

Legislative Assembly of Alberta

Title: **Thursday, November 25, 1999** 1:30 p.m.

Date: 99/11/25

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon.

Let us pray. O Lord, guide us all in our deliberations and debate that we may determine courses of action which will be to the enduring benefit of our province of Alberta. Amen.

Please be seated.

Hon. members, the hon. Member for Red Deer-South is celebrating a birthday today.

head: Introduction of Visitors

MRS. McCLELLAN: Mr. Speaker, I am very pleased to introduce to you and through you to members of the Assembly the ambassador of Germany, His Excellency Dr. Juergen Poehlmann, who is accompanied by Mr. Friedrich Koenig, the honorary consul of Germany stationed here in Edmonton.

I want to welcome His Excellency on his first official visit to Alberta since his appointment and to say to the House that more than half a million Albertans are of German descent and there are approximately 60 active German/Canadian organizations across our province. From junior high to university German is taught in 54 schools, with four of these schools offering bilingual programs. Trade with Germany is a very important part of Alberta's economy with our two-way trade totaling over \$310 million.

We trust that this visit, Mr. Ambassador, will serve to strengthen current areas of co-operation and help identify future opportunities for co-operation between Alberta and Germany.

I would ask that our honoured guests please rise and receive the customary warm welcome of this House.

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

MR. JOHNSON: Thank you, Mr. Speaker. It's a pleasure for me this afternoon to rise and introduce three visitors from my constituency of Wetaskiwin-Camrose from the Reynolds-Alberta Museum. First of all, I'd like to introduce Bill Casey, who is the manager of Reynolds-Alberta Museum.

Secondly, I'd like to introduce the hon. Justice Douglas Matheson, retired former Justice of the Court of Queen's Bench, Alberta, and currently chairman of Reynolds-Alberta advisory board and member of the Canada Pension Appeals Board.

Finally, I'd like to introduce Mr. Stan Reynolds. Mr. Stan Reynolds this year received the Order of Canada and the Alberta Order of Excellence, and I would like to introduce him more fully and more properly during my members' statement following Oral Question Period.

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

MR. THURBER: Thank you, Mr. Speaker. I feel honoured to be able to introduce the fourth member of the Reynolds museum team that's here because he's not only a constituent but a good friend of mine, and I'd just like to brag about him a little bit. I used to always call him the hon. Dallas Schmidt; he was at one time. He sat in this House for about seven years, and he served in different capacities here, one being the minister of agriculture. He was also a distinguished member of the Royal Canadian Air Force from 1940 to 1945

and again from 1951 to 1956. I'm very proud to call him a friend of mine, and I'd like the Legislature to make him very welcome here today.

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

MR. LUND: Thank you, Mr. Speaker. It's a great pleasure to have the opportunity to introduce to you and to the members of the Legislature the 1999 recipient of the 4-H program's highest tribute, the Alberta 4-H Premier's award.

Mr. Speaker, 4-H members are our future leaders in the agricultural industry and the food industry. To be chosen as the best of the best is a tremendous accomplishment. The outstanding 4-H member for the 1999 year was chosen from 141 of Alberta's top 4-H members during the selection program at Olds College in April of this year. I would ask that Mr. Andrew Ormberg, age 18, of Rimbey, seated in your gallery, please rise. Seated with Andrew are his parents, Murray and Teri, and I'd also ask them to rise. I would now ask the Assembly to give them the traditional warm welcome of this House.

head: Presenting Petitions

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. With your permission I would like to present an ACTISEC petition asking for a tuition fee freeze. This is signed by 150 people residing in Camrose, Olds, Rocky Mountain House, Wabasca, Red Deer, and other central Alberta locations.

Thank you.

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

MR. MASSEY: Thank you, Mr. Speaker. With permission I'd present a petition signed by 112 citizens from Leduc, Sherwood Park, Fort Saskatchewan, Vegreville, Marwayne, Lloydminster, Lac La Biche, and Elk Point urging the government to increase funding of children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

Thank you, Mr. Speaker.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I have a petition as well from the SOS parents urging the government to increase funding of children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

It is signed by 107 people from the Wetaskiwin, Red Deer, Penhold, Viking, Innisfail, Lacombe, and Didsbury areas.

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

MR. MacDONALD: Thank you, Mr. Speaker. I also have a petition. This one is from the Provincial Injured Workers Coalition Society. It is signed by 540 Albertans from Edmonton, Cold Lake, Spruce Grove, St. Albert, Stony Plain, Wetaskiwin, Barrhead, and Rocky Mountain House. They are calling for 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.
Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I would like to present a petition signed by 115 people from Wainwright, Athabasca, Boyle, Morinville, Edmonton, Leduc, Millet, and Red Deer. All of these people have signed this petition urging the government to increase funding of children in public and separate schools to a level that covers increased costs due to contract settlements, curriculum changes, technology, and aging schools.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to table a petition signed by 229 Albertans primarily from the Lethbridge area urging this Assembly to urge this government to ban private, for-profit hospitals.

Thank you, Mr. Speaker.

head: Reading and Receiving Petitions

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

MS BLAKEMAN: Thank you, Mr. Speaker. I would ask that the ACTISEC petition on tuition freezes that I presented yesterday be now read and received.

THE CLERK:

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

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

DR. MASSEY: Thank you, Mr. Speaker. I request that the SOS petition that 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-Strathcona.

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

THE SPEAKER: Unfortunately, hon. member, I have been advised that no petition is in order.

head: Tabling Returns and Reports
1:40

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

MR. WICKMAN: Thank you, Mr. Speaker. I'm tabling five copies of the latest newsletter from the Premier's Council on the Status of Persons with Disabilities, an article dealing with the parking policy for Albertans with disabilities under review, placards increasing from 20,000 to 70,000 in the last few years.

Thank you.

THE SPEAKER: The hon. leader of the third party.

MS BARRETT: Mr. Speaker, thank you. I have loads of tablings today. I don't know how many. What have we got here? First of all, we have a copy of an e-mail to the Premier dated today from 39 Alberta Council on Aging members representing eight seniors' clubs in ACA district 4 and a copy of their resolution protesting the move to private, for-profit hospitals in Alberta.

Oh, these ones are good. The following ones are from three students at the Riverview middle school in Devon, each of them objecting to the move towards private, for-profit hospitals: one was a cancer patient last year who cites her reasons, another from Kaitlen Pawluk, it looks like, and another from Terry Lee Hedge, I believe. All three of them are objecting to the development of private, for-profit hospitals. I might have given you six there, but we'll worry about that later.

Last but not least, an e-mail that I received this morning from none other than Dr. Michael Rachlis from the University of Toronto, where he is the policy analysis evaluator, I guess. Not only is there a note to me but also a letter, which the Premier I'm sure would love to read, entitled the Business Case Against For Profit Hospitals, a fascinating read.

Those are my tablings. Thank you.

THE SPEAKER: The hon. Member for Calgary-North Hill.

MR. MAGNUS: Thank you, Mr. Speaker. Today, November 25, is the international day for the eradication of violence against women. You'll notice a number of members in the Legislature are wearing the white ribbon to signify this campaign. I would like to file with the Legislature five copies of a brochure recreated by our Member for Edmonton-Castle Downs, who herself, as we all know, was a victim of abuse in the home. I'd like to just congratulate her and commemorate her on that too. The title of this is Women Break the Silence, and it's about abuse and violence.

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

MR. SAPERS: Thank you very much, Mr. Speaker. With your permission I'd like to table five copies of a booklet produced by the University of Alberta entitled Research Works 1999. It's the latest in their series of books where they quite appropriately brag about research accomplishments at the University of Alberta, and I'd note that it talks about the university receiving in 1998-99 "\$170 million from external sources for sponsored research."

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

MRS. SLOAN: Thank you, Mr. Speaker. I am pleased to rise today and table five copies of the Official Opposition's submission for the provincial and regional persons with developmental disabilities boards review.

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

MR. MacDONALD: Thank you, Mr. Speaker. I would like to table the appropriate number of copies of documents relating to a WCB investigation and a response letter an injured worker received and also the information that he received, which is quite interesting to all members of this Assembly.

Thank you.

head: Introduction of Guests

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

MR. HANCOCK: Thank you, Mr. Speaker. It's my pleasure today to rise and introduce to you and through you to members of the Assembly Mr. Jean-Michel Halfon, president and chief executive officer of the Canadian operations of Pfizer Canada Inc., a research-based health care company with global operations. With your permission I'd ask Mr. Halfon to rise and receive the warm greetings of the Assembly. Mr. Halfon is accompanied by Richard Paulson, also of Quebec, and by Laura Fitzgerald of Edmonton, both also employed with Pfizer. I've assured Mr. Halfon – and I'm sure you'd want to know that I've advised them – that Alberta is a great place to invest, and we're always looking for opportunities for companies who want to do more business in the high-tech area.

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

MR. SEVERTSON: Thank you, Mr. Speaker. It is, indeed, my pleasure today to introduce to you and through you to members of the Legislature 126 grade 6 students from the C.P. Blakely elementary school in Sylvan Lake. They are accompanied by five teachers and 20 parents. They're in both the public and members' galleries. I might add, Mr. Speaker, that this class will be moving into the new school next fall, a joint project between the separate and public school. I'd ask them to rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. PASZKOWSKI: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce to you and through you to the members of the Assembly Mr. Marek Boratyn, vice president; Kasia Borkowska, executive secretary; and Petros Loutas, president and chief executive officer of Bolmar S.A. Bolmar S.A. is an agricultural company from Zamocz, Poland. They are here discussing items involving agriculture, government governance, and those types of issues. Mr. Loutas, I might say, is an Albertan who is helping in Poland to actually move agricultural operations ahead. At this time we'd like to ask them to rise and receive the usual warm welcome of this Assembly.

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

MS LEIBOVICI: Thank you, Mr. Speaker. It's my great pleasure this afternoon to introduce Con Duemler, who is a seniors' activist and a strong supporter of the public health care system. If he'd please rise and receive the warm welcome of the House.

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

MR. SAPERS: Thank you, Mr. Speaker. I've just been notified that a constituent of mine is here in the Assembly, and I'm sure he's a keen political observer and will be watching closely at least two members of this Chamber today. I'd like to introduce Mr. Luke Day. I think he's in the members' gallery. Please receive the welcome of this Chamber.

THE SPEAKER: The hon. Provincial Treasurer.

MR. DAY: Thanks, Mr. Speaker. It's my privilege to introduce a significant player in the investment community in Alberta who lives in Edmonton and is here today, Mr. David Porter with the firm of

Sanders and Beckingham. Mr. Porter has also been significantly involved in raising funds for breast cancer research. In fact, he started the first annual beach volleyball tournament right here in Edmonton to that effect this year. I'd ask him to stand and receive the warm welcome of the Assembly.

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

DR. MASSEY: Thank you, Mr. Speaker. It's with pleasure that I introduce to you and through you to members of the Assembly executive members from CAUS, a student group that's been visiting with members of the Legislature, asking us to take some action to alleviate the problems that tuition is causing. They're in the public gallery, and with your permission I would ask that they stand and receive the recognition of the Assembly.

1:50

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

MR. LUND: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and to members of the Assembly two people that work very hard to make the 4-H program in Alberta work. I'd ask Glen Werner, the director of the rural development division, and Mahlon Weir, 4-H branch head, to rise and receive the warm welcome of the Assembly.

head: Oral Question Period

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

Private Health Services

MR. SAPERS: Thanks, Mr. Speaker. The government's skimpy, five-page sales brochure on privatizing public health care doesn't offer one single shred of evidence on how it will alleviate the pain and the suffering that's been caused by government policy to all Albertans over these past seven years. The Premier should stop waving around his health care card, and perhaps he should take out his cheque book because all he's doing is cutting cheques for for-profit, private health care providers, and he wants to use taxpayers' money to do it. Now, either the Premier doesn't understand the implications of his scheme or he doesn't want to understand it. Either way repeating propaganda just simply won't make it true. My questions are to the Premier. Where in this document does it say that the government will release tax-funded contracts with private care providers and not just some minister of health's sanitized seal of approval? Where does it say that, Mr. Premier?

MR. KLEIN: Mr. Speaker, the key message is that we will adhere without qualification, without any reservations to the fundamental principles of the Canada Health Act.

We are waiting to hear from Mr. Rock. Now, if they really want to do something constructive, Mr. Speaker, maybe they can pick up the telephone and phone Mr. Rock – he's closely associated with them; he's a Liberal – and say: what is the problem? We have sent the policy to Mr. Rock. We want him to examine that policy, and we're waiting to hear from him.

Mr. Speaker, we have said time and time and time again: the fundamental principle of the legislation that is being proposed is absolute adherence to the Canada Health Act.

MR. SAPERS: Mr. Premier, just for once will you put down your

cue cards and listen to the question? Where in this document does it prove that Albertans are going to get faster, better, more efficient health care and not just more empty promises from a government that broke the system in the first place?

MR. KLEIN: Well, Mr. Speaker, again, I allude to the Liberal opposition's inability to either read it or to understand it. Perhaps they can't understand it. Quite clearly in the principles there must be a cost benefit to the contracting agency, which in the case of the legislation would be the regional health authority, and that has to be subject to the approval of the minister. There has to be a demonstrated cost benefit to the regional health authority.

MRS. SLOAN: Where is it?

MR. KLEIN: It's in the document; read it. You know, they beak off.

Mr. Speaker, I don't have the policy – well, maybe I do. We can send it over. The hon. Minister of Health and Wellness has it. We will be very, very happy to table it again and again and again and again. You know what? The hon. Minister of Health and Wellness, I'm sure, will sit down with this hon. member – that is, the hon. Member for Edmonton-Glenora – and go over it with him line by line, word by word so he can understand it. As a matter of fact, maybe we can have someone draw pictures as well. Maybe he'll understand it then.

MR. JONSON: Mr. Speaker, I am quite willing to read it for him, if I might.

Regional health authorities are responsible for determining the appropriate means for delivery of all insured surgical [facilities]:

- 4.1 A Regional Health Authority may, subject to the approval of the Minister, contract with a private provider (either profit or not-for-profit) for the provision of surgical services.
- 4.2 Contracted providers are prohibited from charging any fee (including a facility fee) to insured persons for an insured surgical service beyond those set out in the Alberta Health Care Insurance Plan. There will be no two-tier medicine and no queue jumping.
- 4.3 The Minister must consider the following criteria for making a decision to approve or not approve a contract for surgical services between a Regional Health Authority and a private provider:
 - a. Consistency with the Government's legislated principles and adherence to the principles of the Canada Health Act.
 - b. The current and future need within the publicly funded system for the surgical service recommended by the Regional Health Authority.

THE SPEAKER: The chair is in a kind of dilemma because there were actually two questions asked by the hon. Member for Edmonton-Glenora in that last set. I guess in fairness we had to provide that, so if we shorten everything up, it would be much better.

Third portion of the first set, hon. Member for Edmonton-Glenora.

MR. SAPERS: They can repeat it all they want, Mr. Speaker. It still doesn't make it true.

Mr. Speaker, given that the reason we're not getting anything but the cue cards is because the Premier is clearly frightened that Albertans are going to find out the truth behind the smoke screen – and that is that this government is back in the business of being in business, and he wants to give private health care investors tax dollars so they can boost their profit margins on the backs of Albertans. Why don't you just say no, Mr. Premier? Why don't you just stop it right now?

MR. KLEIN: Mr. Speaker, unlike the Liberal opposition we want to provide choices to alleviate suffering. They want to prolong suffering. They delight in seeing people wait months and months for joint replacements, for other kinds of surgeries. They want to prolong suffering. We want to ease suffering. We want to provide choices.

Mr. Speaker, we are leading the debate, the national debate on providing choices and finding new and better and more productive and more efficient and more effective ways of doing things within the parameters of the Canada Health Act. That's what it's all about, and they know it.

THE SPEAKER: Second Official Opposition main question. The hon. Member for Edmonton-Meadowlark.

