

## Legislative Assembly of Alberta

Title: **Monday, December 6, 1999** 8:00 p.m.

Date: 99/12/06

[The Speaker in the chair]

THE SPEAKER: Please be seated.

head: Government Bills and Orders  
head: Third Reading

### Bill 7 Alberta Health Care Insurance Amendment Act, 1999

[Adjourned debate November 25: Mr. Hancock]

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

MR. DICKSON: Thank you very much, Mr. Speaker. Bill 7 is a bit like an old friend; we haven't made its acquaintance for a while. Members will remember that it's a bill that we spent a considerable amount of time on in the spring session.

AN HON. MEMBER: Too long.

MR. DICKSON: Well, some members suggest too long, but I think if members think back, they will recall that there were a number of significant problems identified with Bill 7 at second reading.

The opposition has worked hard, I think, to deliver, if you will, a single message. That single message was that it is important, Mr. Speaker, that we respect the ability of parties to contract and that legislation ought to be the very last resort. What's of interest to me is this: a government makes so much of its affinity for business and counts among its front bench people who have distinguished careers in the private sector and in business, yet when it comes to something like Bill 7, what we see is that all of that is just put aside, just cast aside, and what we have is a government that's prepared to legislate. I would have thought that a Conservative government would say: legislate only as a last resort; you legislate only after you've absolutely exhausted any possibility to deal through a contractual negotiation.

Bill 7 in some respects is an admission of failure. It's an admission of negligence. It's an admission that the government would sooner throw its considerable weight around to get its way rather than to take the time required to negotiate some kind of a satisfactory arrangement. Physicians are, after all, private operators in terms of the health care system, as the Premier reminds us day after day after day. Well, indeed, they are. So why is it that these particular private individuals are not able, Mr. Speaker, to ensure that before the rules are changed under which they operate with Alberta Health, there would be some opportunity to be consulted and to be part of, as I say, a negotiation. So it's very unfortunate that that has not been the case to this date.

So without further ado, I'm going to suggest that we have a way of dealing with this. I am proposing to move a motion of recommittal. I think it's at the table, and I'd ask that the table officers arrange for distribution. I have the original here. Members may note copies over the signature of my friend from Edmonton-Meadowlark; I'd be moving it in her name. I'd be moving the motion under *Erskine May*, page 541: a "motion may be moved as an amendment to the question that the bill be now read the third time," and *Beauchesne 737*. The motion of recommittal would be this, sir, and I'll just read it out while it's being distributed: the

motion for third reading of Bill 7, Alberta Health Care Insurance Amendment Act, 1999, be amended by deleting all the words after "that" and substituting the following:

Bill 7, Alberta Health Care Insurance Amendment Act, 1999, be not now read a third time but be recommitted to Committee of the Whole for the purpose of considering amendments to section 3 of the bill.

So that's the motion I'm moving.

Now, members may say: what is section 3? Section 3 is, if you will, the core part, the problematic part, Mr. Speaker, of Bill 7. That's the part that has, understandably, caused such consternation among the medical profession, the physicians and surgeons who practise in this province. It is clear that there's going to have to be further amendment to this particular section 3 in Bill 7, so what the recommittal motion would do is allow that to happen. We make mistakes from time to time – I say "we," speaking as part of the Legislative Assembly – every now and again. We've certainly seen examples of it recently. We rush through. We haven't done an adequate job of consultation. We get to this stage. We're all set to change the way that claims can be submitted for benefits and the way payment of claims for benefits will take place. We have all kinds of stuff that's going to be done by way of regulation, and it's clear that the community is not satisfied, is not comfortable with that.

So the proposal here, Mr. Speaker, is that we take that back and that we have another go at it at the committee stage. I know that the Member for Edmonton-Meadowlark has given a lot of thought to this. I think she would like the opportunity to bring us some additional amendments at the committee stage that would reflect further the input we have had from the community, from physicians since the bill left the committee stage earlier.

So those are the observations I wanted to make. I think the recommittal is a way for this Legislature to withdraw from what I think is a bit of an embarrassing and uncomfortable position. It allows the Legislature a face-saving way to go back and repair some of the damage that's been done to the relationship with physicians in this province. I would hope that every member would enthusiastically seize this opportunity. They don't come along very often. This is a motion that's not moved very often, but rarely do we see such compelling reasons and circumstances.

So for all of those reasons, Mr. Speaker, I'm going to take my seat and allow others to speak to this particular motion. Thank you very much.

THE SPEAKER: I think, hon. Opposition House Leader, that we need some clarification. I'm going to go through this very, very slowly so that there's absolutely no misunderstanding. Who is putting forward the amendment, number one?

MR. DICKSON: Mr. Speaker, initially it had been in the name of my colleague for Edmonton-Meadowlark, who was not in the Chamber earlier. I was going to move it in her name, but I see that with the co-operation of the table officers, in fact, the name has been changed. I've now signed the original, so I'd be moving it in my name, sir. I suggested in my initial comments that I was moving it on behalf of my colleague for Edmonton-Meadowlark, but in fact I'm moving it in the name of this member.

THE SPEAKER: That would be appropriate. It would be absolutely impossible for the hon. Member for Edmonton-Meadowlark to move this amendment. The hon. Member for Edmonton-Meadowlark has already participated in third reading on May 6 at 4:35 in the afternoon and then again on November 22 at 4:11 in the afternoon. She could not participate for a second time in third reading.

So it's quite clear that the amendment is in the name of the hon. Member for Calgary-Buffalo?

MR. DICKSON: Yes, sir. It is indeed.

THE SPEAKER: Okay. We're now in a debate on the amendment, a recommittal amendment. The amendment has been circulated, I gather, to all members. It says: the motion for third reading of Bill 7, Alberta Health Care Insurance Amendment Act, 1999, be amended by deleting all the words after "that" and substituting the following:

Bill 7, Alberta Health Care Insurance Amendment Act, 1999, be not now read a third time but be recommitted to Committee of the Whole for the purpose of considering amendments to section 3 of the bill.

The debate is now on the amendment. It's a very narrow debate. On the recommittal amendment, the hon. Member for Edmonton-Calder.

MR. WHITE: Yes, Mr. Speaker. This is indeed a pleasure to speak to this bill primarily because this member . . .

THE SPEAKER: We're on the amendment, hon. member.

MR. WHITE: Yes, on the amendment to the bill, which in effect sets this bill aside for six months.

Quite frankly, this is a negotiation or a part of a negotiation.

THE SPEAKER: Hon. member, please sit down a second here. I said I would go very, very slowly on this. There's nothing in this amendment setting it aside for six months. I'm not going to enter into the debate here, but I want all members to understand what they're doing. So let's talk on the amendment that we have, because I will continue to interject. A very narrow debate. There is nothing on this amendment to read: for six months. So very narrow on the amendment.

8:10

MR. WHITE: Thank you kindly, sir. You're quite right. It is a recommittal. I was arranging my papers at the time of the critical part of your discussions, but the papers are now arranged. It was my problem, certainly not yours, and you needn't explain it to me once again.

This bill and the recommittal to Committee of the Whole to make a number of changes in this act would in fact give the participants in the Alberta health care insurance plan – mainly the government, which is the payer, and the payees being the doctors of this province through the AMA – time to reorganize themselves and to understand that there are some great difficulties and great changes occurring in the deliverance of health care in this province and give time for some sober second thought.

My preference would be, of course, to have this bill in committee and hold it there until such time as it can be dealt with at some other point, perhaps next week, when the doctors have had time to have a little of the Christmas spirit and be a little easier to deal with, as the government would say. There's painfully little that a member of the opposition can do save once again use the powers that one has in speaking in this House and trying to influence others to take it upon themselves to understand the other point of view in a negotiation or a minor disagreement, as it were. That's what this bill does. This was definitely some very, very, very sober thoughts, and some deep thinking should go on on both sides to understand what the positions are and hopefully come up with an amicable resolution in proper negotiation.

This is the roughest form of negotiation. This is Big Brother putting his foot down and saying: no, no, no; if you don't play it the way I play it, my ball goes home and stays there. Well, this side of the House would just as soon have the ball still in the air, as it were, and still be able to be played.

I personally can't see any reason why one would want to close on this bill so rapidly. There are certainly a number of things that are occurring in health and the health care field right now that need a great deal of discussion. Certainly the proposals that are before this Legislature and the ones that are not yet before this Legislature affect this bill and affect the relationship that this bill speaks of, which is the relationship between the doctors, the members of the Alberta Medical Association, and of course the Alberta government through the Department of Health and Wellness and from there down to the regional health authorities.

Now, I understand, having been in a position prior to this to negotiate for professional fees, that it's a tough row to hoe. I mean, one can't withdraw services so that one side of the negotiation is negotiating one hand behind the back, as it were. You certainly can't use that withdrawal of service, or strike, if you will, as it is commonly called in the labour field, to effect some change. All you can do is really prevail upon the goodwill of the other side and the logic of a postponement or some different direction in imposition of a solution, and that's all we're really trying to do here. We're not trying to intercede on what the cost of every procedure is or all of the literally thousands of errant claims that are processed, none of that. We don't want to seem obstructionist at all. That certainly wouldn't be our motive at all. But there is one party in this negotiation that certainly needs that arm removed from behind their back in order to negotiate fully and completely and resolve this situation.

Billings are always a difficult part of professional negotiation, and it's exceedingly difficult to come to resolution in a hurry. This negotiation certainly should go on and should go on into the next year, but I'm told by the Speaker that that, of course, is not the nature of this bill. This is a recommittal to turn the bill back to Committee of the Whole in order to discuss some other amendments. There are painfully few amendments that one would want to put to this bill, because the effect of the bill is that it's really heavy handed, and in this member's view it has the possibility of irrevocably damaging that fabric that goes between one party and another to negotiation.

Quite frankly, I don't see the government's reluctance to pass this amendment. Of course, I don't see the government's hurry to force the docs into this position of having to fight back with some other tools which could in fact – I have no way of knowing – be part of their public campaign on another matter, which is only related to this matter insofar as it is, again, part of their professional responsibility.

Mr. Speaker, there's not a lot that need be spoken to on this. I would like to reserve the right to speak to the bill without this amendment in the fullness of time. With that, I shall take my seat.

THE SPEAKER: Before recognizing the hon. Member for Edmonton-Meadowlark, might we revert briefly to the Introduction of Guests?

HON. MEMBERS: Agreed.

head: Introduction of Guests

THE SPEAKER: The hon. Minister of Environment.

MR. MAR: Thank you, Mr. Speaker. I've been a member of this Legislature since 1993 and as such have been coming to the city of

Edmonton for a number of years. Over the course of that six and a half, almost seven years I met many people who reside here in the city of Edmonton. I'm happy to introduce to you and through you to members of the Assembly Mr. Sam Rahimi, who is one of the hardest working people that I know right here in Edmonton. He's accompanied this evening by his family – Miriam, his wife, and Nada, his daughter – and I'd like to ask the Assembly to give them the normal greetings associated with guests of our Legislature.

head: Government Bills and Orders  
head: Third Reading

**Bill 7**  
**Alberta Health Care Insurance**  
**Amendment Act, 1999**  
*(continued)*

THE SPEAKER: The hon. Member for Edmonton-Meadowlark on the amendment.

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure to rise on the amendment, which is that the

Health Care Insurance Amendment Act, 1999, be not now read a third time but be recommitted to Committee of the Whole for the purpose of considering amendments to section 3 of the bill.

The reality is that Bill 7 was, in a sense, rushed through this Assembly. It was rushed through second reading and the Committee of the Whole stages. Consultation had not occurred even though the minister of health had indicated very clearly in his introduction to Bill 7 that this bill was nothing but a housekeeping bill and that in fact there were no worries to be had with regards to the clauses that are inherent in Bill 7.

Now, as you're well aware, Bill 7 is not a large piece of legislation. It is two pages and not quite two full pages at that. But the implications of Bill 7 are of a magnitude that it has caused the AMA and numerous individual physicians to contact the Official Opposition and as well, I know, to contact the minister of health and the Premier to indicate that this bill is flawed, that it's significantly flawed, and that there need to be amendments made to the bill. That is why we have felt that one way of providing the opportunity for the government to look at what the implication of the bill is and to relook at the rationale for the bill would be to recommit it to the Committee of the Whole.

8:20

There are amendments that can be made to the bill to make it a bill that would be more palatable to the medical profession and would recognize the inherent rights that have accrued to the physicians with regards to at least being consulted when it comes to their method of payment. It's strange that we see that there's a pattern developing within this province and especially by the government of this province with regards to their disrespect for the medical profession. We see that in Bill 7. The minister nods his head very wisely but, in fact, does nothing to change what the bill is, even though he has been well aware of the concerns. We see that most recently with regards to Bill 40 and the fact that here is another bill that the medical profession is very, very concerned about and has indicated that, in their opinion, their professional advice has been totally disregarded by the government, who is pushing ahead and may well bring closure on a very important bill that should be dealing with the protection of individual information but is not.

We also see the government moving towards privatized health care. Perhaps the openings that Bill 7 provides, the policy statement that the government has with regards to the spawn of Bill 37 are, in

fact, nothing more than ways to manipulate the publicly funded system that we have right now so that it becomes an HMO model of providing and administering health services within this province and in fact does open the door to the worst aspects of health care delivery that we see in places like the United States, like Britain, like New Zealand.

So the reason for the recommittal is very, very simple. It provides the opportunity for the minister to show that he not only can nod wisely and appear to be listening but in fact will take the concerns very seriously of the profession that will be affected immediately by the provisions within Bill 7.

Now, the question arises: why would the government go this step? As the AMA has indicated, Bill 7 will not solve any problem, but it could create a major one. In fact, they themselves have identified that it could be the stepping-stone for Alberta Health to behave like an American HMO. American HMOs have been criticized for putting profits before quality care and for dictating how physicians must practise medicine. In fact, there's a phenomenon in the States that perhaps is the reason for this particular bill being put forward in its current form, and that's called medical redlining. What I'm informed is that this is the term that's used within insurance companies when they look at deciding whether an individual is a good risk or not.

