

Legislative Assembly of Alberta

Title: **Thursday, November 18, 1999** 1:30 p.m.

Date: 99/11/18
[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon.

Let us pray. Lord, renew us with Your strength. Focus us in our deliberations. Challenge us in our service of the people of this great province. Amen.

Please be seated.

head: Introduction of Visitors

MR. TANNAS: Mr. Speaker, I'd like to introduce through you to all hon. members of this House Mr. Allen Gowler, our former Associate Sergeant-at-Arms. Allen was appointed in 1982. [applause] Thank you, hon. members.

I think that for the benefit of those who may read *Hansard*, listen to or watch on television, and for those in the gallery, I'll tell you a little bit about Mr. Gowler. He was appointed to the Legislature as Associate Sergeant-at-Arms in 1982, and he gave 18 loyal and faithful years of service to this Assembly. He just retired this June. Prior to his service with us as an officer of this House AI served a total of 29 years with the Royal Canadian Mounted Police and the Edmonton Police Service.

I'm sure that all members would want to express their appreciation – and they have done so admirably – to Mr. Gowler for his dedication to this Assembly, for the quiet and efficient and effective contribution that he's made.

Mr. Speaker, as you know, he's standing in your gallery. We're all very proud of him and wish him well in his retirement.

head: Presenting Petitions

THE SPEAKER: The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. On behalf of the hon. members for Sherwood Park and Edmonton-Whitemud I would like to present a petition signed by 170 Albertans in support of Senate elections.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I would like to present an ACTISEC petition signed by 200 students living in my constituency of Edmonton-Centre, in other parts of Edmonton, and in St. Albert. They are asking the Assembly "to freeze tuition and institutional fees and increase support in the foundation of post-secondary education."

Thank you.

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

DR. MASSEY: Thank you, Mr. Speaker. I would like to present a petition on behalf of 250 students, a petition organized by the ACTISEC group. It states:

We, the undersigned, urge the Legislative Assembly to freeze tuition and institutional fees and increase support in the foundation of post-secondary education.

Thank you.

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

MRS. SLOAN: Thank you, Mr. Speaker. I am also today pleased to rise and table petitions signed by 200 Edmontonians calling on the Legislative Assembly "to freeze tuition and institutional fees and increase support in the foundation of post-secondary education" and organized by the ACTISEC group.

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

MS BARRETT: Thank you, Mr. Speaker. The numbers keep coming in: 199 more people signed a petition asking the government "to introduce a Bill banning the establishment of private, for-profit hospitals." It doesn't say it in here, but it implicitly endorses my Medicare Protection Act.

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

DR. PANNU: Thank you, Mr. Speaker. I have four different petitions to present today. The first one is from Alberta College and Technical Institutes Students' Executive Council, called ACTISEC. This petition contains 496 signatures from Albertans all across this province asking the Assembly to call on the government to freeze tuition fees and make postsecondary education accessible to all Albertans who are qualified to take advantage of it.

The second petition, Mr. Speaker, is signed by 128 Albertans. It's on the issue of human rights. It says to:

1. strongly condemn racism and all other forms of discrimination;
2. sensitize and educate its own officers and members to human rights;
3. urge the Government to include the Universal Declaration of Human Rights; Alberta Human Rights, Citizenship and Multiculturalism Act; and other related materials in the school curriculum; and
4. take other necessary steps to promote human rights in Alberta.

The third petition, Mr. Speaker, is signed by 714 Albertans. It calls on this Assembly to urge this government "to adopt the United Nations Convention on the Rights of the Child." This is the only province in the country that hasn't done so to this point.

The fourth petition, Mr. Speaker, is from Albertans who are calling on this Assembly to urge this government to ban "the establishment of private, for-profit hospitals" in this province.

Thank you.

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

MS GRAHAM: Thank you, Mr. Speaker. On behalf of the hon. Member for Calgary-Shaw I would like to present a petition signed by 29 Calgary-Shaw residents regarding drug treatments for multiple sclerosis.

head: Reading and Receiving Petitions

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

MS BARRETT: Thank you, Mr. Speaker. I ask that the petition I filed with the Assembly yesterday be now read and received.

THE CLERK:

We, the undersigned residents of Alberta, hereby petition the Legislative Assembly to urge the Government to introduce a Bill banning the establishment of private, for-profit hospitals so that the integrity of public, universal health care may be maintained.

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

MS CARLSON: Thank you, Mr. Speaker. I would ask that the petition I presented yesterday now be read and received.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to 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.

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

MR. BONNER: Thank you, Mr. Speaker. I ask that the petitions I filed with the Assembly yesterday now be read and received.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to conduct an independent public inquiry of the Workers' Compensation Act, including an examination of the operations of the WCB, the Appeals Commission, and the criteria for appointments to the Board.

We the undersigned residents of Alberta, petition the Legislative Assembly to urge 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.

MR. WHITE: Mr. Speaker, I rise to ask that the petition I filed yesterday be read and received.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge 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.

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

MRS. SLOAN: Thank you, Mr. Speaker. I rise and also ask that the petition I tabled yesterday be now read and received.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge 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.

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

MR. DICKSON: Thank you, Mr. Speaker. I'd ask that the petition with respect to inadequate public school funding be now read and received, please.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge 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.

1:40

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

MS LEBOVICI: Thank you, Mr. Speaker. I also request that the petition I presented yesterday be now read and received.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge 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.

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

DR. MASSEY: Thank you, Mr. Speaker. May I request that the petition I presented yesterday on behalf of the SOS group now be read and received.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge 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.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to ask that the petitions I presented yesterday be read and received.

THE CLERK:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to conduct an independent public inquiry of the Workers' Compensation Act, including an examination of the operations of the WCB, the Appeals Commission, and the criteria for appointments to the Board.

We, the undersigned residents of Alberta, hereby petition the Legislative Assembly to urge the Government to introduce a Bill banning the establishment of private, for-profit hospitals so that the integrity of public, universal health care may be maintained.

head: Notices of Motions

THE SPEAKER: The hon. Member for Edmonton-Strathcona on a Standing Order 40.

DR. PANNU: Thank you, Mr. Speaker. Pursuant to Standing Order 40 I'll be asking for unanimous consent of the Legislative Assembly to debate the following matter of urgent and pressing necessity:

Be it resolved that the Legislative Assembly, given the government's refusal to treat Alberta's postsecondary students in the same manner it treats its cabinet ministers who are taking courses at foreign universities, urges the government to rectify this inconsistent application of its tuition policy.

Thank you.

head: Tabling Returns and Reports

THE SPEAKER: The hon. Minister of Economic Development.

MR. HAVELOCK: Thank you, Mr. Speaker. I'd like to table with the House today five copies of the 1998-99 Alberta Economic Development Authority annual activity report.

Thank you.

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

MR. HANCOCK: Thank you, Mr. Speaker. I'm pleased to table today a list of the police and peace officers who've died in the service of this province. This list was read at the Police and Peace Officers' Memorial Day on the Legislature Grounds the last Sunday in September.

THE SPEAKER: The hon. Minister of Children's Services.

MS EVANS: Mr. Speaker, today I have three tablings. The first is a copy of reasons for appeal and breakdown of decisions regarding the child welfare citizen appeal panel during the '97-98 fiscal year.

The second is on investigations and reasons for the increase in child welfare caseloads from '93-94 to '97-98.

The final tabling is the definition of priority placement for pregnant women who are at an increased risk of having a fetal alcohol syndrome child.

THE SPEAKER: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Speaker. Today I rise to table four copies of the information package on student financing that was recently brought from the government of Canada and the government of Alberta.

My second tabling is the names of 7,983 students who received 13 and a half million dollars in scholarships and bursaries since June of this year.

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

MS BARRETT: Thank you. I, too, have three tablings today. The first is a letter that was faxed to the Premier and copied to me by an Edmontonian who adamantly opposes for-profit hospitals.

The second one is a transcript from a phone call to our office by an undecided voter who may have made her decision based upon the government's direction with respect to for-profit hospitals.

The third is an agreement between private ophthalmology services and the Calgary regional health authority kind of outlining just how they plan to bill us in the for-profit system.

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

DR. PANNU: Thank you, Mr. Speaker. I have two tablings to make. The first one is a copy of an e-mail to the Premier by a concerned Alberta citizen counseling the Premier to drop his plans to privatize the public health care system.

The second one is by, I presume, a husband and wife, a couple. Again, this is to the government of Alberta voicing its strong opposition to the policies that the Premier seems to be planning to bring in to destroy our health care system.

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

MRS. SLOAN: Thank you, Mr. Speaker. I am pleased to rise today as well with three tablings. The first, a report released yesterday by the Graduate Students' Association at the University of Alberta titled Caught in the Middle: Graduate Students and Rising Tuition Levels in Alberta. Specifically, they distinguish Alberta as far and away the province with the largest tuition increase this decade, an astounding 194 percent.

My second tabling is a copy of excerpts from the 1996 Auditor General's report cautioning this government recurrently about contracting out public services, and I cite specifically, "Benefits must be clearly defined . . . in relation to costs."

Thirdly, a copy of a 1994 column which discussed the debate on the Gimbel Foundation Act. While the Premier defined the bill as a "noble proposal with no effect on health policy," the columnist said, "Why would the government destabilize health policy to allow one doctor to perpetuate himself in a form of institutional cloning?"

Thank you.

THE SPEAKER: Before calling the hon. Member for Edmonton-Norwood, there's no need, hon. Member for Edmonton-Riverview, to table extracts from a report that has already been tabled in this Assembly.

The hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Speaker. I have three tablings this afternoon. The first tabling is the statutory declaration of the Provincial Treasurer in relation to the Lorne Goddard matter.

The second tabling I have is the statement of defence of the Provincial Treasurer filed on his behalf by his lawyer, Gerald Chipeur.

The third tabling I have is an excerpt from Alberta Economic Accounts, 1998, put out by the Provincial Treasurer's department outlining the increases in health care since 1992.

Thank you.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I have two tablings this afternoon. The first is a tabling from the news conference that was held with the Hon. Allan Rock where he indicated that he has "real questions about the proposal that has been made by the Government of Alberta."

The second is the tabling of the nonexistent interim report that was submitted on long-term care to the minister in August 26, 1998, wherein it was indicated that the long-term care system required a substantial increase in funding and people have had to wait a year for that increase in funding.

Thank you.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I'm very pleased today to table five copies of a proposed bill entitled the Tuition Fee Freeze Act proposed by ACTISEC, which is the Alberta College and Technical Institute Students' Executive Council. I'm sure this can be of great aid in guiding my colleagues opposite in a good tuition freeze.

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

MR. HANCOCK: Thank you, Mr. Speaker. I have a second tabling today. I'm tabling copies of a letter written to the Member for Edmonton-Norwood answering written questions 124, 125, 126, 127, and 132.

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

MR. BONNER: Thank you, Mr. Speaker. I beg leave to table five copies of a report compiled and submitted by another injured worker from Calgary. This outlines his difficulties in getting a proper diagnosis for his injury from WCB doctors. After three and a half frustrating years he was sent to Toronto at the expense of Alberta health care to try and seek a proper diagnosis for his injury.

Thank you.

head: Introduction of Guests
1:50

THE SPEAKER: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Speaker. [interjections]

THE SPEAKER: The hon. Member for Calgary-Fish Creek, you have the floor. Project your voice, and let's move.

MRS. FORSYTH: Thank you, Mr. Speaker. I'm thrilled to introduce to you and through you my first school visit since I was elected in 1993. There are 105 students from Deer Run elementary and 10 adults who have accompanied them. They are teachers Mrs. Lynn Davies, Mrs. Frankie Kelly, and Mr. John Cameron, teacher assistants Mrs. Cheryl Juzwishyn and Mrs. Sandra Racs, and parent helpers Mrs. Christine Cox, Mrs. Cindy Haley, Mrs. Debbie Baker, Mrs. Lynette Thursby, and Mrs. Bev Moore. I'd like the Assembly to give them a warm welcome.

Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. It's a great pleasure and honour to introduce to you and through you to all members of this Assembly a number of young people who organized the student march which started on the 15th of this month from Camrose and culminated in a big rally on the steps of the Legislature just minutes ago. These guests are Brad Goertz, ACTISEC president; Ken Sobool, ACTISEC external vice-president; Erin Stevenson, ACTISEC executive vice-president; Vanessa Wood, executive vice president; Rob Brown; Elsie Kipp; J.D. Belanger; and Janell Stuka, ACTISEC research and communications officer. I'll ask all these young people to stand and receive the warm welcome of this Assembly.

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

MR. COUTTS: Thank you very much, Mr. Speaker. It gives me a great deal of pleasure today to introduce to you and through you to members of the Assembly Ms Marianne Pearson. Miss Pearson is a Rotary International exchange student from East London, South Africa. Her home Rotary district is No. 9320. She is enjoying her visit to Alberta and being hosted by the Fort Macleod Rotary Club members. She has traveled to Yukon, Fernie, British Columbia, Calgary, parts of Montana, and finally to the Legislature and the mall here in Edmonton.

Besides her visit to the Legislature today, I've had the honour of getting acquainted with this bright, energetic young lady by having her share the podium with me at this year's Remembrance Day services in Fort Macleod, the Legion's services, and acting with this very talented young lady in this fall's production of seven outstanding and wonderful performances of *Ramoka Rink* on the famous and historical Empress Theatre stage in Fort Macleod. She is seated in the members' gallery with her colourful jacket depicting Rotary, and I would ask her to please stand and receive the traditional warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Fort McMurray.

MR. BOUTILIER: Thank you, Mr. Speaker. It's my pleasure today to introduce a constituent of Fort McMurray who also is a student at Grant MacEwan College, where he is very active in student representation. I'd like to ask Blake Robert to rise and receive the very warm welcome of this House.

MS BARRETT: Mr. Speaker, it's my pleasure to introduce somebody today who represents an organization called Poverty in Action. These people, I understand, are here today as well because of their opposition to for-profit hospitals. Deana Shorten is in the public gallery. At one point she was my legislative assistant prior to my leaving politics in 1993, and she did a great job. I'd ask her to rise and receive the warm recognition of the Assembly.

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

MRS. SLOAN: Thank you, Mr. Speaker. I am pleased today to rise and introduce to the Assembly members of the Graduate Students' Association of the University of Alberta. I would ask Lily Cho, executive vice-president of the GSA, to stand along with Shannon McEwen, vice-president finance and administration; Suzanne Mills, MA in renewable resources and GSA council representative; and Arthur Arruda, PhD student in education policy and the author of *Caught in the Middle: Graduate Students and Rising Tuition Levels in Alberta*. Welcome to the Assembly. I would ask all members to receive these students warmly.

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

MR. BONNER: Thank you, Mr. Speaker. I would like to introduce to you and through you and to all members of the Assembly a frequent visitor to the Assembly and a member of Edmonton-Glengarry, Jimmy Ragsdale. Jimmy also sits on the board of directors for the Edmonton-Glengarry Liberal Association. With your permission I'd ask that Jimmy now rise and receive the traditional warm welcome of the House.

Thank you.

head: Ministerial Statements

THE SPEAKER: The Associate Minister of Aboriginal Affairs.

Metis People of Alberta

MS CALAHASEN: Thank you very much, Mr. Speaker. As a Metis I rise proudly today to acknowledge that this is Metis Week in the province of Alberta. We have a few other Metis in this House who proudly represent their constituents. In fact, seated beside me is a member who told me he was Metis for the first 50 years of his life and will continue to be another designation in the next 50 years.

MR. CLEGG: That's not me.

MS CALAHASEN: No. He's to my left.

Mr. Speaker, on November 16 the Metis Nation of Alberta held their annual commemoration in honour of Louis Riel. I commend their diligence and their support every year as they remember their leader.

Mr. Speaker, the enigmatic figure of Louis Riel casts a long shadow over the history of western Canada. His harshest critics denounce him as a traitor to his country. His most fervent supporters extol him as national hero. One hundred and fourteen years have passed since Riel's death, but much that Riel wanted for Metis people I suggest survives and flourishes here in Alberta, a province that did not yet exist when Riel's horsemen rode the prairies.

Today in Alberta some Metis people live in eight distinct settlements, a Metis land base that is unique in Canada. We are working with the Metis Settlements General Council towards the most effective and efficient possible governance for these settlements. Today in the villages, towns, and cities of Alberta Metis

people maintain a strong partnership link with the Alberta government through the Metis Nation of Alberta and the Metis General Council.

Mr. Speaker, the Alberta government is clearly committed to its partnership with Metis people in this province. As partners we share a mutual goal in improved socioeconomic opportunities for all Metis people, and in Alberta we are continuing to move forward towards that goal.