MS LEBOVICI: Mr. Speaker, I'd like to talk about details, or should I say the lack of details in this flimsy five-page document. The Premier keeps asking Albertans to buy a pig in a poke, and I'm not sure, Mr. Premier, that they are going to do that. There are no details of how private hospitals will be held accountable to taxpayers, no details of how the supposed benefits of the Premier's contracting out will be measured, and there is no legislation that Albertans can actually look at to see if the words will match the action. My questions are to the Premier, and we'll keep asking until we get those answers. Is part of the choice that this government is offering Albertans private hospitals within this province where the only way those hospitals can be accessed is if they produce their credit card? Is that really part of the plan, Mr. Premier?

3:00

MR. KLEIN: This is the only card. This is the only card, your Alberta health care card. That's the only card you will need, Mr. Speaker. Don't leave home without it. That's the only card you will need.

Mr. Speaker, what this is all about is a firm commitment to the principles of the Canada Health Act. It's all about finding new ways to reduce waiting lists and to alleviate suffering. That's what it's all about. It's all about having access to insured medical services through the publicly funded and publicly administered health care system. It's all about Albertans not paying for insured medical services, and it's all about nobody having a fat cheque book or a credit card. It's all about someone having this card – this card – their Alberta health care card to get faster service, quality service and to alleviate suffering.

It's all about regional health authorities being responsible for all insured surgical services. It's all about private providers of insured surgical services being able to operate but only under contract with the regional health authority and only within the principles of the Canada Health Act. It's all about health authorities being allowed to contract with privately operated facilities for surgical services only if it will improve access, only if there's a demonstrated cost benefit, only if it will improve efficiency or reduce waiting lists in the public system.

Is there anything evil about that? They would say that there's something evil about that. Take those principles out and ask the folks. I've been asking the folks: is there anything evil about that? And they are saying no. The only thing evil and wicked about this whole proposal is the misinformation and the fear mongering being spread throughout this province by the Liberal Party of Alberta.

MS LEBOVICI: As the Premier won't put his words into legislation, and as the Premier has already refused in the past to endorse the five principles of the Canada Health Act in legislation in this

province when the Alberta Liberals put it forward, will the Premier admit that the only card he will be issuing to Albertans under his private hospital plan is this one, an Alberta Health opt-out-of-medicare card. Is this the one?

MR. KLEIN: No. This one, Mr. Speaker. This one. Don't leave home without it.

I'm really quite happy that the Liberal opposition is now entering into the public debate, because that's what it's all about. Mr. Speaker, you know, I hate to quote from newspapers, because I've been challenged to do this on public television, which we're on right now. I mean, this is going out. Anyway, I allude to the quote from the hon. leader of the Liberal opposition, who says, and I agree with her: it's time for a public debate on the issue; it is of paramount importance. As a matter of fact, this is being picked up not only in Canada but throughout the United States and, indeed, throughout the world. They want to do a cover piece in *Time* magazine because we have taken the steps to lead the public debate.

You know, the leader of the Liberal opposition says that it is time for public debate on the issue, and she says: the perfect forum for this debate is in the Legislative Assembly – that's right – where all Albertans are represented. [interjections] No, no. Just be quiet, because you're going to like this part: I challenge the Premier to bring the debate out of the television studio – we don't have to go outside, Howie; right? – and into the Legislature in front of the people of Alberta. That's exactly what we're doing.

MS LEIBOVICI: Well, maybe, Mr. Speaker, the Premier can explain to *Time* magazine how this policy document is going to help those patients in Grande Prairie right now who are suffering in this province and can't access services at either Alberta Hospital Edmonton or Edmonton hospitals. Can you explain that to those patients, Mr. Premier?

MR. KLEIN: Mr. Speaker, I just received a copy of this card. I would like to know how much it cost the Alberta taxpayers to produce this ridiculous piece of propaganda. This is not propaganda. This is not propaganda. That is a personal health care card. That is ridiculous propaganda.

MR. DICKSON: Point of order.

MR. KLEIN: They have probably spent thousands of taxpayers' dollars to produce this, and this hon. member has to stand on a point of order. Tell us why. Tell us why. You know, we don't have the ability to FOIP the Liberal Party, but tell Albertans how much it cost to produce this ridiculous piece of propaganda.

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

MS CARLSON: Mr. Speaker, the Premier talks about alleviating pain and suffering and creating more choice in health care, but he has nothing to back it up except some skimpy five-page document put together for public relations purposes. Only in the minds of the Premier and his government does this document offer a guideline to a better public health care system. No details and nothing to back it up. It's a fill-in-the-blanks scheme. My questions are all to the Premier. What criteria is the government going to use to show that contracts with private, for-profit hospitals are in the spirit of the Canada Health Act? He's talked lots. He's produced nothing. We want the proof.

MR. KLEIN: Mr. Speaker, actually, this is a government card. I'm sorry. But I still want to know how much time and effort and expense they are using of taxpayers' dollars to spread misinformation and fear mongering using this taxpayer-paid-for document. I'm sure it's a lot, but they would never tell us. You know, they only like to FOIP us. They like to get all the information, but they never tell us. Gary, tell us. You know, hon. Member for Calgary-Buffalo, tell us. Tell us. I'll pick up the telephone, and I'll ask you: provide the answer.

THE SPEAKER: I think we'd better move on now, please.

MR. KLEIN: Thank you.

MS CARLSON: Mr. Speaker, to the Premier, who we're supposed to trust and who doesn't know the documentation his own department puts out: when we don't have enough doctors in this province right now and some of those doctors will move over to the private sector, where they can make more money with this Premier's scheme, how can this possibly improve the quality of public health care in this province? It simply can't. It doesn't work in other countries, and it will not work here.

THE SPEAKER: I think there was a question in there.

MR. KLEIN: Mr. Speaker, you know, I've said before – and I'm being brutally honest – that doctors are a devoted and dedicated people and committed to the principles of the Hippocratic oath of alleviating suffering and pain, but they also want to make a dollar. That is a simple fact of life. A simple fact of life. We have one medical doctor in our caucus, and he admits to me that he didn't go to school for all those years not to make a dollar.

Mr. Speaker, relative to the mobility of doctors, I would like to allude to an article that was in the *National Post*, and it says that "Alberta attracts medical talent with low taxes, grants." It says:

After years of cutbacks, Alberta, the black sheep [reportedly] of medicare, is attracting some of Canada's leading doctors who are being swayed by high salaries, low taxes and the chance to build a medical system that is not burdened with red tape.

A medical system that provides choices.

It says:

"Alberta led the country in restructuring and is now leading in reinvestment in health care," says Dr. Bob Bear . . . The big attractions are research funding and the chance to help design a new medical system.

And that's exactly what we're doing. We're not standing still. Mr. Speaker, you only stumble when you're moving. Right. You can always pick yourself up and find new and better and more effective ways of doing things.

"The big attractions are research funding and the chance to help design a new medical system." That is good. That is positive.

Because of its Heritage Foundation for Medical Research, Alberta can [now] attract top researchers, who win big research grants from such agencies as the Medical Research Council.

It goes on and on. It talks about people like Dr. Ivan Rebeyka. It talks about the top surgeons from North America who have been attracted to Calgary through the new neurological MRI machine that we have there. It talks about the excellence in our system, and it talks about a government that is prepared to try something new and different.

2:10

MS CARLSON: Mr. Speaker, will the Premier please tell these Albertans how contracts with private, for-profit hospitals sustain the

quality and the accessibility of the publicly funded health care system in Alberta that we want to retain? Please tell us how. We can't do it.

MR. KLEIN: Well, Mr. Speaker, I will put the question back to the Liberal opposition. How is it that they support publicly funded but privately operated abortion clinics? I would ask that question. [interjections] No. I'm going to ask that question. Maybe they would like to answer it, and I'll sit down.

Thank you.

MS BARRETT: Boy, what a week. I'll tell you, since the Premier's televised address last week I've seen something that I've never seen before in my public life, and that is an unprecedented amount of not only phone calls, like over 400, but faxes, e-mails, and letters from lifelong Conservatives. [interjections] Remember what I was tabling earlier? I forgot to table one more. [interjections] E-mails and faxes disgusted with the government's plan to starve our public health care system in order to create profit-making opportunities for a few selected government friends. These are true Conservatives. I've got one more to file, this one – I'm sorry I forgot to do it earlier – from George Blazek.

THE SPEAKER: I'll bet, though, hon. leader, there must be a question somewhere.

MS BARRETT: Oh, yeah.

THE SPEAKER: Well, let's get to it.

MS BARRETT: They cherish our tradition of public, not-for-profit hospitals. So I ask the Premier what he has to say to Shane Andrus, a card-carrying Conservative from Medicine Hat who gave permission to raise his name today, who urges – and I'm quoting from his letter – Pam Barrett and the NDP to swiftly protest Ralph Klein's move to allow private hospitals in the province. What does he say to him?

MR. KLEIN: Well, Mr. Speaker, I'm informed that the person to whom the hon. leader of the ND opposition refers lives in Saskatchewan in Burstall, but he's close enough so he picks up Alberta television obviously, anyway.

To Shane . . . [interjections] No, no. I mean, he probably comes over to buy his gasoline in Alberta; right? He probably comes over to get medicare in Alberta, where we're willing to try to do things differently and in a more cost-effective manner.

MR. DAY: Pam's using Liberal researchers again.

MR. KLEIN: Well, that's right. Thank you. Are you using Liberal researchers? [interjections] No. Okay.

MR. DICKSON: A point of order.

MS BARRETT: Well, I know that Shane Andrus lives in Alberta and so does George Blazek, whose mom I talked to this morning, because he e-mailed me this morning.

I ask the Premier what he wants to say to George Blazek of Edmonton, a lifelong Conservative voter, who says, and I quote with his permission, "Tell our Premier . . . to quit dancing around the issue telling me that this policy is to alleviate the suffering of Albertans."

MR. KLEIN: Okay. What I would tell George – and I believe that George actually lives in Edmonton. I would say to George that we are firmly committed to the principles of the Canada Health Act, that the only card you will need to access any medically covered procedure is this card, your Alberta health care card. I would say . . .

MR. SAPERS: Can you say it without your notes?

MR. KLEIN: I want to read it. Absolutely. Make it quite sure . . .

THE SPEAKER: Whoa. Please. Thank you very much. We'll have this question and answer period via the Speaker. We'll forget about all the rest of the stuff.

Please, your third and last question.

MS BARRETT: It's not like I was asking for a fourth question, Mr. Speaker.

What does the Premier say to Mike Harris of Toronto, a well-known supporter of Conservative causes, who says that he doesn't plan to follow the lead of Alberta and instead says that he plans to continue phasing out the grandfathered, premedicare private hospitals in Ontario?

MR. KLEIN: Well, they're so deeply involved in this thing. They have gone so far beyond what we're proposing in the province of Ontario that perhaps there needs to be some phasing down or some phasing out of these kinds of institutions. As I understand, the Shouldice hospital, which offers, certainly, surgical procedures relative to hernias and specialized kinds of care, was grandfathered. I don't think he wants to see that hospital closed. I understand that there are about 12 or 13 other hospitals operating in the same manner. I think that Mike wants to be like Ralph, and he wants to adhere to the fundamental principles of the Canadian Health Act.

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

Developmental Disabilities

MR. STEVENS: Thank you, Mr. Speaker. During the past several months the Associate Minister of Health and Wellness has been conducting a very extensive review of the programs and services for persons with developmental disabilities, sometimes known as PDD. Part of this review has included extensive consultation with the public, many meetings with agencies, service providers, PDD boards, family members, obviously recipients of PDD services as well as public presentations and written submissions, some of which came through my office. My questions this afternoon are all to the Associate Minister of Health and Wellness. Since the public has provided so much input directly into this review, Mr. Minister, will you commit to making your report available to the public once it is done?

MR. ZWOZDESKY: Thank you, hon. Member for Calgary-Glenmore, for that question. Let me begin by saying thank you to the public who have provided their input into this particular review process. We have received hundreds of submissions and letters and cards and faxes, and all of them are coming from the public as well as from some of the people closer to the scenes from an administrative point of view, and that would be our PDD boards and their members.

I have said consistently throughout all of the presentations and meetings that I have had with family members or with PDD

individuals or with the boards that I see no reason why, when the public has been asked to provide this input, we wouldn't feed that report back out to the public in a very open, honest, complete, and public way. However, I should also say that it was the Minister of Health and Wellness who requested me to do this review. While it would be my recommendation to make it public, the final decision will of course be that of the hon. Minister of Health and Wellness, and I would ask that he perhaps supplement this answer at this time if he wishes to do so.

MR. STEVENS: Thank you, Mr. Speaker. How will your review impact those agencies that may be providing services to persons with developmental disabilities that are outside the current PDD mandate?

MR. ZWOZDESKY: Well, Mr. Speaker, it's quite true that there are some individuals who are receiving services from one of our PDD-funded boards. Those individuals that I am referring to in this particular example may not necessarily meet the eligibility criteria that were established back when we moved to the community governance model in April of 1998.

However, let's remember that one of the main purposes of the review that I will be doing provincewide and have now just about completed is to ensure that appropriate services are there for those individuals who require them. It's also true that the current mandate has been narrowed somewhat, and I guess part of the challenge that I specifically face in doing the review is to ensure that the narrowing of that mandate hasn't excluded somebody who requires a service and that they have not fallen through the cracks. If they have, then it's important that we review that; that's what I'm doing. I want to make sure that the services are there, that they are as broad and all encompassing as possible, because we do have the best program anywhere in Canada, and I want to ensure that Alberta stays a leader in that regard.

2:20

MR. STEVENS: Mr. Speaker, my last supplemental is to the same minister. Can you assure the PDD community that there will not be any reductions in PDD services before your report is completed?

MR. ZWOZDESKY: That, too, is an excellent question. I would tell you that there have unfortunately been some reductions to services at the community level and that those reductions were precipitated by a larger uptake in persons with developmental disabilities than earlier projections had taken into account. There are reasons for that, and quite frankly we need to arrive at a system that improves on what is already a good system but just needs to be made better. That will result in a more sustainable mechanism of predictability and a more sustainable funding mechanism that will help ensure these services are there.

I would also say, Mr. Speaker, that it has been a question I've been asked in the general public arena before, and I've responded this way: I do not wish to interfere directly with any local decisions that are being made by a local community PDD board until after the review is completed, if at all. I would tell you that these programs that are out there are very valuable programs, but they're based on highly individualized needs because each of the persons receiving this service is a unique individual with unique needs. Our challenge is to ensure that those continue and that no further reductions do occur.

The cost containment strategies, Mr. Speaker, have resulted in about 2 percent to 5 percent reductions needing to be made at the community level even after the \$22.7 million injection in April and the \$10 million injection in July. So we're addressing that, and my report will be very square and fair on it.

Disabled Persons' Programs

MRS. SLOAN: Mr. Speaker, disabled Albertans have had a rough ride from this government in the past year: first, the AISH review, then the uncertainty of what ministry they'd belong to, continual cuts and underfunding of their programs. I shudder to think what's in store next. My questions today are to the minister of health. What is the difference, Mr. Minister, between underfunding and cutting?

MR. JONSON: Mr. Speaker, the responsibility for persons with developmental disabilities and its governing structure were assigned to Alberta Health and Wellness in the recent reorganization of departments, and with respect, I assume that the member is referring to that important program. I think it's important to point out that it is certainly my information that Alberta is unique in Canada, number one, for having an overall program in the province with a governing board and with regional authorities for this particular group of individuals, having a specific program dedicated to meeting their particular circumstances and needs.

Secondly, Mr. Speaker, we are also, I think, very much unique in terms of the overall financial commitment that has been made to PDD individuals across the province. Consistently over the last number of years the budget for that particular program has been increasing, and most recently there has been an additional injection of some tens of millions of dollars into the initial budget to meet volume pressures within that particular program.

I think the government's overall commitment to this particular program, as I've said, first and unique among provinces in this country, is an indication of our commitment to reasonable service in this particular area.

THE SPEAKER: The hon. Minister of Human Resources and Employment to supplement.