In fact, what we see with medical redlining is that what becomes important for physicians is what their economic credentials are: how much do they prescribe, and what kind of tests do they prescribe? Those kinds of issues determine whether medical staff are granted privileges, whether medical staff will be signed up, as in the States, with insurance companies, and what in fact their actual salary levels could be. What you have happening, then, is that economic credentials of physicians become more important than medical credentials. I would like to believe that this is not something that we will see in this province, but again this whole move towards privatization, this move towards for-profit health care, this move towards having Alberta Health, in the words of the AMA, act more and more like an HMO are in fact elements of what the heart of this bill can and most likely will do.

I believe that health care is an essential service. It is an essential public service that is provided within our province, and it's not only to be determined by the economics of providing that service. Of course, we have to work within a fiscally responsible framework, but the reality is that there needs to be a recognition that health care cannot be driven by the profit motive alone.

Now, the AMA felt that perhaps there would be some movement from the minister, and I am sure that if the minister had the opportunity, he himself would like to address this particular issue. But we are moving rather quickly along with this bill. Again, what we believe is that as the Official Opposition it is only responsible for us to provide as much time as possible for this government to reconsider its options. Obviously, the period from May until now has not made the government recognize that in fact they are embarking on a dangerous path. In fact, what we see is that the government is expanding that path by some of its other initiatives. The reality is that without the trust of health care professionals like the physicians that we have in this province – and we are losing very quickly in this province the trust between physicians and this government – it will be very difficult to restructure the health care system so it provides the best health care possible.

I know I keep getting asked by people: why is this government doing this? The reality is that I don't have an answer. I can say that it's because of philosophy. I can say that it's because of pressures that the government is feeling from certain areas, especially with regards to Calgary and the lack of beds there. There may be a whole

host of reasons, but I have yet to fully understand why the government would continue to embark on a road that would push us down the road of private, for-profit health care and set everything up so that that will occur.

If one looks back to 1993 and to some of the actions that this government has taken over the last six years, in fact what we see is a systematic setting up by different pieces of legislation, by actions, by the strangulation within the public health care system, and the development, in a sense, of a demand for private health care. Perhaps the madness, in a sense, that we see on a legislation-by-legislation basis, that people cannot make sense of, is in fact much more coherent. Without an answer from the minister himself it is difficult to fully understand what is on the minister's and the Premier's minds with regard to pushing through legislation that, obviously, has no support from the stakeholders.

8:30

Now, we know that a majority of physicians do not use paper billing, so that cannot be the problem, but we also know that there are currently problems within the billing system. For instance, if someone does not have a health care card, there can be no billing that occurs, but nobody in this province is denied medical care if they haven't paid their health care premiums. The question is: does the physician get reimbursed? It's my understanding that it's very difficult for that to occur.

In the past, with the closing of the provincial offices over the Christmas period, billings were not accepted by Alberta Health for the one-week period over Christmas. A question I've had put to me is whether or not that practice will continue now given the fact that there is no longer that mandatory time off between Christmas and the New Year that was a cost saving a few years back?

The reason I bring up those concerns, Mr. Speaker, is that it's concerns like that that test that trust relationship and stretch it and stretch it and stretch it. It's these kinds of bills that just snap that trust relationship, and I don't believe it will be possible for the government to regain that trust. Again, we see where they weren't listened to in Bill 7, and they're not being listened to now in Bill 40 despite the rather vigorous opposition that the AMA, the Alberta Medical Association, has put forward to that.

I would urge all members to look at the recommittal with all seriousness, to consider it before the vote is taken, to ensure that in fact that decision is based on solid information that has been presented. The reality is that each of the MLAs within this Assembly has received an MD/MLA contact sheet. Within that contact sheet it is very clear that the AMA has been opposed, and what the AMA has actually stated in that contact sheet is that Bill 7 is not necessary and does not deserve third reading. The recommittal, Mr. Speaker, is one way of ensuring that this bill at this point does not receive third reading until the amendments that we will bring forward are looked at and regarded and agreed upon.

The AMA says that the preferred approach is co-operation and collaboration, and this is an example of how we in the Official Opposition are attempting to co-operate, we are attempting to collaborate, we are attempting to provide a way for Alberta Health, for the minister, for the Premier and the government to demonstrate goodwill. I would hope that outreaching of a hand, that outreaching of goodwill will be regarded as such by the government members and that, in fact, when it comes to that vote, the vote will be in favour of recommitting this bill to Committee of the Whole.

It is unfortunate that we have come this far, quite frankly, and we're still debating this bill. It would have been just as easy for the minister, if he himself had not seen fit at this time to bring in an amendment, to have the bill die on the Order Paper, but we will see

within the next few days if, in fact, that is the case and that is the intention of this government.

As I've indicated, the AMA is more than willing to sit down, more than willing to co-operate, more than willing to do everything in their power to ensure that their traditional method of operating is respected and, also, that the needs of the department are met and those needs are met keeping an eye on the publicly funded health care system and ensuring that that system is maintained and supported and enhanced. Any move the government makes should be with that in mind, yet we hear that this is not the case with Bill 7, that the bill we have seen will not do that. It will not support, it will not enhance, it will not make for harmonious relationships with the department and the AMA and, in fact, will exacerbate a situation that already is a bit tenuous.

Again, it's hard to know why this is occurring, and I guess that's not really the issue, Mr. Speaker. The issue is that the government as manager of the Alberta health care system should try to do everything within their power to ensure that the health care professionals are able to do their job to the best of their ability. When you have a contentious piece of legislation like this that will inhibit the working relationships between Alberta Health and the AMA and the physicians, then I do not see that the government is performing their duties as overseers, as managers of the health care system.

So what the bill is set to do is not what it will be doing. In fact, the bill – and the minister himself said it – is designed to ensure the efficient operation of the health care insurance plan. What the AMA has said is that there is not a problem. Why are we creating a problem? What this particular bill will do is disrupt the relationships that the AMA has with the department.

I think those are very key issues. The minister of health has indicated that when Bill 7 is passed, he will personally commit that the government will consult with the affected stakeholders. Now, the question is: why wouldn't that occur before? Why would the minister stand in this Legislative Assembly and say that he will, after a bill is passed, commit to consulting with affected stakeholders? That can only be because he has no intention of listening to what those stakeholders have to say. The ability to affect legislation is now, not once the bill is passed. I do not believe that the minister has in the last five or six months, from May until November, sent anything to the AMA that indicates how he will consult with the affected stakeholders, what the nature of the consultation will be, and what exactly their impact will be given that the legislation has been passed.

So, again, we need to ensure that the recommittal occurs so that those issues can be straightened out. In fact, we can actually put an amendment into the legislation that says that the minister will consult.

Thank you, very much.

THE SPEAKER: Hon. members, on the amendment to third reading of Bill 7, the Alberta Health Care Insurance Amendment Act, 1999, as proposed by the hon. Member for Calgary-Buffalo, would all those in favour of the amendment please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The amendment is defeated.

[Several members rose calling for a division. The division bell was rung at 8:40 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Blakeman	Leibovici	Sapers
Carlson	Massey	Sloan
Dickson	Nicol	White

Against the motion:

Boutilier	Hancock	Mar
Broda	Herard	Marz
Calahasen	Hierath	O'Neill
Cao	Hlady	Paszkowski
Cardinal	Jacques	Pham
Clegg	Johnson	Renner
Day	Laing	Severtson
Doerksen	Lougheed	Smith
Dunford	Lund	Tarchuk
Forsyth	Magnus	Taylor
Friedel		

Totals:	For - 9	Against - 31
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[Motion on amendment lost]

THE SPEAKER: The hon. Member for Edmonton-Riverview on third reading of the bill.

MRS. SLOAN: Thank you, Mr. Speaker. On third reading of Bill 7, Alberta Health Care Insurance Amendment Act, I thought I might start off this evening by sharing with the Assembly quite a lengthy historic chronology of negotiation and the evolution of negotiations in this province and particularly how that process has evolved relative to one of the most key partners in the health care system, that being the profession of physicians, or doctors.

As most in the Assembly would know, physicians have been one of the longest serving and longest practising professions in the province, recognized in the early 1900s. Certainly in that respect, Mr. Speaker, they have been in service to the citizens of this province as long as this Legislature in many respects, and perhaps to some degree we could even say they were in service prior to that in an unrecognized or less legislated capacity.

The point of that chronology and the evolution of negotiation along with the evolution of the profession is that a framework of negotiation occurred, and in the course of doing that, provisions for practice and registration and complaints and even billings, Mr. Speaker, were brought forward. Now, what we have before us this evening could have most certainly been a negotiation proposal that the ministry of health took forward to the bargaining table. They could have said to physicians: listen; we want to make some amendments, some revisions to the way in which billings can occur and how that will happen in the future.

I can only assume, Mr. Speaker, that that didn't occur or, if it did occur, that the government did not receive the outcome they desired in the process of negotiation and they were unwilling to put in the necessary work or effort involved at the bargaining table to achieve some type of resolution. So, as a result, we see before us tonight a piece of legislation that is really the government bringing down the hammer, so to speak, saying to the physicians: "All right; this is not the bargaining table anymore. We're going to make legislative changes, and we are going to take away your involvement in what framework billings will occur in the future."

Now, this precedent that we set tonight with the debate and impending vote on this bill is not unlike precedents that have been

set in other components of the health care system. We have most certainly seen that this government took away the right to strike from registered nurses. They have taken away other provisions and withheld provisions at the bargaining table, Mr. Speaker. There is a declining degree of professional ability to advocate on behalf of patients for their best interest, for proper care, proper access, and even for the most basic, their safety in the system.

In the course of my career in this province – and except for one year I've practised my entire career in Alberta – I see a declining ability in the professions to be able to advocate whether it be at the negotiating table or through legislation. We saw in the Health Professions Act, again, legislative changes that orchestrated a melting, if you will, of 30-odd professions under one piece of legislation. We see another form of punitive government action here tonight in Bill 7. We saw Bill 37 just in the spring, where the government was most certainly prepared to legislate private hospitals. Fortunately, in that latter respect, Mr. Speaker, the public awoke and said, "Excuse me, but we have not given you the mandate to go about doing this," and in effect they demonstrated to the government that they would not stand for the passage of Bill 37, and subsequently that bill was pulled.

Now, unfortunately, the health professions bill was a bit like a boring novel to read, and you really had to be a member of one of the professions to understand some of the intricacies and the provisions and the absence of some provisions in that bill. The majority of Albertans, Mr. Speaker, were not even aware that that was before the House, and similarly so with Bill 7. We would only probably see a handful of citizens external to the profession of physicians that would have the knowledge or ability to really understand what this piece of legislation is about.

I go through all those things, Mr. Speaker, because they're all connected in the government's scheme, if you will, the inherent desire to destabilize the public health care system, and that desire is rooted in destabilizing and to a larger degree restraining professional practitioners from advocating on behalf of their patients. Certainly one of the arenas where that occurred and occurred very publicly was at the bargaining table. So now, at least with respect to the physicians, the minister will go into negotiations and he and his ministry will say: "These billing provisions are not anywhere near the bargaining table, and should you choose to be cantankerous or provoke us or embarrass us publicly in the course of this negotiation, we'll just invoke section 3 and perhaps decide that the minister may refuse to pay benefits where a claim for benefits is not submitted as per (b)(i)." Or perhaps they might choose to enact (d), where the minister would indicate that there might be some other changes he might need to make, all of course necessary for the proper administration of the plan.

9:00

The real intent, Mr. Speaker, is just to stick it to the physicians. It's really like poking a bear, if you will, poking a sleeping bear maybe. I think there aren't a lot of bears in the province; well, I suppose there are a few. Maybe I should be using something more common like a coyote or maybe a moose. The province for some reason, when you think about it, really seems to want to poke physicians in the eye. They have done it with Bill 37. They've done it with Bill 7. They're in the course of doing it with Bill 40. They are most certainly poking physicians in the eye when they propose a plan that would somehow give private, for-profit operators a leg up on billing for contracts with the regional health authorities.

It's hard to understand why, Mr. Speaker. Why would a government want to take on a long-standing, highly respected profession that has done a tremendous public and citizen service to the people

of this province? Well, part of it, I think, as I talked about earlier this afternoon, is that something happens in this environment. The power and influence that seeds an arrogance gives rise to the attitude that if you don't do what I tell you to do, then you're going to be made to pay or made to suffer or, in this case, be made incapable of billing, as the bill would have it. So I think the government truly is picking a fight here with a group they would be best to leave alone, leave to their professional practice on behalf of patients, and get on with governing, get on with the important issues in this province.

There are more than enough issues out there which don't seem to warrant enough attention by this government. Poverty is one example. We have on more than one occasion and most recently municipalities have tried to bring to this government's attention the concentration of poverty that exists in this province. Well, the majority of physicians in this province would tell you that they see the effects of poverty. They see on a daily basis in their practices the detrimental impact poverty has on health. You don't have to educate physicians about the social determinants of health.

We have a government in power today that hasn't deemed that worthy of attention. As a result, we see costs in the health care system being impacted by that. Now, the government wants to say every day that a lot of our expenditures in health care are related to aging or the flu. I mean, Mr. Speaker, with all due respect, that is complete and utter bogus. This government knows full well that there is a growing component of people in this province who are not getting enough to eat, that don't have sufficient income to live, and their health is detrimentally impacted by that. Now, we – and I say collectively “we”, the government taking the lion's share of responsibility – contribute to that because of maintaining our social assistance at the low poverty line level and a minimum wage that is also barely allowing people to scrape by. You combine with that the critical shortage of subsidized housing and the proliferation of temporary, no-benefit, casual jobs and you end up getting a lot of young families out there, young people, who are not making ends meet and, as a result, not able to live healthy lifestyles.

You won't hear the Premier and you won't hear the Provincial Treasurer and you won't hear the minister of health talk about that when they talk about why health care costs in this province are rising. I would suggest, Mr. Speaker, that if the government took it upon themselves to seek out comments and recommendations about how that might be dealt with, they would have more than one physician on their doorstep telling them that, yes, in fact this reality exists, and they'd have some recommendations on how to solve it. But how does this forum that we're setting up in this province, of poking physicians in the eye, of bringing forward legislation that physicians don't support, of abdicating and sidestepping the whole process of negotiation and consultation, and bringing in legislation just because we have the majority to do it – how does that ultimately serve the interests of the citizens of this province? It doesn't.