As examples, Mr. Speaker, this year the government of Alberta signed a new seven-year agreement with the Metis Nation of Alberta Association. We are also working with the Metis settlements to ensure that they are able to appropriately govern themselves in the years ahead. We look forward to working together with the Metis Nation of Alberta Association and the Metis Settlements General Council on projects with positive and measurable outcomes for Metis people. The government of Alberta will continue to work with Metis people both on and off settlement, with their governments and the private sector. We will work together towards our common goal of improved living standards for the Metis people of Alberta.

On behalf of this Assembly I send best wishes to all Metis people living in this province. May they always stand proud of their heritage and of the part their ancestors have played in the making of western Canada.

Thank you.

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

MS OLSEN: Thank you, Mr. Speaker. I rise today to respond to the Associate Minister of Aboriginal Affairs' ministerial statement recognizing the Metis in the province of Alberta. The Metis in Alberta should be recognized independently of First Nations. Although the Metis are of aboriginal descent, they are also of French origin.

2:00

It was Louis Riel in the 1880s who took up the cause and led two rebellions against the Canadian government. Now Riel is seen by Metis and aboriginal leaders as a martyr to their cause, but he is also seen as a hero with a legacy within the Canadian Metis population. Contrary to the Reform Veterans Affairs critic, Louis Riel is seen as a hero and a leader to many Canadians fighting for what he believed was right and just. Many of the Metis in this province and throughout the prairies, including my grandfather, followed in Riel's tradition of fighting for democracy in two world wars. The associate minister is right in saying that much of what Riel wanted exists in this province today. The Metis of Alberta have an existing land base which is not enjoyed by other Metis communities in the country.

The Metis Nation of Alberta, led by president Audrey Poitras, represents 20,000 Metis in this province. The Metis Settlements General Council represents 5,000 people on Metis settlements. These groups have worked hard to entrench government-to-government relations with this province. As the Metis continue to deal with the issues on settlements and in the urban communities, it is this model of negotiation that will assist the Metis in advancing their cultural identity and goals in the new millennium.

The Metis are proud of their heritage and will continue to be a strong voice in Alberta.

head: Oral Question Period

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

Private Health Services

MS LEIBOVICI: Thank you, Mr. Speaker. Albertans don't want

private, for-profit hospitals. The small list of people who want commercial health care in this province are the Premier, his government, and those who can benefit from the Premier's new contracting-out scheme. My question is to the Premier. Why is the Premier so determined to destroy medicare, a program that defines us as Albertans and Canadians?

MR. KLEIN: Well, Mr. Speaker, making an absolute commitment - an absolute commitment - to the fundamental principles of the Canada Health Act is hardly destroying the health care system in this country as we know it today.

Relative to the issue of private, for-profit hospitals the policy statement clearly states - again, Mr. Speaker, this is the kind of insidious misinformation, false information, untruths that the Liberals are trying to spread. The policy statement quite clearly says that under all circumstances two-tiered, for-profit hospitals would be prohibited. We're talking about contracting services.

Mr. Speaker, the only person in this Legislative Assembly who has asked for private, for-profit hospitals is the hon. leader of the Liberal opposition.

MR. DICKSON: Point of order.

MR. KLEIN: Oh, he stands up on a point of order because he can't stand the truth.

I quote, on the *Rutherford Show* this month, she said: I'm not opposed to the private sector setting up. Last year in October on the *Rutherford Show*, she said: the private sector can set up in this hospital; if it can find a place, it should get in there.

Well, she should know about it because her brother's all part of it.

MS LEIBOVICI: As this government is asking Albertans to take a giant leap of faith, where's the proof, Mr. Premier? Where's the proof that the commercial hospitals will reduce suffering caused by your government or cost less?

MR. KLEIN: Mr. Speaker, again I allude to remarks attributed to the hon. leader of the Liberal opposition. What we're trying to do, again, is to alleviate suffering. They want to prolong suffering. We want to alleviate suffering, and we want to do it in strict adherence to the Canada Health Act. That's why we've given the report to Mr. Rock, so he can assess it, and we can find out beforehand if, in fact, there's anything that will violate the act, and then we can deal with that before the legislation is filed. I think that that would be commendable.

Mr. Speaker, again, I quote the hon. leader of the Liberal opposition, who said: waiting lists are the price Albertans pay for universal health care systems; it is part of the reality of the system. She also said that health care in Alberta will have to be rationed because it has become too expensive. Well, we understand some of these problems, but we're not about to sit around and ration health care.

Perhaps the Liberals want to get in and just let the suffering go on. Perhaps as the lines get longer and longer, the happier the Liberals will be. The more suffering, the happier the Liberals. We don't share that vision. We want to find new and better and more effective ways of delivering health care services within the parameters of the Canada Health Act. Unlike the Liberals we want to end suffering. They want to prolong suffering.

MS LEIBOVICI: Thank you, Mr. Speaker. Will the Premier admit that the only group that can immediately benefit from this new plan are proponents of private health care, some of whom own former public hospitals, like the Huangs, the Gimbels, the Burgeners, or the

Chipeurs, who coincidentally have contributed \$42,000 to the Conservative Party coffers over the past six years?

MR. KLEIN: Well, Mr. Speaker, again, an insidious kind of implication that has nothing to do with the policy statement that was brought out. I could give a tinker's damn if they donated \$200,000 to the Liberal Party. It wouldn't matter to me. [interjections] Share your lists with us, and let's find out. Let's find out how much Dr. Elliott, who is involved with a private MRI clinic, has donated to the Liberal Party. If they want to get into that, we can have that political argument.

AN HON. MEMBER: Table it.

MR. KLEIN: Table what? All political donations are tabled. It's under the Election Act. You have to do it. This is nothing new. This not rocket science. But if this is how they want to use their research staff, to research publicly filed documents, then so be it.

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

Charles Camsell Hospital

MR. WHITE: Thank you, Mr. Speaker. After putting \$30 million into Calgary's Holy Cross hospital, this government turned around and sold it to the Huang brothers, a private corporation, for 4.5 millions of dollars, a 25 million dollar plus gift. Calgary's Salvation Army Grace hospital was sold to a private corporation from whom HRG now rents space. Now Edmonton's Charles Camsell hospital is up for sale. Mr. Premier, is it the government's intention to sell this hospital, the Charles Camsell, to a private health care operator?

MR. KLEIN: Well, Mr. Speaker, again we have a half-truth there. We didn't sell the Grace hospital. The Salvation Army did.

Mr. Speaker, I can see now where they're coming from. It's quite obvious that in one single day they have lost the battle on the policy; now they're getting personal and cheap.

MR. WHITE: Mr. Speaker, for fear of being cheap and personal, I'll re-ask the question. Is it this government's intention to sell the Charles Camsell hospital to a private health care operator? It's not cheap, sir. A simple question.

MR. KLEIN: Mr. Speaker, I'm going to have the hon. minister supplement. Quite simply if they would read the policy – they might be able to read it, but obviously they can't understand it, and that in itself is understandable. The policy says that contracting out is entirely up to the regional health authority.

For further explanation I'll call on the minister.

2:10

MR. JONSON: Mr. Speaker, with respect to the Charles Camsell hospital I know of no plans to sell it. It's been sitting there for quite a period of time. It is, it's my understanding, in rather poor condition certainly in terms of the internal facilities within the building, and it unfortunately does just sit there. But I have no plans to have it sold.

MR. WHITE: Mr. Speaker, in that a letter from the Minister of Infrastructure says that it is for sale, how many more hospitals in the public sector now are up for sale to the private sector throughout the province, sir?

MR. KLEIN: Mr. Speaker, I would ask the hon. member to table the letter, and I will have the Minister of Infrastructure respond.

MR. STELMACH: Thank you, Mr. Speaker. It's the policy of the Department of Infrastructure to have a look at all of the properties we have in the province of Alberta that are surplus to our needs, evaluate, and see if we can deliver any programs out of the existing buildings. In this particular case the structure is old. It would require considerable reinvestment in improving that particular facility for health needs.

The other area here is that the minister of health and I have said that we're also looking for partners we can partner with in further expanding the current programs, especially those related to long-term care, on the bricks and mortar side.

Private Health Services

(continued)

MRS. SLOAN: Mr. Speaker, the Premier wants it both ways. He says that he supports public health care, but his plan will funnel public money to private pockets. Gimbel, Chipeur, Burgener, Modry: names that appear over and over again on the shareholders' lists of private hospitals and also – surprise, surprise – over and over again on the Conservative Party contribution list. To the Premier: how much is it going to cost Alberta taxpayers to pad the pockets of these loyal Conservative members?

MR. KLEIN: Mr. Speaker, again, I thought this party had reached an all-time low. They did today. To question the integrity of one of the most respected heart surgeons in the world, to question the integrity of Dr. Modry is about as low as low as low as you can get. It is so typical.

MRS. SLOAN: The only integrity I'm questioning, Mr. Speaker, is the integrity of this government.

When will the Premier quit hiding behind RHAs, quit hiding behind prominent professionals, table the proof that contracting out to private hospitals will cost less and reduce waiting lists?

MR. KLEIN: Well, Mr. Speaker, as we work through the policy and as we hear from medical practitioners, we will have a better handle on that prior to tabling the legislation. Quite clearly, if it can't be shown that there is going to be a cost benefit, then the RHA will not be allowed to enter into a contractual agreement. In any event, the policy states that the minister would have the final say, and there would have to be evidence of a cost benefit. I don't know if it's going to happen or not. That's something that the RHAs will have to determine.

Mr. Speaker, you know, there are examples where this is being done in other parts of the country. I allude to the Shouldice hospital, which has been operating successfully for years just north of Toronto, right next door to Allan Rock's riding, under Ontario's Private Hospitals Act. It's an 89-bed private, inpatient hospital that's world renowned for hernia repairs, and patients can spend up to four nights in the hospital. [interjections] Well, Allan Rock lives right next to it, and you know, I don't see these people writing letters and complaining about that.

You know, there's the Cambie hospital, the one that the *Calgary Herald* wrote about not so long ago in socialist British Columbia, that contracts to regional authorities there to provide services where patients stay over night. I don't see the hon. leader of the ND opposition getting up and writing to the Premier of British Columbia saying . . .

MS BARRETT: Oh, yes, I did. Yes, I did.

MR. KLEIN: Table the letter, and show us where you said: shut the hospital down. [interjection] Okay. Well, good for you. If you did, at least you're consistent, unlike these guys over here. At least you're consistent.

MRS. SLOAN: Why is this government prepared to table legislation in this Assembly when they have not tabled a cost-benefit analysis nor any private contracts to demonstrate to the public that this is going to be an effective way of delivering health care in this province?

MR. KLEIN: Well, be patient. Again, Mr. Speaker, I'll have the hon. Minister of Health and Wellness supplement, because obviously they either don't understand, can't understand, or refuse to understand the proposal put forth in the policy, and I'll have the minister explain it to them.

MR. JONSON: Well, Mr. Speaker, this a rather unusual question. We have very clearly stated in our policy statement that the policy statement will be enconced in legislation. It would seem to me that it would not be until that is a fact and that is done that anyone could be expected to know that the rules are clearly in place and that, therefore, they could present a proposal which could be analyzed in terms of its cost benefit. This is just a backwards type of approach that the hon. member across the way is proposing. On the one hand, it seems that the Liberals want rules to be in place, but on the other they want things to be done on a hypothetical basis without the rules being in place, so I just don't know what their position is.

MS BARRETT: Under the government's plan regional health authorities will be required to pay huge facility fees to the owners of for-profit hospitals to cover the costs of their bricks and mortar and to enable them to make a profit. Now, Mr. Speaker, under the freedom of information policy that we apparently have in Alberta, I have tried to get financial details of private eye clinics in Calgary who are getting contracts, in fact all of them, from the regional health authority, and you know what I'm told, under FOIP: sorry; it's a secret. So why is the Premier spreading misinformation by failing to tell Albertans that regional health authorities will be forced to pay huge facility fees to the owners of these private, for-profit hospitals and Albertans will never know how much it's going to cost?

MR. KLEIN: Well, I can't see how the contracts are – I mean, there are numerous services that are contracted out. Even now as we speak cataract surgeries are contracted. You alluded to that. Most abortion services are contracted out to private clinics, Mr. Speaker. You know, that seems to have worked okay within the confines and the parameters of the Canada Health Act. I'm sure that there are other services that are contracted by regional health authorities. I can understand that if there are some proprietary interests or something, some details of the contract might be exempt from FOIP legislation, but I can't see why the contract itself would be exempt.

I'll have the hon. minister supplement. Perhaps he can bring some clarity to this matter.

2:20

MR. JONSON: Well, Mr. Speaker, certainly, as the policy clearly states, there is a commitment to provide the cost-benefit analysis of these potential contracts.

Secondly, Mr. Speaker, with respect to the overall cost of a

particular contract I do not see that as being contrary to FOIP. I know that the member across the way has been a great supporter of FOIP, so perhaps there is some barrier there, but I'm not aware of that in the terms of the gross amount of the contract. Certainly it does not seem to me that there's anything to prevent a cost-benefit analysis of a contract.

MS BARRETT: Sorry. To clarify for the Premier: I'm not talking about a CBA. I'm talking about asking how much money the Calgary regional health authority is spending when they're going to these private, for-profit facilities and how much the facility fees are. Time and again what I get back is, quote, we can't give you this; it's essentially secret because, quote, it may be deemed to be harmful to the business interests of a third party. So why now won't the Premier admit that he is misinforming Albertans when he fails to tell them that once hospitals are privatized, everything to do with the dollars and cents of those contracts with the public system will be a commercial secret?

MR. KLEIN: Mr. Speaker, certainly I welcome this kind of input, because as the policy leads more and more toward legislation and as we receive input from the federal government, as we receive input from citizens around this province, perhaps there will have to be something in the legislation that makes sure everything that is done not only provides a cost benefit but is open and transparent. So I welcome that kind of input.

MS BARRETT: Oh. All right. Well, as I'm getting somewhere here, maybe now the Premier will admit that there's a connection between the exploding \$52 million deficit of the Calgary regional health authority and the authority's overreliance on contracting out procedures like cataract surgery, orthopedics, and ear, nose, and throat surgeries. That's what's costing them so much money.

MR. KLEIN: No, Mr. Speaker, I don't accept that as being true. As we all know, Calgary is probably the fastest growing metropolitan region in the country. The growth there is absolutely phenomenal, and it's putting pressures not only on health systems but on schools, on infrastructure and so on, and we're trying to deal with these situations.

This might be my last opportunity just for a while to talk about the whole issue of funding. If the Liberals really want to be helpful, perhaps they can get onside and start writing letters to Mr. Rock, you know, who complains about the amount of dollars we put into our health care system. We are not one of the lowest as he suggests. We're right in the middle of the pack. As a matter of fact, as we argued for the restoration of CHST funding, we were the only jurisdiction in this country to match those dollars, the dollars we put back into health care. Mr. Speaker, we welcome the input and the constructive criticism and working with the federal government to advise us if, in fact, we might be in violation of the act. We'll do what we can to make sure that that doesn't happen, because we have made that commitment to absolute adherence.

But, Mr. Speaker, I would remind these people over here that it's their Liberal cousins in Ottawa. They are the only government in Canada spending less today on health. The only government is the federal government, and these people have done nothing – nothing – to bring pressure to bear to restore proper funding through the Canada health and social transfer.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Centre.

West Coast Port Closure

MR. MARZ: Thank you, Mr. Speaker. There's been considerable impact on Alberta's industries due to the recent port of Vancouver shutdown, a lockout that ended just last Monday after 10 days of commodities and product movement freezes, and it's inevitable that this has cost the industries quite a bit of money. My question is to the Minister of Economic Development. What efforts did the government of Alberta and specifically the Ministry of Economic Development undertake to avoid the recent 10-day shutdown at the port of Vancouver?

MR. HAVELOCK: Well, Mr. Speaker, our department began monitoring the situation earlier this year, and we regularly reported and worked with industry and provided them with updates. I originally wrote to the federal Minister of Labour on September 27, when it appeared that there might be a shutdown of the port system. On October 25 I met with Vancouver Port Authority representatives and a number of their significant clients at a port users' conference in Calgary, and at that time I urged the port to resolve their differences through negotiation.

When notice came of the port's intent to lock out employees, I worked with the minister of agriculture to issue a joint news release on November 4 urging a quick settlement, and immediately following the lockout I wrote to selected federal cabinet ministers and expressed the urgency of the situation and our disappointment that the federal government had not addressed this issue quite some time before it reached that stage. I reiterated my concerns in telephone calls to ministers Bradshaw, McLellan and Goodale.

On November 8 we formed a strategic team within our department to monitor the situation. The Friday before the issue was resolved, I met with representatives in Calgary, and on the Monday after it was resolved, I met with representatives in Edmonton to discuss both the short-term and long-term impacts. Finally, Mr. Speaker, I followed up with another letter recently to the federal Labour minister expressing our satisfaction that the issue had been resolved, however that we need to address this from a long-term perspective so that it does not occur again.