MR. DUNFORD: Yes. In the preamble to the question, Mr. Speaker, there was a reference made to the AISH program. I think this hon. member knows and all citizens of Alberta should know that in the AISH reform we increased the payments of the AISH program. We have done the reform, and it's gone over incredibly well. I think all Albertans would say today that this government did a good thing with what it did with the AISH program.

MRS. SLOAN: Continuous underfunding equals cuts, Mr. Speaker. Why are Calgary and other PDD boards being forced to continue to cut programs while this government runs a \$3 billion surplus?

MR. JONSON: Mr. Speaker, we have an overall commitment in this area, as I recall, in the area of close to \$300 million dollars. As I indicated just fairly recently, we committed another \$10 million for this particular program. I will repeat that over the last period of years the financial commitment to this particular area of service has been increased each year, and therefore I find the question not applicable, quite frankly, because there have not been reductions in this last three-year period of time.

MRS. SLOAN: Mr. Speaker, there'll be many people in the audience today that are amazed to hear that.

Why does this government force disabled Albertans to travel across this province and stand outside in minus zero degree weather and beg this government for more money?

MR. JONSON: Well, Mr. Speaker, as I've said, the overall program – and I'm assuming the member is still referring to our program

unique to Alberta for persons with developmental disabilities. That being the case, we have the province organized into six service areas, six regions. Each has its overall regional board of directors that look after the specific programs and needs of those areas. Those regional boards are allocated the overall budget that I referred to earlier, which has been increased consistently over the last number of years and recently had an additional infusion of money. We, of course, have a commitment to making sure that program is well managed and sustainable and properly funded in the context of the province's resources, and that is why the hon. associate minister is doing a very thorough review of the matter.

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

Municipal Taxation

MR. HLADY: Thank you, Mr. Speaker. There have been a lot of stories in the media recently about the potential for massive property tax hikes in Calgary and other Alberta municipalities. Many councillors in these jurisdictions have been quoted as blaming the province for the hikes. Can the Minister of Municipal Affairs please explain what level of property tax increases homeowners actually do face?

MR. PASZKOWSKI: The interim measures developed by the MLA education tax committee caps the increases in requisition at 5 percent. For example, using Calgary's residential, equalized assessment would be 33 percent higher than it was last year. With the cap on Calgary city residential education requisition, this will mean that it will be static at 5 percent. Even with a 5 percent increase Calgarians and all Albertans living in high-growth area communities may not experience the 5 percent increase in education, because using Calgary's experience, where there has been high growth, that may only be somewhere in the area of 2 to 3 percent.

Mr. Speaker, it's important to note and point out that with the addition of capping, the interim measures also allow for averaging over a two-year period, and that averaging will also help cover some of those that are in lower growth areas as well.

MR. HLADY: Thank you, Mr. Speaker. Small business lobby groups have also spoken out, and they're saying that their members will be particularly hard hit under the new system of property tax collection even with the interim measures that are being put in place. Can the same minister please tell us if anything is being done to ensure the health of this vital sector of our economy during the transition?

2:30

MR. PASZKOWSKI: The interim measures as developed by the MLA education tax committee also dealt with nonresidential and recommended a cap of 10 percent. Calgary's nonresidential equalized assessment is 41 percent higher than it was last year. With the cap the city of Calgary's nonresidential education requisition will be capped at 10 percent. Once again, even though the requisition will be capped at 10 percent, that doesn't necessarily mean that it will increase 10 percent, because with growth it could actually be even less than 10 percent.

It's important to point out that the province took responsibility for collection of education taxes in 1994, and between '94 and '99 the city of Calgary's nonresidential education requisition has been reduced by 4.8 percent, from \$131.5 million to \$125.2 million in 1999. In comparison, since '94 the city of Calgary's municipal nonresidential property tax increased by about 27.5 percent, from \$153.6 million to \$195.8 million.

MR. HLADY: Thank you. My final question, Mr. Speaker, is to the Provincial Treasurer. As MLAs we often hear complaints that funding from the province to municipalities has been dramatically reduced. Can the Treasurer tell us how the current level of municipal funding compares to past funding?

MR. DAY: I'd be pleased to do that, Mr. Speaker, and also to clarify. The opposition have just announced that there's a surplus of over \$3 billion. That's fabulous news. It's the first I've heard. Oil must have gone to more than \$100 a barrel in the last few moments to be able to project that type of thing. That's very exciting, because the numbers we'll be talking about on Monday show that the surplus will not even be over \$2 billion. Certainly there's been an increase in revenues beyond what was projected, but to suggest that there's going to be a surplus of that order is staggering. So this is a first, and you heard it here today.

I can tell you that as far as dollars to municipalities, there has been an increase in the amount of money, especially with the advancing of some \$600 million to municipalities for infrastructure. There is an increase in the amount of dollars now enjoyed by both Edmonton and Calgary over the amount of dollars which they were receiving in 1994-1995, when obviously we were going through some very significant restructuring. I hope this trend continues, Mr. Speaker, in terms of the economy staying on track. They should know in both Edmonton and Calgary that, in fact, we're looking at new ways of allocating those dollars to them for infrastructure alone based on the amount of gas consumption in those particular areas.

I think it's safe to say that any way you want to look at the numbers or add them up, the city of Calgary today, the city of Edmonton today, in fact most municipalities are receiving more dollars today through the provincial government than they were in 1994, and that's something we're quite pleased with.

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

Health Information Management

MR. DICKSON: Mr. Speaker, thank you. On July 14, 1997, the government announced that IBM would design a health information system known as Wellnet and that the Alberta government would spend something in the neighbourhood of \$200 million to \$300 million over the next five years on health information technology. Now, at that time, back in 1997, the minister of health assured me that no major decisions would be made in designing the architecture of that new health information system until this Assembly had determined what the rules surrounding privacy protection would be. But it appears that the cart is not only before the horse; it's disappeared way over the horizon. The question would be to the Minister of Health and Wellness this afternoon. Will the minister reaffirm that no major decisions have yet been made in designing Alberta's health information system?

MR. JONSON: Mr. Speaker, I have recently had placed before me a rather comprehensive proposal in terms of the architecture for further development, quite frankly, because we have done some work, and we have some pilot projects which the hon. member is well aware of. Yes, I have received a proposal for an overall strategic plan as far as health information is concerned.

Mr. Speaker, we have, as all hon. members know, a bill before the Legislature – it is in second reading – which deals with the culmination of a great deal of detailed work with respect to health information. It's because we have put so much background effort into

providing what we feel is very detailed and very comprehensive health information legislation that we are wanting to proceed and make sure that this legislation is passed so that we can then turn to the matter of assessing our ability to implement the framework.

MR. DICKSON: Mr. Speaker, a plan, a proposal. If, indeed, that's the case, then how is it that Wellnet announced last October that the integrated cancer care network has "moved beyond the pilot project phase and is [now] in . . . implementation," that 9,000 newborns have been registered in the newborn metabolic screening program, that the seniors drug profile is "being rolled out to health authorities as they indicate their readiness," that implementation of the SPHINX program at 25 sites in Alberta "is expected for the Fall of 1999," and that the continuing care outcomes project has already determined a minimum data set and performance standards? How do you reconcile that?

THE SPEAKER: Please sit down, hon. Member for Calgary-Buffalo.

I'm going to give a homework assignment at the conclusion of question period, so you stay tuned. Okay?

Now, I don't know if there's a question there.

MR. JONSON: Mr. Speaker, my glasses are not quite good enough to read those documents as they whiz past the member's face, but nevertheless all of those items that he listed have been announced. There have been news releases on them. They're part of our business plan. If he is contending that it is not important to do the metabolic screening program for infants, then he should get up and say so.

The overall vehicle or network to collect and collate and keep track of the information that comes in on these very, very important initiatives, Mr. Speaker, is something to work towards because it is part of good, sound planning and action as far as future health care delivery is concerned. There has never been any secret of our intention through Alberta Wellnet to deliver these types of programs.

Finally, Mr. Speaker, what is really important – and I hope the member across the way would appreciate this – is that you need to have some pilot projects. You need to have some initiatives to show that particular major commitments such as Wellnet will work, will have beneficial results before you even consider committing those additional tens of millions of dollars which, yes, will be required to put this overall system in place.

MR. DICKSON: My final question, Mr. Speaker, is simply this: why wouldn't the minister do what he said he was going to do in 1997, which is hold off designing the architecture of the health information system until this Assembly, the elected men and women in this province, decided what the rules around privacy protection ought to be?

MR. JONSON: Mr. Speaker, there has been planning activity going on. As I've indicated, the overall architectural plan – I guess that's the proper word to use – is not in place. We have not committed funding to it, but, yes, we have committed funding to certain specific pilot projects that I think are very, very essential to have to prove the worth of the system before any long-term overall major commitment is made.

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

Children's Services

MR. BRODA: Thank you, Mr. Speaker. All my questions today are to the Minister of Children's Services. Today the government

allocated an additional \$24 million to children's services. How can Albertans be assured that these dollars will go to frontline services for children, and how many of our children's authorities are ready for these dollars?

MS EVANS: Mr. Speaker, in fact all children's authorities will be able to subscribe to the dollars. All but one have signed off on their business plans and are ready for that commitment, and one, region 12, is almost ready.

Mr. Speaker, we had noted the rising caseloads. In fact, the year that we were elected to serve, they were some 1,800 on average less than they are today. The pressing need that we see with the rising caseloads and the very expensive and high-cost specialized services for handicapped children necessitate getting some dollars out to the front line to assist all of the authorities in serving the children.

2:40

MR. BRODA: Thank you, Mr. Speaker. What is being done to reduce the number of children in our child welfare system?

MS EVANS: Mr. Speaker, I think it's responsible first of all to assess the numbers and to see what the caseload actually represents. We have already put in process the retention of an independent consultant to review the children's advocacy role in Alberta. We are in the process of developing terms of reference for the announcement of a selected independent consultant to look at the caseload.

Mr. Speaker, further, in dialogue with Albertans through the Task Force on Children at Risk, through the Children's Forum we are making sure that we target the needs that were very specific to those areas of the province that need certain services for children. I think we are demonstrating that we are transparent, community-based, and we're working hard to get it right.

MR. BRODA: My final question, Mr. Speaker, to the minister: why is there additional funding going towards child welfare caseloads when we know prevention programs work best?

MS EVANS: Mr. Speaker, there is work being done in prevention. I'd like to do a little bragging about the family and community support services of this province, that receive about \$37 million and which with their networks of nonprofit agencies and other community groups are doing significant work in parent preservation courses and other supports.

I'd also like to indicate that through the children's authorities training and counseling programs are available, and we've increased our early intervention funding from just over \$2 million to over \$18 million to provide targeted funds for children at risk, especially children in their earlier years, Mr. Speaker.

Speaker's Ruling Oral Question Period Rules

THE SPEAKER: Before moving on to the next segment, let me just follow through on what I said a little earlier in the question period. I said that at the end of the question period I was going to be providing a homework assignment. This particular homework assignment is for the government House leaders, the Official Opposition House Leader, and the House leader of the third party.

Would you kindly, please, take some time over the next several days to take your *Beauchesne's Parliamentary Rules and Forms* and look at the section called Oral Questions, and would you kindly review sections 408, 409, 410, 411, 412, and 414. You might want to review them in the context of the questions that have been raised in the question periods since Wednesday last. That's last Wednes-

day, last Thursday, and Monday, Tuesday, Wednesday of this week.

In particular, you might want to look at some of the text in *Hansard* and see if the questions raised meet this test. Number one, "It must be a question, not an expression of an opinion, representation, argumentation, nor debate." See if the questions raised meet that test. Number two, does it meet the test "The question must be brief"? Just highlight things.

Citation 409(8): "A question that has previously been answered ought not to be asked again."

You might want to review the sections in 410 dealing with the fact that "television has made a marked impact on Parliament and public perception thereof." I'm not sure what this marked impact is or what this perception is, but I've been around here for awhile, so I know how this game goes.

You might also test 410(3), which says, "Time is scarce." You might also, in terms of the analysis and the review, bear in mind that one of the objectives of the chair is to make sure that all hon. members who advise the chair that they would like to have a question actually do have an opportunity to ask a question.

So today is not much different than the last number of days. Nine members advised me that they wanted to raise a question, and they didn't have an opportunity to raise a question in the question period today. That's not dissimilar to the number previously any day this week or last week. I think it's important that all hon. members do have a chance to participate if they wish. We had nine sets of questions today in a 50-minute question period. The first set of questions from the Official Opposition lasted seven and a half minutes; the second, seven and a half minutes; the third, six minutes; the exchange with the leader of the third party, five minutes; and then we averaged approximately five minutes for the others as well. The point is that I do believe that it is important to offer all hon. members an opportunity to participate in the question period.

Hon. House leaders, I also want to point you to one other item in *Beauchesne*. Under Questions of Privilege and Order during Question Period it says:

415. A question of privilege or point of order raised during the Question Period ought to be taken up after the Question Period, unless the Speaker considers it to be an extremely grave matter.

My tradition has always been that I would deal with points of order and points of privilege at the conclusion of the question period, but effective Monday I'm going to ask the three House leaders to read these rules, share these rules with all members of their caucuses: in the case of the Official Opposition and the third party, the rules, essentially, of how you frame questions within the rules that we have; to the Government House Leader, to review all of these rules with members of your Executive Council with respect to brevity in response and the same kind of an approach the other way.

I know you have a caucus meeting. I'm sure on Monday you might want to take a few minutes just to go through this. In the case of the Government House Leader, in the case where the cabinet would meet, I'm sure that you would have an opportunity for: how do we answer questions and that sort of stuff to allow all hon. members to participate? And for the two opposition House leaders to do the same thing.

Now, it's important that I do have an opportunity to avail as many members in this House of an opportunity to participate in the question period. They were all elected here. No one is more important or less important than anyone else. All come here with a question of importance and urgency. I also will work in next week an opportunity for the hon. Member for Edmonton-Castle Downs to ask a question. So I hope that we will see many more than nine or 10 questions.

Should this appeal of mine not work, I have no hesitation

whatsoever of interrupting in terms of the question and interrupting in terms of the answer, and effective immediately Monday if there's a violation, I will also entertain points of order during the question period and deal with it during the question period. That means that the time for the question period will not be longer. It just means, quite frankly, that the opposite of what I'm hoping to have occur will occur; that is, there will be fewer questions and we'll be spending the time of question period. That is the last wish that I have. That is the last thing that I want to do. But the purpose here is to govern. The purpose of question period is not to debate; it's to seek information. We've had lots of opportunities in the last six days to practise our debating skills. Effective Monday we will practise our searching of information skills and responding to question skills.

In 30 seconds from now we'll call on three hon. members for their members' statements. Hon. members, before I introduce the first of the three who are going to be participating in Members' Statements today, might we revert briefly to Introduction of Guests?

HON. MEMBERS: Agreed.

head: Introduction of Guests
(*reversion*)

THE SPEAKER: The hon. Associate Minister of Health and Wellness.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to all Members of the Legislative Assembly friends and members of the Disability Action Hall group, many of whom I've met on a number of occasions during my PDD program review, a group with whom I've had the pleasure of speaking when the Minister of Health and Wellness and I attended one of their action hall meetings in downtown Calgary earlier this summer. Columbia College, the Calgary Society for Persons with Disabilities, and the Lacombe Action Group for the Disabled are among some of the many groups and individuals represented. They have also traveled to be here with us today to broaden support for and recognition of programs for persons with developmental disabilities.

Mr. Speaker, we met them earlier today on the Legislature steps, on your steps, with the Member for Calgary-Glenmore, the leader of the New Democrat opposition, the Member for Calgary-Buffalo, and other MLAs as well. Just to correct the Member for Edmonton-Riverview's statement, I would point out that no one forced them to come and attend, as was alluded to during question period. They were, in fact, invited by the hon. Member for Calgary-Buffalo and by myself when we were in Calgary a couple of weeks ago.

