

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Friday, November 4, 1983 10:00 a.m.**

[The House met at 10 a.m.]

PRAYERS

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF BILLS**

Bill 103
Libraries Act

MRS. LeMESSURIER: Mr. Speaker, I request leave to introduce a Bill, being the Libraries Act.

The purpose of this Bill is to update and clarify library services, as it reflects the program and services now offered by libraries. The original Bill was written in 1956 to meet conditions at that time.

[Leave granted; Bill 103 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. FJORDBOTTEN: Mr. Speaker, I beg leave to table the 1982-83 annual report of the Department of Agriculture.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. KOWALSKI: Mr. Speaker, this morning a very informative meeting was held between the Hon. Les Young, Minister of Labour; the Hon. Peter Trynchy, MLA for Whitecourt; Mr. Bill Purdy, MLA for Stony Plain; myself; and eight concerned citizens from the county of Lac Ste. Anne. They are: Gracie Anne Standeven, from Rich Valley; Diane Satermo, from Lake Isle; Irene Cavalli, from Onoway; Marge Turnbull, from Onoway; Sharon Hay, from Mayerthorpe; John Snider, from Onoway; Judy Nelson, from Mayerthorpe; and Donna French, from Onoway. These people are in the members gallery and are accompanied by Leslie Primeau, a very competent writer on rural affairs, associated with *The Onoway Tribune*. I would ask that they rise and receive the normal accord of the House.

MR. LYSONS: Mr. Speaker, on behalf of the Member for Cypress, I too would like to like to introduce some very special people in the gallery this morning: John Deys and his son Tony, from Redcliff, Alberta. They are visiting the Legislature with two exchange students from Roberval, Quebec: Martin Anctil and Jasmin Ouellete. I would ask them to stand and receive the welcome of the House.

MRS. OSTERMAN: Mr. Speaker, on behalf of my colleague and seat mate the hon. Minister of Recreation and Parks, and MLA for Whitecourt, it's my privilege today to introduce a class of approximately 40 grade 6 students, who have come all the way from Fox Creek. From looking at a map, I understand that is a fair distance from here. They are accompanied by teachers Dan Collins, Drinda Wilson, and Gary Buchinskas,

and by parents Mrs. Wolney and Mrs. Grumback. I would ask them all to rise and receive the welcome of the House.

MR. SZWENDER: Mr. Speaker, it is my pleasure to introduce to you and to all members of the Assembly two school groups from the dynamic riding of Edmonton Belmont. The first group is 26 grade 6 students from Princeton elementary school. They are accompanied by their teacher, Mrs. Rybotycki, and are seated in the public gallery. Would they rise and receive the warm welcome of the Assembly.

Mr. Speaker, the second group is 19 grade 6 students from the North Edmonton school. They are accompanied by their teacher, Mr. Ceccano, and are also seated in the public gallery. Would they rise and receive the warm welcome of the Assembly.

head: **MINISTERIAL STATEMENTS**

Department of
Social Services and Community Health

DR. WEBBER: Mr. Speaker, first of all, I would like to check to see whether the hon. Leader of the Opposition has a copy. Also, the process with respect to distribution was followed yesterday. I think the foul-up was in the hands of someone else in another department. [interjections]

Mr. Speaker, this year marks the 72nd anniversary of the first provincial legislation introduced to impact on the development of foster care in Alberta. Caring for foster children has moved from an early program of free foster homes, to a system of orphanages, into the present configuration of general and specialized foster families.

Today over 2,900 families from many of Alberta's communities have come forward and volunteered to share their homes and family lives with over 4,000 children whose own families are unable to care for them. The increase in family break-up, alcohol abuse, family violence, child abuse, and neglect in our society has vast implications on future generations. One group investing in Alberta's future is Alberta's corps of foster parents.

It gives me great pleasure today to recognize formally the contribution of Alberta foster parents to our province's future. Therefore, I wish to proclaim the week of November 6 to 12, 1983, as Foster Parent Week in Alberta. In many of our towns and cities, foster parents and staff of Alberta Social Services and Community Health will be celebrating Foster Parent Week with speakers, mall booths and exhibits, and social events.

I therefore ask that this Legislature reflect, during the next week, on the contributions foster parents are making to Alberta's future and that we make a point to recognize foster parents' efforts in our own way throughout the year.

Mr. Speaker, hon. members have at their desks a copy of a document, along with a pin, put out by the Foster Parents Association of Alberta.

Thank you.

head: **ORAL QUESTION PERIOD**

Private Employment Agencies

MR. NOTLEY: Mr. Speaker, I would like to direct the first question to the hon. Minister of Consumer and Corporate Affairs. It is with respect to a complaint from a full-time employee who was laid off and, in the process, was asked to

register with a private secretarial supply contracting firm. Has the minister in particular issued any directives with respect to permanent employees who are being laid off, requesting that they register with firms such as Office Overload?

MRS. OSTERMAN: No, Mr. Speaker, I have not.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Minister responsible for Personnel Administration. What policy has the government developed with respect to urging people who are laid off from permanent positions to register with private-supply contractors? Or is there in fact a policy in place?

MR. STEVENS: Mr. Speaker, I am not aware of the circumstances of the case or the individual referred to by the Leader of the Opposition. But generally when an employee is leaving the government — perhaps on a voluntary request or perhaps because the position has been abolished — the department encourages other department personnel officers to advise employees of the opportunities for employment in the private sector and elsewhere in the public sector.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. Does that advice involve registering with private agencies, such as Office Overload, which pay considerably less per hour than the present AUPE contract?

MR. STEVENS: Mr. Speaker, the employee himself or herself may be seeking advice as to where prospective opportunities are, and certainly the government of Alberta is aware of a number of private- and public-sector employers who provide their services. I would think it would be in the employee's best interest to know of those opportunities, whether they include registering at Canada Manpower offices, at provincial offices, or at any other career centres.

I'm sure there are a number of employees who have obtained employment at private temporary Office Overload or Office Assistance types of firms where, in those cases, the employees prefer to work on positions that provide opportunity to have jobs on a work-sharing basis or for so many hours a day or whatever other factors the employees choose are best for themselves to consider.

MR. NOTLEY: Mr. Speaker, a supplementary question. In light of Premier Lougheed's statement yesterday in New York, could the minister advise the Assembly how widespread is the practice of substituting casual employees or agreements with private firms such as Office Overload in place of permanent employees?

MR. STEVENS: Mr. Speaker, I'm not sure how the first part of the question relates to the second part of the question. I do not have the text of the Premier's remarks, but I am aware that the Premier of this province indicated, in an address, that the people of Alberta expect their government to manage wisely and with restraint. I also understand that in his remarks, the Premier of this province indicated that changes in levels of population or demands for services require that the government consider very carefully how those services can be provided. I am also aware that the Premier would have indicated that it may be necessary for the government to review its manpower allocation in the coming year, and that process is ongoing. As far as . . .

MR. SPEAKER: Order please. The question, as I recall it, really was more suitable for the Order Paper. It asked for

statistics — numbers, I suppose — or how widespread a practice might be. I think we've gone considerably beyond it.

Public Service Reduction

MR. NOTLEY: Mr. Speaker, I'd like to direct the second question to the hon. Provincial Treasurer, and ask him whether or not a directive was issued on October 26 to his government colleagues, indicating there would be a reduction of at least 2 per cent in 1984-85 permanent position complements.

MR. HYNDMAN: Mr. Speaker, yes, in line with the comments just made by the Minister responsible for Personnel Administration. First looking back at this year, members will recall that in the spring budget, there were four fiscal strategies set forth, one of which was to reduce the number of permanent full-time positions by — I think the number was 237. That was for this year, and that policy continues.

As indicated, we will continue to reduce redundant or unnecessary positions, primarily in areas where their anticipated services or sustained growth is no longer required. Therefore in order to allow for timing and to do it in the fairest possible way, which is our objective, that is necessary to give general guidelines to the ministers at this time.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Provincial Treasurer. Did the directive suggest that in addition to attrition or not filling vacant positions, the government would in fact be looking at occupied positions and a policy of layoff?

MR. HYNDMAN: Mr. Speaker, I think the public of the province would want us to look at those positions — all the positions in government. If, as a result of the levelling out of the population of the province, which essentially has been the first time in eight or 10 years that has occurred, positions are redundant or unnecessary because the services are no longer needed, then I think the reduction in the number of permanent full-time positions, the reduction in the size of the public service, is appropriate and is good management. So that again is our objective for next year, as it was this year. And to do it in the fairest possible way, in a managed way and an equitable way, is again the objective.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Provincial Treasurer. Did the directive indicate to ministers that in the process of budget review, there would be an elimination or a decrease in some of the functions and services that the departments now provide?

MR. SPEAKER: I have some concern with this question. I wasn't sure about the first one because, of course, I have no knowledge of the so-called directive. But if this refers to a communication among ministers and is in the nature of a cabinet document, then we're way off the mark in dealing with it in the question period.

MR. NOTLEY: Perhaps I can rephrase the question then and put to the Provincial Treasurer whether there has been any policy considered at this time — and I direct this as a question of fact — and, in the process of considering that policy, whether a reduction of services is now one of the options.

MR. HYNDMAN: Again, Mr. Speaker, looking at the reduction in population, I think the demand is down. If that demand manifests itself in a reduction of demand for services for which

there were existing permanent positions or other positions, we will continue to use what I think is a sound management approach for the next year, 1984-85, as we have done this year, as was announced seven months ago in the spring budget.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. Provincial Treasurer. At this stage does the government intend to go beyond simply relating services to population and in fact cutting either services that are now being supplied or positions that are being held?

MR. HYNDMAN: Mr. Speaker, I think it's been indicated that the services provided in the province of Alberta are probably 20 to 25 per cent ahead of all those provided in the other provinces generally. To the extent that we have a very large deficit and to the extent that we must look not only to revenue but to reducing rates of expenditure, we would be reviewing — and the ministers will be reviewing — every area of government. If there are areas where economies can be found, where there can be greater efficiency, where there can be streamlining, and where there are areas of redundancy by reason of the population dropping off, then I think it's only prudent and wise to be doing that. Therefore the objective will be to continue to reduce redundant or unnecessary positions but primarily in areas where a sustained growth is no longer required.

MR. NOTLEY: Mr. Speaker, a supplementary question to the Provincial Treasurer. In addition to departments, did the government's directive include boards, commissions, and agencies of the government?

MR. HYNDMAN: Certainly, Mr. Speaker, I would think that it would be important and that the citizens would want to know that we are approaching the situation with regard to the entire government situation. So while there can be no hard and fast targets, generally areas which would involve ministers and the Crown corporations, boards, or agencies for which they were responsible, looking at every aspect of their operation from the point of view of increased efficiency — yes, it would cover the total public service in that way.

MR. NOTLEY: Mr. Speaker, a supplementary question to the Provincial Treasurer. Has the date of November 10 been set as a target date for ministers and the government to comply with this new policy?

MR. HYNDMAN: Rather than a policy, Mr. Speaker, I'd characterize it as a review leading up to the budget for next year. That review is carried on in detail during November, December, January, and February. So it would be appropriate and probably would provide the greatest opportunity for fairness and for equitable redeployment if, ahead of the next fiscal year beginning April 1, attention is given to the ways in which there could be those appropriate reductions in terms of redundancy. So in the weeks ahead, as happens every year, the ministers will be asked to look at the various staff establishments within their departments, with a view to effecting that public policy.

MR. SPEAKER: Might this be the last supplementary on this topic.

MR. NOTLEY: A supplementary question to the hon. minister in charge of public affairs. Has the minister directed the Public Affairs department to prepare a media-management package to communicate this policy?

I might just file with the Legislature Library certain copies of material that was dropped off at my office yesterday afternoon.

MR. PAYNE: Mr. Speaker, with or without the benefit of the documents to which the Leader of the Opposition has just referred, no such directive has flown from my office.

MR. SPEAKER: I find it rather strange to take question period time — it didn't take much time — to file mysterious documents that have apparently little or no relation to the question.

Unemployment

MR. SZWENDER: My question is directed to the Minister of Manpower and relates to the Stats Canada figures issued today about the drop in unemployment in Alberta. Could the minister indicate whether the decline in unemployment was caused by a drop in the work force or an actual increase in jobs?

MR. SPEAKER: With great respect to the hon. member, in that form the question would simply appear to be asking the minister to analyse some statistics which hon. members, of course, can all analyse for themselves.

