

Legislative Assembly of Alberta

Title: **Monday, May 17, 1999** 1:30 p.m.

Date: 99/05/17

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon. Let us pray.

At the beginning of this week we ask You, Father, to renew and strengthen in us the awareness of our duty and privilege as members of this Legislature.

We ask You also in Your divine providence to bless and protect the Assembly and the province we are elected to serve.

Amen.

Please be seated.

head: Introduction of Visitors

THE SPEAKER: The hon. Minister of Intergovernmental and Aboriginal Affairs.

MR. HANCOCK: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to members of the Assembly the ambassador of the Republic of Madagascar, His Excellency Rene Fidele Rajaonah. I would like to welcome His Excellency to Alberta on his first official visit since his appointment in 1994 and as the first representative of Madagascar to visit our province. Madagascar is one of the world's largest islands, a beautiful country that has significant yet unexplored growth potential. The ambassador, in meeting with me earlier today, indicated a keen interest in mining and mapping and expertise that might be found in Alberta in those particular areas. Our trade with Madagascar has been limited, but we hope that his visit will identify many other potential areas of cooperation between Alberta and Madagascar.

Nous vous souhaitons, M. l'Ambassadeur, un tres bon sejour dans notre province. Would the ambassador please rise in the gallery and receive the recognition and warm welcome of the Assembly.

THE SPEAKER: The hon. Minister of Intergovernmental and Aboriginal Affairs.

MR. HANCOCK: Yes, Mr. Speaker. It is also a pleasure to introduce to you and through you to members of the House a group who met with me in the company of the hon. Member for Calgary-Fort on Friday and met with you today. These are members of the group called Burma Watch International. Through people like these the world has become more aware of the ongoing fear and violence and repression facing the people of Burma.

A few years after the 1988 military coup the vast majority of Burmese people cast their votes for the National League for Democracy. Nine years later those legislators have yet to be allowed to take their seats, an issue about which all of us as legislators in democratic institutions must be concerned. In December of last year on a visit from some of the members of their government in exile I wrote to the Hon. Lloyd Axworthy encouraging support of Canada's position urging the military regime in Burma to engage in substantive political dialogue with the leaders of the democracy movement for the purposes of allowing those legislators to take their seats and establishing democracy in Burma.

I'd like to introduce to you and through you to members of the Legislature today four representatives of Burma Watch International: Dr. Alice Khin, director; Yi Yi, secretary; Aung Than, member; and someone whom others in the House will recognize, Mr. Jim Gurnett,

a former member of this Assembly. I'd like to commend them to the warm attention of the House.

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

MRS. O'NEILL: Thank you, Mr. Speaker. It's my distinct honour today to introduce to you and through you to members of this Assembly two very distinguished guests who are seated in your gallery. The first is Mr. Jock Fyfe, who was a member of the Berlin airlift. Fifty years ago the largest humanitarian airlift in history took place as the Berlin airlift supplied vital necessities to 2 million West Berliners by air transport. Mr. Jock Fyfe, who is a resident of St. Albert, is here today and has been honoured in Berlin just recently for these wonderful acts in bringing supplies to the people in need. The second distinguished visitor is Mrs. Myrna Fyfe, a former MLA for St. Albert, from 1979 to 1986. She is accompanying her husband Jock today. I would ask both of them to rise and receive the warm welcome of this Assembly.

head: Presenting Petitions

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I'd like to present a petition today signed by 168 people from Thorhild, Newbrook, Waskatenau, Redwater, Egremont, Wainwright, Camrose, Edson, Grande Prairie, Mayerthorpe, Cold Lake, Drayton Valley, Hinton, Red Deer, Sherwood Park, and St. Albert. These are people who are urging 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, another one of the SOS petitions.

MR. DICKSON: Mr. Speaker, I'm delighted to present a petition this afternoon that I was handed by organizers of a rally in Calgary on Saturday, a cold, wind-swept afternoon. Four hundred and ninety Calgaryans signed this petition urging

the Government to increase support for 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 very much.

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

MS OLSEN: Thank you, Mr. Speaker. I, too, would like to present to the Legislative Assembly another SOS petition that states:

We the undersigned residents of Alberta, petition 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.

This is representative of people from Edmonton, Stony Plain, Leduc, Ardrossan, Sherwood Park, St. Albert, Wetaskiwin, Millet, and Beaumont.

The final total is 15,853, and, Mr. Speaker, that's almost three times the number of people living in Barrhead.

Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. I have a petition for funding of midwifery in Alberta signed by 654 Albertans, all the way from Calgary to High Level and all the towns and villages in between. They "want the choice of midwifery care to be available to all women and families in Alberta. As consumers of health care and as taxpayers, we want midwifery funded in our province."

MRS. MacBETH: Mr. Speaker, I too wish to table names of over 500 petitioners from right across Alberta urging that "the choice of midwifery care be available to women and families in Alberta." I table these on behalf of the midwifery association.

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

MS BARRETT: Thank you, Mr. Speaker. I have two petitions today. The first is signed by 106 Albertans urging the Legislative Assembly to, amongst other things, "strongly condemn racism and all other forms of discrimination."

The second petition, Mr. Speaker, is signed by 375 Albertans calling on the Legislature "to urge the Government to introduce a Bill banning the establishment of private, for-profit hospitals."

head: Tabling Returns and Reports

MR. DAY: Mr. Speaker, I'm pleased today to table answers to written questions 119, 130, 131, and 171 as well as motions for returns 116, 120, and 121. These written questions and motions for returns cover questions related to Treasury Branches, Vencap, and Centennial Food.

I'm also pleased to table today answers to questions that were raised by members of the Liberal Party and the ND Party during the budget estimates, and this is in the ongoing promotion of accountability and transparency. I appreciate their good questions, Mr. Speaker.

MR. PASZKOWSKI: Mr. Speaker, I am pleased to file with the Assembly six copies of each of my responses to written questions 4, 24, and 34.

THE SPEAKER: The hon. Minister of Education.

MR. MAR: Thank you, Mr. Speaker. I'm tabling the requisite number of copies of the response to Written Question 42, posed by the hon. Member for Edmonton-Strathcona.

1:40

THE SPEAKER: The hon. Minister of Intergovernmental and Aboriginal Affairs.

MR. HANCOCK: Thank you, Mr. Speaker. I'd like to table for the benefit of the House today a copy of a letter received by my office from the federal Minister of Foreign Affairs in response to a letter that I tabled in December relating to the concerns that we have about democracy in Burma.

THE SPEAKER: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Speaker. Today I rise to table the national child benefit progress report. This is a report that we tabled in Quebec City on Friday.

MS BARRETT: Mr. Speaker, two tablings today: one, an e-mail that I received from Amy Poon regretting the decision to close the Stratford academic high school due to funding pressures, five copies

of that, and five copies of a document entitled Strategic Strike Policy prepared by the Provincial Health Authorities of Alberta. That's fun reading.

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

MR. MacDONALD: Thank you, Mr. Speaker. I would like to table five copies of a letter that I received through freedom of information from the Alberta Research Council. This letter is dated September of 1993. It states that

the pine shakes produced by the following manufacturers who have retained the Alberta Research Council to carry out periodic inspections of their plant and product, are acceptable for use in Alberta.

It's signed by the research and approvals officer.

Thank you, Mr. Speaker.

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

DR. PANNU: Thank you, Mr. Speaker. I've got two tablings today. The first one is a set of six letters from Edson, Hinton, and Jasper. These are copies of letters which were sent by constituents of West Yellowhead to their MLA. The letters are expressing concern about the severe underfunding of the education system and demanding that funding levels be increased.

The second tabling is a copy of a letter that I have received from Annabel and Bob Brophy, two Edmontonians who have children in elementary school. Both of these parents are also active on the Velma E. Baker elementary school council, and they're also expressing serious concern about continued and chronic underfunding of schools in Alberta.

Thank you.

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

MRS. SLOAN: Thank you, Mr. Speaker. In light of concerns raised in the February newsletter of the Premier's Council on the Status of Persons with Disabilities, I'd like to table five copies of a letter I have sent to the chair, Mr. Rob Loughheed, requesting the council's formal review and response to the amendments made to address the issues of concern during the legislative debate.

My second tabling, Mr. Speaker, is copies of the amendments and transcripts of debates during the debate on the AISH review act as proposed last week.

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission I'd like to table a further 10 proposed amendments to Bill 35. These amendments would ensure that all user fees imposed by the government of Alberta are frozen and that taxpayers will have the best protection.

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

MR. DICKSON: Thank you, Mr. Speaker. I'm tabling copies of correspondence, firstly, from the Inglewood Community Association to the Minister of Municipal Affairs dated April 29 and that minister's response dated May 11, 1999.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. Today I have two tablings. The first is a series of two letters to the Premier from

Albertans who are totally opposed to Bill 15, the Natural Heritage Act.

The second is a letter from Karen England to her MLA, the Minister of Economic Development. She is very concerned that this government does not have any respect for natural places in this province, referencing Bill 15, the Natural Heritage Act.

head: Introduction of Guests

THE SPEAKER: The hon. Minister of Intergovernmental and Aboriginal Affairs.

MR. HANCOCK: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly 30 grade 6 students from Earl Buxton elementary in Edmonton-Whitemud. They are accompanied by their teacher, Ms Shandell Switzer. Earl Buxton school was host to a meeting of the Edmonton-Whitemud coalition of school councils, who shared with me their concerns regarding education funding, so I know that the students here today who are learning about government and are keen to observe government are very knowledgeable about the subject. I'd ask them to please rise and receive the traditional warm welcome of this Assembly.

THE SPEAKER: The hon. Deputy Speaker.

MR. TANNAS: Thank you, Mr. Speaker. On your behalf I'm pleased to introduce to you and through you to the Assembly a group of nine STEP students who are working with the Legislative Assembly Office this summer: Sandra Alimonti with financial management and administrative services, Christine Busby with House services, Kristina Kastelan and Jean-Francois Lessard with visitor services under the public information branch, Aaron Rosland with government members, Michael Rudyk with information systems services, Nicholas Smith at the Liberal office, Carrie Todd with Parliamentary Counsel, Sheryl Ferguson and Christian Tremblay with the Legislature Library, and Suzanne Baker with the office of the Speaker. I would also like to mention Vincent Tong with the Sergeant-at-Arms and Christine Davidson with House services, who were not able to join us here this afternoon. The other guests are seated in the members' gallery, and again on your behalf, Mr. Speaker, I would ask them to please rise and receive the warm, traditional welcome of the Assembly.

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

MR. STELMACH: Well, thank you, Mr. Speaker. It's indeed a pleasure to introduce to you and through you to Members of this Legislative Assembly visitors from Lamont high school in the community of Lamont, the entrance to Elk Island park. We have accompanying our students, seated in both galleries, Mr. Blair Charlton, teacher, and Mr. John Meston, teacher, who farms in your constituency, Mr. Speaker, and bus driver Mr. Gary McLachlan. I would ask them to all 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 very much, Mr. Speaker. It is really my pleasure today to introduce to you and through you to members of the Assembly a great group of students from Parkland Village

school in my riding. I was in their classroom on Friday, and they had excellent questions due to, I'm sure, the very exceptional teaching of their teacher, Ms Judy Humeniuk. They are also here with parents and helpers Mrs. Jackie Haberstock, Mrs. Kelly Stewart, Mrs. Barb Baxter. I would ask them all to please rise and receive the warm welcome of this Assembly.

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

MS BARRETT: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly three women for whom I have unending respect not just because of the work that they do but because of the work that they do on behalf of their members, being the United Nurses of Alberta. Three members of their executive are present today in the public gallery. They're Bev Dick, Pauline Worsfold, and Karen Craik. I'd ask them to now rise, please, and accept the warm welcome of the Assembly.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. It is indeed a great pleasure to introduce to you and through you to all members here one of my constituents, Katherine Lewicki, who along with her husband is a very active participant in the process of democracy at my riding level. Mrs. Lewicki is here, however, with a very special guest from Ukraine. That is Mr. Yaroslav Levytsky, who is joining us for the first time on a visit to Canada. I should say that we had quite an extensive process that we went through to get him here, and I'm so delighted to be seeing him here for the first time. So I would ask that Katherine and Yaroslav please rise and receive the very warm welcome of the House. [remarks in Ukrainian]

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

DR. MASSEY: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of the Assembly Pat Edmonds, the executive assistant, director, overseer par excellence of the Mill Woods constituency office. Pat is accompanied by Jen Johnson, our STEP student, who will be assisting Pat this summer. They're seated in the public gallery, and with your permission I'd ask them to stand and receive the traditional warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Livingstone-MacLeod.

MR. COUTTS: Thank you, Mr. Speaker. It gives me great pleasure today to introduce to you and through you to members of the Assembly Mr. and Mrs. Bill Wale from Claresholm, in the breathtaking constituency of Livingstone-MacLeod. I had the honour of attending Mr. and Mrs. Wale's wedding this last Friday. Bill and Carol are seated in the members' gallery, and I would ask them to please rise, and I would ask all members of this Assembly to give them their very best wishes for their newfound happiness by giving them the traditional warm welcome.

head: Oral Question Period

1:50

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

School Performance Incentive Program

MRS. MacBETH: Thanks, Mr. Speaker. Last week the Premier and the Minister of Education said that they needed time to review the

excellent proposal put forward by teachers, superintendents, school councils, and trustees. They proposed of course to replace the government's school performance incentive program with a school improvement program. My questions today are to the Premier. Has the Premier instructed his Minister of Education to meet with these education leaders as a group, given that this is a joint proposal?

MR. KLEIN: Mr. Speaker, no, I haven't given any instructions to the minister, but perhaps the minister has taken some initiatives on his own, and I'll have him respond.

MR. MAR: Mr. Speaker, the joint proposal was put forward by four groups: the Alberta home and school association, the Alberta Teachers' Association, the Alberta School Boards Association, and the College of Alberta School Superintendents. To this point I've met with three of the four groups. I've met with home and school, Alberta Teachers' Association, and the Alberta School Boards Association. It's my intention to also meet with the College of Alberta School Superintendents.

MRS. MacBETH: Mr. Speaker, will the minister commit to meeting with this group as a group to replace his top-down incentive program with a more constructive school performance program?

MR. MAR: Mr. Speaker, to be clear, this has been a very constructive exercise in meeting with these groups to this point. It would seem to me that it wouldn't be necessary to meet with the groups as a whole. Each one of them has their own perspective on certain elements of the program.

They've been helpful, Mr. Speaker. We've agreed that there can be some changes to the program. We've made it clear to them that this is a performance incentive program. There will be a task force that will be struck with stakeholder groups to work on those elements of the program where they think they can make an improvement.

So, Mr. Speaker, good progress is being reported by this minister on the this particular program.

MRS. MacBETH: Mr. Speaker, when will a decision be made so that these councils and teachers and superintendents and trustees will know whether they will be implementing a top-down performance incentive program or their own school improvement plan this fall when the program begins?

MR. MAR: Mr. Speaker, this program will go ahead this fall. There will be a great deal of work done between now and that time to ensure that the concerns that are expressed, some of which are very legitimate concerns, some of which are concerns that can be explained, and the concerns tend to dissipate upon that explanation – we'll work with them.

With respect to it being top down, Mr. Speaker, I have to challenge that particular allegation made by the Leader of the Opposition. We are working collaboratively with these partners. We want the program to work, and we think that these school boards will also want these programs to work.

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

Expropriation

MRS. MacBETH: Thanks, Mr. Speaker. Last year in the Alberta Personal Property Bill of Rights the government made a commit-

ment to contractual property rights and agreed that expropriation cannot occur without compensation. My questions are to the Premier. Could the Premier confirm that the government is required to pay compensation if it terminates a mineral lease?

MR. KLEIN: Mr. Speaker, I really don't know, and that's the honest answer, but perhaps the Minister of Energy or the Minister of Justice could shed some light on this.

MR. HAVELOCK: Thank you, Mr. Premier. Bill 13 will be proclaimed in the very near future. We're just working on the exemptions to the legislation through regulation.