I would ask that this very special group of travelers and doers please rise and/or signal their presence in our Assembly today, and I would ask all members to warmly greet them with our traditional welcome. Thank you for coming.

head: Members' Statements
2:50

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

Stan Reynolds

MR. JOHNSON: Thank you, Mr. Speaker. I'm pleased to rise today in recognition of Stanley Reynolds of Wetaskiwin. There are many achievements for which one could recognize Stan Reynolds, including his appointment as a member of the Order of Canada just this year, but I wish to recognize Stan Reynolds on being named a member of the 1999 Alberta Order of Excellence, our province's highest honour.

Stan Reynolds was just a young boy when he began collecting almost anything that had a motor attached to it. Following his discharge from the Royal Canadian Air Force in 1945, Stan returned to Wetaskiwin to open his own business selling used cars, leading the development of Wetaskiwin's auto mile and helping Wetaskiwin become a major automotive sales centre. Stan saw an opportunity to combine his passion for collecting antiques with a profitable business, and with the motto "Stan takes anything on trade," he did. A tenacious collector of agricultural, industrial, transportation, and aviation artifacts, Stan traveled across Canada and the United States collecting machines that had played a part in Alberta's past.

In 1992 the combination of his generosity and determination made his vision of preserving the past a reality when the Reynolds-Alberta Museum opened in Wetaskiwin, anchored by major artifacts from Stan's collection. Stan's commitment to preserving Alberta's history did not end with the opening of Reynolds-Alberta Museum. He continues to make substantial gifts, as evidenced by his donation last February of 60 vintage aircraft. With this donation the Reynolds-Alberta Museum holds the largest and most significant collection of historic aircraft in Canada outside of the National Aviation Museum in Ottawa.

Stan Reynolds is an ordinary man with an extraordinary vision who has spent his lifetime celebrating the spirit of the machine. Because of his vision Wetaskiwin and Alberta have one of the finest museums of its kind in North America. Please join me in recognizing and congratulating Stan Reynolds, member of the Order of Canada and the Alberta Order of Excellence.

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

Parking for the Disabled

MR. WICKMAN: Thank you, Mr. Speaker. Earlier I tabled appropriate copies of the latest issue of the report of the Premier's Council on the Status of Persons with Disabilities, and in it there was reference to an article dealing with handicapped placards, where we saw 20,000 issued in 1992. Seven years later, in 1999, we see 70,000, which is an increase of 50,000 over this period of time.

I've had numerous complaints from frustrated persons with disabilities that can't find a stall, particularly in the winter months. I point out that Southgate shopping centre, for example, has 40 or 50 beautiful, wide stalls, all painted blue, all well signed, yet at times you can go to that shopping centre and the lot will be three-quarters full. The handicapped parking is virtually gone, yet in the mall there might be two or three people in wheelchairs.

Now, what's gone wrong with the system? Is it carelessness on the part of some doctors who are too quick to sign forms, or is it because of the private registry system? Is it because of the abuse by some individuals that may choose to want that convenience? I recognize that there are many persons that aren't in wheelchairs that do need to park close because of a mobility problem: elderly people and other people with what I call invisible disabilities.

I recognize that there is a subcommittee in place right now to study it, and I recognize there are solutions, like having wheelchair parking, which is the wider stalls, which is necessary for somebody like myself or somebody that drives a van with a ramp, and then having handicapped parking, which is the normal size for people that aren't in wheelchairs. I would ask the chairman of the Premier's council to monitor the committee to keep on top of the situation and to try and come out with an appropriate solution that will ease that problem for so many people right now.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Riverview on a point of order.

Point of Order Exhibits

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased to rise in the hon. Member for Calgary-Buffalo's place this afternoon. The first point of order we're prepared to withdraw in light of the Premier's admission that the card to which the opposition referred this afternoon is in fact an authentic card and produced by Alberta Health.

The second point of order we are citing . . .

THE SPEAKER: You have one point of order?

MRS. SLOAN: We have two.

THE SPEAKER: Okay. And you said that you're going to withdraw the first one in light of . . .

MRS. SLOAN: In light of the Premier's admission that the card the opposition utilized in question period is authentic and produced by Alberta Health.

THE SPEAKER: I want to make a comment on this whole point of order, because what we're talking about here is exhibits. This place is not a place for exhibits, and I view such waving of placards and everything else in here as exhibits. Starting Monday, we're not going to have any more exhibits.

MRS. SLOAN: I'm assuming, Mr. Speaker, that that rule will apply to all members, including the Premier.

THE SPEAKER: Oh, hon. member, I can assure you that you can assume that. That's why your statement is totally unnecessary, totally redundant, and might be misconstrued by some.

Proceed carefully.

Point of Order Reflections on Nonmembers

MRS. SLOAN: Thank you, Mr. Speaker. On the second point of order I cite *Beauchesne* 486. The Premier in response to a question by the third party leader this afternoon made a disparaging remark. I believe his intent was to somehow offend or incite the opposition members of the House, but the remark was made, and I will attempt to quote it: something about the fact that the point is that you don't have Liberal researchers. It was more of a threat and an assault to the commitment of Liberal researchers that work for the Official Opposition in this province. I've had the opportunity to work with the outstanding men and women that are part of the Liberal caucus research team now for two years. It's one thing in this Assembly to criticize, tease, or insult the members of the Assembly; it is quite another to attack members of the public service.

Thank you.

MR. HANCOCK: Well, Mr. Speaker, I hesitate to even get up, because the delicious irony might be too much to resist, that the hon. Member for Riverview would raise questions about comments made in the House about other people. I'm not going to go there.

Mr. Speaker, this point of order is absolutely ludicrous. What was said by the hon. Premier was that the leader of the third party must be using Liberal researchers. It's clearly an allusion to the fact – or

it's my viewpoint, I guess, rather than a fact, because facts are quite different. On so many occasions in this House the Liberals get it wrong. On so many occasions their information is just way off base, and one has to make the assumption that they're getting bad research. Now, we've heard the hon. member indicate that they're getting good research, so it's obvious, then, that what's happening is that they're just getting it wrong, notwithstanding their good research. Either way, the comment was simply a message that the hon. leader of the third party was getting it wrong again.

THE SPEAKER: Okay. We've had that clarification. Let's move on.

head: Projected Government Business

MS CARLSON: We would ask the Government House Leader to please tell us the order of business next week.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. On Monday, November 29, under Government Bills and Orders we would expect to receive messages from His Honour the Lieutenant Governor with respect to supplementary supply and proceed then with government motions 24 and 25; under second reading and Committee of the Whole with bills 38, 40, 43, and 44; and as per the Order Paper. Monday at 8 p.m. under Government Bills and Orders in second reading or Committee of the Whole with bills 38, 40, 43, 44; and as per the Order Paper.

On Tuesday afternoon at 4:30 p.m. under Government Bills and Orders, Government Motion 23; then second reading or Committee of the Whole with bills 38 and 40; and as per the Order Paper. Tuesday at 8 p.m. Government Bills and Orders; Committee of Supply, supplementary supply, day 1; Committee of the Whole with bills 40, 38, 43, 44; and as per the Order Paper.

3:00

On Wednesday, December 1, at 8 p.m. under Government Bills and Orders in Committee of the Whole, Bill 40; Committee of Supply, day 2; Introduction of Bills, Bill 45, the Appropriation (Supplementary Supply) Act, 1999 (No. 2) – I think that would assume, Mr. Speaker, unanimous consent of the House – and as per the Order Paper.

On Thursday, December 2, in the afternoon under Government Bills and Orders for second reading: Bill 46, Miscellaneous Statutes Amendment Act, 1999 (No. 2), Bill 45, Appropriation (Supplementary Supply) Act, 1999 (No. 2); Committee of the Whole on Bill 40, the Health Information Act; and as per the Order Paper.

head: Orders of the Day

head: Government Bills and Orders
head: Third Reading

Bill 41
Regulated Accounting Profession Act

THE SPEAKER: The hon. Member for Calgary-North West.

MR. MELCHIN: Thank you, Mr. Speaker. I'm pleased to rise today and move third reading of Bill 41, the Regulated Accounting Profession Act.

First I'd like to once again acknowledge the tremendous support of people from the department, Dennis Gartner in particular, and certainly from the three accounting organizations – the Institute of

Chartered Accountants, the Certified Management Accountants, and the Certified General Accountants' Association of Alberta – all of which have had a significant role and consultation in the development of this bill.

This bill certainly continues to improve upon the principles for self-regulation and governing principles as established for professional organizations. It will see a streamlining of three acts into one. It will see harmonization of legislation with other professional organizations' legislation. We certainly will now see that though there might be some minor concerns expressed by certain parties, everybody can appreciate the support of the members of this House, on all sides of the House, and that thanks also comes from those members of the accounting organizations.

I would like to just once again highlight that the principles outlined in this bill are to ensure there's continued protection of the public and of the integrity of the profession itself and that those aspects of the bill have been significantly improved and worked on. The ability for the public window or access to governing bodies and to appeal and disciplinary bodies has been enhanced by 25 percent participation of public members. Also, with respect to the regulatory system, it continues to be one that provides for flexibility for the businesses in the community to be able to get their work completed and also allow an efficient delivery of the accounting services at the same time.

A number of really strengthening features of this. In addition to the public representation being increased to 25 percent, the reporting and competency issues have been strengthened in the bill; public disciplinary and appeal hearings, with public participation and the openness and the reporting to the public; the role of the Ombudsman in being another avenue of appeal by the public; and certainly the registration now and the ability for the accounting bodies to monitor not just the conduct of their members but of those that practise under firms and professional service providers. The practice review policy board will continue to ensure that there is a common framework of standards used by all accounting organizations in the practice reviews of their individual members and firms. Finally, any complaint hearing and appeal processes, the segregation of duties, and the public participation and certainly the public reporting and accountability as to the competency and the ethical standards of the professions are maintained.

So, Mr. Speaker, I conclude my remarks in third reading and recognize that this will be another great step for the accounting profession and for continued efficient services and delivery of services in Alberta. Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I'm happy to speak to Bill 41, the Regulated Accounting Profession Act. This is the first opportunity that I have had to speak to this particular act. However, I have watched the proceedings for a number of years, certainly since before the accounting statutes were changed back in 1987. At that time the government made a commitment to reopen them for debate again within a decade, and the government has kept its commitment. The different bodies that have accounting acts in force right now, the three different bodies, have also kept their commitment to review what went on, to look for improvements, and in this case to look for some consolidation. So bringing these professions under one legislative banner and framework is really a progressive move and a credit to everyone involved in the process.

For a moment I'll just refer back to the remarks that the Member for Calgary-North West made on November 24 and thank him for

those comments. He talked there about answering some questions that we'd had with regard to a number of issues. One of those was committees and discipline and appeal tribunals in terms of their openness to the public, and he assured us that is the case, that they will be open to the public, taken in the perspective, however, of a balance for protection of privacy questions, certainly always an important issue to us and one that we see is going to be maintained.

He also talked then about concerns about confidential matters in the reviews that could get into intimate, personal information that would not then be information available to the public. It's nice to see that in this case the government recognized this. It's too bad they couldn't take that similar focus and apply it to other pieces of legislation that are here in the Assembly under review right now. Certainly Bill 40 falls in that category.

Taking that into account, taking a look at the principles that the RAPA used in terms of developing the guidelines for this new legislation, I certainly find no fault with them and a lot to commend the various organizations for: the degree of co-operation that went on between these organizations in terms of trying to protect the public from operators that may not be competent or ethical and to protect the integrity of the profession through conflict of interest rules and objectivity standards, solicitation in joint engagement agreements. All of those are very excellent steps that they have taken.

Previously, my understanding is that each of the separate acts had those independently, but to see them consolidated and putting all three under one roof is definitely a progressive step forward, a step that will help all companies and individuals in this province who access the service of professional accountants over time. It provides flexibility in the scope and role of the professional practice in order to improve both effectiveness and quality of the profession, including things like continuing competency requirements and practice review of practitioners, which we do see in some other professions. It is also an excellent step forward and helps the organizations, the accountants themselves, and those receiving their services to truly compete in the global marketplace and to be proud of the kind of work that they are looking to provide to people.

Certainly transparency is always an issue that we address in this Assembly and, in some cases, have concerns about. The increase in transparency in this act is a positive step forward and certainly a recognition that the people participating in this professional act have in terms of the requirements of the general public. So in working together in this manner, they have exceeded, I think, the expectations of people if perhaps not their own. Perhaps they've only met those very high standards that they themselves have been working under and have now put them in regulation.

So, once again, I would like to thank them for having done this and to congratulate them on their work and the work of the government. It won't be too often that I say that the government has done a good job, but I think in this case they have.

3:10

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

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased to rise this afternoon and add a couple more comments with respect to the debate on Bill 41. One of the items that I did not raise yesterday that I have some questions in regards to is the government's requirement that 25 percent of the representation on accounting organizations be comprised of public members. Now, this is something that I know has been applied to professions outside of the accounting profession. It's certainly something which in the health care sector has recently

become a requirement for professional disciplines, and I as a registered practitioner do not recall any consultation about how that figure was going to be set or why.

As the hon. member may know, prior to the mid-90s most organizations had one or two public representatives, who were nominated and appointed by government. They now, it seems, across the board want to increase that to 25 percent. Now, I can't help but be a bit suspicious of that, and I wonder why this government would feel the need to have a larger representation. All of the people who would be elected to sit on those boards would be registered with those organizations and therefore would have to be working practitioners of that profession and also taxpayers in this province. There is an obscure differentiation of public interest when you say that you must have, quote, unquote, public representatives at 25 percent, the other 75 percent elected from the profession.

I've never actually seen an outline of what in fact the job description for government's public representatives is in professional organizations, and I'd like to see that. There may be a descriptive outline in regulations. It's certainly not contained within this act. What in fact is the role of those individuals, and how are they funded to act in the public interest on those boards? My understanding is that they receive a per diem and expenses for serving on those organizations. But how in fact, hon. member, do they represent the public? Those specifics are not clear.

As we all know, there are times when organizational boards have very difficult decisions to make and there's a dilemma about the decision and how to balance the interests of all parties. My fear is that somehow government wants to increase its ante on these respective boards by having appointed people, that they choose, taking part in a larger fashion in the decision-making process of these organizations. It is a trend. We've seen it in other pieces of legislation. It certainly came up in the Health Professions Act. But there are not a lot of descriptors or explanations as to why it is the case, and I think the public, to which these representatives are to report and account, should have some explanation of how in fact they are equipped and funded and authorized to represent the public.

One of the things that has also become apparent, Mr. Speaker, as this trend has taken hold is that then organizations start to limit the expression by the public at their board meetings. They will say: all right; we'll have an open question period or open forum for 30 minutes. It's only during that 30-minute period that any members of the profession or any members of the public that wish to raise questions can do so. Otherwise, despite what might be on the agenda, what decisions might be made or how they might affect members of the public or other members of the profession, those people are silenced from speaking during those points of business on the agenda. Now, that is, again, in reference to a different trend that's occurring in a different profession. There are just some nuances about that that bother me and that have not been fully explained to my satisfaction.

With those comments, Mr. Speaker, I'm prepared to conclude my comments.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I'm pleased to be able to join in the debate at third reading of Bill 41, the Regulated Accounting Profession Act. I'd like to agree with my colleagues, the previous two speakers. I believe that a good process has been followed in the development of crafting this legislation. It's certainly something that has been requested from the bodies that are involved. There appears to have been consultation, and it's been carefully drafted as a result of that. Most of the items that I see in the bill I would believe would be of benefit both to the professions

and also to the public that they indeed serve. I am going to follow up on some of the points that have just been raised by the Member for Edmonton-Riverview.

I have been a public member appointed to a particular board, and certainly it's a noble idea. There are good things that should be coming out of that, but I think there are cautions to be dealt with and incorporated into that, as well, because there are assumptions that are made. I think that having members of the public – if they truly are members of the public and not involved directly or indirectly with the profession that is being regulated here – will assist indirectly, almost by osmosis, the other members on the board from becoming too insular, from believing that because that's their everyday experience, it must be so for the rest of the world. Having that other voice there, that third eye, if you want to put it that way, can assist people to understand that just because it's their reality doesn't mean that in fact it's the way of the world. It brings in those other voices.