MR. SZWENDER: Could the minister indicate where the reduction in unemployment has occurred in Alberta?

MR. ISLEY: Mr. Speaker, as the hon. member correctly notes, the actual unemployment rate in Alberta did decline. The number employed increased by 6,000. We were the only province in Canada to enjoy an increase in jobs created. What causes me some cautious optimism is that this increase occurred at a point in time when neither the provincial government nor the federal government had any direct job creation activities in place, and hence the credit has to go to the private sector.

MR. SZWENDER: A supplementary, Mr. Speaker. I'm sure the gloom and doomers won't be pleased with that. Would the minister indicate which sectors of the economy actually created new jobs?

MR. ISLEY: Mr. Speaker, the leaders in the creation of new jobs were other primary industries, with an increase of 5 per cent, or 3,000; the transportation and communication sector, with an increase of 4,000; trade ranked third, for an increase of 5; manufacturing was fourth, with an increase of 2,000. According to Stats Canada figures, the total number of new jobs created over the month of September was 14,000.

MR. SPEAKER: Order please. I'm having real difficulty with this situation. We have Statistics Canada coming out with information, and an hon. member and an hon. minister apparently engaged in an exercise whereby those statistics are being repeated here in the House. It's really not the purpose of the question period, as I understand it. The reason I didn't intervene earlier was that I thought the hon. Member for Edmonton Belmont was asking for statistics which the hon. minister might be keeping in his own department and which would therefore relate to his own official duties.

Social Allowance

MR. MARTIN: I'd like to direct my question to the Minister of Social Services and Community Health, with regard to food banks and soup kitchens. Will the minister advise if he or his department has been able to determine the reasons for sub-

stantially increasing demand for donations to the needy from the food banks which operate in Edmonton and Calgary?

DR. WEBBER: Mr. Speaker, in meeting the needs of individuals and families in Alberta, in terms of those who have gone through the economic recession and have had difficulties, both government and community are responding. I think those people who think government should be the only one that responds to situations of need in our society are way off base. It has to be a joint effort between the community, the church, and government. I'm very pleased to see that there is a response from communities, particularly Calgary and Edmonton, which were brought to our attention by the hon. member, in terms of dealing with such things as food banks. In terms of any kind of analysis, that hasn't been done.

MR. MARTIN: Mr. Speaker, I would say it's government policies that are making the communities operate.

A supplementary question. Will the minister outline to this Assembly why recipients of social allowance in this province would have to receive food from soup kitchens, which get their donations from the food banks? Specifically, is it because social allowance recipients have spent most of their allowances on shelter?

DR. WEBBER: Mr. Speaker, I think the hon. member of the opposition should be as capable as anyone else in determining why people have to go to these particular locations for some assistance.

MR. NOTLEY: You cut back the shelter allowance; that's why.

DR. WEBBER: In terms of the shelter allowance, the allowance is very appropriate for the rental market and the rental situation. Anyone that checks the newspapers and the availability of housing supply, in terms of the rental costs falling below the ceilings, would see that there are a number of opportunities for people to find accommodation within the ceiling limit.

MR. MARTIN: His figures are different from everybody else's.

A supplementary question, Mr. Speaker. Is the minister prepared to begin funding these food banks, at least in part — the community can do some of it — to ensure that they always have enough food to meet the requirements of the needy?

DR. WEBBER: Mr. Speaker, as I mentioned in my first comment, I believe any kind of co-operative effort to meet the needs of those who require assistance is being met by a joint effort of government and community and agencies in the community. As far as I know, the needs are being met in this joint effort.

MR. MARTIN: I guess the answer is no.

A fourth question, Mr. Speaker. Can the minister advise if any of the announced 13 per cent personal income tax increase will be diverted to supporting the food requirements of Alberta's poor and needy people, whether through support of food banks or any other measure this government might employ?

DR. WEBBER: Mr. Speaker, the hon. member knows full well that we have a budgetary process in place, and the budgetary process in place in the past year has grown substantially over the previous year in terms of meeting the needs of those on social allowance. I must say that the budget we had allocated in that particular area for the past year has been very adequate in terms of meeting the overall needs.

MR. MARTIN: A supplementary question, Mr. Speaker. In view of the fact that the 2 per cent cuts announced in the memorandum of October 26 — as the Treasurer says in it, "elimination of or decrease in some of the functions and services your department now provides". My question is, what effect will this have on the needy in this province?

MR. SPEAKER: Order please. [interjection] Order please. Really, the hon. member knows that that question is not within the parameters of the question period. Again, he's able to assess that effect as well as any other member. It's not within the official duties of the minister to provide those assessments unless they happen to actually exist.

MR. MARTIN: On a point of order, Mr. Speaker. The minister has been asked by the Treasurer to assess these effects, and we want to know what effects it will have in his department, specifically dealing with food banks.

DR. WEBBER: Through the confusion, I wish the hon. member would let me know what his question is.

MR. MARTIN: I'll try. I'll say it again and, if he will watch, I will say it to him gently. The question is: specifically, because your department is going to be faced with 2 per cent cuts, what assessment has the minister made on the effect this will have on the needy in the province? We've been talking specifically about food banks and soup kitchens. Are more people going to be lining up?

DR. WEBBER: First of all, Mr. Speaker, I might clarify the fact that the hon. member has indicated, as if it were a fact, that there will be a 2 per cent cut in the Department of Social Services and Community Health. If I interpret what the Provincial Treasurer has indicated, the directions were with respect to an overall 2 per cent cut in the provincial government. If the hon. member would listen, then he would understand.

In terms of social allowance workers, child care workers, those individuals in the Department of Social Services and Community Health that are directly involved in meeting the needs of those on social allowance or children in care, that is not the area where we would be making any kind of cuts at all.

Sexual Assault Examinations

DR. BUCK: Mr. Speaker, my question to the Attorney General is a follow-up to the recent unfortunate incident that took place in the Hobbema area. Can the minister indicate if the Attorney General received any information from the Alberta Medical Association as of December 21, 1981, indicating that there was a possibility of such an event happening if certain procedures were not carried out?

MR. SPEAKER: I have some difficulty with that question. We're going back two years into the past and asking the minister to answer a question of some specificity, if that's a good word, which really should be sought by the Order Paper. But the question having been asked, I suppose if the hon. minister wishes to deal with it briefly, he should be recognized. Otherwise, I'd say it should go on the Order Paper.

MR. CRAWFORD: Mr. Speaker, I'd be happy to check into the matter and see if such a communication was received.

DR. BUCK: A supplementary question, Mr. Speaker. Could the minister check also to see if he received a letter from the

Alberta Medical Association approximately a year later, August 18, 1982, indicating those same concerns that the medical profession had?

MR. CRAWFORD: Certainly I'd be glad to check into both matters, Mr. Speaker.

DR. BUCK: Mr. Speaker, could the minister indicate if he has had any discussions with the Alberta Medical Association to indicate to the Attorney General that the medical profession and the people who specialize in rape cases were concerned about the workload they had and the information that they were required to gather to make preparations for court appearances? Was that information made available to the Attorney General?

MR. CRAWFORD: Mr. Speaker, what occurred is that in recent months — and it probably goes back at least throughout the time frame that the hon. member is referring to, 1982 or 1981 — numbers of consultations were held, which resulted in established procedures being arrived at. The established procedures involve providing the sexual assault kit, which is well known to medical practitioners, to doctors who, because of the circumstances of someone being brought to them as a victim, may be required to conduct an examination to see whether or not a sexual assault occurred. It is one of the results of consultation that took place as to how the system of treating the patient, which is the priority, and gathering evidence, which is also very important, could be done.

I would think that the very existence of those procedures is a direct result of these consultations with either the Medical Association or the College of Physicians and Surgeons and that what happened in the recent incident was that although procedures were in place, for some reason or other it was not possible to carry them out without bringing the victim to an Edmonton hospital.

DR. BUCK: Mr. Speaker, a supplementary question. Is the minister in a position to indicate if, in his discussions with the Alberta Medical Association, he was advised that the Attorney General's Department should be looking at having medical doctors who specialize in this specific field on a retainer basis? What action has the minister taken to make sure that was done?

MR. CRAWFORD: Mr. Speaker, I don't recall a specific reference to a retainer basis. The principle arrived at is that the necessary medical examinations be done efficiently and quickly, for the two reasons I stated earlier: firstly, for the benefit of the patient; and, secondly, for the purposes of a prosecution, if that's likely to occur.

I think it's known in the medical community — and we're certainly well aware of it — that some doctors will tend to specialize in this area more than others. However, I don't recall the specific question of retainers having come up. The method of carrying out such a policy of preparation and effective gathering of evidence is something that may well have been discussed at a staff level.

DR. BUCK: Mr. Speaker, is the Attorney General in a position to indicate if the minister or the department has looked at the fee that is paid to the medical doctor when he must prepare his report and make preparations for court appearances? Has the minister given any consideration to looking at that hourly fee that is given to a doctor who has to appear in a court proceeding?

MR. CRAWFORD: Mr. Speaker, that has been the subject of recent correspondence. By "recent" I mean within the time frame the hon. member directed his original questions to.

I would think that the view of the doctors is not really entirely based on financial considerations. There is some suggestion that doctors are hesitant to appear in court because of a loss of professional income while they're there. The suggestion is made that if the witness fee were higher, then there would be less reticence to appear. I don't have statistics, Mr. Speaker, but I would be surprised if, given its professional ethics, the medical profession really responds in this way to purely financial concerns.

Even so, the discussions that did take place and are represented in some correspondence that I referred to, reflect a recognition of the fact that a professional witness will receive a higher witness fee than a person who is not in the same position, and that is done. Admittedly the fee is not large, but there is discretion. If something unusual takes place, in the sense of the doctor spending much more time than would normally be required to appear in court, then an additional fee can be paid, and that does happen. I don't know if it's often, but it's certainly provided for and does happen.

I might add, Mr. Speaker, that it's well known in the court system and among the medical profession that when a medical practitioner appears as a witness in a court case, whether it be a civil case, testifying perhaps with respect to damages and injuries, or whether it be in a criminal case, where the important role of the doctor in the prosecution's case is the issue, then in both cases the presiding judge and counsel present do everything they can to be sure that the doctor's evidence is taken at a time that is most convenient to him.

Without going on too long, I'll just add one other point, Mr. Speaker. It is a custom that when a doctor appears, every effort is made to get him onto the stand as the very next witness and to see that he is not unnecessarily detained.

MR. SPEAKER: Might this be the final supplementary.

DR. BUCK: A final supplementary, Mr. Speaker. In light of the fact that the medical profession has been made the scapegoat, could the minister indicate to the Assembly if he would bring the matter to the attention of the House — the two letters that I asked for — before question period is over?

MR. CRAWFORD: Mr. Speaker, I can deal with the question of the letters; I don't know what the hon. member means by a reference to "scapegoat", a sentiment that I do not share. I will make reasonable efforts to see the correspondence as soon as possible, and, if possible, this morning.

Teachers' Strike

MR. PURDY: Mr. Speaker, I'd like to address a question to the Minister of Labour, and it's a follow-up to questions that I asked in the House last Monday. Can the minister inform this Assembly if any further talks have been held between the two parties, regarding the teachers' strike in the county of Lac Ste. Anne?

MR. YOUNG: Mr. Speaker, I checked this morning, and the mediation officer in question working with this dispute has been unable to receive a confirmation. I do hope that the parties meet, as there is some suggestion they will this weekend. I have every confidence in the maturity of those individuals to solve their problem locally, and in their willingness to accept the rather large responsibilities which they face. They have a very large responsibility, and a large challenge, to overcome the problems that are common to all of us in a dispute of this type; that is, it's too easy to tie oneself to the hitching post of

past emotions and past positions, and the challenge is to hitch themselves to the gleam of responsibility which I'm sure they share.

MR. PURDY: A supplementary question, Mr. Speaker. Is the Minister of Labour's mediation staff ready to meet with the two parties at very short notice?

MR. YOUNG: The mediator in question is standing by and is ready to meet tomorrow, tomorrow evening, Sunday — any time the parties are ready to meet — and in fact is encouraging both of them to undertake that responsibility.

John Howard Society

MR. STROMBERG: Mr. Speaker, last Tuesday in question period I asked a question of the hon. Member for Lethbridge West, and his reply was rather vague; I had difficulty comprehending it. With your permission, I would like to re-ask the question as stated in *Hansard*:

I am wondering if the hon. member could explain why that equally hardworking group, the John Howard Society, was cut out of all funding in this year's annual report.