MR. MARZ: Thank you, Mr. Speaker. To the same minister: what were the costs to industry of that 10-day lockout?

MR. HAVELOCK: Well, Mr. Speaker, the short-term problems and the long-term negative impacts of the port's closure were extensive. The greatest impact of this shutdown has probably been on both Canada's and Alberta's reputation as a reliable, highly competitive supplier and exporter, and not having guaranteed west coast port access damages our image as a location for investment and business expansion.

Further, Mr. Speaker, the average daily value of Alberta exports and imports which were affected by the port closure were in excess of \$16 million. Now, it should be stressed that this was not the cost of the shutdown to the Alberta economy, but rather that was the value of trade which was disrupted by the port's closure. The direct costs attributable to the shutdown would include diversion costs incurred by suppliers, inventory and storage costs, for example, interest and opportunity costs on delayed cash flow, and penalty costs on delayed deliveries. So there were a number of costs incurred by industry.

Interestingly enough, Mr. Speaker, when I met with representatives of industry, some of them had actually begun diverting their cargo from the port three weeks to a month prior to its actual closure. So they were incurring significant costs well before the lockout had

occurred. That is why, with these types of cost being incurred, we need to ensure that this does not happen again in the future.

MR. MARZ: Thank you, Mr. Speaker. My last question to the same minister: what can we do here in Alberta to avoid this happening again?

MR. HAVELOCK: Well, this has happened a number of times in the past, and it is of great concern to us, Mr. Speaker, and we need to work with the federal government to find a long-term solution to the issue of port services and uninterrupted port access for Alberta to world markets. We must address the weaknesses in the collective bargaining system at the ports to arrive at a solution that will maintain the confidence of our global customers and potential investors.

There are mechanisms available, Mr. Speaker, that could be implemented in order to avoid a strike or lockout and ensure that the ports remain open while labour disputes are resolved. It's those types of mechanisms that we will pursue with the federal Labour minister and other ministers who are impacted at the federal level.

Rest assured, hon. member, that we take this very seriously. It had a significant impact in Alberta, and if we wish to maintain our credibility in world markets, we need to ensure that this port stays open in the future.

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

2:30

Long-term Care

MS BLAKEMAN: Thank you, Mr. Speaker. A group of concerned seniors in Camrose have written to me about the state of long-term care in their community, particularly concerns with long-term care at the Hawthorn and Bethany nursing homes. Now, we finally have an increase in long-term care spending but no plan and no guarantee the money will reach the frontline services. My questions are to the minister of health. Can the minister guarantee that nurse-to-patient ratios in Camrose will improve so that four senior patients sharing one bathroom don't end up soiling themselves because there's too few staff to help them to the washroom? Is this new money going to go into increasing the nurse-to-patient ratio?

MR. JONSON: Mr. Speaker, first of all, the additional funding that was announced parallel to the release of the Broda report is focused to long-term care. I expect that the East Central regional health authority will apply that money where it is most needed within that region. Certainly the Bethany care centre in Camrose is, in fact, their major long-term care centre.

The other thing, Mr. Speaker, in terms of our overall commitment to improving the overall long-term care program of the province along with working on the concept of healthy aging, which is featured in the Broda report, is that I am also pleased to be able to indicate that the complete rebuilding of the Bethany care centre is planned. That area will have a modern facility for their population.

MS BLAKEMAN: Well, no increase. Okay.

Will the minister explain to the citizens of Camrose, particularly the seniors, why their long-term care nursing homes are in such a "deplorable state and a disgrace in our so-called 'rich Alberta.'" Money is not enough. What about standards of care?

MR. JONSON: Mr. Speaker, I have toured those facilities that the hon. member is referring to. I have had very effective representation

made to me by the Member for Wetaskiwin-Camrose on the subject of the need for renewal at the Bethany centre. It has now been possible through the good fiscal management of the government and our good fortune of having additional revenue to be able to announce the replacement of that particular facility. Certainly it is needed, and we're going to be able to do it.

MS BLAKEMAN: Finally, can the minister explain why this government prolonged the suffering of seniors in long-term care facilities by sitting on the long-term care report for over a year? The final report is the same as the one from August '98.

MR. JONSON: Mr. Speaker, in the course of the development of the long-term care report I did meet with the committee periodically. I also attended a number of their forums. I also asked for briefings and updates on their progress. I think that as minister it was my responsibility to take an interest in this important initiative and keep up to date with it.

The overall review, which has proven to be a very comprehensible and I think valuable document for future planning in the whole area of healthy aging, is complete now, and we will be following through, as we've indicated already, with the \$50 million already announced and the announcement today with respect to health infrastructure in the province. I think you can see and it's well demonstrated that we're putting a priority on the whole area of healthy aging.

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

Royalty Rates

MR. BOUTILIER: Thank you, Mr. Speaker. There have been recent reports that have suggested that provincial revenues from oil and gas development are falling due in part to the generic royalty regime for oil sands development. My question is to the Minister of Resource Development. I'd ask the minister to explain how this fiscal regime works. In fact, will it benefit all Albertans?

DR. WEST: Mr. Speaker, I think the report that he's referring to is the Parkland Institute. It is a group from the University of Alberta, and I believe they academically looked at this issue and came up with an apples and oranges comparison.

One of the problems they had is that they threw in the oil sands. What we've done in the oil sands is we've looked 35, 40, 50, 60 years ahead at one of the most expensive resources to develop in the world. We put together a task force with the federal government, industry, and the provincial government to come up with a royalty regime that would help us get massive investment in the oil sands and then collect the big royalties and benefits from it down the road. That structure that was agreed upon would see a royalty rate of about 1 percent of the revenues today but 25 percent of the revenues when the project paid out its capital investment.

Now, what that's done for the province of Alberta is it's taken in four years an investment in the oil sands of about \$5 billion up to \$30 billion. It's massive amounts of jobs, procurement of services throughout Canada and Alberta. It's a big boost to the city of Edmonton. The institute failed to realize the flow down in taxes to municipalities and concessions that would come out of corporate investment and taxes that were gained from those that provide services to a \$30 billion investment. Down the road – and I'll get to that probably as he asks some more questions – we will see a tremendous benefit to the province of Alberta for years to come, continuation of the services that we have today.

MR. BOUTILIER: Thank you, Mr. Speaker. Just to follow up on the minister's comments, perhaps he could tell the Legislature what he does in fact expect from resource revenue from this kind of regime.

DR. WEST: Well, the Parkland Institute, again because they were comparing us to Norway and to Alaska, which is not a comparable source of information at all, indicated that probably by the year 2001 our revenues from the oil sands would fall to \$26 million. Well, right today, this year we're on track at \$156 million, next year we have estimated \$240 million, and then from the year 2006 on, when the oil sands will be 50 percent of the production of oil in Canada, we will look at 500 million plus dollars. The total rounded out figure of benefits coming from this project prorated into the future for the federal government, municipal government, and the province of Alberta will be \$118 billion – \$118 billion – based on present day economic figures.

Now, the Parkland Institute fails to recognize any of that.

MR. BOUTILIER: Thank you, Mr. Speaker. My final question today. It was suggested that Alberta collected less resource revenue compared to Norway or Alaska, I believe, in the report. Can the minister tell this Legislature why this would be the case by comparison?

DR. WEST: Well, I did mention Norway and Alaska, but what the Parkland Institute failed to realize is that the basin here is a much more difficult basin than even in Alaska and in Norway.

They compared well production here. Our production on an average basis on a well is 35 barrels, whereas in Alaska it's around 500 barrels a day out of a well and in Norway 5,000. Also, the type of density of our oil here goes from coal right up to that that's incorporated into the oil sands. In fact, conventional oil in the province of Alberta is a minimal amount that we produce. Therefore, the cost of recovery and the different royalty regimes we have for such low production from wells and the oil sands that I just mentioned would make comparing Norway and Alaska to Alberta a totally redundant type of exercise, and I don't know why they went to the effort to produce this kind of bunk.

THE SPEAKER: The hon. Member for Edmonton-Norwood, followed by the hon. Member for Calgary-Egmont.

Private Health Services

(continued)

MS OLSEN: Thank you, Mr. Speaker. According to government figures Albertans are paying \$690 per person on medical care and health services. That's \$122, or a 22 percent increase in the past seven years from this government's scheme to pave the way to private health care by systematically dismantling the public health care system. Now, the Premier and his sidekick the Provincial Treasurer are proposing to embark on a massive contracting out of public health care to private, for-profit hospitals, where the motto will be, "We only relieve your suffering," the Premier's words, "when you pay." My questions are to the Provincial Treasurer. How much more will Albertans be paying under the government's plan to contract out public health care to private, for-profit hospitals? Is it going to be \$2,000, \$3,000, \$5,000? Pick a number, Mr. Treasurer. Let us know. Let Albertans know.

2:40

MR. DAY: Albertans will not be paying more, Mr. Speaker, and the Premier and the minister of health have made it very clear that the

whole process here is to address some very important issues that Albertans are concerned about. The length of lineups and waiting times is a problem right across the country, less so in Alberta than other provinces. Right across the country this is a problem. That's just one of the areas that will be alleviated by allowing alternate forms of delivery, forms of delivery for which no Albertan will have to pay and for which nobody will be allowed to pay to access quicker service. The whole operation is directed towards alleviating lineups, alleviating pain, and providing greater and enhanced care.

MS OLSEN: Mr. Speaker, the Treasurer is a disciple of the minister of privatization. However, we'll try it again: how much more will Albertans be paying under the government's plan to contract out public health to private, for-profit facilities? Is it \$2,000? What is it? What figure do you have in mind? Albertans need to know.

MR. DAY: I'll try and explain it a little more slowly, Mr. Speaker, though I know that can be a source of aggravation for you because you like us to be rapid in our responses. For the member, who is having difficulty grasping this – and I admit that for some it's a bit of an issue – I can tell you that the minister of health has indicated, for instance, that health care premiums are not going up, and the only way taxes and other fees and charges are going in this province is down. So I am not sure exactly what she's trying to do other than unnecessarily stir up some kind of fear that is not based on any fact at all. What we are doing is absolutely clear: looking for ways in which greater care can be provided to Albertans, enhanced care, shorter lineups, and better treatment for all Albertans.

MS OLSEN: Thank you, Mr. Speaker. Well, then, give us the facts, Mr. Treasurer. What proof does the Treasurer have that the government's plan to contract out public health care to private, for-profit care will result in reduced waiting lists and lower cost for Albertans? Where are the studies? Where's the information? Tell Albertans. Pie in the sky isn't good enough.

MR. DAY: Well, Mr. Speaker, we already know – and the Premier has been very clear on this – that we do not want to take money that could be going straight to enhanced care and start into a bricks and mortar program. We will pay for and RHAs, based on their evaluation, will pay for services being delivered.

Now, if she wants actual studies, the Premier has already indicated that there's an excellent clinic in Toronto right next door to Allan Rock's riding that is delivering services, and I'm sure, because they've been doing that for a number of years, that there's some analysis there. I'm sure our own health minister has looked at those. As the Premier has already indicated, there's a clinic in British Columbia that is delivering and, as I understand it, charging a facility fee for all kinds of services. As a matter of fact, Mr. Speaker, right now in Calgary approximately \$255 million of health care services are being delivered by these facilities. Do you know what? People aren't complaining. They're thankful that the services are there. They're thankful that they don't have to pay for services, and that's the way it's going to continue to be.

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

Maintenance Enforcement

MR. HERARD: Thank you, Mr. Speaker. My questions are to the Minister of Justice. The Maintenance Enforcement Amendment Act came into effect today as a result of the good work and recommen-

dations made by the MLA review on the maintenance enforcement program and child access. But some of my constituents with maintenance enforcement problems want to know how this new act will improve their lot in life. Could the minister please explain the new features of this act?

MR. HANCOCK: Well, thank you, Mr. Speaker. That's a very important question. Of course, the maintenance enforcement program is designed to assist families in Alberta by helping people collect maintenance and providing a mechanism whereby that maintenance can be easily forwarded to those that need it, and it does help families.

The intent of the revisions to the act, the amendments to the act: it will improve the way we collect support from those who can afford to pay. It also provides the maintenance enforcement program with additional tools to enforce support orders and to improve the ability of the program to pursue particularly those that are chronically defaulting debtors who have been able to evade enforcement in the past.

MR. HERARD: Thank you. Mr. Speaker, can the minister explain what new actions will be taken to help collect arrears in maintenance enforcement collection processes?

MR. HANCOCK: Mr. Speaker, one of the most significant new actions is that they will be able to provide for the cancellation of drivers' licences. Under the old provisions the program had to wait for people's licences to expire or be ready for renewal. Now they can proactively cancel licences for defaulting debtors. Also, they'll be able to seize income or assets held by corporations or third parties where they can appropriately show that the debtor is attempting to conceal those assets in the corporation or the third party. They can request information on debtor location, assets, and employment from employers, trade unions, and financial institutions. They can advertise for the debtor's whereabouts. In short, the new provisions give the maintenance enforcement program a lot more tools at their disposal to find those chronically defaulting debtors so we can help families in Alberta.

MR. HERARD: Thank you, Mr. Speaker. How will the minister know that it's working? What will we do to monitor the effectiveness of this new legislation?

MR. HANCOCK: Well, Mr. Speaker, I should say that the program has been working very well. In 1998-99 there were 43,000 active files in the program, representing over 58,000 children. The program collected more than \$122 million, an increase of over \$4 million from the previous year. The most significant increase was in licence withholding. In 1998-99, 592 licences were withheld, and that number has almost doubled to over 1,000.

So we will be monitoring that maintenance enforcement program, as we have, on a monthly basis to show the increase in the number of files, the increase in the number of children who are being helped by money being collected on their behalf, the increase in the amount of files which are being handled successfully, and the increase in the use of the tools that are available. The increase in that use will be monitored to determine their effectiveness.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for St. Albert.

Regional Health Authority Contracts

MR. DICKSON: Mr. Speaker, thank you. Just a few moments ago we listened with fascination and some surprise when our Premier

declared that regional health authorities in this province should be open and transparent in dealing with commercial private health care providers. Now, my question this afternoon is to the minister responsible for the administration of the Freedom of Information and Protection of Privacy Act. My question is simply this: why is it that it was the government majority on the Select Special Freedom of Information and Protection of Privacy Act Review Committee that obstructed, refused, and ultimately voted down the Liberal proposal to reduce the section 15 exemption to ensure that those third-party dealings and contracts were available and transparent to Albertans? Why is that? I'd like to find out through the minister responsible for FOIP.

2:50

MR. JONSON: Mr. Speaker, I think the important thing here is that this is connected with respect to the initiative of Alberta Health and Wellness and the government in terms of our recent policy statement and concerns that have followed from that.

Mr. Speaker, I think what the hon. member across the way is trying to avoid or not acknowledge is that in the policy statement it is quite clear that we are prepared to follow through on the policy statement to develop the appropriate legislation to implement those particular policies. I know that the hon. member across the way is an expert in FOIP, more than an expert I think, actually a devotee to FOIP. Certainly there may need to be a look at legislation with respect to this. Nevertheless, in the policy statement it is quite clear that in terms of the overall cost benefit of any possible private contracts, that is something that would be done.

MR. DICKSON: Mr. Speaker, I'll go back to the minister of health. I would simply ask him this: why is it that in the face of the very clear statement and declaration we heard from the Premier just moments ago, the official government position has been that section 15 of the FOIP Act should not be reduced so that more information would be in the public domain? Why is that?

MR. JONSON: Well, Mr. Speaker, as I said, this is a question that is a roundabout way of debating the policy that we've just introduced, and we have indicated that the necessary legislation to implement that policy would be forthcoming in the spring session of the Legislature, depending of course on the response of Albertans over the next number of weeks.

MR. DICKSON: Mr. Speaker, my final question would be this: do we have a commitment, then, this afternoon that section 15, the third-party interest in the Freedom of Information and Protection of Privacy Act exemption, will be narrowed so that Albertans will be able to get access to those contracts that are let by the 17 regional health authorities? That's the question.

MR. JONSON: Mr. Speaker, our commitment is to take forward, as we are in a very public way, the issue that is really in front of what the hon. member is bringing up here, and that is that the policy statement is out there for discussion. We have made a commitment to follow through with the necessary legislation in the spring.

THE SPEAKER: Hon. members, the time has elapsed for question period.

head: Members' Statements

THE SPEAKER: In 30 seconds from now I'll call on three hon. members to participate in Members' Statements, and we'll proceed in this order: first of all, the hon. Member for Calgary-North Hill, then Edmonton-Centre, then Wetaskiwin-Camrose.

