

Legislative Assembly of Alberta

Title: **Monday, March 22, 1999** 1:30 p.m.

Date: 99/03/22

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon. Let us pray.

O Lord, guide us so that we may use the privilege given us as elected Members of the Legislative Assembly.

Give us the strength to labour diligently and the courage to think and to speak with clarity and conviction and without prejudice or pride.

Amen.

Please be seated.

head: Introduction of Visitors

THE SPEAKER: Hon. members of the Assembly, it gives me great pleasure to introduce to you a man known to all in this House, a man of faith and a man of integrity, a man who leads by example, encourages all who meet him and calls on everyone regardless of sectarian beliefs to engage their lives in charity and compassion. I'm speaking of His Grace Joseph MacNeil, Roman Catholic archbishop of Edmonton. He's accompanied by Father Mike McCaffrey, chancellor of the diocese. They are seated in the Speaker's gallery.

Just last year His Grace celebrated 50 years as a priest, and for the past quarter century Archbishop MacNeil has been the spiritual leader of the Roman Catholics of Alberta. Next month Archbishop MacNeil will take yet another step in the journey of life as he celebrates both his 75th birthday and his retirement. We will miss his inspired counsel that has preached justice and righteousness, freedom and security, and equal opportunity for all.

Archbishop MacNeil provided leadership within his diocese, but his influence has also been felt virtually around the world. His responsibilities have included institutions vital to the life of the church in the diocese and throughout Western Canada: Newman Theological College, St. Joseph's Seminary, St. Joseph's University College, the *Western Catholic Reporter*, and numerous Catholic school boards and hospitals. He served as president of the Canadian Conference of Catholic Bishops and represented Canada at the 1980 World Synod of Bishops and the 1979 Latin American Bishops' Conference. The highlight of his tenure was hosting the visit of Pope John Paul II to Edmonton in 1984.

Everyone he has met and served will most remember him for his personal warmth, his sense of humour, and his joyful way with children. On behalf of all in this House please accept a timeless wish in Latin: *ad multos annos*.

Your Grace and Father McCaffrey, I ask you both to rise and receive the warm and respectful greetings of the members of this House.

head: Presenting Petitions

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. With permission I would like to present a petition put forward by the SOS group, Save Our Schools. They are asking the Legislative Assembly to

urge the Government to increase 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.

Thank you.

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

MS PAUL: Thank you, Mr. Speaker. With your permission I, too, would like to hand in a petition of 112 names. This petition has been signed by parents of students in the public and separate schools urging the government to cover costs due to contract settlements, curriculum changes, technology, and the fact that schools are aging. Some of these people that have signed are also from Spruce Grove and St. Albert as well.

Thank you.

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

MS OLSEN: Thank you, Mr. Speaker. I, too, would like to present a petition to the Assembly with 224 signatures on it, again from the SOS group asking the government to

increase 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.

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

MS CARLSON: Thank you, Mr. Speaker. I am presenting today 218 names of people who have signed a Save Our Schools petition, once again calling on the government to

increase 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.

That brings our numbers up close to 4,000 people who have signed the petition.

MR. GIBBONS: With your permission, I'd like to present an SOS petition with 102 names urging the government to

increase 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.

Thank you, Mr. Speaker.

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

DR. MASSEY: Thank you, Mr. Speaker. With permission I would present an SOS petition signed by 109 citizens urging the government to

increase 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.

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

MR. WICKMAN: Thank you, Mr. Speaker. I, too, wish to table a petition signed by 102 Albertans from the Save Our School organization who are petitioning the Legislative Assembly to urge

the Government to increase 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.

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

MR. BONNER: Thank you, Mr. Speaker. I beg leave to present a petition from the SOS group signed by 112 Albertans urging

the Government to increase 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.

Thank you.

MR. WHITE: Mr. Speaker, I rise to present a petition by the SOS community group. It reads that they urge the Legislature to urge the Government to increase 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.

THE SPEAKER: The hon. Leader of the Official Opposition.

MRS. MacBETH: Thanks, Mr. Speaker. I, too, am pleased to table a petition for the Save Our Schools group urging the Government to increase funding for public and separate schools [in this province] to cover increased costs due to contract settlements, curriculum changes, technology, and aging schools. Today's total on the number of names on the petition is 1,215, bringing the total to date to 5,027 people.

head: Reading and Receiving Petitions

MS CARLSON: Mr. Speaker, I would ask that the petition I presented last week that urged the Legislative Assembly to revise Bill 15, the Natural Heritage Act, now be read and received.

THE CLERK:

We, the undersigned residents of the Province of Alberta, petition the Alberta Legislative Assembly to review Bill 15, Natural Heritage Act, first read Monday, March 1, 1999 as follows:

1. Require a publicly elected board approval for hunting & vehicle use in any natural areas. Disallow all currently prohibited hunting & vehicles in natural areas such as White Goat, Siffleur, Ghost River & Kananaskis until such time the publicly elected board reviews recommendations of Environment scientists, Provincial & National Parks staff & the public.
2. Introduce significantly higher standards of Environmental qualifications for approval and monitoring of industrial activity in natural areas, to protect ecologically fragile natural areas.

head: Tabling Returns and Reports
1:40

MS EVANS: Mr. Speaker, this afternoon I'd like to table five copies of the Credit Counseling Services of Alberta 1998 annual report. It is their second annual report, Helping to Build a Healthier Community. I'd like to highlight a couple of facts. Four point nine million dollars were repaid to businesses in Alberta over the past year after 12,000 inquiries, walk-ins, and assistance to students, major retailers, the Receiver General. This document shows the organization's fine work.

MRS. McCLELLAN: Mr. Speaker, I'm pleased to file with the Assembly today the government of Alberta strategic business plan for seniors for the years 1999-2000 to 2001-2002. This is the fourth year that an integrated business plan for seniors has been produced, and it lays out a broad, cross-government approach to policies and programs for Alberta seniors.

It's also my privilege to file two letters of congratulation which I have sent to Alberta sports teams for their outstanding performances in national championships this weekend: first, a letter to the SAIT Trojan women's basketball team, who became the CCAA national champions yesterday with a decisive victory in the gold medal game in Medicine Hat, and secondly, to the University of Alberta Golden Bears, who came in second in the CIAU men's basketball national championships in Halifax yesterday. Mr. Speaker, for those who watched, the final went into overtime, and the Bears kept it very close but were second place.

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

MR. DICKSON: Thank you, Mr. Speaker. I'm pleased this afternoon to table copies of my correspondence with the Minister of Labour dated March 8, 1999, inquiring what plans the government has, firstly, to inform Albertans about the impact of Bill C-54 and, secondly, to develop a broad-based consultation around an Alberta response.

Thank you very much.

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

DR. PANNU: Thank you, Mr. Speaker. I have requisite copies of the New Democrat opposition backgrounder that's being released today having to do with per capita education allocations by the province to the K to 12 system. In 1992-93 the per capita grants were \$1,136. This year they are lower than that by 14.7 percent, and three years from today they will be still lower by 8.4 percent.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I have two tablings today. The first is the appropriate number of copies of an information brochure of a local organization formed in Edmonton, the Maintenance Enforcement Action Committee, soon to be opening branches in Lethbridge and Calgary I understand.

My second tabling is a letter addressed to members of the Alberta Legislature. This is on the definition of spouses and partners and is encouraging a good discussion around inclusiveness and human rights on Bill 12.

Thank you, Mr. Speaker.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to table a copy of a letter I received from Pauline Knittle, the mother of one of my constituents, Bill Elgert. She's requesting changes to legislation regarding WCB widows who find themselves disenfranchised from reinstatement of pension benefits.

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

MR. SAPERS: Thank you, Mr. Speaker. I have three tablings today with your permission. The first is a letter from Ms Lois Argue of Edmonton that was originally addressed to Mr. Monty Solberg and eventually redirected to me. Ms Argue makes the point that the provincial budget doesn't appear to address the needs of seniors and in particular seems to ignore the seniors who are ex provincial government civil servants.

The second is a petition that unfortunately is in a photocopied form, so I couldn't present it earlier today. It is an SOS petition with a further 16 signatures all requesting the provincial government to increase funding for public schools.

Finally, Mr. Speaker, a petition signed by 28 residents in my constituency that unfortunately is also a photocopy urging the government to do everything it can to eliminate discrimination against gays and lesbians.

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

MS CARLSON: Thank you, Mr. Speaker. I have today the appropriate number of copies of 18 additional letters of concern regarding education funding from Meyokumin school parents. Copies went to

the Premier and the Education minister. This is in addition to the 88 copies of letters that I tabled last week and in addition to the 100 letters from the same parents last year on exactly the same issue, concerns about educational funding.

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

MR. WHITE: Thank you, Mr. Speaker. I table the appropriate number of copies of a letter from the Dovercourt Community League by their finance chair that expresses concern regarding the mishandling of major changes in terms and conditions and operating guidelines for bingos by the Alberta Gaming and Liquor Commission.

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

MR. MacDONALD: Thank you, Mr. Speaker. With your permission this afternoon I table on behalf of a constituent of ours in Edmonton-Gold Bar, Mr. Roy Pudrycki, his proposal on Senate reform. It is very interesting reading, and I would encourage all hon. members of the House to please read it at your leisure.

Thank you.

head: Introduction of Guests

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

MR. CARDINAL: Thank you very much, Mr. Speaker. I'm pleased to introduce to you and through you to the Leg. Assembly Mr. Dave LaSuisse, along with 20 or so individuals associated with Poundmaker's Lodge in St. Albert. They are here, I believe, arranging some meetings with some officials. They are seated in the members' gallery. I'd like them to rise and receive the traditional warm welcome of the Assembly.

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

MR. STELMACH: Thank you, Mr. Speaker. I wish to introduce to you and to members of the Legislature 25 visitors seated in the members' gallery, 23 students from St. Mary's high school located in Vegreville, home, of course, of the world's largest Easter egg. The school itself is very well known for its discipline and achievement levels. The 23 students are accompanied today by Mrs. Colleen Fjeldheim, who's their teacher. Transportation was provided by Mrs. Rose Kisilevich. I would ask that all of them please rise and receive the traditional warm welcome of the Assembly.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I have just a correction and an introduction. There are actually 46 concerned staff and citizens from Poundmaker's Lodge in St. Albert that are here.

I also have a second introduction from Queen Street school in Spruce Grove. They are here with their teachers, Mrs. Heidemann and Mrs. Mykula, and parent Mrs. Hnatiuk. There are 63 students. I've been to their classroom, and they had some excellent questions and have very much enjoyed their tour today. I would ask them to please rise and receive the warm welcome of this Assembly.

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

MR. DICKSON: Thank you, Mr. Speaker. I'm delighted this afternoon to introduce to the members of the Assembly through your good office one of those super volunteers that we find in this province. Mr. Ray Franklin has been a true leader, certainly in Calgary, in promoting action to deal with domestic violence. I'd invite Mr. Franklin and his guest to stand and receive the usual warm welcome of the Assembly.

Thank you very much.

MR. SHARIFF: Mr. Speaker, I'm pleased to introduce to you and through you to the members of this Assembly a well-known community volunteer, Mrs. Pat Sokolosky. Pat is an educator at St. Thomas More school, has been a long-standing representative of the Alberta Teachers' Association for the northeast, and recently devoted her energy to the Calgary Northeast Cares event on child poverty. This event was attended by my colleagues the hon. Member for Calgary-Cross as well as Calgary-Montrose. I have also been informed by my colleague the Member for Little-Bow that Pat did spend a large part of her childhood in Rimbey, Alberta. I request her to rise and receive the traditional warm welcome of this Assembly.

head: Oral Question Period

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

Regional Health Authorities

MRS. MacBETH: Thanks, Mr. Speaker. For years this government has been telling this Legislature that regional health authorities have been given the authority to run health in their region. Well, now we know that the 1999 government version of arm's length really means the strong-arming of our regional health authorities. Last week the Minister of Health surprised regional health authorities by telling them how many new staff they would hire with increased health funding, even though many of them are carrying deficits. My questions are to the Minister of Health. Did the government consult with regional health authorities before dictating the number of new staff that they were to hire?

1:50

MR. JONSON: Mr. Speaker, we have certainly listened to health authorities along with the 200-plus people attending the health summit plus representation that is made to us as government MLAs and our overall information coming to us in terms of the priority needs of the health care system.

With respect to the priority that is given in our overall budget announcement and overall plan to increase frontline staffing, the place where it really matters, I think, with respect to the patients first and foremost, that is a priority we've set. We've given direction to the regional health authorities in that regard, which I think is very important. My assessment is that the regional health authorities were onside and appreciated us working together on this matter.

MRS. MacBETH: Well, Mr. Speaker, how does the minister expect regional health authorities like the WestView one, for example, to hire these frontline workers when they are already going to be in a deficit next year?

MR. JONSON: Mr. Speaker, in the overall health care announcement that was made with respect to the budget, if I remember the figures correctly, the WestView health authority is receiving in the neighbourhood of an 8 percent increase in overall funding. We have met, and as has been indicated in this Assembly before, we have

worked on their past debt and deficit situation. I think they can address some of these staffing needs with the money allocated to them.

MRS. MacBETH: Thanks, Mr. Speaker. Can the minister confirm that the government's real agenda is that regional health authorities that do not balance their budget this year will be dissolved, and they will be reorganized with communities into other regional health authorities?

MR. JONSON: No, Mr. Speaker.

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

Education Funding

MRS. MacBETH: Thanks, Mr. Speaker. The government is in difficulty in other areas. Certainly they are saying that they are investing \$600 million more in kindergarten to grade 12 education, yet the \$600 million promise may -- may -- be fulfilled in two years if oil and gambling revenues hold. The truth is that next year students, educators, and parents will see an increase of about \$220 million. Yes, \$200 million is a lot of money, but when you distribute it over 580,000 students, 1,800 schools suffering from five years of neglect, the picture is not as rosy as this government would like Albertans to believe. My questions today are to the Minister of Education. Will the minister confirm that over half of Alberta's school boards are in a deficit position and that together their projected deficits total over \$100 million for the current school year?

MR. MAR: Mr. Speaker, we've looked at the books of the school boards throughout the province. There are 60 of them. I want to correct the hon. Leader of the Opposition. She has overestimated the number of students and the number of schools in the province of Alberta.

Mr. Speaker, when looking at the books of the 60 school boards throughout the province of Alberta, there are four of them that have an accumulated deficit at this time. We're obviously working with those school boards. We want them to be able to operate in the black. We don't ask school boards to do anything more than we as individuals or as a government would do, and that is to spend within their means.

Certainly, I'd be happy to indicate to members that in the upcoming fiscal year the budget for the Department of Education will go up by roughly \$222 million. That rises to \$599 million by the end of year 3. Certainly that's a stark contrast to 1987, when the then Minister of Education, now Leader of the Opposition, was marshaling through a 3 percent reduction in Education. Mr. Speaker, I'll be happy to defend that budget at any time.

MRS. MacBETH: Thanks, Mr. Speaker. So how much of the \$220 million announced for next year had already been promised in the February announcement of \$380 million over three years?

MR. MAR: Well, the hon. member knows that we had previously announced through our three-year budgeting process that we were going to be adding 1 percent and 1 percent onto the fiscal years for the upcoming school year beginning in September of 1999 and the following September after that. In evaluating that 1 percent and 1 percent and adding a third year onto our rolling three-year business plans, Mr. Speaker, we went from 1 percent to a 3 percent increase, and we went from 1 percent to 2 percent. Then we added a third

year with an additional 2 percent. So over and above what was previously announced of 1 and 1 for two years, we added an additional 2, 1, and 2 for an aggregate of 3, 2, and 2. That's just on the basic instructional grant rate.

Over and above that, Mr. Speaker, we do have between 2 and 4 percent for an incentive program. We're adding money for administration on a 3, 2, and 2 basis, also for transportation, also for special-needs students. We're also continuing the programs that we announced last year in the 12-point plan, examples being things like English as a Second Language, improving the eligibility criteria for students, also things like the early literacy program. That was \$22 million in a year. We're extending our commitment to technology. That is also in the range of \$20 million a year. Also with respect to teacher aides, that's \$10 million a year. We've extended those programs on.

MRS. MacBETH: So in other words it's already been announced.

My second supplementary question is: can the minister confirm that for most schools of under 400 students this announcement will not even allow them to hire one additional teacher or prevent one teacher from being let go?

MR. MAR: Well, Mr. Speaker, I had failed to mention this and my colleague the Minister of Health reminded me that over and above all that also there was \$25.6 million announced for the student health initiative, which has been greeted with a great deal of enthusiasm.

With respect to the impact on individual schools, Mr. Speaker, even at this time school boards have not yet tabled their budgets. We've given them extra time to file their budgets with the Department of Education. Because of the additional money that they're receiving, we've given them an additional month to prepare their budgets. We expect those budgets will be in by May 1. It's impossible to predict what the individual impact will be on a school because schools have not prepared their budgets since school boards haven't either.