Mr. Speaker, his reply was:

There's no obligation on any member of this House to answer a question, and I won't answer that.

I had difficulty understanding that, and I would ask the member if he could now ...

MR. GOGO: Mr. Speaker, first of all, I apologize to the hon. Member for Camrose for the way I treated him last Tuesday in responding to that.

His question with regard to the John Howard Society, I think specifically Howard Manor, listed in the annual report of AADAC, was: were they — and why — cut out from funding by the commission? The John Howard Society does a remarkable job for many former inmates of the penal system in Alberta. Although alcoholics are a significant portion of those who are incarcerated, that program was deemed best to be handled by people other than AADAC. I believe the hon. Solicitor General may wish to supplement my comments, but that program was voluntarily allocated from AADAC to the Solicitor General's Department for funding, and I understand it's going very well.

MR. STROMBERG: A supplementary to the Solicitor General. How much funding was made available to Howard Manor last year?

MR. SPEAKER: Is this not budget information that's publicly available? If I'm mistaken on that, I'm happy to reconsider.

MR. HARLE: Mr. Speaker, I would say that unless an hon. member were to ask the question, it's not broken out *per se* until the public accounts become available some year and a half or two down the road.

As a result of the question the other day, I did take the opportunity to look at the accounts of the Department of the Solicitor General. I'm relying on my memory, but we do make some \$60,000 available to the John Howard Society for general inmate visitation programs that they operate, plus a further \$40,000 for a bail assistance fund program to enable potential inmates to raise bail when they have to appear in court, so they can be released. We also fund the John Howard Society to the extent of some \$500,000 in respect of services for the community residential centres that they operate, and that funding is paid on a *per diem* basis.

Unregulated Financial Institutions

MR. NELSON: Mr. Speaker, I'd like to direct a question to the Minister of Consumer and Corporate Affairs. Does the minister have the number of mortgage finance companies, such as those that have gone bankrupt in the last few years, that are in fact still in operation in the province of Alberta?

MRS. OSTERMAN: Mr. Speaker, as a result of questions posed to me by the Leader of the Opposition yesterday, I took the opportunity to get some detailed information on that question. To the hon. Member for Calgary McCall: there are approximately 70 now in operation in the province of Alberta.

MR. NELSON: Thank you. Mr. Speaker, a supplementary. What can the minister do to prevent more failures of companies such as Tower, Ram, and Signature? Would the government commit itself to some legislation?

MR. NOTLEY: Good question, Stan.

MRS. OSTERMAN: Mr. Speaker, if the hon. member was listening to the answers that I gave yesterday, because of the review that's being undertaken it's not possible at this time to give that undertaking.

I think it might be appropriate for me to say that the reason the question of legislation has to be very carefully addressed is that if we were to have legislation, I'm afraid that the public would somehow feel that all investments were protected. And, in fact, if we were to have legislation very much like our trust company legislation, we still would be in a position where prospectuses would be cleared by the Securities Commission. There would be investment opportunities, as there should be, for Albertans right across this province. But they would have to read those prospectuses and make a judgment as to whether they wanted to entertain the risk involved, because it is not a deposit-taking activity; it is an investment that we're talking about.

MR. NELSON: Mr. Speaker, one final supplementary. Why do these companies seem to have such a high mortality rate, and continue to do so?

MR. SPEAKER: I'm just wondering if that isn't the sort of market place or business judgment that the hon. member might make for himself, perhaps with the assistance of his research staff. Perhaps the question could be understood as asking whether the information is available in the department.

MR. NELSON: Mr. Speaker, I was anticipating the minister might have information of that nature at hand and, if she has, she might be able to assist.

MRS. OSTERMAN: Mr. Speaker, I think it's obvious, from those companies who have had some difficulty, that their major investments have been in the real estate field. I think that's probably the main reason we can ascertain that there has been the difficulty.

Provincial Deficit

MR. ALEXANDER: Noticing Mr. Speaker's scowl at the last few questions, I arise with some trepidation, not that I won't get an answer but that I won't be able to ask the question properly.

MR. SPEAKER: Mr. Speaker's scowls aren't dangerous.

MR. ALEXANDER: I wasn't feeling imperilled by them.

Mr. Speaker, my question is to the hon. Provincial Treasurer. There has been some uncertainty regarding the minister's interpretation of government policy — if that's the right word — of utilizing tax increases to help balance the budget, as opposed to using heritage fund revenues and thus seeing the heritage fund stop growing. Could the minister clarify whether this is in fact the government's position?

MR. SPEAKER: I have some difficulty with that question [laughter], for quite a different reason. I understand there's a Bill on the Order Paper, in which this matter may be ventilated fairly thoroughly. Under the circumstances, perhaps the hon. member is preparing himself for debate. Perhaps the hon. Treasurer might wish to answer briefly.

MR. HYNDMAN: Mr. Speaker, at this time of deficits, I think the citizens of the province would want to see the use of the heritage fund maximized in such a way that's consistent with sound management.

At the moment, of course, as members know, all the income from the heritage fund is applied against the deficit — and as well, half the traditional diversion from resource revenues. At the same time, though, I don't think citizens would want to see the capital of the heritage fund eroded. Therefore with inflation, unless there are some income-earning investments every year in the heritage fund, the capital total of the fund will be eroded. So to maintain the fund exactly as it is and to retain it as a savings investment fund, there would have to be some injection of income-earning investments every year.

MR. ALEXANDER: A supplementary, Mr. Speaker, at similar risk. I feel a little freer about asking this one, because it's been rather thoroughly discussed this morning, perhaps on the other side of the balance sheet. If income and expense remain at present levels, would the minister then consider using all resource revenues and heritage fund income to sustain present levels of service programs and manpower, or would he be forced to do so?

MR. SPEAKER: With the utmost reluctance, the question is really quite out-and-out hypothetical. Normally that sort of question would be asked after the event rather than in speculating on whether the event might ever come to pass.

MR. ALEXANDER: A supplementary then, Mr. Speaker. When I look at hard numbers on our balance sheet, I don't consider them to be very hypothetical. But I do not wish to argue with Mr. Speaker; I only wish to try to make this point. Would the minister then continue to borrow money in the capital markets to sustain present levels of service?

MR. HYNDMAN: Mr. Speaker, we are borrowing now and, as members know, one of the objectives is to try to reduce that very significant deficit. So the borrowing has taken place with respect to two Crown corporations, and it may be necessary with respect to the government itself.

DR. BUCK: The Premier's down in New York begging for money now, Keith.

ORDERS OF THE DAY

head: GOVERNMENT MOTIONS

26. Moved by Mr. Crawford:

Be it resolved that when the House adjourns on Friday, November 4, 1983, it shall stand adjourned until Wednesday, November 16, 1983.

MR. MARTIN: Mr. Speaker, I was interested when we found out yesterday that we were going to adjourn for a holiday because the government needed some time. I'm still not clear, and perhaps at some point the hon. House leader will tell us why.

At this point, unless I can hear some reasons, I'm opposed to adjourning at this specific time. If I recall, we finished the spring session in the first part of June. We've had basically five months to get Bills ready for a short session in the fall. We've been in session for two and a half weeks, and now we have to take an adjournment. It seems to me that we're being asked here, at a cost to the taxpayers of Alberta that could range up to \$36,000 . . . That just doesn't make any sense to me. We've had five months to prepare Bills for a very short session. Either the government is very sloppy or something new is coming. In that case, that should have been ready anyhow. Two weeks later into the session shouldn't make that much difference. The point I want to make is that the only reason I've been given — through the media, because the hon. House leader has not talked about it today — is the Bill having to do with labor relations, where we already know what's going to occur, and the child welfare Act.

Let's look at the child welfare Act. According to the minister, that was just going to be tabled in the House and die on the Order Paper. I do not see why we would need 12 days to prepare for something that's just going to die on the Order Paper. Surely the time to look at it would be after this session is over, before the spring session, when he intends to bring it in.

The other point I would like to make and that I think is parliamentarily wrong, Mr. Speaker, is that there was no consultation about this with the Leader of the Opposition or the leader of the Independents; absolutely no consultation at all. We read about it in the morning. In fact, some private groups knew about it ahead of us, because they were planning a meeting. The insurance brokers, for example, knew we were going to adjourn before the opposition did. Either that's sloppy or arrogance of the worst kind. It's just not the way parliamentary democracy should work. There should have been some consultation on this. I know the hon. House leader knows this. But nothing; we read about it in the morning.

I want to make another point about why we should not adjourn. As the House leader knows, there are a number of important Bills on the Order Paper now. There is a lot of work yet to be done that we could continue, regardless of the new labor Bill or the child welfare Act. We still have the user fee Bill. It's not going to go through today; don't mind me if I put my own terms on these Bills. We still have the 13 per cent income tax Bill, which is only in second reading. That could proceed. We have all the other Bills that are on the Order Paper. We're certainly not going to finish them all today; we all know that. So there's work to be done on legislative business right now. It makes no sense to me at all why we would have to wait 12 days.

The other thing that concerns me, which is new today, which we should be talking about, and which we didn't know before late last night, is the fact that government policy by memo-

randum is already occurring. Mr. Speaker, I talk specifically about the memorandum talked about today in question period. This is a major government initiative. Now that we know about it, surely we should discuss it, because it has major repercussions, I would like to discuss this in the next week or so and have them at least come back with a Bill or something, rather than government by memorandum. Of course, it's typical of this government, Mr. Speaker. It's done secretly; they don't want to take the political flak about it. But here is a major policy being advanced, and we want some time to discuss that.

I quote from this memorandum from the Treasurer. At the start of it, there are going to be positions lost. Our estimation is that there could be up to 1,300 positions lost. That's almost equivalent to what's happening in B.C., and we know what's happening in that province right now. But we're doing it by memorandum.

MR. PURDY: Mr. Speaker, on a point of order. I see no relevance at all between the motion to adjourn and the memorandum sent out by the government.

DR. BUCK: That's because you've got bad ears; you didn't listen to him.

MR. SPEAKER: It seems to me that in debating a motion of this kind, it is in order for members to deal with concerns that might be dealt with during the time that would otherwise elapse during the adjournment. With great respect to the hon. member, I don't have any great difficulty in seeing the connection between what's being said and the motion under consideration. But if there are other aspects that I'm missing, I'll be glad to be told about them.

MR. PURDY: Mr. Speaker, on the point of order. I'm talking about where the member starts relating what's happening in B.C. and stuff, and it's strictly irrelevant to what's happening in this Legislature.

MR. MARTIN: Mr. Speaker, I will continue. B.C. isn't the important point. I'm saying that it's a major policy fight there. We're already into it, and that's why we should keep the debate going in the House. This is new information. I will continue to say we have policy occurring that we just found out about, that is already in fact government policy, and we want to debate this. We don't want to wait for 12 days. The government policy is clear, first of all, about the positions lost. Maybe they can tell us. But this memorandum, that there be at least a 2 per cent cut, seems to have been passed on to all cabinet ministers. That is going to be a minimum of 1,300 positions. Surely that is a major government policy. It should not be done by [memorandum]. Until we got this information, we didn't know about it. Surely that should be debated now in the House. It is clear what Treasury is saying, and I quote a very small part of this memorandum:

As I indicated at Cabinet on October 18th, to further reduce government expenditure, Priorities Committee has directed that all departments, agencies, boards and commissions are to re-examine their 1984-85 budget requests, and are to ensure that there will be a reduction in their 1984-85 full-time permanent position complements of at least 2%.

Mr. Speaker, that is a major government initiative. It should not be done by memorandum; it should be debated in this House. As a result of this information, surely we shouldn't be adjourning for 12 days. Perhaps even more significant from the memorandum — and it has to do directly with government

policy that's already being carried through — is that it says very clearly there will be "an elimination of or decrease in some of the functions and services your department now [produces]". If that's not already government policy, I want some time to talk about this in the House. It says:

It will not be enough to simply cut the position and carry on with "temporary" people; the actual salary dollars and man-years must go as well.

Again, Mr. Speaker, new information — government policy by memorandum. I want to know what's going on here. I think it's only legitimate that we should get into this, along with all the other information we have.

The other interesting part about it, though, is that we see media management of the worst kind by this government, Mr. Speaker. It says at the end in one sentence, and this tells it all about this government:

This exercise will require considerable judgement and sensitivity on the part of each of us and our managers.