If done properly, it can also have the effect of helping to educate the public, because the public members who sit on the regulatory body or the licensing body do become educated about the profession and are able to pass their newfound knowledge on to others in the public. That's the ideal. That's what we should all be expecting would happen as a result of this process. It certainly has been open, I think, in some cases to sort of a slide, a loosening of understanding, and one of the most important things that has to be done – and it's part of a process as well – is to make sure that public members coming on these boards in fact have a very clear job description of the expectations of them and the expectations of everyone else, that they feel empowered to be able to speak out and draw everyone's attention back to what they're there to do.

Certainly it's been my experience that a person comes onto a body like this and they're told in a very offhand, informal sort of way: well, this is what's supposed to be happening. But when you actually get into the debate and you're looking at the items that are brought before the committee, the public member can be discouraged from doing that: well, that's not the way we do things here. The whole effect of having a public member or members on the committee is then negated, because essentially they're shushed by the other members of the professional body. That is not the point of what's being attempted here.

3:20

I think it's important, as this is put together, that the lessons we have learned from the past are well learned and that every step is taken to make sure that those lapses do not continue to occur. The public, in hearing that there are public members appointed to a body, believe that their interests are now being looked after one hundred percent. In fact, they may not realize that that is not possible given the process that's set up, not possible given the regulations that they're operating under and a number of other reasons that would hinder that.

I think one of the major points in having public appointees on regulatory and licensing professional bodies like this is so that the best interests of the public are served. We have to be vigilant in making sure that indeed that is followed through and is allowed to happen. There are many lessons out there to be learned if anyone cares to dig a bit and gain from the experience of other groups. Certainly we've got plenty of examples in front of us.

Now, I was pleased to see the registration process that is being set up under this legislation, that the registration standards will be established and administered by each respective accounting organization rather than the current practice of using the Universities Co-ordinating Council, and, particularly, that dissatisfied applicants

who have been refused registration have access to appeal. I can remember going through a fairly lengthy process to try and assist a constituent who was in a similar situation. In the end you see that a third-party review can be done by the provincial Ombudsman.

Now, I also note that the Ombudsman is not empowered to overrule the decision but is only empowered to make recommendations that could result in a rehearing of the matter or a reopening of the case. He can't simply override the decision, but for people that are frustrated in their attempts to achieve satisfaction, an appeal process is very important, and it's a very important component of a democracy. So I'm pleased to see that that is in there, even given the restrictions that I've just mentioned.

I think it's important that the practice review committee is "to promote high standards" in public accounting and "improve the competence of the profession." Absolutely. It should go without saying, but I'm glad to see that this is being incorporated in the proposal before us.

The access to information is of great interest to many today on this subject and others, but I will limit my remarks to Bill 41. Each accounting organization is to "keep and maintain . . . information about a registrant [including] the registrant's name and business address," their status, terms of any offence, unprofessional conduct, or suspension, and the publication of findings. I think the concern here is always the use of that information. Perhaps I might issue a caution that the information is both available and accessible to the public but at the same time ensuring that it couldn't be misused. I think there were some examples where lists of registrants of professional organizations were obtained and then used as a target market mailing, which is not the purpose of it, another caution to be careful of.

Those, for the most part, are my comments at third reading of Bill 41. I am pleased that this has been, to my eye, as I understand it, a positive process, and echoing my colleague from Edmonton-Ellerslie: it's credit where credit is due. So with those few remarks I shall take my seat.

Thank you, Mr. Speaker.

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

MR. MacDONALD: Thank you, Mr. Speaker. I, also, have a few remarks to make at third reading of Bill 41. I haven't changed my mind; I still think this is good legislation. Hopefully we will have many, many years in this province of accountability in the accounting industry as a result of this.

We need to discuss, however, and review a few issues here. The hon. Member for Edmonton-Centre talked about public accountability, the role that that will have. What we need, simply, for the accounting profession is public confidence. I believe, as she has outlined, that is in direct relationship to public accountability. What would happen if something were to go wrong? That is where the role of the Ombudsman comes in. One of the cautionary notes I have about Bill 41 is that when you have this independent third-party review by the provincial Ombudsman, whatever the complaint is, the provincial Ombudsman cannot overrule the decisions of an accounting organization, its governing body, committee, et cetera. I would be curious, and perhaps later in the debate the sponsor of the bill can enlighten us.

A practice review committee will be established, as I understand it, for each accounting organization. Now, the purpose or, some would say, the use of the practice review committee is "to promote high standards" of public accounting and to "improve the competence of the profession." I think the profession in this province is

very competent, very able, and as I said before and think it's worth repeating, it has the confidence of the public. The practice review committee may conduct examinations "of professional conduct and practice standards" of accounting firms and recommend improvements.

How will the public be aware of the practice review committee? Is there going to be an advertising campaign by the professional organization? Is there going to be a telephone number? Is there going to be a fax line? Is there going to be a web site so that people, if they have any concerns or if they have any questions, will know whom to contact? I have not in the analysis of this bill seen anything like that. That may come later; that may come through the course of the professional organization. I don't know. If any hon. members could clarify this for me, I would be grateful.

Then we have the practice review policy board. This is composed of the chair of the practice review committee and one member of each accounting organization, and of course the members of the public are here as well. This review and approval is almost like a checklist. I hope this checklist, Mr. Speaker, is very thorough because, again, we have the whole issue of public confidence.

3:30

Now, I would also like to spend a few minutes reviewing the access to information, and this is in a totally different context from what other people may think of. When they think of access to information, they think of Bill 40 or they think of FOIP, but Bill 41 sets out the types of information which the public can have access to. Under the current statutes Albertans who want information on a registrant in the accounting profession are able to obtain that information from a public register. Now we're going to have a little bit of difference here. Under Bill 41 each accounting organization "must keep and maintain . . . information about a registrant, [including] the registrant's name and business address" and the registration status of the registrant, including the terms of any offence, unprofessional conduct, or suspension, and the publication of findings by a hearing committee, appeal committee, or any other governing body.

Mr. Speaker, I have some concern that information may not be as available or as accessible to the public through the auspices of each accounting organization as it is under the three current statutes under the overall public register. I raised a similar query before at second reading, and I have yet to receive a satisfactory answer.

I know that each accounting organization is required to submit an annual report to the minister. This annual report is going to consist of the following information, I understand from Bill 41: "audited financial statements" and statements of

the number of complaints received, the number of complaints referred to the complaint resolution process, . . . the number of complaints disposed of, the number of hearings held, the number of hearings closed to the public in whole or in part and the number of appeals.

This is of course a change from the current statutes, and I hope everything works out as it was planned.

Now, Mr. Speaker, the complaints inquiry process. As it's outlined here, the investigation process, the discipline tribunal, and the appeal tribunal are to be separated in order to eliminate any potential conflict of interest. I think this is a very good idea. However, the public is not represented at the investigation stage but has a 25 percent representation on the disciplinary tribunal and the appeal tribunal, and all decisions are appealable to the complaints inquiry committee.

[Mrs. Gordon in the chair]

Now, is this process, to the hon. Member for Calgary-North West, established in this manner to allow more flexibility, efficiency? I'm just curious to know. We need to have a look at the powers and duties of the discipline and appeal tribunals and how vacancies in that office by a public member would affect the governing of this act. We also need to consider certain situations defined as matters of "public security," where committee meetings and discipline and appeal tribunals hearings may not be open to the public. Now, what would be defined as a matter of public security? Would it be, for instance, something like the investigation into the Alberta Treasury Branches? Would it be an investigation into suspicious loans, be they by commercial banks or by a government bank? These are questions that I think need to be asked and need to be answered. Whenever we think of matters of public security and whenever we think of how much money has been squandered by past governments in industrial strategies and developments that have all gone wrong, it is curious how we can have this defined as matters of public security.

I certainly don't think we're talking about an act of war or a natural disaster or anything like this. We're talking about perhaps the loss of millions and millions and millions of dollars of taxpayers' money. I hope that never happens again. Hopefully all hon. members have learned their lesson from the past, and I can go confidently over to a school in my area and say, yes, we have learned from our mistakes and we're not going to repeat them. I would certainly be speaking only for the Official Opposition because I'm not sure about that, Madam Speaker. I think research will indicate to us that there is still the odd dollar spent in a reckless manner. "Public security" in this bill is an issue for me.

Now we have the issue of information on registrants, which may not be as readily accessible to the general public from the accounting organizations as it is currently from the public register. I spoke about that a little earlier. I don't think that that concern of mine will in any way erode public confidence in the accounting profession because it is high, as I said before, and it is an able, well-governed, competent profession within this province.

We spoke a little earlier about the provincial Ombudsman. I'm disappointed that the provincial Ombudsman cannot overrule a decision of an accounting organization. Now, I guess I could say that I'm disappointed about the role of the Ombudsman throughout this province. I thought we could have whistle-blower legislation at one time in this province, where someone could quietly go to the Ombudsman and say, "This is wrong," or, "I would like to bring this to your attention," and that person, he or she, would know that there is no harm in doing this, that they are not going to be penalized, whether that be getting fired from their job or not considered whenever there's a promotion, anything like that, any form of intimidation. The Ombudsman could play a very important role, just as he or she could whenever there was the idea of whistle-blower legislation, but here once again the role of the provincial Ombudsman is that he cannot overrule the decision of an accounting organization. It's just another check and balance in the system. Hopefully it would never be used, but in case it would be needed, it would be there.

Now, with those comments, Madam Speaker, I would like to conclude my remarks on Bill 41 at third reading. If the sponsor of the bill, the hon. Member for Calgary-North West, can answer any of my questions, I will be listening keenly.

Thank you, Madam Speaker.

MR. WHITE: I rise today to congratulate the government. The Member for Calgary-North West and the Member for Calgary-

Glenmore can feel joyous once more that a member from this side of the House is congratulating them on a very, very good bill. I have a few observations, having been a longtime member of another self-governing profession in this province, and the observations are these.

This particular bill does something that many professions are unable to do in that it brings three organizations into one bill. They all have a common purpose, of course, being self-governing in this province. They have rules of governance that start with the fundamental protection of the public interest. Of course all professions, in order to be self-governing, manage themselves and their members in that manner.

3:40

The definitions of the three professions are a little vague for this member, although just being a consumer of these services, I'm not quite sure how one would define and put in solid categories each of the associations and their members and their professional capabilities and the limitations of those. They seem to have worked it out rather well, and hopefully they'll minimize the confusion of the various functions performed in this society by Albertans. We are not about to satisfy that concern with any governance model and certainly not a governance model that cannot be completely managed by a bill.

There is one concern that I do have, and prior to the completion of my remarks I should like to put that one on record. It stems from the maximum allowable fine for one in the profession that has overstepped the bounds and by a judgment of a peer group has been found to do so. That is the maximum limit of some 20,000 dollars. I find that to be exceedingly low if it is meant to be a deterrent for things of the nature of reading and auditing a document from an organization that after the fact of course is explicitly found to be contrary to the law and has done everything possible to get around the law or get around repayment of loans or something.

I cite a number of examples that we know well in this House: MagCan, potentially some of the Pocklington organizations that the Provincial Treasurer and the Treasury Branches are now chasing. There are obviously audited statements of those entities, and in the final analysis there'll be someone that will have to stand up and say: yes, I as a professional signed off those documents, and they were found in a court of law to be in error. In fact, someone has to be found culpable. A \$20,000 fine limit is certainly not a deterrent.

I know that in my particular profession that limit would not be sufficient for a deterrent. I may be misreading the intent, because certainly in the legislation there is no line that says: this is the intent of this maximum fine. I didn't hear any arguments made, outside that which is included in *Hansard*, on this particular matter. I just raise it as a concern of a consumer of accounting services in this province as well as a citizen of this province that ends up paying for the vagrancies of those found to be in contravention of these acts. Those kinds of fines, in this member's view, could not be used as a deterrent at all.

Having said that and setting that aside for a moment, all professions are self-governing, and the one I'm most familiar with is APEGGA. Associated engineering-related professions can in fact define themselves and their work well enough, but we haven't been able to move together, nor perhaps will it ever occur, those professions that call themselves engineers. There's notably one, the steam engineers, which in fact in definition under the current act are not engineers. It is in clear contravention of that act, yet there isn't enough provision for contravention of that act in that act or that I can find in this act that would prevent people from encroaching ever so minorly and over and over again.

Of course, for all of the professions the acts that govern them are

simply a balance, trying to balance the needs of the public to guarantee some quality work such that the general public can have knowledge that there's a certain number of tests that are required for a member of the public to become associated and registered in one of these associations and then a certain standard that must be maintained, whether it be continual reregistration or proof of continual education or just a submittal of current work that is attested to by peers to be of a quality sufficient to maintain registration.

Now, it's good, on one hand, to balance the need of the general public to know that that's being done. The other need of course is from the profession itself to protect its members from those outside the profession that would call themselves and market their services as having ample experience in these areas to offer their services to the public. The members must have the opportunity in law to challenge those people as to what their qualifications really and truly are and to examine those qualifications. If those qualifications do not meet those tests set out under the act, then of course those people can be prosecuted in law and must cease and desist in the operations that they are currently engaged in, which is offering those services to the public.

Now, that balancing act is exceedingly difficult to manage on a day-to-day basis because it deals with individual cases. To set those tests and those borders is difficult for any kind of self-governing organization, but that was and is the charge of the self-governing organizations since their inception. This document, I believe, not having read every section but covered quite a few of them now, does just that. It attempts to protect the public and the members in good balance.

The ultimate protection, of course, is having third parties, those that do not receive their primary sustenance from the practice of the profession. That in fact is taken up by members of the public, that are named by the government to sit on the governing body of each and every one of these associations. All this member can do and the best one can do is to trust that the government will appoint those members of the public that are not biased in any way. Even if they do happen to belong to all one political party, at least let's hope that those people are chosen with care so that they do what they're charged to do first and foremost, protect the public.

The last check and balance, shall we say, is included in the Ombudsman section. This act does invite the Ombudsman to hear appeals of the governing bodies by the public in a fair and just manner. The difficulty of course is that the judgment of the Ombudsman does not appear to be able to overturn a judgment of the professional organization, which in fact, from some of my colleagues here certainly, would not sound appropriate, although it is a public hearing. With that public hearing in practice what should happen is that if the Ombudsman is sufficiently unsure, shall we say, of the findings and the judgment of the governing professional body, he would in terms polite but quite pointed point out these potential errors. In fact, it is my best judgment that when this does occur – and it has occurred in the past – the governing body does take that into account and has in fact reheard cases or overturned judgment in other subsequent cases that have a similar set of facts.

To the drafters of this bill and to the sponsor I say thank you very much for the opportunity to see a bill come forward that in fact does everything we wish it to do, and here's hoping that it need not be revised for a good number of years and it stands a good test of time.

Thank you, Madam Speaker.

3:50

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

MR. WICKMAN: Thank you, Madam Speaker. I don't pretend to be as knowledgeable about Bill 41 as the previous speaker. He has the advantage of having been part of a professional organization that is governed by provincial legislation. However, I just want to make a few short comments, and then I believe we probably can wrap up this particular bill.

This is an example, I think, of a couple of aspects. One is that when organizations work together, they can come up with a solution that satisfies all parties, and that makes it so much easier for all Members of the Legislative Assembly to deal with, very unlike some of the bills that we see coming forward. The advantage to this particular process, I find, Madam Speaker, is that they're given the opportunity to sit down as three different groups and work out their differences, if they are there; in other words, come up with something that is acceptable to all. And government gives them that opportunity to do it, which is great. But I don't understand why in other instances the same opportunity isn't given to all the organizations that want to be part of the process. Look at Bill 40, for example, and Bill 37 even more so, of course, which comes in the spring for strike three. Again, if government gave the opportunity for the affected parties to sit down, draft legislation that would address the concerns, with the limitations in the legislation, it could then possibly come forward in a form that would be acceptable to all parties in the House.

