

## Legislative Assembly of Alberta

Title: **Monday, April 2, 1990 8:00 p.m.**

Date: 90/04/02

[The Committee of the Whole met at 8 p.m.]

head: **Government Bills and Orders**

**Committee of the Whole**

[Mr. Schumacher in the Chair]

MR. CHAIRMAN: Order please. Could I ask hon. members to take their seats?

### Bill 1

#### Premier's Council on Science and Technology Act

MR. CHAIRMAN: In Committee of the Whole this evening the first item is Bill 1. Are there any comments, questions, or amendments to be offered with respect to this Bill? The hon. Member for Calgary-North West.

MR. BRUSEKER: Yes, Mr. Chairman. I have some amendments to propose for Bill 1. I have sufficient copies for all members in the House here, so I'll just wait for half a moment while that's distributed, if that's acceptable.

Mr. Chairman, the reason I'm proposing some amendments here is not because of what is in the Bill but rather what is not in the Bill. While I think the general intent behind this particular Bill is certainly worth while, I have a number of concerns with things that are missing in the Bill. I believe science and technology definitely is the correct way to go. There's nothing, I believe, in our lives that is going to affect our lives more than science and technology, yet there are some significant omissions in here. I think this Bill has the potential – and I say the potential – to really be a flagship Bill, but there are some things that are missing. It is hypothetical, and that's why I'm proposing some amendments.

Some of the things that are missing, if I could just talk about that briefly – this is a good concept, having a Premier's council to act as a reference for the development of science and technology, but unfortunately it's a little bit shortsighted, and there's a couple of areas that are lacking. One of them in particular: once the council ultimately gets going, I hope the council will look at solving some problems by going across several boundaries, developing the concept of solving the problems by looking at different departments such as the Department of Technology, Research and Telecommunications, which is our science area, working with, for example, the Minister of Municipal Affairs. Now, that may not sound like there's a lot of correlation in there, but one of the problems we have in this province is rural depopulation. I know that will warm the cockles of the hearts of all of the rural members over there. But right now I think we have a sort of a siege mentality instead of looking at how we can solve things.

It might be an idealist viewpoint, but let's talk about ideals for a moment right now. One of the problems we have in this province is geography. We have a fairly large area and yet a fairly small population. In order to develop our technology area, one of the problems we have is that we don't have a sufficient market base. We don't have enough people to really develop the markets for our companies to survive on their own. So we need to develop technologies which can be cheaply exported.

Therefore, we need to manufacture products which are fairly small. I think, for example, that if Chembiomed produces a product which is smaller than the size of one of our drinking glasses, transportation is a very minor problem. So Chembiomed need not necessarily have been located in the city of Edmonton.

Right now the Minister of Municipal Affairs has a bunch of land banks around the province which he currently administers and is attempting to dispose of through the sale of those land banks to the different municipalities. If those land banks could be used by the Department of Technology, Research and Telecommunications to promote the development of rurally based high-tech industries, what we could do is promote high tech, we could promote population stabilization in the rural areas, and we could promote diversification of our industries to have a broader base. So we could solve several problems in one shot.

In order to do that, however, I believe we need some basic amendments to this particular Bill, and those are the amendments which I have proposed. I have three particular amendments on this one sheet, labeled A, B, and C, and I will just read them into the record starting with amendment A.

Section 4 is amended:

- a. by striking out the proposed subsection (5) and substituting (5) The Members appointed pursuant to subsection (4) shall be appointed from a list provided by the Edmonton and Calgary Councils for Advanced Technology, the President of the University of Alberta, the President of the University of Calgary, the President of the Northern Alberta Institute of Technology, and the President of the Southern Alberta Institute of Technology, acting jointly.
- b. by striking out the proposed subsection (7) and substituting (7) The first Members appointed pursuant to subsection (4) shall be appointed in such a way that half of them are appointed for a term of 2 years and half for a term of 4 years and thereafter Members appointed shall be appointed for a term of 4 years.

Subsection 5. The rationale for that particular proposal, Mr. Chairman, is simply this: what we want to do in creating this council is to have people on this council who have expertise in scientific areas, who have expertise across, hopefully, businesses which are currently viable, which are producing high-tech products, and that have a feel for the high-tech industry across North America. In order to develop that, I believe we need to get representation from those people who have the best feeling, the best expertise, rather than political appointments. If we are going to promote science and technology, we need to have scientists making the decisions. This should not be a political decision; rather it should be a decision based upon the expertise.

Now, in the two larger cities we have councils for advanced technology. These two councils meet on a regular basis, approximately bimonthly, and have the opportunity to have guest speakers in. These people are in the forefront of technology and technological innovation. Therefore, rather than the initial proposal the purpose for this one is simply to ensure that what we get are people who can do the job.

Subsection 7. The rationale behind that particular proposal, Mr. Chairman – what I'm proposing here is some continuity. Currently subsection 7 simply says that the people will be appointed for three years. Now, the problem with that is that at the end of three years all of the members of the council would be disbanded. We would then start with a brand new council, and there would be no continuity from year to year or over several years. I believe what we need to do is have a core, and by having the first half appointed only for two years and then subsequently for four-year appointments, what it allows is

for half of the board only to be replaced at any one time. This would allow for continuity over the long term, and there would be some record-keeping that would allow the council to eliminate the possibility of treading over old ground several times.

The second proposal, amendment B, reads:

Section 6(1) is amended by striking out "twice" and substituting "6 times."

Now, while the council may meet more than simply twice, I believe that if the council meets only the minimum mandate, twice in a year, it would simply allow for a nice little coffee klatch – people would get together, have a chat, "How's it been going for the last six months?" or whatever – and no continuity, no development of thought, and not enough time to really get the job done. So what I'm proposing in section 6(1) is that they meet a minimum of six times. That allows for two-month intervals for the individuals to prepare briefs, to allow for guest speakers in, to allow better organization, and allow a little more continuity. The longer the time between meetings, Mr. Chairman, the more likely it is that the members will forget what it is that was spoken of last. If you have meetings a little more closely spaced, the end result is that people have more of a continuity of chain of thought; you get into the concept of regularity of meetings. In fact, I believe they should be meeting probably 12 times, but by putting in a minimum of six times per year, it promotes the concept of meeting at least every two months.

Finally, section 7 currently reads that the "Act expires on March 31, 1994." Over the next 10, 20, 50, 100 years science and technology and technological innovation that come out of the development of science and research that occurs at our universities and our privately funded institutes are going to play a larger and larger role in the life of every single individual. From that standpoint I don't believe we should be looking at cutting this thing off even before it's had a chance to begin.

I think what we should be doing is leave it open ended. If at some future point in time it is determined that there is no longer a need for this council, then the council could be disbanded by a motion of this Legislature. But by putting a sunset clause on it right now, which is, in fact, an unworkable sunset clause from the standpoint of practicality, it makes a shortsighted kind of development possible. Section 4(7) as it's currently proposed says: holds a term of office for three years. Yet the Act only lasts four years, so some council members presumably would be appointed, would last, for three years. They would be replaced after three years, and new councillors would be appointed which would last perhaps less than one year in duration. So that fourth year, in fact, would be almost a wasted year, because under this current proposal they would only meet twice. Well, there is no point in doing that. So what I've tried to do by this series of three amendments is look at, first of all, a far longer range plan, and I've tried to propose some amendments that would help and foster the development of this particular council so that it can be an ongoing, effective, well-organized decision-making body.