Well there it is; that tells it all. They are going to bring in a policy by memorandum, and do it as secretly as they can so they do not have to take the political flak and heat. Besides that, it's government, if you like, of cowardice.

MR. SPEAKER: Order please. I can readily see the relevance of the hon. member listing or explaining issues that might be dealt with by the House during a period when otherwise, under this motion, it might be adjourned. But to debate all those issues now in an adjournment motion is, to me, outside the rule of relevance.

MR. MARTIN: Thank you, Mr. Speaker. I will go into some other areas as to why. I pointed out that there are a number of Bills on the Order Paper, some very important ones. I think we have to go back, with the memorandum, to new policy being decided. I would like to come to the income tax Act specifically because, as a member of the Legislative Assembly, I am getting a lot of calls about this. People are in a state of flux, and they want to know what's going to happen. With the 12-day adjournment, maybe the government is reconsidering that 13 per cent income tax increase. I doubt that, but if they are not, then we should get on with the business right now. We do not need a 12-day adjournment.

In conclusion, what I am clearly saying is that the reason advanced through the media — and that's the only way we have, because there has been no consultation at all with either the leader of the Independents or the Leader of the Official Opposition about this; absolutely none — is just wrong. For that reason, in principle, we should oppose it. The reasons advanced make absolutely no sense at all to me, Mr. Speaker. Maybe we're in for some more surprises besides the ones they've given. That would not surprise me at all. Maybe we're so enamored with what's happening in B.C. that we are coming into a restraint program. That's the only reason they have some major announcements. Regardless, it's arrogant and sloppy. It is absolutely time that this government got its act together, instead of playing around as we are now.

DR. BUCK: Mr. Speaker, I would like to briefly enter the debate this morning. I have been around this Assembly for a few years, and I have seen some rather remarkable changes in the way sessions have gone, from an early spring session to a longer and longer spring session, to the advent of the fall session. There are some things that I think the people of the province should be made aware of. We have business that should be brought to this Assembly. We have brought the fall session in to do some of this business. Are we adjourning

because this government cannot function without the Premier being here? Is that what this government is telling us, that they have to wait and get their instructions from the Premier so they know what to say, what to do, and how to do it? Is that why we are adjourning? Or is it because the Premier is going to come back in 10 days and tell us that he can't get any money to try to shore up the badly managed finances of this province? Is that why we're adjourning? We don't know.

We have seen this government go from the previous government's 17 cabinet ministers to 30 cabinet ministers. The legislation doesn't seem to get into place. Why? If you have twice as many ministers, surely they should be ready to do the people's work in this Assembly when it is called. Or doesn't the government like the heat it's getting over some of the issues and some of the legislation we have before us? Is that why they are putting it off for 10 days? Little by little, the people of Alberta are starting to find out what kind of government they truly have. Is it the heat that's bothering them? Do they want the media to forget about some of the issues that have been raised? Are they getting heat over the tax increase? Are they getting heat over user fees? Are they getting heat over the partiality of the Electoral Boundary Commission? Is that why they're stalling? I know that the Minister of Labour is a very competent minister. I am sure that he can bring his legislation here and defend it. I don't think he can justify it, but he will try to defend it. Mr. Speaker, why are we not going ahead with the taxpayers' business?

Mr. Speaker, it seems that because we have such a large Executive Council — maybe it's too large; maybe there are too many people not doing their work and that's why we don't have the legislation here. We have been looking at some of the health professions. New Acts are supposed to be brought to the Assembly. We haven't seen introduction in principle of some of these Acts. There are other Bills we hear rumors about, that they are going to be coming before the Assembly. So far, all they have been is rumors.

We have business that we can do. How many government backbenchers have stood in their places and debated the Premier's speech. Are they just going to blindly rubber-stamp his speech and say: yes we believe, yes we support? Are they standing in their places and representing their constituents, or are they only representing the Progressive Conservative Party?

Mr. Speaker, we have made a change of direction in this Assembly to go to the fall session. Now, because the government has not been able to complete its work, we are going to take a little 10-day recess. I suppose that by taking that 10-day recess we start getting a little closer to the Christmas rush when people don't have time to watch what's going on in their Assembly. They don't have time to read the newspapers, listen to the radio, and watch TV. Maybe we're going to get some more of those trial balloons that the government's been floating, saying: you lucky people, you're going to get some more tax increases; that will be the old Tory Christmas present, because you'll have three years to forget, and then you can go and vote us back in because we've been so good to you.

Mr. Speaker, there are major decisions that this Assembly has to make. I would like to hear the government backbenchers, those defenders of freedom and democracy, stand in their places and tell us why we are having the 10-day adjournment. I am sure that when the minister concludes debate, in his usual lucid manner he will tell us exactly why we're going to have to take a recess. But I would like to know from some of the backbenchers, because we hear so much nonsense about how all these decisions are made in caucus; we thrash it out. The hon. Member for Edmonton Belmont is waving his hand. He's got

a jerk reflex; he's so used to saying "aye" whenever the Premier says something that he has that twitch, always ready to get his hand up there. So we want to hear from the government backbenchers why we're having an adjournment motion. If there's some major reason, some reasonable reason, then I will support the motion. But until that time arrives, I think we are here to do the taxpayers' business, and until I hear a better reason than we've heard, I cannot support the motion.

MR. NOTLEY: Mr. Speaker, do you mean to tell me that all these rows and rows of backbenchers are not going to stand in their places — at least one of them — and give us some indication as to why we're going to have this 12-day adjournment of the public business? Really, one wonders what has happened to this government that their caucus discussions are handled in such a sloppy way that we have to adjourn public business of this province for 12 days so the Tories can make up their mind how they rubber-stamp policies that apparently the government has already chosen to go ahead with anyway.

Mr. Speaker, the arguments publicly presented for this adjournment are really quite fascinating. The suggestion was made to the media yesterday that we are adjourning because we have run out of business. I don't know how any member could seriously argue that we have run out of business when we have several extremely complicated Bills that I can assure the House will take a good deal of time to discuss, especially when we get to committee stage.

For example, we have the Hospital and Medical Care Statutes Amendment Act, which is not even through second reading. That's a major matter of principle. This government may think that they can get it through in a matter of a few minutes. Let me disabuse the backbenchers of that thought. They won't get it through second reading easily, because this is a Bill that my colleague and I totally oppose, and we intend to use every proper parliamentary avenue to fully debate this Bill.

We have the Alberta Income Tax Amendment Act, an effort to grab more money from the taxpayers at a time when we have falling consumer demand, when the Conference Board of Canada is pointing out that this province is faring very poorly compared to the rest of the country. We're 10th among the 10 provinces in economic recovery, and what we're doing is bringing in a tax measure which is going to create no end of problems for the people of this province. So as far as my colleague and I are concerned, there are a lot of things to debate. We could get into a long discussion, Mr. Speaker, and will, when it comes to assessing the merits of Bill 100.

Those are the two major Bills that are still in second reading. When we get to committee stage, as we discovered last night, we can take a fair amount of time to discern what this government is planning on a detailed basis. And I can assure you that when we get to some of these Bills, committee stage will be an in-depth discussion. I hope sponsoring members will be prepared and able to defend their positions. Mr. Speaker, we have the electoral boundaries Act, and I can assure hon. members of this House, and through them the people of Alberta, that there are a lot of issues in that Act that have to be fully discussed in Committee of the Whole. No member of this House should think that a matter of a few hours will be sufficient to discuss the electoral boundaries Act. I think I can say, on behalf of both the Official Opposition and the Independents, that we intend to look at that piece of legislation in the most detailed way, as we must.

If the government members are silent, as they usually are — a few catcalls is the extent of their legislative contribution — during the committee stage, fair enough. But that committee stage is going to run its course, and properly so, because we're

here to do the public business. The public business isn't to come in and rubber-stamp something. The public business isn't just to come in here and have members pound their desks when the Premier gives a speech. Public business is to evaluate carefully what the options are, and sometimes that evaluation takes time, Mr. Speaker. So to suggest that we have no business to do, that we've completed our business, is just nonsense.

What I suspect is really the case, Mr. Speaker, is that the government is attempting to determine a media management strategy. That's basically what I think they need time to do. Part of the media management strategy for the front bench is to tell their backbenchers how they're going to handle it in the constituencies. I can see where there may have to be a number of caucus meetings in order to get those messages across. But I would argue that those caucus meetings can occur mornings or Wednesday evenings. The business of the province can go on and the caucus can meet simultaneously.

It's pretty obvious, Mr. Speaker, that this government has decided to slash the number of public service positions by perhaps as many as 1,300 to 1,500 people, pretty obvious that we're going to slash programs, pretty obvious that we will already have in place by November 10 a strategy for the 1984-85 budget which is clear. What is not so clear is how that strategy is going to be conveyed to the people of Alberta, put in the proper light. What in fact they're going to have to do is sort of rally the troops.

Mr. Speaker, I say to the members of the House that what we need at this juncture is not a Legislature which is going to adjourn so the government can carry on its private discussions; what we need is public debate on public business, on important public matters which are still properly in the public domain. Until we on this side hear some reasonable arguments being advanced as to why we should adjourn when we still have business to complete . . . I remember one other instance — in 1973, I believe — when we did adjourn. But I recollect that we did not adjourn until we had completed the first part of the business. We sat for four weeks, completed the business, and then the government prepared major legislation with respect to petroleum, including the Petroleum Marketing Act. There was a two-week adjournment so that legislation could be prepared and presented. But as I recollect 1973, at least we completed the business we had at hand.

If we completed the business at hand — the income tax Act, the medicare Act, the redistribution Act, and the other bills on the Order Paper — then the government might have a case, and say: look, we've got a few nasty surprises; we want to bring you back. No problem with that. But what we're doing is holding over some of the most important legislation in the history of the province. Medicare and the income tax increase are issues of fundamental importance, and to suggest that that can be slid over in a few minutes — you know, we'll bring the boys; back and spend two or three days. That may be the situation in caucus, but it's not the situation that should satisfy the public of Alberta. No, we called the Legislature for the current fall session. There is still important current business that should be dealt with; the people expect us to be doing our public business. I see no reason at all why we have this adjournment motion for a period of 12 days while we continue to see unchallenged problems remain and grow worse, while this government apparently has to develop a media management strategy to herald the bad news they have obviously decided to foist upon the people of Alberta.

MR. SPEAKER: May the hon. minister conclude the debate?

HON. MEMBERS: Agreed.

DR. BUCK: No. We want the backbenchers. [interjections]

MR. SPEAKER: Order please.

MR. CRAWFORD: Mr. Speaker, in concluding debate, I'd be quite happy to offer to the hon. members of the opposition the rationale in respect to adjournment for a few days, amounting to six sitting days in light of the fact that November 11 is a holiday which falls in the next week. It can be briefly stated. I will acknowledge that I did not consult with the Leader of the Opposition in advance about the adjournment. Had I thought about it more, I would have done so. I did inform him of it — actually, "had a discussion" is more accurate. I think he was not informed until it came on Votes and Proceedings. But we had a discussion about it and I gave him the reasons for it yesterday. I can't ask that the hon. leader or other members of the opposition agree with me in all things, and the Leader of the Opposition did express some of the views that were expressed again in the Assembly today.

Nevertheless, I think the adjournment will serve the Assembly well. Of course the government has the important role of balancing the caucus policy-making time with the House time. If all things were ideal, I think every complex matter would have been resolved and everything would have been ready but, as I think some hon. members will acknowledge, that can't always happen. The additional time for caucus, which will be so very important in resolving two or three major issues, I think will be seen to have served the House very well by the time the members return. I need only point out to hon. members that when the House is not sitting, it's possible for the caucus to meet for a full day instead of for part of a day, which is all it can do when the House is sitting.

I don't want to respond to any amiably offered provocations this morning in expressions that were made in opposition to the motion. I'm going to conclude simply by recommending the motion to the Assembly.

DR. BUCK: Mr. Speaker, just before you call the question, can I ask the hon. Government House Leader a question?

MR. CRAWFORD: Certainly.

DR. BUCK: Has the Government House Leader considered adjourning the House permanently, and we would just let caucus make the decisions and not even bother having the Assembly in place? Has he considered that alternative?

MR. CRAWFORD: Mr. Speaker, the depth of thought shown by the hon. Member for Clover Bar continues to astound us, I might say, to a measure equal to what it has in the past.

[Motion carried]

head: **GOVERNMENT BILLS AND ORDERS**
(Second Reading)

Bill 90
Health Occupations
Amendment Act, 1983 (No. 2)

MR. KING: Mr. Speaker, I move that Bill No. 90, the Health Occupations Amendment Act, 1983 (No. 2), be now read a second time.

