

LEGISLATIVE ASSEMBLY OF ALBERTA
Tuesday Evening, November 5, 1974

[Mr. Speaker resumed the Chair at 8 p.m.]

GOVERNMENT BILLS AND ORDERS
(Third Reading)

Bill No. 67 The Landlord and Tenant Amendment Act, 1974

MR. GHITTER:

Mr. Speaker, I move Bill No. 67, The Landlord and Tenant Amendment Act, 1974, seconded by the hon. Minister of Consumer Affairs.

[The motion was carried. Bill No. 67 was read a third time.]

MR. FOSTER:

Mr. Speaker, I move that you do now leave the Chair and this House resolve itself into Committee of the Whole for the purpose of considering Bill No. 80, The Legislative Assembly Amendment Act, 1974 (No. 2).

MR. SPEAKER:

Having heard the motion by the hon. Acting Government House Leader, do you all agree?

HON. MEMBERS:

Agreed.

[Mr. Speaker left the Chair.]

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COMMITTEE OF THE WHOLE

[Mr. Diachuk in the Chair]

MR. CHAIRMAN:

The Committee of the Whole Assembly will come to order.

Bill No. 80 The Legislative Assembly Amendment Act, 1974 (No. 2)

MR. CHAIRMAN:

An amendment has been circulated. Has everyone got a copy?

MR. MINIELY:

Mr. Chairman, just briefly, the amendment is on the recommendation of the Members' Services Committee which the Government House Leader asked me to draw up with the Legislative Counsel. I believe [it] should have the net effect of wording the allowance to members from out of Edmonton, in a manner that is the most advantageous in terms of their individual tax positions. While we cannot, in this Legislature, administer the [federal] Income Tax Act, it is the opinion of the Provincial Auditor that if this wording does not in effect accomplish it, nothing else will.

MR. BENOIT:

It strikes me there may be something here that suggests you would be paid for the actual sundry living expenses only, not up to \$30 a day, but for the actual living expenses only, to the maximum amount of \$30 each day. Do I read this correctly?

MR. MINIELY:

No. I have spoken to the Provincial Auditor and he advises me that he would interpret this to mean that the administration of Section 56(1) would be done in a manner that a member could claim in fact without any actual receipts at all, up to \$30 a day.

The intent of 56(1) is simply that by it referring to your actual expenses, you could submit bills for your actual accommodation, your actual meals and for actual sundry living expenses up to a maximum of \$30 for each day. Section 56(1) reading in the manner it now does, places the MLA in the position that if claims his actual expenses up to \$30, it is not in the form of an allowance. Therefore, in our view - and I say again that we don't administer the tax act - under existing legislation [it] would place you in the most advantageous position relative to the taxability of your living expenses.

Nevertheless that does not prevent the income tax department from taxing it as a benefit in your hands if you did not submit actual receipts for the \$30 or up to the maximum of \$30.

MR. TAYLOR:

Mr. Chairman, the effort members of the Legislature go to, to avoid paying taxes always amazes me, and yet we expect our people out in the hustings to pay every cent they owe. Frankly, I can't follow the reason taxation isn't paid on a subsistence for the members of the Legislature, when it is paid by the ordinary workman on the road. They are required to fill in their forms and pay their tax on their subsistence. People working on the highway crews, people working in any laboring work, are required to pay their share.

Yet here we are giving ourselves special exemption, or trying to give ourselves special exemption, for moneys we are actually receiving; setting us apart from workmen in the province. If this is going to apply to everybody in the province, all workmen who receive subsistence, I can follow it. But today, I know for a fact that a large number of our workers are required to pay tax on their subsistence and, being so, I think it is bad legislation for members to be putting themselves in a special position.

MR. DRAIN:

Mr. Speaker, am I not correct in believing there has been an amendment to the Income Tax Act where an employee who maintains a residence and by nature of his work is allowed, permitted or required to be away from home in excess of 24 hours per day is, by that reason, permitted an exemption under the Income Tax Act?

MR. ANDERSON:

Mr. Chairman, my concern is that we stay in the hotel and receive bills. Do we pay the bills and just submit the receipts, or send the bills in and they are paid by the department? I would like to have this cleared up.

MR. MINIELY:

Mr. Chairman, this was certainly proposed solely because, as members of the Legislature, we do have a Members' Services Committee. The Members' Services Committee, on our behalf, recommended that we do this because historically the members of the Legislative Assembly have not been taxable on the payment of their living expenses while in Edmonton, when their normal place of residence was outside the city of Edmonton.

In reply to the hon. Member for Drumheller, I would say this does not distinguish MLAs in any way from other employees, in that whether or not he is taxable depends on whether an employee claims his actual expenses. If he receives them in the form of an allowance, as opposed to claiming his actual living expenses while away from his normal place of residence, an employee is in the same position as a MLA.

In other words, I said I think in reply to an earlier question, that if an hon. member does not submit receipts for his actual living expenses while in Edmonton, he is in no different position than anyone else. The Department of National Revenue can add that to his income. Every employee is in the same position.

This arose, if hon. members don't recall, from the fact that about a year back, the Department of National Revenue on a legal interpretation, retroactively reassessed MLAs on the living expenses paid to them, the \$30 per day, back for two or three years. I felt at the time it was a very unjust thing because for many years under income tax law, if any employee was required to pay his expenses for living at a residence away from his normal place of residence, he has either been able to claim those from the company he works for and not be taxed on them, or if in receipt of a reasonable allowance for living expenses, that allowance was exempt.

The problem that occurred with MLAs was that the Department of National Revenue simply made a judgment decision that the \$30 was more than a reasonable allowance. Frankly I felt it was quite unfair in that it was applied retroactively.

So anyway what this does is really put MLAs in the position where if they file their actual bills and their actual expenses up to a maximum of \$30 a day, our interpretation - again, I have to repeat that I don't want MLAs thinking that this interprets the tax law. It does not. It simply alters the legislation so that rather than MLAs receiving a

straight, if you like, \$30 allowance regardless of whether they claim actually expenses or not, the legislation reads that they may claim their actual expenses up to \$30.

It will be administered in this way: if an MLA doesn't submit anything and claims his \$30, he will also be paid that because he has always been paid that under legislation. But he might find that he is taxed on it because he hasn't filed any actual bills. It doesn't put him in any different position than any other employee under the income tax laws of Canada.

MR. ANDERSON:

Mr. Chairman, he didn't answer my question.

MR. MINIELY:

I was talking so much I forgot what it was.

MR. ANDERSON:

When we stay in a hotel and have bills, do we pay them in cash?

MR. MINIELY:

Yes you'll have to pay your expenses, then file an expense claim.

MR. CHAIRMAN:

Title and preamble. Mr. Benoit.

MR. BENOIT:

I'm sorry. I thought you were just dealing with the amendment at the present time.

I have another question to ask. I'm sorry, I wasn't here in second reading. It may have been dealt with. What was the philosophy behind the change in subsection 2(a) where the word "shareholder" is changed to "member"? Why was it changed to "member" instead of "shareholder"?

DR. HORNER:

That has to do with the difference between a shareholder in a company and a member of a co-operative.

MR. BENOIT:

But he was previously called a shareholder in the co-op, was he?

DR. HORNER:

That's primarily to clarify it.

[The amendment was agreed to.]

[All sections, the title and preamble were agreed to.]

MR. MINIELY:

Mr. Chairman, I move that Bill No. 80 be reported as amended.

[The motion was carried.]

MR. FOSTER:

Mr. Chairman, I move that the committee rise and report.

[The motion was carried.]

[Mr. Diachuk left the Chair.]

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[Mr. Speaker resumed the Chair.]

MR. DIACHUK:

Mr. Speaker, the Committee of the Whole Assembly has had under consideration Bill No. 80, begs to report same with some amendments and begs leave to sit again.

MR. SPEAKER:

Having heard the report and the request for leave to sit again, do you all agree?

HON. MEMBERS:

Agreed.

MR. FOSTER:

Mr. Speaker, pursuant to the notice given by the Government House Leader before 5:30 this afternoon, it is now the intention of the government to move the House back into committee for the purpose of studying the report on Standing Orders and Forms of Proceedings of the Legislative Assembly of Alberta. I'm seeking the Speaker's advice as

to whether it is appropriate to move that motion and then move the House into committee or whether we should proceed to committee.

MR. SPEAKER:

Might I respectfully suggest that perhaps the report which has just been referred to and the report of the committee on foreign ownership, if that is the intention - the rules report - might be referred to the committee directly before the resolution is debated in the Assembly.

MR. FOSTER:

Fine, Mr. Speaker. In that event I do now move that you leave the Chair and the Assembly resolve itself into Committee of the Whole for the purpose of reviewing and receiving the reports of the chairman of the Special Committee on Standing Orders and Forms of Proceedings.

MR. SPEAKER:

Having heard the motion by the hon. Acting Government House Leader, do you all agree?

HON. MEMBERS:

Agreed.

[Mr. Speaker left the Chair.]

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COMMITTEE OF THE WHOLE

[Mr. Diachuk in the Chair]

MR. CHAIRMAN:

The Committee of the Whole Assembly will come to order. You may light your cigarettes.

MR. FOSTER:

Mr. Chairman, I move the Report of the Special Committee on Standing Orders and Forms of Proceedings of the Legislative Assembly of Alberta be received and concurred in and that the Standing Orders as amended become effective forthwith upon prorogation of the Third Session of the Seventeenth Alberta Legislature.

MR. FRENCH:

Mr. Chairman, during the summer recess I have been reviewing the amendments which were distributed this afternoon about 5 o'clock. I note the first page, Section 2, which deals with [Standing Order] 5 and may I read it to you. It says: "Standing Order 5 is amended by striking out subsection (1) and by substituting the following" This deals with rule 5 and it's on the first page of the ... The pages are not numbered so I can't give you the ... I guess it would be page 1, Mr. Chairman. The rule reads:

If at the hour of 5:30 p.m. on Monday, Tuesday or Thursday, the business of the Assembly is not concluded, Mr. Speaker leaves the chair until 8:00 p.m. unless, on the oral motion of the Government House Leader made before 5:30 p.m., the Assembly is adjourned until the next sitting day.

I note, Mr. Chairman, [that] under rule 5, subsection (3) of the rules we have been following the last year, it states: "At the hour of one o'clock p.m. on Friday Mr. Speaker adjourns the Assembly without question put. The Assembly then stands adjourned until Monday."

The point I'm bringing up is that we do have in our new rules the time we will reconvene, which is 8 o'clock at night, but no mention is made in the rules as to the time of adjournment that particular night. I feel our rules could be improved if we sit much an adjournment time. I'm referring now to Monday, Tuesday or Thursday evenings.