The general precedent that this sets, Mr. Speaker, that has been set before, is that the government has a heavy hand and likes to use the heavy hand if it thinks it can get away with it. It has done it before not only in the health sector but certainly in social services and education. This is just another example of that. So my submission this evening on this bill is that this issue should go back to the bargaining table. If I were the minister of health tonight, the bill would not be before us.

I respect the collective bargaining process, Mr. Speaker. It is a process that requires a lot of energy, a lot of commitment, and a lot of willpower at times, but the product of building consensus and resolving conflict in a co-operative fashion will take this province and the interests of all Albertans much, much farther than bringing forward a punitive piece of legislation to ram something through.

Those, Mr. Speaker, are my thoughts with respect to Bill 7 at this late stage, and I'm appreciative of the opportunity this evening to give those remarks. Thank you.

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

MR. WHITE: Thank you, Mr. Speaker. I will do my best to stick to topic and the amendment that is not before us at the moment. Speaking to the bill.

AN HON. MEMBER: Now I'm confused.

MR. WHITE: Thank you, sir.

Bill 7 is a rough piece of work. It's painfully short. It's brutal. It's mean. It does all the wrong things to a group of people that this House certainly seems to believe is doing some good in the province in that there are extra incentives to locate family doctors in the rural areas, as there should be. We spend a great deal of money, collectively that is, the people of the province of Alberta, educating these people. We spend a great deal of time working on and trying to devise systems to deliver health care and to minimize the cost, which also involves these people. These people are the pillars of our community. They're basketball coaches. These people are the cornerstones of all the small communities in Alberta. Yet what does this legislation do? This backs up and smacks them in the nose. This says to them: don't ever mess with us; we are the government. That is not a very pleasant message.

9:10

Quite frankly, I think probably what we're seeing is a little of the extra spunk that is given these people, collectively through either the college or through the AMA, to do their recent advertising, saying: look this is a government that simply has lost its caring and has gone on to criticize anyone and everyone that even remotely stands up and says no, this is wrong.

This is a piece of legislation that is about as subtle as a jackhammer in an operating room. This doesn't do anything other than say: you shall not. It doesn't further negotiations one iota. I suggest to you that it should be a rather delicate relationship because we have a professional organization doing its darndest to allow its members to do what their calling is, which is to protect the interests of their patients. But at what cost? The government holds that out to them and for them as a dangling carrot a great deal of the time, and it doesn't have the desired effect in my view.

Quite frankly I believe these people would, if they could, come to some reasonable solution and move on. The difficulty is that the government simply does not and will not allow them to do so. It's a threat forever more: “Whenever you get out of line, this is how we'll treat you; we'll bring in legislation and cram it down your throat. It may take us six months or it may take us nine months, but by golly, we'll be there, and we'll get you.” That's what it says.

Now, we have heard before of the exodus of doctors from this province. Well, this is precisely the reason why. It's got nothing to do with the tax rate and all the rest of it. Quite frankly, most of the doctors I know aren't sure, until their accountant tells them, what their tax rate is. They don't really know, and a good deal of them don't care a great deal, as long as they're making a decent living and they can raise a family.

This is a nasty, nasty piece of work. It should not have been brought forward at all. I can see why the sponsor has to be the minister, because no one in a local community would want to have this hanging over their head, raising interest in a community, if all the docs say that you're not a particularly good person to deal with.

Now, I have a great deal of respect for those that deliver these kinds of services throughout the province, and they should have the respect of all the members in this House. There is a set form of negotiations. You don't use big clubs, and you don't use the worst of all tools: withdraw from talking. That's exactly what this does. This says: "No, that's it; we are not talking of this any longer." You have lost the ability to do what this government says in every other respect would be your right.

We keep hearing the Premier go on and on and on at great length about how all these practising physicians are independent businesspeople. That's what they do. Are they allowed the right to bill their clients directly as every other professional? No. When it comes to that, they're not independent. All of a sudden now they are employees of the state. In fact, if you read the Income Tax Act, as I understand it, the docs have a special arrangement, but virtually any other businessman would not be called independent businesspeople. In fact, if more than 60 percent of their income comes from one client, which in this case it does, the province of Alberta, then they are employees and have to be treated as that. Well, this government would never suggest that to them – nor should they – but when you're negotiating an employment contract, you wouldn't do this. You wouldn't say: "This is how we have to deal with you. You are cut off from the other means of sustenance that you have and any other means of sustenance." It's really unheard of in my view and my experience in dealing with a government to a professional body. Quite frankly, it's appalling that a government would even think they can conduct negotiations with someone you expect to have a trustful relationship with thereafter and expect that relationship to survive any kind of time at all.

I'm not going to belabour the point, but I believe that this is the worst kind of legislation. Not wanting to prolong the debate any longer – I see I'm getting yawns from the other side and motions to take my chair, but certainly before I do so, sir, I wish to enter an amendment. Notice has been given, and the table officers have that and will distribute that amendment now. I move that the motion for third reading be amended by deleting all the words after "that" and substituting the following:

Bill 7, Alberta Health Care Insurance Amendment Act, 1999, be not now read a third time but that it be read a third time this day six months hence.

That motion is being now made and accepted, I believe. It's duly initialed, and it is being distributed.

Speaking to the motion, this motion does what we would love to have this House consider, and that is doing precisely what a good negotiator will do, get to the precipice and say: "Let us deal. Let's talk about this. Let's take some time. Let's step back from the edge. Let us understand the long-term ramifications of bloodying each other's noses. Let's take a second look. Let's do a little reconciliation, and time – perhaps the Christmas season and a little bit of a summer will do – will soften the positions perhaps."

As the aboriginal people of this province would say, "Walk in the other's moccasins for a mile, and find out what it's like." Well, that's setting things aside and understanding the other person's negotiation. You should do that. You would understand that each stakeholder has a position that can and should be fully explained to the other side. Then take some time to collect one's thoughts and understand how that affects the larger audience, the larger group, the people or those that we intend to serve, how in the long-term that affects them. This kind of heavy-handed approach certainly doesn't do justice to any government. Quite frankly, I'm appalled that this government put it forward.

Speaking in favour of this motion, I would take my seat and allow others to have the same opportunity to speak to this amendment.

THE SPEAKER: The hon. Member for Lethbridge-East on the amendment.

9:20

DR. NICOL: Thank you, Mr. Speaker. It's a chance to get up and speak to this amendment that would delay the further debate on Bill 7. If we effectively look at what the bill is doing and the need for a referral of the bill, I think it's important that we look at it from the perspective of how we're dealing with the health care structure, the health care focus right now. The government is continuing to tell Albertans that they have a new plan they're going to be releasing in the spring. We're going to find out something about how services will be handled, how the waiting lists will be shortened, how the regional health authorities will be given a chance to look at the focus of the perspective, yet what we've got here in Bill 7 is a bill that's going to set out a series of relationships between the minister and the physicians in the province which talk about how they can or cannot undertake to collect fees for services that they provide and the focus those fees have to take. What we're looking at there is essentially the government saying right now that they're going to define a process for physicians, yet in the proposed health plan they keep talking about, they're also talking about trying to develop the relationship between the physician and the delivery of services and the delivery of procedures for Albertans that need health care services.

It looks from my perspective as though to suggest that to pass this bill at this time would in effect be only dealing with part of what should be included in the plan that is going to be coming in the spring. If we're going to deal with a comprehensive plan, we shouldn't be dealing with parts of it now without looking at it in the context of how it fits into whatever overall plan is going to emerge in the spring. You know, it's hard to tell right now. Maybe this is going to be what is needed; maybe it isn't. At this time we haven't seen the structure and the relationship that's going to be developed under this new plan to deliver services and procedures to Albertans under this modified and revised health care plan that we keep hearing about.

All we have so far is a little five-page document that talks about the relationship and the fact that the new health care delivery system in Alberta will still be consistent with the Canada Health Act. I think every Albertan would hope and should hope that that is the case, but within that framework there are a number of different ways that we can relate to the deliverers of those services, as we've seen in the debate so far. For us now to pre-empt that kind of future discussion by passing a bill that would outline a set of regulations in the context of how a physician deals with and collects from Alberta Health for services provided, to assume that that's going to happen at this time, I think is quite presumptuous. That's the first reason that I think we need to have the bill not read at this time, because that would deal with it from that perspective.

The second point I wanted to bring out was the idea that we're talking about regulations that are going to come out. The minister in his introduction of the bill promised that the physicians would be consulted with, Mr. Speaker, yet I would suggest that the government doesn't have what you'd call a good reputation of dealing with those consultations. I can look back to the spring session when we debated long and hard about the bill that related to grazing leases, Bill 31. There was all kinds of talk about "We promise we'll consult; we promise to get you involved; we promise to talk to the stakeholders; we promise to make sure every stakeholder gets involved." Yet what do we find? A month or so ago the government released a draft set of regulations in support of that bill, and not one of the stakeholder groups was involved in developing that draft.

They're now only asked to react to that draft rather than being active participants in developing the draft. That's a kind of backward way of doing it when you're promising stakeholder consultations.

Is that going to be the same way the participants in the health care service delivery are going to be involved in developing the regulations that are associated with Bill 7? If that's the kind of procedure that will be followed, we can see that what we're looking at is effectively that a document will be released in six or eight months and the physicians will be given a copy of it and be asked to react rather than having them as a partner in a proactive building of a set of regulations that can result in a feeling of involvement, a sense of buy-in, and a sense of ownership when those regulations are finally put in place.

Mr. Speaker, I might say that from our perspective it might be a good idea. This really gets a lot of the stakeholders that have to deal with the government concerned about, you know, how they can trust the government, whether they can really believe what they're saying. They come to us and say, "Gee, you know, we hope you guys might be different, and we may be able to find out if you're different if we make you the government after the next election." So that's one of the things that has to be thought about here. It's interesting though.

Mr. Speaker, that's kind of the reasons I think we should support this amendment to not read this bill a third time now. It is basically the fact that we have to look at it in the context of the overall health plan that's being developed, and secondly, we have to have a better definition of the consultation that's going to be necessary to put together all the regulations that are necessary to make this a functional bill and whether or not the stakeholders are going to be involved. On that basis, Mr. Speaker, for those two reasons I think we should basically support this amendment not to read this bill at this time.

THE SPEAKER: The hon. Government House Leader on the amendment.

MR. HANCOCK: Yes. Thank you. I find it passing interesting that after this bill was considered, I think on the 1st of March of this year, in second reading with a relatively modest amount of debate, as befits the bill, because it is a very small bill needed to correct a small problem, in Committee of the Whole there was a total of six minutes of debate. At the time the Liberal opposition obviously felt no need to bring forward any amendments. They probably hadn't read it yet, I guess.

Then earlier tonight we had a motion to recommit. All of a sudden they've discovered a whole lot of amendments needed for the bill, I suppose. That's the only explanation I can come up with for their having passed over the opportunity when we were in committee, when they should have done their homework and brought forward any appropriate amendments. Now, after having had 12 speakers in third reading on this bill from the opposition side, a motion to in essence hoist the bill.

Clearly what we're seeing, Mr. Speaker, is more of what we've seen throughout the last couple of weeks from this opposition. As the member from Edmonton-Calder said the other day, the only tool they have is time. They use it badly. They want to delay; they want to obfuscate. I don't think we need to have that kind of progress in the House.

I would move that we adjourn debate on this bill at this time.

THE SPEAKER: On the motion put forward by the hon. Government House Leader to adjourn the debate, would all members in favour of the motion 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 44**  
**Insurance Statutes Amendment Act, 1999**

[Adjourned debate November 23: Mr. Havelock]

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

DR. MASSEY: Thank you, Mr. Speaker. I appreciate the opportunity to say a few words about Bill 44, the Insurance Statutes Amendment Act. The bill has caused, of course, a great deal of debate across the province. It calls into question how we'll treat each other as Albertans and calls into question the kind of society we as Albertans want for our families and for ourselves and for those that follow us.

I've been reading recently the work of Amitai Etzioni on rebuilding society. Etzioni addresses what happens to subgroups or to minority groups in communities and makes a number of observations about the kinds of things that the majority can do that will help bring society together and the kinds of centrifugal forces that are in place that often cause communities to disintegrate or at least to weaken them.

[Mrs. Gordon in the chair]

Etzioni has published a series of books of his own and has certainly contributed a number of chapters to other books where he tries to develop a series of principles that can be used to help strengthen communities. He's constantly interested in the question of how we can sustain community. What are the kinds of things that we can do that will make our communities stronger and will make our communities safer places, which will make our communities healthier places for the participants? What can we do that will make our communities strong in the future?

9:30

In the latest book of his that I've read called *The New Golden Rule*, Etzioni lays out a series of commitments, and when you look at the kinds of commitments he talks about and the language of Bill 44, which is directed at a particular group of Albertans, I think the questions he raises and the issues he raises become very, very pertinent. I think they're worth thinking about as we approach this legislation, and certainly they're worth thinking about before we pass it.

One of the first prerequisites Etzioni would have us commit ourselves to would be a commitment to not only our own values but a commitment to respect the values of others. He indicates that among us there are groups who hold a unitary set of values. They believe the things that they think are important, the things that they think are right is the set of values that everyone in the community must adhere to. That's one thing, but they go even further, and they condemn the values of those people who are different. Those people who hold conflicting values are condemned and dismissed and legislated against. I think that's what we have in Bill 44. It's legislation against a particular group of Albertans.



Etzioni goes on to develop and to look at how we treat minority groups, how we treat subgroups in our society and community, and he talks about at least three approaches. One is neutrality, one where we refuse to look at the values held by others and proceed as if all values were equally valid and important. He indicates that this isn't often the stance taken.

The second concept that he talks about in terms of values is tolerance. Interestingly enough he doesn't argue for tolerance. He makes the thesis that tolerance is really judging someone else's values and holding them in lesser regard than one's own; that is, he says, someone who is tolerant is willing to live with someone else's values but doesn't for a moment believe that they are equal to or as good as his or her own values. So he indicates that tolerance isn't good enough when we're dealing with the values of others.