As hon. members are aware, the effect of this Bill is to schedule registered nursing assistants, rehabilitation practition-

ers, and acupuncturists as designated occupations that are operated under the auspices of the Health Occupations Board. I might point out to hon. members that there is an interesting feature of this schedule, in that this past spring we amended the Health Occupations Act so as to allow groups that currently have legislation of their own to ask for control under the auspices of the Health Occupations Board. The registered nursing assistants are the first group in Alberta who have specific legislation already in place and have asked to be included under the auspices of the Health Occupations Board.

Perhaps I should note for hon. members as well that part of the recommendation of the Health Occupations Board with respect to registered nursing assistants is that the Association of Registered Nursing Orderlies should be represented on the first committee, and that in fact will be the case. All three groups are recommended to be scheduled by the Health Occupations Board principally on the basis of the degree of risk or potential harm to the public and the complexity of their tasks.

MR. MARTIN: Mr. Speaker, just a few remarks on Bill 90. I intend to support Bill 90 in terms of what it's bringing in: nursing assistants, rehabilitation practitioners, and acupuncturists. I think that's reasonable; they should be brought into the Health Occupations Amendment Act.

I would like to throw out though — I know it's controversial, but I think we should be prepared to look at other alternatives in this Legislature. As I'm sure the minister is aware, one of them that I am going to bring up has to deal with midwives. I know that the minister had some discussion ahead and obviously has decided, at least at this time, not to bring midwives under this schedule. After raising this issue publicly, I had a lot of calls for and against. As the minister is well aware, the College of Physicians and Surgeons is definitely against midwives being included. I've had discussions with some physicians that both agree and disagree, and I'm sure the minister would agree with me on that point. When I talked to the physicians, I'd say: okay, I will back off if you can prove to me that it's unsafe. So far, they haven't been able to do that.

I know it's not going to come up here, but through this Bill I'd like to say to the minister that the evidence we've been able to gather — first of all, the cost factor. We know that the hon. Minister of Hospitals and Medical Care is concerned about costs. We see that there are roughly 40,000 hospital births in Alberta per year and that costs are roughly \$120 million. Now I put that in perspective. That's four times what we can expect to collect in premiums. I think it's somewhere around \$28.5 million, according to the government's figures.

If at some point in the future midwives are legitimized and people decide to use them more, as they would if they were legitimized, let's say that they start to account for roughly one-half of the births, as experienced in other countries, especially western Europe. There is a choice, if you like. A woman can decide to go to home birth or to the hospital. Let's say it's half. We would save about half that cost, because the cost is roughly \$1,500 per birth, Mr. Speaker, as compared to a hospital birth cost of \$3,000.

I raise the economy not as the most important factor, but I think it's one of the things we're considering when we're looking at cutting costs. The key factor of whether or not we should recognize midwives is, of course, safety. I know that's the one the minister is probably most concerned about. All the evidence we've been able to indicate — and we've had a lot of people talk to us, and we've done some research — is that they are not dangerous in themselves. In fact if you look at studies, the 1981 A.M.A. study actually showed that infant mortality rates are lower in home birth settings than in hospital settings. For

example, the hospital mortality rate is 7.6 per 1,000 for heavier babies, 11.6 per 1,000 for low-weight babies, where the home birth mortality rate is 3 per 1,000. I know there are problems with figures, but I'm trying to give a general indication that I think it is safe.

Of course the omission of midwives from the Bill at this time reinforces the monopoly of doctors. I know, Mr. Speaker, that the hon. Minister of Hospitals and Medical Care is trying to determine in a report whether we are paying more for health care because of the monopoly of doctors. Certainly this is one area we could look into.

Mr. Speaker, if safety is the real issue, and I expect it is, the experience in other parts of the world is that you have to have control. That would include certified midwives and ensure that they are able to get comprehensive training. Because right now it is occurring across the province, even if the College of Physicians and Surgeons has outlawed them. The minister is aware, as I am, and I know of people that have had home births. They are occurring. It seems to be a trend that at least some people want to look at this as an alternative. If we are concerned about the safety factor, it seems to me that through a program at either Mount Royal College in Calgary, Lethbridge Community College, or Grant MacEwan in Edmonton, we would have some control over it.

The other aspect of safety is that it works well where they're working not on their own but in conjunction with the medical profession. As the minister is well aware, the medical profession has often fought other groups, some of them that he's bringing in right now. I would suggest that sometimes we have to take the lead and take a look in other areas to see what they are doing.

I will support Bill 90 with the people the minister is bringing in. I see no problems with that. It's obvious that he's made a decision at this point. I know that he had representation from the midwives about being involved and brought into the health occupations. Obviously at this point, the minister has made a decision not to. But I appeal to the minister that he take a look at it for the future. Any of the evidence I have is that, number one, it would cut costs and, number two, generally they are safe and perhaps safer than hospitals, where we know the recent high rate of caesarean births and all the rest of it from the report from the Minister of Hospitals and Medical Care.

In conclusion, if there is some hope in the future, I would hope the minister at least keeps an open mind about it. Thank you, Mr. Speaker.

MR. KING: Mr. Speaker, will the hon. member permit a question? In his remarks generally, but particularly in his closing remarks, he said it was obvious that I had made a decision. I just wonder what makes that obvious to him, because the Health Occupations Board has not yet made any decision on the application of the domiciliary midwives, therefore no report has come to me from the board on which I might make a decision. In addition, the domiciliary midwives did not make application to me at all; they made application to the Health Occupations Board. I haven't made a decision, have no information upon which to make a decision and, as far as I know, no decision is made. I just wonder what he alludes to.

MR. MARTIN: That's a reasonable question. I'm glad the minister has told me he has not had it from the board and it's not his decision yet. I appreciate what he's saying. They've gone to the board. I expect that the board — and I hope I'm not prejudging — will turn them down. I'm saying that when it comes, if it does come, we not end there and perhaps the

minister can take a look at it in the future. But I accept what the minister is saying, that he has not had representation yet.

DR. BUCK: Mr. Speaker, I just want to make one or two comments. They'll be basically in the form of questions. I would like to say to the hon. Member for Edmonton Norwood that I'm not quite as enamored as he is with cost-saving benefits of home births. The only point I would like to make is that I believe the mechanism should be there; if a person wishes, they can do so. Of course they can do that quite obviously by not showing up at a hospital or showing up too late; then the matter looks after itself. You have a home birth or a car birth, or you have it where you happen to have it if you stall a long enough time in getting to the hospital. That's one thing that doctors can't control.

The report on health occupations was tabled in the Assembly several years ago. Mr. Speaker, I would like to know from the minister what progress we're making in bringing in groups that we studied and reported on in that report. It's been several years now, so I can't remember off the top of my head how many of those groups we were looking at at that time have come in under the umbrella legislation and are now under the Health Occupations Board.

Basically, Mr. Speaker, I support the legislation, but there are these areas: I would like to know what progress we're making; how many groups are still out there that may potentially come under this umbrella legislation. I wish to say to the minister, because I support the legislation, that at least this way we have a handle on and can monitor and police what is going on in some of these near-medical groups.

So, Mr. Speaker, I certainly will support the Bill, but I would like to know if the minister, in his usual eloquent manner, can indicate how many groups are still out there and how many have made application to the Health Occupations Board, and when he sees that some of these groups, if there are some still hanging out there, will be brought in under this type of legislation.

MR. SPEAKER: May the hon. minister conclude the debate?

HON. MEMBERS: Agreed.

MR. KING: Thank you, Mr. Speaker. I can't be precise in responding to the hon. Member for Clover Bar, but I will get the information for him. I can say that 1982 was the first full year of operation of the Health Occupations Board. For that reason, the board spent most of 1982 developing the procedures that it was their intention to follow in consideration of each of the applications.

So it was only in the latter part of 1982 and through 1983 that the Health Occupations Board has been functioning to consider the application of groups wishing to be designated under the Act. The result of that is that in the spring of this year, we scheduled the first three designated occupations; we're doing another three now, and I would expect that next year we would likely do four or five in the spring and perhaps four or five in the fall. I can't say right now, because I don't have at hand the list of those which have made application. But if my memory serves me correctly, there are about a dozen groups that have outstanding applications before the Health Occupations Board at the present time, and there may be another 20 or 30 that have an interest in the process. However, for the benefit of the member and others who might be interested, I'll get that information in detail and provide it to the hon. member.

[Motion carried; Bill 90 read a second time]

Bill 93
Police Officers
Collective Bargaining Act

MR. YOUNG: Mr. Speaker in moving second reading of Bill No. 93, I think I should commence some remarks by taking us back to the spring of 1983 when we dealt with Bill 44. Basically, Bill 93 is a consequence of the public hearings which were held before our committee of this Assembly, in which several parties made a very eloquent case. One of them was, in fact, the police officer representation. As a consequence of that, it was agreed that we should acknowledge their very special responsibilities and very special position in terms of their function and also in terms of their disciplinary process that is spelled out in the Police Act. So Bill 93 comes as a consequence of those hearings and is, in fact, a response for the execution of the undertaking which I gave last spring that we would provide a new piece of legislation which would have its application uniquely to police and would respect their unique role.

I would like to indicate to hon. members that as a consequence of fairly extensive consultation prior to introduction of the Bill, there will subsequently be an amendment which removes a concern that was brought to our attention by the police officers. I understand that now satisfies the major concern they had, and I should also indicate that the need for that amendment was one which was not planned but rather occurred as a consequence of some drafting developments. In any event, the concern has been satisfied.

To identify a unique feature of this Bill, but one which is unchanged from the current provisions for police collective bargaining, we should observe that this Bill provides for two associations of police officers. One association would include those of the rank of inspector or higher, but not including the chief or the deputy chiefs; the other association would include those officers below the rank of inspector. In fact we can make the comparison that the rank of inspector or higher involves approximately 30 some police officers in each of the two large cities. Of course it would have fewer members in other municipal police departments. This is a continuation of a privilege which has existed in the past, and I want to identify that it is being continued.

The Bill provides for a much more complete description of the collective bargaining process, and as the current legislation is pretty sparse, in particular it provides for a special role of the Labour Relations Board to deal with unfair practices or to resolve differences which may occur between the police associations and their employer. This is a provision or set of provisions which, in discussion with the police officers early in 1983, was indicated to me to be a feature they would appreciate, to the extent that it provides a way of resolving some matters which, I must indicate here, have never presented a very serious challenge in the past, but if they might, I think it helps both parties in the process.

It also provides for a much clearer grievance arbitration procedure and, as well, it incorporates the provisions that were contained in Bill 44 as far as interest arbitration is concerned. On that, I should note that the Bill contemplates, as is the present case, that police would not have a capacity to strike and, indeed in their presentations before us, they indicated that they did not wish that alternative, that they recognized the very important and unique service they provide to the public, and they would not contemplate a strike situation.

The Bill endeavors as well to clarify with some greater precision and specificity the relationship between municipalities and police commissions and police associations for the purpose

of collective bargaining. And I want to underline that very clearly: for the purpose of collective bargaining. It makes it very clear that the responsibility for collective bargaining, as is the responsibility for funding, rests with the municipality. In most other respects, the relationship between an individual police officer and the employer is with the commission, and the commission stands as the employer in that relationship. There are several reasons for trying to be clear about that. There was some confusion arising as a result of incidents in late 1982 and early 1983, and the Bill provides that while the municipality is named as the employer for purposes of collective bargaining, nevertheless the municipality can delegate that responsibility to the police commission. So there is no impediment to either party as to who may represent them at the bargaining table. They may choose to do it themselves; they may choose to engage outside counsel or advisors. That is up to either party.

As I indicated earlier, the Bill respects the very special role of police discipline. In reviewing the situation, we have to recognize that police under the Police Act are subject to a very rigorous form of discipline, and that discipline is not one which is controlled or in any way abridged by the grievance process under the collective bargaining system, nor can it be abridged by a collective agreement. The collective agreement cannot interfere in the process of discipline.

Mr. Speaker, I come now to the special circumstances that led to Bill 44, and I would conclude with a brief comment on those. The Bill provided that in collective bargaining we should give consideration to the wages and benefits comparison between the private and public sectors, and between unionized and non-unionized employment. On that issue, I would like to indicate that we are seeing, regrettably, a great deal of difficulty in identifying a consensus within our society as to what is really happening out there and — what is even more challenging — what must happen if we are to be a competitive force in the international market place. In fairness to all and in equity to all concerned, it is not possible to be a competitive force, as we believe we must be, unless the challenge of that competition extends beyond those immediately affected in the private sector. And that, as we are seeing around this province and in other provinces, raises some considerable decisions that must be addressed.