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

School Performance Incentive Program

DR. MASSEY: Thank you, Mr. Speaker. This past weekend school councils from across the province ravaged this government's school incentive plan. Council representatives are upset that the government is thumbing its nose at their so-called partnership, gambling away precious education dollars on an unproven scheme, and diverting resources from basic classroom funding. My questions are to the Minister of Education. Why is this government gambling with \$66 million of public money when parents are still out running bingos and casinos to put textbooks and writing paper into their classrooms?

2:00

MR. MAR: First of all, Mr. Speaker, the school improvement incentive program is voluntary, so if there are schools that don't wish to participate, I suppose they can leave that money on the table.

Mr. Speaker, the president of the Alberta Teachers' Association said: we would be pleased if there was a 3 percent increase in the basic instructional grant rate. And we've done more than that. Not only have we added to the instructional grant rate; we've also added 2 percent and 2 percent in the following years. Also all of the things that I enumerated in my response to the Leader of the Opposition are moneys over and above that basic instructional grant rate.

Mr. Speaker, that includes on a full-year basis \$66 million that's

set aside for the school performance incentive program. This is a made-in-Alberta solution, and for too long we have not recognized the outstanding contributions that teachers make and teamwork contributes to the achievement of our students. What this program will provide is between a 2 and 4 percent increase over and above the basic instructional grant rate of 3 percent. I think that is a powerful incentive.

I recognize that there are concerns about the incentive program, but that doesn't mean, Mr. Speaker, that we should listen to naysayers. We should be prepared to recognize achievement in schools. This is a good program, and we want to see it work. Two years hence, if this program works, these people are going to be eating their words. Again.

DR. MASSEY: My second question is to the Minister of Education. Why does this government continue to tell parents and teachers that they are partners, yet when a major experiment like this is contemplated, the alleged partners are left in the dark?

MR. MAR: Mr. Speaker, I wish to review just for a moment the criteria that this incentive program is intended to address. Seventy-five percent of weighting in the criteria deals with provincial criteria. That might be things like achievement tests, diploma exams, completion rates of high school: all very laudable goals that we agree with school boards are important things to achieve.

Also, Mr. Speaker, there is 25 percent which is allocated for locally derived initiatives or performance measurements that local schools and school jurisdictions may wish to be measured upon. That might include things like parent satisfaction surveys and such. So there are criteria that have been established both provincially and locally that school councils can have a great deal of input into so that they can be measured on these things.

DR. MASSEY: To the same minister, Mr. Speaker: will the minister delay this program until he has consulted properly with education stakeholders and reviewed the entire scheme?

MR. MAR: Mr. Speaker, we are now going through the process of explaining how the program works to individuals. Once it's explained to people, people seem to generally like the idea. Of course, there are those that are critics. They do point out individual points that I think are legitimate points that we should address. We will proceed with this program, and we will take into account the comments that people make, because people who are making those comments wish to make sure that the program is successful. We want it to succeed as well.

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

School Amendment Act

DR. PANNU: Thank you, Mr. Speaker. This government is proposing to ban from Alberta's classrooms and schools materials that it may think either promote or foster disobedience of laws, including, I must presume, nonviolent civil disobedience of unjust laws and regimes. To the Minister of Education: why are highly respected civil rights advocates and leaders of the stature of Mahatma Gandhi, Martin Luther King, Desmond Tutu, and Lech Walesa being regarded as a threat to law and order by this government?

MR. MAR: Well, Mr. Speaker, I would be concerned about this

issue if the hon. member's comments were a correct interpretation of what Bill 20 does do. I do wish to note that there is no intention to change our curriculum so that there would be a prohibition of the history of Dr. King or Desmond Tutu or other civil rights leaders. Dr. Gandhi is an example. Just reading the particular section of the act, Bill 20, that the hon. member is referring to, I wish to note for him that what it prohibits is the promotion of

doctrines of racial or ethnic superiority or persecution, religious intolerance . . . social change through violent action or disobedience of laws.

It is, I think, well written, because his comment is well taken as we would not, obviously, want to prohibit the teaching of the types of materials that he enumerated.

DR. PANNU: To the minister again: why is the minister making sweeping changes to the School Act that he just referred to that could result in writings being banned in Alberta classrooms that may discuss the appropriateness of nonviolent civil disobedience of repressive and totalitarian regimes and abhorrently unjust laws like those which sanctioned apartheid racial oppression?

MR. MAR: Well, Mr. Speaker, again these are serious concerns, and perhaps the debate over the bill is the appropriate venue, but I can assure the hon. member that in my reading of the bill, there is no such prohibition as he suggests.

DR. PANNU: Mr. Speaker, my last question to the minister again. I don't see his assurances reflecting the language of the proposed changes in the act.

Is the minister not aware that such a sweeping provision prohibiting teaching on disobedience of laws could prevent historical events like the Sharpeville massacre from being discussed in Alberta classrooms or the showing in classrooms of a great movie such as *Gandhi*? Why is he trying to tell Albertans that watching *Gandhi* would be a threat to law and order in Alberta?

MR. MAR: Mr. Speaker, no one has ever suggested that the showing of the film *Gandhi* or the teaching of the history lessons of the Sharpeville massacre would in any way, shape, or form be prohibited under the provisions of Bill 20. I'll look forward to his arguments when the bill comes up for debate, but I can tell you that it is not the intention of this government to suggest those unintended consequences that the hon. member referred to. Upon plain reading of the bill, on its face there is no such suggestion at all within Bill 20.

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

Child and Family Services Authorities

MR. McFARLAND: Thank you, Mr. Speaker. On behalf of a number of responsible constituents in Little Bow I'd like to find out if new budget dollars are being wasted on administration or if they're actually being spent on programs and services. My first question is to the Minister of Family and Social Services. What are your plans for spending dollars on administration in the current budget, Mr. Minister?

DR. OBERG: Thank you very much, Mr. Speaker, and that's an excellent question. We have taken a slightly different tack when it comes to administrative expenses than some of the other departments have done. We have allocated for the two larger regions a solid number of \$850,000 for administration. This represents a little less than 1 percent of their budget. Some of the smaller regions will

be receiving \$360,000 and the mid-sized regions \$597,000. The overall administrative amount that will be available to run the child and family services authorities will be 2.5 percent of their budget, and I don't anticipate that percentage going up.

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

MR. McFARLAND: Thank you, Mr. Speaker. That's a very good number to have out for our constituents.

The second supplementary to our Minister of Family and Social Services: if you have 2.5 percent this year, do you anticipate any increase in the next two or three years?

DR. OBERG: Mr. Speaker, that's an excellent question. Over the next two years we are anticipating increases in our budget for child and family services authorities. The administrative component of that is a hard, fixed number. It is \$850,000 for the larger regions, \$360,000 for the smaller regions. That amount will not be increased as the percentage of money to the child and family services authorities increases.

2:10

MR. McFARLAND: My third supplementary is to the Minister of Public Works, Supply and Services responsible for government services. Mr. Minister, how do you intend to provide office space for the children's services authorities?

MR. WOLOSHYN: Thank you, Mr. Speaker. As most people are aware, Public Works is responsible for providing space for the various boards and agencies and delegated authorities on behalf of government. In the case of the children's authorities I'd like the hon. Member for Spruce Grove-Sturgeon-St. Albert to know that, in fact, we have accommodated in Westerra on a temporary basis the authority for region 8. We will be continuing to work with Family and Social Services and directly with the authorities to identify the appropriate space they require. We first look at what we have in the government inventory, either owned or leased. If we don't have any appropriate space available that is suitable for their needs, we then go further and find space for them. Currently, I believe we have accommodated the needs of about eight of the 18 regions.

Assured Income for the Severely Handicapped

MRS. SLOAN: The recent report by Equus Group on the proposed changes to AISH and assured supports states that the "overall response to the idea of asset testing . . . in meetings and questionnaires" was that participants "oppose asset testing." To the Minister of Family and Social Services: why, Mr. Minister, have you chosen to dismiss the opposition of informed Albertans to asset testing?

DR. OBERG: Thank you very much, Mr. Speaker. The hon. member is absolutely correct. In going around and talking to the groups around the province, in talking to the disabled groups of people that were on AISH, overall the people were against asset testing. In conjunction with that what we did is an Angus Reid poll of 800 people, 800 Albertans, and with those people 67 percent favoured asset testing. The interesting part about that is 97 percent felt that a hundred thousand dollars would be a good level for asset testing.

MRS. SLOAN: Thank you, Mr. Speaker. Why won't the minister acknowledge that an overwhelming majority of the people who participated in his telephone survey, in the questionnaires, and in meetings opposed asset testing? The majority opposed.

DR. OBERG: Mr. Speaker, I find this line of questioning absolutely amazing. Last week in the Legislature these people were the ones talking about the difference between rich and poor and how the gap was growing. We are taking the money of people who have roughly a quarter million dollars in assets and redistributing it down to the people who need it most. The hon. member is sitting there yipping at me, saying the majority were opposed. That isn't true. We did a poll of 800 people, an Angus Reid poll, which showed that 67 percent were in favour of asset testing. [interjections]

Obviously I've struck a nerve over there, because they're actually yipping at me. Mr. Speaker, these are the same people that were talking about the difference in rich and poor, yet they define poor, I guess, as having over a quarter million dollars in assets. To my way of thinking those people are fairly well off.

MRS. SLOAN: Thank you, Mr. Speaker. Perhaps the minister could quit hiding behind his millionaires and admit the only reason he conducted a random telephone survey was an attempt to offset the consultations' opposition to asset testing.

DR. OBERG: Mr. Speaker, I can't believe what I'm hearing. The people of Alberta do not have a right to have their opinion heard? Is that what they are saying? That a random poll of people in Alberta, 800 people . . . Three weeks ago these people were talking about how 413 people in the Friends of Medicare survey was a wonderful survey. Get it straight.

THE SPEAKER: The hon. Member for West Yellowhead, followed by the hon. Member for Edmonton-Manning.

Transportation Infrastructure

MR. STRANG: Thank you, Mr. Speaker. Many municipalities are struggling with the pressures on their transportation infrastructure due to economics and population growth. In fact the need for reinvestment in our infrastructure was one of the main issues identified in the 1997 Alberta growth summit. My question today is to the Minister of Transportation and Utilities. What has the government done since this was addressed at the last meeting, and what is he going to do on these needs?

MR. PASZKOWSKI: At the growth summit that was held in 1997, the Alberta municipalities association had indicated that we needed a growth of \$250 million in our baseline budget. Subsequent to that, there have been some additional infusions of funding. The identification that was made was largely to maintain the infrastructure that was in place as well as to identify the substantive growth that was taking place in this province.

With that in mind, an additional \$100 million was infused in '97-98. A further \$130 million was added in '98-99. Through Municipal Affairs an additional \$10 million was added to Edmonton. In addition to that, \$450 million has been directed for the next three years to the baseline budget of the transportation department. A \$30 million dollar increase was put in place in '98-99 for the preservation and rehabilitation of our primary highway system; \$60 million additional money, a \$20 million increase over the next three years beginning in '99-2000, for preservation and rehabilitation of the primary highway system. In addition to that, just recently a further \$6.7 million was announced for the development of 96th Avenue in the city of Calgary, near the airport.

So indeed there have been substantial infusions of funding. Fortunately the province is still growing, and with that come additional pressures of course on our infrastructure. Those are good

things to deal with. Certainly we look forward to working very closely with all of the municipalities to see that our infrastructure is properly maintained.

MR. STRANG: Thank you, Mr. Speaker. My first supplementary question is to the same minister. I'm sure that municipalities will appreciate the additional dollars. However, there are still pressure points in the system, especially in the high-growth areas that require special attention. Will the minister tell us what the government is doing to ensure the growth pressures are being addressed?

MR. PASZKOWSKI: Mr. Speaker, we had, as I pointed out, invested an additional \$270 million into the infrastructure system. Together with that, there'll be an additional \$516 million over the next three years. That, of course, will cover the immediate needs, but we do have ongoing growth. Consequently we have to work with our partners, our municipalities, to continue to find ways of dealing with this growth. Certainly there are ways, such as the announcement just two weeks ago where the hon. Premier, the hon. Minister of Economic Development, and I were fortunate enough to be part of an announcement in Calgary, where, partnering with the airport authority, the city of Calgary, and the government of Alberta, we were able to move ahead with the project on 96th Avenue.

MR. STRANG: Thank you, Mr. Speaker. My second supplementary question is to the same minister. Can the government commit to long-term and sustainable transportation funding for municipalities?

MR. PASZKOWSKI: Mr. Speaker, the government has committed \$450 million over the next three years. We've made a solid commitment, and that is a substantive commitment to the municipalities. Together with that, we've also moved ahead with changing our process, in that we are allowing for early tendering, which allows municipalities to better benefit, better utilize the money that's available.

So indeed we're working with partnerships. I have met with many municipalities and left the door open and basically asked them to come back with a partnership arrangement, and certainly we will consider them. The city of Calgary came forward with a partnership together with the airport authority, and we did move ahead with that one. Consequently we were able to move ahead on a project that was further down the list, and that's certainly going to benefit the entire community.

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

2:20 Municipal Financing Corporation

MR. GIBBONS: Thank you, Mr. Speaker. The KPMG report revealed that over \$4 million of critical infrastructure requirements in the city of Calgary will remain unfunded even with the government's announcement of crisis funding. The LRT expansions, road construction, repair, and maintenance are critical priorities for the city. This city is estimated to grow over 80,000 in the next two years alone. The Premier's Task Force on Infrastructure needs to move beyond a bandage, patchwork approach and develop some long-term solutions to provide the city of Calgary and other fast-growing municipalities across the province with stable and predictable funding arrangements. My questions are to the Minister of Municipal Affairs. Is the government considering an expanded role for the Alberta Municipal Financing Corporation in providing the local infrastructure funding?

MS EVANS: Mr. Speaker, we are working on a lot of partnerships in Alberta. That particular area has been reviewed, and it is one that the deputy minister is currently exploring. We are working with the private sector on a number of the initiatives, and municipalities are working among themselves as well to work in concert with each other in seeking better prices, some sharing opportunities.

In the context of the KPMG study, although there are a number of figures contained in that report, the actual needs identified in that analysis have not clearly emerged, so we have staff in discussion with the city of Calgary presently to see if they can just benchmark what particular needs they have as a growing municipality. We are looking as well at those communities that have low or no growth, in fact are losing their elevators, having rail tracks removed, to see what their needs are as well. So it's not an easy answer, nor is it a one size fits all. There are many options to explore.

MR. GIBBONS: Mr. Speaker, to the same minister: how will providing up to \$540 million of interest relief on \$1 billion in Alberta Municipal Financing Corporation loans assist in a stable and predictable funding base for municipalities?

MS EVANS: Mr. Speaker, if I am understanding correctly: a suggestion of the number of dollars, how will it provide relief from the Municipal Financing Corporation? Clearly what I think the hon. member is referring to is a longer term plan for financing municipalities. We do have a plan. We are out there working with the municipalities, with the AUMA, AAMD and C. We're working in various communities, in regional seminars and workshops, on their housing needs. There are a number of ways that I'd be pleased to discuss with the hon. member.

MR. GIBBONS: Mr. Speaker, to the same minister: how will recommendations before the province to share the 40 percent, or \$400 million, in principal repayment of Alberta Municipal Financing Corporation loans assist in stable and predictable funding for municipalities?

MS EVANS: Mr. Speaker, I could give you a number of complicated measures, but I would prefer, then, to table a report on that subject so that I would more fully brief the member.

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

Grain Handlers' Strike

MR. FISCHER: Thank you, Mr. Speaker. This past year has seen a tremendous drop in commodity prices, and now again the farmers of Alberta are being held hostage by a union situation regarding public service grain weighers at the ports, causing further financial hurt. Alberta farmers could lose in grain sales as much as what our government puts into the agriculture safety nets. To the minister of agriculture: what has your department done to affect the progress of the strike settlement?

MR. STELMACH: Thank you, Mr. Speaker. I certainly understand the frustration expressed by the hon. Member for Wainwright on behalf of the many farmers of Alberta that see the fruits of their labour and hard work evaporate and have the very thin margins skimmed by people who play the middle role in the grain handling and transportation area. Unfortunately, last year when amendments were made to the Labour Code in Parliament, inadvertently one union was missed out, and that was the Public Service Alliance

union. As a result, all other unions could not strike based on a specific commodity. Well, here, this is a union that represents the weighmen, the people that weigh the grain going out, and that was, as I said earlier, inadvertently left out. We have been working with the federal minister of agriculture and with the federal Minister of Transport during this period of time. Our department has been exchanging some information to initiate closure to this situation.

The other, Mr. Speaker, is on a recent visit to the states of Montana, Oregon, and Washington, we also are going to further look at a possibility of using some American ports to export our grain to markets.