The reason I feel we should have something in the rules is this: we now have Hansard and we expect Hansard will be on our desks the following morning or right after noon. I don't think it's fair to the officers and people in the Hansard office if we sit much after 10 or 10:30 at night if we expect them to give us our Hansard the following day.

I also feel that as far as ministers of the government are concerned most of them are in their offices at 8 o'clock or even before 8 in the mornings. If we are here much after 10 or 10:30 at night, it appears to me to be a rather long day for them. I feel we should have something in our rules and these would be a guide. I realize if it's necessary to sit after say 10 or 10:30 at night it would be possible to get unanimous consent of the House to make this possible.

So, Mr. Chairman, I would like to move an amendment, and my amendment is simply this: that with respect to page 1 of the amendments and referring to Section 2 which deals with rule 5, which now reads: "If at the hour of 5:30 p.m. on Monday, Tuesday or Thursday, the business of the Assembly is not concluded, Mr. Speaker leaves the chair until 8 p.m. ..."

" My amendment would follow that with a comma "at which time the Assembly shall not sit after 10:30 p.m." and then it carries on with: "... unless, on the oral motion of the Government House Leader made before 5:30 p.m., the Assembly is adjourned until the next sitting day."

DR. HORNER:

Mr. Chairman, with respect to the hon. Member for Hanna-Oyen, it's our view that his amendment would unduly restrict the activity of the Legislature, therefore we can't support it.

MR. CHAIRMAN:

Is everyone clear with the amendment as presented by Mr. French? I will attempt to read it into the item 2, Standing Order No. 5(1). Mr. French has proposed that: "If, at the hour of 5:30 p.m. on Monday, Tuesday or Thursday, the business of the Assembly is not concluded, Mr. Speaker leaves the chair ..." at which time, this is inserted. Right, Mr. French?

MR. FRENCH:

Mr. Chairman, it should read "... leaves the chair until 8 p.m. ..." then the amendment follows.

MR. CHAIRMAN:

Very well, after the words "8 p.m.", insert the words: "...at which time the Assembly shall not sit after 10:30 p.m."

[The amendment was lost.]

MR. RUSTE:

Mr. Chairman, just on a point of procedure with the suggested change we have before us and this involves a lot more than appears on the surface. We have had delivered to us this evening, about 5 o'clock, some changes that go into a tentative set of rules we've been operating under for a year. I'm concerned that we're going to sit here tonight and just say, okay, okay, okay, and we're going to find ourselves, and find that others coming after us are going to be under rules and conditions our parliamentarians in Ottawa are fighting right now.

We're talking about going in and streamlining, standardizing, making the Legislature operate more efficiently. But in doing that we have got to be careful, Mr. Chairman, that we're not going to stifle debate, that we're not going to stifle the opposition in their ability to question. We've seen several things on this from the other side of the now government, of where they would like to cut a lot of corners, where certainly they'd just like not to deal with the Legislature at all. We saw an example this afternoon.

I'd just like to read a part, Mr. Chairman, from one of the local papers where one of our federal MPs is reporting to his constituents. I'm going to quote in part:

There is also a sense of nervousness amongst the Members of the Opposition about the proposals for new changes within the Parliamentary system. While we are being told that the new changes will provide for greater efficiency in Government, these words may only be the cloak that hides the real effect which would be to stifle the Members of the Opposition from questioning the Government's policies and actions.

I submit, Mr. Chairman, that for the changes to come - and when we sit down this evening, we tend to look at just the changes in relation to the rules we've been operating under. The rules were tentative rules. They were subject to debate and discussion before they were accepted. I submit, Mr. Chairman, that we had better be pretty careful.

I'm looking at one in particular that is in the rules book, that isn't mentioned in the amendments that were brought in today by the committee. That is Section 51 (1), dealing with the Committee of Supply, where you divide into committees. I, as an elected representative, can only be on one of those committees. Certainly it restricts my questioning and it also restricts my ability to comprehend what is going on within government. There are several other sections like this that give me a lot of concern as a member of the Legislature, in the so-called streamlining of rules and trying to build in efficiencies.

I think there are two things a member should be involved in every bit of. One is the legislation that is dealt with here. It should be dealt with out on the floor, out in the open. [So] should the expenditures of money. When we go into committee there is no record of those meetings available to the public as such. I submit, Mr. Chairman, that those two in particular, should be out in the open where everybody can be made aware of what is going on.

MR. FOSTER:

Well, Mr. Chairman, if the hon. member who just sat down wants to score some debating points and some political points in this House, he is fully entitled to do so.

But if he wants to make some sense, I would make the following suggestions to him. First of all, the hon. member has some members on that side of the House who are part of the Members' Services Committee who worked on this. If the hon. member is so steamed up about his rights being lost by these amendments, why doesn't he take five minutes and read them.

In my judgment, Mr. Chairman, with great respect, the suggestions that are being put forth here will in fact enhance the role of the opposition, particularly with respect to the amendment to Standing Order 8. That, to me, is a very progressive step in terms of legislative changes. It surely has to work to the advantage of those members opposite.

So if the member would kindly take two minutes and read the amendment, I think he would find that his concerns really aren't very well founded.

AN HON. MEMBER:

Agreed.

MR. RUSTE:

Just to reply to what the hon. minister said. He said, take two minutes to read the amendments. I'm suggesting, Mr. Chairman, it takes more than two minutes to read the amendments and to compare the proposed rule package to what we had prior to the ...

MR. FOSTER:

You're an awfully slow reader.

MR. RUSTE:

That may be the minister's opinion, but I've been around a while too. I'm not going to be bamboozled by highfalutin statements by anyone, as far as that goes.

MR. CHAIRMAN:

Order.

AN HON. MEMBER:

'Way to go, Ruste.

MR. RUSTE:

So, Mr. Chairman, as I just pointed out, we had this brought in to us about 5 o'clock this afternoon and this is going to be hidden in this package.

I submit, Mr. Chairman, we had the rules book that this new one here is to take the place of. We've operated under the yellow one for this last year with the understanding that there could be changes in it. What I'm submitting, Mr. Chairman, is that we come here this evening, we're going to give just blanket approval to it and go away and what has happened - we're restricted.

MR. KING:

Mr. Chairman, as a member of the Members' Services Committee, and the select committee last year which first devised the rules and the committee this year which was responsible for amending them, I regret we're having this kind of discussion in the House this evening.

When the committee did its work last year and when the rules were implemented on a one year trial basis, the fact that it was a one year trial basis was clear to every member of the Assembly. The Members' Services Committee, and at least for our part, those members of our caucus who were members of the Members' Services Committee, on a number of occasions invited the comments and criticisms of members on the rules under which we have been operating this year.

A select committee was struck consisting of Mr. Speaker and Mr. Cooper. It was the responsibility of this select committee to go through the rules to see whether or not they had been functioning to the advantage of all members of the House, not simply the members on the government side. I don't recall any objection from the hon. Member for Wainwright during the time of that consideration. I'm sorry that when we have had a committee, including two members of his own caucus that ...

AN HON. MEMBER:

One.

MR. KING:

Pardon?

MR. LUDWIG:

You can do better than that.

MR. KING:

I'm sorry, that when we have had a committee, including two members of his caucus that has had these deliberations, after all members of the Assembly have been aware for one year what was going to be the procedure, we should have these comments made in committee this evening after the work of the committee is concluded.

MR. BENOIT:

With all due respect to what has just been said, the fact that two or three members of a caucus haven't said something in committee doesn't necessarily mean that those two or three members, or however many there may be in the committee, have spoken on behalf of an entire caucus ...

DR. HORNER:

That's an amazing statement.

MR. BENOIT:

Just wait until I get finished. This is one of the weaknesses of the committee system in the study of estimates also. Because nobody in committee can express the feelings of all the rest and if the work of this Legislature is going to be done in committee and then brought back and not discussed by anybody who disagrees with what has been done in the committee, then as far as I'm concerned that is tantamount to closure of any debate in the Legislature.

If a man wants to express himself as opposed to some ideas here that weren't discussed in committee, that doesn't mean he can't. And I think that's the beauty of the freedom of our committee system and our legislative system as a whole. Let a man express himself. If we don't agree, that's fine. He has had his expression. But at least he has freedom to express himself.

MR. LUDWIG:

Mr. Chairman, I think these rules were handed to us late in the day. Some hon. members on the other side know them so well that they agree. They don't care whether they're good or not, they agree. But I think the rules are the most important part of our business here, so we're going to treat this as the last order of business.

I was under the impression that these were temporary rules for one year and we were going to review all the rules. I don't know what the committee is going to report or what they're going to say. I didn't know until I opened this bit of paper. Certainly to say that you got it at 5 o'clock and you should be all informed, ready to vote on it by 8 o'clock, is not fair.

The fact that we have two members of our caucus on the committee does not mean that they spoke for us or that they consulted us or that they understand or support the same views we do. So for a member to stand up here and state that somebody is sorry somebody should object - isn't that a big pronouncement. Wouldn't it be nice if nobody objected to anything you did on that side. We'd have quite a mess in no time.

So I don't think it's fair to say well, let's buy this now. I haven't had a chance to review this and I thought we were going to review all these rules one by one because some of them are not too acceptable. We've lived with it for one year. And just because we appoint a committee of six or seven does not mean the committee is therefore an authority. The committee is there to review the thing and make a recommendation, but for advice only. We're not bound by anything a committee does. They studied it better and in more depth than all of us did. But I didn't do anything. I had these rules in mind for review one by one, all the rules, at the end of this session.

Now we'd like to do a quick job, a hit-and-run job as usual by that other side, incorporate this into the rules and hope it works again. But these were temporary rules. These are not permanent rules.

DR. HORNER:

Mr. Chairman, on a point of order. Let's be very clear about it. If there is that kind of opposition from my honorable friends across the way, we as the government side are prepared to withdraw and return to the rules of a year ago.

SOME HON. MEMBERS:

Agreed.

DR. HORNER:

I'd appreciate hearing from the hon. members who were on the committee from that side. But we're perfectly prepared to withdraw the entire motion.

MR. LUDWIG:

That's not a point of order, that's a sort of threat: if you don't like what we're doing, we'll shove it down your throat. That's no point of order.

Mr. Chairman, nobody can reasonably argue that most of the hon. members except those on the committee knew what is in this paper here.

MR. TRYNCHY:

Well, read it.

MR. LUDWIG:

I know. Anybody can read the rules quickly. But you have to be able to compare them with all these rules and wonder what you don't like in these rules. These were temporary rules, unless I'm mistaken. These were not permanent rules. The impression was given by the House Leader and everybody else on that side that we were going to do a complete review of the rules. The committee recommended some changes here. Some I like. But

certainly very few members here are so well versed with the rules that they can intelligently discuss and vote and give us a binding set we are going to have to live with.

I am saying the objection made by Mr. Ruste was quite valid. We did not have a good chance to study this. Why didn't we get this a week ago at least.