This process, Madam Speaker, points out that we as an opposition don't oppose for the sake of opposing. If a piece of legislation comes forward and it has followed the proper process and it's a good piece of legislation, we support it. We speak in favour of it, and we vote in favour of it. That's a message to government, that if you do it right, you don't get opposition from this side of the House. It really isn't that difficult for government to do if they put their mind to it.

Now, with the bill itself there's only one point, really, that I want to address, and the Member for Edmonton-Gold Bar touched on it. That's dealing with the limitations of the provincial Ombudsman in terms of his inability to overrule decisions on various aspects that pertain to this bill. Now, why the limitations are placed on there in terms of not only the legislation itself or the body that's involved but on the Ombudsman himself I don't fully understand. There's a tendency to form authorities, powers, and such and then limit their abilities.

For example, if you look at the provincial Ombudsman, we see the limitations the provincial Ombudsman will have in not only dealing with this particular piece of legislation but also, for example, with the Workers' Compensation Board. The Ombudsman can deal with certain aspects of the Workers' Compensation Board if it's based on a technicality, something that went wrong in the appeal hearing, but not on the merits. Again, we see an example of the enforcement powers of the provincial Ombudsman being limited. I experienced the same thing on many occasions with the Landlord and Tenant Advisory Board, where you establish a body, you pass legislation, but you limit the powers. In that particular case it's limited to basically being an advisory committee without the authority to actually make decisions that can resolve disputes between landlords and tenants.

Madam Speaker, I don't want to prolong this piece of legislation that we support, but I just wanted to touch on that one point, get that on record. So on that note I'll conclude, and I'll commend the government for a good piece of legislation.

THE ACTING SPEAKER: Thank you.

[Motion carried; Bill 41 read a third time]

Bill 7

Alberta Health Care Insurance Amendment Act, 1999

[Adjourned debate November 22: Dr. Nicol]

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

MS CARLSON: Thank you, Madam Speaker. I'm happy to speak to Bill 7, the Alberta Health Care Insurance Amendment Act, at the stage that it's at now, which is third reading. When you first look at this bill, it doesn't look like a very big deal. It's just a couple of pages long, and you'd think there would be nothing in here that people would be too concerned about until you start to read it and you look at the intent of this particular bill. So what is it that Bill 7 accomplishes?

It provides the minister with more power to make regulations with regard to the public health care system, allows that minister to deny payments to providers under the plan if the claims are not submitted properly in terms of how the minister says proper is. It also provides for a system of fines: on the first offence \$1,000 and \$2,000 for the second and each subsequent offence for physicians or dental surgeons who bill clients for insured services. You have to ask yourself the question, when you take a look at this bill: why would they do this?

Certainly my understanding is that the department of health already denies claims if information is not properly supplied. That makes sense. You clean it up. I've seen some of those claims that have been denied. They come to the doctors' offices and have to be reinvestigated or corrected or resubmitted or explained why this particular billing code was used when that wasn't.

Incidentally, it's not that hard for a doctor to make a mistake on the billing codes. If you take a look at the billing code book itself, it's very thick, very many pages, and for many of the same procedures there is a large variety of options that you could bill under. Even given that, there is already a provision that claims can be denied, and they are denied. It is a complicated system to work through, in my opinion, requiring substantial additional costs for the practitioners in terms of support staff and the paperwork involved with processing the claim. This can already be denied, so that can't be the key intent of this bill. The minister of health is already responsible for establishing policy with regard to the Alberta health care insurance plan, so that can't be the key intent of this bill. The only thing, really, that's new in this particular bill is the inclusion of fines for docs or dental surgeons who direct bill their patients. So, Madam Speaker, you have to ask yourself: why would they do this?

Well, if we take a look at the history of this bill prior to its drafting, we see that during the last round of negotiations with the government the Alberta Medical Association threatened to have their members start direct billing patients, forcing each of them to submit a claim to the department of health for reimbursement. So now let's ask ourselves the question: why would the doctors have done that?

In this province there has been a long-standing excellent relationship between the docs and the government. They've negotiated through processes in good faith on both sides, and ultimately satisfactory arrangements have occurred. What has the government done this time that has pushed docs to the position where they would make this kind of a threat?

4:00

Well, we know what's happened, Madam Speaker. We know the drastic cuts that we've seen in health care, this huge health experi-

ment, social experiment that the Premier has undertaken since 1993, and that experiment has put a huge amount of stress and strain and additional costs onto the backs of primary care physicians and has increased the risk too. There's no doubt about that.

It's because of some of those reasons that docs felt they had to come to the table, and after the government not listening to what they had to say and not negotiating in the kind of faith or goodwill that was expected, they came forward with this particular threat in terms of direct billing of patients. What would have been the consequences of doing that, Madam Speaker?

Well, this would have required the department to manually process every physician claim. In truth, what would happen there is that the department would now have to do exactly what the physicians have to do, which is manually process each claim. So they would have seen how expensive that would have been and how much manpower is required to do it. Clearly, the department does not have enough staff to process thousands of claims manually. However, they expect the physicians to provide that kind of support even though their billings haven't increased.

In fact, Madam Speaker, I've seen over the course of the years what's happened. The size of the billings for some services has decreased, has shrunk. Often when they submit the claims, the claim is for a certain dollar amount and it gets kicked back by the system saying: no, we don't want you to claim that one; we want you to claim the lesser fee. That has resulted in lots of problems within the system for both patients and docs that have not yet been addressed but which we will be happy to address in the future at the appropriate time.

Now, if they did this, the government would have to do a manual process like the docs do, and the government doesn't have enough staff to do that. So the government doesn't want to do that either, and they don't like being dictated to by anybody. Certainly we as the Official Opposition have seen that over the course of the year. So what did the government do, Madam Speaker?

The government took a heavy hand and a heavy foot and braced them firmly against the neck of the AMA and brought forward this bill, because the department has then taken a bargaining chip away from the AMA. What they've said in effect is: don't threaten us; we're bigger than you and we have a larger stick, and we're quite prepared to use it. And they are using that stick. They're using that stick with this particular bill.

What they did with this particular bill is try to ram it through this Legislature in record speed so that nobody had a chance to react to it. Well, fortunately, the Official Opposition saw what was going on here, and we did our job, I think, in that regard. We're starting to get some feedback from those docs who are being affected by this bill, and, Madam Speaker, they're not very happy campers.

I think everyone in this Legislature has seen some of the media advertising that has come forward on this particular issue, and I know that we will see more. Each constituency office has had calls from doctors and constituents, patients, people who use the system who don't like this, who are just beginning to understand it. People phone and they want to actually understand what the bill does and the intent of it. It takes some time to explain that, but of course we are happy to do that. I've had four complaints in my constituency office where people have phoned government members and not got a response back or an explanation back. I'm happy to undertake that. But here's what's happening. Here's the kind of feedback that we're getting from the docs on this bill, this bill which is prohibiting them from providing insured services and charging or collecting amounts, putting in specific regulations that talk about who can submit a claim and the form and manner in which it's to be done,

which is a heavy-handed way to move forward on this.

The docs are saying that this is a stepping-stone to American HMO-type medicare for Albertans. That's an interesting position to be in at this point in time, when we're seeing the Premier aggressively promoting two-tiered health care in this province. The Premier had this in mind, apparently, some time ago, because this bill was brought in before Bill 40, the Health Information Act, and some of the other health care issues that we're seeing. So, clearly, they've been laying a path for Albertans to be forced into a position where we have no choice but to live with two-tiered health care whether we like it or not.

This Bill 7 is based on exactly the same principle. Whether the docs like it or not, the heavy hand of government has come down and is going to squash them if they don't do what they want. Docs aren't very happy about it, though, because it gives Alberta health care the power to tell physicians how they must deal with their patients when billing for medical services insured under the Alberta health care insurance plan, and as my colleague said, it's really about a power struggle. Who's bigger here? Who's got the most clout? Who has the biggest stick? Who at the end of the day will win? And what about the collective bargaining process? Docs went to the table in good faith, and this is what happened to them.

In a struggle like this, what happens? It costs money, and where does the government get their money to provide the biggest stick and the most clout? They get it from the taxpayers of this province, those same people who need to use the services of the docs. So people end up having to pay for a fight to see who can outbully whom, and the government is going to win on this one, Madam Speaker, because they have unlimited resources. They have our paycheques as unlimited resources. They have access to them, and they really don't care who gets in their way. They're just going to do it. So what happens right now? Why would they want to deny payment to doctors when currently only 1 percent of the claims for services that come forward to Alberta health care from physicians require some other kind of documentation that isn't billed electronically? What about patients who pay physicians directly and then submit their own claim to Alberta health care? This really happens. Both of those cases rarely happen in this province right now, but they can never happen with this bill, so choice has been taken away from people.

When you take away their choice, you take away their freedom, and for a government that espouses that less government is better and more power to the people, we've seen a steady slide, an erosion in terms of maintaining the rights of people and their own personal freedoms. This bill is another indication of that. This government, regardless what the issue is, says: do it my way or else. On this particular issue they've said it not just to the people, in terms of them not being able to go directly to Alberta health care for reimbursement of their medical fees, but to the docs who can no longer follow some of the options they previously had.

Alberta health care has long said that nobody will be denied medical care even if they haven't paid their health care premiums, but what the department hasn't said there is that it doesn't automatically pay physicians for providing this care. Certainly I know several instances where docs have submitted claims and they've waited a long time for payment, three to six months, nine months. You know, in the private sector if somebody has to wait for their payment for more than three months, they send that company who's in arrears to a collection agency. Well, how do you send the government of Alberta to a collection agency, Madam Speaker? I'm not quite sure how that works. Certainly they should have the right to do that, but it doesn't seem to be a practice that can be followed

in this instance just because of the nature of government. Yet if they feel like not paying, they don't, and it happens lots. They make errors too.

The issue of denying a billing doesn't even talk about the number of errors that occur in the process right now. I'm sure that every doctor in this province would be perfectly happy to provide us with examples of the kind of disorganization there is at that level in terms of their payments now. So what's happening here? Alberta health care can do exactly what they want because they have the clout of the government behind them, but Alberta Health expects physicians to donate care and to subsidize the health care system. Why would they do that?

Doctors spend a lot of time and money training. They spend a lot of time and money keeping their skills honed so that they can provide the best possible care to patients in this province. They spend a lot of time and money on the administrative aspects of their practices. Why should they be expected to donate anything more? Why should they be expected to bring more to the bargaining table than anybody else in this province? Why should they have to pay the price if they refuse to do that, which is well within their rights to do? [interjection] Well, we don't have those answers. We're hoping that the government can tell us why that's the case. So what happens now with people who don't have valid Alberta health care cards?

4:10

When you talk to the docs and the emergency docs, they estimate that about 10 percent of patients do not have valid health care cards now. But Alberta Health does not have a process by which these doctors can immediately verify the status of a patient. They provide the care, of course. They provide the care to everyone who walks through their door, regardless of whether they have current status or not, but they don't get paid for those services, Madam Speaker. If that person doesn't have a valid card, with this bill they won't have any options. That will just be a cost that they have to absorb within their operating system because they'll have no opportunity to direct bill. I don't think lawyers do that. Do lawyers ever have to do that, not be able to bill anybody for services?

MS LEIBOVICI: Forget it.

MS CARLSON: Forget it is right. Certainly not in anything that I have experienced. Who else? Right now they have no choice. They don't get paid by government. [interjection] Madam Speaker, we have a minister here who seems to be quite eager to enter into debate, but he's under some misconceptions. He's saying that lawyers don't follow that practice because they don't get paid by government, but in the case of a patient who doesn't have a valid Alberta health care card, docs don't get paid by the government either. So who do they go to for their money?

Before this legislation they could conceivably direct bill that patient if they wanted to. When this bill comes into effect, they absolutely cannot do that. So they just go, "Oh, well; too bad; I absorb that cost," and move on to the next patient. Well, how can you do that? Is that a reasonable expectation of a government, to expect any profession to do that, to donate their time in that kind of regard? I don't think so, Madam Speaker. I don't think they should just roll over on this one and allow that to happen. I would like somebody in the government to address that particular drawback in this bill for me, and certainly I don't think there is a reasonable explanation for it. I'm sure that lots of people would like to know how that process works.

You know, I get a lot of comments in my constituency office about people who don't want to pay their Alberta health care fees for a variety of reasons. They just don't like having the fee system. They don't think it's fair that this province has it when many other provinces don't. They feel that they don't access the health care system that often, so they shouldn't have to pay a premium for a service they're not accessing. If you also add to that list that they know that if they don't pay their premiums, they're still going to be able to get medical treatment and nobody will come after them for the money, then how big is that list going to be? Right now doctors are saying that it's about 10 percent of the people. Well, that list could conceivably grow to a very large number, Madam Speaker, and I don't see any provisions in this legislation to speak to that and talk about how the government intends to address that. I don't think they are.

Bill 7 has a couple of other drawbacks. It certainly flies in the face of promises to limit government interference in how Albertans conduct their businesses and professional and personal lives. Well, we see time and time again this government say: we're out of the business of being in business. But here they are, meddling one more time in a profession, Madam Speaker, and it's certainly nothing that we can support.

Another drawback is that this contravenes the government's goal of reducing bureaucratic red tape. Of course, every time you add more regulations and more rules to follow, for anybody who has to follow those rules and show the paperwork to show they have followed the rules, we've got more bureaucratic red tape occurring. Physicians have a shrinking pie in terms of money they can access. The government has just dumped another layer of bureaucratic red tape on top of them and told them to smile and be happy and accept it. Well, why would they do that? I don't think that's a reasonable argument to support moving forward with this bill.

This bill also then attacks the doctor/patient relationship, which is something that I've always considered to be sacred. I'm quite unhappy the government would be willing and quite able and quite prepared to sacrifice aspects of that relationship, and once again I wonder why they would do that. Why would they erode the confidence and the ability of people to go to their docs and get the kind of required care that they're looking forward to and, of course, the huge issue of that stepping-stone for Alberta Health to start to behave like an HMO and just become more of a big brother hand than they are?

Certainly HMOs have been criticized internationally for putting profits before quality care and for dictating how physicians must practise medicine. I don't think that's something we want to see in this province, and I don't know why the government would move down that road. It's certainly contrary to all the rhetoric we've been hearing from the Premier for a long time, most particularly since we came back into session.

So with those comments, Madam Speaker, I would like to voice my concerns on behalf of all of the doctors in this province who are adamantly opposed to this bill and who are going to continue the fight against it. Because there has been such a large outcry of opposition against this bill, at this time I would like to introduce an amendment. [interjections] Okay; I'll wait to introduce the amendment, because I see other of my colleagues wish to speak at this time.

THE ACTING SPEAKER: The hon. Member for Edmonton-Centre. [interjections] I'm sorry, but I noticed the hon. Member for Edmonton-Centre first.

MS BLAKEMAN: Sorry. I know that the Minister of Justice is

eager to join the debate, and I look forward to his comments. I will try and keep mine to the point to allow him time, but the afternoon is young.

I am pleased to have the opportunity to join the debate and comment on Bill 7, the Alberta Health Care Insurance Amendment Act, 1999, in third reading. It's interesting. I look at the bills as they're brought forward, and I say: "Is there a problem? Yes? No? Will this bill be addressing the problem? Yes? No? Is it really necessary at this time? Yes? No?" I have to say that the answers were no to all of those questions up to now.

Now we're in third reading for this bill, so we're looking at the effect of the bill, and I think there are a number of effects that will come if this bill passes third reading. One of the most obvious ones to me is a souring of relations between the doctors, the AMA, and the government, an erosion of trust between the doctors and the government. We don't have to cast our memories back that far to think of times when the relations between these two groups have been pretty acrimonious, and that's always really frightening to the public, to the citizens of Alberta.