The act itself dealt with personal property, Mr. Speaker. Now, I will go back and look at the list of exemptions to determine whether or not the one outlined by the hon. Leader of the Opposition is covered. I will certainly take a look at that, but the bill was structured to deal with personal property. In part it was in response to the federal government's unilateral decision through its firearms legislation to actually take personal property from individuals without compensation.

MRS. MacBETH: The Mines and Mineral Act in fact requires it, Mr. Speaker.

Could the Premier confirm that the government is required to pay compensation if more than 3 percent of land is removed from a forest management agreement?

MR. KLEIN: Well, again, Mr. Speaker, I don't have the answer to that kind of a detailed question, but perhaps the hon. Minister of Environmental Protection does.

MR. LUND: Thank you, Mr. Speaker. Actually it's written into a number of the FMAs. Some of them are 2 percent, some of them 3 percent. If in fact we go over that land base withdrawal, we have to compensate.

MRS. MacBETH: Thank you, Mr. Speaker. The final question is to the Premier. Why, then, is government policy proposing that no compensation be paid when grazing leases are expropriated?

MR. KLEIN: Mr. Speaker, I don't know that statement to be true at all. This has been quite an exercise as it relates to Bill 31. That bill is before the Legislature as we speak.

Relative to the specific answer to the specific question I'll have the hon. Minister of Agriculture, Food and Rural Development respond.

MR. STELMACH: Mr. Speaker, the bill is on the Order Paper for this evening, so I'll be very careful in terms of how I answer the question with specifics. However, what the hon. leader has mentioned, that there will be no compensation paid for the removal of site, is not true.

AN HON. MEMBER: It's not true?

MR. STELMACH: That's right.

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

Constitutional Referendum Act

MR. DICKSON: Thank you very much, Mr. Speaker. Bill 38 was

introduced by the Justice minister earlier this session. It would allow a slim majority of citizens who voted in a referendum to dictate which groups of citizens would have their basic rights suspended. Now, although the bill may appear on the Order Paper, we've been advised that it's not coming forward this afternoon or indeed this week. The bill has been soundly criticized, and perhaps as a result the bill has fallen off the current government agenda after only a single opposition speaker. My question is to the Premier this afternoon. Will the Premier tell us whether Bill 38 is truly dead, or is it just resting until a new Justice minister is appointed?

MR. KLEIN: Well, it's resting, and it will likely come back in the fall.

Mr. Speaker, basically in looking at the legislative list, we looked at the legislation that was absolutely essential to be passed during this spring session. I'm sure that the Liberals would appreciate the opportunity to at least have some legislation on the list for the fall session. It will give them something to do.

It's resting, Mr. Speaker, and as far as I know will be back in the fall.

MR. DICKSON: Mr. Premier, this is one bill Albertans don't appreciate.

My question is this to the Premier: is it the current policy of this government that the rights of Alberta's citizens can and will be suspended if a bare majority vote to do so in one of your referendums?

MR. DAY: You got elected by a bare majority, Gary.

MR. KLEIN: Yes, this hon. member knows what bare majorities are all about because he was elected with a very, very slim and bare majority, but he didn't mind taking his seat, Mr. Speaker. This is the member who always stands up and talks about democracy and the democratic right.

Mr. Speaker, this bill speaks to probably the most powerful piece of legislation that exists in the country today. I think that the people of this province, despite what the hon. member says, really want to make sure that it's the right thing to do and that it's decided by referendum. There is nothing more democratic than a vote, than a referendum. If this member truly believes in democracy, then I would think he would be supporting wholeheartedly the fundamental principle of referendum, which is a true expression of democracy.

2:00

MR. HAVELOCK: Mr. Speaker, I feel compelled to respond to the hon. member, because quite frankly he's misleading this House and all Albertans with respect to what he has said. Seventy percent of Albertans indicated support and a desire to be involved if this Legislature was indicating that they wanted to put forward legislation using the notwithstanding clause. Seventy percent of Albertans. They refer to the tyranny of the majority.

Mr. Speaker, we feel that it's important to go to Albertans and ask them about this issue before the Legislature passes any legislation. They don't want to do that. They want this Legislature to make that determination solely on its own.

I want to explain to you how this works. Executive Council first has to make a decision whether or not they wish to put the question to the Legislature utilizing the notwithstanding clause in legislation. This Legislature has to pass by resolution whether that happens or not. The next step is a referendum. If Albertans vote in that referendum no, they do not wish this Legislature to use the notwithstanding clause, it's not put forward. If they vote yes, the government is bound to introduce the legislation.

Mr. Speaker, the hon. member across the way knows that the law

is that a Legislature cannot be bound by referendum. Therefore, this government nor any member in this government nor any member in this House, quite frankly, would not be bound to vote in accordance with what the referendum said.

Mr. Speaker, perhaps he should start telling the truth about this issue just for a change.

MR. DICKSON: My final question, Mr. Speaker, goes back to the Premier. If he wants to consult with Albertans before he suspends the rights of any group of Albertans, why wouldn't we be talking about some kind of a plebiscite? Why a binding referendum which takes away the power of this Assembly to say no?

MR. KLEIN: Again, Mr. Speaker, he either was not listening or he refuses to listen and to understand. The hon. Minister of Justice and Attorney General just pointed out that once a referendum is held and if the vote is yes, it then comes back to this Legislature for debate. The minister quite clearly pointed out that no individual member is bound by the referendum. It would have to come back to this Legislature, and whether it's a free vote or otherwise, there will be a vote in the Legislature. I would suggest that it would be political folly to ignore the wishes of the majority of the people.

Speaker's Ruling Provoking Debate

THE SPEAKER: Perhaps *Beauchesne* 409(1): "Must be a question, not an expression of an opinion, representation, argumentation, nor debate." Methinks there was a bit of debate going on in that last series.

The leader of the ND opposition.

Nurses' Collective Bargaining

MS BARRETT: Thanks, Mr. Speaker. According to a document obtained by the New Democrats, which I filed earlier today under Tabling Returns and Reports, the strategy of the Provincial Health Authorities will be to pin any blame for negative fallout of a potential job action by nurses squarely on the provincial government where it belongs. My question to the Premier is this: does the government support the hardball tactics being recommended by the Provincial Health Authorities, which include asking the government to decertify the union and to initiate criminal contempt and criminal breach of contract proceedings? If he does, why?

MR. KLEIN: Well, Mr. Speaker, I'm not aware of any documentation coming from any RHA relative to that question. I can tell you, however, that as I understand it, mediation is now in process relative to the contracts between the RHAs and the UNA. Relative to the legality of a strike, it is quite clear that it is illegal for the nurses to go on strike. That is in law. That is in law, and that was pointed out the last time a strike was threatened, that in fact they would be in violation of the law. I'm sure that the hon. leader of the New Democrats is not proposing – I would hope that she is not proposing that anyone break the law.

MS BARRETT: Mr. Speaker, what is the Premier's response to the Provincial Health Authorities' strategy of insulating itself from negative fallout by having the government rather than the employer lay criminal contempt charges in the event of job action by nurses?

MR. KLEIN: Well, Mr. Speaker, first of all, the question is purely hypothetical. Nothing has happened yet, and hopefully nothing will happen. As I pointed out, this matter is now before mediation.

Relative to the legalities and the process as to what could happen if something else happens, I will have the hon. minister respond.

MR. SMITH: As to what could happen if something happens, Mr. Speaker, we could get a deal between the PHAA and the United Nurses of Alberta. We would hope that mediation would bring us to this end result, as it did seven days before an election in 1997. There's an old proverb that says: please hope for the best, but expect the worst.

MS BARRETT: Well, Mr. Speaker, why doesn't the Premier do the right thing? Since 1983 not only have nurses not had the legal right to strike; they haven't been allowed to threaten to strike. Why doesn't this government reverse that ancient legislation and restore the legality for nurses' right to strike?

MR. KLEIN: Mr. Speaker, there is nothing in any labour legislation that I know of that prevents anyone from threatening to do anything, but relative to the law nurses are considered to be an essential service, essential to the life and well-being of the people of this province. Quite simply it is against the law for them to go on strike, and I would hope that the hon. leader of the New Democrats would not be encouraging them to break the law. I would think that she would also agree that nurses are indeed an essential service.

MR. SMITH: Mr. Speaker, there is a collective bargaining process that leads through the Labour Relations Board, but as the Premier pointed out, with the designation of being an essential service, the United Nurses of Alberta, like firefighters, like policemen, like the city of Calgary firefighters today, could be in compulsory arbitration. That is deemed to be a part of collective bargaining when you have an essential service. We know that there is an area there for negotiated settlement. There is a clear collective bargaining process as outlined through the Labour Relations Board, and there are clear processes to deal with making a deal through collective bargaining, through compulsory arbitration, in the areas where there are essential services today.

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

Year 2000 Compliance

MR. CAO: Thank you, Mr. Speaker. It has been almost two years since the government formally launched the Y2K initiative, and it's only seven months away from D day. Much progress and success has been made on the technology front, but many tens of millions of dollars of taxpayers' money is earmarked for the various Y2K projects. My question is to the Minister of Public Works, Supply and Services. Could the minister advise Albertans: what is the total allocation of public Y2K dollars in various publicly funded organizations?

MR. WOLOSHYN: Mr. Speaker, the member is absolutely correct that the government has been on top of this issue for several years. As a result, although the Y2K date is only seven months away, the issue has been addressed through the various departments on an ongoing basis for several years. One of the things that most people perhaps should appreciate is that a lot of the attention that has been paid towards Y2K would come through regular upgrading processes. So antiquated equipment would be updated to meet Y2K conditions quite a bit.

With respect to the specific question I believe that within

government itself there is about \$50 million that could be attributed towards Y2K and the equipment upgrades this year to make us fully compliant as well as considerable moneys that are going to the health authorities through Health to make sure that the medical equipment – and a lot of this equipment would have been replaced in any event – is also Y2K compliant.

MR. CAO: Thank you, Mr. Speaker. My second supplemental is also to the same minister. Given that tax dollars must be well spent, I would like to ask the minister to advise Albertans on the tracking mechanism on this project to ensure no cost overruns and the least cost to Albertans.

2:10

MR. WOLOSHYN: As I indicated, this has been an ongoing process. We certainly have through the department the year 2000 co-ordinators, who report on up through their appropriate ministries, and as a result the tracking of the costs is there. There will not be overruns. I repeat that specific funds were not allocated within government for that. That came out of the individual IT budgets on an ongoing basis. I'm pleased to repeat that we have 84 percent compliance and very shortly we should be totally prepared for Y2K.

MR. CAO: Thank you, Mr. Speaker. My last supplemental is also to the same minister and from the financial angle. Given that in 1999 there were budget slots with dollars earmarked for Y2K projects, once we go into the year 2000, the project will have to be completed, so what could Albertans expect from the equivalent amount in the coming public spending plan?

MR. WOLOSHYN: Mr. Speaker, if I understand the member's question, he's indicating: IT moneys this year, what would happen to them next year? Well, I'll say that like any other program, once a program is completed, it's completed, and the various departments, if they should have new programs or expansions of others, they would have to follow the regular budgeting process that goes through our government caucus and ultimately ends up in front of the Legislature.

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

Electric Utilities Deregulation

MR. WHITE: Thank you, Mr. Speaker. Last week the Minister of Energy called the industrial power consumers politically correct for pointing out major deficiencies in this government's central planning approach to electricity deregulation. Using that analogy, one must conclude that either the Minister of Energy is politically incorrect or is just plain incorrect if and when he says that electrical deregulation is not a failure waiting to happen. A new paper prepared by the Firm group, which includes AAMDC, the public institutional consumers' association, and the Consumers' Coalition of Alberta highlights even more problems with the government's approach to electricity deregulation. My questions obviously are to the Minister of Energy, sir. How does the minister respond to the Firm group statement that the government's deregulation process will leave customers paying higher costs?

DR. WEST: Mr. Speaker, the first thing I'm going to do is refute that I've said that the independent power consumers were trying to be politically correct. That's taken out of context. In fact, when I talked to the media I said that the Liberal opposition was trying to make politically correct points by spreading doom and gloom about

electrical deregulation. That's what I said. Therefore I want it read into the record that the hon. member is wrong in his assumptions.

Number two is that these reports that are being brought forward are submissions to the independent assessment team, so they can look at the criticisms that are brought forth by the independent power consumers, the counties and MDs, the AUMA, the urban municipalities, or any other vested group. They have been asked to submit submissions so that the independent assessment team, when looking at these power purchase agreements that are taking the old power out of the regulated system into the new world, can look at those criticisms and weigh them when they give their final report. They're not documents that were to critique the minister or this government in electrical deregulation but food for thought to go forward to the people that we've hired in order to make this process work. No final decision has been made. Those critiques that are brought in are being weighed and measured against the public interest.

MR. WHITE: How does the minister, then, respond to the Firm group's report that says quite emphatically that utilities, to recover 100 percent of their costs during the PPA period, penalize customers by forcing them to pay for the capital costs, which will be only of benefit to the owners of the plants?

DR. WEST: There's only one little thing that the hon. member fails to recognize, that during the process when they look at the costs for the generators, they also look at the residual value for the consumers that they've paid over the life of those plants. It is estimated that when we take and subtract the stranded costs, costs going to the generator and that, versus the long-term residual value, there's probably about \$2 billion there for the consumer.

MR. WHITE: Given that the minister admitted last week that the auction process could fail, will the minister also admit that the backup plan means nothing more than reregulation and higher costs to consumers?

DR. WEST: No, Mr. Speaker.

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

School Uniforms

MRS. FORSYTH: Thank you, Mr. Speaker. Both of my questions today are to the Minister of Education. As a result of recent incidences of in-school violence, there has been an increased concern about safety in schools. It has been suggested that teasing, bullying, and labeling by others may in part be the cause of school violence. Is there any research to indicate that school uniforms would help to reduce teasing, bullying, and labeling and consequently reduce violence in schools?

MR. MAR: Mr. Speaker, this is a difficult question for me to answer. I will say that there is in my observation a general perception among members of the public and among some educators that school uniforms would reduce violence because they make the socioeconomic differences between and among students in a school less visible.

There may be research on the subject, but if there is, I'm not aware of it. There are some anecdotal stories that I've been made aware of in some of the education literature that might suggest that school uniforms can have an impact, but in many of the places where

school uniforms are instituted, it would appear that the school uniform institution was part of a number of other things that were done within a school, where they then later reported a reduced amount of school violence. But to tie school uniforms and say, "Does their presence reduce violence?" I'm not aware of research to that effect, Mr. Speaker.

MRS. FORSYTH: Thank you, Mr. Speaker. Given that there are some stats that show that school uniforms have shown a decrease in school violence, would the minister consider mandating school uniforms in this province?

MR. MAR: Well, Mr. Speaker, I think this may be one of the subjects that will arise in the task force that is being conducted to deal with children at risk, and the information from that can be fed into the children's forum this fall. There's no plan to mandate school uniforms at this time. However, there's no reason we couldn't look at that. But I think before we would ever take that step, much more work would have to be done.

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

Calgary Teachers' Labour Dispute

MR. MacDONALD: Thank you, Mr. Speaker. For the past three weeks Calgary students, teachers, parents, and public school board trustees have been waiting anxiously for the disputes inquiry board report. These recommendations from this report are vital to the continuing success of Calgary's public system's education programs. My first question this afternoon is to the Minister of Labour. When will the disputes inquiry board report be released to the teachers and to the public school officials?

MR. SMITH: Thank you, Mr. Speaker. The disputes inquiry board will follow its process outlined upon its origination; that is, at the end of business today we will be moving it forward to the Calgary board of education and to the Alberta Teachers' Association – I believe it's local 38 – in Calgary. They will receive that information tomorrow hopefully simultaneously by courier, and at such time we will then release it publicly. The planned public release is for Thursday, May 20, 1999.

MR. MacDONALD: Thank you, Mr. Speaker. My second question is to the Minister of Education. How much additional funding for the Calgary board of education is recommended in the disputes inquiry board report?

Thank you.

MR. MAR: Mr. Speaker, I've had the opportunity to look at the report in brief. However, I don't recall any specific number that was referenced in terms of overall dollars. I haven't had the opportunity to look at it in detail, so it may be in there. But if there is a specific amount, I'm not familiar with it.