I would move amendments A, B, and C as shown on the page that has been distributed to all members.

MR. CHAIRMAN: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Chairman. I rise to oppose this amendment. First of all, the hon. Member for Calgary-North West gets up and talks about rural members and then proceeds to suggest that the members on this committee be

provided by Edmonton and Calgary councils; by the president of the University of Alberta, located in Edmonton; by the president of the University of Calgary, located in Calgary; by the president of NAIT, located in Edmonton; by the president of the Southern Alberta Institute of Technology, located in Calgary. This is the kind of fatuous nonsense that the Glengarry gang is famous for. I cannot support this kind of amendment.

MR. CHAIRMAN: The hon. Member for Three Hills.

MRS. OSTERMAN: I'm sorry. I didn't realize the hon. member had finished. He stole my opening lines, Mr. Chairman. I wanted to invite the hon. Member for Calgary-North West to the Three Hills constituency so that he would meet some of the people that I think would very properly fit the outline as described by the hon. Premier in introducing this Bill and speaking to the kind of people that I think would be appropriate to be on a science and technology council.

Mr. Chairman, speaking of education, I wanted to give the hon. Member for Calgary-North West a bit of an education, if I could presume to do so. I wanted to read him the definition of "science" from the dictionary:

The systematic study of the nature and behaviour of the material and physical universe, based on observation, experiment, and measurement.

Now, Mr. Chairman, people, particularly in rural constituencies, many of us who work the land and otherwise do things that take us into the great outdoors, I think are known to be pretty astute observers of the universe around us. I would remind the hon. member of that and, if he hasn't had that life experience, in all seriousness invite him to the Three Hills constituency. I would be delighted to have him.

As well, I wanted to read the definition of "technology," which, again, so appropriately fits so many people from rural Alberta, as I'm sure it fits people from urban Alberta:

The application of practical or mechanical sciences to industry or commerce.

There are just countless thousands of people who in their everyday lives in rural Alberta are indeed appropriate in terms of that practical application, because – again I would speak of agriculture – the discoveries that are made literally on a monthly basis in the science world associated with research in agriculture have to be taken by their producers and applied in their field, so to speak. I just want to make the point that I took umbrage at the fact that only Calgary and Edmonton, notwithstanding the fact that I was raised in Calgary for a period of time, would be included among the august group that would be making the decisions and recommendations.

Mr. Chairman, I think the people of Alberta, both urban and rural, those of us who spend our time in both places, realize that there is room for people from all walks of life on the council, and we look forward to making such recommendations.

MR. CHAIRMAN: On the amendment, hon. member?

MR. McEACHERN: Yes.

MR. CHAIRMAN: Okay.

MR. McEACHERN: Thank you, Mr. Chairman. I read this first amendment with some amusement. I did spend some time the other day at second reading suggesting to the Premier that there are three ways to set up a council. One is to have it really, truly independent and put some good people on it. I see the

Member for Calgary-North West has tried to follow my suggestions, but I've got to say he is a little bit narrow. I don't see any professional groups like engineers or chemists or other people I suggested that might be on it – unionists, for example. I also suggested that some environmentalists might be on it. I must say that your suggestions are okay as far as they go, but you did miss a number of people who could have been on it.

The reason I didn't bother to put an amendment in of my own to that effect was because I think the Premier has already made up his mind what kind of a council he wants. He's going to be chairman of it. The Minister of Technology, Research and Telecommunications is going to be the deputy chairman of it. So really they have no intentions of having anything except a small advisory group and hire a few friends to help them sell what they already think they're going to do, I'm sure. If they really were truly interested in setting up an independent council and taking any of your suggestions, they would not have made it a Premier's council; they would have made it a truly arm's-length independent council. So one didn't really bother even. But had I known you were going to do this, I would have given you more specific suggestions to add to the list to make it more complete.

As to the other amendments, I don't find them either offensive or helpful particularly. Certainly if you're going to have the second part there, amendment to section 4(7), then – well, either section 4(7) the way it is now or the way section 4(7) would be if it's amended to suit what the Member for Calgary-North West thinks it should be – section 7 itself, the one talking about the expiry date, obviously is nonsense. There's not much point in having an expiry date in the fourth year if you're going to appoint people for three years and then appoint a whole new crop for three years and they only serve one of them. So I'm not quite sure why this sudden-death notion after four years for this council. I don't know that it serves any particular purpose.

As to amendment B, I think it makes a certain amount of sense. If this council can't meet more than twice a year, then I don't know if it's worth setting up.

**MR. STEWART:** Mr. Chairman, on behalf of the Premier I'd like to address the motion for amendment to the Bill. Firstly, I just want to say that I regret not having had the opportunity to participate in the second reading of this very important Bill. Fortunately, the Premier and the hon. Minister of Advanced Education made some very appropriate comments with respect to the importance of the Bill and some of the principles that underlie it. I think it's an extremely important Bill. I don't want to get into a discussion of the principles. After all, I had that opportunity and wasn't able to keep that date. I just want to underlie the fact that this is a very important Bill that will ensure that Alberta's products and services will remain competitive in a changing marketplace in the world, that we will provide for the further growth and development of a very important industrial sector, the advanced technologies, and that we will generate basically a science culture, an opportunity to become more aware of the importance of science and technology in our lives.

I am most pleased that the Premier not only sponsored this Bill but has agreed to act as its chairman. I think that's very significant, because it will establish, certainly in the minds of all of us and Albertans at large, the importance that this government attaches to science and technology and the development of that as part of a thrust for diversification, which has developed so well under the Premier's leadership.

Mr. Chairman, I'd just like to address the four amendments very briefly. The first amendment that relates to section 4(5) I think has been addressed extremely well by other members and hardly needs to be repeated. To have all of these members coming from two cities is absurd. Also, we want to have this as a representative and not a representing type of status by the individuals who will be appointed to it. I wish to give assurance to the hon. members, both Edmonton-Kingsway as well as Calgary-North West, that indeed we do seek to get suggestions for appropriate members from the various organizations that may be appropriate to consult in these matters and to work with them in the development and the functioning of this very important council. But we do need to ensure a basis of networking with universities, with our technical institutes, and other industrial people who are involved in advanced technologies or, indeed, are involved in other areas in which they still, by virtue of their knowledge and experience, can make a valuable contribution to this council. So I believe it's well accepted, certainly by members on this side, that the proposed amendment to section 4(5) is not appropriate.

The amendment to section 4(7) I think is predicated upon the interpretation by the hon. member that indeed all members are appointed for three years. It's "not more than three years," and it is our intention to stagger the terms for one or two or three years in order that there be a basis of continuity within the council. So I don't believe the amendment is necessary in that respect.