The continuity and stability of employment also has not been as fully appreciated as it ought to be in considerations that are being given today. I am pleased that the participation rate is holding well in Alberta, that the job creation rate is holding well. But we must still recognize that we have a challenge before us, because some people do not have the same number of hours that they were previously working and, in some situations, there have been substantial decreases in wage rates. Those substantial decreases in wage rates are occurring in certain industries where the hours of work are also being adjusted downward. That combination means that the annual returns and annual earnings for a number of Albertans are significantly less than they were in the past, and those who are looking at this issue seriously must take into account those facts when comparing with the rate of earnings or the annual earnings of people employed full time at the going rates as they have been in recent years.

Mr. Speaker, I conclude by saying that my consultations with the parties who are affected by Bill 93 suggest that most of the items which could be controversial have now been reasonably resolved. I know there is a concern about pensions and the significance of this Bill for pensions. However, the Bill holds unchanged the situation of pensions from the existing legislation, and it is our view that if change were to be required,

it should occur in the pension legislation as opposed to this particular collective bargaining legislation.

With those comments, Mr. Speaker, I await the debate of other members.

MR. NOTLEY: Mr. Speaker, in beginning my remarks on Bill 93, might I just pick up on one observation the Minister of Labour made about the competition of the world market place and of course the typical Tory line that somehow we have to thrust upon people in the public sector whatever the dose of medicine is, as defined by the Conservative Party. I certainly agree that we must be more competitive in the international market place. I agree as well that there are signals the government can send to citizens generally. But before we start jumping up and down and saying that we bring in legislation which is going to restrict the right to bargain of people in the public sector — and bring in cutbacks, pay pauses, or the kinds of dismissals which may well be in store if today's memorandum is any indication — before we take that route, this government had better look at some of the signals it is giving to people generally by its continuing penchant for waste and extravagance. The fact of the matter is that first-class air line tickets, sand in Kananaskis, some of the absolutely unjustifiable and wasteful decisions made by this government, send much more adverse signals to the citizenry at large than do any of the . . .

MR. ALEXANDER: On a point of order, Mr. Speaker.

MR. NOTLEY: Go ahead.

MR. ALEXANDER: Mr. Speaker, I wonder how the member has established that sand at Kananaskis is a wasteful and extravagant expenditure. I don't think that is in any way empirical evidence at all.

MR. NOTLEY: Mr. Speaker, the hon. member may be a bit sensitive on the subject, but I just want to take a moment or two to say: if we're going to be sending signals to people, the citizenry at large, then rather than saying that somehow the public sector people have to have legislation which is punitive, I simply say to members of this government, let us take a second look at a whole host of rather questionable and expensive practices; practices we might be able to slide by with in good times, but I really question whether we should in difficult times.

Mr. Speaker, in dealing with Bill 93, there are several points that I think have to be carefully assessed, because what we're doing is: in section 2(2), prohibiting police membership in a trade union; prohibiting collective bargaining for pension benefits; prohibiting strikes. Either side can be compelled to bargaining. The minister may order bargaining procedures. Final offer selection, one of the methods of arbitration, is not defined in the Bill; fiscal policies of the Treasurer "shall" be considered. It limits the appeal to the courts and, in addition, gives arbitrators wide-ranging powers to inspect.

Those are the principles we have to assess as we review Bill 93. Yesterday we heard great consternation from various backbenchers who were extremely exercised that companies might have to comply with environmental impact studies, and the vexatious intrusion they claimed that this legislation — which has worked very well in the province of Saskatchewan and which, as far as I know, the current Conservative government finds quite workable. They were very upset.

MR. LYSONS: Mr. Speaker, the hon. Leader of the Opposition has implied that we were arguing yesterday over companies

having to go into impact assessments. The particular Bill we were discussing yesterday that he's referring to meant that everyone had to go under those types of assessments.

MR. MARTIN: Don't be silly.

MR. NOTLEY: The hon. Member for Vermilion-Viking obviously wants to get his name in *Hansard*. He'll have an opportunity to debate this, and if he wishes to debate it, fair enough.

The point I wanted to make, Mr. Speaker, is that while we have hon. members very concerned about the impact that a quite reasonable approach that has worked in another province is going to have on industry, all of a sudden they are mute when it comes to wide-ranging powers with respect to working people; powers that (a) take away some fundamental rights, (b) allow wide-ranging powers to inspect, and (c) limit the appeal to courts. There is a double standard. We have a government that is quite prepared to thrust upon working people all kinds of vexatious, complicated, and intrusive regulations, and they all pound their desks and applaud.

Mr. Speaker, the fact of the matter is that if we're going to take away anyone's right to strike, we have to be very, very careful in asking ourselves: have we provided a fair and equitable method of arbitration? As one looks at this Bill, the fact of the matter is that we are going to inflict upon the police officers in this province section 15, which will compel arbitrators to take into account the fiscal policy of the Provincial Treasurer. Not only will the arbitrators have the obligation to look at some of the things that arbitrators should assess and that the public thinks the arbitration process undertakes — looking at the private sector and looking at all the questions involved in a dispute — but as a result of section 15, as one of the mandatory elements, they are forced to take into account whatever the government defines as its fiscal policy.

Mr. Speaker, that would be one thing if, in the final analysis, you allowed people the right to strike, but you are taking that right away. I don't care whether you're in Vermilion — or whoever the other member was who interrupted — Whitemud, or wherever it may be, people say that if you're going to take away a person's rights, there has to be a fair and equitable method of arbitration. But, you see, we are stacking the deck in arbitration: heads, the policemen lose; tails, the employer wins. I say to members of the government that I don't think that's a very fair way of treating police officers in this province.

Of course, police officers know perfectly well that they're dealing with a Tory government. What do you do? It's very difficult to change the composition of this House. They can attempt to ameliorate the nastiest provisions of this Bill. But the fact of the matter is that they can count too. Unlike the former Conservative leader in the House of Commons who couldn't count very well, policemen in this province can count. They know what the final score will be in any vote on Bill 93.

Mr. Speaker, the issue is not whether the police officers in this province know what the final vote count will be in the Legislature; the issue is whether the government can properly satisfy this Assembly and the people of Alberta that a method of arbitration which foists upon police officers the fiscal policy of this government is fair and equitable. I challenge whether or not those members who were so concerned about regulations yesterday have read this Bill. If they have read this Bill, I would be surprised that any of them could stand up and support it, in view of the intrusion into the lives of people that this Bill authorizes. Perhaps they haven't read it; that wouldn't surprise me.

Mr. Speaker, I want to deal with the question of the constitutionality of Bill 93, because it is a borrower of the spirit and thrust of Bill 44 from this spring. Before members in the House vote in favor of something on second reading, one of the issues we must satisfy ourselves on is: can we do it, can we pass legislation, is it constitutional? If it isn't constitutional, it is reckless and irresponsible to pass legislation which is going to be stricken down.

We already know that the Alberta Union of Provincial Employees has decided that they are going to take legal action. We have the Ontario Supreme Court decision of October 1983. I want to read just a couple of observations from that decision because, while it is normally the views of members that should be considered here, the view this member has is that we should take into account whether this Bill is constitutional. I would say that any member of this House who has not evaluated the Ontario Supreme Court decision of October 1983, is voting in a totally blind way.

Some of the observations made by the justices in Ontario are worth quoting very briefly. Mr. Justice Galligan:

The purpose of an association of workers is clear — it is to advance their common interests. If they are not free to take such lawful steps that they see as reasonable to advance those interests, including bargaining and striking, then as a practical matter their association is a barren and useless thing.

He goes on to say:

I cannot imagine that the Charter was ever intended to guarantee the freedom of association without also guaranteeing the freedom to do that for which the association is intended. I have no hesitation in concluding that in guaranteeing workers' freedom of association the Charter also guarantees at the very least the freedom to organize, to choose their own union, to bargain and to strike.

In Bill 93 we are saying that you can't belong to unions. We are saying that pensions can't be bargained. We are saying that in the arbitration process, we are going to stack the deck by forcing the arbitrators to take into account the government's fiscal policy.

Mr. Justice Smith says:

The freedom to associate as used in the Charter not being on its face a limited one, includes the freedom to organize, to bargain collectively and as a necessary corollary, to strike.

Mr. Speaker, I would just ask members of the House, in the remainder of this debate, what evaluation caucus has made of the Ontario Supreme Court decision. It's not just up to the minister to do it for them. What about all these backbenchers? Do they ever do anything? Have they looked at the Ontario Supreme Court decision before they vote on this Bill? Have they done that? Have they read through the judgments? Can they stand up in the House and tell us what that judgment is? Have they examined the impact of our ILO commitments and how those commitments can be undermined as a country by passing legislation? Mr. Justice O'Leary makes particular reference to the ILO in his judgment.

Mr. Speaker, as I look at Bill 93 now before the House, I simply say that there are a host of unanswered questions. One of the most important questions that I think still has to be answered is whether this Legislature is being asked to pass legislation which may appease the extreme right wing in the province of Alberta but which may in fact be in contravention of the Charter of Rights and Freedoms.

MR. MARTIN: Mr. Speaker, I was waiting for some of the government members to get into the debate, but it doesn't look like they have any compelling need to do so.

I would like to raise a few points with regard to Bill 93. First of all, I recognize what the Minister of Labour is saying with regard to the police asking for binding arbitration. As they pointed out, they feel at this point that they are in special circumstances because of their role. I recognize that this is one case when perhaps the minister listened to some of the briefs. I would suggest that maybe the minister had selective hearing on some of the others. If a group wants changes, the minister would probably look at that — reasonable, fair enough. But there are some points I would like to cover.

Before I get into the main part of it, the minister alluded to an amendment. I'm sure it's just housekeeping, but I would be interested in what that amendment is, if he could perhaps be a little more specific, when he concludes debate.

The other part he talks about is pensions, but I think we have problems there, as has already been alluded to by my colleague. I know that the minister knows that the police, as my colleague says, will generally accept this. Whether or not they think it's good legislation is debatable. I think they expect that that's all they're going to get, because they know the government is going to pass it; with this huge majority, Mr. Speaker, there is absolutely no doubt of that. But if I can go through the Bill and then come back, I believe even the government here at this point — I'm sure the Minister of Labour has some concern, as the Attorney General might, about the legality, because the new Charter of Rights, which the government was a party to and signed, has created problems. Certainly I don't think we can take the Ontario Supreme Court decision and say, that's just Ontario. Because it has repercussions throughout every province in this country.

So as we go through the highlights, as I understand them, of Bill 93, the Police Officers Collective Bargaining Act, first of all, section 2(1) prohibits police membership in a trade union. I know what the minister is saying. That was certainly part of what the police asked for, and I recognize that. To begin with, I said that that's probably reasonable when a group asks. But I'm going to try to show that whether they asked for it or not, Mr. Speaker, we could be in a legal problem with the Bill. But of course that would be all-encompassing going back to Bill 44.

Section 2(2), as I understand it — and I know the minister will say it's involved in another process, but it's clear in this Bill — prohibits collective bargaining for pension benefits. It's part of the Bill. Section 3(1) prohibits strikes. Section 3(2) prohibits lockouts. Section 5(1): either side can be compelled to bargain.

We go on to section 10(a): the minister may order bargaining procedures. We go on to 14(3): the final offer selection is not defined in the Bill; it was one of the methods of arbitration. I suppose to find out what we mean, we'd go back to Bill 44 and some of the others. Section 15(a) of the third part: the fiscal policies of the Treasurer shall be considered. Section 16(4), Mr. Speaker, limits the appeal to courts. Section 30(1) gives arbitrators wide-ranging powers to inspect.

I highlight those parts of the Bill for the minister, Mr. Speaker, simply because I think that's where we're going to run into some difficulties in the legal matter in the future. I know that the minister must be aware of and concerned about the repercussions. If we pass a number of Bills here, since the Charter of Rights, and they're overturned, first of all, that would be sloppy to begin with, but it would cost a lot of money to come back and try to get Bills that do work. We always want to pass Bills that fall in to the Charter of Rights. That's surely one of the reasons the provincial government signed the document, along with the other parts of Canada, including the federal government.