2:20

MR. SMITH: Mr. Speaker, if I may be allowed to supplement very briefly, the disputes inquiry board recommendations are addressed to the Minister of Labour, and I have received them as such. Secondly, they are to deal with the issues between the parties that the dispute is centred upon, so one would not expect an overall funding change to be contained in that report.

MR. MacDONALD: Thank you, Mr. Speaker. My third question is

to the Minister of Labour. Given that the purpose of a disputes inquiry board is to help parties in the labour dispute, not to bail the government out of a tight spot, why are these parties being denied access to their own report?

MR. SMITH: Mr. Speaker, I will check the Blues. Certainly if the member did not hear what was said in the Blues about the original process of the disputes inquiry board as it was outlined when it was initiated: there are 14 days for the report to be originated, then 3 days to be tabled, and then 10 days with the parties, and then other actions can take place. It's clearly outlined.

Although I know the member is safely and deeply ensconced here in the Edmonton marketplace, there are things going on about Alberta, a number of agreements moving forward as well as this agreement. Certainly the two parties are clearly aware of the process, clearly aware when they will receive the report, and clearly I believe, most importantly, that they should be the first ones to receive that report.

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

Provincial Archives

MR. ZWOZDESKY: Thank you. Mr. Speaker, in follow-up to my question of April 29 regarding the future location of the provincial archives collection, I conducted a survey in my own constituency through my recent *Mill Creek Report*, and I'm sure it'll come as no surprise that 99 percent of the respondents to date feel very strongly that the Provincial Archives of Alberta should remain right here in Edmonton, in our capital city, and I certainly agree. We know that this very valuable collection is quickly outgrowing the space that it's currently housed in and that a new location is in fact necessary. So I have some questions to the hon. Minister of Community Development. Can the minister tell us the status of this project to identify a new facility for our provincial archives collection?

MRS. McCLELLAN: Mr. Speaker, certainly I appreciate that input from the hon. member. All input as to where our archives should be located is important to us. These are a valuable resource, and they're used by many Albertans.

Mr. Speaker, we're continuing to investigate what would be the best home for the archives. I've had a number of proposals for space. I will say most of them are in Edmonton. One thing I can tell the hon. member is that I had indicated to the archival community that before any decision is made, there will be full consultation with them. We're not quite at that point yet. We're continuing to review sites that are possible.

One of the things we want to make sure of is that it is a good home for the archives. It's important for everyone to understand that archival material and its storage require special surroundings, and that is of interest to us. The second thing that's of interest to us is the cost to the taxpayers. While we understand that it's important to keep this information, we want to make sure that we make a good fiscal decision in that area as well. The other one we want to make sure of is that because of the growth of archival material, which has almost exploded in the last years, this is a long-term solution and that we're not trying to deal with it again in the short term.

So, Mr. Speaker, the process is unfolding. Yes, the space at the Archives is tight, but it's not something that has to be decided today. We have some time because we started to work on this, rather than being at the crunch, in anticipation of the crunch coming. We'll continue to work in that vein, we will continue to consult, and I encourage people to continue to give us input.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Well, given that my constituents and thousands of other Edmontonians overwhelmingly really want the Provincial Archives to remain here in the capital city, I'm hoping that the minister can give a commitment that Edmonton is definitely being given very serious consideration as the city that will retain those particular items here.

MRS. McCLELLAN: Well, Mr. Speaker, what I can assure the hon. member and all Albertans and all members of this Assembly is that the very best decision possible will be made. I think it's important to many people symbolically that the capital region be considered as the home of the archives. However, I want to remind everyone in this Assembly and all Albertans that the archives are not Edmonton archives. They are Alberta archives. So what we want to ensure is that we provide the best access to archival information to all Albertans. One of the ways we can do that is by ensuring that we have electronic access to archival information. I think that's an important part of the process of decision and forward-looking on keeping of archival material.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I wonder if the minister could perhaps tell us what the time line for this decision is. How soon might we expect a decision to be made regardless of where that location might be? We're hoping it's Edmonton, but how soon might you be able to tell us, Madam Minister?

MRS. McCLELLAN: Mr. Speaker, as I indicated I believe in my first answer, there is no immediate need for a decision, although I do recognize there is a great deal of interest among the archival community on this issue. I don't have any firm time line in mind, but the matter is a priority for our department, it is a priority for our ministry, and it is one that we're vigorously pursuing. However, we will not be making the decision based on time lines. We will be making the decision based on the best future home of the archives.

THE SPEAKER: The hon. Member for Edmonton-Glenora, followed by the hon. Member for Redwater.

User Fees

MR. SAPERS: Thank you, Mr. Speaker. After marching lockstep with Ontario in the Eurig estates case to preserve Alberta's oppressive user-fee tax regime, the Provincial Treasurer has now experienced a sudden conversion, and he claims that he's now interested in relieving Albertans of this unnecessary weight of excessive fees and charges. A true tax collector's epiphany for the Provincial Treasurer. After all, up until now this Treasurer has always defended Alberta user fees as fair and just. My questions are to the Treasurer. Given that it was the Treasurer's intention back in March of 1999 to freeze all user-fee taxes pending a review, why did the government sneak in a \$100 mapping fee under the Surveys Act on April 1, 1999?

MR. DAY: Mr. Speaker, it's always been the stated intent of this government – and it's been very clear – to relieve the load on the backs of taxpayers and those who are paying fees and charges. That's been not just our stated goal, but as a matter of fact we've accomplished that in many areas. We also want to now pursue the whole area of fees and charges. We're the only province in the country doing this, looking at what we can do to lower the level of fees that are paid.

As for the particular mapping fee I'd have to ask if the minister responsible wanted to give some supplemental information to that.

I don't have it in front of me, but I will say from the point of view of the philosophy that the user should be paying, I don't know that all taxpayers would want to be contributing on the mapping fee. The various industries, industry groups, associations, and individuals that may avail themselves of that purpose I think would justifiably want to carry the load for that, just as somebody who's buying a fishing licence or a hunting licence – people who don't want to fish or hunt shouldn't absorb the weight of all those fees, so it's done on a user-pay basis.

Having said all that, Mr. Speaker, again, we're the only province that's doing a full review to see how we can save what I hope to be millions of dollars that are being paid right now by taxpayers. Because of technology and because of advancements in the delivery of services, I think and our government thinks that there's the possibility to lower some fees. That's what this review is all about.

MR. SAPERS: Thanks. *Alberta Gazette*, April 30, '99, if you want to check the reference.

Given that it was in the *Gazette* April 30 and given that you made your comments in the middle of March about freezing all fees and given that the mapping fee was imposed as of April 1, how can the Treasurer deny that this was brought in through the back door when section 3 of the mapping fee order itself talks about reviewing the fee for ongoing relevancy and necessity? Why would you do that, Mr. Treasurer?

MR. DAY: Well, Mr. Speaker, if it was published in the *April Gazette*, it was hardly brought in through the back door.

MR. SAPERS: Mr. Speaker, as tempted as I am . . .

Given that the government has yet to produce any cost-of-service data to back up any one of its hundreds and hundreds of fees, not one bit of information to justify the \$1.3 billion taken from taxpayers, what criteria has the government used to set the mapping fee at \$100 after it said that it was going to review them all for necessity and relevancy?

2:30

MR. DAY: Mr. Speaker, that's what this process is all about. We are reviewing all fees and all charges. As a matter of fact, we've brought in legislation, legislation that has a sunset clause on it of a year next July so that the work has to be done by then. There's a review committee in place that is going to be looking at fees and charges and all the inputs.

I've consistently asked the opposition for their input into the process: what types of things should we consider? As a matter of fact, they've sent us some ideas just recently, so I'm not sure why, upon my invitation and having received some information just days ago from them and now we're starting the process, he's demanding that the process end right now. This is going to take some time. When you're looking at the potential of passing on millions and millions of dollars to Albertans, we want to be able to do that, and we've just asked for some help on it. He's just sent over some ideas. Some of those ideas look not too bad.

As a matter of fact, Mr. Speaker, the member of the opposition has sent over a couple of suggested amendments to the particular legislation that we have in place. Actually, I think he had something like between 70 and 100, but amidst all of that flurry of amendment filing there were a couple that looked good, and I've indicated to him that I'd like pursue those and see if we can put that in the legislation and make it even better. That's a process that will continue. And now he's asking that it will end today. The process is just beginning, and it's going to be a good process with a very happy ending, I think.

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

Intermunicipal Agreements

MR. BRODA: Thank you, Mr. Speaker. The town of Bruderheim recently announced its management service contract with Strathcona county. My question is directed to the Minister of Municipal Affairs. What types of services are provided to the town of Bruderheim by Strathcona county?

MS EVANS: Essentially, Mr. Speaker, the services are under the purview of the chief administrative officer, and the county acts as the chief administrative officer, so any services required by that municipality can be acquired through that administrative link.

MR. BRODA: Thank you, Mr. Speaker. My final question to the same minister: my constituents are wondering if such agreements are a prelude to amalgamation.

MS EVANS: Mr. Speaker, no, they are not. However, I should point out in the matter of Bruderheim versus Strathcona county and their quite equitable partnership that we have a number of other agreements in the province that are similar: Hay Lakes and the city of Leduc, the MD of East Peace and the town of Peace River, and Flagstaff and Galahad. Municipalities that have found better and more cost-effective ways of doing things together in a partnership like this are, I think, serving their taxpayers well and should be applauded.

Property Tax Assessments

MR. GIBBONS: Mr. Speaker, Wednesday is the deadline for Calgarians wishing to appeal their property tax assessment. Unfortunately, many inner-city residents and communities like Scarboro, Cliff Bungalow, and Inglewood have been unable to get the information they need from the city of Calgary to properly prepare their appeal. My questions are to the Minister of Municipal Affairs. Madam Minister, given that you promised Calgarians that they are certainly entitled to obtain sufficient information to show how the assessment was prepared, how do you intend to ensure that Calgarians will not be denied fundamental justice?

MS EVANS: Mr. Speaker, on a number of occasions lately municipal council members from Calgary along with a number of residents in those communities that the hon. member has cited have contacted me, and I have contacted them to determine just what their particular information is, what they've received, and what they believe has been missing in their quest to get appropriate information. Our deputy minister, our executive director in charge of finance, and assistant deputy minister continue to work with the city on both the disclosure situation and the manner in which calculations have been done in those inner city neighbourhoods so that, in fact, we assure ourselves that the criteria that are most appropriate to be used have been used in the circumstance of a number of those areas.

Mr. Speaker, I can assure you that the administration in Calgary, as well as the municipal council members, are concerned because of the number of appeals that have come from those areas, are concerned because of the time lines they've set, and have given me cause to understand that they may very well address some of those considerations through the availability of time extensions in the Municipal Government Act at some future point, like tomorrow.

MR. GIBBONS: Will the minister recommend to the city of Calgary

that the appeal deadline be postponed to allow these Calgarians a fair opportunity to prepare their appeals?

MS EVANS: Well, Mr. Speaker, as I've just addressed, we have had that discussion. That is a local decision. They have the ability to do that, and I'm quite satisfied that the best interests of their taxpayers will be paramount for the city council when they address the issue.

THE SPEAKER: The hon. Member for Calgary-East, followed by the hon. Member for Edmonton-Ellerslie.

Child and Family Services Authorities

MR. AMERY: Thank you, Mr. Speaker. The new child and family services authorities have taken or are soon taking responsibility for delivering services. My constituents believe that child care is an important area that the Calgary Rocky View authority needs to focus on. So my question is to the hon. minister responsible for children's services. Can the minister tell the House: how is the board of the Calgary Rocky View authority accountable for connecting with the Calgary day care community?

MS CALAHASEN: It's a very interesting question, Mr. Speaker, because every child and family services authority has a number of detailed standards which must be met. This includes the assurance that each authority is forming connections and relationships with the community they serve, including the day care community. In fact, this means working with day care operators. It also means working with other professionals involved in child care to improve the services. It also means informing the child care professionals of changes in service delivery. It means working with day cares and family day homes on a regular basis. So there are a lot of accountable measures that need to be met.

MR. AMERY: Thank you, Mr. Speaker. Could the minister tell Albertans if the Calgary Rocky View authority is doing anything new and innovative in the area of day care?

MS CALAHASEN: Well, Mr. Speaker, you know, Calgary Rocky View has only been in operation for a year. In that year they've done a lot of things. In fact they've involved a number of child care representative organizations and working groups to ensure that they get the information from the community. Currently the authority is examining the way child care subsidies are managed and how they are delivered. In fact they're looking for ways to make the subsidy program more accessible for parents in the Calgary region just so they can ensure that whatever they do is going to be delivering services to the people who will need those day care subsidies.

Forest Management

MS CARLSON: Mr. Speaker, cumulative impacts of many small, separate activities can be considerable. Studies conducted by two major forest companies showed that they will not be able to sustain their production because of a reduction in their land base due to oil and gas wells, roads, transmission lines, and other activities. Will the Minister of Environmental Protection ensure that an examination of the cumulative impacts of a project is required in all future environmental impact assessments?

MR. LUND: Mr. Speaker, what the hon. member is speaking to is the sustainability of our forest and forest industry. We are looking at the report from AI-Pac. It's provided us some very interesting and useful information. There are ways of mitigating the cumulative

effect of withdrawal of the land base. Those are all being researched as well. Of course, there's a number of assumptions made in the report of ways that we can reduce the withdrawal of land, and those are being considered. The assumption was made that the activity would continue at the current rate. That may or may not be true. So we're certainly looking at all of the information that is contained in the report and taking the appropriate action.

2:40

MS CARLSON: Mr. Speaker, this is important, and this minister needs to pay attention. Will the minister ensure that cumulative impacts are considered in the EIAs for any future pulp and paper mills in this province? The industry is asking for them, Mr. Minister.

MR. LUND: Mr. Speaker, as I said in answer to the first question, we are well aware of what the accumulative effects are. They are taken into consideration when we're allocating any of the forest FMAs, the quotas and the annual allowable cut.

MS CARLSON: Well, we'll help him out. Will the minister ensure that the cumulative impacts include not only potential losses from the land base and from fire but also the needs of wildlife such as caribou and the needs of existing forest operators in the region?

MR. LUND: Mr. Speaker, I'm glad to hear that the hon. member has observed what we're already doing. Those are the things that we take into consideration. As an example, some two years ago we did a very in-depth study of the annual growth of fibre in this province. We determined that in fact some 44.5 million cubic metres of fibre grows in a year in this province. Currently under the full allocation to the industry we're talking around 22 million cubic metres, so not even half of the annual growth is allocated, and I believe that's a very good position to be in.

Recognitions

THE SPEAKER: Hon. members, today seven hon. members have indicated their desire to participate in Recognitions. We will begin in a matter of 30 seconds.

The hon. Member for Wetaskiwin-Camrose.

International Museums Day

MR. JOHNSON: Thank you, Mr. Speaker. Tomorrow is International Museums Day. On this day museums in Alberta and around the world will be honoured for the important role they play in preserving and teaching us about our heritage and culture. Sometimes the attractions that are closest to home are the ones we never make time to visit.

International Museums Day is a good reminder for Albertans that we have world-class museums, historic sites, and interpretive centres right here in our own backyard. The capital region alone is home to some 44 heritage sites, including Rutherford House, the Legislature interpretive centre, the John Walter Museum, and the renowned Provincial Museum. Most seasonal cultural facilities and historic sites in Alberta opened this year on May 15. Many sites have special events and programs planned throughout the summer. I encourage all Albertans to celebrate International Museums Day by visiting a museum they have never visited before or visiting an old favourite.

Thank you.

Homelessness

MR. DICKSON: Mr. Speaker, rather than recognizing an individual

or an event, I want to recognize a problem. The downtown constituency of Calgary-Buffalo is home to a number of people who, ironically, have no home. In fact, in the last two weeks my constituency office has attempted to assist five individuals who are homeless. Two of the constituents apparently cannot qualify for temporary supports for independence because they do not have an address. They've shared with my constituency office their anger and their frustration in being without a place to live in which to shower, cook, or sleep.