Singing *O Canada* in Schools

MR. MAGNUS: Thank you, Mr. Speaker. In May of 1999 I spoke in this Chamber about a desire to re-establish the singing of *O Canada* on a daily basis in Alberta schools, and I appreciate the opportunity to once again speak to this issue.

Our young people today will grow into our leaders of tomorrow. Scholars and political philosophers alike have said that one of the main goals of education is to produce responsible and knowledgeable citizens. Canada needs citizens that are informed about issues and the history behind them, that have the courage and the will to participate in democracy, and are committed to the integrity of a strong and free Canada. A responsible and responsive citizen does not only obey the laws and mores of the land; such citizens also strive to carry our national dreams forward into the future.

I believe that as Canadians look to our southern neighbours, we see their excesses and shortcomings and name overzealous nationalism as a root cause. Perhaps that's so, but in our reaction to American nationalism, our "Look what national pride has done to them," we've thrown the baby out with the bathwater. Canada can and should be openly loved and revered. We can be proudly Canadian and still maintain curiosity, compassion, and respect towards all nations in the global community.

To devalue the joy of acknowledging that we belong to a beautiful, proud, and compassionate country, one that continues to evolve and grow through time, is a grave mistake. To neglect teaching our children from an early age the history of Canada, with all our heroes and our heroines, trials and triumphs, denies our children the right of association, of belonging to something greater than themselves, something that will endure after they, too, are gone. It denies them the opportunity to live purposefully and with a vision of their country. To neglect teaching our children respect and reverence towards this great nation that we call home is limited vision at best, an abdication of responsibility at worst. Let's hear *O Canada* being sung clearly and proudly by our future leaders today.

Thank you, Mr. Speaker.

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

Alberta Seniors

MS BLAKEMAN: Thank you, Mr. Speaker. Appointed as the Official Opposition critic on seniors' issues last February, the beginning of the International Year of Older Persons, I've managed to meet with a number of seniors' groups across the province and have listened to a lot of seniors. Seniors number about 300,000 in Alberta right now, but by the year 2016 half a million Albertans will be seniors. Seniors are healthier, more active, and increasingly more vocal. Our vision of frail, white-haired folk in wheelchairs is true only for a small fraction of the population.

We all benefit from the additional volunteer efforts of seniors. Right now they run their own seniors' centres and give their time to support community efforts, from Meals on Wheels to reading to school children. A senior is the key volunteer in my constituency office, keeping me in line. Most seniors still live in their own homes, are active in their communities, and continue to use their wisdom, experience, and sense of humour to benefit all of society. Let me put it in context: Jane Fonda is 62, not what we have tended to think of as a senior.

But there are concerns: the cutting of many programs that left money in their pockets harms the very ability of seniors to afford to stay in their own homes; rising property taxes, utility costs, and more and more user fees; not being able to keep couples together once one becomes ill and requires care; the availability of quality long-term

care, period, and especially in rural areas; access to timely medical care without having to pay out of pocket. The Liberals have advocated eliminating health care premiums for seniors for that would put money back in their pockets.

Seniors' organizations struggle for funds. Given the cost of keeping someone in an acute care or a long-term care bed, why aren't we doing more preventative funding to keep seniors active, socialized, healthy, and out of those same beds? These seniors' groups do exactly that and for a fraction of the cost.

Today the seniors' symposium starts. I hope this government is really going to listen and, more than that, hear what seniors are saying. Thank you.

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

National Addictions Awareness Week

MR. JOHNSON: Thank you, Mr. Speaker. I am pleased to rise today to recognize National Addictions Awareness Week, November 14 through 20. Each November since 1985 Canadians have taken time during this week to raise awareness of the impact of alcohol, drug use, and gambling in their communities. As a participant in National Addictions Awareness Week AADAC's theme this year is: Making a Difference; It's Up to Me. We can indeed all make a difference by taking responsibility and helping each other to make healthier choices around the use of substances and gambling.

Founded in 1951 as the Alcoholism Foundation of Alberta to treat drinking problems, AADAC's name and mandate expanded in 1970 to include drug use. In 1994 AADAC also became responsible for addressing problem gambling. AADAC operates community-based funding programs in 42 locations throughout the province. Each year over 30,000 treatment admissions, 70,000 shelter admissions, and 120,000 prevention and education contacts are delivered to Albertans by AADAC. Over 600,000 information items and resources are also distributed to Albertans and in schools across the province. This figure could not have been achieved without the outstanding work of AADAC employees. As chairman of AADAC I would like to offer my thanks to all those that have been involved.

There is no cure for alcohol, other drug, or gambling addiction, no magic bullet that can make these problems go away. Although substance use and gambling touch us all, by working together and raising awareness, we can make a difference and make Alberta a healthier place for everyone. National Addictions Awareness Week provides an opportunity to celebrate healthy living free from alcohol, drug, and gambling abuse.

Thank you.

head: Projected Government Business
3:00

THE SPEAKER: The hon. Opposition House Leader.

MR. DICKSON: Thank you, Mr. Speaker. Pursuant to Standing Order 7(5) I request that the Government House Leader indicate what business we might anticipate next week, please.

MR. HANCOCK: Thank you, Mr. Speaker. On Monday, November 22, in the afternoon we would anticipate starting with third reading of Bill 42; second reading of Bill 41, the Regulated Accounting Profession Act, and Bill 40, the Health Information Act; third reading of Bill 7, Alberta Health Care Insurance Amendment Act; and thereafter as per the Order Paper. On Monday at 8 p.m. under Government Bills and Orders for second reading Bill 44, the Insurance Statutes Amendment Act; Bill 43, the Fiscal Responsibility Amendment Act; Bill 41, the Regulated Accounting Profession

Act; Bill 40, the Health Information Act; Bill 38, the Constitutional Referendum Amendment Act; and third reading of Bill 7, Alberta Health Care Insurance Amendment Act.

On Tuesday, November 23, at 4:30 p.m. under Government Bills and Orders: Government Motion 23 regarding adjournment; second reading of Bill 40; and as per the Order Paper. On Tuesday at 8 p.m. under Government Bills and Orders, subject to progress, bills 44, 43, 40, 38; Committee of the Whole on bills 41, 44, and 43; third reading of Bill 7; and as per the Order Paper.

On Wednesday, November 24, at 8 p.m. under Government Bills and Orders, subject to progress, Committee of the Whole on bills 44, 43, 40, and 38 and as per the Order Paper.

On Thursday, November 25, in the afternoon under Government Bills and Orders as per the Order Paper, based on progress from the previous days.

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

Point of Order Inflammatory Language

MR. DICKSON: Just the one point of order this afternoon, Mr. Speaker.

With respect to the Premier's initial response to the first question put to him, he said, as best as I was able to note: the only person calling for private, for-profit hospitals is the Leader of the Opposition. The authority I'd refer to would be 23(h), (i), (j), and perhaps even (l). Now, the Premier didn't table the document he was quoting from, which in itself might draw some comment from the chair, but there's absolutely no document, I suggest, that backs up the assertion that was made by the Premier.

This is the sort of thing that does inflame debate and certainly inflames members of the Assembly during question period, and I'd ask you, Mr. Speaker, to take steps to ensure that those kinds of baseless allegations are not put forward. Now, of course, if in fact the Premier can table a document which is authored by the Leader of the Official Opposition to that effect, then that might be something very different, but we've not seen that in the House.

Thank you very much, sir.

MR. HANCOCK: Mr. Speaker, the point of order is without substance, but I would like to agree with the hon. member opposite on one item, and that is that perhaps it would be useful to the House if you were to rule out baseless assumptions, because that's the preamble to almost every question that the members of the opposition have brought forward both in this session and the last.

Unfortunately, in the English language sometimes when you listen to what a person says, you have different interpretations of what they said. I think there was a transcript that the Premier was quoting from, that he'd heard or had heard of, of comments that were made on the *Rutherford Show*, as I recall what he said today. So he wasn't quoting from a document but refreshing the House's memory as to what the hon. Leader of the Opposition said or was purported to have said on the *Rutherford Show*, which is a news media show, a public media in this province. One listens to what's being said in public, and one then takes from it an interpretation of what's said there. That's what we have to base what we know about the position of the Liberals.

Mr. Speaker, there was nothing said today that the hon. Leader of the Opposition or any member of the opposition could not and did not attempt to put their own interpretation on to indicate what they believe should be the correct interpretation, that sort of thing. We have basically words that were said in the public domain, words that

we heard clearly, that we understand the plain meaning of, and we transport that plain meaning here. If there's disagreement as to what it means, then it's up to them to clarify. It's a simple misunderstanding.

But baseless assumptions, which come forward every day from the opposition as the preamble to their questions, now, those should be ruled out of order, Mr. Speaker.

THE SPEAKER: Do I take it the hon. Government House Leader is rising on a separate point of order? It's okay.

Beauchesne 494, Acceptance of the Word of a Member, very clearly points out that statements made

by Members respecting themselves and particularly within their own knowledge must be accepted. It is not unparliamentary temperately to criticize statements made by Members as being contrary to the facts; but no imputation of intentional falsehood is permissible. On rare occasions this may result in the House having to accept two contradictory accounts of the same incident,

which is really difficult for the chair to deal with, particularly when hon. members also want to deal with imputation of motives and the like.

The bottom line is that if members in this Assembly want to quote from documents, let's have the decency to table the document, and that then will allow other members to spend time in the remainder of the afternoon verifying for themselves exactly what was said. There seems to be this falling back on quoting from certain statements, out of certain things. Let's table the document, and perhaps starting Monday, we'll be insisting that that should happen if people want to start quoting.

So to the hon. Government House Leader, would you convey, please, to all members of Executive Council who might be in a position to respond that if they want to start quoting from documents, let's have numbers there so that they can respond to them. To you, to the Official Opposition House Leader, if your hon. members want to start quoting from documents, would you have the documents here ready to be tabled.

As well, warning has also been given today that it's totally unnecessary to have an hon. member stand up and table a quotation from a document that's already been tabled in the Assembly. That is an absolute waste of everybody's time, energy, and effort.

Now the hon. Government House Leader.

MR. HANCOCK: A point of clarification under rule 13(2)?

THE SPEAKER: Absolutely.

MR. HANCOCK: Would your ruling this afternoon, Mr. Speaker, extend to the statements made very often by members of the opposition in posing preambles to their questions where they purport to say and tell the public, because the cameras are on, what the government position is on some matter and in most cases badly misinterpreting that position but obviously taking it from some document or context?

THE SPEAKER: Hon. member, my responses had to do with respect to quotations from documents. The hon. Government House Leader is seasoned well enough to know that the art in this building is to skillfully frame a question in such a way that it provides the interpretation that the questioner wants to have. The hon. Government House Leader knows full well that the art in this place is to arrive at the person who is responding to the question framing his or her answer in such a way as to convey the answer that the respondent wants to give, not necessarily to provide the answer that the questioner wants to receive.

This is a great art form. Unfortunately, the higher we elevate

ourselves to the art form, the less difficulty we will have with mundane approaches to usage of words like "misinformation" and "misleading" and the rest of that. Once we arrive at that high art form, there will be a meeting of the minds and there will be an articulation of the highest level and the highest superiority, and the English language will find perfection with respect to all this. When we cannot do that, of course, then we fall back on weak arguments such as, you know, "resign," "mislead," and things like that. Some have a long way to go yet.

head: Motions under Standing Order 40

THE SPEAKER: The hon. Member for Edmonton-Strathcona with respect to a Standing Order 40 application.

Postsecondary Tuition Policy

Dr. Pannu:

Be it resolved that the Legislative Assembly, given the government's refusal to treat Alberta's postsecondary students in the same manner it treats its cabinet ministers who are taking courses at foreign universities, urges the government to rectify this inconsistent application of its tuition policy.

DR. PANNU: Thank you very much, Mr. Speaker, for the opportunity. This is the second time in two days of the sitting that I rise here to plead again with my colleagues in the Assembly to pay attention to a matter of great urgency and pressing necessity.

Mr. Speaker, you are an historian by academic training, so I would beg your indulgence to say a few words about the historical context in which we meet in this particular sitting of the session. It's the last sitting of this Assembly in this millennium. It's the last sitting of this Assembly in this century. Forty-three days from today we'll be marching into the new millennium and the new century. When I think of the new century and the new millennium in particular, millennium celebrations remind me of debt forgiveness, freedom from debt bondage, and things of that sort. I rise today to give four reasons as to why the motion that I've skillfully, using your words, worded here is before the House and why it should be debated. For that, I seek the unanimous consent of my colleagues in this Assembly.

The matter of student tuition fees is of urgent necessity, Mr. Speaker.

MR. DAY: A point of order, Mr. Speaker.

3:10

THE SPEAKER: Well, hon. member, you're making an application under a Standing Order 40 submission.

DR. PANNU: Yes, sir.

THE SPEAKER: The rules are very, very clear on that. The hon. Provincial Treasurer was rising on a point of order. I'm going to withhold that until the conclusion of the application made under the Standing Order 40 provision. I'll deal with it after.

DR. PANNU: Thank you, Mr. Speaker. The day before yesterday the Graduate Students' Association of the University of Alberta released a study which drew attention to the massive debt loads of graduate students on this campus, urging us to take notice of the situation that graduate students in this university, in this prairie city, and in this province find themselves in.

Today the march undertaken by postsecondary students, mostly

college and technical institute students, culminated on the steps of the Legislature. They undertook this march over the last four days in cold weather, in subzero temperatures, and they tell us that this matter is urgent for them and for this Assembly to pay attention to the matters that they have brought to the steps of the Assembly today. That's the second reason why I urge my colleagues in this Assembly to treat this matter as urgent and necessary. The matter of necessity and urgency clearly is similar to the matter of the question of beauty being in the eye of the beholder. Our students are telling us that this is a matter of urgency and necessity, and it's up to us to either agree with them or disagree with them, but we should do it publicly and here in this forum. So that's the second reason, that the ACTISEC-organized march draws attention to the necessity and the urgency of this matter to all of us sitting in this Assembly on their behalf.

The third reason, Mr. Speaker. If this government is to listen to this House, subsequent to this debate that I hope will take place here, it will be a good time for us to do that debate, because the budget for next year, that the Treasurer of this province is responsible for preparing for the people of the province of Alberta, is now in the process of being shaped. The Treasurer and the government and the Premier of this province would benefit greatly from the debate that I'm requesting we engage in today as related to my motion here.

The fourth reason, Mr. Speaker, is that the Premier some little while ago at the convention of his party promised Albertans that he is going to look at the ministers' claims related to their going to school in foreign universities and that having looked at the detailed statements, he will then make a decision and make that decision public to the people of this province as to whether the expenditures that they undertook, the expenses that they claimed from the taxpayers of this province, should all be paid from the public treasury or whether they should all be picked up by the members themselves. I think the Premier will benefit greatly from the link that we'll be able to establish, if we have this debate today, between the kinds of demands the students are making of us and the kinds of actions that the ministers have taken to educate themselves, to further continue their lifelong education.

So these are at least four reasons, Mr. Speaker, why we need to do this, and I hope that we will all agree that our young people in this province deserve to move into the next century proud of being Albertans, proud of being debt free, and proud of the fact that this Assembly is willing to listen to what they have to say.

Thank you, Mr. Speaker.

THE SPEAKER: Would all hon. members in favour of providing unanimous consent to the hon. Member for Edmonton-Strathcona to proceed with this Standing Order 40 application please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The hon. Provincial Treasurer on a point of order?

head: Orders of the Day

head: Government Bills and Orders

head: Committee of the Whole

[Mr. Tannas in the chair]

THE CHAIRMAN: I'd like to call the Committee of the Whole to order.

Bill 42

Alberta Stock Exchange Restructuring Act

THE CHAIRMAN: We'd ask if there are any comments, amendments to be offered with respect to this. The hon. Member for Calgary-Buffalo.

MR. DICKSON: Mr. Chairman, there are a couple of comments I wanted to make with respect to Bill 42. I and my caucus are supporting the bill. The bill in fact received both first reading and second reading yesterday. That's actually a very unusual occurrence. It requires the unanimous consent of the House, and the reason that was given last night and the reason why we are already at the committee stage is because certainly members of the Liberal opposition understand that this is a bill that, in fact, is important for the economic future of this province. It's a very positive bill. We recognize that this piece of legislation is necessary to permit the merger of the Alberta and Vancouver stock exchanges in order to proceed as a first step in the formation of this new junior exchange. It's actually an exciting development and one that I think holds out a lot of promise to a province that already is seen as a focus of an awful lot of economic activity in our nation.