He goes on and makes a plea for us to respect the values of others, because it's only in respect, he indicates, that we can really strengthen community, and it's respect for the values of others, he would propose, that builds a foundation for a strong community. The question it raises, of course, when we read Bill 44 is: is there respect for the values of all Albertans in the legislation that's there? Of course, the answer to that is a resounding no. There is a set of preferred values that is being promoted in the bill, and that is at the expense of the values held by other members of our society and our communities.

The second kind of commitment that Etzioni would have us make to strengthening communities would be for us to limit identity politics, and that's what we're involved with here. We're involved with identity politics. We're defining a group of people as if they were one community and as if they only belong to one community rather than to very many.

First of all, it's very easy to isolate people and to see them through only one perspective, only one prism, but most of us, if you look around this Assembly, are many things. We may be defined by our sex, but we can also be defined by many other things that we are. We're legislators. We're Conservatives or we're Liberals. We can be lawyers. We can be teachers. We can be grandparents. We can be moms or we can be dads. But identity politics doesn't allow that to happen. Identity politics insists on treating a group of individuals, in this case homosexuals, as belonging to one community, that community, and only viewing them in that light. It's extremely limiting, it's a political manoeuvre, and it rests with those individuals who refuse to admit that there are values other than their own that can prevail in a society. By promoting identity politics, we're all the losers. Bill 44 does not make Alberta a stronger community. Bill 44 isolates a subgroup of Albertans, and we'd eventually deny them their rights, and we'd deny them fiscal resources that might rightfully be their own.

In speaking against Bill 44, Madam Speaker, I hope we know what we're doing when we start to isolate groups and treat them in a way that other groups in our province are not treated and what we do when we refuse to bestow upon them the rights that other Albertans enjoy. So it's with those comments that I'd conclude, Madam Speaker.

Thank you.

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

**MS LEIBOVICI:** Thank you, Madam Speaker. I rise to speak to Bill 44 in second reading, the Insurance Statutes Amendment Act, to find that there are flaws within this particular act that has been put forward. As my colleagues before me have indicated, at least those in the Official Opposition, there is a distinct flaw and a blindness on

the part of the government in recognizing that partners can be of either sex and that partners may not necessarily have their relationships under the umbrella of a religious organization and may, in fact, live together in harmony and become dependent on each other for many things.

**9:40**

One of the issues that comes to the foreground is why this particular bill was found to be good to put forward in the first place. To give a little bit of background, there was a Supreme Court case in 1995, Miron versus Trudel, that ruled that marital status can be grounds for discrimination. However, the Supreme Court ruled that the definition should include couples who have cohabited for three years or have lived in a permanent relationship with a child, that these should also be read into the legislation and that would be the new definition of spouse.

It is interesting that in my own constituency I can remember the case of two individuals who were of opposite sex and who had lived together for many years and, in fact, had two children. The woman passed away unexpectedly and did not leave a will, which left the male partner in the relationship without any access to the common goods that they had purchased together, to her savings, and, in fact, greatly disadvantaged the children as a result of her not having a will and not being considered a spouse in the definition that would have provided for a lot of the rights that spouses in a marriage do have.

This seems to be a similar type of situation in that you have two individuals – this is Miron versus Trudel – where one individual was injured while a passenger in an uninsured motor vehicle driven by an uninsured driver, and then as a result the appellant could no longer work, contribute to the family support, and he made a claim for accident benefits for loss of income and damages against the common-law spouse's insurance policy but was denied because he was not officially a spouse in the definition of the time.

We see that there are actions that accrue as a result of our blinkers that we have in terms of looking at relationships and that, in fact, the equal benefit should accrue to partners who have lived together for, our suggestion is, at least three years. We have also said: who have a child in the relationship or who have entered into simple written contract to create legal obligations and duties under the act. The proposal that we have put forward is a concrete proposal which doesn't need to change the definition of marriage and respects people who choose to live together in mutually supportive relationships. We could, I guess, choose to deny the realities that exist within Alberta. I would rather that we deal with those realities in an open manner and ensure that everyone is entitled to equal access to the benefits that would accrue to them.

An interesting side note with regards to the Insurance Act – and I guess I tend to look at everything, Madam Speaker, with a bit of the blinker of private versus public health care and look for how this could benefit private, for-profit operations that may enter within this province. One of the things that must be noted is that at this point in time there is regulatory power which applies to the interpretation clauses under the act. As a result, there appears to be a very significant enhancement of that regulatory power.

Right now the act deals mostly with life and auto insurance, but the reality is that if items become delisted under our public health care insurance plan – and we have seen examples over the last six years where, in fact, we have seen delisting of services – who would be ready to pick up those delisted services but the private insurers? Everyday we turn on our radio, and we hear of an MRI clinic who is giving a special today, or we hear of an insurance company that will take care of those unexpected health care needs, or we hear of the choices that insurance companies provide to people who before

did not have choices. Those are the kinds of commercials that we are being bombarded with, quite frankly, on a daily basis even though we have a publicly funded health care system here at this point in this province.

If we were to delist some more of these services, we know that the private health care insurance companies would be more than willing to fill the gap, and given the significant enhancement of the regulatory powers of the government in this revision in the bill, one wonders if, again, it is not part of a broader scheme to just keep pushing that door open on private, for-profit health care until it is wide open and there is no way to shut it. We have seen this incrementalism eating away at our public health care system and the strangulation of our public health care system.

Again, if you are looking at privatizing, we know that there will be a need for more private insurance. Perhaps this bill does more than what meets the eye, does that little bit extra that might be required in order to provide private insurance so that private health care can flourish within this province.

Those are some of my main concerns with regards to this bill. We know that the government has said in the past that they believe all Albertans should be treated equally and that they wish to avoid further section 15 Charter challenges. We believe that our proposal can do that. The proposal that is put forward by the government, I think, is put forward with full knowledge that they may well still remain open to a Charter challenge in the future, and if the government were quite serious about ensuring that our public dollars are spent wisely, then why put ourselves in a position where, in fact, we may be expending dollars that do not need to be spent?

So those are my comments, and I look forward to the continued debate on this bill. Thank you.

9:50

MR. DAY: Madam Speaker, in addressing this particular bill on this topic, I think it's important to reflect on one of the comments made by members opposite. This afternoon they talked about setting aside emotion on the discussion and not getting wound up in an emotional aspect and also always having respect for one another's opinion and then in the next sentence or two talked about the fact that anybody who supports this legislation or supports the present government policy about defining marriage as a heterosexual union is, in fact, bullying and was compared to a bully in a schoolyard.

I think that if we are talking about this issue, we need to talk about the issue but not denigrate one another because we happen to differ in terms of our particular opinions on this. Unfortunately, it happens often in the media where somebody who is speaking to and for the definition as it presently is constituted winds up, not by all but by some in the media, being absolutely shredded and called names like homophobic or intolerant or racist. I have heard and actually experienced the most scalding of terms at times when a person is talking about their particular view of how a marriage should be defined. Unfortunately, I've heard much of that from opposition members in terms of their having their view of how broad the definition should be, and that is certainly their right. But in reflecting on the view of someone like myself, there's this flurry of epithets that go with it that are very negative and suggest narrow-mindedness and intolerance and all kinds of things.

So I think that while we're having this discussion we should try and stay away from that type of name-calling and reflect on why different people see this differently. Really at issue here is the definition of a certain word, the word marriage, including in the case of this particular bill those who experience a common-law heterosexual relationship. The policy of this government is to recognize that time-tested definition, a definition that has served civilization for centuries.

For centuries there has been a recognition in society that this

marriage union, this heterosexual union, carries with it certain obligations but also certain elements of respect and certain responsibilities. After all, in its very most basic form the heterosexual union is accountable for the procreation of our species. Some people aren't excited about that, but I think the fact that we are able to procreate is a God-given responsibility and joy and should not be taken lightly.

Down through the decades and the centuries it's been recognized not just on the aspect of procreation but for the care of the species, if I can use the word species, from birth until death, and in most cases without remuneration, other than very recently in the history of western civilization when certain tax benefits have been accorded to this particular relationship. Before it was just one seen with respect and one that was protected. Only very recently in western civilization have there been some financial benefits attached to that, recognizing not just the procreation but the care of the species from birth to death.

It's not that other relationships are not caring and that people don't care for one another in those relationships, but it has been determined by society and continues to be determined by the majority of Alberta society that there should be a certain distinction worthy of being seen in this particular framework in which we use the word marriage and define it as the union between a man and a woman. Now, this is not to say that other relationships have no value. Often that's what we hear from people when we get into this debate, that those who are wanting to maintain, as the majority of Albertans do, the present definition are casting aspersions on all other types of relationships. That's simply not the case. It's just that this particular relationship should and does deserve a certain distinction in society, just as other types of relationships have certain distinct values and certain distinct places also.

There is no sense – I'm speaking for myself – of looking down on other relationships, saying that they are of no value, of thinking less of a human being because that human being decides to have a relationship with somebody of the same sex. That's a matter of their choice, and there is no law in Alberta that forbids that. There's no law in Alberta that forbids people of the same sex from living together, from having all kinds of relations – spiritual, physical, and emotional – together. There is no prohibition on that whatsoever, nor do I think less of a person who makes that particular choice.

But I hear from across the way that the definition of marriage – and I've heard this a few times – should be expanded to include, and I quote, all types of relationships. A number of their members have said that: all types of relationships. So I want to discuss a very real example right in my constituency, where a gentleman – I might add a fine gentleman – who is an immigrant to our country from another country with other customs, asked if I would join him in lobbying to have the marriage laws changed to accommodate the fact that in his country he's allowed to have more than one wife at one time. Now, that's a particular practice and custom in his country – and he's a fine gentleman – and I had to share with him that at the very least I would be in some difficulty with my constituents if I were to lobby for a change in the definition of marriage so that he could accommodate a custom that he grew up with.

Now, I wasn't denigrating him. I've met one of his wives; she's a fine person. I haven't met the other one, but both he and his wife that I've met tell me that she also is a fine and wonderful person, and I don't doubt that. Nor do I look down upon them for the particular arrangement in which they are involved in my constituency: one man, two wives; that's how they've defined themselves, but that is not how the society of Alberta is defining marriage. Other people that know this trio, this menage a trois, as it's called, don't look down on them. They don't walk by their house and spit at them and call them names. They say, "Well, that's a decision and a choice

that they've made. They seem to be enjoying that." I had to be very clear with them in saying: "Look. I respect you, and I don't question the fact that you love both your wives and both of them love you, but I must respectfully tell you that I will not lobby to change the definition of marriage to accommodate your particular relationship."

I'd like to hear from the members opposite who are talking about changing the definition to allow for a homosexual relationship to be defined as marriage or a lesbian relationship to be defined as marriage. Would you agree with this gentleman that we should change the definition of marriage to accommodate his lifestyle? Would you agree with that? If you don't, then who are you to say a homosexual relationship qualifies to be redefined but not the menage a trois? Where do you draw the line and on what basis? I draw the line on what has been time-tested through the centuries, number one, and is supported by a majority of Albertans. In no way do I denigrate other situations.

The particular situation here in terms of defining common law and allowing that to exist for a heterosexual relationship between a man and a woman is something that is recognized by the majority of our society in Alberta and will serve to accommodate what Albertans say. This is the bill that defines the common-law relationship and accepts it as being acceptable between a man and a woman, and the opposition are arguing that it should be expanded to also include homosexual and lesbian couples. I am talking about why the majority of Albertans, not in a demeaning, negative way, do not support that.

Now, the Member for Edmonton-Riverview was approaching the debate from the point of view of saying that perhaps the marriage definition should be diminished because of the fact – and she misquoted a figure that's almost always misquoted – that 50 percent of all marriages have ended in divorce. She was using that to say that maybe we shouldn't look at heterosexual marriage between a man and a woman because the divorce rate is as high as it is. First of all, that is an oft-misquoted statistic regarding marriage. If I were to ask members here tonight: what percentage of all marriages in Alberta this year will end in divorce . . .

AN HON. MEMBER: Tell us.

MR. DAY: What percentage of all marriages this year will end in divorce? A little over 1 percent. About 8,000 couples will divorce this year in Alberta, a little over 1 percent. Now, the demographers take that, they extrapolate it over 40 years, and they say that marriage has a 40 percent divorce rate. In fact, of all marriages in Alberta right now 76 percent are still on their first marriage. Eighty-seven percent of all families, including common law, are two-parent, heterosexual families. That makes up the majority in Alberta. Now, those are just the facts.

10:00

The reason that's important and the reason it's often unfortunately misquoted – the Member for Edmonton-Riverview, in speaking to this bill and suggesting that in fact the definition should be expanded, is suggesting that because the rate is as high as it is, then maybe the heterosexual union isn't as important or as constant as it should be, and therefore the definition should be broadened to expand other types of unions. That's why it's important to understand that statistic: this year in Alberta a little over 1 percent of all marriages will divorce.

I would suggest that she is moving on dangerous ground if she is going to use constancy in the relationship as a qualifier for certain provisions which marriage qualifies now. We know from a statistical basis – and I'm not speaking pejoratively; I'm not

speaking in a judgmental way – that homosexual relationships, though there are many that have been lifelong, in general are nowhere near as constant as the heterosexual marriage relationship and in fact involve many more relationships even during a year than the average marriage relationship. So I would caution the Member for Edmonton-Riverview in debating this bill to be careful about using constancy or commitment as the qualifier. The fact is that a majority of Albertans – and we reflect it in this bill – are saying that the definition should be maintained as it presently is, a union between a man and a woman.

Again, I'm saying that this is not in any way judging or demeaning any other type of relationship; it is simply saying that given history and given the present situation and the present mandate – there is no mandate, at least as I see it. Just as I do not have a mandate from my constituents to lobby to change the definition of marriage to accommodate that fine gentleman who has two wives, so I do not have a mandate from my citizens, my constituents, to change the definition to accommodate marriage between two men or two women, common law or otherwise.