Every time this happens, Mr. Speaker, we lose sales. Last week the CWB said that we'd lost about 9 million. When we were in Japan in October of '97, the Japanese explicitly said: "Look; we are now grinding wheat for flour from Australia. We know of your quality, but the only reason we're grinding Australian wheat is because you can't get it here on time." That was two years ago, and we still haven't dealt with these issues that every year skim more and more of the very thin margin that we have left now in agriculture.

MR. FISCHER: Thank you. My second question is to the Minister of Labour. Grain handlers' wage settlements on the backs of the grain producers must stop in the future. I want to know: what action are you taking or what action can you take to eliminate this harmful situation that happens every two years?

MR. SMITH: Well, thank you, Mr. Speaker. In light of last night's Academy Awards, in the world of labour relations outside of Alberta, "la vita e bella" is not always true. In fact the phrase comes from Leon Trotsky, who was trapped in a bunker and waiting for Stalin's hit men to assassinate him. So it's true that there is unrest in the world of unions themselves.

This is a federal labour dispute, Mr. Speaker. As has been pointed out clearly by the minister of agriculture, there is no jurisdiction by the provincial government, but they have introduced legislation to put these workers back to work. Certainly, in meeting with the Minister of Labour last month, there is an accord there that allows us to move on issues such as this where we can offer, perhaps, advice or we can offer suggestive solutions to a very difficult situation. It is one that I'd work closely, in this issues as in all issues, with the minister of agriculture to resolve a question that is costing Albertans money, and it's just not right.

MR. FISCHER: Yes. Then to the minister: can you commit to work with the other governments, whether it's federal or B.C., and try to prevent future problems with this industry?

MR. SMITH: Good question, Mr. Speaker. It was difficult for me hear because of so little interest expressed in agriculture by the opposition. They do not realize that agriculture is indeed the future of Alberta, as has been said many times before.

Mr. Speaker, we will commit to work wherever we can with the B.C. government in solving this problem. Now, we've worked with the B.C. government in matters of harmonizing employee standards relations with respect to the oil industry. If there's an area where there's bilateral co-operation that can take place, we'll be there. We'll be there ready to go. Most importantly, as the Department of Labour continues to support the department of agriculture not only in this issue but in other important issues, we're at the minister's beck and call.

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

Poundmaker's Lodge

MRS. SOETAERT: Thank you very much, Mr. Speaker. The staff from Poundmaker's Lodge in St. Albert have repeatedly asked over the last 10 days to meet with their board to discuss staff grievances and allegations over the mismanagement of funds. They've been refused a meeting. My questions are to the Minister of Community Development. Given that this organization receives funding from the government and these are very serious allegations, will the minister commit to investigate the situation and commission a forensic audit?

MRS. McCLELLAN: Mr. Speaker, certainly the member is correct. Poundmaker's is associated with AADAC. We contract with Poundmaker's to deliver services. In fact, I think our contract is over \$900,000 a year. Poundmaker's Lodge has certainly provided some excellent treatment programs over the years. The issues between the board and the staff clearly need to be resolved at that level. The CEO of AADAC has met with the groups who are involved in this and are working to facilitate it.

2:30

It is my understanding that there has been a meeting that has been proposed by the board for this Thursday. Certainly I hope that both groups can come together at this meeting and solve these issues. I know that there is a tremendous commitment on both sides, and I think with that commitment to the program and to the services that they deliver, if they can get together in a meeting, I'm sure they can resolve these issues. I would certainly encourage the staff to check with the board, but my understanding is that the board has been trying to reach members and facilitate the meeting for this Thursday.

MRS. SOETAERT: Thank you, Mr. Speaker. I will repeat my question to the minister. Given that there are staff concerns -- some have been fired; some have been suspended -- there needs to be a forensic audit at Poundmaker's Lodge. Will you commit to that? I'm pleased to see there's a meeting on Thursday, and I see that as a commitment from you, but I'd like a commitment about a forensic audit.

MRS. McCLELLAN: Well, Mr. Speaker, first, before I would ask for a forensic audit, I would want to have some basis for doing so. Let me just inform the hon. member that in 1997, in fact, AADAC and Justice, which also has some programs delivered through Poundmaker's, had a program review completed. In 1998 an external company did a management and financial review. That review raised some recommendations. Those were presented to the board, and it is my understanding the board accepted those recommendations and is in the process of implementation of those now.

As far as the audit, Mr. Speaker, there will be an audit, as there is each year, and I can tell the hon. member that there will be a financial audit done at the year-end, and it will be done by an independent auditor.

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

Justices of the Peace

MR. ZWOZDESKY: Thank you, Mr. Speaker. Alberta's justices of the peace have traditionally fulfilled a very important and vital role in the delivery of judicial-related issues at the community level. In fact, they are an integral part of the criminal justice system right across Canada, and as individuals who reside in the communities

they serve, they are very much in touch with local issues and with local people in their area. However, recent changes to the justice statutes are causing some concerns since those changes were introduced on February 1, 1999. So my questions are to the hon. Minister of Justice. Will the minister please explain what prompted these changes regarding the functions, powers, and duties of justices of the peace in our province?

MR. HAVELOCK: Well, Mr. Speaker, that's a legitimate question. It's not the first time that concern has been raised with me. So the hon. member and the Legislature actually know the changes were prompted by the Supreme Court of Canada decision Regina and Wickman. This required legislative changes through the Justice Statutes Amendment Act, 1998, which we passed last year. What that did was make justices of the peace who were performing judicial functions clearly judicially independent.

Now, the statute, Mr. Speaker, provides for a clear distinction between those justices of peace requiring judicial independence -- those would be sitting and presiding JPs -- and those who do not require such independence as they are nonpresiding. That distinction has then been translated into the functions the three categories will perform.

So the House is aware, sitting justices of the peace will hear trials primarily on minor provincial and municipal offences; presiding JPs will perform all functions requiring judicial decisions under the Criminal Code up to but not including the hearing of preliminary inquiries and trials. In order to ensure the judicial independence of JPs, the Judicial Council, which is independent of government, was given the responsibility by statute to set the qualifications required by applicants for appointment as sitting or presiding JPs. The Judicial Council determined after that review that in order to be qualified, sitting and presiding JPs must have at least five years' experience as a lawyer.

As fee justices of the peace do not meet these qualifications, they cannot be appointed as sitting or presiding JPs, and therefore they're unable to perform a number of the functions which they previously did perform. They now perform primarily administrative functions, and what I'd be quite prepared to do at a future date, Mr. Speaker, is provide the hon. member with a list of the functions that the fee JPs are now performing.

MR. ZWOZDESKY: My supplemental is to the same minister. I wonder if the minister could tell us why it's taking one day, two days, and sometimes even longer to resolve some of the cases under this new system when under the old system these cases were dealt with in a matter of hours, in pretty well all the cases in fact? What's causing some of this bottleneaking?

MR. HAVELOCK: Well, again we need to remind ourselves, Mr. Speaker, that prior to the Wickman decision we did have JPs throughout the province. They could provide a number of different functions in their local community, but due to the decision of Judicial Council and the Supreme Court decision, we had to basically centralize some of those functions because we could not have sitting or presiding JPs throughout the province. Part of the problem which the hon. member alludes to is the learning curve involved in the new process, and as well we are not providing these services at the present time on a 24-hour basis, seven days per week.

In Edmonton we are providing the services from 9 a.m. to 5 p.m. and 7 p.m. to 3 a.m. Those are the busiest times, we've determined through experience. In Calgary we're providing the services from 8 a.m. to 4 p.m. and 6 p.m. to 2 a.m. Now, these gaps in service I recognize contribute to the delay, Mr. Speaker, and once we appoint additional presiding JPs, we will be able to provide service on a 24-

hour basis, seven days a week. That's certainly the intention. It is expected that this will occur sometime in early April of 1999.

In fact, this issue was raised sometime ago by the chiefs of police at our annual meeting, and they expressed some concern. At that time I did commit to ensuring that in the future we would have 24-hour service available. It is an important issue. It has significant impact in rural Alberta, and that's why we're trying to address it as quickly as possible.

MR. ZWOZDESKY: My final supplemental is to the same minister, and, Mr. Speaker, this one is on behalf of a number of justices of the peace who have contacted me about this issue. What is this minister doing to specifically monitor the newly implemented changes, and when will he be reviewing or reassessing the impact that these changes have had or perhaps have not had on supposedly improving the system?

AN HON. MEMBER: Short answer.

MR. HAVELOCK: Well, the opposition suggests they would like a short answer. However, unlike the opposition, when our members ask questions, they want a full answer because they can take that back to their constituents, and I think it's incumbent upon ministers to give a full and complete answer in the Legislature. Thank you, Mr. Speaker. I know you're aware that's the way it works.

The new system is being monitored by ongoing discussions with the presiding justices of the peace and support staff in the bail offices of Edmonton and Calgary. We are planning to do a detailed analysis on the service provided once it has been in operation for at least three months. It is felt that three months is a reasonable period of time to allow any difficulties with the new system to become identified and resolved. Certainly, if we find that we haven't addressed all those issues, we will commit to continuing to monitor the situation.

The bottom line is, Mr. Speaker, that we would like the system to work effectively for those who need to use it at any given time.

THE SPEAKER: The hon. member for Calgary-Buffalo, followed by the hon. Member for Livingstone-Macleod.

Homelessness

MR. DICKSON: Thank you very much, Mr. Speaker. A startling report from the Homeless Ad Hoc Steering Committee in Calgary suggests that over 45 percent of the homeless population in that centre is employed and earns an average of \$7.40 per hour. The Calgary homelessness task force has projected that the number of homeless in that city will double in the next two years to 8,000 Albertans. Fast-growing cities like Calgary need action now, not some promise of a cross-government initiative on housing that might report two years in the future. My question is firstly to the Minister of Municipal Affairs. What concrete steps is this government taking with the private sector to increase the number of rentals units -- and I should say affordable rental units -- in municipalities like Calgary?

2:40

MS EVANS: Mr. Speaker, last springtime when we were aware that we had difficulty securing successful partnerships with some landlords, our staff actively researched with Calhome a number of opportunities and re-established new contacts. Presently, and spoken of by our Premier last Thursday, we are working with the city of Calgary and three management bodies, including Calhome, the Calgary Housing Authority, and the Metro Calgary Foundation, in order to assess the needs, the long-term future, and the funding

formula that would be most appropriate. For the group, the foundation for the homeless, the hon. Member for Calgary-Bow is going to be providing assistance and liaison with the Minister of Municipal Affairs in ascertaining the need, creating partnerships, and working with the people that are assessing exactly what we should be doing in the future.

MR. DICKSON: Well, Mr. Speaker, the supplementary question. Research, making contacts, assessing the need -- I want to specifically ask the minister: what action is she prepared to take to address the immediate crisis for those people who don't have a home?

MS EVANS: Mr. Speaker, a good part of the programs that are in our department are also supported by the Minister of Family and Social Services, but I'd like to just comment that we have earmarked some dollars from the Alberta Social Housing Corporation for assistance with the homeless, and we're actively working in Edmonton as well with the minister to see if there are any dollars and what the actual requirements are for the homeless. For a supplementary response I'd defer to that minister at this time.

DR. OBERG: Thank you very much, Mr. Speaker. Certainly the homeless is a tremendously important issue both in Edmonton and Calgary and as a matter of fact in other communities around the province. We are working with the Minister of Municipal Affairs to attempt to come up with the best solution.

Mr. Speaker, we are not into this for a band-aid solution. This committee that we are looking at is there to recommend longer term solutions to the issue of homelessness in both Edmonton and Calgary, as well as the rest of the province.

MR. DICKSON: My specific question to the Minister of Municipal Affairs. When you're bleeding, you need a band-aid. How many beds and how long before those are available in the city of Calgary?

MS EVANS: Mr. Speaker, I have no idea at this present moment how many homeless needs there are in Calgary. What I have indicated is that we are working both with the city and with Calhome, and if it would please the hon. member, I would table such information about the number and whether there are any further needs that are not being currently met with the programs we have in place.

Recognitions

THE SPEAKER: Hon. members, in 30 seconds we'll begin with the first of seven recognitions today, and we'll begin with the hon. Member for Highwood in 30 seconds from now.

We'll proceed in this order, hon. members: first of all, the hon. Member for Highwood, followed by the hon. Member for Edmonton-McClung, followed by the hon. Member for Calgary-East, then Calgary-Buffalo, then Calgary-Cross, then Edmonton-Manning, then Clover Bar-Fort Saskatchewan.

911 Telephone Service

MR. TANNAS: Thank you, Mr. Speaker. Today I'd like to give recognition to the hard work and dedication of emergency service personnel in the constituency of Highwood -- firefighters, police, and emergency medical service people -- who together with local municipal councils and Telus worked to bring 911 services to the towns of Nanton and Stavely in Highwood and to Fort Macleod, Claresholm, and Granum in Livingstone-Macleod. This service includes the residents of all of the municipal district of Willow Creek.

Members and all Albertans may take comfort in knowing that 911 service is now available to the traveling public who may have occasion to drive on any of the primary or secondary roads or municipal roads in this part of Alberta. This new 911 service will ensure that the right emergency service will be able to respond in an expeditious fashion.

Congratulations to Brad Mason and all the people who have made this possible for their communities.

THE SPEAKER: The hon. Leader of the Official Opposition.

Education Funding

MRS. MacBETH: Thank you, Mr. Speaker. Yesterday I attended a rally at the Lymburn public school, which was parents in support of increased funding for public education. These parents are well aware of what this government has done to public education over the past five years, well aware that even taking the 1999 budget into account the impact on the classroom is minimal.

The parents know, for example, that in the past five years the basic instructional grant has increased by 6.8 percent, compared to an inflation rate of 10.2 percent over the same period. They know as well that class sizes have been increasing in recent years, and of all the factors affecting educational effectiveness, they have asked for and identified low class size as a top priority. These parents are asking why Alberta remains the 10th in Canada and 58th out of 63 in North America for its ratio of teachers to students, why they're adopting failed methods to evaluate their new corporate philosophy and incentive funding for schools.

I want to recognize and thank the parents for their courage in standing up for public education, for the work they are doing in connecting with parents from all across our province who are equally concerned about the government forgetting the importance of public education.

Thank you.

MR. HAVELOCK: Point of order.

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

Information Rights Week

MR. AMERY: Thank you, Mr. Speaker. This week organizations across Canada will celebrate Information Rights Week. The week was initiated by the Canadian Library Association to create awareness of citizens' rights to information. This year's theme, Put People in the Picture, highlights the human side of libraries and encourages Canadians to learn more about information policy issues.

Mr. Speaker, Alberta's network of libraries is working diligently to respond to patrons' requests for information. By the end of 2000 Internet access will be available at 300 library outlets across Alberta, providing patrons with the ability to search the Internet for topics of interest to them. Libraries are also updating their collections of traditional materials, such as books and periodicals.

Mr. Speaker, I encourage all Albertans to celebrate Information Rights Week by learning more about the resources available at their local libraries.

Thank you.

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

Information Rights Week

MR. DICKSON: Thank you, Mr. Speaker. I also want to recognize

Information Rights Week in Canada sponsored by the Canadian Library Association. I wanted to draw particular attention to a concern identified by the wonderful librarians in this province, truly one of the great resources for Albertans accessing information.

Access continues to be confused with interaction and participation. Issues such as the need for training of trainers and the public, encouraging new voices in Internet content, recognition of the barriers to access for women, minorities, the poor and the under educated have received only token recognition.

This in an item posted on the Internet by the Alberta Library Association.

Many have seriously argued that the Internet would replace the skills of librarians and teachers. The education system is now under particular pressure to introduce the benefits of computer enhanced instruction and the teacher-less classroom despite the lack of strong empirical research that demonstrates the educational benefits of computers over humans.

I salute librarians and join with them in celebrating Information Rights Week in Canada.

Thank you.

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

2:50 YMCA Minority Achievement Program

MRS. FRITZ: Thank you, Mr. Speaker. This past Friday I had the honour of speaking to a group of 150 teenagers who are participants in the YMCA minority achievement program, which is also known as YMAP. This very important program offers weekly two-hour sessions on career planning, pre-employment preparation, life skills and much more. Participants are provided with valuable work experience, and many students have successfully completed their job placements and have received positive feedback from their employers. Students leave this program with a level of confidence and the ability to be successful in whatever career path they choose. I believe it is very important to support programs like the YMCA minority achievement program, which provides initiatives that build a strong foundation for our young people.

Mr. Speaker, I applaud the energy and commitment of the YMAP leaders, staff, participants, and volunteers, and I ask the Assembly to join me in congratulating them on a job well done.

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

Alberta Lung Association

MR. GIBBONS: Thank you, Mr. Speaker. It is my pleasure to stand in this Assembly to support the efforts of the Alberta Lung Association as they enter their 11th annual asthma and allergy fund-raising campaign. This year's campaign runs from March 15 to April 3, and with the dedication of 25,000 volunteers the hope is that they will raise \$1.1 million for further research and education.