AN HON. MEMBER:
Right.

MR. LUDWIG:
There were other things to do. To say we got it at 5, and at 8 o'clock we are ready to move and the Deputy Premier said, well if you don't like it, we on this side are just going to tell you to live with this ...

SOME HON. MEMBERS:
No. No.

SOME HON. MEMBERS:
Not even that.

DR. HORNER:
Let's be perfectly clear. I'm not talking about the brown book. I'm talking about reverting to the grey book of rules, the standard rules of the Legislature that were in effect a year ago.

Having listened to my honorable friends from Mountain View and from Wainwright, Mr. Chairman, I move the committee's report be not now concurred in, and that the committee rise and report.

MR. LUDWIG:
Mr. Chairman, before the Deputy Premier makes a complete fool of himself ...

MR. CHAIRMAN:
Order, order.

MR. LUDWIG:
... I want to finish the remarks I want to make. We're in committee here and I don't want to be interrupted ...

MR. CHAIRMAN:
Order. There is a motion.

MR. LUDWIG:
... by somebody trying to bully us.

MR. CHAIRMAN:
Order, Mr. Ludwig. A motion has been made.

MR. LUDWIG:
No, there's no motion. I've got the floor. He interrupted on a point of order, Mr. Chairman. You should move to ...

MR. CHAIRMAN:
Order. The Chair did not recognize any point of order, Mr. Ludwig. You sat down. The Deputy Premier stood up and presented his motion. Are you ready for the motion.

[Interjections]

MR. LUDWIG:
This is nonsense.

MR. DIXON:
This is absolutely ridiculous. The hon. member interjected when the hon. Member for Calgary Mountain View was speaking, then he uses a sneak tactic ...

MR. CHAIRMAN:
Order. Order please. Order, Mr. Dixon.

MR. DIXON:
No, that's what happened.

MR. CHAIRMAN:
Order.

MR. DIXON:
He has the floor of the House. Do I get a ruling on ...

MR. CHAIRMAN:

Order please. The Chair recognized Mr. Ludwig sitting down. Dr. Horner got up.

DR. HORNER:

Mr. Chairman, I'm willing to defer my motion until such time as my honorable friend has completed his remarks. I simply say to him again that from our point of view we tried to introduce some new rules for the past year. They were on trial. Everybody appreciated that. We set up a committee to bring in a report. Pretty obviously the other side of the House doesn't agree with that committee report. Therefore we have no intention of forcing anything down their throats and we're quite willing to revert to the previous rules.

MR. CLARK:

Mr. Chairman, just before we get carried away on both sides of the House, I think two or three things should be kept in mind. The committee was established two weeks ago and the committee's report was made available to members at 5 o'clock this afternoon. If we follow the reasoning of my friend, the Minister of Advanced Education, and talk about the consensus at a committee, there would be little sense debating any committee report that ever is done by this Assembly. There would be little sense in the future ever debating the foreign investment committee report - on the assumption it ever gets finished - because there are members on both sides of the House.

Now let's get on to the matter at hand. Really what we're doing here this evening is looking at the report from this particular committee. It seems to me the reasonable way to handle it, Mr. Chairman, would be to go through the eight or nine recommendations very much like we did when the thing was studied in the spring. We go through the eight or ten recommendations and members can comment on each of those. If they have any other areas they want to comment on after that, they can raise them. It seems to me that brings the thing to a logical conclusion. So what I would propose ...

DR. HORNER:

We're quite agreeable to that procedure, but to listen to the hon. Member for Wainwright that wasn't what he was doing.

MR. CLARK:

Well I think we all interpret things in different manners, perhaps. Might I suggest, Mr. Chairman, that we deal with Recommendation No. 1, then go to Recommendation No. 2 and go down. After that, if any of the members have other areas, they can raise them. Is that agreeable?

MR. R. SPEAKER:

Certainly I think our leader has outlined a good procedure. As a member of the committee - if the Minister of Lands and Forests would keep quiet for a change I could explain my position; he's talking but never thinking.

Number one, Mr. Chairman, as a member of the committee certainly I have supported the recommendations that have come from the committee. I support those that are in here because I think there are some very good changes. If I had any arguments or positions, there was ample time within committee to make that submission. That's number one.

At the same time my colleague Mr. Cooper and I, who were members of the committee, took recommendations from all members of our caucus into committee and submitted them. A number of those are incorporated in these recommendations. But I must say at the same time we certainly didn't have agreement on all positions. I think it was clear to us at that point in time that here in the Assembly as a whole, if members differed or had other points of view, we are individuals and we have to fight for our own individual position in this Assembly. We have to establish rules for each and every one of us.

I think we shouldn't get carried away by bantering back and forth, losing sight of what we are attempting to do. That is why I certainly support what our house leader has suggested, that we take each one and look at it. If there are other recommendations, let's have a look at them and proceed in a little more mature manner.

MR. TAYLOR:

Mr. Chairman, I too would like to say a word or two before we get into the details. This report is from a special select committee of the Assembly. This was done by resolution in the Assembly, consequently I think the recommendation carries considerable weight.

However, when mention is made of the Members' Services Committee having approved these and consequently it is suggested that we should approve it on that account, I don't go along with that at all. Because that is not a legislative committee set up by resolution in the Legislature ...

AN HON. MEMBER:

They have a case.

MR. TAYLOR:

Pardon? I don't know what you are saying. I am discussing some of the things that were said; that because the Members' Services Committee approved of it, we should accept it. Well, I can't accept that position at all.

In the first place the hon. Member for Wetaskiwin-Leduc and the hon. Member for Spirit River-Fairview had no representation on the Members' Services Committee and had nothing to say about who even sat there. So that would be a negation of our legislative duties. They did have something to say about this particular committee. But even with this particular committee, while I support all of the amendments and I think we have to modernize our thinking and facilitate the work of the Legislature, at the same time I do think that every member should have the right to debate this at this time, then take a majority vote. If the majority wants it, fine. The minority has to accept that. If the majority doesn't want it, the rest of us will have to accept that. But the only point I want to make is: let's do it by a vote. Let's not say to anyone, you have to support this because some member of your caucus supported it. Because I don't support a lot of things that some members of our caucus support.

MR. APPLEBY:

As chairman of this committee, I would just like to clear up a couple of points that have been discussed, and point out probably what some of our alternatives are at the moment.

When the amendments to the rules that we discussed last year were brought into effect, the last paragraph in those orders states:

These Standing Orders are effective from the prorogation of the Second Session until the prorogation of the Third Session of the Seventeenth Alberta Legislature.

And that meant then we were either going to go back to what Mr. Ruste and the hon. Deputy Premier referred to as the grey book, or accept these rules as they were, or revise them.

On October 23, this Assembly set up a committee and the instructions were:

... to review the Standing Orders and Forms of Proceedings of the Legislative Assembly of Alberta, and to make recommendations concerning their suitability, in a report to this Assembly prior to the prorogation of the Third Session of the ... Alberta Legislature.

This motion was agreed to. This was the work the committee, a joint committee of opposition and government members, did. I might say that I also surveyed the independent Member for Wetaskiwin-Leduc and the hon. Member for Spirit River to see if they wanted to make any recommendations that this committee could consider at the same time.

As the member has told you, Mr. Chairman, he didn't agree with everything that went on, but there was some input and this came from their own caucus. We have people telling us their caucus had no input into this, but we also have him telling us they did.

However, we have no alternative at the moment other than to consider this report, accept its recommendations and approve it, or make amendments to it, and make other amendments as anybody might see necessary in the rules as they exist, during the year. This is what the hon. leader from the other side has suggested, and I think the wrangle that went on to start this whole discussion was useless and unnecessary.

AN HON. MEMBER:

Agreed.

MR. RUSTE:

Mr. Chairman, just on a point raised by the member, that we make other amendments. My whole point was that we got the proposed changes at 5 o'clock this afternoon. Then we came here, presumably, just to accept it or debate it tonight. I'm submitting that this is far too important to accept in its entirety tonight. Let's have a discussion and leave it open so we can come in with suggestions after we've had time to study it.

MR. APPLEBY:

Mr. Chairman, in reply I would have to say that with Section 109 in the Standing Orders as they were brought in and approved last spring, everybody has had all summer, months and months, to consider these rules to see if they wanted any changes. They knew they had members in their caucus who were on this committee, who could bring those suggestions to the rules committee. If they have more they want to bring in tonight, fine. But I don't see any necessity for holding up the consideration of this report.

MR. TAYLOR:

I can hardly go along with the hon. Member for Wainwright. If this were a brand new package we didn't know anything about, I could understand that argument. But we've been following this through for one whole year in our Legislative session. This is just putting in writing what we've been doing, and I had no difficulty in reading this through in about fifteen minutes and deciding whether or not I was going to support it.

AN HON. MEMBER:

Agreed.

MR. TAYLOR:

So I really think if we now go through the recommendations, we can soon find where the hon. members stand.

MR. STROM:

Mr. Chairman, I just wanted to make a point as to the matter of procedure. May I say that I agree with most of what has been said. But I think there is one fact we're overlooking, that is, even though there has been a year in which to review the proposed changes and a committee set up to review these changes and any further changes, I think it's fair to say there are some individuals - and there might be individuals on both sides of the House - who feel rather strongly, in spite of the fact that they've had them for a year, that they do not want to go along with them. I recognize this as a fact.

Now the very point that a committee has been sitting reviewing it does not prevent those members, whoever they are, from making their points in a general statement. I think this is what we have really been observing.

I go along with the chairman of the committee when he suggests this Committee of the Whole is open to any amendments any person wants to move. They will be duly considered and voted on. If they are lost, that's the end of it, of course, as far as that member is concerned, no matter how strongly he feels on it. He loses out at that point in time.

What I'm a little concerned about, Mr. Chairman, is the fact there is an apparent feeling - it seems to me it was expressed - that there are some individuals who are taking an opportunity in expressing themselves now, who maybe shouldn't be. I really would hope we will let whoever have strong feelings on it express themselves, but there comes a point when they must move an amendment, and I think this would come rather quickly, Mr. Chairman.

May I say as far as I'm concerned, as one who doesn't intend to be around very long, there are some points that I, by tradition I suppose, question as to whether or not they will actually be of benefit. But we have no way of knowing if we do not try them.

I certainly go along with the fact that change has to be looked at from time to time. The objective - and I think this may be very very important - of all of us, regardless of which side of the House we are sitting on, is to make democracy more workable than it has been in the past. The very fact it's a tradition does not ensure that the democratic process is necessarily working as well as it should. Even if we make changes that some may not feel are as good as they should be, this is not the law of the Medes and the Persians. It can be changed at some future date if it's proven to be wrong. I think that is another point we ought to keep in our minds.