One of the five I'm referring to is a family with a two year old and another baby on the way. The family is sleeping on a church floor. The father was able to find work but not a place to live. Another woman, an AISH recipient, was living in a rental unit that was finally condemned. Her rental apartment in an older home was full of mice and leaked in the rain. Her meager possessions have been ruined by mold and water damage. She complained to no one for fear of becoming homeless. Her doctor believes her two severe respiratory infections this year were the result of her living conditions.

This requires action, Mr. Speaker.

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

50th Anniversary of Berlin Airlift

MRS. O'NEILL: Thank you, Mr. Speaker. I'm pleased today to acknowledge a very important time in our history and to pay tribute to some very courageous people in our community. These people participated in the largest humanitarian airlift in history. The Berlin airlift supplied by air transport vital necessities to 2 million West Berliners. Jock Fyfe of St. Albert and William Young and Al Alseth of Edmonton participated in providing essential food and supplies to those in need. These brave gentlemen returned to Germany just last week to celebrate the 50th anniversary of the cold war's first battle.

In 11 months British and American planes flew more than 277,000 missions and by the spring of 1949 delivered 8,000 tons daily of various supplies such as food, fuel for heating, medical supplies, and machinery, for a total of more than 2.3 million tons during the whole airlift.

We must not let the efforts of men like Fyfe, Alseth, and Young be forgotten. These men risked their lives to help the people of Berlin and are among a small number of Canadians who participated in the airlift.

Mr. Speaker, we have people in this country, in this province, and in our communities who were part of the war efforts for democracy, and Germany has a government which has been influenced by the principles of democracy rather than by a history of entrenched communism. To all those who participated we say thank you and congratulations. We are proud of you.

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

Frank Tymko

DR. MASSEY: Thank you, Mr. Speaker. On behalf of the Official Opposition I want to recognize the fine work of Frank Tymko. Frank has created a family, a family of scholarship winners, a family forged out of the importance he attaches to education, a family financed not by an affluent community member but by a retired Marshall Wells hardware store employee of modest means, a family with four things in common: members have good high school marks, hold strong citizenship values, want to continue their education, and they're having difficulty cobbling together the financial resources to do so.

Beginning in 1988 Mr. Tymko has on an annual basis awarded four \$1,000 scholarships to students who need financial help. Frank is proud of his family, proud because he selects members on the basis of desire and need regardless of race, colour, or creed, proud that they have continued to become nurses, doctors, and contributing citizens. Like other families Frank keeps a scrapbook, his of scholarship winners who he manages to keep in touch with on their birthdays.

In Frank Tymko there is a citizenship model for all of us. Let's hope we're wise enough to act on his example.

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

Boys and Girls Clubs of Calgary

MR. CAO: Thank you, Mr. Speaker. I'm very pleased to rise today to speak about a very special and valuable community-based organization, the Boys and Girls Clubs of Calgary. I joined the celebration of its 60th anniversary on May 8, 1999.

Glancing back into history, the club was established in 1939 to provide young people with a place and activities aiming for character development and prevention of social problems. Through its many years of evolution the club's achievements include youth camp adventures, group homes, Stampede clean-up project, a tiny tots centre, Enviro wilderness program, homework clubs, food and nutrition at school, parent talks and teen resources, and many other programs, including anger management programs.

The club's mission is to help children realize their potential by delivering programs and services that respond directly to the changing social and economic challenges that Calgarian youth and families are facing. Its core strength is based on many dedicated volunteers. The club now has a fitting new name, Boys and Girls Club Community Services.

I wish to ask the Assembly to join me in recognizing the club for its superb community work and commending its valuable volunteers and staff who continue to make our community, our city and province the best place to live. We wish the club much success in the coming years.

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

2:50

Yellowhead Tribal Council

MRS. SOETAERT: Thank you, Mr. Speaker. Last Friday night I was honoured to be included in the graduation ceremonies for the Yellowhead Tribal Council, the criminal justice program. With dedication, vision, and hard work Anna Demchuk and Seaneen O'Rourke worked with the Lethbridge Community College to bring the criminal justice program to the students of Yellowhead Tribal Council.

Friday night was the graduation for those in the certificate program. Some students will continue on in their studies to gain their diplomas. Others already have jobs in the justice system. These graduates have worked hard to achieve their certification. Many elders, chiefs, family members, and friends were in attendance to show their support. These graduates have not chosen an easy career path but most certainly a noble one.

My congratulations to all the graduates. Thank you for working towards making our world more caring, more whole, more just.

Thank you.

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

**Point of Order
Parliamentary Language**

MR. DICKSON: Thank you, Mr. Speaker. In the exchange with the Minister of Justice, I think the third question today, the Minister of Justice to my ear – and I acknowledge I don't have the Blues in front of me – accused this member of misrepresenting a bill that was before the Assembly.

I might refer to *Beauchesne* 488(r), where it was found to be unparliamentary when someone said "misrepresenting his constituency." I might refer to 492 in *Beauchesne*, where it was found that the phrase "deliberately misrepresented" was unparliamentary. I might refer to *Beauchesne* 408, "Answers . . . should not provoke debate." Finally we end up at 491 in *Beauchesne*, which says that it's for you, Mr. Speaker, to look at the context and the other words that were spoken to determine whether the wording was "temperate and worthy of the place in which it is spoken."

The issue is the Constitutional Referendum Act, Mr. Speaker, an act that was designed by then Premier Getty and Mr. Jim Horsman, then Attorney General, to give Albertans the final say of veto in any constitutional reform proposal. The government here has decided to graft onto that bill a referendum for an entirely different purpose; namely, when invoking section 33 of the Charter of Rights and Freedoms. Contrary to what the Minister of Justice suggested, I clearly and have always acknowledged it is the government that initiates the process, because nothing starts until the government chooses to hold a referendum, but when and if it does, it then puts in place a process that effectively the government loses control over. If one reads *Hansard* when that bill came in and the comments of Mr. Horsman and Mr. Getty, it is clear that when the bill is introduced under that act, it is a government bill. It's not a private member's bill; it's a government bill. Mr. Speaker, I just end by asking you and all members: when is the last time we saw a government bill in this Assembly defeated?

Thank you very much.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I won't debate the content of the bill nor the interpretation as I feel that is inappropriate when you're arguing a point of order. I do admit to using phrases similar to misleading, misled, not telling the truth, untrue, and untruthful. Now, in looking at *Beauchesne*, all of those phrases have been held to be parliamentary. I could have, based on *Beauchesne*, used the phrases barefaced falsehood, deceived, dishonest, false, fraudulent, from dishonest to unfair, misrepresentations. I could've even thrown in stinker or stupid based on *Beauchesne*; however, I did not do so despite the fact that such phrases have been held to be parliamentary.

Now, Mr. Speaker, I guess quite frankly I feel that the Member for Calgary-Buffalo escaped relatively unscathed. Nevertheless, in order to avoid what I would consider to be a parliamentary spanking from yourself, I withdraw the offending remarks.

head: Orders of the Day

head: Government Bills and Orders

head: Third Reading

**Bill 37
Freedom of Information and Protection
of Privacy Amendment Act, 1999**

MR. DICKSON: I'm not sure whether third reading has been moved, Mr. Speaker. I'd be happy to speak to it, but we may want to cover the formalities first.

THE SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Yes, Mr. Speaker. I would like to at this time move third reading of Bill 37.

MR. DICKSON: Mr. Speaker, I guess the luxury of having a big, powerful government is that you assume things will pass even without going through the hoops and hurdles.

Mr. Speaker, a couple of comments I wanted to make.

MS HALEY: If the Speaker makes a mistake, you accuse us of that?

MR. DICKSON: Mr. Speaker, I'm getting some good support and encouragement from the MLA for Airdrie-Rocky View here.

Mr. Speaker, I'm pleased we're at this stage on this bill. Bill 37, make no mistake of it, addresses some serious issues that universities, postsecondary institutions have. It addresses some serious issues that local governments have. It addresses some serious issues that local health bodies have. I'm pleased that the Legislature has proceeded with dispatch to address those concerns to try and ensure that this Freedom of Information and Protection of Privacy Act continues to work. This certainly puts an end to concerns that have been raised by the Minister of Energy, I think, and the hon. Member for Little Bow and some other members who had raised concerns in terms of what was happening in schools. I understand they were doing their job in terms of giving voice to concerns that have been brought to their attention. I hope they'll take the time to read the bill and assure themselves that those concerns that had been identified have been addressed.

Mr. Speaker, as positive as the changes are and even though my colleagues were happy to support those changes – in fact, we've seen that this is a session where the opposition has worked hard to support bills that we thought were positive – we've only spent 1.8 hours in total in debating this bill, and that was because for the most part we thought it addressed some important needs in our province.

[Mr. Shariff in the chair]

Now, having said that, there are some things that I'll describe as outstanding challenges even after this bill is passed in its current form, and I wanted to quickly flag some of those right now, Mr. Speaker. Some of the concerns are that we have not been able to integrate health information, and I'm very, very much chagrined and disappointed that the health information bill we had been looking forward to, which was introduced two years ago and then torpedoed in a firestorm of protest and concern from interested groups and opposition and so on – we thought we were going to see it this spring. We have not seen that legislation, and I think that's a concern, because we're passing sort of an amended FOIP Act and we don't know exactly how it's going to fit in with this new health information law.

We also don't know how this new amended FOIP Act is going to fit in in the review that's being undertaken by the Minister of Municipal Affairs dealing with the whole business of registry services. So that's another loose end out there. We don't know how our FOIP Act as amended by this bill is going to correspond with Bill C-54, the Personal Information Protection and Electronic Documents Act.

Mr. Speaker, we've seen the province of Manitoba – and the other day I tabled a note from the province of Saskatchewan – and I think the province of Ontario holding public hearings, and on countless occasions I've encouraged our Minister of Labour to do the same thing in Alberta. I don't want to see Alberta businesses, any

business that trades outside the territorial boundaries of the province of Alberta, three years from now finding themselves subject to a whole code of regulations in terms of privacy protection. I'm fearful that they don't know this thing is coming and that our government is not doing an adequate job of letting them know.

So those are concerns I have as we debate this bill, and while I support it, I think we have to note some of the things that are happening. The Uniform Law Conference of Canada has been working on a uniform data protection act which reflects the model code for the protection of personal information. Once again, that has not in any direct way been brought into the debate on this important bill.

One of the other concerns we've got with the bill, Mr. Speaker, is that we've broadened the law enforcement exception. We already have very generous, very broad exceptions whereby certain kinds of information and records are not accessible to Albertans, those people we are supposed to be serving, and that's a disappointment.

Citizens in Red Deer and in Grande Prairie and in those communities that have the RCMP as their municipal police force have a different level of privacy protection than the rest of us do. I thought it was a pretty basic, fundamental proposition that all Albertans should be treated equally. Mr. Speaker, you may be surprised to know that if the RCMP happens to be your municipal police force, you've got a different set of standards, a different sort of protection, and arguably a far weaker kind of protection than you do if you live in Calgary or Edmonton or Lethbridge or Medicine Hat, where they have a municipal police which is subject to the act.

3:00

The complete exception of EPCOR and ENMAX should cause great concern. You know, we have a government that sort of can't decide whether it's going to be a privateer and privatize, turn over all kinds of efforts and shed responsibility, or whether it's going to maintain responsibility for the public good. I'm afraid what we're doing with EPCOR and ENMAX, taking them out altogether, is problematic.

Mr. Speaker, we had concerns that haven't been addressed. If you look at Bill C-264, introduced in the federal House of Commons, they're looking at some enhanced access remedies. The Canadian Newspaper Association report on government secrecy that was prepared and published the last week in April identified concerns. We haven't adequately addressed those concerns in this bill. The 1998 study, a fascinating study entitled *Assessing the Health of Canada's FOI Laws*, from Professor Alasdair Roberts of the School of Policy Studies at Queen's University, did an analysis across the country. I won't bore members by highlighting all of the excellent recommendations, but the point is that there are still things that we could and ought to do better.

In terms of access to records, I'm going to predict right now that there will be a constitutional challenge to that provision that allows the head of a public body and the IPC to start making inquiries when there is more than one applicant to determine if the applicants are working together. That violates, in my humble opinion, the Charter guarantee of freedom of association, so I think that's problematic.

The concern, also, with government reports. We're going to continue to see what we did last year with the lotteries summit, and we're seeing it now with the long-term care report chaired by the Member for Redwater. You know, the consultation is all done, the report is written, but government is embarrassed by the recommendations, so what you do is you say: well, the consultation isn't really complete; we're going to continue it on for another year; we're going to carry it on awhile longer. Well, what happens as a consequence of this bill is that the government is going to have more

loopholes, and believe me, Mr. Speaker, this government does not need more loopholes. What we need is more transparency, and we're not going to get it.

The other concern I'd just touch on is the business of fees and fee waivers. We continue to still have the highest fees in the country. Fees and fee waivers have been identified as a huge problem not only by the Alberta Liberal opposition but by the Alberta Civil Liberties Research Centre, the Canadian Press, the Canadian Association of Journalists, the Canadian Taxpayers' Federation, a number of individuals including Martha Kostuch, the well-known environmentalist. So there continue to be problems from people who use the act and use it a lot.

Mr. Speaker, I'd make no apology and my caucus would make no apology for using this act. It's a tool to get access to records we can't get under Written Questions and Motions for Returns. That's why it's there.

MRS. FORSYTH: Laryngitis here we come.

MR. DICKSON: I was starting to weaken a little bit. It was too restful a weekend, but I've been spurred on. The Member for Calgary-Fish Creek wants to hear more, Mr. Speaker. You know, it's a wonderful thing. Just when you're flagging, one of your colleagues gives you a little pick-me-up and keeps you going.

I just want to say here in my next point that I want to pay tribute to the Member for Calgary-Fish Creek. I'm mindful of her when I make this observation. The quality of the report that we received from the Minister of Labour with respect to what's working in FOIP and what's not working is clearly inadequate. The IPC report sets a high, high standard, and I can't say enough about the changes that the Privacy Commissioner has made in terms of his accounting. The report we get from the Minister of Labour doesn't allow us to clearly identify who the information misers are, and we know they're there. We know that some of those 17 ministers opposite are information misers and, more importantly, some of them champions. Some of these ministers deserve a gold medal. I'd like to be able to make a recognition of those ministers that do an absolutely stellar job of respecting the public's right to know, but am I afforded that chance, Mr. Speaker? I am not. I am not because the report that we get on an annual basis simply doesn't give enough detail. I'm hopeful that's going to be reviewed and considered in the future.

The point is this. Let us recognize that we have actually an excellent freedom of information and protection of privacy law. We have potentially one of the best laws anywhere in the country, but it only works if we have a fee regime. It only works if we have well-oriented and well-trained staff. In the Premier's office we've seen a major problem there. We know that the staff had to go through some additional in-service training because they didn't understand what section 9 and that important obligation about duty to search was all about.

Mr. Speaker, this is one of those mixed bills. On the one hand, I praise the government – and I don't do this very often – for being responsive. The Member for Calgary-Mountain View always points out to me and says: can you not be a little more positive? I'm glad he's here, and he's hearing these very positive comments. We've done some excellent things, and frankly we wouldn't be supporting it and it wouldn't have gone through with less than two hours of debate had it been otherwise. I might say, just by comparison, to new members of the Assembly that I figure we've probably spent three weeks of time in this Assembly over the last seven years dealing with the minutiae and the intricacies of the act, but we're trying to work in a positive way with the government, with the Minister of Labour, with the Member for Peace River to move this

thing along. But let no one make the mistake, let no one think for a moment that we will be any less vigilant in making sure that FOIP works for Albertans. We will continue to be vigilant. That's my promise to you, Mr. Speaker. I want to specifically make that promise to you that we're going to continue to challenge the government on this issue.

When that health information law comes in, we're going to be asking tough questions, and we're going to be asking tough questions when we see what the Minister of Municipal Affairs is going to do about registry services. When and if this government is hit over the head with Bill C-54, if that becomes law, we're going to have to tell Albertans that we were trying in 1999, that we were pushing hard, Mr. Speaker, to open up a consultation to inform Albertans, and it was this government that nixed it, this government that said: no; Albertans don't have to know what Ottawa is doing. It wasn't good enough on gun control, but for some reason when we're dealing with the privacy of Albertans, it's a different standard.