Asthma is a disease that involves temporary blockage of the small air sacs in the lungs, causing difficulty in breathing and wheezing or shortness of breath. For whatever reason, Alberta has a very high rate of people suffering from this disease, and at this time an estimated 200,000 Albertans are affected by this disease. Approximately 1 in 20 adults and 1 in 10 children suffer from this potentially life-threatening condition.

As an allergy sufferer and as a person who was raised on a farm, I can understand firsthand the limitations that allergies impose upon persons in everyday life. As a parent of children with asthma I have experienced frightening life-threatening situations that one must deal with when your child is struggling for breath. Unfortunately these limitations are a constant daily threat.

What has helped decrease the trips to the emergency department is education to prevent asthma attacks and the research of new drugs to prevent asthma from occurring. I can only offer my genuine hope that the Alberta Lung Association will be successful in meeting their fund-raising goal.

Thank you.

THE SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

U of A Men's Basketball Team

MR. LOUGHEED: Thank you. Mr. Speaker, I rise today to recognize the accomplishments of the University of Alberta Golden Bears basketball team. The Bears won the western Canadian championship a couple of weeks ago and went to the nationals held in Halifax on March 19, 20, and 21.

In recognition of their outstanding season and determined play in pressure situations, they were ranked number one in the nation. Their defeat in overtime in the national championship game does not diminish our appreciation of a great effort and a great season.

There have been many great seasons in recent years under the fine leadership of Coach Don Horwood. The Bears have made many trips to the nationals and won two national titles. The good image of the university and its programs is further enhanced by leaders like Coach Horwood and dedicated players like this Golden Bears team.

Your fans and the alumni of the U of A thank you for a great season, and we're proud of your accomplishments.

THE SPEAKER: Prior to dealing with two points of order, might we revert briefly to Introduction of Guests?

HON. MEMBERS: Agreed.

head: Introduction of Guests
(reversion)

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. Today I'm pleased and delighted to introduce to you and through you to members of the Assembly a group of 27 students from Blackie school in my constituency. I started teaching in that school 37 years ago. They are accompanied today by their teachers Mr. Bill Holmes and Mr. Gary Hoffart, who are assisted by parents and helpers Claire Caswell, Michele Durand, Brenda Gillanders, Karen Green, Patsy Snider, Lydia Wakeford, Brent Gillanders, Rob Gorzitzka, Cameron Ostercamp, Eugene MacDonald, and Ron Sanderson. They are seated in the public gallery, and I'd ask them to rise and receive the warm traditional welcome of this Assembly.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I'm very pleased this afternoon to be able to introduce to you and through you to Members of the Legislative Assembly two of the key members of the Maintenance Enforcement Action Committee. Their names are Jenny Yaceyko and Rona Bliss, and they are here to watch the debate on Bill 16, the Maintenance Enforcement Amendment Act. I'm sure they're very interested in what we have to say. Could I ask them both to rise and receive the warm and traditional welcome of the Assembly.

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

Point of Order Urgency of Questions

MR. DICKSON: Thank you, Mr. Speaker. What I'm referring to is an exchange between the Member for Little Bow and the Minister of Family and Social Services. The authority is *Beauchesne* 408(1)(a), which provides that questions should "be asked only in respect of matters of sufficient urgency and importance as to require an immediate answer."

I'm referring only to questions 1 and 2. Question 1 was a question about the budget for the Department of Family and Social Services, presumably for the '99-2000 year. The second question was one about possible increases over the next two or three years.

Well, Mr. Speaker, on Friday, March 19, we had, pursuant to Standing Order 56(2) and Standing Order 56(7), four exclusive, uninterrupted hours set aside for questioning of the Minister of Family and Social Services on his three-year business plan, on his 1999-2000 budget. If the member chooses not to avail himself of that terrific remedy that's existing in Standing Orders, then he ought not to be permitted to come and take valuable question period time raising that sort of a question, to ask in terms of a potential budget allocation over the next two or three years. Clearly, in my respectful view this offends *Beauchesne* 408(1)(a).

Thank you.

THE SPEAKER: The hon. Deputy Government House Leader on this point of order?

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I'd just like to point out on behalf of the Member for Little Bow -- and I hope you would allow him the opportunity to also contribute to the debate -- that this was a matter raised by his constituents. He felt it was urgent enough to raise it in the House. It related to the existing budget, which is before this House for debate. Also with respect to future expenditures, those relate to the business plans as set out in the budget documents, and there was some degree of immediate importance and urgency.

Also, Mr. Speaker, I'd like to point out that I had the opportunity of sitting through subcommittee B, I believe, and listening to the opposition members for 20 minutes ask questions. I can assure you that a lot of the questions they asked during that process are very similar to the questions they ask in the House during question period. So if the hon. member is suggesting that he would like to restrict the ability of members on this side to ask questions on behalf of their constituents, then perhaps they should do the same. I think that if opposition members took their duties and responsibilities as seriously as the Member for Little Bow, quite frankly the calibre and quality of questions in question period from the opposition would improve significantly.

There is no point of order. The hon. member felt it was urgent. In the past questions of this nature have been allowed. I noticed, Mr. Speaker, that you did not interject, and for me that's a pretty good sense that perhaps you felt the questions were also appropriate, because I know that in the past when you felt the questions were out of line, you have certainly not been adverse to interrupting members.

THE SPEAKER: The hon. Member for Little Bow on this point of order.

MR. McFARLAND: Right, Mr. Speaker. As I recall, I prefaced my remarks to you saying, "On behalf of a number of responsible constituents in Little Bow." On Friday I was not in designated supply committee because I was in three different communities in a

constituency that's 125 miles long by 120 miles wide, and it costs me no more to represent them than the member who was asking the question of me today.

If the Member for Calgary-Buffalo is so concerned that I'm not representing my constituents, perhaps he would like to come down on a Friday and be able to meet with constituents in three different towns who have asked me to direct questions to certain ministers, which I did on behalf of my constituents from down home on a weekend. I totally resent anyone implying, either from the members opposite -- and had I had the opportunity, Mr. Speaker, I might have prefaced my remarks by saying: I was asking the Minister of Family and Social Services, not the Member for Spruce Grove-Sturgeon-St. Albert, who cares to talk instead of listening.

THE SPEAKER: Hon. members, in recent days the chair has made comment about the questions but has also indicated to hon. members of the House that he would be rather flexible with the types of questions that have been raised. The bottom line of all of this, quite frankly, is that if one very, very diligently read all the rules and the precedents that you might find in *Beauchesne* with respect to oral questions, then I daresay that few, if any, questions would be permitted on a daily basis.

3:00

Today is no different, no different whatsoever, than previous days. In fact, the chair has written down in front of him: question 2, the one from the Leader of the Official Opposition, big question marks whether or not that would fall under the budgetary process and why this would be permitted. Question 3, the one that came forward from the hon. Member for Edmonton-Mill Woods dealing with school councils among other things, again dealing with budgetary matters, and we're in the budget process, in the debate. Question 4, the one issued by the hon. Member for Edmonton-Strathcona with respect to curriculum, especially with a bill, no less, that's on the Order Paper for later today, could very, very easily have been dealt out.

In fact, the chair did not have a question mark with respect to the question raised by the hon. Member for Little Bow. It came about as a point of order. Did not have one in his notes here with respect to the type of question raised by the hon. Member for Edmonton-Riverview. Did have one, though, again a question mark, with respect to the question raised by the hon. Member for West Yellowhead dealing with infrastructure and budgetary expenditures and also in the same way to the question raised by the hon. Member for Edmonton-Manning, again on the question of infrastructure. Then he had another question with respect to the questions raised by the hon. Member for Wainwright, because basically that for the most part falls within the jurisdiction and the administrative competence of the federal government, not the provincial government. However, skillful wording again in all of these questions.

Had no question with respect to following the rules with the question put forth by the hon. Member for Spruce Grove-Sturgeon-St. Albert, but then raised questions with respect to the type of question raised by the hon. Member for Edmonton-Mill Creek, certainly again dealing with legislation before the House. There were also some questions whether or not hon. members should basically deal with questions that fall within the judicial side of government. Again, there's been some subjectivity with respect to this. So, all in all, there's been a great deal of liberty with respect to these questions.

The chair would also suggest that if one were to diligently deal with the rules, recognizing that there's some subjectivity attached to this, I daresay that instead of 12 sets of questions per day, we might be down to about three.

Let's deal with the environment which we are in right now. The hon. members have two debates ongoing before them: one, the debate on the Speech from the Throne -- granted, probably wrapped up for all intents and purposes -- and a budget debate. In essence, one could restrict any type of question dealing with anything before the current budget and also anything before any of the legislation in here. I'm not going to suggest that I'm leading anybody this way, but I would ask your imaginations really to find those three or four or five types of questions that would be appropriate for the question period on a day-to-day basis. So I'm not sure, hon. Member for Calgary-Buffalo, if you really wanted to go where you decided to go today.

Now, let's see if the hon. Deputy Government House Leader has any more luck with his point of order.

**Point of Order
Recognitions**

MR. HAVELOCK: Mr. Speaker, based on past performance I don't expect any more luck. Nevertheless, having regard to the environment in which we operate, I think it would be appropriate to give all members of the House a gentle reminder that Recognitions are to be used to recognize the contributions of Albertans to the quality of life in the province, not for political positioning. I would suggest to the Leader of the Opposition that if in the future she wishes to make any further Recognitions, she live up to the intent and spirit of the House leaders' agreement. That's the only comment I wanted to make.

MR. DICKSON: In terms of Recognitions, I've listened since the Standing Orders were changed to permit them. They have dealt with a whole range of things. The definition of Recognitions I don't see as narrowly defined as suggested by the Deputy Government House Leader. I suppose one can always talk about the tenor of these things. I think in no sense does it offend either the previous House leaders' agreement, nor does it offend the Standing Orders that we have in front of us.

THE SPEAKER: I think we're fortunate in essence to have an opportunity in our Routine to allow both for Recognitions two days per week and Members' Statements on the other two days per week. One recognizes that there's a notation in 7(6) within the Standing Orders. It basically says a one-minute duration. The position that this chair will take with respect to dealing with Members' Statements and Recognitions is that that's an opportunity for individual members to exercise their opportunities under freedom of speech, and the greatest degree of latitude will be afforded with respect to both of those items.

head: Orders of the Day

head: Government Bills and Orders
head: Third Reading

**Bill 19
Appropriation (Interim Supply) Act, 1999**

THE SPEAKER: The hon. Deputy Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I'd like to move third reading of Bill 19, the Appropriation (Interim Supply) Act, 1999.

As all members of the House realize, this deals with moneys to be voted with respect to the Legislative Assembly and government programs, including virtually all departments.

At this time I would also like to move that we adjourn debate.

THE SPEAKER: Having heard the adjournment motion put forward by the hon. Deputy Government House Leader, would all members in favour please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: It's carried.

head: Government Motions

Provincial Fiscal Policies

18. Mr. Day moved:

Be it resolved that the Assembly approve in general the business plans and fiscal policies of the government.

[Adjourned debate March 15: Mr. Yankowsky]

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview?

The hon. leader of the NDP opposition.

MS BARRETT: Thank you, Mr. Speaker. With respect, I'm going to have to indicate that I do not enjoy the confidence of the government in this motion, and I will take a few minutes to elaborate why that is. When it comes to the two main areas of government spending increases, those being health and education, I think we have to look at the track record and not look at this budget or confidence in it in an isolated fashion.

By the way, Mr. Speaker, I have tabled documents in the past prepared by our research staff which support what I'm about to say into the record at this point. When you look at actual and budgeted funding for the years 1992 through 2001, you'll see that when you compare money spent in the past with population increases and increases in the rate of inflation, on a per capita basis we in Alberta went from spending \$1,561 per person on health care to a low of \$1,315 -- that would be in the 1995-96 fiscal year -- and in the current fiscal year barely crept back up from last year's figure of \$1,525 per person to the current figure of \$1,771 per person.

If you compare the shortfalls, then, from the benchmark year to which I refer, that being 1992-93, you will see that in the years 1995-96 the per capita shortfall was \$325. In 1998-99 -- this is after the government said: we're spending like mad; we're putting money back in -- the per capita shortfall was \$220, and the current fiscal year's shortfall is \$130 per person.

Now, I believe a government member said to me when I was responding to, I think, the appropriation bill: gee, the dollars per person make all the difference in the world. I argue yes, particularly considering that many components of health care are outside the control of the government or the regional health authorities, and they are costly. Have no doubt that some of the companies that develop a lot of the technological material used in diagnostic and treatment procedures enjoy a near monopolistic presence in our marketplace and are able to charge any price they want for the equipment that is needed in a modern health care system.

Family members of those who need to be hospitalized and women in particular should not count on having any spare time soon, because the staff shortages in the acute care centres are still so severe that family members are required for purposes of helping change the pyjamas of the patient, sometimes the bedding, often assistance in feeding the patient, and there have been times, I've

been told -- I have no direct experience with this -- even assisting in getting persons in and out of traction units.

3:10

Similarly, parents of children in schools and volunteers of all descriptions should not be putting away the bingo cards yet, because the funding in education shows a similar pattern. The requirements for fund-raising for the basics in education will continue, as far as I can see, into the foreseeable future.

[Mr. Shariff in the chair]

Again, I will reference the same budget years that I did with health care and point out that after one takes into account the actual budgeted money allocated for and spent on education, the population increases, and the changes to the rate of inflation, using again the benchmark year of 1992-93, when the budget was just slightly over \$3 billion, on a per capita basis the expenditure came to \$1,136 that year. In the 1995-96 fiscal year, which reflected just about the worst of the government cuts, the per capita expenditure was down to \$1,037. Even with the certainly overstated, in my opinion, underscripted budget statements with respect to the current fiscal year, the per capita expenditure is just now back up to \$1,136. The amount needed to equal '92-93 would be \$1,289, that representing a shortfall of \$153 on a per capita basis.

Taking it down the road to the end of the projected government budget plan, we'll still see a shortfall of 8.4 percent compared to the 1992-93 budget. In the worst year of the effect of the cuts, in any event the 1995-96 fiscal year, the drop was 14.7 percent.

This is a budget that implies that it's going to give back to the people what it took away. However, it is clear that is not true. The numbers do not calculate no matter which kind of calculator you're using, Mr. Speaker.

Another thing I would point out is that the government has been extremely silent, coyly silent, on its budgeting techniques with respect to the time that the government changed in 1992 under the direction of a new leader and a new Premier. Inasmuch as for each budget year thereafter, until last year, the government's budget statements were that it was expecting a revenue shortfall and overstating the projected expenditures such that multibillion dollar surpluses were returned to -- I wish I could say general revenue -- the control of the government under strangling legislation which required them to dedicate each one of those dollars strictly, blindly to accelerated debt retirement while Edmonton was losing 47 percent of its hospital beds and while Calgary was losing 44 percent of its hospital beds, I do not find much comfort in the budget in front of us now that says, "Trust us on our three-year plan," because there is no basis in history for that trust to be offered.

To move along with respect to the government's intention in its budget plan, the introduction of the flat tax of 11 percent certainly does not enjoy the support of me or my colleague from Edmonton-Strathcona. The personal exemption increases of course are welcomed, but one does not need to combine the two in order to provide alleviation of a tax burden on the lowest income persons. In fact, I have maintained for years that the fastest, most efficient way to accomplish that objective when it is timely, meaning whenever the government says that it wishes to, would be the elimination of the worst flat tax that we've got, called the Alberta health care premiums. I continue to challenge the government to do this, but again they remain suspiciously silent on the subject.

Now, I should point out as well that in the budget speech the Provincial Treasurer used this fictional example of a Lloydminster nurse that claims she would pay \$190 less in taxes because it

compares to what she would have paid in 1996. Well, first of all, you don't compare different tax years, number one. Number two, you don't go back as far as 1996 when it's already 1999. Number three -- and here's the greatest deceit, let me suggest -- you certainly do not ignore the tax reductions of the federal and Alberta governments of the last two years before the planned tax cuts over the following two years; in other words, two years down the road. That's a shell game. It's absolutely not honest. The detailed tax table on page 129 of the budget repeats these errors, again calculating the so-called savings based on 1996 taxes paid. I do have some charts to which I will refer in a few moments to point out just how it is that the middle class will end up taking the greatest burden of this tax shift by government policy.

Let me point out first of all, just to make myself clear on this, that the only fair basis of comparison would be what the nurse would have paid under the existing regime. The existing regime. Remember that the government two years ago introduced a 1 percent cut on the provincial tax payable based upon the federal tax payable, and of course subsequently the federal government has made adjustments, which are more than welcome, I can assure you, and which didn't move towards introducing flat taxes. So you compare on an apples to apples basis.

