?" as opposed to having it up front and not thought of again, then perhaps we wouldn't have this big push at the end where the government seems to fall over itself to pass legislation that is not in the best interests necessarily of Albertans.

I think that in looking at the rationale, the purpose, the intentions of the motion and of the House leader in putting it forward, those are all very good questions to be asked and that in fact should be addressed both within the Legislature as well as in discussions that we all have within our individual caucuses.

So if I can just reiterate. It would seem to be an untimely motion, if I can call it that. It would seem to be a motion that is ahead of its time and not required on the Order Paper at this point. I hope that the House leader, in listening to some of the arguments, will see that perhaps this is not logical to have on the Order Paper right now and in fact may surprise us all by indicating that he will think about it and even withdraw it as opposed to calling it to a vote.

Thank you.

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

**MS CARLSON:** Thank you. I'm happy to rise and speak to this motion. I find that introducing this particular motion this early in the session is truly an insult to Albertans. We barely get back. They barely see us back at the job of reviewing legislation in this province and the government brings in an adjournment motion. It doesn't seem to be a very practical use of the resources. What they're telling people is that they don't really want to be here, that they want to continue making decisions behind closed doors, and that they are not prepared to extend any sort of time lines to a proper review of legislation before us in this House.

We heard from the government side statements being made that the opposition controls how long we're in the Legislature. Well, in fact, nothing could be further from the truth. That is simply once again mismanagement of information. If the government brought forward strong legislation that was good legislation, that was the kind of legislation that Albertans are asking for, we would be out of this Assembly very quickly. It's when the government brings in legislation that is flawed, that they have not represented in a fashion

that is completely accurate outside of the Legislature that we have a problem. So then what happens is that we have to debate it until the government pays attention or the public really gets the information about what is happening in the legislation and they start to fight back. That is not a matter of us controlling the agenda. It's them controlling the agenda by bringing in poor legislation.

We could be out of here in two weeks every year if you brought in high-quality legislation that really met the needs of the people, that addressed the issues that are out there. We would have nothing to debate. We would have no legislation that we would need to bring in ourselves, because, as you have seen many, many times, we're happy to agree with strong legislation, with good legislation in this Assembly. [interjections] You guys liked that. It's true. There have been many, many times.

I recall, for instance, a bill that came forward from the Environmental Protection minister last year that went through this House, through all the readings in record speed. Why? Because the minister had done a good job in that particular instance. Not only that, he invited us to review the legislation prior to its hitting the floor so that the concerns we had could be addressed in the legislation, could be taken care of before it got here. So what we had was a comprehensive bill that really did the job, that met the concerns of the people from around the community and was, as we could see it, without flaw. It went through all of the readings in less than 20 minutes' total time.

Now, that's all it takes. It takes you to bring forward good legislation, to bring it forward in a timely fashion where opposition members have a chance to review it, to take it out to the public to test the waters there, to get some feedback, a chance for us to come back again and speak with the appropriate minister, iron out any wrinkles, and then bring it to the floor of the Legislature in a fashion that is well crafted and will be acceptable to the people of the province. Now, why can't you do that more often? That is what holds up the process in this Legislature. It has absolutely nothing to do with the opposition extending debate or controlling the agenda. The agenda is the government's, and it is only and solely controlled by them. For them to tell us anything else in this Legislature is, once again, not telling Albertans what truly happens in this Assembly.

**THE ACTING SPEAKER:** The hon. Government House Leader to close debate. Do you wish to?

**MR. HANCOCK:** Madam Speaker, I think we should just move to the question. It's clearly a procedural motion, and although the members opposite have tried to indicate that it somehow shortens debate, that clearly isn't the case. We will continue to do the business of the House until the business of the House is done.

[Motion carried]

6. Mr. Hancock moved:

Be it resolved that when the Assembly adjourns on Thursday, April 1, 1999, at the regular hour of 5:30 p.m., it shall stand adjourned for three sitting days, until Monday, April 12, 1999, at 1:30 p.m.

5:20

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

**MS CARLSON:** Thank you, Madam Speaker. I also would like to speak to this motion. For the six years that I have been here, every time we come to this spring adjournment motion, it only considers the time off for the school boards in the Calgary system and not the rest of Alberta. We have a concern for all members, both opposition

and government members, who have children in the school system in Edmonton and in other areas in the province who cannot spend time with their families because the spring session break is tied to the Calgary school system spring break and none other.

Last year there was some correspondence between the Speaker and one of our members with regards to this in terms of asking if this would be considered, that either we get a more extended time period for the spring break or we alternate back and forth between one system and the other system so that all members in this Assembly have an opportunity to spend some quality time with their children when they are not in school. Once again the House leaders had this discussion. In fact, it's surprising; the House leader has children in the Edmonton system and was not able to sway his caucus in terms of this argument.

It seems that if this government has an agenda of putting families first, then they should consider that for all families, including those from this region. It's very disappointing to see that they're not prepared to consider this when we speak about any kinds of breaks in this Assembly. For us, if we cannot break with our families, then why do we want to break at all? If we're going to be working through that time period and cannot spend time over the Easter break with our families, then I for one will not support this motion because I want to keep working in here. I think that government members should consider that. They talk all the time about parents taking more responsibility for the upbringing of their children, yet their actions are not supported in terms of what they're doing in here. They're just words, Madam Speaker. We do not see any relevant application, and for that I will not support this motion.

THE ACTING SPEAKER: The hon. Government House Leader to close debate.

MR. HANCOCK: Thank you, Madam Speaker. I just would respond by saying that I do appreciate the concerns raised by the member opposite with respect to the spring break. I, too, have the problem where spring break in Edmonton is the last week of March and don't have the opportunity to spend the time with my family, which I'd dearly love to do during spring break.

However, if we were to adjourn the Legislature to accommodate all the different spring breaks that might occur around the province, we would be adjourned as we've only barely come back to start the business of the House. Clearly this is the most productive time. We've just come back into the House. We don't want to take a long break at the end of March, early April, when we've just got back into the business of the House and just dealt with the budget items and the Speech from the Throne.

So while I certainly appreciate and understand the concerns raised by the member opposite and in fact would agree with her that we should have that two-week break – and I'll work with the Opposition House Leader on issues of those in the future, as I've indicated to him – this motion is appropriate for this year for the reasons we've mentioned: that we need to get the business of the House taken care of. While I appreciate the concerns raised, I would ask the House to support the motion.

[Motion carried]

[The Assembly adjourned at 5:25 p.m.]