Thank you very much, Mr. Speaker.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I just wanted to take the opportunity. I haven't been able to muscle my way past the hon. Member for Calgary-Buffalo to be able to make a few comments on this bill, so I thought I'd try it now in third reading.

There are many, many concerns and positive statements that the Member for Calgary-Buffalo has raised and just a few that I wanted to comment on very quickly. I think it's important that this bill pass. There are many good things in it but a few things that could have made it better.

The issues of the private schools, the nongovernmental sector, and FOIP fees are not being addressed in this legislation, and that is a disappointment to me. I understand that the bill was done in anticipation of the postsecondary institutions and the local public bodies coming under the act this fall, which is a good thing in my opinion.

Now, in the interest of time, I would refer Members of the Legislative Assembly and readers of *Hansard* who are joining us at home to the dissenting report of the Select Special Freedom of Information and Protection of Privacy Act Review Committee, the dissenting report that was put forward by the Member for Edmonton-Castle Downs and the Member for Calgary-Buffalo. A number of excellent points are raised there. I won't go through them again, but I think it's important that students of the Freedom of Information and Protection of Privacy Act have an opportunity to review the comments and concerns that were raised in that dissenting review.

3:10

Now, one of the things that I noticed in this all-party committee that led up to the introduction of this legislation was how few of the submissions to the all-party committee were in fact from the public, and part of that – I will quibble a bit with the government – is that I think the deadline was a very short time for people. Certainly with my background in nonprofit management I know how long it takes to get a nonprofit organization going and get it passed by the board when they want to do something and get it out to a committee.

In many ways it's even more difficult for individuals who may not be used to involving themselves in this sort of public consultation. It does take a while to start to figure out where to get the research and how to get some information and compile the brief and presentation that people want to make. I noticed that overwhelmingly it was public bodies, police services, and different groups like that which

indeed put forward submissions, and very few were from the public. I understand that the report through the Department of Labour in fact came significantly after the cutoff for everyone else, so there was an advantage there given to the government that was not extended to members of the public.

It concerns me that I still see that ministries are able to opt themselves out of the act by passing a regulation on a specific matter. That still really concerns me. We've had the FOIP Act in place for long enough now that everybody knows how to deal with it. They have their FOIP officers in each department. I don't see any reason that ministries should need to be opting themselves out over specific projects, one would presume. I don't know, seeing as they've opted themselves out and I can't get the information, but that does trouble me.

Ah, yes. I would still like to see something done to safeguard the public from having public bodies ship information data to be processed to other locations. I think there's a real potential flaw in that system. We had the one example already where we had I think it was ISM doing the hunting licences and fishing licences. That information in fact is processed in British Columbia. So we've got data traveling between provinces there, and that makes me most uneasy. I wish something could be done about that.

Those may well be the concerns that I wanted to highlight. Overall I think it's a very good amendment act. I'm pleased to see it. I know there was a good deal of personal time put in by the members of the committee, and I appreciate that. That's probably a summer's worth of work that was put in. I think a number of issues that were causing some concern, particularly to the sectors that were going to be brought onstream in the fall, the guidance that's provided for the reasonable disclosure of personal information through the schools, you know, disclosing enrollment in a school or a program, names of participants in the graduation ceremonies – I know a number of my colleagues like to send congratulatory letters to the members of the graduating class. It looked like we weren't going to be able to do that. That would have been too bad. That sort of thing has been addressed in this legislation, so excellent.

Certainly the health care sections where in the event of an emergency someone else can provide the personal information if someone is too ill or that public bodies can disclose information that's necessary for health and safety without having to disclose who the information came from – that gets us around some problems we've identified in the past. I think that's a very good example of using the FOIP Act.

I won't prolong this debate by listing all of the good things in the bill. I've tried to be equal there: a few concerns and a few positive statements. I am pleased to see that it is going to go forward. I encourage the government to continue to refine its legislation and to be open to the comments that are coming forward from the public, from the users of the system, and also from the participants that are subject to the Freedom of Information and Protection of Privacy Act. This is a very important bill and important legislation, an important overriding theory that's in place for us, especially in this day and age of fast data transfer of personal information about people. I look to this act as being one of the strong safeguards in our society.

With those few comments, Mr. Speaker, I'm happy to take my seat, but I was pleased to be able to speak in third reading on this act.

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

MR. MacDONALD: Yes, Mr. Speaker. Thank you. I just have a few brief comments at this time in third reading. I read with interest the amendment that was put forward in Committee of the Whole

regarding freedom of information in EPCOR and ENMAX. This is going to be a huge debate in the city of Edmonton, whether we should privatize or keep EPCOR in the hands of the citizens of the city. I don't know if everyone's interests are best met by this particular amendment in this legislation, Bill 37, but it is one that I for one am disappointed in.

The debate will continue around the city on whether we should privatize EPCOR or not. It is going to make it very difficult, if there is a long-drawn-out debate on this, as to whether opponents can effectively argue their side of the debate if they do not have access to vital information. The citizens, over time, have been instrumental in the economic success of this corporation, and they should have the vital information if they are to make a decision as to whether it should be privatized or not.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Peace River to close debate.

MR. FRIEDEL: Thank you, Mr. Speaker. I've listened to the comments that were made by the members for Calgary-Buffalo, Edmonton-Centre, and Edmonton-Gold Bar, and I would like to remind everyone that these were generally the issues that were discussed by the all-party committee that reviewed the FOIP Act, and they were not taken lightly. Every one of these issues is fully documented in the *Hansard* records of the meetings, and subsequently the report was tabled in this House. The Member for Calgary-Buffalo did comment that the report wasn't long on detail, and he's correct. But if we were going to put in all the detail of the issues that were discussed by the committee, I would have to include the items in the files in my office, which are exceeding, conservatively, two-feet thick.

All of those documents, every page, is publicly available to anyone who's interested, anyone who feels the need to read even beyond what was in *Hansard*. That's the reason why I haven't felt it necessary to speak at length other than during the introduction of second reading on this bill. I'm assuming that some of these matters will come up again in the future, as there is a requirement for ongoing review of this bill, Mr. Speaker.

With that, I'd like to thank the members of the all-party committee who spent dozens and in some cases up to hundreds of hours over the past year working on it and for the support of all the members in this House for this bill.

With that, Mr. Speaker, I'd like to call the question on third reading of Bill 37.

[Motion carried; Bill 37 read a third time]

3:20

Bill 32
Assured Income for the Severely Handicapped
Amendment Act, 1999

THE ACTING SPEAKER: The Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Speaker. I'd like to move third reading of Bill 32.

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

MRS. SLOAN: Thank you, Mr. Speaker. Well, this afternoon it's of interest to note that to date we have had over seven hours of

debate on this very complex and in some respects contentious bill. Of that seven hours, only 27 minutes of that time was government-driven debate. Eight minutes belonged to the third party. The remaining six hours and 25 minutes I believe is a reflection of the importance the Official Opposition placed on this act and how it would ultimately affect the vulnerable in this province. That six hours also included the introduction of 18 amendments by the Official Opposition that addressed three areas: the areas of the powers of the director, decisions being made by regulations, as well as the sections within the bill that were of concern, specifically the removal of the term "trustee" and the substitution of "financial administrator" for that specific term. We saw all 18 amendments to the act defeated last week. That is regretful in my opinion.

Given the low level of debate by the government on this act, particularly when there was such a high level of concern surrounding the bill and the preliminary release of its directions early in January, I thought it might be interesting to look to the government's advisory council spokesperson's remarks on this bill. I would like to do a bit of a comparative analysis, Mr. Speaker. On May 6 the chair of the Premier's Council on the Status of Persons with Disabilities spoke in the Assembly, and he embodied the council's position on Bill 32 as follows. He said:

The Premier's council values these amendments and sees many of its recommendations outlined in our position statement of January 1999. These are reflected in the changes.

In addition to the increase in benefit payments, the council has heard from the community that perhaps the two most important parts of the legislation are the initiatives allowing extended medical benefits and the rapid reinstatement policy for individuals who leave employment and have to return to the program. The former is crucial for persons with disabilities who live with a higher cost of living than some due to their increased medical costs, and the latter provides motivation and security for those individuals to return to work. Prior to the amendments this opportunity did not exist, and many individuals could not risk employment for fear that their efforts would be unsuccessful and they would be left without support.

These amendments are seen by the community as a dedication by the province to support the national commitment to persons with disabilities as articulated in the In Unison document.

The chair of the council then went on to talk about the national document at some length.

[Mrs. Gordon in the chair]

Now, that's of interest when you compare those remarks with the remarks and concerns that were published in the newsletter of the Premier's Council on the Status of Persons with Disabilities in February '99. I would quote directly from the update on the AISH review as it was published in this report and the concerns outlined as follows.

With regards to recent claims and opinions questioning the honesty and integrity of persons with disabilities in receipt of AISH, the Council believes in and supports the integrity of persons with disabilities and their honesty in attempts to fully participate in the life of the province. Issues and concerns related to individual situations/scenarios must be addressed on a case by case basis.

Furthermore, the Council:

- believes that AISH must be an Individualized Income Replacement Program based on disability,

not the welfare-linked program the government is attempting to establish with the review's amendments.

Further, the council

- believes that income support must be viewed as a right and an investment (not a privilege) necessary for some Albertans with disabilities;

- supports extended medical benefits and rapid reinstatement in order to reduce barriers that discourage AISH recipients from working;
- advises that the entire assessment process [relative to] employability needs to be reviewed;
- believes that further clarification is required from AFSS with regards to 1) assessment of ability and 2) identification and implementation of training opportunities . . .
- believes that further clarification is required from [the department] with regards to its position that benefits should be "more responsive to family size" in order to more clearly spell out the implications on the individual with a disability;
- supports the provision of additional benefits becoming available to AISH recipients to meet extra needs;
- supports the review of the AISH program; however, considering assets in determining eligibility may severely compromise the original intent of AISH as an income . . .

That's said by the Premier's own council.

- notes the existence of other support programs in the province that do not require asset testing.

I question the difference, Madam Speaker, between the chair of the council's remarks, as I cited from *Hansard* on May 6, and the published concerns that are released in the newsletter of the council in February of '99, a stark difference, specifically when it relates to the issue of asset testing. There is no endorsement. As I read the council's newsletter, there is no endorsement of the asset testing component incorporated in the review but rather a caution that there are many other support programs in the province that do not require asset testing. So why is the government singling out the disabled for the introduction of this reform?

I'd like to turn now in my debate on this bill and talk a bit about what I've learned through this process about politicizing advocacy. I've just spoken on the record about the Premier's council and the fact that that council is chaired by a government MLA. It seems that the government, most probably intentionally, Madam Speaker, has attempted to choker chain, if you will, advocacy in this province when it comes to the issues affecting the disabled. On one hand, they appoint a government MLA to head up the status of persons with disabilities council, thus resulting in a contrasting review of the bill before us in this Assembly. On the other hand, they tether other voices, leaders and organizations offering advocacy, by threatening them, either overtly or subliminally, that their operational grants will not be renewed if their support for such legislation or reforms is not positive, or in the case that it's not positive, that it be silent.

3:30

There are a number of groups, independent groups, in addition to many hundreds of citizens which wrote or e-mailed or called the Official Opposition with respect to their concerns. The government doesn't invite them to participate in the consultation, Madam Speaker, nor do they fulfill the promise they made in the throes of the bill being introduced that there would be a second round of consultation. Groups like the Edmonton Social Planning Council aren't invited to the minister's private briefings or consultations even when they have been one of the only groups to publish their concerns about the bill and their analysis of how it will be implemented. That is deplorable, deplorable specifically when it comes to a population that is vulnerable by nature of their disability. The government effectively has tied their hands or in some cases gagged them from being able to democratically voice their concerns and oppositions about a piece of legislation.

The Official Opposition, respecting that, has attempted through many fronts to inform Albertans. We've published a report on the submissions we received from citizens outlining their concerns with respect to Bill 32. That report was subsequently mailed back to each

citizen that provided their thoughts or criticisms or constructive suggestions, Madam Speaker. It was mailed back to them as a symbol of our respect for their knowledge and their understanding about how this bill would affect the program and the individuals in need of the program in years to come.

I'd like to spend also a bit of time this afternoon talking about one of the most serious aspects of this bill, an aspect that did not receive enough debate, if I may respectfully submit, and that is the issues surrounding employability and functional assessments that this bill brings into play. There are not enough protections, in the opinion of the Official Opposition, in this legislation for people making the step from AISH to employment. The government has couched this change in a positive, rose-coloured context, Madam Speaker, that anyone attempting to enter the workforce and increase their abilities will be treated with the utmost of respect, subject to rapid reinstatement if in fact they find they're not able to fulfill the job training or the employment contracts into which they might enter.

But the reality, the coldhearted reality, is that that commitment to rapid reinstatement is not in the legislation, and we could effectively say that it might never be in the regulations. Regulations, as we know, are developed, they are debated by the cabinet, and they are passed by an order in council, so there will not be a public scrutiny. The Official Opposition brought forward an amendment to provide for a council of five representatives of the disabled community to review regulations twice annually. That, Madam Speaker, was defeated by this government. So this afternoon there is no commitment on the record to rapid reinstatement other than a verbal one. We do not have anything within this act that assures these people that they will be able to go back on the AISH program just as before if employment training is unsuccessful or if they are medically unable to complete the employment requirements.

In essence, Madam Speaker, voluntarily opting to take employment training could become a one-way trip out of the system. This reality is very clear to people who worked in social services. It was very clear to those who had a relationship or were on the front line during the reforms instituted to welfare and SFI in the early '90s. I would hate to see the dramatic reduction in the AISH caseloads, which the government has already started to make and which I referenced in my earlier debates on this bill, that we saw occur in SFI in the early '90s after the institution of this government's reforms.

The fact is that while the Minister of Family and Social Services went on the record, when he was feeling the heat of the release of his cabinet report, promising more consultations, all he has delivered to date have been two private, invitation-only tea sessions in his office, not the broad debate that was called for at the Edmonton forum that was at Grant MacEwan College or the forum held in Calgary attended by very few, I believe only one, government MLAs.

At both of those public forums, Madam Speaker, I recall, having been in attendance at both, that I did not hear the chair of the Premier's Council on the Status of Persons with Disabilities stand up and say on the record that he was taking these issues and concerns under advisement and would report back to the Assembly, report back to the Premier, report back to the minister, or propose amendments to the bill in this Assembly. We did not see that advocacy. In fact, what we saw was numbing silence when it came to the public expression in this Assembly of hundreds and hundreds of citizens voicing their fears about what this bill would mean.

Just getting back to my point about consultation and the fact that the minister of social services promised that he would have public consultation subsequent to this bill being introduced, that in fact has not happened. I would dare predict that in maybe a week, 10 days', or two weeks' time we'll see a cabinet shuffle, and the Premier will attempt to wash away any of the images, the fears, the commitments

made by previous ministers, specifically the Minister of Family and Social Services, and with some fresh face from amongst us, Madam Speaker, will attempt to put all of those issues and concerns behind us, specifically about the regulations and how they might be implemented. I would like to see a day in the future where there is a government that isn't afraid to allow untethered advocacy when it comes to the interests and the needs of the vulnerable in this province, but I daresay that it may take a change in government to achieve that.

With those remarks, Madam Speaker, I am not in a position this afternoon to support this bill nor are any of my colleagues in a position to support the bill. We have cited our concerns on the record. We have made amendments to the sections of the bill that we felt were regressive and would lead to a fragmentation and erosion of this program. We have published a report and circulated that report broadly in the province in an attempt to educate Albertans about our concerns. I would only hope that through all of those endeavours we have equipped the citizens of this province with a better capacity to understand what Bill 32 will really mean to them and to those amongst them who need AISH in the future.

Thank you very much.

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

MRS. SOETAERT: Thank you very much, Madam Speaker. I would just like to speak for a few moments on third reading of Bill 32. You know, at third reading you speak to what effect this bill will have on people, and I can't help but think that we could've made this bill a great deal stronger. I feel badly that many of our amendments, very good amendments, were not accepted, and probably next year we'll see an assured income for the severely handicapped amendment act, 2000, because we will need to make it stronger yet again or clearer. I feel badly that we've lost that opportunity in here.