Mr. Chairman, if there are some members here who feel strongly on something and wish to express themselves, I for one have no objection to sitting here and listening to them and hearing them make their points.

DR. HORNER:

Mr. Chairman, let me be very clear. Nobody is saying in this Legislature that hon. members don't have a right to stand up and say their piece with regard to anything that happens in this house at the appropriate time. On the other hand, the innuendo of the hon. Member for Wainwright and the hon. Member for Calgary Mountain View was that the government was trying to push something down their throats. That isn't the case.

This is the report of a select committee of the Legislature, not the government's report. I want to make that very clear. And if the hon. members were going to continue in the way that they were, it was pretty obvious that the debate was going to end up as a political wrangle and wouldn't be worth while in the House. Therefore we'd revert to the prior rules.

I am quite willing to accept the suggestion of the hon. Leader of the Opposition that we go through them point by point and allow anybody to make any statement they wish. But I want to make it perfectly clear this isn't a government report; the government isn't trying to push anything down anybody's throat. The alternative, as the chairman of the committee has said, is to go automatically back to the other rules, on prorogation.

MR. DIXON:

Mr. Chairman, I'd like to have a word or two in this debate. I believe the weakness of the whole situation tonight is that the report didn't come in until today and the hon. members are being asked to approve it tonight.

I can see the concern of the hon. Member for Wainwright. He's quite within his rights when he claims that, whether the committee is made up of both sides of the House or one side of the House, the Legislature is still the supreme authority. And he happens to be a member of this Legislature. I can see that, as a member of the opposition, he should be more concerned than even a government member because the rules are really for the protection of the opposition.

The government has the majority under the parliamentary system and the protection of the opposition is the rules. So it's much more vital to the opposition to have rules that they can work within in order to carry out their function as an opposition. It's much more advantageous and constructive to them.

Mr. Chairman, I go along with what the chairman of the committee has said, and I happen to have been on the original committee. By no stretch of the imagination would I like to say to any member in this House, you must accept what we say as a committee or what our particular caucuses say to us. In our caucus we had quite a strong division of opinion. But like any other caucus, the majority ruled in the final analysis. So the

suggestion was made to those members who objected and wished to be heard later on, that they could do so in a position like tonight.

I think the whole weakness in this exercise, particularly when you are talking about rule changes - I believe that the report should have been introduced a day or two ago, or introduced today and not discussed for 24 hours or 48 hours, to give hon. members an opportunity to look it over. Because sure, we can see first hand in a matter of a few minutes, well, this seems reasonable. But after you've had a chance to study it you'll probably think of some ideas that could be more constructive and make the particular rule more workable.

I go along with the hon. member, Mr. Chairman, rather than take the attitude that the Deputy Premier took and just say, well, if you don't like it we can go back to the old rules.

I believe what we should do if we're going to be any kind of parliamentarians at all, if we believe in democracy, if there is one single person - and there happens to be one already who has spoken - who is opposed to the rush of this particular piece of legislation, I think the responsibility is on the government to say, well, we won't discuss this bill tonight. We'll give you 24 or 48 hours, at least a reasonable length of time, so any hon. member can go through all the rules, compare them with the previous rules, [or] as the Deputy [Premier] spoke of, the original rules. I think he's then going to be in a lot better position to have more input in the debate and to come to a more constructive and, I would think, worth-while effort towards making rules that are so vital not only to the opposition but to this Legislature as a whole.

Sure, we can streamline to the extent that our parliamentary system is sometimes harmed. As the famous Conservative statesman, Mr. Churchill, said, our democracy may be slow and cumbersome, but it's still the best form of government yet. So I say as a warning to the government and even to members on this side, let's not rush this. If there is any hon. member who feels he would like to take some time out to give further study to this bill before we make the final passage tonight - because the committee is where you can make any recommendations or changes, not on third reading.

AN HON. MEMBER:

Make a motion.

MR. DIXON:

So I'd like to make a motion, Mr. Chairman, that we not proceed with this bill and give the members at least 24 hours to study the legislation prior to going into committee.

MR. APPLEBY:

I'd like to point out in the first place we're not considering a bill. This is just a report. I'd like also to indicate that we have spent 45 minutes and haven't discussed one clause or one recommendation of this report. I think if these members who are making very strenuous objections to the manner in which this is being considered would put their efforts into considering the report, we might have made some progress by now. Perhaps we might not complete it tonight but at least we have the time available to start on it and we should be doing that right now.

MR. NOTLEY:

Mr. Chairman, much as I hate to differ with my friend from Calgary Millican, I believe we probably should proceed tonight. I would say, first of all, if we were dealing with major substantive changes thrust upon us with two or three hours notice that would be a totally different situation. But (a) I would hope the government would not want to proceed, and (b) if that were to happen, I think we would have to present a real fight from this side of the House. But in looking over the amendments being proposed, that is not the case. Therefore, as I read the proposals before us, it seems to me there are none so significant or changes so great that it would preclude us from proceeding tonight.

MR. FOSTER:

Mr. Chairman, on a point of order, I'm seeking some clarification as to whether or not you had in fact accepted the amendment of the member opposite. If you have, my point of order is that it is a negative amendment and is not in order. The same result would be achieved, as the Speaker ruled this afternoon, by simply voting against the motion currently on the floor. If that is valid, may I appeal to the House, Mr. Chairman, that we start with point one and proceed.

MR. LUDWIG:

Mr. Chairman, when I got up to voice my objection I didn't intend to throw the front line over there into a flap. I objected that it was rushing things. These rules appear all right to me. We should consider them carefully. Changes of rules are important. We have to live with them. I'm obliging like the Deputy Premier: I don't care if he doesn't like these; he can throw them out; we'll go back to the grey book and go back to Beauchesne. I like it. It's not going to make any difference to me or to him so we're both very obliging.

I merely expressed that I thought we were rushing things a bit. But I have to abide by the will of the majority like he does. The fact that I got up and objected - somebody felt if I'm going to take ... [Inaudible] ... and object, they're sorry we should do this. Let them be sorry. I expressed myself. I suppose I didn't find too much

agreement with my view, but that doesn't mean I'm necessarily wrong. We shouldn't rush the change of rules even if it might be innocent. It isn't everybody who is all-knowing and all-seeing that they know all the ramifications of the change of a rule, even if it might be minor. But I'm prepared to go along and ...

AN HON. MEMBER:

Albert, we don't want to rush you, we want to start.

MR. LUDWIG:

Well why did you wait until 11:30 in this session to start? What was the holdup? Why were you sitting on your hands since the last adjournment in the spring? Now you want to rush everything. What's the hurry?

So I'm prepared to go along with considering these rules, but I made an objection that maybe we should get a little more time. It's seldom we get a report from a committee on the important topic of rules. You had your dinner and you came back here - that's all I had, dinner - and now everybody is in a panic, so let's just move the whole thing as a package. They're so sacred and good that nobody should want to debate them. I mean, how dare anybody oppose these rules. The committee recommended them. Let's take them the way they are and read them tomorrow.

MR. DIXON:

On a point of order brought up by the Deputy House Leader, I would like to inform him that the type of motion I have is just a procedural motion. It wasn't an administrative motion. It has nothing to do with changing the legislation. It's just asking for a delay in the legislation. There's no amendment as far as what's before us.

MR. CHAIRMAN:

Well, the Chair was prepared to accept your motion as the Chair was prepared to accept the Deputy Premier's motion earlier.

MR. RUSTE:

Mr. Chairman, I would just like to point out to the chairman of the committee who reported a while ago that this wasn't legislation. As far as I'm concerned, any rule change is more far-reaching, in many cases, than most of the legislation we've dealt with in this session.

I think all you have to do, hon. members on the other side, is look in Hansard and see some of the quotes from one of the distinguished parliamentarians, the Rt. Hon. John Diefenbaker. He has made point after point on what is going on in the federal House in streamlining rules, in lessening the effect of the opposition. The portion which I read was from one of our federal MPs in Ottawa. I quoted from that. I think that we as members in this Assembly should watch this pretty carefully. This is why I raised the point as I did.

MR. CHAIRMAN:

Ready for the question?

AN HON. MEMBER:

What's the motion?

MR. CHAIRMAN:

Mr. King, would you please rise in your place.

MR. KING:

Mr. Chairman, would you be so kind as to read the motion upon which we're voting.

MR. CHAIRMAN:

The motion, to the Chair's recollection, is that we do not proceed with discussing this report at this time.

DR. BOUVIER:

Mr. Chairman, on a point of order.

MR. FOSTER:

This motion gets us nowhere. With great respect, if the motion passes - it isn't a motion to rise and report - it's simply that we don't proceed. So if the motion carries, we sit here and say nothing.

DR. BOUVIER:

I think the motion is out of order. First of all we agreed to sit in committee to consider these. Already we've agreed to do that. So a motion not to do it now is out of order after we've already agreed to do it.

SOME HON. MEMBERS:

Agreed.

MR. DIXON:

I can see, Mr. Chairman, I've got it coming from both sides, but they are still both wrong. There is nothing in the rules that precludes us from any bill or anything before the House because there could be other bills we are going to be discussing, or other activity.

All I'm saying, Mr. Chairman, is that at any time someone can get up and make a motion that we do not proceed with the particular bill. It is up to the House to decide. If they decide they don't want to go with it, or they do want to go with it, fine. That is the prerogative of the House. That's not my argument. But I think any hon. member can ask that the bill be not proceeded with in light of the complaint that the legislation is being rushed, which is a very very unparliamentary procedure.

[The motion was defeated.]

MR. CHAIRMAN:

The Chair therefore has the direction of the committee to proceed section by section?

Recommendation No. 1

MR. R. SPEAKER:

Just for clarification. When we approve No. 1, that means we have approved all other items in this book, is that correct? Oh, I'm sorry. No, I'm on the wrong page. I'm ahead.

[Recommendation No. 1 was agreed to.]

[Recommendation No. 2 was agreed to.]

[Sections 1 through 6 were agreed to.]

Section 7

MR. BENOIT:

I have a question. On 77(1)(b) it says, "The petitioner shall publish a notice of the application once a week for three consecutive weeks in a newspaper published in Alberta ...". Does that mean that regardless of where the petition comes from, it can be published in any newspaper? If so, what would be the advantage of publishing a petition that came from Medicine Hat in a newspaper in Grande Prairie? I'd just like some information on it, if I may.

MR. KING:

Mr. Chairman, I suppose it is possible that we could have been more specific. The assumption is that anybody who is interested in a private bill will act in good faith and advertise in the daily or weekly newspaper in that geographic area most likely to be affected by the impact of the bill. If on the other hand they were not to do that, surely their failure would be one of the things considered by the private bills committee, when they were deciding whether or not the bill should be proceeded with.