Then I must say that I've objected since March 11, since the day the budget was introduced, to the selective tax reduction whereby those who pay less than \$860 in provincial income tax get up to a 50 percent break on their provincial taxes, with basic and spousal exemptions set at federal rates of \$7,131 and \$6,055 respectively. Now, the replacing of that selective tax reduction is being done before breaking away from the federal tax system, and I find that absolutely fascinating. Again, the two are not inherently tied, but the government seems in the interim moving closer towards it.

The real irony is that on July 1 of the year 2000, next year, the government plan cuts by half the 8 percent high-income surtax on provincial taxes above \$3,500, and a year later that tax will be eliminated entirely. But the .5 percent flat tax that everybody pays -- you know, it was that flat tax that was supposed to start getting rid of deficits -- will stay in place right up until the 11 percent flat tax is brought in. In other words, the tax breaks to the richest people are coming in sooner and at a faster rate than those who would benefit from the elimination of the .5 flat tax, which is a majority of Albertans, to be sure, but would have the greatest positive impact on the middle class and would leave relatively unaffected those earning \$100,000, \$200,000, and \$250,000 per year. This is generally a regressive move on behalf of the government, as flat taxes are themselves regressive.

The Member for Lethbridge-East, in addressing either an appropriation bill or the budget a few weeks ago, called it a proportional tax, and I like that language. I think that does aptly describe what flat taxes do.

Now, let me just find my table here so I can give you some concrete examples. For taxable incomes of \$10,000 the tax decrease under a flat tax would be \$132. This is good news, but you do not require a flat tax to do this; all right? At \$20,000 your tax decrease comes to \$140 a year. Again this is not much. You know, we're talking in the order of \$20, \$22 a month.

3:20

The next group of people, at \$25,000, are going to enjoy an incredible tax windfall of \$9 per year. Oh, boy. They are, I'm sure, ready to take to the streets in excitement over that. However, let's just go to the \$80,000 benchmark. With \$80,000 taxable income that person will enjoy tax relief of \$521. That's the largest amount so far that I've mentioned. Ah, but it gets bigger and dandier for the

rich. At \$100,000 your tax savings will be \$1,185. And at \$250,000, a quarter million dollars a year, earners will enjoy a tax benefit of \$6,106. So let me just describe to you, then, who's paying the biggest price, who's enjoying the smallest decreases in their Alberta tax bill. It is those whose earnings are between \$25,000 and \$70,000 a year.

MS BLAKEMAN: That would be the middle class.

MS BARRETT: That would be the middle class. Absolutely.

So it is on that basis that I could enumerate number after number -- we have so many studies on this -- but I don't think I need to belabour the point that a flat tax is unfair. If you want to give tax advantages to the middle class, certainly do as the government is doing, or as is planned, in increasing the personal tax exemption, but get rid of the current flat tax at .5 percent and, as I say, eliminate -- what? -- close to \$50 million in administration alone by getting rid of the Alberta health care premium. Easy as pie.

Mr. Speaker, I will say that the revenue projections appear to be a little more reasonable than in the previous few years, when they've been severely underestimated. That was deliberate, of course, because the government wanted to say: oh, we're broke; we're broke; we have to cripple your education and health care system because we don't have any money. Except they were funneling billions of dollars -- one year \$3 billion; I mean, that's 25 percent of the entire budget forecast -- funneling that back into accelerated debt retirement against the wishes of the population, who initially were told in 1992 and the '93 election that the government would like to retire the accumulated debt over a period of up to 25 years, which seemed pretty reasonable. Hey, a half billion dollars here, \$500 million here, pretty reasonable considering the size of the budget. But when you consider what they were doing with that money at the expense of health care, education, and, yes, infrastructure and other needed public services, I say the government was wrong.

However, as I have acknowledged, I do believe that the revenue projections are finally close to reasonable. And remember; I served in this Legislature for seven years, between 1986 and 1993, when the government's budget projections on revenues were always significantly lower than what the government stated they would be and expenditures were higher. So we seem to have gone from one extreme to the other in this regard in this budget.

It would appear that two-thirds of the health care spending will be going to the RHAs, with most of the rest going to physicians at what looks to be a 6.4 percent increase in their fee-for-service schedules and to improve drug benefits and ambulance services. I cannot miss this opportunity to make a pitch again for a provincewide ambulance system that is operated under one administrative authority directly by the government so that, number one, we do not have additional administrative expenses coming out of the ability for ambulances to respond on time as much as possible and, number two, of course by having more hospital beds reopened and not having to constantly be rerouted because of red alerts. A provincewide ambulance system would solve a number of problems, including jurisdictional ones.

I'm really very concerned about social services as well, Mr. Speaker, because of what appears to be an increase in Family and Social Services of about 3 percent over 1998-99 actuals. This raises serious questions about whether the new regional authorities will be adequately resourced. The government is claiming an 11 percent increase, but that's compared to budgeted amounts, not forecasted amounts. So if you find out that the difference between the two is X million dollars you are needing to spend on support for individuals who need help, then you don't, again, compare the apples and the oranges.

The reality is that this is a 3 percent increase, not an 11 percent increase. This government, when in its mean-minded years was not just cutting in health care and education but actually cutting back on what was already a miserly amount of money going to persons requiring supports for independence, imposed further cuts. If you need any proof at all about the quality of life that the poorest people endure, please, any time, any government member, give me a call. I'll give you a tour of the inner city of Edmonton, and you can see where these people live.

MRS. SLOAN: We've already done that.

MS BARRETT: That's right. I did it a long time ago too, actually, and did a video as well. It didn't make any difference to the government though. That was in 1987 that I did a video of the inner city and brought it to the Legislature and said: see; these people are not enjoying the quality of life that they should because our social allowance rates are too low. Government responded after 1992-93 by further reducing the social allowance rates and offering people a one-way bus ticket to British Columbia, which I understand many took up.

Well, Mr. Speaker, I'm out of time. Thank you for the opportunity to address this motion.

THE ACTING SPEAKER: The Minister of Justice and Attorney General.

MR. HAVELOCK: Yes, and thank you for remembering who I am, Mr. Speaker. I'd like to move that we adjourn debate on Government Motion 18.

THE CLERK ASSISTANT: Under Government Bills and Orders . . .

MR. HAVELOCK: Don't we have to vote first?

Oh, wait a sec. I move the government motion be passed then.

THE ACTING SPEAKER: Does the Attorney General and Minister of Justice have an amendment, or is he reclarifying his position?

MR. HAVELOCK: No, Mr. Speaker. I was just interpreting the clerk's actions as not requiring a vote, so I thought I'd go straight to the motion being passed, but I guess you still need to vote on the adjournment.

THE ACTING SPEAKER: Having heard the motion by the Minister of Justice and Attorney General, does the Assembly agree with the motion?

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: So ordered.

head: Government Bills and Orders
head: Second Reading

Bill 16

Maintenance Enforcement Amendment Act, 1999

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

MR. DUCHARME: Thank you, Mr. Speaker. It is my pleasure to move second reading of Bill 16, the Maintenance Enforcement Amendment Act, 1999.

In June 1998 the MLA review committee released its report. As members know, the MLA review examined problems associated with maintenance and child access in Alberta. When we looked at access enforcement, we looked at existing family law and made recommendations for basic changes. The Minister of Justice has made two commitments for child access. First, he agreed there should be a review of the fundamental principles of the law and a consolidation of family law in Alberta. Mr. Speaker, that process is under way. Second, he agreed that the government should introduce legislation to help parents enforce access orders. That legislation will be introduced later today.

When the MLA review examined maintenance enforcement, we had the advantage of being able to work with an existing program. We concluded that the maintenance enforcement program was invaluable, an important program that the government should continue to support on behalf of Alberta's children and families. However, we also concluded that changes were needed to the structure and operation of the program. Legislative changes were also required to help the program improve its collections. Here again the minister made a commitment to make those changes.

Mr. Speaker, the maintenance enforcement program continues to change the structure and procedures based on the MLA review committee's recommendations, and it is my pleasure to help improve the program through Bill 16, the Maintenance Enforcement Amendment Act, 1999.

The main purpose of the bill is to improve the collection of maintenance payments so that we can increase financial security for Alberta's children and families. This bill has three components, Mr. Speaker. The first increases the program's enforcement power. The second addresses questions of equality and equity. The third component includes some administrative changes that make the program more efficient.

3:30

I will first deal with the component that will provide important collection tools to the maintenance enforcement program. Too often child maintenance is not being collected despite the best efforts of the program. Too often debtors find ways to avoid their maintenance responsibilities. The MLA review committee heard this complaint from many people, who all pointed out the need to expand the program's powers for dealing with defaulting debtors.

At present debtors can avoid maintenance obligations in a number of ways. They can move or change jobs frequently. They can create corporations and use them to divert income or assets so they can claim to own nothing, and they can use family members and friends to shelter assets and income streams. One of the most common problems comes up when the program takes away drivers' licences and other motor vehicle privileges. Presently, Mr. Speaker, the program can only revoke a defaulting debtor's licence when it comes time for renewal every five years. When it comes to vehicle registration or drivers' abstracts, the defaulting debtor is only denied those services the next time they are requested. In other words, at present there's normally no immediate effect on the debtor when the program imposes a motor vehicle restriction.

Where time lags for revoking drivers' licences were a problem in the past, this act allows the program to react quickly to default by canceling an operator's licence after 60 days in default. This act will also allow the program to reinstate driving privileges under certain conditions. In other words, Mr. Speaker, debtors will not be able to avoid licence cancellation by making payment arrangements, only to

default again once licence reinstatement occurs. If this happens, this new act makes it possible to revoke the licence again in short order.

In addition, debtors will no longer be able to rely on corporations to shield their assets and income. This act will allow the program to pierce the corporate veil where appropriate so that property and funds held by corporations on behalf of defaulting debtors can be applied to maintenance. Similarly, debtors will not be able to avoid their court orders by simply having family or friends shield assets on their behalf. Under this act the program will be able to examine defaulting debtors under oath about hidden assets. The program will also be able to ask the court to intervene where third parties shelter assets so the assets can be used to cover maintenance arrears.

One of the challenges commonly faced by the maintenance enforcement program is finding debtors who move or change jobs often. The program may find debtors, only to have them move again once they realize they have been tracked. The program may locate an employer, only to have the debtor quit employment once a wage garnishee has been issued.

Mr. Speaker, we cannot expect our maintenance enforcement program to be able to locate all debtors or find all employers, assets, and incomes. There will always be some people who manage to work under the table or stay one step ahead of detection. However, there will be fewer of those people with this new legislation. With Bill 16 the program will be able to advertise for debtors when they cannot be located. This includes using the Internet and other technological advances to disseminate information. This also includes the ability to seek information from financial institutions, employers or past employers, and trade unions.

The new act gives the program the right to ask for debtors' social insurance numbers, addresses and phone numbers, plus contact information for employers and financial information concerning the debtor.

Mr. Speaker, a common complaint heard by the MLA review committee was that other people are assisting some debtors in evading their maintenance responsibilities. Bill 16 allows the court to use its direction in compelling others to provide information that will help with collecting maintenance payments.

Mr. Speaker, the last additional enforcement tool I wish to comment on is the expansion of the effect of garnishees. On occasion the maintenance enforcement program has been able to locate defaulting debtors and even their income stream but has still been unable to collect. There exist certain types of income which the program has not been able to garnishee in the past due to legal restrictions. These include income obtained from billings under the Alberta health care insurance plan, income from the Workers' Compensation Board, and income from pensions in receipt. It was frustrating for the program and creditors alike to know that these types of payments could escape collection. I'm pleased to say that this act will open up new avenues for garnisheeing income, leading to more collections on behalf of families.

As I mentioned earlier, Bill 16 also promotes equity and equality within the program, and it addresses some housekeeping issues. I would like to take a few minutes to address the items which deal with equity and equality before concluding with the administrative items.

In consulting with clients and staff of the maintenance enforcement program, the MLA review committee discovered a few inequities which needed to be addressed. One such problem is that all creditors could register their court orders with the program. There was no provision for debtors to register with the program. Bill 16 addresses this unequal treatment by permitting any debtor to register with the program.

The MLA review committee also discovered that Alberta's

program could not legally recognize garnishee documents issued by other provinces. For example, although British Columbia was honouring the Alberta maintenance enforcement program's garnishees, Alberta could not honour B.C.'s garnishees. That situation is remedied in this new legislation which empowers Alberta's program to recognize maintenance garnishees from other jurisdictions as long as they are similar to ours.

Another problem was discovered that put Alberta creditors at a disadvantage to their counterparts in some other provinces. For example, an Alberta creditor could make a private maintenance agreement with a debtor, but Alberta's program will not enforce it because it is not a court order. At the same time, a Saskatchewan creditor makes a private agreement with a debtor which Saskatchewan does enforce because it enforces private agreements. The Saskatchewan debtor moves to Alberta, so Alberta's program enforces the private agreement made in Saskatchewan because of the reciprocal enforcement agreement between provinces. Meanwhile, the Alberta creditor is getting less service from the Alberta program than the Saskatchewan creditor. This unfair treatment of Alberta creditors is resolved in the new act. In the future private maintenance agreements which comply with the regulations will be enforced by the maintenance enforcement program for Alberta creditors.

Finally, some administrative changes also arose out of the MLA review. The idea behind these amendments is to promote efficiency and speed of action within the program. One administrative matter gives the program the ability to directly issue garnishees and to set out conditions and fees for effecting substitutional service. Others clarify the powers of court masters in default hearings as well as the powers of the court in ordering stays of enforcement. Still others limit the liability of the director of maintenance enforcement, the government, and all government staff in carrying out their duties under the Maintenance Enforcement Act. Of course, these parties must be held accountable where they have acted maliciously and without reasonable and probable cause. However, unless those elements of malice and disregard for reasonable and probable cause are found, there will be no liability. This is important for the effectiveness of the maintenance enforcement program, as it must be free to use all available tools for collection and enforcement wherever possible without concern that spurious lawsuits may result.

So, Mr. Speaker, Bill 16 is an important piece of legislation that will allow Alberta's maintenance enforcement program to work better for Alberta's children and their families. It will provide them with better financial support, and that is our main goal. I urge all members of this Legislature to give Bill 16 their full support.

Thank you, Mr. Speaker.

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

MS BLAKEMAN: Thank you, Mr. Speaker, and thanks for the enthusiasm of my colleagues. I'm pleased to be able to speak on Bill 16 today, the Maintenance Enforcement Amendment Act, 1999. In a few words, it's about time and it's badly needed.

The year 1999 marks the 10th year of my involvement with the maintenance enforcement program, so I must say that I am glad to see the remedies that are being put forward in this amendment act. They do not solve all the problems, they do not go far enough, but I am pleased to see what is indeed included in this bill.

The maintenance enforcement program started in 1985. I believe the original draft of the act was called the maintenance recovery act because the purpose of it was to recover the court-ordered maintenance to pay back the government for money paid out to ex-spouses who were now on welfare. That's what it was called in those days.

And why would those ex-spouses be on welfare? Well, they didn't get the maintenance payments. So the files were transferred from social services to the new maintenance enforcement program, and I remember that at the time there was a good deal of havoc in transferring tens of thousands of files over and getting them entered into a new database and all the organizational and structural problems that came with that.

3:40

I think the biggest issue that I noticed in the very beginning of the program was that it really was not sensitive to women. It was not set up to deal with women. It was set up to recover money for the government. This caused a lot of hardship because women had been led to believe, I think from some of the literature that was available, that this program was to help them. It wasn't. It was really just to get the money to pay the government back. In the beginning days women couldn't even get information by phone. They had to get a PIN and then write a letter to try and get some information on whether there would ever be any maintenance payments coming to them. So we have had improvements little by little along the way for the maintenance enforcement program.

I know that all of you have had maintenance enforcement clients come into your office, whether they be creditors or debtors. Every single legislator in this Assembly has experienced that. There are always difficult stories from people. I can remember meeting with women who were owed tens of thousands of dollars. One woman I can remember clearly was owed \$80,000 in arrears; another woman, \$100,000 in arrears. That's money that did not go to her children. That was money that she was struggling to pay herself and going rapidly into debt on. I have to keep underlining that point, that that's money that was owed to those children. Again, I think the situation has improved, but we still have the household income of the creditors, the custodial parents, dropping substantially. I think there's still an argument that debtors' personal finances rise after the separation or breakup of the household.

Some of the traditional problems that I've seen with MEP included creditors, usually women, who couldn't get information on the status of the file. Was anything happening? Was anything likely to happen? Creditors were required to come up with intimate details about their ex, and I challenge anyone in this House to be able to produce from memory drivers' licences, bank account numbers, passport numbers, all kinds of really intricate and complex information. You're no longer living with this person, so how are you supposed to get that information? Sneak into their house at night and go through their wallet? It was a ludicrous situation, and it to a large account still exists.