I think that my colleague for Edmonton-Glenora the other night spoke frankly about some of the concerns that exist in the securities community, some understanding of the size of the challenge, and I thought he put it aptly. I would associate myself with his comments and with those of the sponsor of the bill in terms of acknowledging the work that Bill Hess, the former chairman of the Alberta Securities Commission, and his staff have undertaken. Mr. Hess in particular, I'd like to say, has always worked very hard to ensure that all 83 members of the Assembly were conversant with the issues and challenges of the Securities Commission. I've always been impressed with the extent to which all MLAs were well armed before the bill came into the Assembly to be understanding what those issues are and to be able to address concerns beforehand. Also, I join with the previous speakers in congratulating Mr. Hess on his appointment as president and CEO of the Canadian Venture Exchange. We're excited, I think, that the junior capital pool program will continue to be one of his priorities as CEO of the Canadian Venture Exchange.

3:20

I'd just note that the importance of healthy, effective capital markets in this province in stimulating economic growth and job-creation investment cannot be underestimated. In 1998-99 capital in the amount of \$8.6 billion was raised through prospectus offerings, mutual funds, and private placements. This represents approximately 9.4 percent of the total capital raised in Canada. This is pretty impressive when you think of the population distribution across Canada. So this is a very strong foundation on which the new Canadian Venture Exchange is established and on which it, presumably, will build and grow.

For all of those reasons, Mr. Chairman, the Alberta Liberal caucus is happy to support this bill. We not only wish Mr. Hess well, but we look forward to expanded economic activity not just in the wonderful city of Calgary but throughout the province of Alberta.

Thank you very much, Mr. Chairman.

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

MR. HLADY: Thank you, Mr. Chairman, and I'd like to thank the Member for Calgary-Buffalo for his words as well. We're very fortunate to have some very good people working on this project.

As the member has just spoken in regards to capital being raised,

I think that seeing the Canadian Stock Exchange develop will allow for much more and for many more companies to be developed here in Alberta. I think we'll raise a new level of due diligence. They're looking at addressing the whole sector of technology. I think that's something that Canada hasn't done nearly as well as our American cousins with the market such as Nasdaq. I think they've identified that, and they look to doing a new level of due diligence and working with them to try and make that happen.

Mr. Chairman, I look forward to seeing this go forward. I know it's an exciting time, and we'll see much better development in the financial industry, hence leading to more development in all industries in Alberta.

Thank you very much.

[The clauses of Bill 42 agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

The hon. Government House Leader.

MR. HANCOCK: Mr. Chairman, I would move that the committee now rise and report progress.

[Motion carried]

[The Deputy Speaker in the chair]

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

MR. HERARD: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports the following: Bill 42.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: Government Bills and Orders
head: Second Reading

Bill 40
Health Information Act

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

MS GRAHAM: Yes. Mr. Speaker, thank you very much. I'm very pleased to rise this afternoon to move second reading of our government's new health information legislation, namely Bill 40, Health Information Act. I say this not only as the proud sponsor of this bill but also as an Albertan facing the new millennium.

I believe that we must have rules and regulations in place that will properly protect our most personal and most confidential of information, our health information, while at the same time providing for appropriate sharing of this information to ensure that we have

excellent patient care and excellent management of our health system in Alberta.

Mr. Speaker, the issues surrounding the protection of our privacy with respect to our personal health information are of paramount importance. As with anything to do with the health system, these issues will arise when a person is at their most vulnerable. It's either when we ourselves or a family member is ill. When we come into contact with the health system, we are usually sick or injured, and we want doctors and nurses to have the information they need to provide us with the best treatment. For instance, if a family member is sick and has lab tests, we want those results shared quickly with specialists, who can prescribe the best care possible.

However, at the same time, we also want to make sure that our personal health information is carefully guarded and that it is used only by those who need it, only to the extent that it is needed, and only for specific purposes. Most important, we want to know what the rules are: who can access our health information and what they can use it for. This bill, Bill 40, clearly sets out those rules and makes them clear to everyone in the health system and all Albertans. It strikes the right balance between protecting privacy and making sure that health information can be used carefully and appropriately to improve patient care and the management of Alberta's health system.

Now I would like to speak to the numerous benefits of this legislation, how it will in a very personal way positively impact Albertans. To begin with, this legislation speaks directly to Albertans because from its very inception government has talked to Albertans about what was important to them with respect to health information. As well, extensive consultation took place with physicians, health authorities, and a variety of health organizations. After all, these are the professionals who currently create and use health information on a daily basis. So we knew that it was imperative that they be brought in from the very beginning with their thoughts and ideas in order to make this piece of legislation workable within our health system. Thus, Mr. Speaker, Bill 40 is the product of almost three years of these types of discussions.

Now, in terms of what Bill 40 does, it can simply be said that its purpose is to make sure that the rules about the collection, use, and disclosure of health information are clear to everyone involved, both the people in the health system and, too, the general public. The scope of Bill 40 is that it applies to everyone who is part of Alberta's publicly funded health system. That means it includes the Minister of Health and Wellness and everyone who works for the department. It includes everyone who works for health authorities, including regional health authorities, the Alberta Cancer Board, and the Alberta Mental Health Board. It includes physicians and their office staff, nurses, and a whole range of health providers. It also includes pharmacies, pharmacists, and labs providing tests under contract with health authorities. It includes long-term care centres, nursing homes, and home care workers, and it includes any agency or organization established by a health authority and those that provide health services through a contract with a health authority.

In summary, Mr. Speaker, if you were to think about Alberta's publicly funded health system in its entirety, then this new legislation covers it.

3:30

Not governed by Bill 40 are other public bodies that may receive health information such as school boards or municipalities. They are covered by the Freedom of Information and Protection of Privacy Act. Ambulance services are also not covered under this act but are covered under separate legislation.

Mr. Speaker, many people did suggest during the consultation that

the rules in Bill 40 should also apply to the private sector. They suggested that health information should be protected regardless of whether it's in a doctor's private office, a hospital, a long-term care centre, or with an insurance company. In the long term, that is the government's objective, but for now this legislation represents a major first step by covering the publicly funded health system.

In fact, before the rules are extended to the private sector, we want to make sure that they work and that they work well in the health system. In point of fact, the legislation, Bill 40, specifically calls for a review within three years, and that review must include a review of whether and how the legislation should be extended to apply to other public- and private-sector organizations. The resulting rules in the act apply to a controlled arena and are not intended to have a broad application outside the health sector.

Many people may be wondering how exactly this legislation impacts on Albertans. What does this legislation do in order to protect our health information? I'd like to examine a few examples of these benefits in this new health information legislation. Currently individuals face a number of barriers to accessing their health information, such as high fees estimates, access provided only if the physician can present or explain the file, an indication that access will be granted but it takes too long, and a number of other situations of a similar nature. In Bill 40 there are access and Information and Privacy Commissioner provisions which are intended to address all of these issues to the benefit of the individual.

Within this legislation an individual has the right to ask to see their hospital file, and if that request is refused, the individual may ask the commissioner to review their request. An individual can also request that changes be made to the information contained in their physician records. If changes aren't made, the individual can ask the commissioner to review the request or place a statement of disagreement on the record in question.

Mr. Speaker, Albertans want the best possible care provided to them in an emergency or other health service context, regardless of whether they are able to provide consent or not. Bill 40 allows that to happen when it is necessary but not if it isn't. Health care providers will be able to obtain the best information possible about or potentially relevant to the individual's current condition and possible solutions. Albertans will also benefit from a health system that is operating using evidence-based decision-making. This means that the true needs in our health system will be reflected in equipment and service plans and the allocation of financial resources.

As well, Mr. Speaker, Albertans will benefit from knowing that rules have been established for the collection, use, and disclosure of health information regardless of the media it is stored in or transferred in. For example, individuals are particularly concerned about the proliferation of electronic systems development, records security, transmission, access, profiling, and so on. Either the rules are in Bill 40 or there is a regulation-making power provided or the Information and Privacy Commissioner has the jurisdiction and authority to review and respond to issues as they arise. In fact, if an individual has a concern regarding a custodian's behaviour, that individual can ask the Privacy Commissioner to review the behaviour.

For example, there was a recent incident involving the security of files during the closure of a hospital. If this were to have occurred after Bill 40 came into force, the commissioner would have been able to review the incident and make an order. An individual can also ask a custodian why he or she is collecting certain information and query whether the custodian really needs that level of detail of information.

An individual under Bill 40 can be confident that only authorized individuals and organizations may require an individual to provide their personal health number. Thus banks, retail establishments, and

other similar organizations will not be so authorized. It is also to be noted that an individual's individually identifying health information cannot be used by a custodian to solicit money or to market any service for a commercial purpose without consent. As well, an individual can be confident that data matching will be regulated, because all data matching of health information must first be reviewed by the Privacy Commissioner.

So, Mr. Speaker, as I have outlined, there are many benefits to Albertans with respect to their individual health information being protected through this legislation.

One now may be asking the question: how will all of this work? Mr. Speaker, this is a very detailed piece of legislation, but I would at this point like to outline the key provisions or principles of Bill 40.

Firstly, Mr. Speaker, those bodies and individuals defined or identified in the legislation as being "custodians" are those that are responsible for maintaining, protecting, and safeguarding health information. Who are the custodians? These are the people in the health system who typically receive and use health information, and the term "custodian" reflects the responsibility that has been imposed on these individuals and groups to look after health information, making sure that it is safeguarded and used properly. The custodians under the bill include regional health authorities, the Alberta Cancer Board, the Alberta Mental Health Board, boards of approved hospitals, operators of nursing homes, community health councils, health services providers paid under the Alberta health care insurance plan, various health boards, pharmacies and pharmacists, as well as the Minister and the Department of Health and Wellness.

Secondly, Mr. Speaker, all individuals will have the right to access their health information and know why it is being collected.

Thirdly, personal health numbers will be carefully protected, as I have already alluded to.

Fourthly, which is a critical part of the bill, is the protection of health information, which is provided for under the clear rules for collecting, using, and disclosing health information that identifies individuals.

In all cases the rules require that only the most limited information is collected, used, and disclosed, with the highest degree of anonymity possible in the circumstances. In other words, Mr. Speaker, this means that only essential information can be collected, used, and disclosed, and it also means that wherever possible, custodians are expected to collect, use, and disclose information which does not identify specific individuals.

This act, Bill 40, is specifically concerned with information that identifies individuals. If the information is anonymous or is about groups of people and individuals that can't be identified, then custodians are allowed to use and disclose that information for any purpose. However, when information does identify an individual, there are clear rules in place, which are contained in Bill 40.

3:40

Next, Mr. Speaker, except for certain situations an individual's consent is required before information is used or disclosed. This is a very important principle and is the starting point for the legislation in that an individual's consent is required before their health information can be used or disclosed and it will only be in specific situations where an individual's consent may not be required.

Custodians may use an individual's health information without their consent in certain situations, which are set out in the legislation. These include cases where the information is necessary to provide health services to an individual, which only stands to reason. For example, doctors will not be required to ask a person's permission before they consult with specialists or provide information to a nurse

who is giving care to a patient. As well, consent is not required if the doctor or hospital is checking to see if someone is eligible for services under the Alberta health care insurance plan or if there is an investigation or practice review, for specific research projects if they have been approved by an ethics committee, for providing education to doctors, nurses, and other health providers, to comply with other laws, or for certain management responsibilities. Rules are also set out for disclosing diagnostic treatment and care information without an individual's consent.

Information can only be disclosed without consent to another custodian with the same purposes as I mentioned earlier for the use of health information without consent; to a person responsible for giving continuing care, for example to a home care worker when someone is discharged from hospital and receives care at home; to family members or others with a close personal relationship in cases where an individual is in hospital and the doctor provides them with information about the person's condition; to people who are doing audits, practice reviews, or quality assurance reviews; to officials in penal institutions where it's necessary for the individual to get health services; to the police if they are investigating an offence involving a life-threatening injury to an individual; to the courts if it's part of a legal proceeding or to comply with subpoenas, warrants, or other court orders; and to an officer of the Legislature if it is necessary for the performance of the officer's duties.

Another key principle, Mr. Speaker, is that people will be asked to give their permission before their health information can be shared electronically.

Further, rules are set out for both registration information and health services provider information. Much of the focus in the bill is on health information related to an individual's diagnostic treatment and care. However, the act will also set out rules for registration information, which is the information provided when a person registers for Alberta health care benefits, and information about health services providers.

Another key principle is that similar to the Freedom of Information and Protection of Privacy Act, the Information and Privacy Commissioner will play a key role in the legislation by being responsible for reviewing decisions, doing investigations, providing advice, and resolving disputes.

The last major component of this legislation, Mr. Speaker, is that there are penalties if rules are broken. In fact, the act does provide for penalties of up to \$50,000 if the rules are broken.

In closing, I do wish to reiterate my motion at the outset of my remarks, that I move second reading of Bill 40, and would like to say that our health system and health providers need to rely on information from a variety of sources to ensure that they can give the best possible care and ensure the best possible management of our health care system. At the same time, health information is very personal and sensitive to all of us, which means there must be clear rules in place to ensure that confidentiality. I say, Mr. Speaker, that this legislation will ensure that both of these principles are protected, and I do urge members of the Assembly to lend their support to this legislation. I submit that it is well researched, well reasoned, and that we as Albertans need it.

Those are my remarks on second reading, Mr. Speaker.

THE DEPUTY SPEAKER: Thank you.

The hon. Member for Calgary-Buffalo, followed by the hon. leader of the ND opposition.

MR. DICKSON: Thank you very much, Mr. Speaker. In the 20 minutes I have, I'm going to try to respond to two questions. The first one is: why is this bill and the bigger issue of health information

so important? It's my respectful view that in the eight years I've been an MLA and, I expect, until the time I'm no longer an MLA, I probably won't be able to engage in a debate on a bill that is as important as this one. It will affect absolutely every single man, woman, and child in the province of Alberta now and in the future.

The second question I'm going to attempt to address is why the Alberta Liberal caucus is concerned about this bill, why we are so concerned that we would vote against this bill and fight as vigorously as we can as a caucus to ensure that the bill in its present form does not become law.

Why is health information so important? We have only to consider: if you as a troubled adolescent had attempted suicide, if you'd had an abortion, if you had some kind of chronic health problem. If you just think for a moment about how incredibly prejudicial that would be if that information were available to your employer, to your neighbours, to other people in the community, to the insurance company when you are trying to sign up for a life insurance policy, when you're trying to get some kind of benefits package. The impact is simply so prejudicial with this information. It's been said, I think, time and time again that of all personal information about individuals, there is arguably none that is more sensitive, none more prejudicial than information about our health.

There was a recent survey of Canadian practices that noted: "Most people think that their medical records are strongly protected. They are not. Medical privacy laws are some of the weakest around." That appeared in Ann Cavoukian's book, *Who Knows: safeguarding your privacy in a networked world*, written before she became the Information and Privacy Commissioner in Ontario. She also noted in her book:

The 1980 report by Justice Krever on the confidentiality of health information chronicled a litany of security leaks and privacy violations, ranging from private investigators impersonating hospital staff to gain access to patient charts, to poor procedural controls that could have prevented such abuses. B.C. Privacy Commissioner [as he then was] David Flaherty has referred to this inquiry as revealing the worst instances of systemic abuses of privacy in the Western world.

Mr. Speaker, closer to home we have only to consider back to July 16, 1998, when 500 mental health records were found on the site of the old General hospital in the city of Calgary, found not by staff of the Calgary regional health authority but by demolition workers; or you might consider when in April of 1999 some woman in the far south of Calgary found a confidential, two-page nursing census report with information on patients blowing around in the backyard of a residence; or in July of 1999 when we saw the issue involving *Alberta Report* and the Calgary regional health authority over information with respect to the treatment of fetuses with lethal genetic defects. These are issues around health information right here in this province.

Most recently, November 12, just days before this session commenced, we had a Calgary physician who had inadvertently thrown three boxes of confidential patient records in the garbage bin behind the Safeway store, files detailing patient name, address, age, occupation, part of their and their family's medical history, including their health insurance number. The evidence is around that we have not done a good job in the past in terms of protecting the privacy of patients.

At this point I might just quote from Amitai Etzioni, who had written a book called *The Limits of Privacy*. He made this observation. I quote from page 141 where he talked about instances like the ones I've cited in Alberta in the last year or so:

All these instances of people's medical records being publicized, and many others that have been reported, have several attributes in common: They are isolated acts, often committed by a single person; they violate the policies and ethical codes of the

institutions in which they took place; and they are sometimes in violation of federal or state laws as well. Hence I refer to them as "unauthorized use."

And I say parenthetically that that would apply to those instances I just read to you a moment ago. I carry on with the quote.

As troubling as some of these incidents are, their ill consequences pale in relation to the fallout from what might be called "authorized abuse."

3:50

So what we have to deal with is not only when the system breaks down, when somebody screws up, when somebody doesn't follow the policy and records aren't destroyed in an appropriate way; we also have to address the authorized use. As Mr. Etzioni suggests, the bigger problem may be what we sanction and what we permit.