In other words, if somebody wanted a private golf course in your constituency and advertised in Grande Prairie, when that fact came to the attention of the private bills committee, as it would have to because we get copies of the advertising, there would be questions about why they were trying to be surreptitious about it.

MR. APPLEBY:

Referring to that particular rule as it was originally in our orders, the only actual change in the reading is "... once a week for three consecutive weeks in a newspaper published in English ..." is changed to "... once a week for three consecutive weeks in a newspaper published in Alberta ...". That was the change.

[Section 7 was agreed to.]

Section 8

MR. STROM:

Mr. Chairman, I was wondering if there is a price set on Hansard in the rules or is that set somewhere else? I don't recall reading it in the rule book. I was just wondering whether it is included ...

MR. CHAIRMAN:

You mean per issue?

MR. STROM:

Anyone wishing to buy more copies than are made available to them - is it covered under the rule book?

MR. KING:

Mr. Chairman, in the rules, 99(2): "Other copies of the Alberta Hansard will be provided at rates established, from time to time, by Mr. Speaker acting on the advice of the Members Services Committee."

[Section 8 was agreed to.]
[Sections 9 and 10 were agreed to.]

MR. RUSTE:

Mr. Chairman, now we get back to 51(1) on page 11 of the book, which I presume we have been operating under for this past year. I want to raise a point on going into subcommittees on the estimates.

I feel, as an elected representative, as I mentioned earlier - maybe I shouldn't repeat it - there are two things that we should definitely be involved in. They are: first, legislation, and it should be out here on the floor where it is public, where it's in Hansard, if Hansard is going to be meaningful; and secondly, the same thing with the estimates. I would like to see this part go into the system that we had before, where the estimates come on the floor of the House and are dealt with before all members.

AN HON. MEMBER:

What's your amendment?

MR. RUSTE:

I haven't had an opportunity to make an amendment to cover it. I'd like to see an amendment made that would switch the Committee of Supply back to the floor of the House rather than in subcommittee.

MR. TAYLOR:

I've worked under both systems. I strongly favor the new system. If the members of the Legislature want any estimate of any department, or every estimate of every department, brought to the Committee of the Whole, they may do so. It's still there. But if they don't want to do it, if they want to work the details out in the committee system, they may do that too. It really provides the best of two worlds in the new order. I like it and I think it streamlines the procedure. It gives the hon. members of the Legislature an opportunity to hear some of the top advisors to the ministers in the department. It gives a chance, in an informal atmosphere, to question various items which you likely wouldn't do in the House. I think it is an excellent way.

MR. LUDWIG:

Mr. Chairman, not to take issue with Mr. Ruste, but I think with the new system we have a chance of getting some pretty factual information. A minister is limited in his knowledge in many cases. Some are not. Some ministers are more tempted to give us a political spiel than the facts we want. So I believe we gain some advantage.

I've seen ministers looking around and asking their deputies, who are professional administrators, give us the goods the way we want them. But I wouldn't mind if a minister doesn't feel too confident, he can bring his staff down here too. We can always ask them. The minister doesn't have to memorize statistics.

I don't agree with the hon. member, Mr. Ruste that we should change it. I've had mixed feelings on it, but I'd agree to go with the rules the way they are now, and amended here, because we have trouble getting information from the ministers. Sometimes they just don't feel like answering. They tell us they don't have to. They just sit there with that look on their faces that, you might get to me but I'm not going to tell you what you want to know.

So the administrators give us information. In fact I wouldn't mind if the minister would tell us that if we want to really get genned up to go to the department. Why wait till the dying stages of the session. Let me go to the Department of Public Works and we'll find out whether there are a few skeletons around here and there. We'll get it from the administration.

So I don't mind. I think that system is an improvement over what we had before, Mr. Chairman.

MR. DIXON:

Mr. Chairman, I mentioned earlier tonight there were differences of opinion, and I would like to go on record supporting the hon. Member for Wainwright, for maybe a totally different reason.

I believe we're having problems as legislatures and parliaments throughout Canada, in creating public interest. I think the public is concerned that the government is being run by bureaucrats. When somebody gets up and says the ministers aren't capable of answering questions so I'd like to hear from their deputies or other high officials in their department, I think it is a blanket condemnation of our parliamentary system.

I would sooner see us bring everything down to the focus of public opinion, and the government stand and fall by the elected representatives answering the questions. If they aren't able to answer the questions I'm sure the public will catch on a lot quicker than being in committee where nothing is disclosed that somebody couldn't answer a question.

I believe the more we can have the public in on what's going on in our parliamentary system in Canada - and by that I mean the activities of the Legislature and its members, and parliament and its members - the better it is for our whole democratic system.

So I'm saying that I would prefer - and of course I'll abide, which I'll have to do in any case, by the majority of this House - but personally I would like to see us go back to the old system of a complete discussion of all the estimates right in the full committee of the Legislature, where the press are. The press can cover it fully.

I know somebody could argue, as some of the hon. members have argued, that we can bring it up again when it comes back to the House. But to me that is just a repeat, rather than the whole thing being done here at one time within the focus of public attention. I'm saying it more for the fact that I'd like to see more and more public information and participation. The public can come in here if they wish to, if they are interested at all in any kind of estimate they know is going to be dealt with in public.

Surely to goodness the Premier has been wise enough in his selection to have a cabinet that can answer questions that come from the opposition. But if they aren't capable of answering questions, well then, I feel there should be some up and coming young men and women in the backbenches there who might tell me that they can answer the questions if only they could come on the front bench.

So I say that it is a condemnation of our parliamentary system if the cabinet cannot answer the questions in their department. And I am going to be surprised if at least a half dozen cabinet ministers don't get up and defend that position. Because I think we are in trouble.

AN HON. MEMBER:

Sure enough.

MR. DIXON:

Well I would like to hear from the hon. Minister of Lands and Forests. I think he should probably be the first one to defend himself.

But in any case, what I am trying to say is, surely to goodness there isn't a question that can't be answered by the minister - and he has the prerogative when he can't answer at that particular time to say, I'll take it under advisement. He may want to go back and consult with his deputy. But surely to goodness we don't have to have our deputy and all the rest of the officials here just in case the minister can't answer a question. I have to give them full marks. I think most of them would be capable of answering any questions that the opposition could ask of them. If they can't, well then, I think it will show that they can't. Then maybe the Premier will take action and move up some of the bright boys from the back to the front.

AN HON. MEMBER:

Look at the smiles in the back row.

MR. DRAIN:

Mr. Chairman, I regret having to disagree slightly with the hon. Member for Calgary Millican.

AN HON. MEMBER:

The score is now 3-3.

MR. DRAIN:

I do not believe that by virtue of being made a member of the cabinet you are annointed with the holy oil and thereby have vast fountains of wisdom poured upon your head. We must realize, Mr. Chairman, that we are in a very complex world. With the amount of information that is available today and the tempo of change that we have in this world it would be unrealistic to believe that any member of the cabinet would have at his fingertips all of this scope of knowledge. They would be supermen. They would be out there, not in the Alberta Legislature.

MR. CLARK:

We have none of them over there.

MR. DRAIN:

I would think, Mr. Speaker, they would have to be at least in the United Nations. Looking at the availability of information in the committee system, where you have available all the expertise of the various departments and the ability to pursue it in a far better manner, because of the limits of the committees themselves, the amount of knowledge that can be acquired makes the committee system worth while. I certainly support it.

MR. BUCKWELL:

Mr. Chairman, I would have to add my support to some of the others on the committee system. I think personally it was one of the best things we ever did. I know particularly in the committees I was in, particularly on the Department of Agriculture, we got a lot of information. A lot of it we didn't even ask for. I think as far as the committee is concerned, when you are spending close to \$2 billion, to expect ministers to have it on their fingertips is beyond comprehension as far as I'm concerned.

It's not so much the information that you don't get or the information that you do get. It's what you do with this information when it comes back to the floor of the House. As for the members being in public, it's amazing to me that people sit in the gallery and listen to us tonight. I think if they were to come here tonight this would certainly cure them from coming back for quite a number of years. But I would say these are the 'businessmen' of the province making these weighty decisions and this is the way we act. I'm glad that Fort Macleod is 300 miles away.

One of the things I think we should remember is that the press has been invited to every one of these subcommittees. The way some of these subcommittees have behaved, no self-respecting press would sit there anyway. It's bad enough on the members themselves.

It's not a matter, to me, of speeding up the work. It's a matter of getting information. We got information, particularly in Mines and Minerals when we had the deputy minister there. We didn't expect the minister himself to have it at his fingertips, but we had experts there from the head of the new Alberta oil commission, or whatever they call it. The deputy minister - we got information there that we would have received at no other time. All the questions were answered to our satisfaction.

When we came back to the House those who were not on those committees had the right to bring their questions to the floor of the House and have them answered. To me this idea that we have to have an inquisition every year - in fact I remember one time when we were on the government side. I remember one particular minister who had all the information and was not asked a question. This was just as great a blow as having to answer questions for days on end.

But in fairness to the hon. Member for Wainwright and even the hon. Member for Calgary Millican, you can't expect in a rule book that 75 members are all going to agree with each and every rule.

I am glad they have the opportunity to express their displeasure or their disagreement with some of these rules. But I still think that the Legislature itself will prevail.

MR. NOTLEY:

I must confess that when we began the subcommittees on the Estimates I had some doubts, perhaps in large measure because I found it a little difficult to see how I could divide myself into four or five subcommittees. Nevertheless I would have to say, Mr. Chairman, the subcommittees have been useful. I don't believe they are going to be successful in speeding up the work of the Legislature, where you have major issues that develop. The Legislature is going to take whatever time, in the general discussion of the Estimates, to make whatever points are made.

Witness for example last year, when the discussion of the Estimates in the Department of the Attorney General took us until 4 o'clock in the morning. No legislative subcommittee process is going to short-circuit the major political questions being hammered out in the general debate on Estimates in this Legislature. My judgment is that really, it hasn't speeded up the work of the Legislature. I don't think that's the important reason for the subcommittees anyway.

I think the value, as the hon. Member for Macleod has pointed out, is that they allow members to obtain a great deal of extremely useful information from people who are close enough to the technical details of administration. They're probably better able to give completely accurate information than would a minister trying to cover a whole ball-park department, ranging from how much was spent on pencils to major public decisions.

We get more useful information and it is gained in a noncombative, nonpartisan atmosphere. I'm not suggesting that our good experience of the last two years in a nonpartisan atmosphere in the subcommittees will prevail in the session next spring, presuming there is a session next spring. Assuming there is, I would hope that kind of approach would be carried over, because that is really one of the important assets of the subcommittee system. You've got public servants there. You're in a position, I think, to maximize the information.