Enforcement of reciprocal agreement cases. We really did need enforcement with teeth here. How would we get the debtors to pay if they didn't want to? There have to be deterrents, I think, included in the legislation. As the hon. Member for Bonnyville-Cold Lake mentioned, there are too many accounts of debtors quitting jobs, taking self-employed jobs where income is difficult to track or to confirm, hiding assets with girlfriends or boyfriends or parents or under a company or corporation name. I think the debtors were able to use every loophole society had about respecting a person's private affairs and exploited it to the utmost to avoid paying maintenance. Once again I'll remind you: this is for the children.

Improvements that we've had in the past included federal co-operation to get at pension assets, income tax refunds, even RRSP contributions. We still had maintenance enforcement lawyers going to court on behalf of the government but not on behalf of the women on variance orders or default hearings. The courts tended to dismiss the arrears owed to women but not the arrears subrogated to government.

Just to give you an example, let's say that we have a debtor who

hasn't paid their \$400 court-ordered maintenance for years, so they now owe \$50,000. The creditor, probably the wife, was on welfare for a period of time, so some of these arrears are deemed to be owed to the government. Let's say \$20,000 was racked up while she was on social assistance; \$30,000 would be owed directly to her. What we'd have is a case where the maintenance enforcement lawyers would argue that the government's \$20,000 in subrogated arrears should not be dismissed. The man is saying that he has a lower paying job; he can't afford the arrears; please be reasonable. The court forgives the \$30,000 owed to her but maintains that he pay the \$20,000 owed to the government. So problems, problems, problems.

We know that the government commissioned a KPMG report some time ago, and while the government won't release it, it's now been leaked so many times that it might as well be public. I don't think there was much response, and little or nothing was done on that.

Obviously this has continued to be an issue of great concern to me. I continue to raise questions in this Assembly, and I think as a result of one of those questions we did get the minister calling for an MLA review. Compliments to the Minister of Justice and to the Member for Calgary-Lougheed for actually doing the review. So now we have a bill that's incorporating the suggested . . . [interjection] Well, credit where credit is due. We have a bill incorporating suggested legislative changes. There's still much to be done in the regulations, program structure, and management, but I'll come back to that.

The Member for Bonnyville-Cold Lake has in a fairly thorough manner gone through what the changes are in the bill and how they address the problems. But if I may be allowed, it does recommend that maintenance enforcement remain in the public sector. Good. Although maintenance enforcement is essentially a collections agency, it needs to be publicly managed, because as soon as you push it off into a privatized agency, at some point that company is going to have to start taking a cut out of the maintenance payments in order to be making a profit as a private company. So with our court-ordered payment of \$350 and not one penny less that's supposed to go to the child, all of a sudden you have a private corporation needing to take a cut of that in order to stay in business. So it is important and it is a major tenet that this remain a publicly managed company under the auspices of the government.

Other recommendations included reviewing the legislation to deal with the licence suspension so it could be used faster. Yes, thank you very much. We know that the suspension of the licence has been one of the most effective tools available to the director of maintenance enforcement to be able to encourage -- and I'll underline that -- payment of arrears and to encourage debtors to make regular payments.

Piercing the corporate veil -- also thank you; long needed, long awaited -- to recover maintenance from a company where it's being used to hide the assets. Also the ability to give courts the power to get financial information from people financially connected to the debtor. The idea of reporting chronically defaulting debtors to the credit bureau. Charging debtors for the cost of enforcement in appropriate cases: this is meant to be, you know, chronically defaulting, no wish to co-operate kind of people. That is using an enormous number of resources out of the maintenance enforcement program and the staff that are there just to chase down a small number of people, so I think it's quite appropriate to include that.

Also allowing the option of letting debtors register under MEP, because I certainly know -- I've had them in my office, where a debtor has been faithfully making payments under an agreement, and then they find out that the person receiving the cheques wasn't registering that. All of a sudden maintenance enforcement is on

their back saying: you haven't paid them in years. Well, yes, they did. They paid faithfully every month, but they can't prove it. This would allow that debtor to register under the program and therefore have all of those payments registered.

Now, a couple of things that were in the MLA review that did not turn up in the legislation. Examining different methods to identify or search for debtors who knowingly avoid paying, including web site identification, public advertising, publishing names of chronically defaulting debtors. This doesn't seem to have been done, certainly not the web site or the public advertising. In some places, in some states, literally there are deadbeat dads on the side of milk cartons as a way of publicizing that these people are defaulting on their obligations to their children. So I will question the sponsor of the bill as to why the choice was made not to include that.

Also, clarifying the powers of the court regarding a stay of enforcement granted against MEP. I have a question as to whether the MLA review recommendation 25, advising the Legislature to set up a statutory right for the director of MEP to be appointed as a receiver of rents, was done. Is this included under another section? I haven't seen it spelled out. If it is not included in any way under what we've got in this legislation, what were the reasons that this recommendation was not incorporated?

3:50

Maintenance enforcement should be about the speedy recovery and transfer of maintenance payments from debtor to creditor, and the creditor is the mother or father in trust for the children. We need better public education on the responsibilities of having children. You are responsible for these children for 18 years, and I think we need to put that expectation forward. If you're going to play, you're going to have to pay.

The government put some resources into the program itself, the staff, the resources available. The legislation is useful, and there are a number of points that I've already brought up saying that it's a move in the right direction, but I'm wondering what is happening with the program. If the program is not operating to its maximum, this legislation is going to be very difficult to actually put in place, no matter how wonderful the legislation is. So are we hiring a sufficient number of qualified, experienced staff? Do we have staff that are experienced in collection? Do we have the number of staff that has been determined is appropriate? What has been done to make the program more accountable to both creditors and debtors and the public?

This in some sectors would be called customer service. After all, society foots the bills if these debtors do not pay up, and that's part of the public education. I think for a long time we've thought of maintenance enforcement as, well, some private business between two parties. It isn't. Default in maintenance enforcement affects all of us. We have children and families in poverty. We have children that perhaps are going to school hungry. I don't know. But that certainly affects all of society. It costs every single taxpayer when we have a child living in strained financial circumstances or perhaps in poverty as a result of not getting maintenance enforcement.

One of the underlying philosophies of this bill which has taken me a long time to come around to -- and I'll admit that, but I think the change is a good one -- is that of moving away from the adversarial male against female, that has underlaid this program from the beginning. I came to this issue because it was an issue that affected primarily women, but I have been convinced that the best way to view this issue is: the best interest of the child. We get away from that adversarial, male/female kind of fight: "I'm not going to pay you maintenance unless you give me access. I'm not going to give you access unless you pay me maintenance." This is totally

detrimental to the best interests of the child, and we need to move away from that as quickly as possible. The point is that that maintenance should be paid. It's court ordered; it should be paid. It should not be attached to whether or not someone is getting access. They are absolutely separate points.

[The Speaker in the chair]

I was lucky enough to meet with the maintenance enforcement action group, some of whose members I introduced earlier today. Again, as I listened to those people tell their stories of why they can't seem to be successful in working with the maintenance enforcement program to recover their maintenance enforcement payments, there are some continuing issues there that we've not been able to deal with.

Reciprocal agreements: we've got a long way to go, that Alberta does not have reciprocal agreements with more countries than it does. That is a huge issue for us. It doesn't help us if we have a mother and child in Alberta trying to get a maintenance payment from somebody in Fiji or Australia. That's an Alberta kid that is not getting money here. In order to build the trust with those reciprocal agreements, we're going to have to do the same thing on behalf of agreements that are coming from somewhere else to Alberta. We've got to get on that one.

The whole idea of hiding assets I think is addressed in this bill. I guess time will tell, but we need to be vigilant about that one.

Also, the hold that supports for independence seems to be able to get over women. Once they're on supports for independence, there is: you must tell us the name of the father of the child; you absolutely have to. So there's a certain lack of privacy that happens there. There are a number of other strange arrangements or expectations that can happen as a result of being on supports for independence and having that kind of lock on you and on your behaviour, locking you into an ongoing relationship with an ex-spouse or perhaps it's even a current spouse that you don't really want to have anything to do with. But because the government wants to recover its own money, it locks those two people in together, whether they like it or not. I think that's an area that we have to continue to look at.

I also have a note from someone that phoned in to me who was mentioning that we should have a location law like the U.S.A. I think what they're talking about here is mobility rights. It is an issue that we need to continue to talk about, and I encourage that discussion to go on.

Now, I'm sure I must be getting near my time.

MRS. SOETAERT: Two minutes.

MS BLAKEMAN: Thanks.

There are a couple of other things I'd like to bring up. I think it would be a huge improvement for the collection of maintenance enforcement but also for custody, child access, all kinds of things if we could finally get a unified family court system in Alberta. A lot of people have spoken to this. It would really streamline and make things a lot less adversarial and painful. Please, can we get on with this one? It's perfectly doable.

The last point I'd like to make is that we're now looking at improvements in the legislation. I've put forward some questions on what's happening with the program and the regulations that implement the legislation. There's a lot to be done there still. We have not addressed at all the issue of what happens in the larger court proceedings where women are forced to go back to court over and over and over again to answer default hearings or request for variance orders and they just get beat down. They don't have the finances.

Legal aid runs screaming in the opposite direction whenever you raise any kind of a family law issue with them. They don't want to fund these women for this stuff; they want nothing to do with it. So the women are paying out of their own pockets for a full-price lawyer. They just can't afford to keep doing this, back to court over and over and over again. Finally they get beat down and give up. This is not what we should be looking at in Alberta as part of a healthy system that's supportive of families, especially when I look at this government and their purported support for families. Come on. Let's get with this one. We can do better than this.

So with those few comments I think I'm right on my time here. I am looking forward to continued debate as this bill moves through the different stages of reading. I know that a number of my colleagues are eager and enthusiastic about being able to speak to this bill. Oh, yes, my goodness, they're enthusiastic. So I will give way, then, and allow them to speak to it as well.

Thank you very much, Mr. Speaker.

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

MR. MacDONALD: Thank you, Mr. Speaker. It's a pleasure to rise this afternoon and make a few comments on Bill 16, the Maintenance Enforcement Amendment Act. It is not only a difficult subject for us in this Assembly, but it's a difficult subject for many Albertans.

We have to live with the whole idea of marriage breakdown. I don't have to tell any members of this Assembly that the first people that are affected by this are of course the children, if there are any from the marriage. They must be the first concern of any law. I would like to thank the hon. members who worked very, very hard on the maintenance enforcement review. It must have been very difficult to go from place to place across this province and hear firsthand the stories that people, I'm sure, told regarding their experiences with maintenance enforcement.

4:00

I understand that the whole issue of child access and the debate on that is to come at a later date. I'm looking forward to that because there are many people in my constituency who have a great deal of concern about that. On a weekly basis people come to our office, and they want to talk about their experience with maintenance enforcement.

This party has been calling for changes to the Maintenance Enforcement Act and the programs for a number of years. I believe that this legislation is basically, Mr. Speaker, good legislation, but I question whether it goes far enough. There are many recommendations in the MLA review, and I don't see them in this legislation. However, in almost every case following a marriage breakdown or separation of parents, the standard of living of the children and the custodial parent drops dramatically. A properly enforced and legislated system of child maintenance would bring immediate relief to thousands and thousands of Alberta families. That, I believe, should be one of the primary objectives of the maintenance enforcement program.

My colleague from Edmonton-Centre talked about the mobility of the workforce. I believe that one thing that has not been considered in past legislation is that many people in this province work outside the city or the town or the hamlet in which they reside. They may, for instance, live in Sangudo and work in High Level. Many times they're away from their families for a long period of time, and in the event of a marriage breakdown sometimes that mobility is not reflected in the access or maintenance payments.

Some workers work seasonally. Sometimes they have very big

paycheques at the end of the month; sometimes they don't have as much. These are difficulties that I find with constituents coming into our office. Through no fault of their own they cannot meet their commitments. We have to also look at people who do shift work. People who do shift work sometimes have difficulty meeting their commitments. If I'm told by my boss that I must work in the afternoons, I have to come in: I was going to see my children after school today -- my children are ages seven and eight -- but I'm afraid I have to work.

These disputes that occur because of these changes in the workplace have to be able to be resolved between the parents without going to a lawyer and getting some changes. With all due respect to the hon. Minister of Justice and his chosen profession before he entered politics and the Member for Calgary-Buffalo as well, we should encourage individuals to resolve their differences without the use of lawyers. It is very expensive, and a lot of people cannot afford that. This is something that we have to look at closely whenever we're drafting legislation, the dispute resolution mechanism that's going to be used whenever there's a breakdown in communication between the parents. It is usually regarding access but sometimes maintenance payments because of changing conditions in the workplace.

These are some of the issues that I see with this Maintenance Enforcement Amendment Act, and I'm going to be looking forward with interest, Mr. Speaker, to other hon. members of this Assembly and how they address that issue.

Thank you.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I'm pleased to be able to speak to the amendment act. A few years ago when I was the women's issues critic for this caucus, maintenance enforcement was one of the most frequent calls we had in our constituencies. It's a heartache across this province. I think it's maybe a hidden heartache that doesn't get any press, and a lot of people don't realize that there are a lot of hurting people when it comes to maintenance enforcement and a lot of hurting children.

The reality is that when a family breaks up, the children must be cared for. The children must be financially cared for, and the arrangements that are made have to be followed. I know that it is difficult sometimes for a government to enforce, but that's no excuse to avoid doing it. So I'm glad this piece of legislation is here, and I think it will address some of the concerns. I know the Member for Bonnyville-Cold Lake mentioned that maybe you can't catch people all of the time, but you certainly should try for those who are avoiding the law.

It's interesting. You know, a few years ago when this was amended, the Member for Calgary-East was the sponsor of the bill, and I expressed concerns over revoking the licences. I remember expressing concerns. Now I find out a few years later that it's been a good tool, and I'm pleased by that. I guess my concerns maybe were unfounded. One of the things that still happens, though, is that the people at the licence bureau are often the ones caught in a dilemma or by angry debtors, who often will want to take out their frustrations on the person revoking the licence -- not revoking the licence; just simply informing the person, "Hey, sorry you can't renew your licence; I guess you haven't paid your maintenance payments." So I expressed concern over that.

I'm not sure how this will be implemented, the 60-day implementation, but I see that as a good move, because if you had just gotten your licence renewed, it was a five-year wait before you could

address that issue. This way, within two months we'll be able to address the maintenance enforcement issue, and that is good.

Some of the things in this bill are interesting. One thing I hadn't thought of that I'm pleased to see in here is that it adds the provision for a debtor to "file the order with the Director." In other words, if the debtor has been paying but that hasn't been acknowledged, that debtor will have some sort of recourse.

I guess, Mr. Speaker, just generally speaking at second reading, I'm glad this is here. I see it as giving more tools to some organizations to get information about the debtor. I've seen situations where a farmer has virtually sold his farm to his father for a dollar and has been able to avoid payments, yet the entire community knows that that farmer still owns that property and is still making money. So I'm hoping that the more tools we are given, the more ways we can make sure that children are being taken care of.

I'm pleased to see it here. I'm wondering about some of the regulations that will come forward: the staff qualifications, their abilities to investigate I think maybe being made clear in regulations. I see some things that were recommended at the response to the MLA review, the recommendation and the action that is being taken. That will be interesting information for my constituents who come to my office and say: "Where am I at? What else can I do?" I see that as good information that I can get to them, and I appreciate that.

I appreciate the Member for Calgary-Lougheed's work on this. This is not an easy job. She's done a lot of work on it, and I appreciate that. We have submitted briefs to her, and in fact I've had constituents who have. So I appreciate that this has come forward. I think we have a few more tools at our disposal, and maintenance enforcement will be able to do their job a bit better. I hope that we always strive to see what else we can do to make sure that we don't have children who are hurting in this province just because their parents are not together.

Thank you very much, Mr. Speaker.

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

4:10

MR. DICKSON: Thank you, Mr. Speaker. Just something that I'd add to the commentary that's already been shared by other members of the Assembly. When I look at Bill 16, I guess the one thing that I wanted to see addressed was section 22, the process around the default hearing. The issue that's been identified by so many people to me, including some masters -- default hearings typically aren't held in front of a justice of the Court of Queen's Bench of Alberta. They're typically held before a master. There's a lawyer there representing the director, there's the defaulting spouse, and what happens -- and I've been involved in doing this myself when I practised law -- is that there is a cross-examination of the defaulting party.

But, you know, you can't cross-examine somebody in terms of saying: so what bank accounts do you have, and will you produce your records? The reality, at least in my experience, is that the lawyer acting for the director of maintenance enforcement typically doesn't have the opportunity to review those records, whether they are bank records or books of account. It's more complicated if it's a private corporation. Somebody comes in with virtually a shopping bag full of receipts and bills and canceled cheques. The problem is that the lawyer acting for the director of maintenance enforcement just doesn't have time to sort of review this and then craft the kind of specific, narrow questions. What happens, at least in my experience, is that the cross-examination of a defaulting spouse at a show cause hearing often tends to be inadequate. It's not because the lawyer acting for the director of maintenance enforcement isn't

competent. It's just the reality. There isn't enough preparation done in advance of that show cause hearing to make it work.