Section 6(1). The amendment proposed there is that we strike out "twice" and substitute "six times." I refer, of course, to the words, and the hon. member has indeed acknowledged it, "at least twice." It certainly is our intention that this council will meet on a number of occasions throughout the year, probably more so in its early stages of formation while they go through the organizational matters that are important to the ongoing functioning of the council. But it will meet at least twice. If we were to put in six, it may be that if in a certain circumstance it happened that they met five, then we'd get into difficulties. So I think we would prefer to leave it as "at least twice," knowing full well that the important work of this council will require their attention on many more occasions than that.

The purpose of section 7, being a sunset clause, I think is to ensure that there is an assessment. It makes an assessment of this whole council and its functioning a mandatory matter. So by putting in a specific date but at the same time allowing the Lieutenant Governor in Council to change that and extend its term brings us to the point of recognizing the necessity of assessment but at the same time allowing it to easily be extended. It seems to me that that would be a more appropriate way than providing for the expiration by the Lieutenant Governor in Council and having a continuing type of term unless the Lieutenant Governor in Council does act. So that's the purpose of that.

I think the amendment in section 7 that I've just spoken to was predicated upon the assumption by the hon. Member for Calgary-North West that indeed there was a fixed term of three years and getting into the difficulty of a four-year sunset provision.

So I think, Mr. Chairman, that concludes my comments with respect to each of the four amendments.

**MR. CHAIRMAN:** The hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Chairman. Just a couple of comments. I speak in favour of the amendment made by my colleague from Calgary-North West. As so often happens, it seems the members opposite have totally missed the point of the amendment. The intention, of course, is to create an objective council by inviting eminent scholars in our province to submit a list of names from whom the appointments would be made. These would be, of course, names of eminent scientists and would be representative of a number of disciplines.

Mr. Chairman, just in response to some of the comments that have been made. My last look at it, it was called the University of Alberta; it was called the northern Alberta institute and the southern Alberta. They weren't the prerogative of students and scientists only from the city of Edmonton. I hope that would never be the case. As far as I know, these institutions of learning and of research have many, many people, scientists and students from all over this province; in fact, from all over the world. I would hate to have anyone think that there was any intent here that it be restricted in any way to urban thinking or to the cities of Alberta. As I say, these institutions in no way restrict themselves to those two cities or to urban areas. As I say, I think the members opposite have totally missed the point, as often happens.

MR. MITCHELL: Mr. Chairman, I rise in support of this amendment as well, and I would like to emphasize the point made by both my colleagues, Calgary-North West and Edmonton-Gold Bar; that is, that this addresses the spectre of potential patronage appointments that can be made by this government of stacking this kind of a council for political gain, putting political ends, political motivation ahead of the substantive accomplishments that a council of this nature might be able to achieve. I believe that in conjuring up that spectre, I am assisted by recent developments, recent events that we have seen with respect to other councils or panels that this government had some difficulty in accepting. I'm thinking, of course, of the Alberta-Pacific review panel. It's very interesting to note that this government was unable to control all of the appointments to that council. In fact, the two federal appointees to that council were completely outside their control. Of course, as a result they got the kind of report they didn't want to hear, and now they're going through tremendous political machinations – whining – in order to try to adjust the findings of that panel. Clearly we have to be concerned that the government will move in appointing this council to avoid that similar kind of problem. You can shake your head, but the evidence is obvious. You couldn't control the appointees; you didn't get the report you wanted; now you're going out to try and find some scientists somewhere, anywhere, who'll give them the answer they want.

They're just going to compress the process in this case where they're not going to worry about the first step – that is, appointees that they can't control – and they're going to go straight to appointees that they can control. So this amendment addresses that issue, makes an effort to ensure that that would not occur in the future, and as a result it comes as little surprise that the minister would feel some reluctance to support this amendment. At the same time, the evidence is clear that if we want to have an open and objective look on the part of this council into science and technology, into the research and the development and the marketing of the findings of that science and the development of that technology, then clearly we have to support this amendment.

MR. NELSON: Mr. Chairman, I just thought I should get in for a couple of minutes here. After listening to the rhetoric I've just heard, it just blows my mind to listen to the naivety of the hon. member. The biggest political patronage party in the whole world is the Liberal Party, and they darn well know it. [interjections]

MR. CHAIRMAN: Order please. Order in the committee.

MR. NELSON: Mr. Chairman, to suggest that we don't have an objective manner by which we place people on these boards and commissions, who are people of integrity, who are people who do the job in an objective fashion – they don't necessarily do it for political gain, because that's not their reason for being there. They're usually well-intentioned people who have made a mark in society, whether it be in their business or the community or otherwise, who participate in the community in an appropriate fashion. To suggest otherwise is not only demeaning to these people who are placed in a position of responsibility on these boards and commissions; it's downright embarrassing. I'd like to use another word, but in *Beauchesne* it says I can't. Not that that's ever stopped me before.

Anyways, Mr. Chairman, to suggest this patronage issue is just . . . You know, I really get wound up a little bit once in a while, but to listen to these people, these hon. members, speak about you've got to do it this way or that way – boy, put them on the other side of the bench, and I'll tell you what. They would be doing exactly the same thing as is proposed. Quite frankly, you talk about patronage; we know what's happening in Ottawa with the Liberals and what have you, not that I agree with Mr. Mulroney selecting people from outside like Mr. Broadbent and others. I think that's a mistake.

But in any event, Mr. Chairman, I think we should not be demeaning those good people who may be put on boards and commissions, and it does not matter how they get there. The government's record speaks for itself. I think it's excellent, and we've had excellent people participating in the community in an unbiased fashion, and I'm sure that will continue to be the good record of this government in dealing with these types of things.

MR. BRADLEY: Mr. Chairman, I find myself moved to speak against this amendment. Looking at the contents of it, individual councils which have been suggested, the Edmonton and Calgary councils for advanced technology, and the institutions represented – the University of Alberta, the University of Calgary, NAIT, and SAIT – are all very worthy institutions, and I'm sure they could come forward with some excellent recommendations as to people who could be placed on the Premier's council on science and technology.

But it is a very restrictive amendment. It excludes individuals representing parts of Alberta other than Edmonton and Calgary. It doesn't have on it, for example, the University of Lethbridge, which is an excellent institution, and Athabasca University. And what about the 2.4 million other Albertans who may also have positive suggestions? This is a very closed, restrictive amendment. It doesn't provide for other Albertans to come forward with nominations to this council, and for that reason I think it should be opposed.

MR. CHAIRMAN: The hon. Member for Smoky River.

MR. PASZKOWSKI: Thank you, Mr. Chairman. I too rise to speak against this amendment. For the second time today I've

had a situation where I feel that the northern part of Alberta has been distinctly discriminated against by an urban member. One-half of the province of Alberta is excluded by this amendment, one-half of the geographical province of Alberta: the tar sands, the woodlands operations, the agricultural community. What kind of nonsense is this when we have an urban person suggesting that we exclude half of Alberta? We have a good Bill before us. I urge all of the voting members here today to vote against this amendment.

MR. CHAIRMAN: The hon. Member for Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Chairman. I can tell this has really got the backbench Conservatives very excited. Can you believe Bill 1? Can you imagine what it's going to be like when we get to Bill 40?