The only point I would make is that, while it's possible for the public to sit in on these subcommittee meetings we really haven't encouraged people to do that. Even the facilities, especially in two or three of the rooms, are just so cramped that it's not very practical, as things stand, for the public to sit in. I regret that, because my assessment of the subcommittee meetings last year is that the public would find them more useful on the average than they would [find] sitting in on the general sessions of this House - except when we have some major issue that divides the sides down the line and we have a debate over a substantive issue of public policy.

But normally, the question and answer period, I think, would be beneficial to those members of the interested public who could attend. And I would hope that in future years, Mr. Chairman, we would consider whether or not there are any physical arrangements we can make to permit more people to sit in and watch the subcommittees in operation.

But having said that, I submit that they have been a success. I say that and also add that when they first came in I had my doubts about them. But by and large they do, I think, focus a good deal of attention on the mechanics of government, the detailed questions which I think we can and need to obtain the answers to, to really form a more balanced assessment of public policy when we get to the plenary session of the House.

So I support the principle and trust that we will continue with it in the years ahead.

MR. RUSTE:

Mr. Chairman, I'm not going to argue that there's not information coming out of the subcommittees. What I'm submitting is that same information could come out on the floor of the House, where a minister can have supportive staff if it's required. What I'm submitting is there is no record of the subcommittee meetings as such. We have Hansard, and everything that goes on, on the floor of the House, outside of the Public Accounts Committee and maybe some other committees, is recorded in Hansard.

I feel pretty strongly that I am shirking my duty by sitting in on one committee when there are three others going at the same time. How am I going to answer to my people on what's going on; some of the details in the other departments. Because if you get up on

the floor of the House, once you get back into the Committee of the Whole and start asking questions, somebody will say, that was asked. You should have been there in subcommittee. I think the hon. Member for Spirit River raised the point that there's no way he could divide himself into four and it's likewise as the representative from an area.

I think, particularly on this side of the House, we want to be pretty careful on how easily we let these things go. A person can sit back and say, we'll just do it that way, it's the easiest way. But I think as long as we have the right, of course, to come back here on the floor of the House and question without limit, we can dig into it that way I suggest.

[Interjections]

MR. DIXON:

One final point there, Mr. Chairman. I'd like to make it clear to all hon. members that I never said the minister should have every piece of information at his fingertips. I think I made it clear that if the minister wasn't able to answer the question, he was in a position to ask the hon. members to postpone the answer as far as he was concerned, and had an opportunity to check it out, which is the only wise thing to do.

But I go along with what the hon. Member for Wainwright has been saying because I've noticed and I've paid particular attention. We have a tendency for hon. members to go into committees, and they've heard that committee. As the hon. Member for Spirit River-Fairview was saying, you can't be on all the committees. I paid particular attention to the impatience of a lot of the other members. No sooner would somebody start asking questions than those who had been on the committee would be saying, agreed, agreed, which was, I think, very disconcerting to the member who was not on the committee and trying to ask the question.

I still feel we have to do something as members, to have the public more interested in our activities. In the last 24 months in the country across the border from us, what have they been talking about? What's been going on in committees and what has been going on secretly. Let's bring it all out in the open and let the public decide whether we're doing a good job or not. Sure it's easy to say, let's have it in a committee and we can bring it before the House. We had a good example of it here tonight as far as the rules were concerned. This has been going on for over a year and we still had questions on it.

So personally I would favor the old system, but I can see from members on both sides of the House that they wish to continue with the new practice of splitting off into small committees rather than the whole House. If this is the way the Legislature feels, fine. As a member of the opposition, I'm opposed to it. But naturally we'll be bound by the rules of the Legislature.

I warn hon. members that the more the Legislature tries to sneak off into committees rather than focussing attention into the Legislature or onto the floor of Parliament, the people and the voters in this country who put us here will lose interest in what's going on. We'll streamline it to such an effect that it will get so businesslike, if that's the way you want to say it, it will have no interest at all to the people of our country or our province.

MR. STROM:

I'd like to make a point here. In number 51(6) it says: "No substantive vote shall be made in a subcommittee, except to conclude a discussion and rise and report." That to me is the key. There are no final decisions made within the subcommittees. I think the House ought to recognize that.

The second point I want to make I think is equally important. I make it in order to have it confirmed. It has always been my understanding that if the opposition wished to have a certain department considered in Committee of the Whole, if that request were made to the government and they were agreeable, we would not then take it to the subcommittees but it would come into the Committee of the Whole. I think those two points, Mr. Chairman, are rather important because they do not then in any way thwart the attempt of any individual to be heard within the Legislature, to have a total questioning on a given department if they so desire. I think the purpose of the committee, of course, is to try to bring to the attention of the public any situation it feels is not in the best interests of the province. Of course I think that can be handled very very nicely by the two points I have just made. But I'd certainly appreciate it if some cabinet minister would just make that as a statement because I think it is a matter of concern.

Mr. Chairman, I'll repeat it again because I think the Deputy Premier might want to respond to it ... Mr. Chairman, I'm holding up because I believe the Deputy Premier at this moment is being filled in on the ...

DR. HORNER:

The supposition that the member made is generally correct.

MR. STROM:

Thank you, Mr. Chairman. I think that's rather important as far as procedure is concerned.

MR. CLARK:

Mr. Chairman, I might just make one comment for anyone who is concerned at all and who listened to the comment by the Deputy Premier. If agreement wasn't reached, couldn't be

reached between the government and the opposition, there's no problem with the opposition simply not attending the meeting and holding a question until you get in here on the floor of the Assembly anyway. There's that protection for members in the opposition. I think perhaps that point should just be made once again.

MR. FOSTER:

Mr. Chairman, I move the committee rise and report.

[The motion was carried.]

[Mr. Diachuk left the Chair.]

* * * * *

[Mr. Speaker resumed the Chair.]

MR. DIACHUK:

Mr. Speaker, the Committee of the Whole Assembly has had under consideration the report of the Special Committee on Standing Orders and Forms of Proceedings of the Legislative Assembly, begs to report same and asks leave to sit again.

MR. SPEAKER:

Having heard the report and the request for leave to sit again, do you all agree?

HON. MEMBERS:

Agreed.

MR. FOSTER:

Mr. Speaker, I move the report of the Committee of the Whole be now received and concurred in, and that the Standing Orders as amended become effective from prorogation of the Third Session of the Seventeenth Legislature.

[The motion was carried.]

MR. FOSTER:

Mr. Speaker, I move that the report of the chairman of the Select Committee on Foreign Investment be received and concurred in.

[The motion was carried.]

GOVERNMENT BILLS AND ORDERS
(Second Reading)

Bill No. 62 The Medical Profession Act, 1974

MR. CRAWFORD:

Thank you, Mr. Speaker. How do you like that for timing? I didn't even have to sit down.

Mr. Speaker, I take pleasure in moving second reading of Bill No. 62, The Medical Profession Act, 1974.

In doing so, Mr. Speaker, I would like to make a few remarks about the important principles of the bill. During the time the bill was in preparation, somebody asked me when it was last rewritten. With the aid of the Legislative Counsel I think we came up with the answer. Although there had been many amendments, the bill was apparently first written in 1906. I do believe this is the first occasion on which it is being completely rewritten and resubmitted to the Legislature.

Therefore it's appropriate that there be a number of portions of the bill which are dedicated to the updating of certain practices and procedures and, of course, the overall modernization of the legislation.

At this point, Mr. Speaker, I would like to say that in my view we have in Alberta a medical profession of commendable quality and ability, right from the point at which the students in medicine are accepted into our medical schools, throughout their training and postgraduate work, right up to the time of their admission and of course following that. We have many well-known examples in Alberta of contemporary programs at the medical student training level and many examples of quality of practice carried on in the various centres of the province that I think would be very hard to match in most jurisdictions in the world.

The medical profession in Alberta has had the view that good is not good enough, however, and that for the benefit of the people of the province generally many improvements in levels of care, in quality of practice, training and general supervision of the carrying out of practice by individual practitioners could still be made. I

suggest, Mr. Speaker, that this is the opportunity for the profession to take the lead in that respect. In effect the government has said to the medical profession, you have come to us with certain proposals which we have carefully considered and which relate to the general subject matter that people these days refer to as self-government within the profession. You have come to us with proposals you say will assure quality. You have come to us with proposals that you say will assure fair treatment among members of the profession, each dealing with the other, and justice and fair treatment between members of an esteemed profession and the general public who have, of course, the only really ultimate interest in the profession that anyone has. The profession only exists, of course, for the patient.

Because of these thoughts, Mr. Speaker, that we discussed back and forth over a period of a couple of years with representatives of the profession, and their desire to have us entrust to them [matters] regarding regulation in the profession, discipline and standards - which was largely also done under the previous act ...

But we said to them, professions have been subject to a great deal of scrutiny across the country in the past few years. If there is to be a continuation of professional self-government; if there is in the new act to be a declaration of faith in professional self-government; if there is to be on the part of the people of the province through its Legislature a declaration of trust in the practitioners of medicine, that they will carry out their responsibilities in a way that will be to the greater benefit of the people of the province in their medical care than could be achieved in any other way; what we want on [their] behalf is an act that will ensure that that is so. Because if those conditions of trust are not met, the Legislature in years to come, I would judge, would want to take another look at the professional position and the privileges granted by this proposed legislation.

There would be public representation on the council of the College of Physicians and Surgeons for the first time in the history of Alberta. The proposal is that apart from physicians and surgeons and two representatives of the universities, three members of the public be appointed and be full members of the council of the College in every way.

Another area I have touched upon in generalities already, Mr. Speaker, relates to the whole scope of self-disciplinary powers; the powers to prescribe peer review of other practitioners in certain circumstances, to require upgrading and training where in the judgment of College committees that sort of thing would be required and to make certain requirements also in regard to registration, leading to that entitlement to practise.

In the area of the discipline of members whose practices in individual patients' cases have proven to be unprofessional, negligent or deficient in some other way that would be considered contrary to the good of the profession and the public, there are powers of regulation vested in the College and the council of the College that relate to all those matters.

Another entirely new principle of the bill, Mr. Speaker, relates to the designation of professional medical assistants. The act therefore has in it a part which did not exist in previous legislation in the province, relating to the medical profession. It allows for the defining of categories, under which persons may be registered as professional medical assistants who are trained and entitled to practise as a result of that training and subsequent certification.

The professional medical assistant, of course, may be certified in any one of a number of different categories depending on the type of training he has had. Some hon. members would be aware that for the past year or so one of our technical institutes, the Southern Alberta Institute of Technology, has in fact been graduating emergency medical technicians, who I suggest would qualify by any definition of professional medical assistant.

That type of expertness is therefore an expertness which is related to the practice of medicine, but is not itself the practice of medicine. The benefits that can come to the delivery of service to the public generally by people who are well trained and able in certain restricted areas, but who have not had either the overall training or time commitment to become physicians themselves, leaves open the possibility that more people can be involved in ways in which their talents are best suited to the work they are trained to do.