It's fine to have the remedies that say that the defaulting party has to provide bank records and books of account and business records and that sort of thing, but the reality is that if there is not opportunity and someone who is able to do that investigation -- and the comment has been made to me by one master, in particular, who said: really, we could probably increase our recovery 30, 40, 50 percent if there were an investigator assigned to work with the director of maintenance enforcement so that at that show cause hearing you have some information against which the evidence of the defaulter can be tested, and you can have, hopefully, a thorough cross-examination.

When you think about it, Mr. Speaker, in any other case where cross-examination takes place -- and cross-examination is the most powerful tool we've ever discovered to get at the truth, but cross-examination only begins to realize its potential if there's adequate preparation in advance. We're depriving the director of maintenance enforcement the opportunity to be as well prepared as that person can and should be.

While I see changes in Bill 16, I don't see that issue being addressed. Now, if I've missed it, if it's in Bill 16 and I just don't see it or if there's some corresponding promise to go with the bill that's going to address that -- I was Justice critic from 1992 until about 1995, and it seemed to me during that time period we talked about it, and each year it'd be the sort of thing where the Minister of Justice would say: well, we'll look into that. Well, you know, here we are in 1999.

You know, in some respects, not to discount the changes that are here, because I think they're positive, the single most powerful thing I believe we can do to reduce default rates, to increase recovery of court-ordered support is to ensure that the default hearing is made more effective. How do we do that? Well, the powers are there in terms of asking the questions. What doesn't exist is the ability to be able to ensure that the cross-examination is as thorough, as penetrating as it ought to be. So I'm disappointed we haven't moved on that. What I'm talking about probably could even be achieved without legislative change, but it's got to be addressed. Until it is, maintenance enforcement just becomes a ghost of what it could be for those people who have support orders and need to enforce them.

So I wanted to make that observation. I know that there are other colleagues who want to speak to the bill as well. In the 22 years that I practised law and most of that family law, the thing I found was that the justice system in lots of ways conspires maybe unwittingly to ensure that support obligations that are ordered by the court aren't adequately and vigorously enforced. There are lots of reasons for that, but I think we still have some distance to go. I think the suggestion I've made yet again in terms of providing more tools to the director of maintenance enforcement regarding show cause hearings is still the most important thing that we can do, and I'm disappointed that that's not addressed in Bill 16.

Those are the comments I wanted to make, Mr. Speaker. Thank you.

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

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased this afternoon to rise and offer some preliminary thoughts with respect to Bill 16, the Maintenance Enforcement Amendment Act. It is commendable that the government has brought this initiative forward subsequent to the MLA review on maintenance enforcement and access, which was led by the hon. Member for Calgary-Lougheed.

I, as my other colleagues have noted, have also had a substantive number of constituents who have had for the most part not a very

pleasant experience with this system in the past and have sought on several occasions the assistance of their MLA in attempting to navigate the process and all of the apparent dead ends that have existed.

I think that this bill does effectively shut some of the doors that were previously accessible to an individual who wanted to abdicate the responsibility with respect to their children. Really, that is what the maintenance enforcement program is about, facilitating and supporting parents and realizing that each has a legal and moral obligation to support their children, regardless of what may happen in terms of their relationship, be that formally or informally or through their marriage.

A couple of experiences that my constituents have had. One had the experience where her spouse was utilizing his new girlfriend to have his employer pay his cheque to that person and was subsequently telling maintenance enforcement that he had no assets to provide support. On several cases what I was astounded by was sometimes the level of debt that had been accrued in this program. If I were to offer a critical analysis of the bill: I don't think that it provides the relief to those people who have accrued a large amount of debt in this program. I don't know what mechanisms will assist in the recovery of that money for children's support.

4:20

In another case the woman's husband had moved outside of Canada, and we were talking in this particular case, I think, \$40,000 or \$50,000 in funds owed. That is another circumstance that this bill, Mr. Speaker, doesn't address. If the debtor, the person who is to pay money under the maintenance enforcement agreement, leaves the country, I do not believe that the bill as it is proposed has the necessary teeth to require that. I do know that in section 13 the government has proposed a change to recognize other jurisdictions' notices of continuing attachment in the same manner that B.C. currently recognizes Alberta notices. I believe there's another section that is proposed on that very same point within Canadian provinces.

But what happens if the person moves to the U.S. or, as in the case of this one, the debtor had moved off the continent? The agreement is still binding. The mother, in this case the creditor, as the bill would recognize that person, the person entitled under the order to receive money, was in absolutely no position to follow and collect the money owed from this person. It doesn't appear that this bill will address that type of circumstance, and that's regrettable.

Some of the positive aspects of the bill are certainly in relation to the enactment of the debtor's vehicle licence being canceled if the agreement is in default. I think that is an enormous improvement over the previous legislation, and it should provide the necessary incentive, if you will, for someone to honour their agreements under the act. Other aspects of the bill that are positive are the provisions which will allow directors to locate information from financial institutions, employers, trade unions. This relates back to the circumstance I spoke about with one constituent, where the debtor was having all of his assets, his income channeled through a third party. I believe that the amendments proposed do in fact provide that.

One of the other realities, which I'm not sure this bill can address, in my opinion, is the shortage of staff within maintenance enforcement. I acknowledge that that is something that only a budgetary allocation perhaps could address. One of the things that we have been struggling with also in the enforcement of this act is a chronic underfunding with respect to both human and supportive resources to this department. I have not reviewed the Justice budget in detail as yet, whether or not there are accompanying allocations.

MR. DICKSON: We'll see that tonight.

MRS. SLOAN: Yes, we will see that tonight.

Whether we'll see an accompanying allocation in the budget that will support the monitoring and enforcement of this bill, that is something which is yet to be seen. I trust we'll have an opportunity at third reading to perhaps bring some of that information forward.

The amendments proposed that amend the powers of the court and clarify the relationship between the court and the director I believe do offer some additional clarity. Previously we've had the powers of the court provide for an order or a stay to be set out in relation to garnishment, but there are no guidelines respecting stays or any other enforcement procedures. That definitely was another experience from my constituents that was not satisfactory, and hopefully this additional amendment will provide some relief in that respect.

One of the things that we seem to lack a great deal and that I would be very interested to know overall is what percentage of children in this province are covered by maintenance enforcement agreements and what their status of living is. I know, again from experience with constituents, that some mothers are placed in a position where they do go on social assistance, and then when they do get a maintenance enforcement cheque, the department claws back that amount from their social assistance cheque. I would be very interested to know what the overlap is that exists in that area. It's not something in Family and Social Services that there has been any reporting of at all. I don't know whether or not Justice has provided for any accounting of those statistics.

It seems to me that we have sort of a recurrent theme of this government repetitively voicing their concerns about the increase in health expenditures in this province, and I would submit, Mr. Speaker, that this is another example of where the health status of the vulnerable, in this case vulnerable children, is put at risk because the government has not previously allowed for the enforcement of the maintenance enforcement program or has adopted the policy that they will regressively claw back maintenance enforcement cheques from social assistance allowances that these families might be receiving. It seems to me that what that does cumulatively is it does end up redirecting or off-loading, if you will, some of the costs that could be avoided and places them on our health care system.

Those are some of my initial thoughts on this bill. I am very pleased to see it come forward. It's a good attempt. I think there are still additional steps that could be taken that would further strengthen the provision of this program. Perhaps at third reading we may even see that there are amendments come forward, perhaps even from the hon. government members, to provide that necessary strength.

In conclusion, Mr. Speaker, thank you very much for the opportunity to make those comments this afternoon.

THE SPEAKER: The hon. Member for Calgary-Montrose?

The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. I was looking forward to the comments from the hon. Member for Calgary-Montrose.

It's with pleasure that I rise this afternoon to speak to Bill 16, the Maintenance Enforcement Amendment Act. In my constituency office this is an act that has been reviewed. It has been anticipated. Some of the constituents and others from across the province have also reviewed this particular piece of legislation as well in trying to understand the changes that are going to be made with regards to maintenance enforcement. As the Speaker and others in this Legislative Assembly are well aware, maintenance enforcement is one of those areas on which constituents come to us on a regular

basis to see if we can help them with their particular situations. In the past I have talked about some of the constituents who have come asking for assistance with regard to their ex-spouses or partners who have not followed the enforcement orders that have been placed upon them.

4:30

If I look at a statement that I made in the Legislative Assembly a while ago, there was one situation where an individual is supporting herself and her children on a disability pension. The arrears at that time totaled approximately \$35,000, and that's with past arrears having been forgiven. In another situation the arrears had grown to a phenomenal \$80,000. The debtor resided in B.C. and was able to shelter his assets and income, and therefore the ex-spouse was unable to access those maintenance payments. With another individual the arrears were currently at that point \$18,000, and only after our office made some phone calls to maintenance enforcement did the department actually begin to push for payment from that individual's ex-spouse.

As I indicated earlier, we know that these are not isolated situations. As a matter of fact, they occur all too often within our province. It is paramount that the needs of the children be considered first, that chances to the delinquent payer be diminished, and that in fact the delinquent payer understand fully that the weight of the law will be after the particular individual if in fact he or she does not pay as is required by the maintenance orders.

The legislation that has been put forward has had a fair amount of consultation with individuals across the province and does attempt to address a fair number of the issues that were brought to my attention. In fact, I must give credit to the Department of Justice for having followed up with a particular group that started within my constituency office. It's the Maintenance Enforcement Action Committee, that has had calls and discussions with individuals from across the province. The main function of this particular committee is to help to lobby for policy change. The committee is in fact a group of custodial parents who have formed this lobby group to propose changes with the MEP, and I know they have been in discussions with the minister's office.

Some of the complaints they had were that there is "very little jurisdiction in where and how they can obtain information on a debtor's employment activity," that self-employed defaulters have in the past been "virtually untouchable," and that "there is no means of tracking employment activity, unless they actively file their income tax." It quite amazes me, Mr. Speaker, the number of individuals who do not file income tax and who willfully become unemployed so that they can avoid payment under a maintenance court order. There is the issue of the corporate veil and the powerlessness of individuals who are owed dollars by the debtor and the inability to pierce that corporate veil. "Creditor's access to information from their file at MEP is limited," and maintenance enforcement "does not utilize the policies [that are at its fingertips] within the Maintenance Enforcement Act that would [actually] lead to the imprisonment of chronic defaulters."

The goal of this particular group is to ensure that maintenance enforcement "can be effective in obtaining child support" and to ensure that there's "cooperation between all parties with the implementation of new and improved policies." Now, we have in front of us Bill 16, that attempts to address some of those very issues that the Maintenance Enforcement Action Committee had put forward as their goals.

In fact, when we look at the different areas that have been addressed within Bill 16, we find that a business organization is now defined, and it allows for the director to acquire specific information

such as SINs, home and business addresses, phone numbers, and financial information. The director can apply to the court for an order to disclose that information, and this is a welcome amendment to the current act. The director can advertise in any form that's seen fit in an attempt to locate the debtor. A general question is whether that means that there can actually be a newspaper ad that is put forward with regard to the advertisement for locating the debtor. The director can register a debtor in an organization such as the credit bureau or provide information regarding arrears, and this is also a welcome amendment to the act.

There are some issues with regard to some of the changes that have been made with Bill 16 and whether or not in fact the director is answerable for all the decisions that he makes with regards to the options that are provided on the operator's licence and whether there can be any leeway given with the cancellation of that operator's licence.

A key question, however, still remains with regard to Bill 16 and the intent, and that is: how in fact will the director ensure that the debtor does comply? What happens when you have a debtor, as in the situations that I outlined earlier, who has willfully refused to pay for a large number of years, has worked the system to the debtor's advantage, and that debtor still doesn't comply? The department has in the past been very reluctant to enforce the section of the act that deals with incarceration of debtors who do not pay, and there's still a question with regard to this act as to what in fact happens. At what point does the debtor recognize that the department is serious in following the provisions within the act?

Also, there's a time line that's questionable as well. Because the debtor provides information regarding the debtor's financial affairs, as I indicated, debtors in the past have been reluctant to file tax returns, have been reluctant to file that information. How much time will actually be provided so that the debtor doesn't drag out a process that is already dragged out?

Now, I'd like to state also that when we look at the requirements under the Maintenance Enforcement Amendment Act, these are requirements that are for individuals who do everything in their power not to pay. For those individuals who need a little push, who are willing to pay, then this act obviously would not apply. For those individuals who may try and see what they can get away with and where the director says, "This is what's provided, and you'd better pay or else these are the penalties that arise," then this, again, is a useful piece of legislation. But the real crux of the legislation, the real test for this legislation is: what happens with those debtors who consciously, who consistently do everything in their power not to pay? As I indicated, it is only the children that suffer when that occurs, and there may still be the ability to make the legislation just a little bit tighter so that for those who willfully want to abuse the maintenance enforcement orders, there are no loopholes available for those individuals to do so.

4:40

One of the areas that deals with that specifically as well is the regulations. What happens in terms of the fine for the chronic defaulter? You know, in theory the idea is good. But in actual fact what happens with the regulations? Where does the balance come when there is money that's owing for fines but also money that's owing for child support? Who gets the money first? Is it the maintenance enforcement program part of it, or is it the creditor? Obviously the creditor, who potentially is getting the money for child support -- my position would be that the creditor has full access to those dollars before maintenance enforcement does.

This goes back to the comment: how do you ensure that the legislation addresses those who we know will try to find that

loophole within the legislation? There is, unfortunately, no mention in Bill 16 of a special unit for the purpose of working on the chronic defaulters. There needs to be a special unit to ensure that the chronic defaulters are not able to find that loophole. The judicial system has to be prepared to enforce the bills and court orders that are put forward. Again, in my constituency office and I'm sure in others across the province we all too often see the case where in fact there is a court order, where subpoenas have been issued, and the individual is nowhere to be found. They seem to disappear and go underground, and they can't seem to be found.

There has to be a special group as well -- and perhaps this is more administrative -- within maintenance enforcement that deals with those individuals who unfortunately have become regulars, those individuals where it's not good enough to pick up the phone and go through the intake process time and time again, that there be an actual worker assigned to the individuals who have the cases that are five inches deep. So when they want to find out about something that's happening on their particular case, they have the name of the worker, and they can in fact access that worker directly.

Now, I know that when I talked to I believe it was the director of maintenance enforcement and suggested that there was a concern with confidentiality of the worker, I don't see that as being so much an issue, any more so than with any other area of providing services to Albertans in need. I think that is one area that perhaps cannot be addressed in the bill, and I may have to look and see if there may be a spot for it. I think in fact that is an area where I would hope the administration would follow up and ensure that those individuals who are obviously having trouble with the system because the system cannot meet their needs do not have to have a different person each time that they phone.

The bill itself as well has some forward movement with regards to the collection of maintenance. I've outlined some of the areas where there could be a tightening, and when we go through the legislation clause by clause, I'm more than willing to point that out clause by clause.

There's a question, and actually I probably have addressed it earlier with the licence and the discretion the director has with ensuring that the licence be reinstated and what needs to be ensured. What I find happens -- and again you are probably seeing this within your constituency offices as well -- is that it gets to a certain point where the debtor realizes he can't go any further. He then starts to make some payments. He'll make one payment, he'll make two payments, he'll make three payments, and then as soon as the threat of incarceration, the heat, so to speak, is off the debtor, what ends up happening is that the debtor then stops paying, and the whole process starts again.

I don't see where that's particularly addressed in the bill to ensure that you do not have that loop start over and over and over again, that in fact what ends up happening is that there is a process where if the debtor does not pay after he makes a commitment to pay, immediately after that payment is missed, the full weight of the law, the full weight of the court system is placed on that individual to ensure that he recognizes that there is somebody watching him. I think that is very key to the cases, at least that I've seen, that seem to go on forever and ever and in actual fact do nothing to ensure that the children are being taken care of in a manner that is consistent with the orders of the court.

I think those are some of my general comments. As I indicated, I have some specific comments with regards to the individual clauses within the bill and would appreciate some feedback from the member who's brought the bill forward with regards to some of those issues that I did bring up.

Thank you very much.

THE SPEAKER: The hon. Member for Bonnyville-Cold Lake to close the debate.

MR. DUCHARME: Thank you, Mr. Speaker. I'd ask for the question.

[Motion carried; Bill 16 read a second time]

Bill 17
Quality Assurance Activity Statutes
Amendment Act, 1999

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

MR. DOERKSEN: Thank you, Mr. Speaker. I'm pleased today to move second reading of the Quality Assurance Activity Statutes Amendment Act, which of course amends the Alberta Evidence Act and the Freedom of Information and Protection of Privacy Act.