You know, I'd like to point out to members of the committee that the New Democrat caucus consistently sponsors amendments similar to this, although usually in superior form. The reason I want to make the distinction is because after careful consideration it occurs to me that this will be one of those rare occasions when I may end up having to vote with my Conservative brethren, even though I hate it to be a matter of record. But before being forced to do this, I need to have on the record why I would conduct myself in such a shameful fashion. That is that even though ordinarily the New Democrat caucus consistently sponsors amendments that call for appointments to commissions to be done by independent bodies or agencies and to take into account the importance of representation from certain sectors, it is precisely in this regard that we find this particular amendment deficient, insofar as it doesn't include a request that gender balance be kept in mind, regional representation be kept in mind. These are consistently recommendations from the Official Opposition New Democrats. But for that we could have supported this amendment; unfortunately, we cannot.

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: The hon. Member for Calgary-North West wishes to conclude the debate?

MR. BRUSEKER: Yes, thank you. As usual it gives me great pleasure to observe the narrow-minded thinking of some of my hon. colleagues in the Legislature here. If you look at the amendment, it does not say that the members who would be appointed would only be appointed from the cities. Why, Mr. Chairman, I would submit that there may even be – I don't know whether it's likely or not – a possibility that there might even be a constituent from Smoky River who attended the university of either Calgary or Edmonton in Alberta and might even be a potential candidate for this one. So what we have to look at, if you read it carefully, presuming you can read, hon. members: "shall be appointed from a list provided by." It does not say that those members shall be members of those different Calgary and Edmonton councils. [interjections] But, listening to the members across, I simply wish I had brought sufficient cheese for the whine that I hear coming from the opposite side. However, that would not be possible; I'd need too large a truck.

However, the shortsightedness that I've heard from these different members – I would be willing to entertain, if they could put forward rather than simply complaining, an amendment to the amendment that might include a rural organization,

if there is a rural organization in any constituency that is a scientifically based community of rurally based scientists. I think that would be an appropriate amendment. If any hon. members have a suggestion to put that forward, I would be happy to entertain such an amendment.

Now, with respect to the other issues to which the Minister for Technology, Research and Telecommunications addressed, while it may be the intent, as he mentioned, I think it eliminates confusion if in fact you spell it out that there will be some appointed for two years, some appointed for four years. Rather than leaving it open to interpretation, if you spell out the amendments, as I have proposed here in section 4(7), section 6(1), and then finally section 7, it eliminates the kind of ambiguity that is in the Bill right now.

So I would urge all members to support these amendments.

HON. MEMBERS: Question.

MR. CHAIRMAN: The hon. Member for Calgary-North West has moved an amendment to Bill 1 that has been circulated to all members. Would all those in favour of the amendment please say aye?

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: All those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: In my opinion the amendment fails.

[Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

|          |          |        |
|----------|----------|--------|
| Bruseker | Hewes    | Taylor |
| Chumir   | Mitchell |        |

Against the motion:

|           |           |             |
|-----------|-----------|-------------|
| Ady       | Gibeault  | Nelson      |
| Anderson  | Hyland    | Osterman    |
| Barrett   | Johnston  | Paszkowski  |
| Black     | Jonson    | Payne       |
| Bradley   | Klein     | Roberts     |
| Brassard  | Kowalski  | Severtson   |
| Calahasen | Laing, B. | Shrake      |
| Cardinal  | Laing, M. | Sigurdson   |
| Clegg     | Lund      | Speaker, R. |
| Day       | McClellan | Stewart     |
| Drobot    | McEachern | Tannas      |
| Elliott   | McInnis   | Thurber     |
| Elzinga   | Mirosh    | Trynchy     |
| Fischer   | Moore     | Zarusky     |
| Fox       |           |             |

|         |      |   |   |      |   |    |
|---------|------|---|---|------|---|----|
| Totals: | Ayes | – | 5 | Noes | – | 43 |
|---------|------|---|---|------|---|----|

[Motion on amendment lost]

MR. DAY: On a point of order, Mr. Chairman, and first citing *Beauchesne* 321, saying, "A point of order . . . must be raised

promptly." I am doing that. You had called for the vote, Mr. Chairman, before I was able to get up on the point of order in reference to a remark made by the Member for Calgary-North West just before he sat down.

The citation I'm quoting is *Beauchesne* 493(4), which says:

The Speaker has cautioned Members to exercise great care in making statements about persons who are outside the House and unable to reply.

The Member for Calgary-North West referred to an entire constituency, that being Smoky River, and suggested that there might even be one person there with a university degree. In doing that, Mr. Chairman, first let me say that assuming someone has a university degree may or may not be something in their favour. However, the intent of the remark was to slight an entire constituency of people who are not able to defend themselves here. [interjections] I can see them being upset that I am raising this, because in fact they know very well that that is on the record. Despite that, I think an apology is in order when Albertans, people that we represent, are being slighted in such a manner.

MR. FOX: On the point of order, if I might. I find it offensive that the hon. Member for Red Deer-North would suggest that the entire constituency of Smoky River has been slighted by the comments from the Member for Calgary-North West. The people of Smoky River have a representative here who certainly can speak up on their behalf, and I think the Whip of the Conservative Party, the Member for Red Deer-North, should have a little more faith in his members than that.

MR. BRUSEKER: Just on the point of order, maybe I should just mention that it was the hon. Member for Smoky River who implied that his constituents would not be represented if the amendment went through, and I said it was very possible that someone would be there. So I think that if the member is raising a point of order, he should be raising it against his colleague who is sitting down the row from him who has slighted his constituents from Smoky River. [interjections]

MR. CHAIRMAN: Order please. It is the opinion of the Chair that there is a disagreement amongst members that probably will be resolved, maybe to some extent in the next election.

The hon. Member for Edmonton-Kingsway.

MR. McEACHERN: Back on the Bill I assume? Thank you, Mr. Chairman. If we can get back to some sanity in this place. [interjections] I should never have said that, should I?

Anyway, just looking at the Bill and sort of getting down to the details of it, I see on page 1 under "Activities and powers":

3(1) the Council may

(a) advise the Government on science and technology as they relate to economic and social development and to enabling Alberta to compete effectively in the global market place.

I wanted to comment a bit about that section. I agree that there's a need for some planning in the economic and technology areas. If you consider what's been going on in the past, we've seen too many of our resources developed by foreign firms – I think of Syncrude; I think of some of these big forestry projects, the pulp projects, for example – where we don't really have a lot of control over what's happening and the government seems in setting them up to be mostly reacting to other people's plans. I think it's best that the government be able to put together a council that can do some thinking on what is best for

Alberta. We could take the best ideas from all our people, a wide variety of representatives that we hope will be on this committee, and stop what has happened in the past, where these companies, in many cases foreign companies, come in and take our ideas, the ideas, that the people of Alberta have developed at our universities or in our research facilities, and claim ownership to that intellectual property. Now, I'm hoping that the committee will in some way be able to address that issue and reclaim for Alberta some of Alberta's own technology and development of Alberta's own resources for the benefit of Albertans rather than in so many cases turning it over to foreigners. So I have some hope that the committee, even if it is a very political one, will have some overall benefits for Alberta.