Now, the law still allows them to have their relationship. In fact, they can draw up contracts that would confer certain financial responsibility elements upon one another. They can draw those up. But on this particular element those are some of the reasons why I believe that it's prudent to maintain what we know and what we have accepted in terms of a definition of marriage, including common law, between a man and a woman. It is in no way denigrating other ones. I'm asking the members opposite, if they feel that the definition should be expanded to include a marriage between two men or two women: then what about the situation that I face in Red Deer, a real-life situation of a man and two women? Should that also be accommodated?

These are some of the things that we deal with in day-to-day life with respect to one another and holding respect for different types of relationships.

Thank you, Madam Speaker.

MR. DICKSON: Madam Speaker, I've been wondering, as I was listening to the Provincial Treasurer, where that member had been when we went through the long debate on Bill 12, the Domestic Relations Amendment Act. I couldn't imagine how we could have been at greater pains as an opposition to lay out what we thought was a constructive, positive solution to make Alberta legislation Charter proof. You know, when I hear members say that they wish the opposition would talk a little less and spend a little less time on bills, I now have to go back and say: even when we make the point, it somehow doesn't seem to get communicated.

Let me set the Provincial Treasurer as straight as I possibly can, and I'll be happy to deliver the *Hansard* citations to him tomorrow so he can go back and see – unless he slept through the entire spring session, Madam Speaker – that the position was as simple and as straightforward as this.

The Alberta Liberal opposition does not support the redefinition of the word "marriage." The members of my caucus recognize that most Albertans have long understood that there's a certain meaning that goes with the word "marriage," and we respect that. We're not going to try and tell Albertans that the marriage that people my parents' age have understood their entire life is now going to get turned on its ear and redefined in some kind of a revisionist sentiment to mean something different. We respect the fact that people understand that marriage means something, and we wouldn't try and change it. Similarly, the word "spouse" has a very clear meaning, Madam Speaker, and the people in Lacombe, Alberta, know what a spouse means, and they have a very clear notion of what it does not

include. So what the Alberta Liberal caucus did was respect those understandings, respect those historical meanings.

I can only believe one of two things: the Provincial Treasurer daydreamed and slept through the entire spring session, or mischievously he chooses to put forward a position, knowing with absolute certainty that it misrepresents the position of the Alberta Liberal caucus. I don't know what it is, whether it's gross negligence or malevolence, but in either event, if the Provincial Treasurer goes back and looks at the debate on Bill 12, he will see just how clearly that position was made.

MR. DAY: Look at the debate today among the members.

MR. DICKSON: Madam Speaker, it's not enough that the Provincial Treasurer misrepresents a position that was set out with great pains in the Legislature, but he persists in trying to publicize untruths. I'm extremely disappointed that a man who would be in the pecking order the number 2 person in terms of influence in the provincial cabinet would not show more respect for the work of the Legislative Assembly and the record of the Legislative Assembly.

In any event, in case anyone else who is genuinely interested in the reality and the truth is unclear in terms of what the caucus position is on this bill or on Bill 12 or on any of those other statutes and the way we suggest we could make these statutes Charter proof, it's simply this: we believe that two adult Albertans, whether they're same sex or opposite sex doesn't matter, should be able to enter into a contract.

You know, I can't think of anything more reasonable or sound than allowing two adults to enter into an agreement that says that they're entering into a long-term, supportive relationship and they wish certain legal consequences to attach to that relationship and define it by contract. So we're not imposing legislation on anybody. We simply recognize that two adult Albertans of the requisite mental competence should be able to fashion a simple contract that says: for purposes of the Insurance Act or purposes of the Domestic Relations Act or purposes of any of those other family-related statutes the parties to that relationship, in the event of dispute or whatever, could exercise the same kind of remedies. In Bill 12 it was to go to the Provincial Court; under the Domestic Relations Act, the Court of Queen's Bench; or in this case, to be able to access an insurance plan. All we're saying is: why wouldn't we allow two Albertans to do it?

10:10

There would be some in this Assembly – and I guess from his comments that the Provincial Treasurer would be the leader of that group – who somehow think that we shouldn't allow Albertans that opportunity to freely contract of their own volition. There may be some like the Provincial Treasurer, who feel that they know better than others. He started off telling us he wasn't going to be prescriptive and impose his will on anybody else and offered this wonderful laissez-faire attitude: let's live and let live and let people manage their own relationships. First he misrepresents and then, secondly, indicates his opposition to an opportunity for two people to contract. It is frankly the opposition caucus that recognizes the freedom and the ability of people to make their own contractual arrangements and would like to see the legislation allow two people to do that.

You know, we have people here who I think have served on the Alberta Human Rights Commission, now the Human Rights, Citizenship, and Multiculturalism Commission, who I know understand the importance, understand the value of not being prescriptive and allowing people the opportunity to design their lives and access the remedies. Our job as legislators is to allow that to happen.

Our proposal was that two people could enter into an agreement.

They would not have to go down, as at least one member of the Reform Party in Parliament has suggested, and register the relationship, because that in fact attaches a kind of notoriety that may neither be fair nor warranted nor wanted.

[Mr. Herard in the chair]

I have to tell you, Mr. Speaker, that this proposal passes the test of my relatives in Medicine Hat. It passes the test of people in Drumheller. It passes the test of people in downtown Calgary. These are all people who, like my caucus, don't want to see "marriage" redefined, don't want to see "spouse" redefined, but they're not going to stand in the way of people trying to fashion their own arrangements, whether it's their insurance protection or access to the domestic relations legislation. They're prepared to allow other people to do that.

Now, two questions, Mr. Speaker, as we debate Bill 44. The first one is why the Provincial Treasurer persists in refusing to acknowledge what in fact has been put forward by the opposition. The second is: why wouldn't the government address this in this bill?

You know, how many times have we heard the House talking about Charter challenges: isn't it awful that the Supreme Court of Canada or the Court of Queen's Bench or the Alberta Court of Appeal is fashioning or refashioning Alberta laws? The only reason the court does that, reluctantly, is because legislators simply don't have the wherewithal to be able to recognize the higher imperative of the Charter of Rights and Freedoms and enact legislation accordingly. What we have is a government that continually would sooner stick its head in the sand. Oh, it takes it out to get battered over the head by ruling after ruling that any first-year law student could predict is coming down the road. I'm confident that the Minister of Justice has given that advice to the Provincial Treasurer, but the Provincial Treasurer presumably doesn't listen to his colleague either.

It's really clear that if we were to accept the Liberal amendment – and we'll put that forward, virtually the same amendment that we saw on Bill 12, when we get to the committee stage on Bill 44, because we said at the time that the model we'd constructed, Mr. Speaker, would lend itself to a whole range of statutes. We invited the provincial government to take it and adapt it, but they haven't done it.

So what we have now is a government that once again invites a Charter challenge. This is a great business for those lawyers in private practice who have this huge retainer at the expense of Alberta taxpayers to fight it again. I don't think that's prudent. I don't think it's fiscally responsible. I don't think it's appropriate, and most importantly, Mr. Speaker, I don't think Albertans want that. I think Albertans want to see the legislation made Charter proof.

At the committee stage we'll be able to go through and talk about specific amendments, but I just can't for the life of me figure out why, Mr. Speaker, the government is so resistant to this sort of change that the opposition has proposed. We know that the government has spent a great deal of money. A lot of those 200 lawyers in the civil law section of Alberta Justice have been attending conferences and reading learned papers and drafting policy options, and I can only imagine what the cabinet has looked at.

Here we are. I mean, one might even say: okay, the government was caught flat-footed when the Vriend decision came out. They somehow couldn't have anticipated it even though they were an active intervenor in the case. They might have needed some time to construct their fences committee, with the Provincial Treasurer in a leadership role in that. They might have needed some time, then, to digest the impact of the court decision. But, Mr. Speaker, here we

are at the end of 1999. This is more than enough time for the government to figure out how to make our legislation Charter proof. Yet again we stumble, lurch forward. There's a great big pit in front of us that we're going to fall into. Everybody can see it, and we're all sort of screaming on the sidelines: stop, stop, before you fall in the pit. We've got a government, presumably led by the Provincial Treasurer, marching right ahead, eyes fixed on the stars and not looking at the hole in the ground in front of him. He's going to have quite a fall, Mr. Speaker, and unfortunately he brings the province along with him.

Mr. Speaker, I think at committee stage we'll be able to make some other changes to it, but I just comment on the other irony here. The reason we're dealing with Bill 44 is to deal with the ruling in Miron and Trudel, the Supreme Court of Canada decision. If we're prepared to make our legislation responsive to one direction from the court, why is it that we can't anticipate the next direction from the court and be able to make some changes around that? I just find it a very curious situation.

The other point I was going to make is that there's a whole issue in terms of competence in legislative drafting. The government likes to pat itself on the back for its ability to lead, to govern, and so on.

MR. PHAM: Question.

MR. DICKSON: We see a little life from the Member for Calgary-Montrose in the back row. I'm not sure I've seen his comments on this bill, but I know people in Calgary-Montrose who would like to see the Alberta Liberal model for dealing with a host of relationships. They exist there too, and they exist right throughout this province. I daresay that if we were to have a poll, we might find, Mr. Speaker, that that is exactly the problem.

Mr. Speaker, I think we're in a situation where there may be an issue in terms of a quorum. I'm going to suggest that under Standing Order 5 and *Beauchesne* articles 280 to 287 we may not have a quorum to be able to continue.

THE ACTING SPEAKER: Standing Order 5, did you say?

MR. DICKSON: Sorry, sir. Standing Order 5 and *Beauchesne's* articles 280 to 287.

THE ACTING SPEAKER: Hon. member, I'm advised that we do have a quorum, so you may proceed.

MR. DICKSON: Thanks very much, Mr. Speaker. I saw the members returning as I raised my point.

DR. TAYLOR: Let the record show there's only one Liberal in the House, Gary.

MR. DICKSON: Mr. Speaker, that's all it takes when we see a bill as deficient as Bill 44.

Mr. Speaker, there is a host of questions with respect to Bill 44. I think this government has got a lot to say to be able to justify the bill they've brought forward and the deficiencies in that bill, but I look forward to further comment and in the meantime send over to the Provincial Treasurer the *Hansard* I referred to so he can correct his misinformation.

Thank you very much.

10:20

THE ACTING SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you very much, Mr. Speaker. I'd like to speak briefly on this bill. I listened very intently to the Member for Calgary-Buffalo as he made his comments. Frankly, there is some of what he said that I think in the context of another bill would probably be worth discussing. I hope that this Legislature does get an opportunity to have that discussion at some point in time, but like the debate we had when we were discussing amendments to the Domestic Relations Act, this is not the appropriate time to be having that discussion. As a matter of fact, I was wondering if the Member for Calgary-Buffalo was ever going to get to the point in his speech where he made reference to the reason we're dealing with this amendment in the first place.

This amendment is very specific, and it relates to a decision of the courts, which he eventually did get around to mentioning. In fact, the reason we're dealing with this is so that all couples, whether they be common-law or married couples, will be able to benefit from the provisions within the act under insurance. So what this bill does is deal with a very specific example. The courts didn't get into a whole bunch of other instances which we have heard, and I think that the member is quite correct in saying that eventually there may well be a court decision that does lead legislators to have a serious look at the definition in a different light. But in light of the court decision that we have in front of us, I think that this is the prudent and appropriate way to deal with it. If we were to accept the rationale the Liberal opposition is proposing, we would have legislation in the province of Alberta that is consistent as much as can be across the board with the exception of one bill, the Insurance Act, which would deal with domestic relationships in an entirely different manner.

I think what this bill does is recognize common-law relationships in the traditional sense of the word, and that will allow the Insurance Act to go forward. It will allow for people within the province to have the benefit of the Insurance Act and allow them to conduct their financial affairs accordingly.

At some point in time I'm sure there will be an occasion for members of this Legislature to deal with an omnibus form of legislation. We talked about this last spring, when we talked about the Domestic Relations Act. That is a debate in and of itself. I think it would more appropriately be debated in and of itself, and at that point in time I think I would welcome the comments and amendments the Liberal opposition is proposing. I haven't seen the amendments, but I anticipate that they'll be very similar to the amendments they brought forward to the Domestic Relations Act. Frankly, Mr. Speaker, I think they're inappropriate at this point in time, and I think it's inappropriate for the discussion we've been hearing on this bill.

This bill deals with a very specific instance and a decision from court. I think it's prudent and it's proper that we deal with that decision as it relates to the Insurance Act. I also think that at some point in time in the future it would be appropriate for this Legislature to have a look at the broader issue as it relates across all legislation, but at this point in time I think it's inappropriate to suggest that there should be amendments made for those accommodations in this one bill in isolation of all other legislation in the province.

With that, Mr. Speaker, all I can do is encourage all members to support this bill. I look forward to reasonably prompt disposal of this bill because it's very straightforward. Thank you, Mr. Speaker.

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

MR. WHITE: Thank you, Mr. Speaker, for the opportunity to speak to Bill 44. It's strange that this government would go so far out of their way to embarrass the people of Alberta, those that are progressive and those that believe in live and let live. There's lots of room

to move in this great land. There's lots of room to be different from your neighbour. There's no harm in being different from someone else. Quite frankly, I don't understand why these folks on the other side here wouldn't heed the good advice heard throughout the world, actually, in a quotation from just recently determined by independent observers to be the most important Canadian of the century, Pierre Elliott Trudeau, when he was Minister of Justice, in December 1967, some 32 years ago. "The state has no place in the bedrooms of the nation" was his quote.

**SOME HON. MEMBERS:** You supported him; didn't you, Lance? You were right there campaigning with him, Lance. Sure you were. Tell us, Lance. Tell us you were campaigning with him.

**MR. WHITE:** No. I needn't respond to the gibes of the other side. The other side is gibing me for being a Tory at the time this was said, and rightly so, but all the time I was a Tory, Ralph was a Liberal. I have a little difficulty understanding the gibes.

**THE ACTING SPEAKER:** Hon. member, we are in second reading of Bill 44, so if you could just ignore the gibes from the other side and stick to the debate. Thank you.

**MR. WHITE:** Thank you, Mr. Speaker. The Speaker is quite right. One should never listen to the gibes, particularly from Cypress-Medicine Hat. What one should do is spend much more time thinking and listening to the Member for Medicine Hat, who put some arguments forward just recently.