During committee I saw things happen when I thought: you know, it's too bad we couldn't take a little more time on this bill, that the minister wouldn't seriously consider some of these amendments. Just the reality of the crunch of the hours and the work of everyone in this Assembly during session I think in a way contributed to a piece of legislation going through that is not as good as it could be. So when I think about the effects of this bill, I think it may fall short of expectations for some people, and I think that's too bad.

3:40

I also fear that some groups have not been able to put in legitimate input. Part of that may be because, you know, you hate to bite the hand that feeds you. If these organizations are supported by government money, they feel themselves in a bit of a dilemma speaking against something that is coming up. They can express concern, but to give definite suggestions and a very strong statement opposed to the bill or for the bill – well, for the bill would probably be accepted. But if they made a statement against the bill, a very strong statement, are they worried in the back of their mind that funding may stop? I'm not saying that that's happened or will happen, but it is a good question that all of us should ask ourselves.

We have groups that feed us information. They are the frontline people. They are doing that work. They are with the very people who are receiving a program that is being legislated, yet maybe they don't feel free to comment because they are funded by government money and are afraid that that funding may stop if they happen to object. I think that's something we should all try to put our thoughts around so that doesn't happen, so that people are free to express their concerns.

One of those examples is the Premier's council on persons with disabilities, and I expressed this before. I am anxious to see their response to what was tabled today by the hon. Member for Edmonton-Riverview. I want to see how they respond to each one of those suggested amendments, how they were voted down unanimously by government members, every single one of them, yet that supposedly independent council had input on this. Well, we didn't see anything written. We saw a statement that they have some concerns. Where were the concerns? Where were they listed? Where were their comments on the bill? Where were their comments on our suggested amendments? To me that's a lost opportunity to make it better, not because I'll get more money in my wallet or somebody I know will get a job, no. It's to make it better for all people who are on an assured income program.

So I feel like we've missed an opportunity in this Assembly with regard to Bill 32. I know there are some things that people in the community are looking forward to, and that's good. Who wouldn't want \$35 more a month? Well, we all would, and I'm sure that's a positive part of this bill. But I am concerned about the asset testing. There are programs and grants within our provincial government, within our programs, that have nothing to do with asset testing. Even when this government did income testing on seniors, they didn't touch asset testing. Why? Is that because they're a bigger population that vote than those on assured income?

I would hope that isn't how decisions are based, on how many people vote on one program as compared to how many vote on another. Am I that naive? Yes, I am. I mean, look at that. They wouldn't touch asset testing with seniors because they're a large voting population, yet they're going after asset testing for those with disabilities. Think about that. Think about what that's saying. You calculate how many votes per riding. Is that how you make a piece of legislation? In that regard I'm very disappointed in this legislation – I really am – and that this government looks at how many people vote and “let's make legislation with regard to that.”

I think what this government may have forgotten with the assured income piece of legislation is that I don't think there's one family that hasn't been touched by somebody with a disability, by somebody who needs a bit of extra help, by somebody who cannot be entirely provided for by their families. I think everyone in this Assembly must have an extended family member who is dependent on the assured income program. I think we should consider that when making legislation and make sure that it's as good as it can be for as many people as possible. I think this one has fallen short.

A few other things about this bill. I think that when they extend health benefits, that's a plus. When we extend \$35 a month, that's a plus. The ability to try to participate in employment and training initiatives and then go back to the program if it doesn't work, I think that's a plus. But I am disappointed in the asset testing. I'm disappointed that this isn't as strong as it could be because of some amendments that truly were not even considered.

Madam Speaker, I think I have expressed some concern about Bill 32 and some support. It's interesting that when legislation goes through that isn't as good as it could be, they blame the opposition for not putting all the amendments forward that they should. Well, this time we'll say: here they are. We tried. They voted them down. In fact, they didn't even consider them.

With those remarks, I thank you for the opportunity to speak to third reading of Bill 32.

THE ACTING SPEAKER: The hon. leader of the ND opposition.

MS BARRETT: Thank you, Madam Speaker. I'm quite surprised that we didn't hear back from the minister, after discussing this in

committee, on a few of the matters that I raised at that time. One of them, of course, is the indexing of the value of the assets and indexing of payments under AISH. You can see that we need . . .

MRS. SOETAERT: Pam, you missed the amendment.

MS BARRETT: Oh, I know. I heard your amendments, but the government didn't respond. In fact, the minister himself was in the Chamber at the time that I was raising these issues and was nodding. I thought they would be addressed by the government themselves, but they weren't. Indexation of payments I think is very important to those who are living on such low income because of their severe disabilities.

The government also did not address the conundrum of what happens when a person sells his or her principal property if the value of that is over \$100,000. I can see that the government has a difficulty on its hands, and I can only assume that this will be addressed in regulation. If not, there are going to be battles and probably battles that go to court over this.

Finally, the quick re-entry to the program. If one wants to venture out and try to work and see if it's possible, if the person finds that employment is too arduous on her or his condition, then we need, I think, assurances in writing that re-entry into AISH will be virtually automatic. Maybe the government has in mind that certain forms will be available to those AISH recipients willing to or able to try to take on some employment such that if they find even after so much as one day – or maybe it takes a couple of weeks or a few months – that they're incapable of working, that the imposition on their health and their specific handicap is too onerous, they will be eligible literally the next day for re-establishment under the program. In terms of the indexing and the sale of the principal property, I never did receive anything in writing from the minister on this, so I can only hope that both of these issues will be addressed in the regulations, because for now the bill is void of recognition of these problems and void of solutions to them.

3:50

At the end of the day, though, I have to say it: I don't think that this legislation was necessary. I really don't. I think government policy would have been adequate. I always worry, when a government substitutes legislation for policy, that it constitutes the thin edge of the wedge in terms of getting rid of a program or diminishing it somehow. This may be the first step in diminishing the scope of AISH and what its present and future recipients can expect of the program. I suppose I must acknowledge that Alberta is fortunate to have such a program. Nonetheless, with this legislation I think there's a potential for weakening it in the future.

I look forward to the minister responding to my questions again on these various subjects. Thank you.

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

MS BLAKEMAN: Thank you very much, Madam Speaker. I'm pleased to be able to speak at third reading of Bill 32, Assured Income for the Severely Handicapped Amendment Act, 1999. I want to address the effect that I think this bill is going to have on people who are eligible for AISH, and there are a couple of areas that I would like to look at. One of the areas – and I mentioned it when we were in second reading – is still one that truly concerns me. I have a deep concern that the effect of this bill will be to create very great hardship in the long term and for the following reasons.

AISH is a program that is discontinued at age 65, at which point someone is expected to live on their retirement savings or a pension

plan or personal assets of some kind. Perhaps if they're very low income, they would be eligible for old age security and the guaranteed income supplement, which are federal programs, and supposedly then if they qualified for those two programs, they would also qualify for Alberta seniors' benefits. My concern with the asset testing that's being put in place with this bill is that essentially this is asking people to use their pension savings. For anybody that has assets of over the amount of \$100,000, they're expected to use that money to support themselves. They wouldn't be eligible for AISH, in other words.

Well, that can't last very long, and frankly, having been capped, if I were a person that qualified for AISH, if I had over \$100,000 worth of assets and I was required to spend down to \$100,000 or \$99,000 in order to qualify to be on the AISH program – I'm 41, so I'm on the AISH program until I'm 65. That \$100,000 in an RRSP or a pension fund or a trust account, whatever, is not going to be a very good retirement savings plan for me by the time I get there. So now I would be a senior citizen with a handicap, a severe handicap. I won't have worked, so there were no CPP contributions. I've got whatever sort of pitiful amount I could actually receive per month as income from this asset, if I've managed to hang onto it, and I'd be on OAS and GIS and perhaps Alberta seniors' benefit, if it still exists. There's nothing additional there for me by way of additional health benefits. There's nothing additional for Aids to Daily Living. There's nothing. It's all gone. So at that point I would be a very destitute senior citizen with a severe handicap.

I am very uneasy about this. I think we've gone for short-term gain for long-term pain. This may well look good on the books now, but I truly question – for handicapped people who are retiring in the years to come that have been on this program, this will be a very cruel retirement for them and a most uncomfortable one, I suspect. Eventually, if there are enough people, I suppose it will come to the public's attention, and some additional program may well be put in place.

I disagree with asset testing, to begin with. I question this bill, although indeed it contains things that I was interested in having, like the ability to try to work and/or to be able to volunteer in the community, to be a contributing citizen. I really feel that the effect of this bill is going to be to make a very miserable senior citizen population somewhere down the line of people who are not able to assist themselves because they've been required to use their assets.

There is a presumption of destitution here, that you don't get government programs until you're destitute. While some people may not consider up to \$100,000 in assets – and truly we have very few people on this program that have those kinds of assets. I've been remiss in this, walking around talking about \$100,000 as though every one of these people on AISH has \$100,000 socked away in the bank. That is simply inaccurate. Very few of those people have those kinds of assets. Most of them have significantly less, and some, no assets; let's face it. I think we have done a very cruel thing here. So that's one of the effects that I see of this bill. I think we will come to pay a lot in the future to try and reverse what we have put into place with this bill, and I'm not happy about that.

Secondly, the rapid reinstatement. I had spoken before about particularly the persons living in Edmonton-Centre who are living with HIV or living with AIDS and the desire of a number of these people and indeed of other people who are on AISH to contribute in some meaningful way to society. They've said: "I can't work a 9-to-5 job Monday to Friday, Laurie. I just can't do it, but I would like to work when I can, maybe a couple of hours, maybe flex hours over the week. I figure the way my health is right now, I could put in, you know, five or six, or maybe eight hours." Okay. I appreciate that, and I encourage that independence and that contribution to

society. I still don't see how that situation works with this bill. I'm not understanding how this bill affects that situation, because they're still working minimal hours.

Should for some reason some of the people on AISH in Edmonton-Centre decide that in fact they could give it a go, that they could try for full-time work, they're comforted by the idea that there's this rapid reinstatement. We've heard it in the news; people have talked about it in the Assembly. "Okay. Well, good. Then I actually could try this, go out and try and get a job or do the employment training and try and get a job. If it didn't work, there'd be rapid reinstatement, and I'd be okay." It's that security cushion that's in place for people and probably an incentive for them to take the leap in the first place. That rapid reinstatement is not in the legislation.

I'm always deeply suspicious when things are not written in the legislation, where I can see it. I have complained many times that regulations that are putting the detail in place from the legislation – it's very difficult for the public to find out what's in the regulations, very difficult for them to access and costly if they have to go to the Queen's Printer and pay for it, because these are usually pretty thick, heavy documents and they have to pay a photocopy charge or a printing charge for every page. While that may not seem like very much money for some of the people in this Assembly, trust me: for people living on AISH, that is a significant amount of money for them to have to fork over. It could be – what? – \$10, \$12. Well, when you're only making, you know – what's the amount now?

4:00

MRS. SLOAN: It's \$823.

MS BLAKEMAN: Well, that's a significant chunk of money out of your monthly allowance to try and get the regulations to tell you what the program that you're on actually does and what all the rules and regulations and the ins and outs of this are. So I am most concerned that I don't see that rapid reinstatement in the legislation. I question whether there is a commitment to that.

I realize that sometimes government needs a bit more time to try and figure out exactly how things will be done to implement a program. I appreciate that, but I sure don't want to see a situation: "Oops, can't do that," or "Oops, our definition of rapid reinstatement is three months." Well, that's not possible for some of these people who are requiring the assistance, who are requiring medication, who are requiring food. For many minimum-wage jobs there's usually a two-week lag. You get paid two weeks from now. You could be out of money today and require that assistance now. So when is this rapid reinstatement? Whose definition of rapid? If we had it in this legislation, we could have debated that. We could have talked about it here. We could have had input from the public while we were at it.

Well, we don't know what rapid is. We don't know how the government plans on doing this. So the selling point, the plus, the upside to this employment program looks a lot less upside to me when I don't know how long it would take for someone to get back onto the program. This was supposed to be the big incentive. So real concerns about the effect of that.

I note that the hon. Member for Edmonton-Riverview made a really thoughtful and careful submission of amendments to strengthen this bill, to make it better. I won't go through every one of them, but in flipping through them, one that really caught my eye – and I suppose it's because we've also been discussing pensions in this Assembly – was the amendment that was asking that the asset level of \$100,000 be adjusted annually for inflation. I was disappointed that that did not pass, because I think we may have set ourselves up for another slow erosion there.

I mean, I've heard the Speaker often talk about tax bracket creep,

where people don't do anything, but because the tax brackets were not adjusted, then they would end up getting taxed more. I'm concerned that we're looking at the same sort of situation here. It might be \$100,000 now, but maybe it goes down a bit more or maybe it goes up a bit more. Again, it's not specific, and it's very difficult for me to be able to sell this program out in my community without adjusting it for inflation. We try and adjust everything for inflation: pension programs. You know, that's why we've got a cost-of-living index. There's a reason for having it. Why on earth did we not put it in this program? So it's another example of the questions that I have about potential long-term pain.

My colleagues will be going: "Oh, the sky is falling. Chicken Little, blah, blah, blah." Fine. You can throw those accusations at me. I'm still going to stand up here and say: are we casting our thoughts forward? Are we doing the best we can as legislators to implement the best legislation possible and for the long term?

You know, I haven't been elected that long, but I'm already seeing acts that were passed during my term coming back for adjustment because something wasn't done properly the first time. Good heavens. I mean, if we're going to spend this much time debating things and bringing them before this House, let's do it right. Let's try and give some long-term thought to what the effect of this legislation is going to be beyond, you know, a year or two down the road.

So those are the few comments that I wanted to make. I am most concerned about the pension situation, as you can tell. Anything the minister would like to elucidate, I'd be very happy to hear, because I think that what we may be doing here is essentially robbing people of their pensions and condemning them to poverty in their senior years, when their health is likely to be even more frail and they don't have the additional resources that they would need to help themselves, which I think would also be taking away some of their dignity. That truly troubles me.

I hope that as regulations are made – because at that point that's the only thing that can have any effect on what will happen with this bill in the future – some of those things are taken into consideration and that there is a very strong and committed attempt to do public education on what this bill will actually be and what will be in the regulations, rather than when it comes out in the *Gazette* or – sorry; I can't remember the name of the document – and then that's it. So nobody really knows what's going on.

So I ask that there be a concerted public information campaign. Certainly I as an MLA would appreciate getting a complete package, that I could share with people that came in, instead of having to sort of scrounge around and go on the Internet and beg for little bits and pieces of information. I think that's something that the government could do to improve the situation.

With those comments, I appreciate the time.

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

MR. BONNER: Thank you very much, Madam Speaker. I'd also like to just add a few comments on Bill 32, Assured Income for the Severely Handicapped Amendment Act, 1999. I have to agree with the hon. Member for Spruce Grove-Sturgeon-St. Albert when she mentions that this was an opportunity for us in this Legislature to certainly make a commitment to those people who do require an assured income to let them know that there is security here and that while some parts of this bill are good, we certainly are short in other respects.

Now, this bill certainly will have an effect on those Albertans, particularly those who do have a severe handicap. When I do see

that presently they are living on \$823 per month and that this is going to be an asset-tested program now instead of not being an asset-tested program, then that gives me deep concern. If you have an income of only \$823 a month, Madam Speaker, and the maximum you can have in assets apart from your house and your car and whatever is \$100,000, then what happens? You can barely survive on \$823 a month if you do own your own home, after paying taxes and utilities and food and whatever. So what happens when that home requires repairs? How does that person keep up that home?

Now, if they were fortunate and on their \$100,000 they were getting 5 percent, that's an additional \$5,000 per year in interest that they could have. Can you buy a new car and keep a home maintained on that? Absolutely not. Even if we took the best budgeter in this place, they could not do that, yet we're asking severely handicapped individuals in this province to step forward and do those types of things. We have to remember as well that many of these people don't have just one handicap. In many cases they're handicapped in more than one way, whether it be physical or mental or whatever.