I would hope that that committee would have the right to recommend different forms of co-operation between the public and private sectors, ways to regulate major companies that come into this country and operate largely unsupervised and sort of on the assumption, for example in the oil industry, that the oil is theirs and they can do with it what they like. It's time Albertans became the proprietors and owners of their oil and gas in a more meaningful way rather than deregulating and giving it away to foreigners to do with as they please.

I guess there's a related sort of problem with this. People often talk in the areas of science and technologies about the need for gathering together in one place a critical mass of research so that it can sort of feed on itself and grow and become a world's leading industry. I think of the medical research foundation set up by Alberta heritage trust fund moneys. You know, they were given \$300 million and built it up to over \$500 million, and now they think that if they could just have another \$150 million – which they've asked for, although the government hasn't come through with that as yet. Their assumption is that they would then have a critical mass of scientific research that would allow that industry to be sort of self-sustaining from that point on. I guess what I'm sort of asking, really, is the question: does the government have a notion that they can do a similar kind of thing here in Alberta, getting a critical mass of technology and research together that would make Alberta a leading place in the world? Californians have done it in the Silicon Valley, and people talk of the Ottawa valley as trying to do that with some modest success, hardly on the scale of the Silicon Valley, in the computer industries. But I'm wondering if the government is thinking that far ahead and sort of trying to head in that direction.

There are other sections of the Bill that I wanted to ask questions about and comment on. One of the things I would say in this activities and powers section: I found it disappointing that this Bill would not have some specific mention of the environment in it, somewhere in its purposes and powers and activities. You can't develop science and technology without affecting the environment, and it would seem to me that in this day and age it's disappointing that the government would leave that out of a science and technology council Bill.

In terms of 3(2)(b), where it says that the council could "study matters relevant to the development of science and technology," I couldn't help thinking that this is perhaps the best place to raise the question: has the government taken any decision or are they thinking about the proposal by one Jim Gray to have a hundred million dollars set aside for science centres around Alberta? If they haven't made the decision yet, I would suggest that before they do, they might want to look into what is happening in Ontario with science centres, and they might want

to also check and see how Paris is making out, as they also have, I think, a series of science centres, and see whether or not that really is raising the profile of science in the community. Perhaps the minister could respond to that question.

I guess that covers most of the comments I wanted to make or things I wanted to ask, except perhaps for section 5 on page 3:

In accordance with the Public Service Act, there may be appointed the employees required to conduct the business of the Council. Given that this council is really a showcase, really a very political council, whether it will really accomplish anything very much or not depending on who is put on it, it has a very grave danger of ending up being just a group of good old boys who look at the world the same way the Premier does and the same way the minister does and not necessarily be able to bring in fresh and new ideas covering a wide variety of subjects. If that turns out to be the case, hiring a big bureaucracy might just be duplicating what's already happening in the department and in the government generally, and I think that's a fairly grave danger. The government will have to be very careful who they choose to put on that committee if they really expect it to have any credibility whatsoever with the people of Alberta and to believe that it isn't just the Premier, sort of, saying, "We're going to make some political hay out of saying that we're really concerned about science and technology, so we're going to have this committee." If it's really the Premier's committee, then that just becomes a political thing to say, "Gosh, aren't we doing a good job?" when in fact they won't be able to do independent and far-reaching and scientific research and analysis and really make a positive contribution to this province.

So I worry that the council may be hamstrung for that reason, but I would hope that it's not, and will be supporting the legislation on the off chance that it will be done the right way.

MR. CHAIRMAN: The hon. Member for Edmonton-Meadowlark.

MR. MITCHELL: Thank you, Mr. Chairman. I would like to address the Bill and offer two amendments. I would like to begin by saying that we support the Bill in principle and that we've already indicated that. We believe it's not a bad Bill. It could be a better Bill; it could be better in a number of ways. We've addressed one of those ways earlier, and that is the selection process: who it is that will be put on this council, how they will be chosen, what their political and other affiliations will be. We were unable to prevail upon the government to ensure that the selection process would be done properly, but we're not giving up.

A second way in which we believe this Bill could be improved would be to have it address, focus to some extent on environmental matters. It is impossible for us to consider in the 1990s and into the next century separating science and technology from environmental issues, environmentally sound technologies, technologies that not only protect the environment but that can generate economic development that goes beyond simply environmental protection to environmental cleanup, which will be a growth industry and is becoming a growth industry.

Now, it also is important, in our estimation, that this Bill simply be placed in today's context of economic development, and that is sustainable economic development. While it may be that the government will feel that these are unnecessary, that clearly they could be absorbed within the mandate and the structure of this council as it is currently being contemplated,

our belief is that the environmental issue is so profoundly important that it goes without saying almost that that matter should be addressed in the makeup, in the description, in the definition of this Bill.

So I am proposing two amendments, Mr. Chairman, which I'm having distributed at this very moment to the members of the Legislature. I would ask that the members consider these two amendments separately, because I believe that my first amendment, amendment A of this sheet that's been distributed, in fact can be construed by no reasonable human being as being anything other than a friendly amendment. I would ask that the minister consider it in that way, and that the minister would endorse it before his backbenchers so that they, too, would feel free to vote for it.

What I am attempting to achieve with this amendment is simply to address the issue of sustainable economic development. It seems like such an obvious addition. It seems to be a statement, almost, of the obvious from the government's point of view at least, and would not in any way affect negatively or alter what the government would, hopefully, be intending to achieve with this Bill. Therefore, I would ask that the government and that the minister support this particular amendment as a friendly amendment.

Mr. Chairman, could you give me direction? Would I be able to move this amendment now and have it voted on at this time, and then move my next amendment?

MR. CHAIRMAN: I think that probably the best way – if you wish to have them separated, you may as well move A now and deal with A.

MR. MITCHELL: If I move it, can other people debate it?

MR. CHAIRMAN: Yes.

MR. MITCHELL: Okay. I move amendment A on the sheet that I have just distributed, and it would read: Section 3(1)(a) is amended by adding "sustainable" before "economic and social development".

Thank you, Mr. Chairman.

MR. STEWART: Mr. Chairman, I can assure the hon. member that there is no way in which environmental concerns aren't an integral part of this whole Bill. I don't think you need to spell it out per se in order to do that. The words "economic and social development" are meant to show that very balance that the hon. member brings forward, but indeed the words "social development" go much further than strictly environmental concerns, because there are a number of other areas that we may put into the social issues category that would be a very important part of consideration of the council as well. For example, we seek the advice and counsel of this Premier's council on broader issues that impact upon the lives of all Albertans; for example, the impact of technology on the work force and, in fact, the impact of science and technology on everyday lives, and the business of developing a science culture and encouraging younger people to enter careers in that area. These are all very important areas of social development.

So the purpose of the wording that's in the Bill is not only to include environmental concerns which are definitely matters of social issue but, as well, the broader areas of social issues that I have described. Rather than focusing and narrowing the Bill in order to strictly deal with "the environment" when so many

other social matters are of concern to all of us, the words "economic and social development" were used to broaden that base and ensure that all of those very important issues would be taken into account by the council and their advice sought on these very important issues.