Other examples of what are called paramedical personnel or medical assistants would include the familiar one of the highly skilled and highly trained technician who is able on his own to do many things; to help in perhaps a remote area of the province where there is no doctor, maybe taking direction by telephone or in some cases television, from a doctor and giving assistance on the spot to the person in almost, say, emergent circumstances - aid that would not have been otherwise available because of the absence of a doctor. One thinks of outposts, if we can call them that, in various parts of the country, certainly in the remote northern areas of our province, where that type of service might be introduced and where medical service has not been an accustomed benefit in the community.

So those are some of the positions in this developing field of the professional medical assistant, Mr. Speaker. Much has yet to be learned, detailed and designated in connection with that. By-laws would have to be passed describing in full and final detail the requirements of training, the conditions which registration might take and, of course, the areas of limitation of practice imposed upon the professional medical assistant. These are in the form of by-laws proposed by the council of the College of Physicians and Surgeons which would then come to the Lieutenant Governor in Council. This new area of

medical care in the province would, as a result of that, begin to become more effective, and I suggest, Mr. Speaker, that it has a great future.

Mr. Speaker, those are the main principles of the bill. I suggest it's one that commends itself to all hon. members. It is one that has been a long time in development and one that, when it is in due course passed, Mr. Speaker, I would think will stand among the acts of its type in Canada - at or near the top in its accommodating to up-to-date principles and the opportunity there is in it for the medical profession to serve the people of the province even better than it has in the past.

MR. R. SPEAKER:

Mr. Speaker, I would like to make one or two comments on second reading of Bill 62. Certainly I feel the objective of this act has very much merit, and should receive our consideration. I think the objective of a desire of the professionals in the field of medicine to protect and establish standards of care for the people of Alberta is certainly a very honorable thing, and an item that we should recognize. I feel through this act that type of goal can certainly be achieved.

I note in the act there is allowance for a special registry to be established whereby the College, through by-law, may register certain doctors within the province or within Canada, or doctors that come from off the continent. I certainly feel this is a very good idea in the sense that with the bill itself being able to establish that type of procedure, the medical profession can establish standards according to the need in the province.

For example, if there is a greater need for doctors to be brought in from places outside Alberta, there is an allowance to do just that type of thing. If we find we are graduating adequate doctors from our universities in Alberta, we can use the professionals who are available and allow them to work in the Alberta market place. I would certainly like to support that particular principle in the bill.

I would also like to make a comment with regard to the standards and quality of professional medical people we would have in the province. I understand that all doctors in Alberta are not required to take the Medical Council of Canada exams. I guess I refer to people who come from outside Canada. I feel that through this bill, the profession itself will be able to establish that particular standard whereby the Medical Council of Canada exams can be the criteria through which we determine whether a person practises in Alberta or not. I certainly support that step. I feel it is a step in the right direction.

Mr. Speaker, with those few comments, I feel that I can certainly support the bill. I am sure that with such a good objective as giving good medical care to the people of Alberta - with that intention in mind - the bill has no real negatives in it.

DR. PAPROSKI:

Mr. Speaker, I consider it an honor indeed to be able to participate in the debate on the second reading of The Medical Profession Act, 1974.

Mr. Speaker, it is a major rewrite, as the hon. minister has stated. In its present form it indeed merits the acknowledgement not only of the Minister of Health and Social Development, who has I know done a lot of work in this area, but also the College of Physicians and Surgeons, the Alberta Medical Association and many many others.

Having added to this particular act myself, as an MLA and an M.D., as have others, this input regarding The Medical Profession Act, 1974 makes it indeed a special entity to me, Mr. Speaker.

At this point, Mr. Speaker, there are a number of points I would like to reinforce regarding the act. I request that the Assembly take special note of these points.

One is Section 10. The important departure here, Mr. Speaker, I suggest, is requested by the medical profession in that people from the general public are on the council in general. Here, Mr. Speaker, I think it is important to note that there will be increased assurance to the public that their interest is protected and/or maintained and/or increased. Of course it is also important that members of the faculties of medicine at The University of Alberta and The University of Calgary are on this council. This will, of course, assure continued communication, cooperation and coordination between these very important educational facilities and the medical profession at large.

The second point I would like to make, Mr. Speaker, is regarding registration. This is in PART 2. The item I see here has indeed a new thrust of special interest, I believe, to the public. The professional medical assistant register, Section 26, will assure that standards in the areas of professional medical assistants are maintained at an acceptable uniform standard across the province and, hopefully, will be defined in a clear way to ensure the public will get the type of care they require in conjunction with medical doctors in a true team approach. That, of course, will assure quality care.

The other point, Mr. Speaker, that I would like to reinforce and bring special note to the Assembly and to the public, is the last item which I think is a very important one. That is that foreign graduates, outside Canada, will have to write their LMCCs, which is the Licentiate of the Medical Council of Canada. It will be mandatory for these foreign graduates to sit these examinations. This, I think, Mr. Speaker, is important to note. We'll do away with a fundamental discrimination against our own Canadian graduates.

Foreign graduates by and large are of top calibre. But now, with this new medical profession act, they will go on a temporary registry and have a period up to two years to write their LMCCs. If they fail during this period of time, Mr. Speaker, as I understand it they will go into a period of retraining and upgrading, and have the opportunity to

rewrite. I think the public will take a special note of this. They are entitled to this level and standard that our Alberta and Canadian graduates have.

The interesting statistics that have come out recently substantiate this particular need. I suggest very briefly to read off some of the statistics. Those who have written the LMCCs and the various countries to note are: if Canadian graduates write the LMCCs there is a pass rate, I understand, of 90 per cent. The Australian graduates are at a similar level. From the United Kingdom the pass rate of LMCC is 85 per cent. For Irish graduates it is 50 per cent. From India it's 49 per cent. From Pakistan it's 35 per cent and for the Philippines it's 15 per cent.

So, Mr. Speaker, there is an obvious need to maintain a standard and focus on the important acceptable standard that is well known across Canada and, I suggest, across the world; a standard that should be maintained and now certainly will be with this new act.

There is another interesting sidelight, Mr. Speaker, regarding foreign graduates. Thirty-nine per cent of the medical doctors in Alberta are foreign graduates. In British Columbia and Ontario, where it is mandatory to write LMCCs at the present time, the foreign graduates are 33 per cent and 35 per cent respectively. So in Alberta in fact we have some 4 per cent more foreign graduates than Ontario, in spite of the fact that it is mandatory in the other provinces.

The point is, it is obvious that having a mandatory LMCC for foreign graduates is not a major deterrent. This is not the intent. The point here is that we get an increased number of foreign graduates, and the concern is that their standards may not necessarily be at the level of LMCC. This will assure the public that this will indeed be carried out.

Mr. Speaker, another sidelight to this particular point is that this will allow special medical doctors - who are needed in all parts of the world and I suggest in Alberta as well - to be placed on a special registry. They need not write LMCCs if they have a high-powered very specialized type of field, because they will indeed be doing that particular work and nothing else.

Concluding, Mr. Speaker, on this particular section, this will remove the double standards between the Alberta-Canadian graduates and the foreign graduates. So, Mr. Speaker, the monitoring, the registration, the discipline is amplified, clarified and improved substantively throughout. With proper, just appeal I urge the hon. members to support this bill.

Thank you.

MR. DIXON:

Mr. Speaker, in speaking to the principle of Bill No. 62, I would like to congratulate the minister on his wide-ranging explanation of the bill, which makes it easier for hon. members. They can go through this bill. It's the type of bill that's fairly thick and you can't possibly cover everything.

I would like to congratulate the minister and those responsible for this bill on the fact that they have three lay people on the board. I believe this is a step in the right direction because I'm sure all hon. members here have had people complain that, you know, well, it's sort of a closed shop. I think this is a step in the direction where you can point to people that it may not be all they desire, but at least it's a good and constructive step in having the lay people become involved in a board, especially when this board is dealing with the general public in the way it is and in the medical profession in general.

I was wondering, Mr. Speaker, when the hon. minister closes the debate, the concern with a lot of people, and I think within the profession itself, is the overall rush toward specialization in the medical field throughout Canada. I don't think it's any different here in Alberta, where everybody wants to become a specialist in the medical field. A lot of people are saying, well all I really need is a general practitioner. I'd like to see the encouragement of the general practitioner. I don't see anything in this bill that would encourage that. Maybe this is not the place we should even be looking for it, but it has to do with the medical profession. I thought the hon. minister in closing the debate would outline to the House the efforts and the inspiration, if that's the correct word to use, that the department is using to encourage more general practitioners within our province.

I can see where two or three things can happen with the increase in general practitioners. I think areas that may be talking about paramedical people could be supplied with a general practitioner if we encouraged that field rather than the specialist field. The specialist field usually ends up with everybody in the major city rather than the outlying areas.

So, Mr. Speaker, I do wish to say I certainly go along with the principle of having lay people on this very important board. It will do nothing else but put to rest at least some of the complaints we as members get, that the medical profession is a closed shop and they pretty well run things as they want to run them.

And so, Mr. Speaker, I'd appreciate any further comments the minister could give us on those two items when he closes the debate on Bill No. 62.

DR. BACKUS:

Mr. Speaker, maybe I could speak very briefly on this very point that was brought up by the hon. Member for Calgary Millican. It is true that in the past, certainly, there has been a tendency to train medical students into the specialties and this has led to a steady increase in specialists in relation to general practitioners in this province.

Even before this bill was brought forward, steps had been taken to correct that in the medical schools where now a much greater emphasis is placed on training in family practice or general practice. In fact in the recent statistics a far higher percentage of the medical students graduating have graduated in the general field rather than continuing in the special field.

Another thing that has been done by the medical profession itself and by the universities in Alberta is to develop a degree or a specialty certification in general practice so that in fact your general practitioner can go from being a 'general' general practitioner to, so to speak, a specialist in general practice. I think this is a very significant step in upgrading the respect for the general practitioner within the medical profession itself. Within this act - rapidly I hope I located the right area - [Section] 27: "Where the council is of the opinion that in the interest of the public a medical practitioner's registration should be limited or restricted in any way ..." does provide an opening for actual development, more of the number of general practitioners.

It has been the practice in the past for people who just continue a specialist training and become certified specialists as soon as they have completed their medical training, to then go out and make their living by being sort of general practitioners who do a certain amount of their specialty, until they have built up their positions as specialists. Under this legislation it will be possible - I'm not saying it will necessarily be acted upon immediately, but it will be possible - that a medical student who has just concentrated his medical training into one speciality may only be registered to practise in that speciality. This means he won't be free to practise in areas other than his speciality.