4:10

I also look here at some other things that gave me some concerns, particularly with the Premier's council. Now, we did have a government MLA that chaired this particular council. You know, I think what we have to do is look at the attendance of people at these public forums. As well, I also think, Madam Speaker, that when we do a major program such as this, we definitely should be able to have some sort of a meaningful analysis on the impact that these changes will have on severely handicapped individuals. I don't see that here.

As well, many, many of these people that are on AISH are having the opportunity here to move into the workplace. Of course, that is a very desired move on their part; there isn't one of them that wouldn't want to be a productive person in society. So we should allow them every opportunity and numerous opportunities to get back into the workplace or to even get into the workplace if they've never been there before. Unfortunately, with the legislation as we see it now, many of these people are terrified of trying to make that step because in many cases they see it as a one-way step. It is a step where they would be removed from AISH, and they'd certainly have incredible problems trying to get back on AISH. So it does limit those people when they do look at getting into the workplace.

As well, many of these people are pigeonholed. They are put into a situation where, when they look down the road at the future, they certainly don't see any way of getting out of their particular situation. Living on \$823 – and I'm glad to see in this proposal that this amount will go up marginally, but even at that, when you look at the future, you see that prices are going to continue to escalate, all prices. Yet we don't have anything built into this whereby those people will have the opportunity to have their meagre income boosted. So the result is that at some point, if they're living in a rented accommodation – when we see the good times that have occurred in Edmonton and Calgary for many people – these are boom times; there's plenty of work, whatever. What that also does is put an increased burden on our severely handicapped individuals, because the owners of rental accommodation certainly have every opportunity and should have the opportunity to demand rents that fit the market.

Unfortunately for these people there is no protection, so any type of an increase in rent certainly is a big, big problem for people on AISH. It's not only the increase in rent, Madam Speaker; it's also the compounding of their being forced to move. Of course, there are no provisions here, if an AISH recipient is forced to move, that there's going to be any type of help with this move. So they are

faced with the costs of the move. They're faced with the cost of relocating. They're looking at damage deposits, waiting for others to be returned, and the list goes on and on. Again, I would've like to have seen in this bill something that would address the cost of living for these people.

As well, we have some additional concerns when we look at this particular bill, and it's about the absolute sweeping powers that we give the director and the minister. In here I look at one where, depending how this is set up, AISH benefits would be paid to a third party to protect the client's interests. I certainly can see some benefits to this in some cases.

I think of a program that is taking place in Medicine Hat right now where a number of people on AISH were certainly using the medical facilities in Medicine Hat to a huge amount; for example, 82 visits to the hospital in something like half a year. Since they've instituted the program in Medicine Hat and moved these people into a place where they do have people that can address some of their needs, one person who had 82 visits to the hospital now has not had one. I do see some benefit here to having a director possibly give some of these AISH recipients a hand with their moneys.

The other thing that this program does, Madam Speaker, is give this director the sweeping power and the authority to cut the client off for many reasons. Some of those reasons could be: failure to seek or accept employment; failure to disclose assets or income. Again, these are very, very serious situations that most average Albertans would not have to face, and I don't think that this program here should be looked at in this particular light.

Now, the hon. Member for Edmonton-Riverview conducted her own consultation with not only stakeholders but people who had members of their family or knew people who are involved in the AISH program. It was interesting to see that out of this particular group, Madam Speaker, when the question was posed, "Should AISH recipients be cut off the AISH program if asset testing is introduced?" an incredible number, 71.3 percent, of those people said no. When she is getting these types of statistics from stakeholders, why would we move forward to do this to people?

Another question that I thought was very good in her survey of the stakeholders: "Do you think the proposed reforms will make it easier or harder to qualify for AISH?" An incredible number, 87.5 percent, said that, yes, it would be harder.

So it seems, Madam Speaker, that many, many of these people on AISH are looking at a life of uncertainty because of certain changes in here. We have many of these people that are presently receiving AISH that certainly don't have the confidence in this new program that they will be taken care of in the future. We have many people in here that realize the shortcomings of living on such a modest amount and that this certainly will not be raised in a regular fashion, as it should be, with the cost-of-living assurance.

So with those comments, Madam Speaker, I certainly don't think at this particular stage of the game and with the deficits in the program that I have pointed out that I could support this bill. With that, I will close my comments at third reading.

Thank you very much.

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

MR. MacDONALD: Thank you, Madam Speaker. I, too, have a few comments at third reading on Bill 32, the Assured Income for the Severely Handicapped Amendment Act, 1999. It has certainly created a great deal of interest in the disabled community. It's like a lot of bills we saw this session. There are some good things about it, and there are some things that are not so good.

4:20

We watched with interest last week the hon. Member for Edmonton-Riverview present a number of amendments with the idea of possibly improving this bill, but it didn't work out. There were some amendments that specifically dealt with providing advice from the disabled community to the department. I thought they were sound, but now that that hasn't worked out, we have to have a look at this and see if this is going to calm the fears of many people in the disabled community and their families regarding what the future is exactly for the AISH program.

Now, we only have to look at the preamble. I'm not going to look at it all, but the last bit of the preamble, Madam Speaker, says:

Whereas the Government of Alberta is committed to balancing the needs of persons who receive handicap benefits with accountability to the taxpayers of Alberta.

That in itself is unique. Accountability is a noble idea. Any government should have accountability as one of the primary focuses, but we are looking at balancing the needs of persons who receive handicap benefits with the accountability to the taxpayers. I would say: what about the accountability to the taxpayers regarding so many different industrial strategies that have been attempted in the past, grand schemes that have failed?

To an observer it would almost indicate that with this we are going to balance the cheque book on the backs of AISH recipients. After we've made so many mistakes with our industrial strategies, whether it be up in Swan Hills or whether it be down in the south end of the province or whether it be NovAtel or whether it be in the forest products industry – it doesn't matter – the disabled community and their families are to look at this and say: are we being unfairly picked on? The people who come to my constituency office and talk about this are very, very concerned.

Now, the disabled community is very enthusiastic about the opportunity to contribute to a society either by working or by volunteering. Many people, to their credit, volunteer, and they help a lot of organizations through this enthusiasm. I think we should support this. Now, Madam Speaker, while support can be provided for reduced barriers to employment, I think the government should make this an option or an idea, because not everyone will fit this criterion. There are some people that it just will not work for or be acceptable to. It just can't be done. The supports that are in place to allow easy access back into the program: well, I don't think that whole idea is without merit, but we have to really consider that so many people on this program cannot be employed.

I think that we should note again that Alberta is one of the very few jurisdictions with a program such as this. It should be noted not only to the present minister and his staff but also to ministers of the past that this program is worth while and should not be jeopardized in any way.

Now, should one question the motives of this government, Madam Speaker? As to the provision to cut off a client due to failure to access employment, this whole idea may be a little bit draconian. This isn't *Pickwick Papers* we're talking about here. This is Alberta in the last year of this century, and we all should be very, very proud as members of this Assembly that the government can provide a program such as the one we're discussing in Bill 32.

Now, the hon. Minister of Family and Social Services has stated that there will be transitional health benefits for one year after a client becomes employed and leaves the AISH program, but I'm afraid there is no consideration given to what will happen after that year. Many hon. members here, including the hon. Member for Edmonton-Rutherford, when we were discussing this in caucus, talked about the unique health needs of so many AISH clients or recipients. His words were very persuasive to me. I think they were

quite passionate. I will always remember his words regarding the AISH recipients.

Under the current proposal, Madam Speaker, once a client will have proven that they can work and the year is over, we don't know if a private health insurance company would provide service due to a pre-existing condition. This is not guaranteed. I believe there has been no long-range planning for this client group and the predicament that they could find themselves in. Now, we cannot just abandon these folks, and it looks certainly like that could happen. I don't think that is reflective of a society where we're going to look after the needs of everyone. We can't just talk about the skilled and the healthy. A caring and compassionate society looks at everyone, whether it be members of the disabled community, whether it be seniors, whether it be students, whether it be those who have fallen into ill health. We cannot just look at one group and look after their interests and think to ourselves: well, we're doing what's best for the entire province or the community.

We need to talk a little bit about the asset testing. That was a focal point to the debate. I realize that the minister and members of his department have clarified that, as to what exactly is included in the asset testing and things that don't count as an asset. I believe they've made a good job of doing that. It is necessary, when we have a discussion of asset testing, that we realize that there are many, many assets that are outside that scope. Sometimes I find this has been lost in the argument.

4:30

Everything aside, I also have to remember back to what the hon. Member for Edmonton-Rutherford discussed in caucus. That was the idea that a person could have significant assets and that due to an accident, they were left with a severe disability. He listed three people that fell into this category. It is unfortunate that all this pool of funds is going to be used up. There is no trust fund. There is no fund set aside for the future for these people. Their expenses were so much greater because of course there had to be modifications made to their homes and to their apartments, and also there were significant costs of rehabilitation. The hon. Member for Edmonton-Rutherford was explaining this, and it made a lot of sense. Bill 32 does not in any way address the concerns of the hon. member as he presented them to me. For that reason and that reason alone I would have difficulty supporting this legislation, Madam Speaker.

Asset testing is certainly going to add more concern, more fear to the community and to their families, and after what we've been through this winter, the hon. Member for Edmonton-Riverview certainly has a handle on this. The study that was prepared on behalf of the caucus by the hon. member conclusively states that so many of these groups have difficulties with this legislation.

With those comments on Bill 32, Madam Speaker, at this time I would like to cede the floor to another hon. member of the Assembly. Thank you.

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

DR. MASSEY: Thank you, Madam Speaker. I'd like to make some comments at third reading of Bill 32, Assured Income for the Severely Handicapped Amendment Act, 1999, and to focus on the impacts, as is our practice at this stage of the bill. What will passage of this bill mean to those Albertans, those citizens who are on the program, and what will it mean to those people who are associated with the program? I think that there are at least five major impacts that the recipients and their trustees will feel.

The first impact is that I think the recipients will feel less confident than they have in the past that the kind of assistance they need will actually be there when they need it, and that's unfortunate because the bill does provide for increased benefits, from \$823 to \$855. The problem and the reason they're going to feel less confident is rooted in the background, the lead-up to the bill being announced and the kind of publicity that first surrounded what was a document leaked to the media, that kind of publicity that it generated.

In the survey that was conducted by the opposition, one of the leading factors mentioned by those AISH recipients who became involved in the bill and its provisions, one of the chief factors in their involvement was fear, their fear that the program was going to be changed and that the program was going to be changed for the worse. It's very unfortunate, Madam Speaker, that that kind of climate for change was generated. I know that there has been much done since that time and as the bill has proceeded through the House to try to allay those fears. Those fears still persist and, I suggest, are going to persist for a long time with some of the recipients.

Those fears can be grouped into short-term fears and then long-term fears. In the short term there's concern about the changes that can be made to the bill in terms of immediate benefits. Again, the recipients will welcome the increase in the benefit, but it also tells them that were the climate different, they could have lost benefits. So there's going to be the uneasiness that with the stroke of a pen, benefits can be changed very, very quickly, and those changes can be made without the very necessary involvement of the people who are most affected, the recipients themselves. In the long term the impact of the bill is going to have some effect on how individuals plan for their retirement, how they plan the road ahead because of the changes in asset testing, and I'd like to come back to that in just a minute.

So the baggage that this bill carries with it is an unfortunate set of baggage in terms of the kinds of fear that it generated in the community. As I indicated, I think those fears are still there and are going to persist for some time.

I think another impact of the bill is that AISH recipients are going to feel the pressure on them intensified. The recipients that I know have spent a great deal of time trying to find employment. Trying to find that employment is for some of them an extremely difficult job. They are met with unspoken prejudice in some cases, a feeling that if you have a physical handicap or an emotional handicap, somehow or other you can't do a job. Even though the handicap is not related to the competencies that the job demands, they are rejected.

So what the bill provides for, with its focus on the job market, is going to result in much more concern on the part of recipients that they will lose benefits if they are not making herculean efforts to gain and keep employment. Again, I think that's unfortunate, because this is a group of individuals who, to be put on the program in the first place, have demonstrated that they're in very, very dire need of assistance and that they, for the most part, are incapable of finding the kind of employment that would free them from the program. So the impact that would see pressure on these recipients intensified is I think, again, unfortunate.

I think a further impact of the bill is that the rather parsimonious treatment of the severely handicapped will continue. The raising of the allowance to \$855 is a move in the right direction, but again – and it goes back to a comment I made in second reading – I wonder how many of us could live on \$855 a month, even if our health premiums were paid. Just imagine for a moment the change in your lifestyle if all of a sudden that was the paycheque that was available to you at the end of the month and what changes that would make in the kinds of things you do.

It seems to be a theme that has run through much of the legislation, and that is that somehow or other we must be careful not to treat those in need, the vulnerable, too well, that accountability means that we somehow or other should not go out of the way to make life too easy. It's rooted in the notion that somehow or other those who need help are somehow or other responsible for that situation prevailing and therefore can't be treated too generously. I think it's an attitude that's been long held and one that one hears in some quarters and I think is, again, an unfortunate one. Once you become acquainted with recipients, particularly AISH recipients, you realize how very, very difficult their lives can be and how very, very much they need the meagre assistance that is provided to them.

4:40

I think one of the impacts is that it's going to make the vulnerable even more vulnerable, and that is in respect to the power of directors. The public service, who will carry the program to recipients, will have powers that are going to make many of us uncomfortable. We have some history of this in offering social service programs to the vulnerable, examples that none of us I think can be proud of, of the behaviour of some administrators when they're given this kind of power over an individual's life. Again, I think while most public servants take their job seriously and are frustrated by the policies they sometimes have to carry out, there is the opportunity for the odd one under this legislation to act in a way that none of us would support, and I think in that way it makes the vulnerable more vulnerable.

I think another impact of the bill is that it's going to make the recipients and their parents or their trustees much more cognizant of what is being done with assets. The fear that many parents of AISH recipients have that down the road the program might disappear or be changed radically and that their children or the individuals they're responsible for could be left in the lurch is one that I think they're going to have to revisit. With the asset limits, if you were an AISH recipient and somehow or other the program was drastically cut and you were left trying to live on the proceeds, the interest of a \$100,000 nest egg, you would be living on really very, very limited income and would have a great deal of difficulty maintaining yourself without assistance from elsewhere. So I think the big impact of the bill is going to be on those people looking at the long-term provisions for income for AISH recipients.

I think those five impacts are important. There are other effects of the bill, Madam Speaker, but I think at this stage – we've had an opportunity in second reading to comment on the details – I would conclude my comments.

Thank you.

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

MS LEBOVICI: Thank you, Madam Speaker. I rise this afternoon as well to speak to Bill 32, Assured Income for the Severely Handicapped Amendment Act, in third reading. Though I understand this bill is in third reading, it is still a bill that I believe we need to be cautious about. In fact, even if it is passed, the government needs to be cautious in its implementation for the effects of this bill can be far reaching on individuals who are indeed among the most vulnerable in our society.

I did attend the rally that was held at Grant MacEwan College earlier this year. There was a lot of emotion, a lot of anxiety expressed at that particular rally with regards to what the impact of what appeared to be the proposed changes to the Assured Income for the Severely Handicapped Act might be. I had my son at that rally. He's 12 years old, and he fully understood what was happening. He

turned to me and said, "Why would the government want to do this to these people?" Why would the government want to make the lives of individuals who obviously were handicapped, who obviously had difficulties in mobility and in other areas of integrating into society more difficult? Quite honestly, I didn't have an answer for him, Madam Speaker. Both he and I went away from that particular rally feeling anything but good about what was happening in this province.

In response, the minister did then provide some changes to what the direction was with regards to the act. He has made a commitment to increase the benefits. There's always the question of whether that will actually provide for an increased quality of living for the individuals who will receive the benefits, because it is not a huge increase, Madam Speaker.

What this bill does do is it introduces asset testing within the AISH program, and I do not believe that there has been adequate discussion outside of this Legislative Assembly with regards to the issue of asset testing. In fact, I look at some of the correspondence that was tabled by the minister within this Legislative Assembly from the Canadian Association for Community Living, for instance, that indicates that they're opposed to the introduction of asset testing. When I look at some of the other tablings that have been introduced, there is always a question as to whether this is the right way to go. I believe that the government does need to be cautious in what they're doing and in how they're proposing the amendments to occur and need to in fact look at asset testing as a whole and look at the level of asset testing that is within the bill at this point in time to see whether it is set too low.