The word "sustainable" in itself: I don't know that anybody has yet come up with a succinct definition with respect to that word and what the courts may determine the word to be. So I think the words as they now exist, "economic and social development," are broad enough to include all of those important matters that relate to the environment, but go much further and, in fact, take these other social issues into account as well.

Thank you, Mr. Chairman.

MR. McEACHERN: Mr. Chairman, I think the minister shouldn't be such a dog in the manger. It's a friendly amendment, but it makes a lot of sense. It's putting the right words in there. It should be there, and I don't see why the government shouldn't accept it.

MR. MITCHELL: I appreciate the support of the Member for Edmonton-Kingsway and his caucus.

I listened attentively to the minister's comments. I simply believe that, yes, while his Bill isn't inconsistent with my amendment already, the importance, the significance of the environmental issue, the need to focus each and every one of us on that issue, the need to focus people in positions of influence, in positions that will require forward thinking, a consideration of a vision of the future such as this council, will seem to me to dictate very, very clearly that this wording should be specified and that it certainly doesn't hurt in any way to specify it. So I would once again encourage members of the House to support this amendment.

Thank you.

MR. CHAIRMAN: Is the committee ready for the question on part A of the hon. member's amendment?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour of part A will please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: The amendment is defeated.

[Several members rose calling for a division. The division bell was rung]

[Eight minutes having elapsed, the House divided]

For the motion:

|          |           |           |
|----------|-----------|-----------|
| Bruseker | Hewes     | Roberts   |
| Chumir   | McEachern | Sigurdson |
| Fox      | Mitchell  | Taylor    |
| Gibeault |           |           |

Against the motion:

|           |           |             |
|-----------|-----------|-------------|
| Ady       | Fischer   | Osterman    |
| Anderson  | Hyland    | Paszkowski  |
| Black     | Johnston  | Payne       |
| Bradley   | Jonson    | Severtson   |
| Brassard  | Klein     | Shrake      |
| Calahasen | Kowalski  | Speaker, R. |
| Cardinal  | Laing, B. | Stewart     |
| Clegg     | Lund      | Tannas      |
| Day       | McClellan | Thurber     |
| Drobot    | Mirosh    | Trynchy     |
| Elliott   | Moore     | Zaruský     |
| Elzinga   | Nelson    |             |

Totals: Ayes – 10 Noes – 35

[Motion on amendment lost]

MR. CHAIRMAN: The hon. Member for Edmonton-Meadowlark on item B.

MR. MITCHELL: I move my second amendment, Mr. Chairman. I would make the same arguments in support of this amendment as I did in support of my previous amendment. It simply emphasizes the environmental. I know the Minister of the Environment would be very, very much in support of this if only his Premier would allow him to be. I know it was tough for him to know how to vote in that last amendment, because the Premier wasn't here voting first. In any event, I believe that this is, once again, an amendment which, if we are to believe the minister's comments – and of course we are – is entirely consistent with the intent of this Act. It would only serve to convince Albertans that this government was embracing one of the most important and significant issues of the 1990s and the next century, the environment, to have this highlighted in the Bill.

Mr. Chairman, it is almost so obvious that this kind of amendment should be in the Bill that I will leave my argument at that point and ask that the members of the Legislature please support this amendment.

SOME HON. MEMBERS: Question.

[Motion on amendment lost]

MR. CHAIRMAN: Any further comments, amendments?

[The sections of Bill 1 agreed to]

[Title and preamble agreed to]

MR. STEWART: Mr. Chairman, I move that the Bill be reported.

[Motion carried]

### Bill 3 Department of Consumer and Corporate Affairs Amendment Act, 1990

MR. ANDERSON: Mr. Chairman, I don't know that I can add a great deal to the second reading discussion on this Bill. As indicated, the purpose is to give the Minister of Consumer and Corporate Affairs the ability to enter into national and interna-



tional agreements for the purpose of sharing information so that we can ensure that the marketplace is working effectively. I'd be happy to try and answer any questions that members might have.

MR. GIBEAULT: Mr. Chairman, I only want to point out to all the members of the Assembly why we have to have Bill 3 and why we should all support it. That, of course, is the disaster that was the Principal affair. So to the extent that this allows the minister to have greater co-operation with other provincial governments, other jurisdictions, we intend to support it with the view that we don't have another economic disaster of the Principal scale in Alberta again.

MR. CHUMIR: Just a brief word along the same lines as the previous speaker, and that is that we'll be supporting this Bill but we can't help but notice that it's long overdue and that a large part of the difficulty that arose with respect to the Principal affair was the failure of communication between the different regulatory agencies. I've spoken in this House previously with respect to the need for greater communication between the provinces, inter se, and between the provinces and the federal government. If this is intended to reflect a recognition by the government of that reality and necessity, then we'll at least have received some small benefit from the great duress of the Principal disaster.

Thank you.

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this Bill?

[The sections of Bill 3 agreed to]

[Title and preamble agreed to]

MR. ANDERSON: Mr. Chairman, I move that Bill 3 be reported.

[Motion carried]

#### **Bill 4 Licensing of Trades and Businesses Amendment Act, 1990**

MR. CHAIRMAN: The hon. Member for Calgary-Glenmore.

MRS. MIROSH: Thank you, Mr. Chairman. The main principles of the present Licensing of Trades and Businesses Act remain in place to establish marketplace standards for the protection of the consumer. The amendments will now allow the government to focus on creating for specific industry sectors a delegated regulatory organization, which would be an independent board comprised of business representatives and consumers. Mr. Chairman, I'm willing to take any questions on this Bill.

Thank you.

MR. GIBEAULT: Mr. Chairman, it's my view that we not pass Bill 4 and not allow it to go any further, frankly. It's a Bill that has much to commend it, but, like many Bills, many people in the province should be given an opportunity to have input, to have a good review of the Act to make sure that we do, in fact, come up with legislation that is appropriate to the circumstances of the province. The director is given extensive power here in

terms of power for search and seizure, and there are a number of provisions in here that have some element of controversy to them. I think it would only be fair if we give Albertans an opportunity between now and the fall session to have a good review of this Act to ensure that it does have the wide support of the people of Alberta.

There is one particular amendment, Mr. Chairman, that at this time I would like to move, and that is the following: the provisions of the Administrative Procedures Act shall, notwithstanding section 2 thereof, apply to any regulatory board established under this Act. I have copies of that amendment here for all members, Mr. Chairman.

MR. CHAIRMAN: Are there any further comments with regard to the amendment proposed by the hon. Member for Edmonton-Mill Woods?

The hon. Member for Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Chairman. Yes, I want to speak in favour of this amendment. The amendment is that the provision of the Administrative Procedures Act shall, notwithstanding section 2 thereof, apply to any regulatory board established under this Act. The reason for this is to ensure that the safeguards of natural justice as elaborated in the Administrative Procedures Act will apply to the proceedings of regulatory boards. The proceedings must be conducted in accordance with natural justice by the unwritten law of the land in any event, but their general principles are wanting in definition in any particular case and in the absence of specific rules that apply. That was the purpose of the Administrative Procedures Act, an Act more than 20 years old, which only applies if the statute says so. In fact, it is very little employed, and it ought to be more employed, and there is a good example of cases in which it ought to have been employed. Therefore, we want the Administration Procedures Act to apply, in this case, to these administrative boards, and that's the reason for this amendment.