That's frightening to the public because inevitably what comes out of that is a fear that doctors' services would be withdrawn or perhaps the government wouldn't be providing the coverage for the service. I mean, there are all kinds of fears that could arise in the public about that. I think I'm more concerned about what it says about the government's attitude and relationship to having ongoing respect and trust with a representative professional organization, as we have with the AMA, and they are some concerned. I mean, the AMA has been very effective in getting information out detailing in no uncertain terms exactly what their concern with this bill is. I think the souring of that relationship between the government and the doctors is going to be one of the effects if this bill should be passed.

4:20

I think also another effect of that is the light that is cast with respect to collective bargaining. Two aspects to that. One is: what can the AMA expect from collective bargaining if this is the way they feel they've been treated by the government? The AMA has been very clear in saying: "Why did you do this? We didn't ask for it. We don't understand why you're doing it. You haven't been able to provide us with information about why you chose to put this legislation forward. Why are you doing this to us?" It's very difficult for there to be a good bargaining process as a result of that, when you've already got one side going: "You know, you guys have betrayed us. This didn't work for us at all." "Why on earth did they bring this bill forward?" they keep asking. "It's not serving anyone's interests particularly." That's an effect of this bill and not a good one and I think one of great concern both to us as legislators and to the public.

A second effect that I see of what is contained in this bill – and I think it's far more frightening and has much further reaching implications – is the connection to private health care. In this process that we have in the Assembly, it often takes a long time for the public to catch on to what the bills are, actually for the public to catch on that we're in session at all, and what's being discussed and what the issues are and what issues of concern should they be particularly alert or alive to.

Obviously the other bills we're debating at this time are in the mid 40s, so Bill 7 has been up and debated by, I think, almost every one of my colleagues over an extended period of time. It has given both the group that's most concerned with this, that being the doctors, and the public an opportunity to have a look at this and begin to realize what the effect of this could be on their lives. Certainly what I've

heard and what's coming back to me in telephone messages and e-mails and faxes is a real concern about this bill putting the Alberta government in the position of acting like an American HMO. Why would we think that? Why would that kind of thing be said?

I mean, certainly it's health management organization. That's what they're doing. They're managing what services are available, what's covered, whether doctors would get paid for services they've put forward. There's a lot that we can learn from our neighbours to the south from their experience with this managed health care system and the experiences they've had as a result of the last 20 or 30 years in this system. I know that some of my hon. colleagues will say: "Oh, you're talking about the sky falling, terrible things happening. Blah, blah, blah."

That may be, but I think it's also important that if it's possible for us to learn the lessons without having to suffer the pain ourselves, we are wise to do so. If the experiences are available for us, if they're documented, if there's statistical information, if there have been problems solved or problems not solved, it behooves us to learn those lessons. I do look to some of the essays, papers, statistics, and analyses that have been done on the HMO system. Certainly it is about controlling the provision of health care for X number of dollars. I think that's what's really causing the concern, that this is the effect Bill 7 would have on the Alberta public and on our medical service providers, that being the doctors, that this opens the door for this to happen. So I'm glad there's been such a keen interest in debating this and that it's been up for debate for so long, because it's given everyone an opportunity to really look and understand what the effect will be.

I notice that a possible effect, I suppose, is this indicator that's now being used in some locations called economic credentials, which isn't about experience credentials or length of time in a profession credentials, that would apply to a doctor. Decisions are being made based on someone else's opinion of whether a given doctor can provide a medical service for less money than another. On the one hand, you go: well, isn't that good, that we'd have a doctor providing medical service for less money? Well, yes, it should be, but when we learn from those experiences that are available to us by looking south, we see that in fact you can provide less of a service, claim it's the same thing, and charge less money. All kinds of corners can be cut, substitutions made to produce the end result for less money. Is it really the same end result?

This economic credentials measurement is becoming fairly popular with our neighbours, and it's about two things. One, it's about looking at the billing amounts for a given practice, but it's also being able to have access to the records of exactly what was done, and that's about personal information, personal health information. I find it very interesting right now that we're looking at second reading of Bill 40, the Health Information Act, at the same time as we're looking at third reading of Bill 7, because I think the two were intended to operate in partnership and that was in fact what the government was intending, but they were hoping, I suppose, that Bill 7 would be long gone and we wouldn't notice the connection.

I think this is definitely an effect of this bill, where we can have the management organization, in this case the Alberta government, looking at the personal information, looking at these economic credentials and saying, "Hmm, we've decided that this particular procedure is costing us too much money, so we're going to deinsure it," or perhaps saying, "Oh, this is a nice, clean, quick procedure; that procedure could go to the private system," to these private contractors, private care providers that we're hearing about.

That leaves the public system with the chronic cases, with the difficult cases, with the expensive cases. Then what do we get? Do

we move further along on that line, in having decisions made about not offering certain kinds of care? Are attempts made to institutionalize? You know, I don't know where this is going to go. I don't have a crystal ball. I just have to raise the questions in looking at what is the effect of this bill. That's a key concern that I see as a result of this. I think that the control of the electronic billing and, at the same time, the ability they are seeking through Bill 40 to get access to personal information go hand in hand, hand in glove, about management of a private health care system. That's of great concern.

I also note that another effect of this bill is the ability of the minister to make regulations on anything. Now, we've seen that clause come forward in a number of bills. It's a favourite clause of the government. What it really means and the effect it has on the public is that there's a lot of decision-making that goes on behind closed doors, and it's a done deal by the time it comes out in the order in council papers. The notification that there's been an order in council is not difficult to locate as a member of the public, but you have to know where you're looking and you have to be pretty keen on it. It would really help if you had a computer to be able to go on-line and look at *Hansard*. For those people who don't have those advantages or that understanding or the access to that information, it's very difficult to get this information and understand the decisions that the government is making, the directions in policy that are being taken.

4:30

I have real concern – and I've certainly had it expressed to me a number of times by the constituents of Edmonton-Centre – about the decision-making behind closed doors. The effect of clauses that are allowing the minister to make regulations on anything in the act I find perverse. I think that's not what the system, what this Legislative Assembly, what government was designed to do, especially when it's involving policy changes that affect the most intimate details of people's lives. Certainly health care, accessibility to health care, the outcome of health care is very much of concern to people and very much concerns their lives.

The other part of this is the elimination of the ability for an individual to make a choice to pay cash to a doctor and seek reimbursement. I have some constituents who, for reasons of their own, choose to make use of that option. They do it very deliberately, and they do it in many cases for reasons of personal privacy of health information. I'm not sure about what the details are of how they do this, but certainly today we saw the card that was an opting out of Alberta health care, which would allow an individual to pay cash for service.

I guess there are two possibilities there. One is just cash on the barrelhead, period, and you never get reimbursed. Then the other one is for whatever reason paying cash and then seeking reimbursement on the other side from Alberta health care. It sounds like that is not highly used, but one of the effects we get from this bill is that that choice, that option is no longer available to Albertans. I think that as we see increasing concern expressed around personal privacy issues, that option will be much more attractive to some people, and I regret to see that option gone. I wish, given what we're beginning to see, that it would continue to be available to people.

[The Speaker in the chair]

I believe my time is probably drawing to a close. I know the Minister of Justice was anxious to join us in debate on this, but I did want to bring those concerns forward. I think the effect of this bill is going to cause trouble, and it may well be more trouble than it was worth, but I guess time will tell.

I would not support this bill in any stage of it, and I don't support it in third reading. Thank you very much for the opportunity to speak to it, and I will resume my seat now.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I would move that we adjourn debate on Bill 7.

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

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The motion is carried.

head: Government Bills and Orders
head: Second Reading

Bill 38
Constitutional Referendum
Amendment Act, 1999

[Debate adjourned November 18: Mr. Bonner speaking]

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

MR. WICKMAN: Thank you, Mr. Speaker. I sit here to speak on Bill 38, and I start off by saying: shame on this government. I don't know how members can possibly sit back and look at this bill. To me it's the worst piece of legislation I've seen in the 10 years that I've been here. I love being an Albertan. I'm proud to be an Albertan. I love being a Canadian. I'm proud to be a Canadian, and I've defended Canada no matter where I've gone. When we look at Alberta and look at Canada, we have a diverse society, a very diverse society. We have a society that has moved in the right direction in terms of allowing people their rights. If we want to start turning the clock back, which this bill can potentially do, we can look at the United States years ago, when because of the colour of a person's skin, they had to give up their seat on a bus. We all remember Montgomery, Alabama. People, because of the colour of their skin, couldn't go into a washroom, had to go to separate schools.

AN HON. MEMBER: That's not what we're discussing.

MR. WICKMAN: We're talking about human rights. We're talking about individual rights. We're talking about recognizing all of us as being equal, and that's what this bill can potentially start eroding. Let's just visualize, years ago, if you would have put the question of women having the right to vote on a plebiscite – of course at that time the women wouldn't have been able to vote on that particular plebiscite because they didn't have the right to vote – what do you think the outcome of that plebiscite would have been? Do you think women, to this day, would have the right to vote? Possibly not. It is possible that if you had left it up to society at that particular time, they would have said no.

You look at southern Alberta years ago, with Ukrainians imprisoned in camps simply because they were Ukrainian, because they were not of the proper race. All of us, I think, as individuals, maybe

not all of us but a lot of us, have faced individual acts of discrimination. We've witnessed it. I can recall living in Thunder Bay when a lot of Italian people came, how they were treated. They were looked upon as those that came from Italy, and there was a resentment there. They were picked upon, and they were discriminated against. Then from there it seemed that society moved in a different direction. I can recall myself and my wife once looking for a suite years ago in Edmonton. The lady we were talking to said: I don't mind renting it out to anybody as long as it's not a German. My wife was born in Germany. That was a blatant act of discrimination.

Government through legislation, legislation that former Premier Lougheed in this House brought forward and assisted the cause – I can recall as an individual with a physical disability myself years and years ago being told by AGT, not being told directly but very, very subtly, that no, I was not suitable even for an interview for a job because I was in a wheelchair.

I can recall the instance when there was a great deal of controversy over the right of Sikhs to wear turbans. I can remember how heated that became and a family member of mine that I'm quite frankly ashamed of phoning me from Surrey, B.C., and telling me that I'm going to wake up with a dagger in my back. I said, "Why?" He said, "Because you stick up for them people." I said, "What do you mean them people?" He said, "Them foreigners." I said: "Oh, you mean like your father, who was born in Finland, or my wife, who was born in Germany? Them foreigners?" "No, no. Them foreigners that wear those things on their head."

You know, that's a mentality that still is in our society to a degree. It's sickening, and we have to eliminate it. We can't start promoting legislation that works in the opposite direction. This legislation actually turns the clock back.

We are legislators. We're elected. We're elected to protect people. We're elected to protect their rights. Here in Alberta, if you start giving people the right to vote on whether they should have the same rights as me because of their sexual preference, which way is that vote going to go? What happens if the majority of people vote no? Does that mean the government is not going to do it? Does that mean the government is going to continue to discriminate against them? What happens if a group looks at this piece of legislation and they say: "Oh boy, now the government has given us an opportunity to go out there and get people to sign petitions, because we don't want no more immigrants in this country that aren't white. We want to restrict it to white people. We don't want no more people coming that are of a different colour." Those are the doors that this particular bill opens.

4:40

The government can argue and say that it simply gives the government the right to put a question on the notwithstanding clause to Albertans to see what their feelings are and which way they want to vote, but they're not obligated to respect that vote. But why? Why do that in the first place when it's a given that we're all created equal and we all have the same equal opportunity?

Why should some other Albertans go out there and vote on whether myself in a wheelchair should have the same opportunities as everybody else or if the notwithstanding clause should be used because I should be denied certain privileges? For the life of me I can't understand. I have talked to Conservatives. I'm not referring to MLAs on that side of the House, but I have talked to Conservatives, Conservatives that think this is a terrible piece of legislation, and they're ashamed to admit they're a Conservative when they talk in terms of Bill 38.

Mr. Speaker, I plead with the government: have the guts to stand

up and make decisions. If you don't have the guts to stand up and say, "We're prepared to discriminate," don't try and use Albertans as an excuse and say, "We're going to leave it up to them to decide whether we use a notwithstanding clause so we can discriminate with a clear conscience." That's, quite frankly, a gutless approach. We're not elected to do that. At the very, very least, if we have any respect at all for the people that put us here, we're going to respect their rights, and we're going to recognize that we have the responsibility to protect the disadvantaged, those that don't have the same opportunities to speak out for themselves.

I'm going to just conclude, Mr. Speaker, by saying: please rethink this bill and come to your senses and get back to the type of legislation we were elected to deal with, dealing with health care, dealing with education, not tinkering with people's rights. Again I must say: shame on this government.

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

MS BLAKEMAN: Thanks very much, Mr. Speaker. I'm glad I've got an opportunity to speak in second reading to this bill, because I think it's a bill that everybody needs to consider carefully and speak out about. I don't want to believe that the government would put a bill like this forward for any nefarious reason. I'm sure that at the time it was believed – I hope this is true – for whatever reason that this would be a way to resolve a situation. But I think that when we look at it, when we ponder it, when we think about what could happen as a result of what's being put forward here, what's likely to happen as a result of what's being proposed here, it should become immediately apparent to everyone who examines the bill that this is not democracy in the sense that we in Alberta or in Canada have come to cherish democracy.

Democracy is important to us; I mean that ability to freely assemble, to debate ideas with people, to be protected and treated with respect in one's contact with the law, to not be subjected to unreasonable confinement, or all of the other things that we find in our Constitution. The Charter of Rights and Freedoms is something that Canadians and Albertans are very proud of, because we are a nation and a province of many different home countries. For most of us, with the exception of the First Nations peoples and aboriginal peoples, our families came from somewhere else. We did all come together here, and it's essential that we maintain that respect and that acceptance and tolerance for the difference others bring. That is what makes us strong here in Alberta.

I think most people do have an understanding of the importance of that. You do hear people talking about: well, you know, we need to have more public participation in the political process, in democracy. I'm all in favour of that. I think that's wonderful. I wish everybody would read *Hansard* every morning to see what we debated in here. I'd be delighted if people would get copies of the bills and read them for themselves. I think that would be good. I mean, part of what makes good government is an informed and educated public. Anybody taking first-year political science knows that. So I'm in favour of that, but I've also seen what I think is a perversion of that.

Certainly when I look at some of the referendums and propositions that are put forward and voted on in a referendum style in California, that's not about good government, that's not about democracy. When you have something like 240 different propositions that are being voted on by an individual voter when they go into that voting booth, how is that good government? How is it possible for an individual without massive resources behind them to be able to research and understand clearly what's on both sides of

the debate, to be able to cast a vote one way or another on 200 and some odd proposals? I don't think that's giving good advice to their legislators either. In some cases I suppose it's locking their legislators into doing something that in fact the legislator knows is not going to be of the most benefit for the public. Referendums can be perverted. It's important to have an informed public vote on it.

How can that be perverted? Well, it's about advertising. If you can end up with one side that has huge financial resources behind them and how people are getting their information is off the television and it's being presented in a way that is biased, whether it's clearly biased or not, and that's the information that is readily accessible to people, then the person with the most bucks wins, and that is not democracy. That is a perversion of democracy.

Once again, I'll say that I really believe in public participation in the political process. I believe in public participation and the value of democracy. I do not believe in the perversion of this. I do not believe that the buck wins every time. I think people win, and certainly it's the people that are important to me. I don't want to see referendums being out there with, you know, the yes side and the no side and millions of dollars being poured into something to try and convince people to vote one way or another. I don't think that's useful.

The other thing that occurs to me is that many times I think we don't value our freedoms in this country as much as we should. The ability that people have here to vote in fact is undervalued, and when I look at the number of people that actually put pencil to ballot to vote, our percentage is not very good. It's not something to be proud of in this province, but it does tell me something.

If we're going to put forward a referendum on X, Y, or Z and we think this is going to be the majority vote on something, that this is going to show us what most people in Alberta want – wrong. Wrong. Because how many people do we have coming out to vote in our elections here in Alberta? What's the percentage of people that actually come up to the ballot box and vote? It's not a hundred percent, not by a long shot. It's somewhere between 50 and 60 percent. So you've got 50 or 60 percent of the people voting on this, and you end up with one side or the other – do you really? You could have a minority of people in Alberta passing a referendum that restricts another minority. How is this to the benefit of people? It's not. Again, I find that a perversion of what we would consider to be democracy here.