One of the most important priorities of our health system is to ensure that each patient receives the highest degree of patient care and to find new ways to further improve patient care throughout the province. Mr. Speaker, the amendment to the Alberta Evidence Act is about improving patient care without diminishing professional accountability by ensuring that quality assurance reviews will continue to be carried out in an environment that encourages full and frank discussion. This can only occur if the confidentiality of such reviews is ensured.

4:50

Mr. Speaker, under section 9 of the Alberta Evidence Act there are certain quality assurance activities that are now protected. This is a protection that has existed for many years. The participant in such a review process is not allowed to testify in court regarding the deliberations of the review committee, and records relating to the proceedings are not admissible in court. These provisions protect a process that has long been recognized to be in the public interest. If members of that quality assurance committee could be compelled to testify or if documents relating to such a review could be accessed, health care providers would be reluctant to serve on such a committee. The extension of freedom of information protection to health care bodies on October 1, 1998, raised concerns that the protection historically afforded to quality assurance activities might be compromised by the rights of access contained in the freedom of information legislation.

In October of 1998 the cabinet approved an amendment to the FOIP regulation -- I'll refer from now on to the Freedom of Information and Protection of Privacy Act as FOIP; I think we mostly understand what that is -- that would allow section 9 of the Alberta Evidence Act to take precedence over the FOIP Act until October 1, 1999. This temporary measure was requested by the medical community and supported by the ministers of Health and Labour and the Information and Privacy Commissioner.

Section 9 of the Alberta Evidence Act historically applied only to physicians. This amendment also recognizes the multidisciplinary approach required in modern-day health care delivery and clarifies that quality assurance records cannot be accessed under FOIP or a freedom of information request made under FOIP. Prior to the amendment of the FOIP regulation, the possibility of disclosure, that records relating to quality assurance reviews might be accessible, had a significant impact on medical staffs throughout the province. If this amendment is not passed, physicians may not be willing to participate in these important processes, and we will lose a very important tool in improving patient care.

I would like to emphasize that this amendment ensures the

continuation of an existing process without reducing the accountability of health care providers. This amendment does not limit the processes and remedies available for complaints against health care providers, nor does it limit a patient's right to access their medical records to deal with such complaints.

With that, Mr. Speaker, I will take my seat and listen to the other comments.

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

MR. DICKSON: Thanks very much, Mr. Speaker. A good amendment but about six months late. As the member for Red Deer-South has mentioned, the Freedom of Information and Protection of Privacy Act applied to regional health authorities October 1 of 1998. The Member for Bonnyville-Cold Lake will certainly remember that he and I were both on the health information steering committee, created by the Minister of Health, that was looking at health information in a broader context. He and I were also on the freedom of information and protection of privacy review committee, and he will remember that there were a number of concerns expressed in meetings going back at least to September 1998.

At that point, Mr. Speaker, the Calgary regional health authority critical care review committee in effect ceased operating. They ceased operating because they could not get assurance from the provincial government that members participating in that would be protected. The difficulty is this. Physicians were understandably concerned that if they participated in a critical care review committee, if there were an incident in a hospital, it may mean in fact that you were possibly sitting in judgment on some of your colleagues, the men and women you work with every day and will continue to work with after you participate in a review perhaps of something they've done or not done.

I remember having meetings with representatives of the Calgary medical staff association in the late summer or fall and also with members of the Calgary regional health authority who said: there's a problem here, and if something isn't done before October 1, 1998, this committee is not going to be able to function. Those concerns were duly relayed to the Minister of Health. In fact, I wrote the Minister of Health on September 2 expressing my concern, and the Minister of Health wrote me back on September 24 saying that they were reviewing this whole issue and that there was a review under way between Alberta Health and Alberta Labour reviewing certain suggestions made also by the Privacy Commissioner, the access commissioner, who also was worried there was a problem. In fact, it was September 10, 1998, that the Information and Privacy Commissioner recommended to the Minister of Labour and to the Minister of Health that section 9 of the Alberta Evidence Act be made paramount.

Well, nothing was done. In fact, in the Calgary region the critical care committee -- I can't say it disbanded, but they just didn't meet anymore. It was not in fact until October 28, almost a month after freedom of information started to apply to regional health authorities, that the government reacted. What they did then was move the amendment mentioned by the sponsor of the bill. They moved the FOIP regulation amendment, which made section 9 of the Evidence Act paramount. But that wasn't entirely satisfactory either, because section 9 of the Alberta Evidence Act talks about a witness in a subsequent proceeding, and the wording is cumbersome. It's a bit awkward as well.

I have to point out, Mr. Speaker, that if we go back and we look at the news release that the government produced on October 28, what they said then was that

this amendment will continue to ensure that quality information is

presented during the medical review process, a practice that promotes quality patient care without reducing the accountability of health care providers.

That was the quote from the Health minister.

What is interesting is that that news release went on to say:

The Health Information Protection Act, currently being developed by Alberta Health, will address access to, and the protection of, health information. The new Act is expected to be introduced in the Legislature during the Spring 1999 session.

Now, the fact that this bill is coming in now, I don't know whether that means we're not going to see the health information bill this spring or whether the minister has undergone a change of mind. There's some question in terms of why it wasn't done in the fashion in which the minister indicated it was going to be done on October 28, 1998, in his news release.

The health information steering committee, that was chaired by the Member for Calgary-Glenmore and had the MLA for Bonnyville-Cold Lake on it as well as this MLA, did an analysis of this that resulted in a recommendation, and the recommendation was this. It's on page 35 of the report of the steering committee.

- In principle, quality assurance and peer review information should be protected to enable health authorities and health professionals to conduct effective peer review and quality assurance activities.
- A legal working committee should be established to determine the exact provisions to be included to protect peer review and quality assurance activities and the most appropriate legislative framework for those provisions.

The steering committee went on to say that they recognize that "the Alberta Evidence Act provisions may require review in light of fair information practice principles and health system management needs."

So what we had was the steering committee acknowledging that you have two competing interests that you're trying to balance in a bill like this. On the one hand you have a principle that says that it's important that physicians and health care professionals not be discouraged, that indeed they should be encouraged to come forward. If there's a death in a hospital in some strange situation, we don't know if there's some issue in the hospital. I think it's really important that we find out as quickly as possible what happened so that if there is some kind of a problem, it can be remedied. On the other hand there's a public interest in knowing. There's a public right to know. If there's a serious problem going on in a hospital, then Albertans deserve to know that too. How do you balance these two interests, Mr. Speaker? The recommendation was to deal with it not in the Alberta Evidence Act but to deal with it in a separate way, and that presumably is why we see the bill that's in front of us.

5:00

I know that the Minister of Energy is probably saying to himself right now: how do they do this in other provinces? How do they manage this issue in places like Ontario or Manitoba? I want to try and answer that question right now, Mr. Speaker. In fact, what we see in other provinces is that the provision is even somewhat wider.

In Manitoba the personal information act protects peer review by health professionals, and a standards committee established to study or evaluate health care practices and risk management assessment are all protected.

In Ontario the draft Personal Health Information Act protects quality improvement information, and that's defined as information created in the course of a quality improvement activity carried out by or directed by a quality improvement committee or the participation of any individual in the quality improvement activity. Quality improvement activity is defined as an activity where the objective is

to improve the quality of health care provided to individuals.

In Saskatchewan, the other province that has dealt with this in an interesting way, they have a draft health information protection act. We haven't seen legislation, but that was going to protect peer review by health professionals, review by a standards committee established to study or evaluate health services practices and risk management assessment.

There is an issue, Mr. Speaker, in terms of how Albertans view this whole issue. I've seen a focus group report that was done asking Albertans how they felt about this issue. What was interesting in that focus group report was the note that in terms of peer review, it was deemed that consent by individual patients would not be necessary if the information is viewed by other physicians. Some of the people in the focus group I'm referring to wanted consent whether the information is personally identifiable or not, because they wanted to be informed that their doctor was being reviewed, which is sort of an interesting take on this. In terms of the quality assurance of hospitals by regional health authorities, there was some hesitation about nonphysicians reviewing identifiable information in records.

The Energy minister has to get a new sign. He's got to get some fresh material.

Mr. Speaker, we talked a little bit about what Albertans think. While I support the bill and I'm going to be voting for it at second reading and I encourage every member in this Assembly to vote for it, I'm going to suggest three possible amendments to the Member for Red Deer-South that he may want to consider.

The first one is: let's recognize that by putting in this additional provision of section 4 of the FOIP Act, you may be taking very sensitive, very personal health information about individual Albertans, and you say the normal rules don't apply to them. Now, that's fine for purposes of the peer review or the critical review, but what happens when that information is finished? What happens in terms of how those records are disposed of? If you have sloppy record disposition, you have what we saw in the old Bow Valley centre, where we had a lot of personal psychiatric records that were discovered there by workmen. They should have been shredded. They should have been properly disposed of, but they weren't.

So one of the amendments would be: let's say it's okay for a critical care committee to review these kinds of records, but there should be some requirement in terms of destruction, disposal after the critical care committee has done its work. I'd say: who could have a problem with that? It just means that we allow that peer review to be done, but then we make sure that those records aren't circulating widely around. Once they go in front of the critical care committee, they come out from under the protection of the FOIP act. Presumably they will come out from the protection of HIPA if we see the daughter of Bill 30, a further iteration of Bill 30, back again.

When I look at the bill and I see the provision in section 1(2) -- this would be the new section 9(1)(b)(iii), on page 2. This means that a quality assurance committee is not only something appointed by the regional health authority, not only something appointed by the Cancer Board, the Provincial Mental Health Advisory Board, or the board of an approved hospital but also anything "designated by an order of the Minister of Health as a quality assurance committee for the purposes of this section."

Now, the current Minister of Health would never stoop to this, but if you had a weak and spineless Minister of Health who saw that there was something happening in a hospital that would cause him some political embarrassment, would it not be awfully attractive to rush out and designate that committee quickly under this provision in the act so that a big cloak of secrecy comes around whatever sort of review is going on? You know, it may be opposition paranoia.

It may be that we spend a long time worrying about these what ifs, but, you know, Mr. Speaker, somebody's got to do it.

I'm not sure that sort of suggestion has come forward before, so I want to offer it. I want to offer it to the Minister of Justice. I want to offer it to the bill sponsor. I'm going to share it with the Minister of Health. If there are good and compelling reasons why that's not necessary, please tell us why. I think it's too broad to make this provision in terms of a designation by the Minister of Health.

The third amendment I want to propose. We extend this to operators of a nursing home. Well, the last time I looked, operators of a nursing home, mindful of the banner waved at me by the Minister of Energy a scant few minutes ago, are private business people. Are they not, Mr. Minister of Energy, through the Speaker? They're private business people. It's one thing to say that in critical care committees working in a public facility these kinds of things can go on, but nursing homes are privately owned, privately operated.

DR. WEST: Nineteen of them.

MR. DICKSON: There's probably one in the Minister of Energy's constituency. I suspect that the Minister of Energy's constituents, if there was something untoward that happened in one of those nursing homes in his constituency, may want to make sure that there's a rigorous investigation. They may want to be able know what happened. There may be some good reason why the findings of that should be accessible. I haven't resolved this in my own mind entirely, Mr. Speaker, and once again I'm open to debate on whether this should be an exception or not, but it does cause me at least to ask the question.

So those are the three amendments I see in what otherwise is a welcome bill, albeit six months late. I'm going to be interested to see how the government responds to those particular issues.

With that, I think I have some colleagues who may have some perspective to offer on this as well. Thank you very much.

5:10

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

MRS. SLOAN: Thank you, Mr. Speaker. My, my, such a lineup to talk to a bill this afternoon. I'm pleased to provide some preliminary thoughts with respect to Bill 17, the Quality Assurance Activity Statutes Amendment Act, 1999.

I won't be quite as enthusiastic as the hon. Member for Calgary-Buffalo. I do acknowledge that there are some positive aspects of this bill. However, I don't really understand, and I have not been afforded any report. On the bill we were talking about just previously, maintenance enforcement, the government released a report following consultation, and contained within that were recommendations for amendments to legislation. But in this particular case we really are not provided with much other than the verbal introduction given by the sponsoring member as to why this is coming forward.

I guess I'm not convinced at this stage of the debate, Mr. Speaker, that the quality assurance activities as conducted by a hospital or the Cancer Board or the Mental Health Advisory Board would in all cases be in the best interests of justice to be exempt from the Evidence Act.

I think I can recall, not in recent memory, a fatality inquiry within this very city surrounding the death of a child. It was with respect to the utilization of a medication, morphine, if I recall correctly, and the inappropriate ordering in fact of that medication which subsequently resulted in the premature death of the infant. Now, we have also had a recent case in Manitoba at an institution in Winnipeg where nurses were identifying, again, questionable medication

practices. It would be my understanding that quality assurance could within their mandate review those types of practices by an institution. If in fact we had an instance where perhaps there was not just one death but perhaps multiple deaths relating to the application of a particular policy, medical protocol, medication protocol, why would we want those reviews to be exempt?

I'm not saying that things shouldn't occur in proper course, but it would seem to me that if there were reasonable cause to suspect that the quality assurance committee had in fact examined in detail how that policy was applied, then why would the court not be afforded that as evidence, Mr. Speaker? Just to restate, I have really been given no rationale to the contrary from the government to explain their rationale in this regard.

Now, particularly when you look at the amendments as proposed to section 9 -- the bill says that a quality assurance record will mean

a record of information in any form that is created or received by or for a quality assurance committee in the course of or for the purpose of its carrying out quality assurance activities, and includes books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records.

So we're talking about quite a wide array of materials. The hon. Member for Calgary-Buffalo did allude to the potential misuse of this application, and he cited the example of potentially a minister in government seeing something that was occurring in an institution that was politically volatile, wanting to somehow silence that, and quickly constructing a process. I believe the hon. member said that he was intending to bring forward an amendment to address that, and that would in my opinion provide a great deal more strength to this bill.

One of the interesting contrasts to the quality assurance process is to examine the role and function of the province's own Alberta Health Facilities Review Committee. If we were to make the argument that the quality assurance review and everything contained within that definition I cited would be exempt from the Evidence Act, would it not be that the facilities review committee in conducting investigations and producing reports, et cetera, could make a similar argument that they should be exempt? And really then, Mr. Speaker, what avenues does not only the court but the public have that are not wrapped in this cloak of secrecy, an impenetrable cloak of secrecy?

Of course the practices of the Health Facilities Review Committee in the last year have caused more than this hon. member to be concerned about whether or not that committee actually functions separate and apart from the political process. I'm sure I do not need to remind hon. members that in fact the ability of elected representatives to even identify questionable practices or environments that are not conducive to the provision of safe care . . . [interjections]

I was wondering if you'd notice that I'd stopped talking. Your conversations were going on so . . . It's amazing that there can't be more thoughts commented on the business at hand, Mr. Speaker, than . . . [interjection] Have no doubt, Minister of Justice, I am awake and focused on the business at hand.

MR. HAVELOCK: I am too. I'm listening to every word you're saying.

MRS. SLOAN: Thank you very much.

The other area of concern, Mr. Speaker, with respect to Bill 17 is the regulations that will follow these amendments. I do not have a great deal of confidence that regulations, again, will be written in such a way that they protect the public interest and the interest of due process and justice. As is the process with the legislation, we

are never afforded, as the opposition or even as the public for that matter, to see the intended regulations that the government plans to accompany the legislation until much after the legislation has been proclaimed. So those are other areas that justification is not adequately provided within this bill.

It's interesting, as well, to note that the activities with respect to the College of Physicians and Surgeons and the Alberta Association of Registered Nurses, organizations who conduct as a legislated responsibility the review of their members' practice and also undertake initiatives with respect to continuing competence -- they are exempt from the definition of a quality assurance committee. So in essence that means that a disciplinary or investigative case conducted by the College of Physicians and Surgeons and the AARN would be completely accessible through the Alberta Evidence Act while the internal quality assurance committee of an employer in this province, Mr. Speaker, would not.

5:20

I question the discrepancy. We are talking in both instances about personal information. Certainly in the cases that would be before the physicians and surgeons and the AARN, we would be talking about the practice, the conduct of individual members, so that's not exempt. But the review of practices within a health facility would be. Again, I need more justification as to why that discrepancy exists in this bill as proposed.

I appreciate the opportunity to provide those comments, Mr. Speaker. I will reserve in relation to my actual position on the bill at this stage, but hopefully we will see some amendments the hon. Member for Calgary-Buffalo has provided. At this time I'm prepared to adjourn debate.

THE SPEAKER: On the motion to adjourn the debate put forward by the hon. Member for Edmonton-Riverview, would those in favour please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The debate is adjourned.

The hon. Deputy Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. In light of the hour I move that we call it 5:30 and that the House reconvene this evening at 8 in Committee of Supply.

THE SPEAKER: On the motion put forward by the hon. Deputy Government House Leader, would all those in favour please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: Approved.

[The Assembly adjourned at 5:22 p.m.]