The other thing, just in terms of framing the debate. We have to make an important distinction between privacy and confidentiality. Privacy, on one hand, is the front end of the system. That decides what information about the MLA for Calgary-Buffalo, my health information, is going into the system at the front end.

The second test, the second question. Once the information is in the system, then the issue of confidentiality comes up and the question is: how do you ensure that information is held safe?

Given the seriousness, the importance of this issue, I have to raise a concern now that I'd first raised with the minister of health back in late 1997 and then through 1998: public consultation. This is an issue, frankly, that is simply too important to be left to the business units in Alberta Health, to be left to the Alberta Medical Association, to the College of Physicians and Surgeons, to the many health care professionals, competent and committed people. Mr. Speaker, we're talking about my health information, your health information, and the question always is: who speaks for us? Who speaks for Albertans? Who speaks for the 3 million people whose records are potentially going to go into the system?

I'm going to suggest to you my acute disappointment that when I exchanged correspondence with the minister of health – I wrote him in February of 1998, and he wrote me back on March 17, 1998 – he undertook, among other things, Mr. Speaker, that there would be public hearings held, not focus groups, not some kind of so-called stakeholder consultation but public hearings before the health information bill came back into this Assembly. He was referring, of course, to the miserable experience we'd had with Bill 30 in the spring of 1997, and here we are today. Have there been public hearings? There have not been. There have been five focus groups.

You know what a focus group is. It's when you get a group of people who are studiously ignorant of a particular issue. You bring them together, you ask them some questions, and you say that this is somehow reflective of what Albertans think generally. There's nothing the matter with the people who participate in the focus group, but these are people who, effectively, you take off the street and you ask them a series of questions. That does not afford opportunity for other citizens who have given this some thought and who'd like to register a concern. The missing voice in this entire process has been Albertans and the citizens of this province, and I'm aggrieved that the minister of health did not follow through on his commitment of March 17, 1998.

The commitment of the Alberta Liberal caucus, Mr. Speaker – and I want to make this as clear as is possible – is that our caucus will do absolutely everything we can to ensure that Albertans, regular Albertans, in their communities and in their homes around this province are engaged in the debate on this bill, and we'll do what we can to delay this bill to ensure that enabling, that engagement happens.

Mr. Speaker, there's so much background to raise with respect to

a bill as important as this. Let me just start off by identifying some of the concerns. Other concerns are set out on a web site, www.garydickson.ab.ca, where the Alberta Liberal position is set out, and also on the Liberal caucus web site. We're encouraging Albertans to read those perspectives and then communicate their concerns, because we'll raise them in this House.

The first problem is that we have the Freedom of Information and Protection of Privacy Act that has set a rigorously high standard of privacy. Government chose to disregard our very strong recommendation that we look at integrating health information regulation into the FOIP Act. So that's a fundamental problem. The reason is because the FOIP Act doesn't allow Alberta Health to move patient information around the way they'd like to. That's the only reason we're not simply doing an amendment to the FOIP Act.

Mr. Speaker, the second problem we've got is: who does this act apply to? Well, you know the unanimous recommendation of the Premier's own steering committee on health information – and I had a chance to be part of that for a time until I had to leave the committee and file my dissent. If you look at page 25 of that report, what does it say?

Health information collection, use, access and disclosure rules should apply to both the public and private sectors. Private sector entities that hold health information should be fully covered by the legislation to create a level playing field and ensure the individual's privacy is protected regardless of whether the custodian is a public or a private sector entity.

But this bill doesn't reflect that recommendation. It won't cover any health services if they are not paid for by Alberta Health. So what's still outside? Well, if you go to HRG, if you're a member of the RCMP seeking medical services in the province of Alberta, if you're a member of the Canadian forces, if you're one of the 1 million Albertans who are eligible for WCB and require medical treatment because it's not paid for by Alberta Health, you're not subject to this act.

In terms of dentists, in terms of private nursing homes, in terms of therapists, in terms of psychologists, in terms of the Persons with Developmental Disabilities Provincial Board and regional boards and AADAC – the list is a long one, Mr. Speaker – those services aren't covered.

Consider for a moment the idiocy of this scenario. If you go to the Gimbel eye clinic to have an insured service, one of the services contracted with your regional health authority, your health information is going to be protected under this act, but if you go in for one of the enhanced services that's not paid for by Alberta Health, this bill will be of no help to you. What possible difference does it make to consumers and patients of health services who is paying? I mean, your concern is for the protection of your personal health information regardless of whether it's a private facility or a public facility. So it's a foolish distinction. Not only is it contrary to the – and this was a unanimous recommendation. They weren't all, in that health steering committee, but this is one of the unanimous recommendations. It flies in the face of that.

One of the other things I want to raise is a concern that I've raised before, where we've put the cart before the horse. In some respects this process is being driven by Alberta Wellnet. Members may remember that in the spring of 1997 the Liberal opposition asserted that the cart was being put before the horse when Alberta Health entered into a memorandum of understanding with the IBM Ernst & Young consortium which would expose Alberta taxpayers to something like \$300 million to design a health information system. Some of us in the Liberal caucus said then, Mr. Speaker: well, why would we spend all of this money designing the architecture of a health information system when we haven't even established what

the rules are around privacy and confidentiality? That ought to be the bedrock principle. But, no, we have gone ahead, and the formal agreement was signed with the IBM consortium, I think in early 1998.

What do we think the IBM Ernst & Young consortium has been doing? Sitting there twiddling their thumbs, waiting for the government to sort of decide what kind of health information law? They're going ahead. They're designing the architecture of the health information system. And dollars to doughnuts, Mr. Speaker, when with my caucus I start bringing forward a series of amendments to a bill which we view as defective and flawed, I expect that my friend from Calgary-Lougheed or the Minister of Health and Wellness or others are going to stand up and say: "Whoa. You know, it's too late. We've made decisions. We've been designing the system. We can't do that even if that's the right thing to do to protect patient privacy, even if it's the right thing to do to protect patient confidentiality. It would cost a million dollars to make that change." So I have to register that very strong concern, that frankly we have a really unsatisfactory situation from that perspective.

4:00

When we go through the health information bill itself, we see a number of concerns with it, but people may say: Mr. Dickson, what do you know about health? Dr. David Bond, the president elect of the Alberta Medical Association, delivered his introductory speech at the AMA representative forum on September 17 of 1999. He had a lot to say about health information, but what he raised was something that the Alberta Liberal caucus has always asserted: we have a threshold in this country that we ought to use. The Canadian Medical Association in the Yukon in August, I think, of 1998 adopted a privacy code, and this privacy code is one that has been applauded and recognized nationally and internationally. It sets a very high threshold to protect the privacy of Alberta patients.

You know something, Mr. Speaker? I think that's what Albertans want to see. It's what the Albertans I talk to want to see in terms of the respect and the protection. If you can't meet that threshold, then you shouldn't be able to access my health information or your health information. So one of the questions is: does this bill meet that threshold? On my early reading of it, it looks clearly like we have fallen short and that this bill doesn't do it. I can certainly tell you we're going to be moving amendments to try and make that happen.

Manitoba did a lousy job because they rushed through a health information statute in 1997. Saskatchewan jammed through a bill with some good, positive things a year ago. Ontario is at about the same stage we are. They're looking at health information. We may see a bill in the next year, but I'll tell you this as a native Albertan: if there's one thing that's important to the people of this province, it's their privacy. It's the right to be left alone. It's the right to decide what they're going to share with government and government agencies and what they will not, and that's one thing, Mr. Speaker, that I think is worth fighting for.

Somewhere along the way we have to understand that my health information, your health information ought to be protected in the therapeutic relationship, and if it's going to be shared for any reason outside that therapeutic relationship, it's got to require your consent or my consent. It's as simple as that. Absent an emergency situation where either you or I are unconscious, Mr. Speaker, that consent ought to be required, and we have to be clear what kind of consent that is. This act doesn't tell us. I have a suspicion that what the government has in mind is that you give one consent to any use of your information for diagnostic purposes, for research purposes, for treatment purposes, a form of consent that in effect may be next to meaningless.

Mr. Speaker, that's one of the things we're going to be focusing on as well as the fact that the coverage of the bill is too brief. I'd point out to members that our caucus, through a letter authored by this MLA on July 22, '98, to the health minister, offered indication of a number of concerns. Our problems with this bill have been known to the minister since at least 1997. He chose not to discuss the bill with us. Thank heavens the Member for Calgary-Lougheed has some responsibility for the bill. She had the courtesy to invite the opposition to a meeting the other week to find out some of the principles of the bill. I wish the minister had been animated by a similar concern at least a year ago to be able to start seeing the elements of the bill.

We saw the bill for the very first time when it was introduced yesterday. We had some information about the principles. We're going to be actively engaged in terms of doing that consultation with Albertans and getting feedback and getting information, and what's important, Mr. Speaker, is that the bill not leave this process until those Albertans have been heard.

Thank you very much.

MS BARRETT: I'm grateful to have the opportunity to acknowledge that there are some improvements in the bill compared to earlier drafts of this legislation. I'm hoping in the next few minutes to convince the sponsoring member from Calgary-Lougheed to take it back to the drawing table just one more time. It's close but no cigar yet, because there continue to be some major unresolved issues. The shortcomings, as they are right now in this bill, are serious enough that the New Democrat opposition can't support the bill. While we will absolutely keep an open mind that the shortcomings of the bill might be able to be fixed through amendments at committee stage, we're just not convinced that there will be enough time in this short fall sitting to rectify what serious flaws there are in the bill.

Many of the problems are related to the principles underlying Bill 40 itself. The first problem has to do with the scope of the legislation and which health service providers will be bound by its rules. Rules governing privacy, confidentiality, and access to personal health records should be the same for everyone. A fatal flaw of this bill is that some health service providers are covered and others are not.

There are two classes of health providers who are not covered that are particularly galling. The first organization that is excluded from Bill 40 is the Workers' Compensation Board. Now, if there's one organization that should be covered because of its past abuse of personal health records, it's the WCB. The Information and Privacy Commissioner has in the past rapped the knuckles of the WCB for violating the privacy of personal health records in their zeal to turn down claims. Don't forget that the Workers' Compensation Board hires its own medical advisers to second-guess diagnoses made by other physicians, a practice I find particularly abhorrent.

Why is Workers' Comp excluded? Apparently because it's not considered part of the publicly funded health system. Well, it's ostensibly a public body, and its board of directors are appointed by this government. As far as I can see, that makes them part of the publicly funded health system.

A second set of health providers that are partly excluded are the private day-surgery clinics and, we presume, in the future the private, for-profit hospitals, if this government gets its way. As I understand it, the private clinics are bound by the rules set out in Bill 40 for those services they provide that are publicly funded. They, however, are not bound by the Bill 40 rules for health services that are not publicly funded. Nutsoid. In practice what this means is a private eye clinic would apparently have to follow Bill 40 if a patient had cataract surgery. However, if the same patient had laser eye

surgery in the same operating room and even performed by the same physician, Bill 40 rules would not apply. Like I said, nutsoid. It's a ridiculous situation, and it must be rectified before the NDP opposition can support this legislation.

There's also, I think, an inconsistent application of the bill. For instance – oh, I love this – all licensed pharmacies are bound by health information rules regardless of whether the prescription drugs are paid for publicly or through private health plans. This creates a double standard. Private day surgeries are only covered for publicly funded services, yet pharmacies are mandatorily covered whether their services are publicly funded or not.

The government will no doubt argue that the bill may have shortcomings: let's pass it now and fix it later. Well, we've been there, done that, so to speak. We've been down that road before with the freedom of information and protection of privacy legislation. The government said, "Let's pass the bill, and we'll take a look at including private schools, private colleges, and private day surgeries and private registries and everybody else who contracts to deliver publicly funded services," which is a really bad system to begin with, Mr. Speaker. Public services should be delivered through public systems, not private, for-profit. Nonetheless, don't let me get off track, because you know where I'm going. You know the minute I get off track where I'm going on that one, so I won't.

What actually happened with FOIP? Despite last year's review of the act, these privatized entities are still not covered by FOIP. In addition, the situation is getting worse, not better. Numerous additional delegated administration organizations have been set up to bring them outside the scrutiny of the Freedom of Information and Protection of Privacy Act and the Auditor General. Secondly, public bodies are changing the rules to keep information from being FOIPed, and boy, don't I know that. Just try to get financial details from the Calgary regional health authority with respect to those private, for-profit clinics with whom they contract and you're told: sorry; it's a secret.

4:10

Secondly, the public bodies are changing the rules to keep the information from being FOIPed, as I just mentioned. One way to do this is as follows: instead of requiring private contractors to send copies of documents to the public body, making them vulnerable to a freedom of information request, the public body tells the privatized entity to keep the records on site, and they therefore fall outside the scope of FOIP.

So, you see, there is no compelling reason why such a complex piece of legislation needs to be rushed through the Legislature. I urge the government, in particular the member who's sponsoring the bill, the Member for Calgary-Lougheed, for whom I have a good deal of respect, to please take the bill back to the drawing table, address these shortcomings and these – what would you call them? – I guess inherent conflicts in the legislation. Bring it back in a nice tight version, and I'm sure it'll enjoy a speedy passage through this Assembly.

AN HON. MEMBER: Question.

THE DEPUTY SPEAKER: Are you ready for the question?

The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I'm sorry. I understood that the hon. member would be moving adjournment of debate. I now move adjournment of debate on the bill.

THE DEPUTY SPEAKER: The hon. Government House Leader has

moved that we adjourn debate on Bill 40. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. Carried.

Bill 38 Constitutional Referendum Amendment Act, 1999

[Adjourned debate November 17: Mr. Hancock]

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

MRS. SLOAN: Thank you, Mr. Speaker. It's great to be back in the Legislature, and it's great to be back and have an opportunity to speak to a bill that strikes so much at the essence of what this Chamber and our parliamentary system are all about. Unfortunately, it strikes at the essence with the intent to kill it, and I have a huge degree of concern with the proposed suggestion by this government that referendums should become the order of the day in determining rights, determining equalities, and determining fairness in this province.

When I look at Bill 38, I see less than a page of content. In fact, what is here before me this afternoon really fits within two small sections. There's no outline or framework, Mr. Speaker, about how in fact this constitutional referendum would be held. That would all be determined, I suppose, by government policy, maybe by regulation, all which is able to be drafted in a closet or a private cabinet meeting somewhere. Albertans would have no knowledge today or down the road how in fact this referendum would be orchestrated and how the question would be asked.

I do not see in the content of the bill before me today any mechanisms that would ensure government would not use its undue influence through extensive marketing, media, or simply their influence of power to influence the way in which the referendum was conducted, how the question was framed, and what the outcome was. We have no assurance in what is before us, Mr. Speaker, that the interests of all Albertans would be upheld in how the referendum was constructed. Further, and perhaps most importantly, we have no information before us this afternoon on who would frame the question. Who would be responsible for writing the question that is put to Albertans?

I'm going to quote, in fact, from *Hansard* of June 17, 1992. The speaker then was Mr. Pashak, and he was speaking as well to a bill proposed on referendums at that time. One of the things that he said on this point was that the question may not be simple to express. It may be a matter of yes or no, but we don't know if there would be any provision to permit an answer of consensus. What if the question wasn't a simple yes or no? What if the best interests of Albertans were served, Mr. Speaker, by a compromise answer? We have nothing before us this afternoon that would lead us to believe that compromise or finding a compromised solution to a question would be permissible under the auspices of Bill 38.

A fifth point of concern relative to this bill is that it is legally binding on the government. Now, I find it a little humourous, I must admit, that we're debating this in the shadow of the government bringing forward an amendment to the Fiscal Responsibility Act. They stood in this Legislature and they said to Albertans: "No more deficits. We are going to publish budgets, we are going to make allocations, and we're going to stick to them. We're going to stick to them, and this act is going to make sure we stick to them forevermore. No more deficits."

Well, lo and behold, as the provincial surplus balloons to almost \$5 billion dollars and the public is becoming increasingly angry at how public education has been eroded, how public health care has been eroded and they are raising questions about how we can justify such a large surplus, the government brings forward an amendment this session to change a legally binding bill, the Fiscal Responsibility Act, to change that bill so they can make a onetime contribution to these necessary programs. Absolute bogus and blarney, to use the Premier's words. This is exactly the same issue. This Bill 38 is the same issue. You're going to tie your hands with a referendum, tie your hands and what, Mr. Speaker? What if some day down the road a government is faced with an answer to a referendum that they cannot ethically or in a humanitarian way implement? What if? That is a serious question. This makes it legally binding upon you, that you have to implement the findings of the . . .

MR. HANCOCK: You don't ask the question.

MRS. SLOAN: And that was my last point: who drafts the question?

MR. HANCOCK: This Legislature approves the question.

THE DEPUTY SPEAKER: The hon. Minister of Justice, if he hasn't already spoken on this bill, will have an opportunity when the hon. member concludes her remarks, but right now it is Edmonton-Riverview who's on.