The criticism then if we go through those — and I'll deal with it mainly in what could be problems in a legal matter, before I get into what I would suggest might be some difficulty in terms of the moral matters — and look at the Supreme Court and have the evidence of what they have said here, is that I believe the Bill has a very severe chance of being unconstitutional. First of all, when it prohibits police membership in a trade union, this is probably unconstitutional because it violates the provision of freedom of association in the Charter of Rights and Freedoms. Part and parcel of all that is that it prohibits collective bargaining on pension benefits. As was already pointed out by my colleague, it prohibits strikes and requires compulsory arbitration. The judges in Ontario have referred to all that.

Mr. Speaker, the other part of it is that in passing this Bill now, there's a very big danger that at some point it will be challenged. The minister can correct me if I'm wrong, but I believe it's already been challenged in Alberta. Until this is settled one way or another from a legal aspect, I would say that perhaps it would be better to withdraw it, so we don't pass legislation and then come back and find it's unconstitutional and spend a lot of time and money that is wasteful.

The other part that is clear in their decisions, Mr. Speaker, has to do with section 15(a)(iii) that I talked about. That's where it says in the Bill that the fiscal policy of the Treasurer shall be considered. Along with that, I talked about the part limiting the appeal to courts and giving arbitrators wide-ranging powers to inspect. In the Ontario Supreme Court decision, besides the constitutionality of the right to strike and to belong to a trade union and bargain for pensions that I've already talked, it says that it was probably okay — these are not exactly the words — if you limit for a year or two how much money people can get, as they did in Ontario. For instance, there's a 2, 5, or 6 per cent guideline, or whatever guideline we may have, but it's also clear that any time frame that goes beyond that could be very unconstitutional. That also comes up in that Supreme Court decision.

Mr. Speaker, when we say, as we did in Bill 44 and as is back here in Bill 93 — it says clearly that the fiscal policies of the Treasurer shall be considered. Now that's in law; it's a permanent decision. That's very different from saying that we're going to have guidelines for one or two years. That's saying it shall be considered until a new Bill comes up. It seems to me that this is clearly another area where we could be on very unsafe constitutional grounds.

Because I expect that the minister believes strongly in Bill 93 and Bill 44, I appeal to the minister just on legal grounds not to be sloppy and pass legislation that has a very good chance, because of a Supreme Court decision that already . . . At least we could wait. It seems that we're waiting for a number of things. We're having an adjournment, Mr. Speaker. Maybe this is one of the things that could be put on the back burner, as is the child welfare Act. Let this go through, and see where we stand legally.

I would like to conclude with what I suppose bothers me most, and my colleague alluded to this. It seems that we have sort of selective memories when we have government involving itself in people's lives. On one hand, Mr. Speaker, we hear very clearly the rhetoric that government should not involve itself; we have too many regulations on industry. In some cases that's right; I would agree. We're very clear about that; we do not want government involvement, at least for certain people in this society. But I suggest to you that when you go through this Bill clause by clause, it is massive government involvement with a certain group in society. I know that Bill 93 basically follows the same thrust, if you like, of Bill 44, and we've had

that debate in the House before. But it seems ironic to me that a government that talks about government involvement is very selective in that government involvement. When it comes to working people or public employees, they have no compulsion but to involve themselves in every direct way. So we have big government here — make no mistake about it, Mr. Speaker — involving itself in the collective bargaining process. As I've already pointed out, what they're doing here could even be constitutionally wrong. Big government could be constitutionally wrong.

I know that argument about big government — we made that before on Bill 44 — is not going to sway the minister; I'm well aware of that. But I would hope that in efficient government and in saving money, we won't pass a bunch of Bills that are going to be struck down as being against the new Charter of Rights. That makes absolutely no sense at all. This Bill is not that urgent. We've been going along well without it. It's not that urgent that it has to be passed in the next few weeks, if there's a chance it could be overturned. From that perspective, even if he wants to have second reading, maybe I could just say to the minister: like the child welfare Act, let's table it; then we'll just hold it for a while and find out where we stand constitutionally.

That would make eminent good sense to me, but unfortunately eminent good sense does not seem to be very much in evidence this day in this House. Maybe the minister will see the need for doing this, because I'm sure he doesn't want to look foolish, coming back, if all our Bills have been overturned and he's had to sponsor them. I know it's not just him sponsoring them; it's the government. But I'm sure he does not want to look foolish later on, so let's wait and see what happens.

Mr. Speaker, for those reasons, I intend not to support the Bill. I know that's probably not the end of the world as far as the government goes, with their majority, but I think that at times some of us have to stand up and talk about legislation that is clearly morally wrong and clearly — at least a good chance — constitutionally wrong.

Thank you, Mr. Speaker.

MR. NELSON: Mr. Speaker, I'd like to rise for a few moments to discuss some of the merits of the Bill. First of all, I would like to congratulate the minister for bringing forward legislation that was committed to the police during the debate on Bill 44. It shows that the minister and this government honor commitments to groups, be they selected groups or otherwise, or to the general public at large. We are sensitive to these requests. Certainly we offer people the opportunity to present their cases and, in cases where we are able to, we perform to the best of our ability.

Mr. Speaker, for many years the police have been a little different and have identified differently to concerns that have been raised relevant to unions. Without a separate and a special Act for their activities, of course, there's much difficulty with the members of those services in dealing with some of the issues and activities that do concern them, when having to rise to the occasion. The police, like anyone else, have the right to bargain, and to bargain in good faith. Certainly some of the members opposite are big spenders; they're spendthrifts who don't worry at all about the taxpayer insofar as the expenditure of moneys.

Certainly we should listen to what the people in the communities are saying today. They're concerned about fiscal policies, concerned about fiscal restraint, and this goes throughout the whole service. I'm sure that the members opposite who have spoken, don't listen to the general public, and I'm obviously positive of that. As in the past, through the amend-

ment the police will continue to be looked after by the community, as I know that at least those of us on the government side are sensitive to their needs.

The issue of sand in Kananaskis is a red herring, and the issues relevant to that should really be identified properly. The members know damn well that if they didn't use the type of sand they used, it would cost more in the long run anyway.

DR. BUCK: Stanley, shame.

MR. NELSON: From time to time, we hear remarks from various members in here — and I don't want to heat up the argument; I'm sure most members know I don't do that. Can you imagine if all the members in the Legislature got up to speak on every issue? Can you imagine if we let ourselves be intimidated and coerced by some members who tend to act like clowns periodically?

DR. BUCK: We might have a Legislature, Stan.

MR. NELSON: Mr. Speaker, it's unfortunate that when we speak to the issues — even if we are asked to speak to them and we do — the opposition doesn't stay around to listen anyway. So what's the point in standing up and speaking to the issues?

If all members have read this Bill — and I know that we all have — I'm sure that each of us may have taken different thoughts relevant to it to our constituencies. The most important thing is that, in general terms, the police associations support the legislation. They even support, at least in the main, the clauses that do not permit them to strike. Because they are treated fairly by the government and by those municipalities that are bargaining with them, I feel confident that not only is this Bill a good bill but should the police officers have some concerns, as they have in one area, it will be brought to the attention of the minister and the government. We will react to that, as we have in other cases, in a positive fashion to ensure that the Bill fits the needs of those people concerned and the community at large.

Thank you for the opportunity, Mr. Speaker.

MR. SHRAKE: Mr. Speaker, I just want to say a few words on this Bill. I'd especially like to congratulate the hon. minister on behalf of all the policemen in the province of Alberta. I will make a little comment about this for the backbenchers. You do one little thing on a Bill like this. We sat and listened to the police association when they came here. We heard what they said; we heard what they requested. The requests were honorable; they were justified. A few of us took the time and the effort to sit down and meet with the members and the representatives of the police association, and find out what their wishes and wants were. I think that's a little bit more than I've heard from any of our hon. members in the peanut gallery — I mean over in the corner.

There are times when the backbenchers listen to these people; we discussed this in caucus. If we try to satisfy them with their wishes, their wants, if they're happy with this Bill. I really wonder what all this ruckus is about from the members of the opposition. Are they trying to tell the police association that they don't really want this? If they would read their material, they would find that it was requested. They wanted this Bill, and we're trying to accommodate them.

Mr. Minister, I hope everybody votes and makes this unanimous.

MR. SPEAKER: May the hon. minister conclude the debate.

HON. MEMBERS: Agreed.

MR. YOUNG: Thank you very much, Mr. Speaker. In concluding the debate, I'd like first of all to address a concern of mine that has risen considerably since the hon. members for Spirit River-Fairview and Edmonton Norwood spoke. I regret that they're not here, because I am somewhat uncertain what they were speaking to. But if I understand correctly, as I believe I do, the Ontario case they were referring to, they have elevated by one court the source of that judgment. In fact, the case that has received some publicity and to which I think the hon. members in question were referring, is a decision of the Ontario Divisional Court, functioning under the Judicial Review Procedure Act of Ontario, and that is a very different court from the Ontario Supreme Court. It deals especially with review of administrative law; in this case, it dealt with the review of certain administrative law by a panel of three. There were actually three cases brought before that Divisional Court.

So the hon. Member for Edmonton Norwood doesn't misunderstand the comments I am now making. I am indicating that my information, if I understand the case to which you are referring in Ontario, is that it is a decision of the Ontario Divisional Court. That is a very different court from the Ontario Supreme Court. As a matter of fact, to my understanding the Divisional Court findings are being appealed to the Supreme Court of Ontario, from which of course, if there is still dissatisfaction by either of the protagonists in the case, it will likely be appealed to the Supreme Court of Canada. So we have at least two courts yet to hear from in this case, if it is going to be pursued with the vehemence and the strong feeling that is suggested.

Frankly, Mr. Speaker, we did have a very important interest in this situation. We did in fact review the case, which judgment is 180 pages long, so it takes some reviewing to go through that to determine the various points at issue. We believe that the chances of a reversal of that decision are very, very high. As a matter of fact, a recent comment from certain various lawyers in Ontario, schooled in labor relations and in the Charter, suggests that the likelihood of having that overturned is quite strong.

Therefore, I want to put the mind of the hon. Member for Edmonton Norwood at ease. We don't take lightly any concerns dealing with the Charter of Rights. In this instance, we are proceeding because the best advice we have suggests that this decision is likely not to stand when it reaches the other courts.

Mr. Speaker, I think that it would be important to understand that the provision in the statute which deals with pensions was in fact originally put there because of the requests of the police associations, not because of the requests of the municipalities. The municipalities would jolly well like us to remove it, and have lobbied strong and hard to that effect. Let's be clear where the difficulty is. I also want to say that by our standards that pension provision provides a very rich pension and, in fact, puts members of those forces at a considerable advantage over the rank and file of our other citizens and employees.

On the matter of intervention by government and too much government, and what that means to collective bargaining, I think we should reflect briefly for a moment. Grace Hartman, outgoing president of the Canadian Union of Public Employees, made an observation the other day that I thought all of us might take to heart and to mind. She expressed a concern about the future of collective bargaining in the public service. I think her reasons for expressing that concern ought to be very well-founded. It is indeed timely that members of the leadership in the public sector unions consider that very seriously.

There is a very major difference in the degree of unionization in the public sector from that in the private sector. It is very high in the public sector, 75 to 79 per cent in our own province. The private sector in Alberta is about 14 to 16 percent, depending upon how one defines the statistical base. In some other provinces, the private sector is a bit higher, but there is a very significant difference in that balance. Regardless of observations made in this Chamber this morning and the problems in British Columbia, the degree of security of employment in the public sector is much, much greater than it is in the private sector. I would think that almost without exception, employees in the public sector are better benefited by pension and welfare plans than are employees in the private sector — two major advantages.

The other observation I would make to those who are concerned about what is happening in Alberta regarding bargaining rights and Bill 44, would be to contemplate for a moment what's happening in other provinces and other governments. The federal government brought in six and five, and effectively ended any collective bargaining for some period of time. The British Columbia government has brought in a program with a salary stabilization commission which really is a super-arbitration function. The intent of that body is to make sure that no wage exceeds zero increase in this coming year, unless it can be justified by some demonstration of productivity. In fact I believe the range for the stabilization commission is minus five to plus five.

In Saskatchewan there has been an extension of guidelines which are quite specific. They follow guidelines which were applied last year as well. The ability to bargain in that context is, I would submit, extremely limited. A year ago, Ontario introduced legislated levels of change in salaries in the public sector. Debate is obviously continuing there in a very vigorous manner as to whether that will happen again in 1983. By the way, I should indicate that in the province of Quebec, the legislation on the books generally directs that any increases would be, at maximum, the cost of living, as they define it, minus 1.5 per cent.