Almost everyone, I would venture to say, in this particular Chamber at one point or another in their long family history would not have had the right or the encouragement to be in this Chamber, and that can be taken away from us. As legislators, as individual members of the public, as Albertans, as Canadians we have to understand that that is or can be a tenuous thing. We must constantly be vigilant and must be on guard to ensure that we don't allow that to be taken away from us nor do we allow it to be taken away from others.

4:50

I have a quote on my desk which I'm going to read, because I think it's an important reminder to us, even given the context from which it comes to us. I'm not meaning to put a lot of import on that. I think what's being said in the quote is most important. It is: first they arrested the communists, but I was not a communist, so I did nothing. Then they came for social democrats, but I was not a social democrat, so I did nothing. Then they arrested the trade unionists, and I did nothing because I was not one. Then they came for the Jews and then the Catholics, but I was neither a Jew nor a Catholic, and I did nothing. At last they came and arrested me, and there was

no one left to do anything about it. Now, that's a quote from Reverend Martin Niemoeller. I keep it on my desk for a reason: because it's about reminding me that all of those rights have to be constantly upheld and cherished. One must be vigilant not to allow those rights to be eroded from any individual here.

Now, I'm a human being. There are times when I go: gee, I wish that person didn't have the opportunity to say that or do that. You know, in your meaner moments you just wish they'd all go away. But I think it's really important that we understand that we've had a bad day, we're not feeling very well, we're in a hurry, or whatever the reason and not allow that minor annoyance to have us wish away somebody's rights. That's really important.

My colleagues in the Legislative Assembly have often heard me talk about the Famous Five, how important I think that is for women and especially for young girls in this province, and my disappointment that in fact information about the Famous Five is still not included in the Alberta school curriculum. When I see a bill like Bill 38, it becomes even more apparent to me why the story of the Famous Five needs to be in the school curriculum. It is about people who recognized, who were – well, frankly, they were going about their everyday lives and then were told they couldn't do something because they didn't have the right to do that. And they went: well, let's see; if we women are being denied the ability to run for a seat in the Senate or to sit as a judge because in an interpretation of the laws it says that we're not persons and only persons are appointed to the Senate, then we need to check that.

I mean, it's laughable to us now to look back and think that women at some point in the past were believed not to be persons. It's laughable to us now. Those women went through a lot of court battles and relied on ever higher levels of court to look at that interpretation of persons and were successful in their pursuit. And thank goodness they were because, while a small step in itself, the symbolic meaning of that gesture is huge and taught women, showed women, illuminated the possibility that women in Canada can be contributors in every aspect of life. I think we can all admit that we would not be nearly as far ahead if we hadn't had the contribution of all of the women that have worked so hard in Canada in our history.

But all of that could be gone, all of it, through something that's in this bill. Again, I'm sure the government didn't intend that. I really, really have to believe that was not intended when this bill was put forward. I have to believe it. But we could have a referendum put forward that was going to take voting rights away from women. We could eventually have, as I've said, a minority of the population voting to take those rights away from, in fact, a majority of the people, which would be a real irony.

It's appalling to me that this would be put forward because I think what's behind it, to use the notwithstanding clause for an ideological reason, is not what it's there for. The notwithstanding clause needs to be used only because it's an out, because it's an override. It overrides people's individual rights, the way people are treated by the state, their access to the state's resources. It should only be used in the most extraordinary circumstances.

It is so special that we must understand that once you've crossed that, you're never going back. It has to be valued for what it is, and I'm offended that it's thrown around the way it is in Bill 38. I see it as being brought forward to have repercussions on a very specific group of people, and I cannot agree with that. I've already read the quote from Reverend Niemoeller, but there's something in there for all of us to learn. As soon as we start taking rights away from one group of people, then it's much easier to take those rights away from another group of people and another and another until we don't have what we value so much. All of those pieces that make Alberta wonderful and make Albertans as people wonderful are gone, and we must guard against this.

I'm not looking forward to the rest of the debate on this bill. I'm really appalled by what is being suggested in this bill, and I hope it dies a quick and timely death. It should not go forward out of second reading. This is not something that Albertans are proud of. This is not something that our neighbours in the rest of Canada would look at and go: what a good idea Alberta is come up with. No, it's not. This is not one of our shining moments, and I think we should defeat this bill clearly, with very loud voices. This treatment of other people is not acceptable for all of the reasons that I have enumerated so far.

Thanks very much for the opportunity to speak.

THE SPEAKER: The hon. Minister of Economic Development has moved second reading of Bill 38, the Constitutional Referendum Amendment Act, 1999. Does the Assembly agree to the motion for second reading?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: Opposed.

THE SPEAKER: The motion is carried.

[Several members rose calling for a division. The division bell was rung at 5 p.m.]

[Ten minutes having elapsed, the Assembly divided]

THE SPEAKER: Hon. members, the Assembly has before it a division on Bill 38, the Constitutional Referendum Amendment Act, 1999, but just before calling for this division, I want to just have something put in *Hansard* so that people looking at what happened here in 1999 will not get confused. The bill was in the name of the Minister of Justice and Attorney General, and when I rose today, I said, "The hon. Minister of Economic Development has moved second reading." The record will show that the Minister of Justice and Attorney General in the spring of 1999 was one and the same person as the Minister of Economic Development in the fall of 1999.

For the motion:

Amery	Fritz	McClellan
Broda	Graham	McFarland
Calahasen	Haley	Melchin
Cao	Hancock	O'Neill
Cardinal	Herard	Paszkowski
Day	Hlady	Severtson
Ducharme	Jacques	Stelmach
Dunford	Johnson	Stevens
Evans	Klapstein	Strang
Fischer	Kryczka	Thurber
Forsyth	Laing	Yankowsky
Friedel	Lougheed	

Against the motion:

Blakeman	MacDonald	White
Carlson	Sloan	Wickman

Totals:	For – 35	Against – 6
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[Motion carried; Bill 38 read a second time]

Bill 40 Health Information Act

[Adjourned debate November 24: Mr. Gibbons]

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

MS CARLSON: Thank you, Mr. Speaker. I'm happy to stand and put my comments on the record on Bill 40, the Health Information Act. It's interesting that this afternoon we have had three bills in a row that essentially take rights away from people in this province and show just how heavy the hand is of this government when they decide that they want to do things their way and not in a manner that would meet the best interests of the people who reside in this province. I don't think it was ever the intention of the people of this province to have this kind of a situation happen where the privacy of their health records would be up for question in debate in the Legislature and subsequently to be open for public consumption.

I think it would be interesting at this time to just take a look in terms of Bill 40, the Health Information Act, at the kind of information chronology that we have had here for the past few years in the country as a whole and then in terms of how that pertains to this province. If we go back and take a look at February 1992, there was a Supreme Court decision, *McInerney versus MacDonald*, that held that the patient is entitled to examine and copy all information in their medical records but that physical records are owned by the physician.

Well, that particular decision is going to be impacted by what this government decides to do with Bill 40, because in fact the way their legislation is written here, we are putting at risk both sides of this decision, both that the patient should have access to examine and copy all information and that the records are owned by the physician and are their property and therefore not entitled without consent to be shared with anybody else.

There are a number of problems here with this bill in terms of that kind of privacy being enshrined for individuals that need to be talked about here, I think, in some detail. Certainly we're going to be prepared to do that.

On individual access the CMA code states that patients have the right of access to their health care information. They are also quite clear on transparency and openness where it states: in order to protect the patient's right to privacy, information should be readily available to the patient concerning the name of the person who is accountable for policies and to whom complaints can be made, how that patient gains access to their own health information, the type of health information held, the risk pertaining to the security of health information, and so on. But in fact that isn't what is going to happen and what doesn't happen now. How can it be that people need to go to court in some cases to gain access to their information?

In fact, this has recently happened in my own constituency, Mr. Speaker, so I would say that this province does not have the intent to hold up this February 1992 Supreme Court decision by their very actions. The particular instance that I am thinking of is the instance of Lance Relland. I think that's a situation that people in this Assembly are at least reasonably familiar with. This is a young man who lives in my constituency – in fact, he just lives about a block from my constituency office – who was diagnosed some years ago with leukemia. There were a number of problems with the case. He underwent a number of tests and procedures, both in the country and out of the country, that were devastating to him and to his family and to their family life.

As a result of all of the circumstances and situations that he was subjected to, his parents became quite well versed in the condition itself and in the conditions that this health department in Alberta and Alberta health care operate in. What they found out was that it was

a huge mess. There were all kinds of problems that they had encountered in their particular case; access to their son's information was one of those problems. To this time there are still some records that for whatever reason they have not been shown. They would allege those records were lost, inappropriately handled by the department, and perhaps that is the case.

In fact, they just recently spent a couple of days in public hearings, Mr. Speaker, trying to get to the bottom of this situation in terms of their son's condition. In fact, did he ever have what the doctors diagnosed him with, and why didn't they through the whole process have adequate access to their son's records? They're not even talking timely access; they're talking adequate access to it.

So when you can see a situation like that, when it's happened right in my own community – and I've seen the significant impact that it's had on their family and on their other children. While the parents were fighting this case for Lance and supporting him, they had less time and energy for the other two sons in the family. It all had a huge impact on the family. Privacy was a big issue there, and access to their patient records was a big issue there.

If the government couldn't do it right before, what kind of indication do we have that they will get it right this time? There are many instances like that, and my understanding is that there's another family from Calgary who are soon to go through a legal route to access information and to put out for public consumption the kind of denial that they had in terms of access to their file information. So there is more than one case in this province where this has been a problem.

So instead of looking at something like this at this stage, why doesn't the government fix what is wrong now? We would have more confidence in this kind of legislation coming forward if we knew that what they were doing now worked, but it doesn't, Mr. Speaker. I have yet to hear in this Legislature anyone stand up and defend this particular situation in any kind of a manner that is documentable. We don't see the stats on what works now and what doesn't work. We don't see the information on decreasing problems with patients who are trying to access their information. We don't see an increase in stats from the department saying that they're making fewer mistakes, that privacy isn't a huge issue. It has not happened, and I don't know why the government would be afraid to table that information and to debate it and to talk about it if in fact that was happening. So I think that's a very big problem that needs to be discussed.

Well, I see that the former minister of health would like to enter into the debate, Mr. Speaker, and I certainly hope she will avail herself of that opportunity, because there are lots and lots of problems.

5:20

MRS. SLOAN: A lot of cutting.

MS CARLSON: Yeah, a lot of cutting is what happened under her support since '93.

What we'll see with her comments is that my constituent, Lance Relland, and his family will be very eager to see what she has to say to defend this particular issue and will, I'm sure, like an opportunity to debate or discuss the issue, which we'll quite happily do here in question period or through private members' statements or through whatever other avenue is available to us, if she has the courage to stand in this Assembly and get on the record in terms of her particular opinions. Unfortunately, that hasn't been what we have seen in the case of these government members or, in fact, the ministers. They haven't been prepared to stand up and defend this. They have only relied upon the Premier to do the defence of this particular bill.

MRS. SLOAN: And the minister read from a script.

MS CARLSON: The minister read from a script, and the Premier doesn't even in fact know that in this province you have the option to opt out of Alberta health care if you choose to.

MR. DAY: That's not true.

MS CARLSON: Well, it's true. He didn't. He stood up here today, and he said that the card was not an accurate card and that we were pulling some kind of a stunt here in the Legislature.

AN HON. MEMBER: He asked how much it cost.

MS CARLSON: He asked how much it cost. He subsequently had to stand up and say: oh, gosh, I made a mistake; I really don't know what I'm talking about. In fact, there is such a card, and you can get it. In fact, what we had was an exact replica of it. It's a good thing we brought that in, Mr. Speaker, because we added to the Premier's education. All that money they've got over there in the government department, and his media relations and the communication department forgot to brief the Premier on this one little tiny piece of information. If he's going to go about this Assembly waving an Alberta health care card saying that that's all you're going to need to access Alberta health care in the future, then they should have told him that there is also an opting out card, and along with your American Express card that will ensure you access to health care in the future in this province.

Fortunately, he does have that information now, and we're happy to educate him whenever we can, because it's going to be important, if he's going to bring two-tiered health care into this province and put patients' information out for public consumption with little or no safeguards, that he understand exactly what it is he's doing. If his own ministers and colleagues won't tell him and his own researchers and communication department won't tell him, then we're certainly happy to let him use the information from Liberal researchers, who do a very good job, Mr. Speaker, and who are quite happy to provide him with that kind of information.

This bill allows disclosure of individually identifiable health care information without consent for far too many reasons, including policy and management purposes. Well, policy and management purposes are poor reasons for people's health care records to be accessible in the public domain, Mr. Speaker. Given this government's track record, the number of faux pas they make, the number of mistakes that happen out there, the stuff that gets out in the public purview that should never have been out there, I don't believe they have any ability to protect the privacy of individuals.

When you're using information like this for management purposes, it just starts hitting too many hands, Mr. Speaker. Every time another person takes a look at it, you have the very real ability of that information or some part of that information or some misinformation about the original information getting out to people who have no business knowing about it and who may use it for purposes that are contrary.

My colleague just brought up a very good question. If this bill becomes law and if this information is used for purposes like policy and management and if it gets into the wrong hands and the patient finds out about it, can that person sue, and who would they sue, Mr. Speaker? Is the government going to set up another fund, then, to pay legal fees in the case of that happening? Do you sue the government? Do you sue the cabinet ministers? Do you sue an individual minister? Do you sue an MLA? Do you sue the people who work within the system? I think that's a question that perhaps

the former minister could answer when she gets up and speaks to this bill.

Why do the minister and Alberta Health need such extensive power to access the records held by doctors? They still haven't answered that question for us, Mr. Speaker. This is another piece that is not in that five-page media relations document, which is all the information that we're getting at this stage in this Assembly on this particular bill and on other issues dealing with two-tiered health care. We expect an answer to that question. Why do they want to do it? Exactly what are they going to do with the power that they have within this? We're hoping that they'll answer that.

We need to keep this bill going for a long time, Mr. Speaker, and here's why: because the public needs an opportunity to respond to it. With the kinds of demands all of us have in our own individual lives, with the kinds of pressures that have been inflicted upon the people of this province with the downloading that we've seen by this government since 1993, people barely have time to lift up their heads and take a look at what's going on around them in the community. They're surviving. They're coping with the education cuts. They're coping with the health care cuts. They're coping with all the other cuts in all the other areas that we've seen, and they don't really have time to sit back and reflect on what's happening to them and the changes that they're going to be facing in the near future.

It takes a little bit of time for the general public to see what's going on here in this Legislature and to have time to react to it, to really analyze it, to really understand it, to understand the long-term implications not just for themselves but for their families and for

their families' families, and to look through that and see how they should react. For us we find that it takes about two months before the general public really has a chance to digest what's been talked about in here and react to it. That's what I find in my constituency.

The government told us that they were going to have hearings on this, but they haven't had them. Why is that? I think they're afraid of the reaction. So instead of giving people a chance to react, an opportunity for input so that this bill, if not pulled, could at least be improved to a point where it's acceptable to the general public, this government is trying to ram it through. How do they ram it through? They ram it through by the way they bring us back into session. Push us up as close to December as they think they can get away with, and then have as short a session as possible – we hear rumors that we're out next week; I certainly hope not, because it will not give us enough time to adequately debate these bills – get it in and out of the House as fast as they can so people don't really have an opportunity for input.

We've seen this most recently on the bill that the doctors are now very concerned about, Bill 7, which only just by the skin of its teeth stayed in the Legislature in order for us to speak to it. Well, it isn't going to happen to Bill 40, Mr. Speaker. We're quite happy to talk to it as long as it takes for people to be able to fully understand it. After the Christmas festivities we know that people will have the time to take a look at this bill.

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