Why would one have to be embarrassed by the rearguard action of a government that has both feet firmly planted in the last century, not even the current century, and we're going into the next one. All defining the narrow version of spouse and therefore defining relationships piecemeal over and over and over again does is employ a whole raft of lawyers in the civil law section. For what purpose? This rear guard: you know where it's going to end up. We all know that. Ontario did the wise thing and admitted that the homophobic law and fighting the rear guard was certainly not in the best interests of the people. They admitted that there was some need for some progressive change and allowing people to get on with their lives.

The challenge over and over and over and over is an ad hoc manner of dealing with some fundamental principles of respecting a partnership contract between two adults. To continually redefine the relationship in law when the relationship between two people is defined by themselves and not the law is what's really at stake here. It's just plain sloppy law. It's backward pedaling all the time and fending off Charter challenge after Charter challenge.

#### 10:30

The Member for Medicine Hat was quite right in saying that all this bill did was on this narrow bit of the law, and yes, it's true that this is only in response to a challenge and a judgment in this narrow band. Yes, that's so, but the judgment was only rendered on the question. That's all a judgment can do. It can't go beyond that. There are many in this House that blame judges every day for trying to make law. Well, in this case they're only responding to that narrow question. Whether their judgment is right or wrong is up for debate, but it is the law of the land, and this Legislature has to make law to suit. This piece of legislation is just half a step back and scrap again, then half a step back and scrap again. What is there to protect? Are you protecting my children or your children from some dastardly takeover by some strange people? Not likely. I have no fear of it.

The common law is continually being redefined and will be.

That's the nature of common law. It is defined by the people for the people all the time. This is one step and a microstep when in fact you should be recognizing the direction of the law and setting aside these kinds of differences and not embarrassing Alberta in the eyes of Canada – fortunately, the rest of the world doesn't really see this kind of silliness – and getting on with it. There are so many other things to be dealt with and so many other relationships that can be explored and fostered as opposed to getting into the relationship between two individuals.

I don't understand why one wouldn't just say: look; let's just get on with life and take a major step where we know the world is going and certainly the populace is. If you look back over history, slavery was acceptable years and years ago, two centuries ago actually. There were laws passed in this country that had a head tax on Chinese immigrants. Times do change. This government most recently offered a different kind of entrance fee, a \$250,000 entrance fee, to some Asian immigrants. Now, there's a pretty marked change in law from one end to the other, and it was incremental steps. It would be much easier if, as opposed to fighting the rear guard, you stay out just a little bit ahead of where the folks in this world are heading and not have to pay lawyers enormous fees to re-fight these battles all the time. It seems horribly paternal to be protective of the relationships and the endearing relationships through insurance of one person to another. Quite frankly, this member can't understand why there's any need for it.

Redefining the family and trying to turn the clock back is not going to affect this member's marriage and certainly most of the other marriages here. Having this silliness in law that we have before us today certainly isn't going to affect how my sons react to the world. It doesn't affect that. What does one expect to accomplish with this but just pain those over and over and over that have difficulty living in the world the way it is right today? They want to push those envelopes out to encompass all citizens. Quite frankly, this is not a helpful piece of legislation. It's divisive. It sets one against the other. It's good for those folks that always like to have someone else to blame for the ills of the nation or their little part of that nation, and it just is not needed.

If you take a major step back and come from the fundamental principles of getting along together, which some would call Christian principles and others would call Muslim principles – virtually every religion has those kinds of principles. It's respect for those other people that are doing the best they can to get by and make a contribution to the well-being of their fellow man. It doesn't seem to me a great deal to do: to allow others to live as they wish to live in another kind of contractual relationship. I have difficulty believing that this House is made up of those people that cannot, aren't big enough to allow others to live the way they wish.

This piece of legislation should have and deserves no consideration in this House, should have been dismissed long ago so that we were able to get on to some other pieces of business that I'd love to discuss: some fundamentals of energy wealth distribution. I know that the Provincial Treasurer would love to have a great debate – and I'd like to hear that debate – on the taxation rates and how different forms of taxation have the desired effect. There are so many other things that deserve time in this Legislature as opposed to this bill, and quite frankly it's disappointing that one has to spend the days leading up to Christmas dealing with, in my view, such a counter-Christian, if you will, view of who individuals are and what they have to be limited to being to be accepted in this Legislature.

Mr. Speaker, I will take my seat now and allow others to debate the matter.

[Motion carried; Bill 44 read a second time]

head: Government Bills and Orders  
 head: Committee of the Whole  
 10:40

[Mrs. Gordon in the chair]

THE DEPUTY CHAIRMAN: I'll call the committee to order.

**Bill 43**  
**Fiscal Responsibility Amendment Act, 1999**

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

MS CARLSON: Thank you, Madam Chairman. I was waiting for you to tell us who had last spoken to the bill or the status that it was at.

THE DEPUTY CHAIRMAN: Hon. Member for Edmonton-Ellerslie, we don't announce who was the last speaker in Committee of the Whole.

MS CARLSON: Okay. Sorry. Thank you for correcting me on that point.

I'm happy to speak to this particular bill for the second time today. Earlier today I had an opportunity to speak to it at second reading. I didn't, in fact, finish all my comments at that time before I ran out of time, so I'm glad to see that we are now in committee, where I can speak several times to this and ensure that all of the points that I have on this particular bill, the Fiscal Responsibility Amendment Act, 1999, are covered fully and in detail so that when my constituents review what is said, they know that those of us on this side of the House felt that an amendment to a money bill in this province was worthy of detailed discussion.

As I talked about earlier today, it's unfortunate that once again we need an amendment to a process that deals with money in this province, to a process that the Provincial Treasurer put in place. When the Provincial Treasurer put this process in place, he stated at that time that he expected his ministers to live up to the process, to not expect additional moneys or changes in the process. Yet here we are a few months further down the road, and an amendment act comes in and changes are being made.

I put the question to the Provincial Treasurer: how can he expect anybody to validate the budgetary processes he has when they are constantly changing? In the same fiscal year we've seen what appears to be a concrete action plan in terms of promoting their three-year business plans suddenly change three-quarters of the way into the year to allow for more onetime funding to be dumped back into the system. How can anyone who's managing any kind of a budget within government adequately plan for their needs and prioritize in a responsible fashion and effectively use the business plans, which can be very effective tools if they are given a chance and if they are in fact adhered to?

It's an interesting process when you're putting together a business plan and looking for moneys to fund expenses in programs when you know that the moneys you're dealing with are quite likely less than 100 percent of those that you should have access to and are certainly not all that you can get before the end of the fiscal year if you turn out to be the squeaky wheel in that particular year. What that does, in my opinion, is set up a process that is completely fraught with conflict, that is adversarial in nature, and that certainly doesn't help with and isn't conducive to long-term strategic planning or properly organizing departments.

It must be quite a nightmare to be in any of these government departments and be a part of the budgetary process. Initially you're

given a number of dollars that are significantly lower than what you need to efficiently run your department. We've seen that happen particularly in Environment, where since '93 they have lost 50 percent of their operating revenue and more than 30 percent of their personnel . . .

MR. SMITH: Is that bad?

MS CARLSON: Well, that yappy minister over there, who refuses to engage in debate, wants to know if that's bad, and I would put it to him, Madam Chairman, through you, that of course it's bad if it isn't properly planned.

It isn't always good to just cut and slash and burn budgets without having done any thorough planning, without looking at the process of exactly what the service is that you're providing, how you are going to provide it, and how you are going to properly fund it. Chronic underfunding in any department is a source of concern for all of the people affected by that department, and in the case of Environment it's more than people. It's the landscape, it's the critters, it's the ongoing continuity of viability from an economic viability perspective and a tourism viability and a landscape viability, and those are things that should be considered.

It is particularly and precisely the notion that minister puts forward, that cuts are always good, that hurts us in the long run. There is no doubt that we can always strive for the best possible performance in any department, Madam Chairman, and I applaud any government that does that. But in this case the best possible performance or any of the acronyms that you hear, TQM in terms of total quality management, or any of those forward-thinking new kinds of applications that we see being applied so effectively in business could also be applied to government, but they're not in this case.

Madam Chairman, what we've seen happen here is simply a matter of cut for cut's sake to be able to say that we have lowered the number of taxpayers' dollars that we're spending on an annual basis. That's only half of the equation. Providing properly funded systems and programs throughout the province and ensuring that we have adequate infrastructure to support those systems and programs is a fundamental pillar of what government is supposed to be doing, and when you only take a look at the cut side and you don't take a look at the service-providing side, you're only seeing half the picture and you're only providing half of the job that's required of you, and that's the only half of the job that this government looks at.

When they do that, they put the full system into crisis, and when the system is in crisis, it reacts, and it reacts negatively to what government is doing. So what does this government do? They dump some onetime funding in those areas that are reacting, hoping that they can keep them quiet until whatever the next stage is or, even worse than that, sometimes effectively buying back support that they've lost, Madam Chairman. I would say that that is not a way to run a government that is good in any kind of fashion at all. What would be good is if this government undertook some of the excellent recommendations that we have given them over the years.

Now, we don't think they want to do that, Madam Chairman, because we've been making those recommendations for many years, and some of them are really, really good. They're best practices kinds of recommendations that would improve the government's efficiency and operations inside and outside. I mean, we're not just thinking about the government departments here that are affected by this budgetary process, this lack of planning process, but it's all of the other organizations and businesses and individuals that are affected by the services provided by the government, not just those indirectly receiving the services, the recipients, but also those who are implementing the services themselves.

This kind of lack of planning and lack of foresight and chronic underfunding hurts the implementers in the systems as well as the recipients. We know this; we hear this. We know the government is hearing about this, but for some reason they're refusing to acknowledge that this is occurring, and they think that everything goes along fine if they chronically underfund and then dump money back in every once in a while.

So why do they just dump the money back in? Definitely they have the ability to fund it properly. They don't. It's part of the plan, I would put to you, Madam Chairman, to create an environment that screams and cries and demands lump sum funding so that they can take these balloon surpluses and reward those people who have been co-operative and punish those who have not been co-operative over time. That's no way to run a government, but unfortunately it's the way this one has been run. Certainly industry doesn't run their businesses like this, but unfortunately it's what the government decides; that is, the best plan that suits their particular strategic needs. It's too bad that it doesn't serve the needs of Albertans or any of those people who are working within the system, I don't think.

10:50

Earlier this afternoon I reviewed a couple of comments that the Provincial Treasurer had said earlier this year, and I would like to continue with that and take a look at more of the comments that he has made. In March of 1999, if you look at A Plan for a Debt-Free Alberta, the comments at that time, which I am attributing to the Treasurer, are:

Controls on in-year spending increases are legislated. No more than 25% of the economic cushion and any forecast revenue increases over budget can be committed to in-year spending increases or revenue reduction initiatives in a quarterly budget update. This new limit on unbudgeted spending during the year increases the importance of good three-year business planning to ensure all essential funding is adequately provided for in the budget.

Here we have another recommittal to the importance of the three-year business planning sessions and the "no more than 25% of the economic cushion" to be committed in spending, yet before us we have an amendment that is reversing that decision. We've seen no good arguments from the minister to indicate why this was such a good idea in March and why it's such a crummy idea now and why they should try and circumvent the three-year planning process at this stage, just a few short months from the time when these commitments were made, not just made but were written down, were published, were there for the consumption of all Albertans.

This tells me that what this means now, in terms of what was said then and what is said now, is that this government wants to be able to say that they are planning responsibly, but they also want to have both hands in the cookie jar and dole out cash when they feel the necessity arises. Why would the necessity be arising now?

It isn't just a problem of the chronic underfunding and people increasing their concerns and being more vocal about the problems in the system, Madam Chairman. I would suggest that we are about a year away from an election, and this government wants to ensure that it's in a position where they can make some promises and some commitments that will help them in that re-election process, and this is the start of that, Madam Chairman. I hope I'm wrong in those comments, and if I am, I'm sure that someone on the government side will correct them. If we don't have anybody responding to those, then I will take those comments as being correct, and that will be too bad if that's the case, because it's very shortsighted in terms of meeting the needs of Albertans. It certainly meets the short-term needs of the government, but it doesn't do a service to any of the people here in this province or to the services that they are supposed to be serving.

AN HON. MEMBER: The government serving government, not the people.

MS CARLSON: That's right. It's government serving itself, and we've had enough of those years, Madam Chairman, when we've seen huge deficits and the government in the business of being in business. We've seen enough of that kind of governing, and I don't think anyone in this province wants to see any kind of a continuation of that. But that kind of model is the kind of model that they're falling into when they chronically underfund and then dump money back into the system.

When we take a look at some of the other things that have happened here, we have to question what happened to the fiscal discipline and business planning process that the Provincial Treasurer was preaching back in February of 1999. Obviously, now with the need to make the change to the allocation formula of the economic cushion, the government must have determined that imposing fiscal discipline and business planning on itself was a hundred percent harder than it was just six months ago. Yet we're seeing increases in oil prices far beyond what they anticipated back then, so what can be harder? I'd like the Treasurer to tell us what it is about imposing fiscal discipline and business planning that's so tough. Businesses do it all the time. They change and adapt as there are changes in the external environment. Certainly the Treasurer could change and adapt as there are changes in the external environment affecting him.

Oil prices are such a good example of that. It would be very easy for him to adapt the budgetary process that they have or to establish systems that would flatten out the cyclical nature of revenues in this province. He has the expertise within his department to do that, but he refuses to accept it, and I have to ask the question why that is. If he doesn't understand it, it could be explained to him. He's got some very bright people in that department who, I'm sure, get very frustrated at the kind of process that they are forced to participate in year after year and who would love an opportunity to budget in a reasonable process, like industry does, where you change and adapt your projections every time conditions change. So I'd like him to answer those questions for me. What happened to that fiscal discipline and business planning process that we heard so much about, that he stood in this House and ranted and raved about and now is throwing out the window?

Like I said previously, over the years we have had some very good proposals that would improve, I think, both the credibility and the stability of the budget planning process and that would help sustain core programs in this province like health care and education and, in addition to that, to improve it even more, would ensure that there is both a fiscal and a human balance in good times and bad in this province. That's so important, Madam Chairman. It's fine to be fiscally responsible. It's excellent to be fiscally responsible. We expect that of governments. All governments should be like that. Just because this government had a prior history of not being fiscally responsible doesn't mean that they couldn't have been fiscally responsible or that there's any excuse for them not being so now.