Mr. Speaker, I want to leave this with members of the Assembly: collective bargaining isn't just at risk now, in many part of our country in the public sector, it has virtually disappeared, and it did so well over a year ago. We have taken a different route. We have indicated that we as a government believe strongly that the best decisions are the decisions made locally by the parties most directly affected. However, we also recognize that there are very unusual or different forces in the public sector than prevail in the normal, private-sector collective bargaining situation. We are prepared to try to make a system work which will enable local parties to bargain collectively together. While we're persuaded at the moment that we should do that by the mechanism in those services which are critical and crucial to remain in effect for our citizens, we have provided for an arbitration system. If that arbitration system does not function effectively in these circumstances, then obviously we may have to review our situation again. I say that in the strong commitment to the ability of people to make the better judgments for themselves on a local decision basis. I am most emphatic about that.

If we're talking about the constraints that are imposed in Bill 44 or in this Bill, let's do so in full recognition that much broader constraints and much more severe constraints were applied in the public sector last year in most other locations and, on the face of what we now know, would appear to be likely to continue into 1984.

Mr. Speaker, there was some suggestion that we're dealing here with working people, and I guess the implication is that

the rest of us don't work. I always find that difficult, because it suggests to me that we have some kind of an emotional appeal going on which will drive a wedge between those who are included in that statement and those who are not. I would submit that there is hardly anyone in our province who does not make a contribution to our society, both in their own interests and in the interests of our society. Some of them are unpaid, and we are well aware of that and appreciate the volunteer effort. Others, however, do work, whether it be in an employment situation or in a situation where they are the employer. I hope that the hon. Member for Edmonton Norwood understands the point I am endeavoring to make, because I believe I certainly understand the point that he's trying to drive home.

Mr. Speaker, I think that that has addressed the major points which were raised in the debate. I'd summarize again by saying that this Bill was prepared before but has been reviewed in light of the decision by the Ontario Divisional Court. We are quite confident that that decision will not stand, and that the Bill here and our other legislation is not in conflict with the Charter. I fully expect that attempts will be made — and perhaps it's good that they should be made — to try to prove that these sorts of legislation are in contravention, because I think somebody's going to keep saying they're in contravention until it's tested and the test is found wanting; that's perfectly acceptable. In this free country of ours, as long as one can afford to pay for the privilege of challenge and examination of our statutes, they ought to be free to have that opportunity, however minor others of us think their chances of success may be and however erroneous we think their interpretations of the statutes are.

Mr. Speaker, I conclude debate on second reading of Bill 93 and commend it to members.

[Motion carried; Bill 93 read a second time]

Bill 98
Hospitals and Medical Care Statutes
Amendment Act, 1983

MR. RUSSELL: Mr. Speaker, I move second reading of Bill 98, the Hospitals and Medical Care Statutes Amendment Act, 1983. As I said when I introduced the Bill at first reading, this is an omnibus Act that makes minor amendments to several Acts that are the responsibility of the department. Therefore, I find it a little difficult to debate the major principle of the Bill and suggest that it's probably more logical to raise any point of concern or major debate during committee meeting, because there is not a major theme that runs through the Bill. However, I would like to very quickly describe the contents of the Bill and hope that that will substitute as a debate on the principle.

The first Bill which is amended is the Alberta Health Care Insurance Act, and that section contains minor amendments which will simplify the bureaucratic procedures in the administration of the Bill, in that it allows certain changes to be made by ministerial order rather than by order in council through the Lieutenant-Governor.

The Cancer Programs Act is a second Act which is amended by this Bill. Again, it contains some minor adjustments by way of definition, clarification that the prevention of cancer is an approved program falling under the purview of that board.

The third and fourth Acts which are amended are identical. The Department of Hospitals and Medical Care Act and the Health Facilities Review Committee Act contain the same amendments whereby streamlining in the administrative bureaucracy is involved by way of cutting down the number

of orders in council and transferring that responsibility to the minister by way of ministerial order.

The Hospitals Act is the next Act amended by this Bill. Again, it contains some rather routine amendments by way of definitions and procedures which are of interest to different hospital boards and districts. One of the two major changes or amendments contained in this section is the amendment which will permit the hospitals, by way of regulation, to have blanket authority — that is the whole system to have delegated blanket authority — as autonomous boards to impose a hospital user fees and not have to do it by way of separate application to Executive Council to have an order in council passed.

I believe a very important amendment is the amendment which deals with the establishment of hospital foundations. This intriguing suggestion came from the field, the suggestion being that there is probably a fair amount of community support which could be contributed to the hospital system in the province, either by way of real property or direct financial contributions. In fact many hospitals today do have such foundations, perhaps not organized in identical manner and perhaps not in manners we'd like to see by way of good business practice and good housekeeping. So this will establish some basic ground rules for the establishment of a hospital foundation. That part of the Bill is also applied to two other Acts, the Provincial General Hospitals Act and the University of Alberta Hospital Foundation Act. The particular hospital I just mentioned has its own foundation, and the experience gained there, and the rules and by-laws they have established, have been used as a model, not necessarily intact, in order to establish these other foundations.

That is a general overview of the Bill, Mr. Speaker. As you can see, it's difficult to develop a debate on a principle of a Bill with such widespread omnibus and relatively minor amendments. Therefore I'm suggesting that hon. members support it, and perhaps if there are points of specific clarification, those could well be handled during committee reading.

Thank you.

MR. MARTIN: Mr. Speaker, I know that the minister will not be too taken aback if I say that I believe there are major principles in there. I agree with him that part of the Act is not; much of it is technical in nature. But I believe we have now legitimized user fees in this Bill, which, as far as I'm concerned, is a very important principle. I know that it was an announcement, we debated in estimates, and we talked about it in the spring. There has been much discussion. Now we have it in an Act that hospitals can basically decide on their own, without appealing to the minister, about the use of user fees.

I suggest to the minister that this is one of principle. It certainly is a principle to me, Mr. Speaker, and the minister is well aware of it. I feel that we are going in a direction that I cannot agree with philosophically or any other way. I do not believe that at this point the people of Alberta want us to go in that direction. I know there are limits in the user fees, and I'm well aware that it's up to hospital boards to determine whether or not they want to use them. But if there is an undercutting in terms of money from the provincial government, it seems to me they will have to make two choices: either cut back on services or add user fees. I think they will have no alternative, and the minister is well aware of that. After January 1 — perhaps not immediately; perhaps some of them will be longer — user fees will eventually become the norm.

Mr. Speaker, I know the minister has made the appeal before that there's a limit, that the very poor and those on welfare do not have to pay user fees. I acknowledge that, and I acknowledge that there is a limit of \$20 a day for an individual, up to \$150. I also acknowledge that a family can only pay \$300.

That's the way it is now. But I believe that when we move into this, we are violating the principle of accessibility to people. What worries me about the future, especially if the recession continues to hurt, if the price of oil happens to drop, is that we'll be looking for more funds and ways to get out of our commitments in terms of medicare.

So I believe that in this Bill we are determining a clear principle, Mr. Speaker, and that principle is user fees. Where does that lead? I've said to the minister before, and I would suggest to him that if it got up to \$300, for some people that is a lot of money. But let's say that next year we come in and times are tough again, so the minister comes to us. He's never given any indication that it is forever written in stone that once we establish user fees, it will stay at \$300. If we're facing problems next year, maybe this could be \$600, \$900, or \$ 1,200.

Because the minister has alluded that private management of hospitals might come true, similar to some of the experiences in Hawkesbury, Ontario, I'm very concerned that we're going in the direction of private medicine. This is the first step on the way, Mr. Speaker. That's why I believe there is a principle here. If we look at the experience of our neighbors to the south, if that's the direction we're going, I believe that user fees are the first step; possible private management is the second. We have foundations. We know what happens with certain hospitals in the United States that have foundations. The minister is well aware of that. They get private donations. That's all right in itself, but what it does is create a two-tier system of health care.

So putting all these things together, Mr. Speaker, I'm suggesting that we're going in the direction toward private medicine. For that reason, I think the debate has to occur — and is occurring not only in Alberta, of course, but across the country — about the type of medicare system we actually want in the future. Do we want, on the one hand, a medicare system? Certainly it can be changed here and there. Some costs are out of control. We now recognize that, but we haven't done anything about those. Although it didn't say much, there was certainly a lot of fodder in the recent report about unnecessary surgery. I brought up infections. Certainly we should be looking at being cost-conscious. Nobody argues that point. I think the choice is very, very clear. Are we going to move in the direction of the American system of medicine, with the start of user fees? That's how principles get eroded.

I know the minister has said to me in the House that he wants to save medicare; he wants to inject more money into it. The minister is well aware that that's nonsense. It's money coming from the people, and that's not what the principle of accessibility to medicare is all about. As the minister is well aware, we're already paying for it in our taxes.

When the minister says that many parts of it are technical, that's true. But what we're asking for in this Bill, it's clear to me — for those who want to move in the direction of the American system, inevitably in the States they pay some 2 per cent more of their gross national product on health care than we do here. Do we want to go in terms of medicare, in terms of the idea that everybody, regardless of the size of their pocketbook, has the right to decent health care? In terms of the decision that we have to make, I believe it's that simple, Mr. Speaker. So when the minister says there isn't a principle here, I believe there is.

Mr. Speaker, to look at this in some sort of detail and try to make some sort of sense out of it, I think we'd have to look at the history of why medicare was brought about. Before we do that, I say to the minister that many distinguished politicians in the United States are throwing up their hands about the cost of health care in the United States. We've had people like Senator Kennedy come and take a look at our system, and wish

they could have something like it. So before we start to dismantle it, before we start to bring in user fees and go in their direction, surely we should learn something from that.

Mr. Speaker, before we go into the history — and I would say this to the minister — I believe that there are appropriate places — I know that the backbenchers stand up and talk about private enterprise all the time; it's private enterprise when it's convenient to them. I believe there's a very important role for the private sector, but I'm not sure there's an important place when we start talking about private management and start to go this direction in terms of health care, when we're dealing with people, the unfortunate.

Mr. Speaker, it seems to me that we have a major decision to make with this Bill. Frankly, it is not one that we are not going to discuss and just sort of talk about the technical things, about foundations. To me, the absolute key thing about the Bill is that we are legitimizing user fees. Make it clear — this is what we're doing with this Bill. When it's passed, it will be legitimized. The minister shakes his head. If I am not correct, if he is pulling user fees off, I guess I misread the Bill. It seems to me he is clearly saying in this Bill that after January 1, hospitals may bring in user fees. That's a very important principle. As I pointed out, they inevitably will at some point, maybe not on January 1. But we are talking about the principle. We didn't have user fees in this province before. That's the key thing. The minister can shake his head all he likes. He knows that's the case. He knows that's exactly what is happening.

Is the minister saying to us now, by shaking his head, that we're not going to have user fees? No, he's not. Therefore, we will have user fees, so my point stands. It legitimizes user fees. As I said, Mr. Speaker, why this is so important — I don't care how many times the minister shakes his head; he can shake his head until he is red in the face. We are going to have a debate in this House, and we are going to continue the debate about user fees generally. That's the key to the Bill. -

He may want to shovel it over and say that the main things are foundations and all the rest of it. Clearly, the Official Opposition is going to want to talk about the fact that user fees — or at least that possibility — are coming in on January 1. The minister can say that it's not up to him — as he inevitably will — it's up to the boards. But the minister also controls the purse strings. If they are inevitably making a decision between cutting back services and adding user fees, I think most boards will have no choice. They may hold off for awhile, but they will have no choice; they will have to bring in user fees. When, we don't know; some of them may on January 1. The minister is probably in a much better position to tell us than I am. But sometime down the line there will be user fees right across this province. When this Bill is passed, they will have the right to do it, and that's the key thing, Mr. Minister. I wouldn't be so vexatious ...

AN HON. MEMBER: You're missing the point.

MR. MARTIN: I am not missing the point. The question, Mr. Minister, is: will there be the ability to have user fees after January 1 or not? That's the question.

MR. SPEAKER: Order please. The time for today's sitting has passed.

MR. RUSSELL: Mr. Speaker, I move that the Assembly now adjourn, in accordance with Motion No. 26 passed today.

[Motion carried]

[At 1:02 p.m. the House adjourned to Wednesday, November 16, at 2:30 p.m.]