This means that many of the doctors who would normally go into a competitive special field and rely on the general practice they are able to do, may have some second thoughts about this and take a general training first to enable them to go into general practice and maybe after a period in general practice to consider the special training in order to go into a speciality. If they are restricted in what they can do when they restrict their training, it's not going to be as easy for them to immediately find their place in the particular speciality they are interested in. I think this will encourage very much the development of general practice.

I would also like to congratulate the College, the AMA, the minister and all those who have participated in bringing in this bill. I think, in my experience, this bill has probably had more in the way of consultation, examination and modification than many of the bills that come to the House. I think the final outcome has been something that may well prove to be a very good model for other professional bodies in the future legislation they may seek. I do strongly commend the minister in bringing forward this bill.

MR. LUDWIG:

Mr. Chairman, I do wish to state I appreciate the fact that the minister brought this issue up to date. In view of the fact that this bill is brought into the House following the Report of the Committee on Professions and Occupations, I wonder whether the minister, when he sums up or closes debate, can advise us how much those recommendations have been taken into account.

One concern I have is that during the hearings of the Committee on Professions and Occupations, most of the professions agreed that a lot of individuals who may have a grievance against a professional man - I'm not saying there are many - but some individuals who wish to complain are reluctant to go to another doctor to complain against the family doctor or the specialist that this particular individual went to. Most of the professions agreed that they would not object to some kind of entirely independent group or body that would be a clearing house for these complaints. Many people would sooner just knuckle under and forget about it than get into a hassle in making a complaint to another doctor.

I make this statement because it's the same way with the legal profession. Often a person who has a grievance against a lawyer is reluctant to go to another lawyer because he feels they are all in the same profession and they protect themselves. We have a system whereby we refer them to the Law Society. It's a very easy procedure and everybody knows it. But the complaints procedure is not too well known to people. I felt that in this regard the minister might have brought something in.

This might invite trivial or frivolous complaints. That doesn't alter the fact that if a person wishes to complain against a professional man, he should know exactly where to go, where to report, without being concerned that he may be told to forget about it because it's a trivial complaint or it's of no consequence. It doesn't matter that there may be very few, if any, complaints.

The position I take is that we ought to have some provision made whereby a person may be able to complain against any professional man to some independent body, individual or group - not an ombudsman-type of office, but a clearing house for complaints so that the person who doesn't like what his doctor did or thinks his doctor did something wrong or charged him more should phone a known number and be told he can go to this place and complain.

This question has been raised by many who presented briefs to the Committee on Professions and Occupations. I'm not saying that we should blow this thing out of proportion, to feel that there is a major problem there, but there is a problem. To the individual who wishes to complain, it ought to be made easy.

I'm stating this, knowing that complaints are made against the legal profession. There ought also to be a place for a person to phone in and state that lawyer so-and-so

did me wrong, I don't like the way he treated me. I don't like his bill, where do I go. He should not have to go to another lawyer who then has to put himself in the position of stating, "Will you go to the Law Society." Somebody will say, "Who sent you here?" "Well, so and so did." You put yourself into the position that you actually advising someone to go to the Law Society to lay a complaint against a lawyer.

This is done often and most lawyers oblige. But I think it would be much better if he could phone into some advertised number in the city of Calgary or the city of Edmonton or any place and the person who is sort of the clearing house for complaints will state, you phone so-and-so, the registrar of the College of Physicians and Surgeons and they will take care of you. They will immediately tell you what to do and how to lodge your complaint and even help you. Then this clearing house ought to be such that if this was not done, the person can go back and state, they told me to go away or something.

The professions all agreed to this. They felt this would be all right, we don't mind if this was done. I would just like to ask the minister if consideration was given to this point and if not, would he take it into account. Maybe not within this act. Maybe if we're going to go that way we should have some other legislation that would cover the complaint-clearing procedure against all professions.

Now perhaps some other members who were on the committee might agree or disagree, but I feel we ought to make it easier for the laymen who may feel aggrieved, to complain if they wish to do so.

Thank you, Mr. Speaker.

MR. SORENSON:

Some constituents have voiced concern over Bill No. 62. I think they have received radio reports of this bill and they are concerned about it.

I'm wondering if the minister will just comment on how he sees the bill affecting the small rural hospital. Some areas will just settle for a doctor. They're not too concerned, just as long as he's a jack of all trades. I'm wondering if the minister would just comment.

AN HON. MEMBER:

The Deputy Premier's smiling.

MR. HARLE:

Mr. Speaker, I'd like just to add a little to this particular bill, partly because I was on the Committee on Professions and Occupations and partly because of the comments just made by the member opposite regarding rural practice.

First of all, I think all of us should realize that bringing persons who are laymen in terms of the medical profession into the council of the profession is, I think, a move which, over a period of time, will cause some problems. It's a new idea. It's a new concept. I don't think any of us who were on the professions and occupations committee thought this would solve all the problems involved in the medical field, or any other profession as far as that goes. However, the people who serve on the council are going to have to use a lot of skill. And, I submit, they're going to have to rely a lot on the judgments of the people on that council who are themselves members of the medical profession. So this particular move is in the right direction but I think all of us must realize it's one that presents a lot of difficulty for those who do receive the appointment. It will also mean some adjustments might have to be worked out over a period of time, given the experience these people have on that council.

The other point I'd like to bring up particularly is the creation of a professional medical assistant. The minister today referred to one group of people who would perhaps fit into that category and that is the emergency medical technician. I would like the minister, when he closes the debate, to say whether he is restricting it to that at this time or whether there is a feeling that a nurse fits into that category, or some other occupations now in the medical field who presently have their own act or their own societies.

The other part I would like to mention, and a principle of this bill which I think is very important really because of the consequences that flow from it, is the specialist's recognition. The bill itself merely carries forward what has always been the practice: that you can't advertise yourself as a specialist unless you are on the register as a specialist. There are some consequences of course, consequences in the income of the specialist because the specialist always commands a greater income and obviously is important for the development of a professional person. It also has some consequences, too, because the Alberta Hospital Services Commission under their regulations have rules which, in effect, provide that a committee of the College of Physicians and Surgeons makes approvals, for example, in radiology. There are some areas of the province where this is presently causing some concern because in rural Alberta we have many G.P.s but not too many specialists.

The other point I would just like to touch on is a matter raised by the member [who spoke] before I rose to speak. That is the question of practice in rural Alberta. We find that communities that do not have a doctor and that are trying to get a doctor to their community, have to seek a doctor from outside Canada. There are many who have come to rural Alberta and who are doing a very good job. I think it is reasonable that someone who is qualified as a medical practitioner outside Canada should be, when he comes to this country as a qualified person, assessed by the council and given the right to practise on

the understanding that he has a period of time in which to get his LMCC. Once he has that, he has the same qualifications as our own graduates.

I think the solution is a reasonable one. I hope this will mean that those foreign doctors who are now practising in the province will be able to get their LMCC and continue to practise.

It's an upgrading procedure, but it's one that shows reasonableness for us in rural Alberta, who do not have easy access to people who are qualified in the medical field.

MR. SPEAKER:

May the hon. minister conclude the debate?

HON. MEMBERS:

Agreed.

MR. CRAWFORD:

Thank you, Mr. Speaker. I do welcome the opportunity to deal with the several points raised by hon. members, and would say first to the Member for Calgary Millican that the hon. Minister of Public Works did deal with some of the responses. I had noted, as the hon. Member for Calgary Millican was speaking, that the overall rush to specialization, to use his words, was swinging, probably, in another direction at the present time; and the swing of the pendulum in time is adjusting that situation and making it much better for the family practice and general practice situations.

The hon. Member for Calgary Mountain View asked if special consideration had been given to certain recommendations of the report on professions and occupations that was recently presented by a legislative committee. I think the answer to that is that the government took the view that it was not yet ready to make overall judgments on most of those issues, and not ready to make judgments that would apply, say, to all professions.

The solutions that have been proposed in regard to discipline and self-government for the medical profession have been put forward with the tacit understanding that in the event there are massive changes in thinking as a result of policies arrived at, consequent to the Report of the Committee on Professions and Occupations, then these provisions would be looked at in the light of those new policies.

I think it's also fair to say that much thought was given to those recommendations of the committee, and that there are certainly many reflections of those recommendations implied here. I say again for clarity that it was on the basis that this looked to the government like the direction we should be going at the present time, if overall policy matters that seem to cut across a number of professions would seem then to be ones that should also be applied to the medical profession; that is the occasion upon which we would redirect our attention to the provisions in this bill.

Two hon. members spoke in regard to concerns about small rural hospitals. The hon. Member for Stettler pointed out that one of the real concerns in the rural areas - a point that I might add he has frequently spoken to me about - is the availability of physicians to practise in smaller centers; and in medium-sized centers [for physicians] to have the ability to practise at a reasonable level. Because in medium-size centres, of course, the usual situation is that there is a group of doctors either at a clinic or a hospital that is fairly well equipped, or both.

I don't think, Mr. Speaker, that there is anything in the proposals relating to the registration of foreign doctors that would cause difficulties here. As a matter of fact, the intention has been to make it possible for foreign doctors to continue to be admitted to practise in Alberta.

I make special reference to foreign doctors for the reason that the hon. members know that in the period of, say, the last 25 years since the war when a lot of doctors who had practised in smaller towns over the years have been retiring, very often when you did get a doctor to move into a one-doctor town as a resident, it was frequently a foreign doctor who did that. So we don't want to make that sort of immigration into the province impossible or even unnecessarily difficult. I think that the legislation achieves that.

The other question, asked by the hon. Member for Stettler, related to emergency medical technicians under the part having to do with professional medical assistants.

No, that is not the only classification of professional medical assistant that is contemplated. I referred, I believe, to two different kinds of roles that could be played by professional medical assistants and noted that this is a new and developing field, an evolving field that we wanted to be in, that the profession in Alberta also wanted to be involved in developing, and that changes would undoubtedly take place over the next few years in the defining of duties and professional responsibilities that could be carried out by professional medical assistants, the intention being to make it as useful as possible to the overall work of the profession and the health delivery system. There would therefore be a high degree of flexibility and both the need and, under the legislation, the ability to define quite a variety of roles with quite a variety of responsibilities.

So, Mr. Speaker, I hope that has substantially answered, at least to the extent that should be done at second reading, some of the concerns raised by hon. members on both sides of the House. I would like to thank the hon. members on both sides for the contributions to this debate this evening.

[The motion was carried. Bill No. 62 was read a second time.]

MR. FOSTER:

Mr. Speaker, I move that this House now adjourn until tomorrow afternoon at 2:30 o'clock.

MR. SPEAKER:

Having heard the motion by the hon. Acting Government House Leader, do you agree?

HON. MEMBERS:

Agreed.

MR. SPEAKER:

The House stands adjourned until tomorrow afternoon at 2:30 p.m.

[The House rose at 10:26 p.m.]