MRS. SLOAN: Thank you. To restate my point, Mr. Speaker, the bill is legally binding, and the referendum is legally binding, and it is entirely about how the question is asked.

4:20

We could also ask the question: what if the result is debatable? There's no provision in Bill 38 that the government gets to bring that result back to the Legislature and debate it. There's no provision for that. It is then law, and they with their hands tied behind their back are bound to . . .

THE DEPUTY SPEAKER: You have a point of order, hon. Minister of Justice?

Point of Order Questioning a Member

MR. HANCOCK: Under rule 333 I wonder if the hon. member would entertain a question specifically relating to what she's saying about what the bill would do, because she's saying . . .

THE DEPUTY SPEAKER: You just ask if she would answer a question as opposed to going into what the question may cover.

Edmonton-Riverview, you just have to say yes or no. You don't have to give reasons, and if the answer is yes, then you sit down and let the Minister of Justice . . .

MRS. SLOAN: Mr. Speaker, no. I'm not prepared to entertain a question this afternoon. I'll look forward to the members on the government side raising their questions and clarifications when they stand to debate the bill.

Debate Continued

MRS. SLOAN: What if the answer to the question is debatable? What does it say about the state of our democracy that we are not allowed as the elected representatives of citizens in this province to debate the answer? There is nothing in this bill that says that the

answer comes back to the Legislature for debate. Nothing.

When Newfoundland was looking at becoming a part of Canada, they held a referendum there. There were three choices on that referendum, but no single choice got a majority. What happens then? What happens if that were the case here?

THE DEPUTY SPEAKER: Sorry to interrupt, hon. Member for Edmonton-Riverview. The Minister of Justice has a point of order.

Point of Order Misleading the House

MR. HANCOCK: Yes, Mr. Speaker. Under Standing Order 23(1), "introduces any matter in debate which offends the practice and precedents of the Assembly," I just want to raise this because it should be clear to her – and it obviously isn't – that she's misleading the House. What she's saying is totally inaccurate. Sections 3 and 4 of the Constitutional Referendum Act clearly require the matter to be brought back to the House. I need to raise it in this manner to alert her to the fact that this is an amending bill and the other parts in the bill clearly require the question to be brought back to the House. It is offensive to the practice of the House for her to mislead the House in this way.

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

MR. DICKSON: Just a couple of comments, and they would be these. What the distinguished Government House Leader chooses to ignore is the thing called party discipline. My colleague is speaking to the reality. This is not an issue of theory. We're talking from our perspective, and my colleague has spoken I think well and effectively to the reality. As a native Albertan I can never recall a single government bill that has been defeated on the floor of the Legislative Assembly of this province. You, Mr. Speaker, may recall that.

On the point of order, what I'm suggesting is this. We want to see, I would think, a vigorous, robust debate, and if we can't have a spirited, animated debate about human rights in this province, what ought we be able to discuss with that level of fervour and energy? I've been listening closely to my colleague from Edmonton-Riverview, and in my respectful view she has been entirely within the bounds of that kind of robust and vigorous debate. I know you, Mr. Speaker, would want to encourage, not stifle, that very kind of debate.

Thank you very much.

THE DEPUTY SPEAKER: The chair would observe that the point of order has seen to resolve itself into an extension of the debate that we're supposed to be in. If there are some errors in the hon. member's thought process, then should you have another opportunity to speak to this bill, I would suggest those that feel so would raise it at that time. We'll return to Edmonton-Riverview.

Debate Continued

MRS. SLOAN: Thank you, Mr. Speaker. If the referendum doesn't achieve an answer, if there's no majority, with due respect to the minister, there is nothing to bring anywhere, then what happens? This bill does not in its skeleton form contemplate that outcome. I think when we're dealing with human rights, we should have explored all of the possible outcomes.

Now, I'm very passionate about democracy. If I hadn't been, I would've never run for elected office. One of the things that concerns me most is that I've seen and witnessed firsthand an

erosion of our democracy in this province under the watch of this government. We see it in a variety of ways, and the Constitutional Referendum Act is just another cog in the wheel. The current government only represents 26 percent of the eligible voters who voted Conservative in the last election. In 1997 the fall sitting of the Legislature was replaced by a growth summit at which MLAs had no designated status. I sat in the back corner in the bleachers, in the cheap seats I recall, just like at the baseball game. But I want to tell you that it wasn't as good as at the baseball game because there were no peanuts and it was an orchestrated exercise to watch.

The other reality, Mr. Speaker, is policy in this province. Public policy is being made more and more by government-appointed boards, not elected boards: councils of economic development, provincial developmental disabilities boards, children's services authorities, regional health authorities. I could go on.

Summits have been held on issues from health care to justice to gambling at an unknown cost to the Alberta taxpayer. That's the other factor that's not in this bill. That is, what would the cost of such an exercise be, and what in fact would be covered by the province? If they had a vested stake in ensuring that the answer they got was the answer they wanted, I would be willing, Mr. Speaker, to wager that they would be putting money not only into the machine of the referendum but into the marketing, the communicating. They'd have Rod Love working a hundred hours a week to make sure that this referendum got the answer they wanted. There is no mechanism for the taxpayer to know or to control how much a referendum would cost.

One of the other realities in the face of this bill, Mr. Speaker, that is an indication of the erosion of our democracy is that the Legislature in this province is sitting less and less. In 1996-97 the Legislature sat for only 38 days, in contrast to provinces like Ontario, which the government likes to cite so often, where the Legislature sat for a 134 days in the same period. Thirty-eight versus 134. Is that a democracy? Is that an indication of a democracy that is alive and well, that's got a healthy heartbeat and a good blood pressure? I don't think so.

There are other indications that the erosion is progressive. This government's use of closure, Mr. Speaker, has been on the rise continuously during the tenure of the current government. In contrast to the government of Peter Lougheed, that only used closure once in 14 years of governing, the Klein Conservatives have utilized closure to strangle debate 21 times in four years. Twenty-one times in four years versus once in 14 years under Mr. Lougheed. That is a strangulation of the very life and breath of a democracy, and we propose by this bill to bring forward another circle in that noose, a referendum that would take a question – who knows what the question could be – out to the people. We don't know what it's going to cost. We don't know who's going to write the question. We don't know who's going to structure the framework of the referendum, and we're going to ask people the question.

Meanwhile, where are the elected representatives going to be? The people who are elected and paid to research issues of concern, issues of public policy: what are we going to be doing? That's an interesting question. Will the government say that all of us will be neutralized in the referendum?

4:30

Now, let's just contemplate that. There may be a small chance in section 2 that a motion could be introduced, but let's just contemplate for a moment. If we want to ensure that there are no biases allowed into the process of the referendum, what other choice would the government have? They would effectively have to say that their MLAs, members of this Legislature, would have to be neutralized.

If we were to be anything else, wouldn't we in effect be using undue influence? If the government frames the question in a way to get a particular answer, which they most likely will, would they not want their MLAs to be out marketing the same objective to get the same vote? Of course they would. Of course they would. That's not just. It's not just; it's not democratic.

Meanwhile, if in fact a group is a minority, how are they going to influence this process and their rights thereby be protected? How will they be protected, whether we want to talk about the disabled, vulnerable children, women, religious groups, when they have nowhere near the machinery or the fiscal or human resources of this government? How are they going to be able to have their voices heard in such a process? The whole essence of the bill is an infringement on the rights of the minority, and that is something the government just doesn't seem to be able to grasp. It is so unfortunate.

One other example of the erosions that have been in progress in this province is the continual refusal by this government to pass whistle-blower legislation. We have had so many instances where I highly suspect that members of the public service, in order to fulfill their responsibility to society, wanted to speak out about government policies and practices that were harmful, but they were unable to do so because we did not have legislation in this province to protect them.

An example this week. We have got members of the public service on the stand at a fatality inquiry in Red Deer talking about their inability, for a variety of reasons, to have protected a child that was unquestionably in need of protection. They don't have the right to speak out, Mr. Speaker, because we don't have whistle-blowing protection. We don't have whistle-blowing protection in this province for the very same reason the government is proposing this bill before us today: because they really don't care about the vulnerable or the minority. They're only interested in continuing to hold and continuing to court the interests of the majority because that is where, in their perception, the power lies.

Well, Mr. Speaker, I am interested first and foremost in ensuring that we maintain in this province, even in its deplorable state, a democracy that is not tethered to a bill that would be legally binding and that would infringe on the rights of the vulnerable and the minority.

With those remarks, Mr. Speaker, I am pleased to conclude my statements. Thank you.

MS BARRETT: I think it's worth while, Mr. Speaker, to look at the origin of this bill when it was drafted in the spring, see why it was drafted, and then consider essentially tossing it.

On March 10, 1998, the government of Alberta introduced a bill that would have invoked the notwithstanding clause to limit the sterilization victims' rights to go to court and limit their rights to get only a certain amount of money in financial compensation for their incarceration and sterilization and the various forms of abuse that they endured in what is now the Michener Centre.

As you may recall, within minutes of that bill being introduced, I stood up and I said: how dare you? How dare you do this? I remember that the Premier and the Justice minister at the time both looked like: duh; what's she asking? I remember the Justice minister saying: hey, Mr. Speaker, she can't do this; we just introduced the bill. And I said: yes, I can; if I can read a bill this fast, I can raise it in question period.

So the next day I got up to the Chamber and just moments before I entered the Chamber, I found out from one of the communications officers for the Premier's office that the bill was going to sit. They weren't going to withdraw it, but they were just going to let it sit.

And when it was my chance to stand up in question period that day, I said: thank you very much; you've done the right thing.

Now, what happened is that in news conferences both on March 10 and on March 11 the reporters went nuts, as one could probably predict. The Premier himself was really quite on a hook, and he said: well, sorry; you know, we didn't really mean for the consequences that were contained in the bill, and I promise you that we'll be very careful in the future if we ever contemplate using the notwithstanding clause.

Well, I wish the Premier had just stopped at that point and not taken it any further, because I think the public was very aware that the government had made a mistake and was willing to accept that the government effectively apologized and said, "We're not going to proceed with this mistake," and just left it at that. But I think in the government's zeal to try to fix the optics and make themselves look better, they came up with this plan that we'll create legislation so that if ever we want to invoke the notwithstanding clause, we've got to take the matter to the public via a referendum.

Oh, by the way, I was told by Parliamentary Counsel at the time that I was the first person in this Assembly to ever interrupt and ask somebody who was speaking a question, and because I'm the first person, then I guess I'm the most responsible here if anybody has any questions. I've never said no. So you're welcome to stand up at any time and ask questions. [interjection] Yeah. Oh, yeah. I try to be accurate, I'm saying in response to the Government House Leader and Justice minister.

This is a pretty serious subject. I mean, I don't mind joking, but I try to be accurate at all times. I'm of the view that politicians who play games in fact only hurt all other politicians, and what I said yesterday about Laurence Decore and the late Mr. Butler I mean absolutely. I have nothing but respect for people who serve in public office. It's a hard job, and I don't like to destroy the people who do, and I don't like to hurt their images.

In any event, back to the contents of the bill. I realize that at the time it was probably the government trying to rearrange the optics on a bad situation. I acknowledge that, and I'm not criticizing the government for doing that. However, I think now is the time to let the bill go, and I can be quite short and reasoned in my arguments. Under no circumstances in a democracy should one ever elicit the opinion of the majority to determine the future or outcome or security of the minority. I don't know if I can state it any more succinctly than that.

We must treat each other with respect in society, and the only circumstances under which I can think that a government would want to go to the majority to limit the rights of the minority are circumstances that send a chill down my spine. I am thinking of 1930s Germany, and it wasn't just Germany at the end of the day that was affected; was it? And it wasn't just the Jews; was it? And it wasn't just the people who were subjected to heinous medical testing; was it? It ended up involving dozens of countries and hundreds of millions of people.

4:40

I hope I never see a political culture like that again, but you never know. And it is for that reason that I think we have to say: let's just drop this bill. Let's not toy with the idea of ever, ever putting the minority at risk, particularly by a vote of the majority. That legalizes what I call "let's pick on them." I don't want to pick on anybody.

At the end of the day if I had to choose between what went to a referendum, I would choose for-profit hospitals. Put that to a referendum, and you don't even need a bill to do it. The government doesn't actually need this bill in any event. It can hold a referendum

on any matter that it wants. Yes, it can in large measure buy the outcome, purchase the outcome, but you don't need legislation to do it.

So I'm asking members of the Assembly to please give this a second, third, and fourth thought. Please appreciate that even if it is never used, it is a potential hammer of enormous size hanging over the heads of everybody in this province, because there's not one of us that doesn't belong to a minority of some description or other. And I'm the first one to make jokes about it, because I'm the member for Edmonton-Shortlands.

Thank you.

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

DR. MASSEY: Thank you, Mr. Speaker. The bill before us, Bill 38, presents a dilemma for some of us. I'd like to come back to that dilemma near the end of my remarks, but I wanted to start off with a bit of a story.

On the weekend I had the pleasure or the opportunity to attend an indoor cricket tournament in Edmonton-Mill Woods, and at that particular tournament I was one of two whites in the gymnasium. The event was peopled with people not only from Mill Woods but people who had traveled from Calgary, primarily immigrant families, and these families, as I've come to know them in my constituency, are good people. They've come to this country to better themselves. They've come to this country, most of them, to leave old problems behind. They've come to this country to raise their families, and they've come to participate and to be good citizens of Canada. I recall getting advice from them before the first time I ran for the Legislature, and that advice was: make sure that you recognize why we are here, and we want to be citizens.

Because they're ordinary Albertans, ordinary Canadians, most of them don't follow politics. Many of them, for instance, don't know that the Legislature is sitting, and that's not unusual for immigrant families or any other kind of family. They are very good people and they're conscientious citizens, but they know about Bill 38. I was surprised at being approached about Bill 38 and being informed in terms of the kind of chill that Bill 38 has sent through immigrant communities. That chill has to do, I suspect, with the background they come from.

Many of them come from countries or from parts of the world where they've lived under regimes that didn't enjoy and didn't guarantee the rights that we do under the Charter. Many of them have immigrated from countries where the provisions of our Charter are violated regularly by governments. So when they see the door opened in a provision such as this, for any of the provisions of the Charter – and my colleague from Calgary-Buffalo last May took time to mention some of those provisions.

When they see any of the provisions like the "freedom of conscience and religion," the "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication," when they see "the freedom of peaceful assembly" and the "freedom of association," when they see those things possibly – and I say possibly – being subjected to the vote of the majority in this province, they are concerned. They're concerned when they see the legal rights that they enjoy and they rightfully believe are theirs under the Charter, that "everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice" – when they see legal rights that might be put in jeopardy should action be taken under this act, they again are concerned.

One of the things that we've heard in the House in the last few days are statements to the effect that we have to believe in democracy, that 51 percent rules, and that anyone who argues against the use of a referendum is arguing against democracy. I think to some extent that's an argument that might be pursued, and then I started to think of some of the minority groups in this country and how they have been treated by the majority.

One of the incidents that I recall as a youngster is with my father, passing a hotel on the south side of this city, and posted on the door of the hotel was a large poster in large print. Some of the print was in red, and I recall asking my father about it. His explanation was that the poster referred to the Indian list. It was, I believe, the interdict act. That act allowed owners of taverns and other similar establishments to exclude from their premises people of Indian origin. In fact, I think they called it the Indian list. My memory is a little hazy, I must admit, on the affair, and I'm not sure what happened to the interdict act. I assume that we saw the light and fairness prevailed. But I think it's a small example of what could happen under an act like this.

I think a more tragic example was what happened to the Japanese during World War II. Certainly during those times the majority didn't do the job of protecting the minority, the Japanese citizens. The Japanese probably had almost every right that appears under the Charter violated by the actions of the government: their rights to property, their rights to recourse through the legal system. Almost every democratic right that we enjoy and that is outlined under the Canadian Charter of Rights and Freedoms was violated. It wasn't until many, many years later that we as a majority saw cause to revisit that and to apologize for the treatment. So I think the arguments that say that the majority will always protect the rights of the minority are ones that bear closer scrutiny than what we've had.

4:50

I'd said at the outset that I had some concern about referendums because the act is about holding referendums and has a lot of detail on how those referendums should be conducted and the circumstances that would prevail in the Legislature and within the Executive Council before such a referendum was held or acted upon. I think it's good that those provisions are there, although they have been questioned, but the whole business of referendums is open to question.

I took an opportunity to look at a publication from the Centre for Civic Education. That centre provides instructional materials that are used in the social studies classes of our province. They have a section that is devoted to the advantages and to the disadvantages of referenda and initiatives. One of the disadvantages of referenda, according to them, that students should be aware of is that it causes public policy questions usually to be put in black-and-white terms, and it forces upon the electorate and those people involved in the referenda a campaign style of policy-making and ends up asking citizens to take sides and to divide into kind of predefined camps rather than any attempt to find common ground.