But the other side of that equation is to provide a human balance: to care about the people that they're serving, to put people first in these fiscal equations, to meet the needs of all of the people of the province, not just a few select people. This hasn't been happening in many cases. We hear stories about the homeless in this province: huge problems. We hear in our constituency offices all the time about the problems faced by the poor in our society, be those people who are poor because of circumstances or because of ailments that they have or because of disabilities. Whatever the reason, we have a responsibility as Albertans to help them out, to give them a hand



up whenever possible, and to ensure that they can live their life with dignity. The kinds of repressive schemes that this government has put forward over the past few years allow few people who are disadvantaged in our society right now to live with dignity, and that's a poor reflection on all of us, Madam Chairman. It's really too bad that this government won't undertake the kind of fiscal programming that gives us that kind of human balance.

Some of the things that we've talked about in the past are amendments to require the government to table monthly budget updates so that Albertans know where they stand on a regular basis. Why is this important? It's not just important because industry does this. It's important because the government's fiscal management system ignores the very high variability of the Alberta economy. They know what I'm talking about here, and they know how to fix it. We see this variability mainly due to reliance on commodity-based industries in this province like oil and gas and forestry and agriculture.

This high level of economic viability translates into unstable revenue bases, making revenue forecasting tough and requiring prudent spending choices that can be sustained over the planning period. But there are ways to level out this kind of process, and we talk about that with our stability fund, Madam Chairman. In fact, this government had an opportunity to do that very thing: to level out the highs and lows of the market and the revenue stream with the heritage savings trust fund. They've had years to figure this out, and they know how to do it, but they won't do it.

11:00

So you'll be seeing a bill of ours coming back in the spring, Madam Chairman, if it's not passed here this fall, which is unlikely now, talking about how important a stability fund is for this province, how it's more important to have a stability fund that works to level out revenue streams than it is to go to revenue streams that disadvantage people like gaming revenues.

THE DEPUTY CHAIRMAN: The hon. Government House Leader.

MR. HANCOCK: Unfortunately, Madam Chairman, I really hesitate to do this because the hon. Member for Edmonton-Centre has missed out on an opportunity to speak a number of times tonight. I'd indicated to her that I would try not to do that to her again, but I did also have a previous promise out to the Opposition House Leader that at about 11 o'clock we would try and move to debate on Bill 45, although I'm very interested in continuing this debate on Bill 43.

I very much object to the characterization that Edmonton-Ellerslie has put on the debate; first of all, not bringing any amendments to the table when Committee of the Whole is the perfect place where, if she doesn't like the bill, she should bring amendments, not try to recreate the debate on second reading. [interjections] No. If she is bringing in bills, then she just used 20 minutes to waste time, because she just repeated what she said in second reading.

However, I want to clearly put on the record that she should not take any comfort or solace from a response or lack of it to her comments in debate. Perhaps the opportunity for government members to respond or not respond – I would suggest that if her debate doesn't merit a response, then she shouldn't take her comments as being true or accepted simply because she put them on the record.

Having said all of that, Madam Chairman, I would move that we adjourn debate on Bill 43.

THE DEPUTY CHAIRMAN: Having heard the motion by the hon. Government House Leader, does the committee agree with the motion?

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: It's carried.

MR. HANCOCK: Madam Chairman, I would move that when the committee rises, we report progress on Bill 43.

THE DEPUTY CHAIRMAN: The Government House Leader has moved that when the committee rises, progress shall be reported on Bill 43. All those in favour, please say aye.

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, please say no. Carried.

**Bill 45**  
**Appropriation (Supplementary**  
**Supply) Act, 1999 (No. 2)**

MR. SAPERS: Things are moving so fast, Madam Chairman, that I have to just turn my back on you for a minute and share these with my colleagues.

THE DEPUTY CHAIRMAN: It's okay, hon. member. I haven't recognized you yet.

MR. SAPERS: Haven't you? But *Hansard* did. My light is on.

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

MR. SAPERS: Pardon me for jumping the gun, but I'm so darned anxious to get back into debate on Bill 45 because the Appropriation (Supplementary Supply) Act, 1999 (No. 2), was a topic of debate earlier this evening when I had a chance to meet with the parent council of a junior high school in my constituency. They wanted to know if, in fact, the \$151 million that was earlier promised by the government and some other education spending was real money and how it was going to affect their classrooms in that school.

You know, when I started to explain to them that, in fact, the Minister of Learning had made some promises about additional funding, but of course he made those promises before cabinet had approved them, and then the Premier and the Treasurer made some comments in public about additional spending, but they made those comments before the Legislature had approved them, they said to me: well, that seems to be just a little bit backwards. Actually, they characterized "backwards" with another word. But they said: "It seems to be a little bit backwards. I mean, you have the minister promising money and cabinet didn't know about it. You have the government promising money, but it hasn't gone through the Legislature. Don't you think they ought to get the law passed first?"

Then one of the parents made the observation: boy, I'll tell you . . .

THE DEPUTY CHAIRMAN: Excuse me, hon. member. It is very, very, very noisy in here. I would ask those that really wish to talk to go out to the other rooms. The table and the chair do want to hear the debate.

Go ahead, hon. member.

MR. SAPERS: Thank you. Anyway, one of the parents at that meeting then made the observation: well, that really is the height of arrogance, you know, to start making all these spending promises before we even see the bill. So I explained to them that the bill would be debated at some point this evening and that we'd have another chance to hold the government accountable for this second supplementary supply bill this very year, and it's a good one. You know, it asks for over \$1.5 billion.

Before I go any further, I will reflect for a moment on what I believe were the Treasurer's comments in second reading on Bill 45, when the Treasurer was mentioning that he was going to go far and wide throughout the province. Of course I would encourage him to travel throughout the province and meet with Albertans. He was going to tell the folks that he met in the cities and the villages and the towns throughout the province that the Liberal opposition was against spending on the priority areas of infrastructure, health care, and education. Now, I'm paraphrasing the Treasurer, and that's always a dangerous thing to do, to paraphrase the Treasurer. He's been prone to circle *Hansard* and say, "You missed a word; that's not exactly what I said," and send it over to me. So I'll admit right now that it's a rough paraphrase, and I'm not going to quote him verbatim. Maybe he'll post it on his web site, and I'll be able to read it in that venue as well.

The point is that it is very clear from all the debate that there is not one member of the Liberal opposition that takes issue with appropriate spending on the priorities of infrastructure, health care, public education. There are some other areas being funded in this supplementary supply bill, whether it be the International and Intergovernmental Relations department or Agriculture, Food and Rural Development or Children's Services or Environment. This is across government, and many of these priority areas have been left begging for far too long.

Certainly this opposition has been pointing out to the government how their ham-handed, ham-fisted cutting has gutted many core programs and services of government and how it's about time they started to pay attention to the underfunding and stop calling all those people who are experiencing the pain of the underfunding whiners and stop calling them fear mongers and simply recognize that they have legitimate concerns and that they are providing services to Albertans on behalf of the government. It behooves the government to not have them come begging for appropriate funding when it's up to the government to do its job and fund the programs and those priority areas in the first place. I emphasize "in the first place" because if the government did a good job in the first place, we wouldn't be dealing with not one but two supplementary supply bills.

So I hope the Treasurer and others in government will stop spreading the false notion throughout the countryside that the Liberal opposition is opposed to appropriate spending on identified priorities, because that just simply is not the case. What we are opposed to is a government that squeezes those core services and programs nearly to the point of breaking them and then rides into town like a hero with a couple of extra bucks to say: "Here you go. Now get on with it." That's what we're opposed to. We're opposed to that kind of manipulation, we're opposed to that kind of shell game with the taxpayer's money, but we're certainly not opposed to government living up to its responsibility to fund these priority areas appropriately.

Now, Madam Chairman, I note that Bill 45 is a short bill. It has a couple of sections and then a whole bunch of schedules, and I believe the schedules are all correct. Of course, we've seen some errors in the supplementary supply book that came around, but I believe the act actually has the right numbers in it.

In the second section of the act is a section about accountability. It's section 2. It reads, "The due application of all money expended under this Act shall be accounted for," and that's a good thing, because Albertans not only demand but deserve the accountability this government claims to provide.

I'm holding in my hand here, Madam Chairman, the government's response to the most recent report of the Auditor General, the 1998-99 annual report. There are some cross-government recommendations of the Auditor General that I think are very relevant to debate in committee on this nearly \$1.6 billion request for unbudgeted, unplanned-for spending, particularly as I relate it to section 2 of the act.

#### 11:10

I would first say that one of the first recommendations from the Auditor General is that "it is recommended that Ministries collaborate with Treasury to articulate best practices in business planning." Now, of course, if they did that we wouldn't be faced with the second supplementary supply bill this year.

I note with some curiosity that the government's response is to accept this recommendation "in principle," and the government response goes on to read that "the 'art' of ministry business planning continues to evolve." That's very interesting. I never heard the Treasurer or the Premier or anybody else in cabinet stand up and say: "Well, you know, business plans are a nifty idea, but we don't quite have it nailed yet. This is simply a work of art, an evolving work in progress." No. They talk about these business plans as though they're cast in stone and as though they've got it all figured out when, in fact, what they say to the Auditor General is that the art of business planning continues to evolve.

They go on to say that

best practices typically emerge from an internal culture of continuous improvement. Treasury will continue to encourage ongoing refinements to the business planning process and provide assistance to ministries on request.

Well, I'm glad to hear that Treasury will continue to encourage ongoing refinements and that they'll provide assistance to ministries upon request, but my question is: what happens if a ministry doesn't request it? I mean, this could happen for a couple of reasons. Number one, you could have a ministry that thinks they've got it all figured out when, in fact, they don't, or you could have a minister that simply doesn't want to go to Treasury for advice, because that in itself could perhaps be career limiting.

So while I'm encouraged that they've accepted this recommendation in principle, I can tell you that it gives me absolutely no comfort at all that section 2 of Bill 45 will be respected with that kind of response from government.

Now, the next cross-government recommendation of the Auditor General that I want to mention is the recommendation that "Ministries work with Treasury to develop a strategy to improve the definitions of the components of business plans." This is accepted, and it should quicken the heartbeat of all members of this Assembly and gladden the souls of all Albertans that they've actually accepted this recommendation, but then the government goes on to say that a common set of business plan components has already been established and communicated to ministries. Treasury will continue to work on clarifying definitions with ministries.

Well, the last time I looked at the business plans, Madam Chairman, they didn't have this common set of components. Now, if they've been communicated to the ministries, I'd like to know what the ministerial response is. Are they going to use them? Are they going to modify them? What needs to be clarified? Is it that there is no cross-government buy-in to this business planning process, and is that what we're supposed to read between the lines on this recommendation?

Again, Madam Chairman, I will relate this to section 2 of Bill 45. The fact is that Bill 45 tries to assure us that money will be accounted for, yet some of the accountability measures the government professes to have are questioned by the Auditor General.

Let me go on to refer to a third recommendation of the Auditor General.

It is recommended that Ministries, together with Treasury, develop a strategy to combine Ministry core businesses and programs so that Ministry income statements clearly present the cost of implementing core businesses.

Now, let's pause and reflect on that for just a minute. I don't know if it came as a surprise to you when you read that, Madam Chairman, but it certainly came as a surprise to me that the Auditor General had to make it a recommendation that "Ministry income statements clearly present the cost of implementing core businesses." I mean, if they don't do that now, what in heaven's name do they do, and on what basis has this government claimed its place as the pre-eminence in business planning? I mean, this is one of the most basic functions I can imagine, to present an income statement so that the cost of implementing the business is clearly identified.

What's even more surprising perhaps than the fact that the recommendation is there and that the Auditor General has to tell the government about it is the response from the government. Madam Chairman, it doesn't say: absolutely. It doesn't say: immediately accepted. It doesn't even show any contrition for not doing this in the first place. What they say is that this is "under review."

They go on to say: "Accountability is enhanced if plans, results and financial information are linked in a meaningful manner." Well, no kidding. "Whether a ministry uses core businesses and programs or some other presentation needs further consideration." "Needs further consideration," I add for emphasis. I'm beginning to lose hope for the government's ability to live up to the promise of section 2 of Bill 45, Madam Chairman.

Now let me go on to yet another recommendation as it relates to section 2 of Bill 45. The Auditor General says:

It is recommended that Ministries, in conjunction with Treasury, develop a strategy to improve the quality of performance measures in business plans.

What we have here is a response from government that says:

Accepted in principle. Each ministry has ongoing responsibility to improve the quality of their performance measures. Treasury will continue to provide leadership in this regard.

It says that "Treasury will continue to provide leadership in this regard," but earlier on they say that the recommendation immediately above is only under review. I'm beginning to be a little bit confused as to what really the level of response is from government to the Auditor General. Are they committed to business planning and performance measures, or are they not committed to business planning and performance measures?

Madam Chairman, the next recommendation is another one of those eye-openers. The Auditor General says:

It is recommended that Ministries, supported by the Treasury Department, provide guidance to accountable organizations on best practices for annual report presentation.

Now, are these the delegated administration organizations that the government was so anxious to set up? There are many of them. There are many in environment. There are many in agriculture. There are many right across the government. The recommendation is that the Treasury Department be used to provide some guidance on annual report presentation. Now, this is so Albertans can take a look at these annual reports and have some sense of value for dollars. They can know what these organizations did, what the money was spent on, whether or not they received good value for the money.

It's not unlike the request from Albertans right across this

province, that has been amplified by the Official Opposition, the request for the business plans and the contracts of those organizations which provide health services under contract to the RHAs. You would expect that a government that was concerned about accountability and transparency would make sure these kinds of contracts were available to the public. Well, the Premier has said that these are subject to the freedom of information legislation, and of course he's being a little cute and a little clever when he says that, because he knows full well that there are exclusions in that legislation, because it was his number one bill, that the regional health authorities can claim apply to the provision of these contracts. I would remind the Premier the next time he talks about that that there is also a public interest override section of the legislation where it is manifestly in the public interest to release information in spite of the exclusions. Then the government has a responsibility to do just that.