MR. CHAIRMAN: Are there any further comments?

The hon. Member for Calgary-Buffalo.

MR. CHUMIR: Well, I would rise to support the amendment very strongly, Mr. Chairman. I have, in fact, drafted up an amendment of my own to cover some of the same territory covered by the Administrative Procedures Act. The concern arises from the fact that this is legislation not only to protect consumers, but it also gives to this regulatory body, which is a quasi-independent body, the power to issue, suspend, or cancel licences, and in those instances the interests of the licensee come into full focus and relief. It's most important that we remember that the livelihoods of licensees are at stake in those instances, and that both substantive and procedural fairness is essential when you deny a licence to an individual to earn a livelihood, particularly when once that licence has been granted, you then take away that licence either permanently or temporarily.

I've had occasion to see an absence of due process in regulatory agencies in the past, and I note particularly an experience with the Calgary Taxi Commission. One day a taxi driver came into my office and advised that his taxi licence had been summarily suspended on the basis of a criminal charge having been laid against him, without any prior hearing or notification to him by the Taxi Commission. He was merely called in and advised that his licence was suspended, and that was it. He could appeal if he wanted, and his appeal would be heard within

three weeks or a month. The gentleman was eventually acquitted, but in the meantime he was faced with the prospect of having a wife and children, a mortgage to pay, no source of income, and he was out on the street. As a result of that, I spent a great deal of time and effort in successfully getting the Taxi Commission to change their procedures and to provide for prior notification and hearing, and I've been extremely conscious of the implications of powers of entities such as those being established in this particular piece of legislation.

Now, I note in this Act there is a provision that mitigates the harsh power of suspension and cancelation, and that is the provision for a total moratorium on such cancelation when an appeal has been taken, but this is certainly not adequate and no substitution for fair procedures and the right to a hearing. For example, in the event that an improper suspension has been levied and there is a successful appeal, the person who has been the victim of this particular procedure still has to go through their life and career with the stigma of having had a licence canceled or suspended.

So this would be a tremendous improvement and addition to this piece of legislation. I urge the members of the government to seriously consider supporting it. The Administrative Procedures Act is a piece of legislation of the province at the present time. It applies to some legislation and not others; it should apply to many more pieces of legislation. Indeed, I have some similar complaints and concerns to make with respect to the Insurance Act, and I have raised the issue with respect to a number of the pieces of professional legislation that have come before this House over the past three years. I think we should become much more conscious of the rights of individuals who are subject to some form of punishment being meted out by independent boards which have jurisdiction over their particular occupations.

MR. CHAIRMAN: The hon. Minister of Consumer and Corporate Affairs.

MR. ANDERSON: I would like to rise briefly with respect to the amendment proposed by the Member for Edmonton-Mill Woods and note for future review of *Hansards* that the New Democratic Party has in this instance said to the consumers of Alberta: "Wait. Wait; don't move now on a Bill which would give you the opportunity to in fact deal with our marketplace, to put in place those boards of consumers and industry people who might safeguard those rights. Wait till the fall." In the absence of the hon. member's indication, it's clear that he's probably withdrawing his party's former indications that the government should move now, that we were too slow in various areas, that we haven't, in fact, . . .

MR. GIBEAULT: On a point of order, Mr. Chairman. We're on the amendment, are we not?

MR. ANDERSON: We are indeed. I'm on the comments that were made with respect to it.

Mr. Chairman, there were other comments, well considered, with respect to the Act. The fact of the matter is that there's more than one process to safeguard the rights of an individual. Given the variety of marketplace circumstances that we face, the different opportunities that are there, I believe we have to have that flexibility to deal with it, and the hon. member's Bill in fact proposes the same. Let us not forget, though, the fact that in this instance the government is proposing action and is propos-

ing a mechanism to deal with it, and that's being opposed by the hon. members opposite.

MR. FOX: Well, Mr. Chairman, I'm frankly quite surprised and disappointed by the comments of the minister. The amendment before the committee is a very specific amendment. It doesn't talk about delaying the Bill till fall, about consumers denied access to - we're talking about the amendment here, Mr. Chairman. The amendment proposes that section 4 be amended in the proposed section 4.1 by adding the following after subsection (1):

The Administrative Procedures Act applies to a regulatory board established under the regulations, notwithstanding section 2 of that Act.

It's been commented on by my learned friend to the left, the Member for Calgary-Buffalo, and I think it's incumbent on the minister to give a little bit more reasoned explanation of why this amendment, in his view, is not appropriate and not proper. My colleague for Edmonton-Mill Woods proposes that a section of the Bill be amended. The amendment is laid out very clearly. There's nothing in this amendment, unless I can't see it properly, that says that we should wait till fall, that consumers should be denied access to the things proposed in the Bill. And the minister is second-guessing the way that we plan on voting on the Bill; he's claiming that we've revoked our previous support for it. All we're doing is trying to make better a piece of legislation that we acknowledge is of some benefit. I think it's incumbent on the minister or his sidekick there, the mover of the Bill, to tell us, if they don't think this amendment should pass, why the Administrative Procedures Act shouldn't apply to regulatory boards established under the regulations of this Bill. If they lack faith in the provisions of the Administrative Procedures Act, perhaps they should tell us why and tell us what they propose to do about deficiencies in that Act if it's deemed inappropriate to apply the sections of that Act to the Bill that we're amending right here. Members of the committee deserve a little bit more than that.

MR. CHAIRMAN: The hon. Member for Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Chairman. The minister's speech on the amendment regarding possible delay in the Bill perhaps does make a case for delay in the Bill. If the minister is not able to address the importance of applying the Administrative Procedures Act to this particular amending legislation, then perhaps we should go back to the drawing board and have another look at it. I'd like to draw the attention of the House to section 12 of this particular Bill, which repeals the old section 17 and gives wide-ranging authority to the director to inspect, audit or examine the records of a person required to keep records under this Act, and further, for the purposes of the Act, to enter the premises and

require the owner or manager of the premises or place and any other person on the premises or at the place to give him all reasonable assistance and to make reasonable efforts to answer - . . . questions.

These are very wide powers of search and seizure, in effect, which are provided for under this legislation. It goes on and on for two pages of all of the different things that can be done by the director to obtain information under this Act.

[Mr. Jonson in the Chair]

Applying the safeguard of the Administrative Procedures Act is a very modest restriction or curtailment, if you like, on the power of an official under this particular Act, the Licensing of Trades and Businesses Act. So my colleague from Edmonton-Mill Woods has put forward a very reasonable amendment to the legislation, and the minister has not yet responded. He simply said that he doesn't want a delay; he wants to move. If he wants to move, he should move at least according to the strictures of the Administrative Procedures Act, and that's the point that's being made here. So we have to urge members to support the amendment and perhaps consider very carefully the type of powers that are provided under section 12 of the Bill.