I think that if you look at the issues that could be subject to the use of the notwithstanding clause, the content of the Charter they might apply to, I think that's a caution we should take very, very seriously. Do we want the kind of polarization that would take place on important public policy issues, the ones that are so important in terms of being related to our basic rights and freedoms, our basic democratic rights, our basic mobility rights, our basic legal rights? I think the answer to that question is no, that that is wrong, and that in itself is enough to turn us away from the use of referenda in trying to determine public policy in this particular area.

I think there is an appropriate place for referenda, for the use of

initiatives. I've argued the use for that device in the Assembly in arguing for recall, the ability for citizens to gather together and recall members of the Legislature. But I believe in this instance, given this subject matter, given the importance to Canadians of the fundamental rights we enjoy in this democracy, to put any group of citizens at risk of losing any of those rights through a mechanism that is in place in Bill 38 is wrong, and I think the wisdom in this case would be to reject the bill.

With those comments, Mr. Speaker, I look forward to hearing further debate on Bill 38. Thank you.

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

MR. MacDONALD: Thank you, Mr. Speaker. I've listened with a lot of interest, particularly last night, regarding Bill 38 and the debate. I realize that many people consider the words "referendum" and then "direct democracy" together, and when I think of the notwithstanding clause, I automatically think of another bill. Last night there seemed to be a great deal of discussion on the size of this bill, this four-page bill. But with all respect to the Minister of Justice I have to refer back to Bill 26 from the Second Session of this Legislature, and I would like to publicly compliment him. I realize that he probably wasn't even born at the time many of these acts, as I shall say, or, as other people would say, crimes were committed against Albertans. But for the dignified apology on behalf of all Albertans who were victims of forced sterilization I would like to tip my hat to the hon. minister. I happened to be watching the evening news whenever that came on, and it was closure to a sad page in this province's history books.

But Bill 26 and the notwithstanding clause and the use of that made a lasting impression the day it was introduced in this Assembly. We cannot have any sort of a cavalier attitude, I suppose, Mr. Speaker, towards the use of the notwithstanding clause. It has certainly been used in other provinces. Saskatchewan comes to mind and certainly Quebec. But if we amend the Constitutional Referendum Act, before any bill is introduced in this Legislative Assembly with the notwithstanding clause, then we can have a referendum. This bill also allows the government through an order in council to hold a referendum related to any use of the notwithstanding clause except when dealing with who may marry.

Now, the use of the notwithstanding clause. When we examine this closely, Mr. Speaker, we should be looking at, in all debates on this bill, the role of the legislative branch of government and also the relationship between the Legislature, the province, and its people and how this relationship is going to develop as we go into another century. The idea that before any bill is introduced into this Assembly that invokes the use of the notwithstanding clause a provincewide referendum must be held – this is going to enable us to engage in a debate, this bill, and reflect on what exactly is the fundamental role of this Assembly.

Now, politically Bill 38 can be an easy way out of a politically sensitive situation. We can say: let's go directly to the people; let's let the people decide. But if that is a way of ensuring minority rights, I am not convinced. I think it is very easy for all hon. members of this Assembly to focus on doing their day-to-day work, and sometimes with this day-to-day work we do not as often as we should step back, breathe deeply, relax, and examine at the most basic level – the most basic level – our role and our function. Whenever I'm talking about our role and our function, I'm talking about the role and function of this Legislative Assembly. I believe there are legitimate public expectations of all hon. members of this Assembly, and all hon. members of this Assembly will provide

political leadership identifying and addressing problems. These problems naturally are corrected through sound, well-researched, reasonable legislation, and then in my view this legislation is administered or in some cases enforced or, unfortunately, in other cases not enforced by Executive Council. This public expectation also applies to delicate or sensitive issues.

5:00

We are elected to make decisions. It does not matter whether the decisions are difficult; we are elected to deal with the problems of this province. I'm concerned about the use of this referendum law if this bill were to become law, Mr. Speaker. It is important for all of us to remember the fact that criticism of legislation is an understandable and sometimes justified response to one or more of our legislative initiatives. It doesn't matter which side of the Assembly the legislation comes from or whether it's even a private member's bill. Sometimes these legislative ideas are controversial. There's no doubt about that.

Bill 38, Mr. Speaker, through the use of referendum cannot be the reason or excuse to allow legislators to play political tricks or political hide-and-seek on any number of contentious issues, particularly whenever the human rights of Albertans are at stake. We are gradually becoming a more diverse province as we grow older, and who knows in a hundred years what diversity we will have in this province? We have no idea. Patterns are changing all the time.

I once again, Mr. Speaker, remind all hon. members that we must not forget that it's our responsibility, our duty to listen to and consider all arguments put forward on any political debate. The use of the notwithstanding clause cannot be treated in a cavalier fashion. It would be so terribly wrong for this Legislature to act on the basis that decisions must respond to political favour. The best decisions are made free from the influence of political considerations, I believe. This is a very hard concept, but it is a very basic one, which has its origins in the Magna Carta. I believe this bill will undermine the public confidence in the Legislative Assembly and in the legislative process. We all have a public duty as elected representatives to listen carefully to everyone, and we must make decisions, sometimes difficult decisions, free from influence or bias.

Now, we always need, Mr. Speaker, reminders like Bill 26, and I will never forget the day, the passionate defence of Albertans who in the past have been victims of a cruel policy by their own government. There were many hon. members from many different political parties who were willing to talk and discuss the use of the notwithstanding clause, and it's almost like a constitutional anvil. It is that heavy. It should not be even discussed, I believe, in this light. We need instead to think of the ways that we should take a close look at this bill and hopefully vote against it.

Before I close, Mr. Speaker, I would like to remind this House that this bill will limit the role of government. The provincial government has an extremely important role as the guardian of human rights for all its citizens. Section 4 of the act makes this proposed referendum result binding on the government. This encroachment on the perception of fairness, the perception of impartiality whenever we're talking about human rights, human rights for everyone regardless – I'm afraid that this bill will erode the public confidence that Albertans have in this Assembly.

Now, this act will allow the cabinet to frame the referendum question, Mr. Speaker. It does not include a mechanism for citizen or even opposition input. We all know that the framing of a question is extremely important. The first thing that comes to mind, of course, is the Quebec referendum and how the framing of that question can directly affect the results. All hon. members of this Assembly are what I would fondly call political junkies, and many

of us follow the referendums that are usually part of any election in California. We know from the Californian experience that the wording of the referendum question is also important.

There is also the great danger, Mr. Speaker, a great potential for any referendum campaign to be heavily influenced by special-interest groups. This view as advocated by a special-interest group could affect minority rights. I don't think this bill directs any interest in protecting minority rights. Minority rights can be a sensitive issue in this province. A voice that stands out, an eloquent, passionate voice on the issue of human rights is the Senator from Calgary who speaks out often and very passionately on this issue. There is no provision in this act to stop the government from lobbying for one position over another in a referendum campaign or prohibiting it from using its own vast wealth and resources and communication skills to influence the vote. And then I suppose they could stand and say: well, the citizens of Alberta decided this.

What happens if there is a very low voter turnout rate in a referendum? What are we to think? Now, I come from a constituency that has the highest voter turnout rate in the province. It's a very active constituency politically, but I know some – and I can go around this Assembly – where the voter turnout rate is less than 40 percent. I think we should be working actively to increase the citizens' voter turnout rates in provincial elections rather than discussing the use of a referendum in such a manner.

It will be impossible for the government to be an impartial player if they are drafting the question. I don't think this legislation has been very well thought out, and that is another reason why I have a great deal of difficulty supporting it.

5:10

Many speakers before me have brought up the issue of human rights in this province. I'm going to close by saying that the Charter of Rights and Freedoms is very important in this country. We had very eloquent remarks the other day regarding the former leader, the late Mr. Decore, and his role in drafting and developing the Charter of Rights and Freedoms. We cannot forget everyone in this province, and I'm afraid this bill is not for everyone, because minority rights will not be addressed or respected if this bill becomes law.

Now, Mr. Speaker, with your permission I would like to cede the floor to my colleague from Edmonton Glengarry. Thank you.

Speaker's Ruling Speaking Order

THE DEPUTY SPEAKER: We actually don't have that provision where you can turn it over to someone else. In a debate the other side has a chance, and if they don't take it, then we'll call upon the hon. Member for Edmonton-Glengarry.

Debate Continued

MR. BONNER: Thank you very much, Mr. Speaker. It is indeed a pleasure to stand here today to speak to Bill 38, the Constitutional Referendum Amendment Act, 1999. I must say right off the bat that this is certainly a bill that this Member for Edmonton-Glengarry cannot support. I have many reasons for that, but one of the major reasons that I cannot support this bill is that it certainly doesn't promote unity in this great province of Alberta amongst its people. On the other hand, it promotes diversity. Not only that, but Bill 38 violates the fundamental rights of Albertans.

Yesterday I sat here in this Legislature and heard the glowing words about the former Liberal leader and Member for Edmonton-Glengarry, Laurence Decore. I heard the Premier, I heard the Leader of the Official Opposition, and I heard the leader of the third party

speaking glowingly about his many contributions to Alberta. What I have here is the text of the Canadian Charter of Rights and Freedoms, and I read section 27: "This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians." I look at that and I say: how does this bill support section 27? There is absolutely no way that this bill supports section 27, and I am certain that the Premier and the other two that spoke yesterday were not speaking hollow words.

I thought longer on this, and I also thought of two stories from my youth that play an incredible part in this province. As a young boy growing up in Jasper . . .

AN HON. MEMBER: Jasper Place?

MR. BONNER: No. Jasper park, the gem of the Rockies.

Now, for those of you who aren't aware, Jasper is the divisional point of the Canadian National Railway. In Jasper we had, of course, the steam engines in the early '50s. Now, at that time, Mr. Speaker, what many people in here don't realize is that if you were of Ukrainian descent, then you were not permitted to be in the running trades. In other words, you couldn't be brakeman, a fireman, a conductor, an engineman. Those types of jobs were not for Albertans of Ukrainian descent. I couldn't believe that story.

Also, what we don't realize is that in the '50s here in Edmonton, if you were of Jewish descent, you could not buy a house in old Glenora, so we had the development of St. George's Crescent, where my wife's stepfather built many homes for the Jewish community. We had the development of a golf course just west of Edmonton, Glendale golf and country club, because the Jewish community were not allowed to golf down here at Mayfair or at the Edmonton Country Club. So they built their own.

AN HON. MEMBER: I didn't know that.

MR. BONNER: Many people didn't know that. We have overcome this type of discrimination here in this province, and here we have a bill, Bill 38, that will allow those conditions to return if, in fact, we did have a referendum on these. Certainly we would hope that cabinet would never, ever write a referendum in regards to these types of freedoms.

I also look at the Canadian Charter under Fundamental Freedoms, and this is something that not only all Albertans but all Canadians and we hope everybody throughout the world would have.

2. Everyone has the following fundamental freedoms:
 - (a) freedom of conscience and religion;
 - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
 - (c) freedom of peaceful assembly; and
 - (d) freedom of association.

Now, certainly we could have cabinet in a referendum violate those fundamental freedoms that we as Canadians enjoy. These are the fundamental freedoms, Mr. Speaker, that many, many of our new Canadians come to Canada to enjoy, and it is why they do get involved in the democratic process.

Now, last week I had the opportunity to be out at a nomination meeting at Edmonton-Ellerslie, and I was absolutely impressed by the involvement of a visible minority group. These people certainly know what it is like to be persecuted in their own country. And, again, what we did with the Canadian Charter of Rights and Freedoms was we wanted protection for all individuals. Now, I don't know when I read Bill 38 how we do protect all Albertans, how we say to people that the smallest of majorities is good enough, Mr. Speaker, to allow the rights of others of minority groups to be

jeopardized. Not only can those rights be jeopardized by the smallest majority, but this bill also instructs the government that in the case of the results of a referendum those results are binding and the government must initiate the results of that referendum as soon as they can.

So when we look again at Bill 38, this is not the Alberta that I want. This is not the Alberta I want for my children or my grandchildren. This is not the Alberta that I want new Canadians and new Albertans to face when they come to this great province.

Now, the other problem that I have with this particular bill, Bill 38, is that it makes one huge assumption, and that assumption is that the majority is correct, that the majority is right. I would love to put any referendum question to this Assembly, particularly if we had a free vote, but unfortunately we don't have free votes, and we all know what happens when the whips are on. We all know what role we must play in our own particular parties if we wish to be part of it. So we cannot leave that decision up to the members of this Assembly. We certainly cannot have a situation where a majority can suspend the rights of any minority group, and we have many, many minorities.

5:20

I heard the leader of the NDs say here today that everybody in some way or another represents a minority. That's very, very true. It doesn't matter whether we look at the rural/urban issue here in this province, whether we look at our ethnic backgrounds, whatever, but we are all part of minorities if we look hard enough.

This bill, Mr. Speaker, could be used against new Canadians to violate their rights. It could be used against refugees. It could be used to limit the rights of gays and lesbians. It could even be used in the case of the group of widows who were in the gallery yesterday, the Disenfranchised Widows Action Group. These are people that for many years have been trying to get a resolution to their problem, yet this government, particularly cabinet, could phrase a referendum. They could ask the question of Albertans: should we settle with this group? Now, this is a very small group. They don't have much political clout. They certainly don't have the resources to lobby, yet they do have an issue where there has to be a solution that is fair to them. Bill 38 could totally – totally – eliminate what these people have been working so hard for for the past five or six years.

As I said earlier, we do have free votes in this House, and we would certainly hope that the integrity of the members of this Assembly would stick up for their rights for a free vote, but again we all realize the pressures that can be put on people and especially the powers that prevail in our political parties.

I also think back, Mr. Speaker, to when my ancestors on my father's side arrived in Canada in the mid-1800s and why they came to this country. Again, it was a land of opportunity. It was a land where they wouldn't be persecuted or there wouldn't be fighting because of what religion they were. It was a land where they could raise their families in peace and harmony, where they could have food to eat, and they could prosper.

Now then, are we going to say here with Bill 38 that we want to restrict who can own land in this province? Do we want to say with Bill 38: well, let's have a referendum? "Let's go down to some of these areas where we have the Hutterites, who are very, very successful farmers, and let's say we will restrict how much land the Hutterites can have. We don't like them expanding. We don't like the fact that they're such successful farmers, so we're going to ask the question in the form of a referendum, and we will restrict that group of people from expanding throughout the province." That is not what we want to see.

The whole problem with going to a situation where we have

referendums is that it ties the hands of this particular body here. It ties all of our hands, because as we saw in one part of the legislation, we are under the obligation in this bill to implement the results as soon as possible, and this could be done with a mere majority.

MR. SMITH: Billy, let's go home.

MR. BONNER: No, we're not prepared to go home, Mr. Speaker, because this is extremely important. This is such a bad piece of legislation that I can't believe that to date no members from the other side have talked about this bill. [interjection] We haven't heard anybody today, so I want to talk on this bill. I want to make certain that there isn't one Albertan in this province who has their rights suspended because I didn't stand up and speak to this bill.

I look here and I say: what is the role of government? Certainly we are here as guardians, guardians of the rights of Albertans, of all Albertans, not whether they are members of a majority or a minority. We have basic human rights which we are here for.

It's amazing that on November 11, when I went to my Remembrance Day celebrations, I was reminded that we are just coming to the conclusion of the bloodiest century in the history of mankind. Was that because the majority was right? Do we have our Canadian troops overseas at this time in peacekeeping missions because the majority was right?

I think back to when the Vriend decision came down and the notwithstanding clause was being tossed around as a possible way

of getting around this situation, and I had a call from a young lawyer who had been over in Bosnia-Herzegovina. She was seconded by the United Nations to prosecute war crimes. The most striking statement she made to me at that time was that in talking with all the groups in that country, not one of those groups believed that the country could be torn apart and destroyed in a year and a half. What they went on to say to her was that the reason it occurred was because they allowed one minority group to be persecuted. I don't ever want to see anything in this province which will allow this to happen 100, 200, 300 years down the road.

I think back, as well, to a situation I encountered just before the Pope arrived to visit our country in the early 1980s. We ran into an RCMP. We were in the communications business at that time, and he was checking communications for the RCMP. He said that their directions were that the Pope could not be shot in Canada, could not be killed in Canada, because this is a symbol of freedom throughout the world. How can you read a bill like Bill 38 and say that this is a symbol of freedom? How can we read a bill that in any way is going to limit rights and say that this is a country of freedom and choice?

I don't like this bill, and I can honestly say that this party doesn't like this bill. When we look here as well at the questions, then we leave it up to Albertans who wish to vote no.

[At 5:30 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