Well, that brings me back to this recommendation where the Auditor General is saying that these accountable organizations need to do something with their annual report presentations so that there is really transparency and understanding, so that there is some clarity in the minds of taxpayers about what's going on.

Now, the government says that they accept this recommendation. They go on to say:

Under the Government Accountability Act, each ministry may provide guidance to accountable organizations on the form of annual reports, as considered necessary. Given the diversity of accountable organizations in terms of size, resources, mandate and stakeholder needs, a single standard for all accountable organizations is not appropriate. Upon request, Treasury will provide advice to a ministry on developing guidelines that could be provided to its accountable organizations.

Let's take a careful look, Madam Chairman, at the language in that last sentence. "Upon request." That means it's discretionary on the part of the ministry. "Treasury will provide advice," not binding direction but advice. That's the second disclaimer. "To a ministry on developing guidelines that could be provided" – that's the third disclaimer – "to its accountable organizations."

Now, Madam Chairman, the government says that it accepted this recommendation, yet there are three conditional clauses in this statement about how it's going to be implemented: upon request will provide advice that could be provided to accountable organizations. Now, what kind of doublespeak is this? It's either been accepted or it hasn't. If it's been accepted, you say: yes, sir; that's what we're going to do. If it's not accepted, then you use all these weasel words. I wonder what exactly the government's intent is with this recommendation.

#### 11:20

The Auditor General went on to say:

It is recommended that the Treasury Department develop guidelines for Ministries and accountable organizations regarding the use and content of summary financial information.

This is the kind of information that we might expect to see tabled during tablings here in the Assembly about one of these delegated authority organizations, maybe the one that looks after boilers and boiler safety in the province or maybe the one that looks after the disposal of certain environmental waste, maybe the container recyclers, or it could be the Tire Recycling Management Board. We would expect these to come in. We'd take a look at these financial statements. We understand what all the revenue has gone towards, and we will understand exactly where the money has gone.

Now, the Auditor General says that we don't have consistency and we should have the Treasurer provide some advice. Well, the government's response once again is not: absolutely; that would be the right thing to do so that we live up to our billing as being

accountable and transparent. What the government says instead is that this recommendation as well is "under review."

The government's response goes on to say:

As noted by the Auditor General, summary financial information can meet only the most general information needs of any user. Since summary financial information is currently provided in several different forms for different purposes, whether there would be value added by developing guidelines needs to be considered further.

Well, in any case, the government's response is very curious. They admit that summary financial information is only the most general. They imply, of course, that it has limited utility, and then they say that since it's available in so many different forms, there may not be value added in developing guidelines. Well, wouldn't the more appropriate response be: there is an absolute necessity to have governmentwide guidelines for these delegated accountable organizations so that they are in fact accountable, so that Albertans can in fact know what they need to know about their finances?

It seems to me that this is another one of those recommendations where the government really leaves us wondering about how they're going to live up to section 2 of Bill 45.

**THE DEPUTY CHAIRMAN:** The hon. Member for Edmonton-Riverview.

**MRS. SLOAN:** Thank you, Madam Chairman. I actually thought that when we stood in this Assembly last March and debated the budget – and we put a lot of energy into that process. I distinctly remember that we had to, even as opposition members, scale the stairs in order to get to all the different department debates. There was a lot of analysis, a lot of work, a lot of effort that went into that, and I find myself in somewhat of a frustrated position this evening being called upon to debate the \$1.535 billion that the government and the Provincial Treasurer decided to spend in excess of or above the estimated expenditures that we debated last spring.

Now, I think most reasonable Albertans might say: well, maybe if it was \$500,000, maybe a million, it could be argued that there were justifiable areas that needed additional money, that there were unforeseen expenditures, that there were increases due to caseload demands, et cetera. But \$1.5 billion, Madam Chairman, is an exorbitant amount of money. Somehow, given all the infrastructure, the resources, the previous budgeting and financial precedents that are set by the ministries, departments, and specifically all the wealth of knowledge that exists within the department of Treasury, I am this evening in a position of being completely astounded that we could be out that amount of money.

It constitutes approximately a third of the health care budget and 9 percent of the total budget, Madam Chairman, just to further make the point. I realize that the government has crafted all their explanations, their marketing pitches for why this additional money is required, and we've been through the process already this session of debating Bill 43, which is the proviso for the government to amend their Fiscal Responsibility Act to further allow a onetime allocation of funding. With all these things going on, I think most Albertans just really get sick and tired of the baffle-gab, quite frankly. Most, I would submit, would ask for transparency and consistency and honesty with respect to budgeting, and that means putting the hard figures on the table, allocating the appropriate amount of money, and getting on with providing services to the province.

I'm going to be selective this evening, but part of the allocations, \$36 million of the allocations, was appropriated by Children's Services for higher than anticipated child welfare caseloads. With due respect to all the hardworking public servants in child welfare,

Madam Chairman, you cannot tell me that we didn't anticipate we were going to have high caseloads in child welfare when they have been consistently high and rising for the last three years. The problem is that we've provided in our budgets only for what the government deemed to be an acceptable amount of money or an acceptable caseload, which has consistently fallen short. So then we put the Legislature through the additional grind of having to re-debate a separate piece of legislation, the appropriation act, to cover the shortfalls.

The same is true for the Ministry of Environment. In the Ministry of Environment: \$134 million for fire fighting, \$3.3 million to control the outbreak of spruce budworm, \$8 million for rehabilitation of small water infrastructure projects, and \$900,000 for site decommissioning and monitoring. Now, how much of that could have been anticipated? How much of that spending, in fact, if the Department of Environment had been transparent, could have been incorporated in the original budget? At least half, I would submit. At least half, maybe more.

The Ministry of Learning is another one that needs to be magnified, with \$172.64 million being appropriated by the Ministry of Learning: \$134.64 million for financial assistance to schools, including \$151 million for the elimination of school board deficits; an additional \$38 million for infrastructure support to postsecondary institutions. Now, all of those costs, Madam Chairman, were most certainly anticipated. The majority of them had been documented, and the additional reality is that the government had thousands of clues daily throughout the session in the tabling of SOS petitions, indicating to them that there was not sufficient funding in the system for curriculum changes, for textbooks, for technology, et cetera. So there was more than enough indication certainly through the school boards, through the Alberta Teachers' Association, through parents, school councils, all constituents, all citizens, all more than capable of conveying that message to the government.

**11:30**

The reality is that the government was in their hear no, see no mode. They wanted to bring in a balanced budget. That was their fixation; that was their number one priority. They weren't willing to hear nor see nor speak about any of those expenditures in the original round of budget debates we went through this spring. I want to indicate that I'm certainly not suggesting that we have monkeys in the Chamber, Madam Chairman, but that hear no, see no, speak no really does apply. This is certainly not, in my opinion, a kangaroo-type of proceeding, but why would we go through the process of the debate on the budget and not make that process as meaningful, as accurate, as transparent, and as honest as possible? This whole appropriation bill really is an affront. It's an affront to the budgeting process.

There are a number of other areas included in the appropriation that I could go through. Let me just conclude this segment of my debate with the ministry of health: \$322,255,000 appropriated for areas such as the Canadian Blood Services, the purchase of additional advanced medical equipment, elimination of RHA deficits, sterilization claims, persons with developmental disabilities, and the Healthy Aging partnership, all being identified as the rationale behind why the appropriation is required.

Well, we have had, even in my short tenure in this Assembly, consistently every year supplemental estimates being proposed by government for the purchase of advanced medical equipment and technology. RHA deficits have certainly existed for more than one budget year. The sterilization claims: the last I heard, the department of family and social services, which has now been segregated between children and the ministry for human resources, was saying

that they were taking responsibility for those claims and the subsequent payment of them. It was interesting that obviously another decision has been made, and that responsibility and liability have now been transferred to the ministry of health.

Why that occurred we don't know. There was no announcement or discussion of it. Did the ministry have some money hidden away or a bit of a surplus that they could allocate towards that while child welfare was struggling to address covering the costs of increasing needs in child welfare? We don't know, Madam Chairman. We don't know. We're really just in a position here tonight where the money has been appropriated, and some weak justifications are being provided by this government as to why that is the case.

I actually wish that in my own household we had this kind of an appropriation sort of process. I know that for my significant other it would be his worst nightmare if this in fact could be the case. However, this government has made it their practice to compare this province to a household. So if in fact we're operating as a household, how does the appropriation process apply? We have a set budget, and these are the expenditures. I can most certainly attest that I have been party to a budget and party to categorizing expenses and holding the household to them. If that's the commitment, Madam Chairman, then why are we here tonight as members of a household with this huge, huge overexpenditure being proposed for approval?

I guess I missed out. There must have been a discussion around the kitchen table somewhere that said: okay, these things are going to be part of this allocation. If I'd been at the kitchen table, I would have said: "Well, I want to talk about what this government is doing relative to child poverty, what it's doing relative to poverty, period. Let's also talk about the salary and remuneration for our caseworkers and child welfare workers and benefit workers in social services. Let's also talk about that. Actually let's also talk about the minimum wage." If I'd been at the kitchen table and we were discussing the allocation of all this additional money, why weren't those issues brought forward? How was it that the ones that ended up being on the kitchen table, some of which I've categorized in the debate tonight, were deemed to be the most worthy for additional expenditures? I would be absolutely fascinated to know how that process occurred.

It's interesting to me, too, Madam Chairman, that there's such a disparity. One of the siblings at the table, the sibling of Justice, is only entitled to a million dollars of appropriation, but the sibling of Health gets \$322 million. Then there's the sibling of Infrastructure: a whopping \$540 million. Now, how is the equity of the household maintained? Let's put it in the context of the season we're about to celebrate. You're stuffing the sock of Infrastructure with this huge, whopping \$540 million. Meanwhile, little Johnny – maybe that's not the most appropriate, but the little sibling down in Government Services only gets \$1.2 million in their stocking. Now, can you imagine, Madam Chairman, the raging . . .

THE DEPUTY CHAIRMAN: The hon. Government House Leader.

**Point of Order  
Questioning a Member**

MR. HANCOCK: Madam Chairman, I was wondering if the hon. member would entertain a question.

MRS. SLOAN: Absolutely not. I'm having too much fun debating this, so I don't want to be interrupted. I know, with due respect to the Government House Leader, that that's all he intends.

**Debate Continued**

MRS. SLOAN: So what kind of equity and fairness is maintained in

the household when you make these arbitrary allocations and one sibling gets their stocking stuffed to the rafters and the one down at the other end of the table is told to be content with this meager amount?

Now, in all seriousness, Madam Chairman, we're not talking about toys or Game Boys or Barbie Dolls. We're talking about millions of dollars. It is still in my mind a puzzle as to how the government decides not only which ministries are going to be worthy of an appropriation, but the amount of the appropriation they receive is an even further puzzle to me. Somehow, I suppose, there's a process of finding peace and harmony in it, but when you apply this to the province and in the context of the provincial budget, to me it's not a clear or transparent process.

11:40

Now, it would be also, I think, perhaps reasonable if this were a onetime thing, if we were standing here tonight and this was the first time this government had ever asked for these kinds of arbitrary additional allocations to be made, but we know that's not the case. In fact, the current Provincial Treasurer has brought in six supplementary estimates during his 31 months as the Premier. Pardon me; he's not quite there yet. He may be working on it, but he's still the Provincial Treasurer. The previous Treasurer, in contrast, only brought in \$611 million during his four-year tenure as Provincial Treasurer, and that's quite a significant difference: \$2.8 billion under the current Provincial Treasurer and \$611 million during the tenure of the past Provincial Treasurer.

I'd like to think that we're getting more accountable, Madam Chairman, but the reality suggests that we are not. This is not a onetime thing. It's becoming a recurrent practice. We're relying on this as a bit of a marketing . . .

MR. DICKSON: It's a backstop to a weak budgeting process.

MRS. SLOAN: The hon. Member for Calgary-Buffalo describes it as a backstop to a weak budgeting process, and that is true. But I think it's also a cleverly crafted way of stuffing the sock, if you will – I'm using that same analogy again – stuffing the sock full of an explanation or a manner in which the citizens will swallow the message.

There are many, many timers going off, but I think I hear the official one, so I'm pleased to take my seat. Thank you.

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

MR. DICKSON: Thanks very much. I'll move quickly since under Standing Order 61 we move to a vote. I just wanted to make the observation that our Minister of Infrastructure – Wrong-way Corrigan we called him with his suggestion that we're going to start passing in the right lane. It strikes me that some of the thinking that's been evident in the government, when we heard that musing from the Minister of Infrastructure, is at work here in the provincial Treasury Department. At some point it seems we have people in government that maybe have just been there so darn long that they start thinking of things in a very different way than most Albertans do, Madam Chairman. When we hear the government coming forward and advancing Bill 45 as if this were some kind of exemplar of good budgetary practice, of good forecasting, of sound management, then we realize, of course, just how preposterous that is.

Madam Chairman, is that my cue?

THE DEPUTY CHAIRMAN: Yes.

MR. DICKSON: Oh, fine. Thanks very much.

THE DEPUTY CHAIRMAN: I hesitate to interrupt the hon. Member for Calgary-Buffalo.

Under Standing Order 61(4) I must put the question proposing the approval of the appropriation bill on the Order Paper for consideration by the Committee of the Whole. Does the committee approve the following appropriation bill: Bill 45, Appropriation (Supplementary Supply) Act, 1999 (No. 2)?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed?

Under Standing Order 61(4) the committee shall forthwith rise and report.

[Mrs. Gordon in the chair]

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

MRS. FORSYTH: Thank you, Madam Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 45. The committee reports progress on the following: Bill 43.

THE ACTING SPEAKER: Thank you, hon. member. Does the Assembly concur in the report?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? So ordered.

The hon. Government House Leader.

MR. HANCOCK: Yes, Madam Speaker. Much to my chagrin colleagues have indicated that they think they've done a lot of work tonight and would like to go home, so I would have to move that we adjourn until 1:30 p.m. on Tuesday, December 7.

[At 11:48 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]