There will, I think, always be an aura of suspicion around Bill 32, and it will be up to the government to ensure that that suspicion is dispelled as to what the true intent of this particular bill is and, in particular, what the true intent is with regards to the AISH program in and of itself. We've seen in the past that the former minister of social services made some wide-ranging changes with regards to welfare in this province and introduced a program that was supposed to enable the recipients of welfare to participate in employment and training initiatives. What we in fact saw was individuals who no longer could qualify for welfare and did not have the ability to sustain themselves.

As a result, I think what we've seen is a huge increase in the usage of food banks. We have seen in the last number of years an increase in the number of children in poverty. When we look at those initiatives and we see similar initiatives that are being put forward under Bill 32 where recipients are to participate in employment and training initiatives, my questions are: how is it decided who qualifies for that training, and what kind of support systems are going to be put in place to ensure that in fact this is not just a method to take people off the system and not provide them the supports they require?

I'm very familiar with a program called Chrysalis, that works very closely with individuals who are disabled to integrate them into the community. That is a very, very intensive program that looks at suitable job placement, that ensures that there is ongoing weekly support with both the employer and with the individual who is placed in that relationship. It is time consuming on the employer's part as well as on the agency's part as well as on the employee's part, but what you have is a program that in fact ensures, as much as you can, that there will be success within the employment relationship.

4:50

I'm not sure, Madam Speaker, that this act provides for that kind of a process to be set up and whether, given the whole circumstance within which this act was in fact introduced, there is the confidence

of the community that that will occur. It's my understanding that sometime in October there will be employment programs that will be designed by the Department of Advanced Education and Career Development, but the question is: will those programs be just more resume-writing programs, or will they in fact be programs that will ensure there is that network created, that support system that provides for successful integration of individuals who perhaps have not worked for many, many years, who perhaps cannot work on a continual basis or on a regular basis? That has to be recognized in the development of the program.

I know that when this whole issue was brought forward, there were many calls to my constituency office from individuals who were afraid – they were literally afraid, Madam Speaker – that they would not have the ability to feed themselves or their families. While the minister has tried to allay some of those fears, in fact what we have seen occur is a stoking of the flames, as it were.

[The Speaker in the chair]

What needs to be sent out from this government is a very, very strong message that individuals who are on assured income for the severely handicapped are valued, that those individuals do have a contribution to make to our society, that they should have an opportunity for a quality of life that is not one that is lived in absolute poverty, and that in fact they will be protected by this government as opposed to threatened. I believe that if this government were to start to consistently send those messages, then the changes that need to be made on an ongoing basis to ensure that programs meet the needs of individuals will be changes that reflect what those needs are. In fact, what we will see happen is programs that meet the actual needs of the community, and that should always be, Mr. Speaker, the intent of any legislation that is put forward within this Legislative Assembly.

Thank you for this opportunity to address Bill 32.

THE SPEAKER: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Speaker, and thank you to all the hon. members that entered into debate. I want to be very, very quick here now.

There's one point that the hon. member across the way actually mentioned at second reading and again at third reading, and I'd just like to clarify something. When people are on AISH and they go to old age pension, old age pension actually pays more money than does AISH. So there's an increase when they go to old age pension.

The second thing that I wanted to say, Mr. Speaker, is just on something that I happened across called The Adequacy of Welfare Benefits in Canada, put out by the Fraser Institute. I realize . . . [interjections] Let me finish. I realize that some of the Fraser Institute things are not quite what they should be. However, one thing I will say is that when it comes to welfare adequacy for the single disabled, Alberta tops the list and tops it quite significantly, despite the fact that in Ontario there's actually more money in the disability program. But what they've done is subtracted the basic needs list from the total actual income assistance, and it comes out more in Alberta.

The second thing I want to do, Mr. Speaker, very quickly. I just received two letters today about the AISH program, and I'd like to read them to you. The first one is from the city of Edmonton Advisory Board on Services for Persons with Disabilities, from Donna Martyn, chair of the advisory board.

We are generally pleased with your response to our suggestions re: the AISH program.

It is indeed gratifying to be asked for input, and to have that input heeded.

As members of a community directly affected by the AISH program, we commend you for a swift and appropriate response to solicited feedback.

Mr. Speaker, the other one actually touches me a little bit more because I know this gentleman. He is a consultant psychiatrist in Calgary.

I cannot thank you enough for your efforts in this regard. This very valuable program helps many patients that have serious mental and physical illnesses. There should be more attention paid to whether patients should actually get AISH rather than pulling it away from patients who clearly require it. I applaud your efforts and thought you should know that both myself and my patients appreciate them.

That's from Dr. Chris Gorman, a consultant psychiatrist in Calgary.

Mr. Speaker, with that, I'll end my remarks and look forward to getting the program up and going.

[Motion carried; Bill 32 read a third time]

head: Government Bills and Orders

head: Committee of the Whole

[Mr. Tannas in the chair]

THE CHAIRMAN: I wonder if we could call the Committee of the Whole to order.

Bill 23 Pharmacy and Drug Act

THE CHAIRMAN: We have on the floor an amendment known as A1, but we have a number of parts to it. If members will recall, A1 parts B, D, F, and G we carried on the last day. We agreed that we would vote separately on A1 parts A, C, and E unless you advise me otherwise.

The hon. Member for Medicine Hat.

MR. RENNEN: Thank you, Mr. Chairman. That's exactly what I wanted to just very briefly comment on. I understand that at the time the amendment was introduced, there were some discussions with respect to handling votes separately, but I am also under the understanding that in the subsequent time there have been discussions with the opposition critic. I'm led to believe that there is agreement to deal with the outstanding portions of the amendment with a single vote, and I would just ask for your direction as to whether or not we could proceed in that manner.

THE CHAIRMAN: If that's the agreement. The chair was just reminding us what it was last day, but whatever the committee wishes, we at the table will . . .

[Mrs. Gordon in the chair]

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

MR. MacDONALD: Thank you, Madam Chairman.

THE DEPUTY CHAIRMAN: On this point.

MR. MacDONALD: On this point, yes. The hon. Member for Medicine Hat is correct, but I have some remarks that I would like to get on the record regarding amendments A, C, and E.

THE DEPUTY CHAIRMAN: I'm sorry, hon. member, but I cannot hear you.

MR. MacDONALD: Okay. I apologize.

THE DEPUTY CHAIRMAN: Will you please speak into your mike? Thank you.

MR. MacDONALD: I have some remarks to make regarding the House amendment, on subsection A and then on C and E. The hon. Member for Medicine Hat is absolutely correct, but I would like to deal with them at your discretion.

5:00

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-Fish Creek and then the hon. Member for Edmonton-Gold Bar.

MRS. FORSYTH: Thank you, Madam Chairman. The opposition had some questions about the outstanding House amendments, and I understand that the Member for Banff-Cochrane has since provided responses, which I trust have satisfied their concerns.

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

MR. MacDONALD: Madam Chairman, yes. I did have some questions. I would like to state on the record why we had some difficulties, and the hon. Member for Banff-Cochrane was very gracious in providing answers to these questions.

In the House amendment, subsection (a), we had a few questions regarding "emergency release drug or an investigational drug" in the definition of drugs under the Pharmacy and Drug Act. Now, we have to understand the background in relationships between the definition of "drug" in the Pharmaceutical Profession Act versus the Pharmacy and Drug Act. In drafting the Pharmacy and Drug Act, I understand the definition of drug was taken from the current Pharmaceutical Profession Act and it reads: "'drug' means a substance or a combination of substances included in the Schedules." These schedules are in schedule 3 of Bill 23, in which all the drugs are listed. Bill 23 currently states that

"drug" means a substance or combination of substances referred to in section 30, 31 or 32 and any combination of such a substance or substances with any other substance.

Now, emergency release drugs are drugs that are produced, Madam Chairman, in small quantities and therefore are not offered for retail sale. They are often associated with rarer conditions such as cystic fibrosis and muscular dystrophy. Investigational drugs are drugs that are not yet scheduled drugs. Clinical trial information, I understand, is still being conducted. Both of these types of drugs are unscheduled, and drugs falling into these categories do not appear on the schedule of drugs. The federal government controls these substances as a special type of drug. The House amendment makes the bill more consistent with this structuring of categories of drugs in Canada.

Alberta Justice noted that the Pharmacy and Drug Act and the Pharmaceutical Profession Act refer to emergency release drugs and investigational drugs but that these drugs are not on the schedules of drugs either federally or provincially regulated because of their special status. The amendment to include these substances in the definition of drugs was therefore proposed, and it is one at this time that I now accept.

Madam Chairman, part C of House amendment A1 proposes that the names of pharmacists employed in a licensed pharmacy need not appear on the licence. Now, the background to this is that the relationship that exists between the Pharmaceutical Profession Act, the Health Professions Act, and the Pharmacy and Drug Act needs

to be explored for an adequate explanation. The Pharmaceutical Profession Act indicates the information that the registrar must enter on the licensed pharmacy's register. The registrar shall enter into the register of licensed pharmacies the name of a person to whom he issues a pharmacy licence under subsection (1), also the name of the pharmacy in respect of the person referred to in clause (a) – this is the licensee – and any other information prescribed in the regulations.

Now, the holder of a pharmacy licence shall within 14 days after employing a pharmacist to engage in the practice of pharmacy in the premises designated on the pharmacy licence advise the registrar of the name of that employee. Bill 23 picked up these provisions regarding information that must be provided to the registrar. In addition, however, Bill 23 adds a provision stating what must be on the pharmacy licence. This was done to stay consistent with the proposed Health Professions Act, which states clearly all the information that must be on a practitioner's practice permit. That is section 36(3).

Consistency of process between the HPA and the Pharmacy and Drug Act is one of the objectives of the bill that was already identified. Employee pharmacists are not currently listed on licences as this would be impractical. Currently if the public has any question about the status of a pharmacist employed in a pharmacy, they may inquire with the pharmacist who is listed as the licensee on the licence certificate, or they have the option of phoning the college.

This amendment, House amendment A1, part C, is, I believe, acceptable. I will support it.

House amendment A1, part E – and this is the last one of the outstanding amendments as put forward by the hon. Member for Banff-Cochrane – clarifies two things: that the process for developing standards for the operation of pharmacies in the code of ethics will be regulation and, number two, that amendments to standards and codes can be done by the college following the process outlined in regulations.

Now, a little bit of background on this, Madam Chairman. We have to understand that under the current Pharmaceutical Profession Act the college makes regulations regarding a number of areas of pharmacy operation. These are scattered through section 90, which lists the college's regulation-making authority and includes, for example, the use of computers and equipment and library materials. Bill 23, section 27(1)(p), enables the college council to make regulations respecting standards for the operation of licensed pharmacies and goes on to list some of the standards that would be developed.

The discussion paper for complementary legislation to the Health Professions Act, a proposal for a drug and pharmacy act, which I understand was released in May of 1998, stated, quote: the Pharmaceutical Profession Act currently contains a number of detailed provisions in areas of pharmacy management that are rapidly evolving and/or involve micro-operational and physical facility issues; if equipment standards require amendment or other details of operations need to respond to advances, amendments must proceed through the entire Legislature or cabinet; this slows the process for responding to changes in operational areas where the need for public debate is limited. End of quote.

This House amendment clarifies that the regulations will concern how codes of ethics and standards of practice are to be developed. Standards and codes can be developed following the process in the regulations. As a result the council will be able to respond in a much more timely manner to changes, and part E of House amendment A1 as it reads is quite acceptable.

That is the last of three House amendments as proposed. I am standing accepting each and every one of them.

Thank you.

[Motion on parts A, C, and E of amendment A1 carried]

[The clauses of Bill 23 as amended agreed to]

[Title and preamble agreed to]

5:10

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

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

Bill 22 Health Professions Act

THE DEPUTY CHAIRMAN: The hon. Member for Medicine Hat.

MR. RENNER: Thank you Madam Chairman. Can I just confirm that there is at the table a government amendment, A2, and if so, can I ask that it be distributed? If not, we can have some other further discussion. It probably was scheduled for tonight, so it will be on the table tonight. I understand that the opposition have some amendments, so perhaps we should deal with some of those.

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

MS LEIBOVICI: Thank you, Madam Chairman. We do have some amendments that we'd like to bring forward to be discussed within the Assembly, but before we do, I'd just like to make some general comments.

THE DEPUTY CHAIRMAN: We now, hon. member, do have the government amendment. Shall we go ahead and hand that out?

MS LEIBOVICI: Sure. Why not do that?

MR. RENNER: Why not do that?

Madam Chairman, while the amendments are being distributed, I would like to very briefly just discuss the intent of the amendments, and then once members have had a chance to see the amendment, I'll be pleased to move the amendment.

During second reading and discussion at committee stage there have been some concerns that have been addressed by a number of members and by both the city of Edmonton and the city of Calgary primarily, although there have been other interested groups that have had some concern with respect to the mandatory registration section of this bill. The bill, to refresh all members' memories, does have mandatory registration for health professions who are qualified for registration and who are practising within the scope of the health professional.

There is a situation in both Calgary and Edmonton whereby when a 911 call is responded to, it's responded to first by a fire truck with

firemen responding. Oftentimes they're able to arrive at the scene a little bit faster than an ambulance, and it could be argued that the individuals that are responding on that truck would fall under the mandatory registration provisions of the act because of the qualifications that they meet, or in some cases they exceed the minimum requirements for an emergency medical responder, which is included under the act. It never was the intention of this act that those individuals would be included in the provisions of Bill 22, the Health Professions Act. I had indicated earlier that this intent would be reflected in regulations as they were developed. However, just to be very clear, I would like to introduce at this time government amendment number 2. I'm not sure what number the table will be assigning to it. A2?

THE DEPUTY CHAIRMAN: A2.

MR. RENNER: If I could just read into the record what the amendment does. Section 46(4) is amended by striking out "or" at the end of clause (b) and adding "or" at the end of clause (c) and adding the following after clause (c). So this is the section that deals with the exclusions. An individual is excluded if

- (d) qualified to be registered as an emergency medical responder and
 - (i) who is not primarily employed to provide health services but while employed, or
 - (ii) who provides volunteer services other than services as an ambulance attendant and, while providing those services, provides health services to another person.

That is the extent of the amendment. It deals with the firemen who are responding but not ambulance attendants. It also deals with a number of organizations where there are volunteers, such as ski patrols and other organizations such as that, so I encourage all members to support this amendment.

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

MS LEIBOVICI: Thank you, Madam Chairman. I've had the opportunity to look at the amendment. It appears to address the concerns that were put forward not only by the city of Edmonton and

the city of Calgary but any of those cities that in fact have integrated fire services where, as the Member for Medicine Hat pointed out, you may well have a firefighter responding on an emergency service call. This amendment makes it perfectly clear that those individuals would not be required to register as an emergency medical responder. Also, in fact, what needs to be recognized is the second part of that particular amendment that deals with the volunteer services because we have within a large number of municipalities ever more the situation where there are some services that are being offered by volunteers. This amendment would ensure they would also not be required to be registered as an emergency medical responder.

What needs to be recognized is that in some areas, particularly in Calgary – for instance the example was cited of defibrillator stations that are at various public places and that will, in fact, also be, as the program grows more and more, in major high-rises as well so that kind of a service can be provided almost within a crucial time period to ensure that the individual who requires those services receives prompt medical treatment until the ambulance attendant is available to provide the services that are more extensive.

Therefore, this is an amendment that we can support. In fact, if it were not for this amendment, the city of Calgary, as well as the city of Edmonton, would have indicated whether or not . . . [interjection] If I can just back up; I was distracted momentarily. But would have had to pay approximately \$100,000 a year extra for registration of their firefighters.

So with those words, we will be supporting this particular amendment as well, and I thank the Member for Medicine Hat for bringing it forward.

Thank you.

5:20

[Motion on amendment A2 carried]

MS LEIBOVICI: Madam Chairman, in light of the hour I would like to adjourn debate and continue this discussion when we come back this evening at 8.

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