MRS. MIROSH: Well, Mr. Chairman, I just want to make two comments to the hon. Member for Calgary-Buffalo. There are safeguards in place setting out the rights of appeal. The rights of appeal are in three procedures. To the hon. member, it is no different than the professions' and occupations' rights for self-governing, such as perhaps the Law Society, whereby they're designated self-governing and have rights to revoke lawyers' licences for acting out of the necessary procedures and code of ethics and what have you. I believe that this Act is no different than the professions Acts in that there are safeguards with the appeal mechanism, which is appeal to the director, appeal to the minister, and of course there's always appeal to the courts.

Thank you, Mr. Chairman.

MR. CHUMIR: Well, I might note that that is quite true, that there is an appeal mechanism, and I noted that the harsh effect of the provisions were mitigated somewhat by that provision. Nevertheless, there is the possibility that an individual could have their licence canceled or suspended without a hearing or be denied a licence without a hearing: simply a letter arriving in the mail. I would bring the Member for Calgary-Glenmore's attention to, for example, the provisions of section 4 of the Administrative Procedures Act, which deals with exactly that circumstance. It says:

Before an authority . . .

And I emphasize "before an authority."

... in the exercise of a statutory power, refuses the application of or makes a decision or order adversely affecting the rights of a party, the authority

- (a) shall give the party a reasonable opportunity of furnishing relevant evidence to the authority,
- (b) shall inform the party of the facts in its possession or the allegations made to it contrary to the interests of the party in sufficient detail . . .

And I'll paraphrase: to provide a reasonable opportunity to furnish relevant evidence and contradict the facts and allegations, and

- (c) shall give the party an adequate opportunity of making representations by way of argument to the authority.

Now, that provision is in there in the Administrative Procedures Act. It was well thought out. They could have saved themselves a lot of space and a lot of words by simply saying that after a decision has been made, there shall be an appeal. But they didn't do that. They said: before an authority makes a decision, recognizing the importance of the prior opportunity to make representations.

This is a matter, as I say, that I've raised in other contexts in this House. We tend to find that when you're dealing with professions, there is greater attention given to these matters — that form of mystique about professions — but it's just as important to somebody who holds a licence and has a more

modest occupation. You know, I sense we may be falling on deaf ears, or perhaps if not on deaf ears, at least some of the type of momentum that carries a tanker like the *Exxon Valdez* and makes it hard to turn around. So perhaps at the very least, those who are involved in legislating for professions and occupations, such as the Member for Calgary-Glenmore and the Minister of Consumer and Corporate Affairs, might take note for future reference, because we're going to see more of this legislation coming through. They would be doing a great service to many members of the public if they paid a little bit of attention to those elements of natural justice in this type of legislation. I know it's hard to turn legislation around once it's up here in committee on second reading, but we should have the capacity to learn. I think these are important features of legislation of this type.

Now, that relates to the Administrative Procedures Act issue, but we've kind of been mixing several comments. The minister's rebuttal was in respect of a very brief prefatory comment of the Member for Edmonton-Mill Woods that almost asked the question: has there been adequate consultation with people who would be regulated, groups and occupations and licensees that would be regulated under this piece of legislation? Perhaps I might simply ask that question in a very forthright and simple manner to the Member for Calgary-Glenmore. What consultation has taken place with the groups who are to be regulated under this piece of legislation in order to ensure that they've had some input and that there isn't some twist relating to the peculiarities of their profession or their occupation that causes some concern?

MR. ANDERSON: Mr. Chairman, the Member for Calgary-Buffalo in fact makes some reasoned and logical arguments with regard to this piece of legislation and generally with regard to trades and business and professions and occupations legislation.

I can inform the committee that the hon. member who sponsors the Bill, as chairman of the Professions and Occupations Bureau, and myself have agreed that as the policy evolves regarding professions and occupations in an overall way, we're going to try and standardize a number of the ways in which the discipline portions and the representation of consumers and so on exist on various boards.

I would say, though, that with regard to this particular Act we have allowed for enough flexibility that we can deal with the individual issues that are before us. The member asks specifically about consultation with groups who might be affected. There are, in fact, a number who might be affected. We are in the process of establishing a base for the funeral industry with a committee that represents consumers, the industry itself, and department people. We're doing the same with the automotive industry, and provisions may apply to others. Each has a unique circumstance, and we do require some flexibility in dealing with those. I believe we require this kind of legislation now as we deal with the rapid change that's faced by Albertans.

Having said that, while I don't support the amendment, I do support the member's suggestion that in the long term, as we evolve this legislation and others, there should be some standard, as much as that can be done with the differing groups and the differing circumstances, to the kind of appeal process and the kind of input mechanisms that are there from consumers.

Mr. Chairman, again I would urge defeat of the amendment, but the concept by the Member for Calgary-Buffalo, given in a reasoned way, is one that I think we all should consider over the next length of time. I would emphasize that to hold this piece

of legislation or any other till all of that standardization takes place would be to put consumers in some jeopardy in regard to evolving our entire system of legislation, in waiting until that happens. I would urge the House not to follow that direction.

MR. DEPUTY CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. DEPUTY CHAIRMAN: Further discussion on the Bill? Are you ready for the question? Title and preamble?

AN HON. MEMBER: Hey! Whoa.

MR. McEACHERN: Excuse me.

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Kingsway.

MR. McEACHERN: So back on the main Bill, my colleague from Edmonton-Strathcona, who unfortunately can't be here tonight, has suggested that the Bill gives the minister and the director of trades and businesses a very wide regulatory power; and that the regulations become a very important part of the Bill, so to speak; and that if the government really wants to proceed with this legislation, they might table the regulations so we could see them. It would seem to me that that would not be an unreasonable request. So perhaps the mover of this Bill would be prepared to table this – I'm not sure that "table" is the right word – but to adjourn debate on this Bill at second reading for some time, until we have a better chance to look at the regulations that go along with the Bill. So I would put that request forward.

To some extent I agree with the minister that the re-regulation of the deregulated various industries Acts that we have may be . . . The protection of consumers is important, and it would be nice not to have to wait till fall, perhaps, depending if you've really done enough homework with the various groups involved. I don't think that's clear yet, and I don't think the Bill, as it's presently constituted, necessarily is just the way it should be, that perhaps it could take some fine-tuning yet. So I make that request.

MR. DEPUTY CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[The sections of Bill 4 agreed to]

[Title and preamble agreed to]

MRS. MIROSH: Mr. Chairman, I move that Bill 4 be reported.

[Motion carried]

### Bill 6

#### Alberta Health Care Insurance Amendment Act, 1990

MR. DEPUTY CHAIRMAN: The Member for Cardston.

MR. ADY: Thank you, Mr. Chairman. This amendment to the Alberta Health Care Insurance Act is for the most part a housekeeping amendment to clear up some of the wording in it and to make certain changes that are necessary because of the coming into force of the Physical Therapy Profession Act in 1985. I would anticipate that there would be very little debate and certainly no amendment to this Act, so perhaps we can move very quickly with it.

Thank you.

REV. ROBERTS: I'm always willing to oblige the Member for Cardston, Mr. Chairman. I would like to make a few comments. In the wisdom that I'm sure the government would want to benefit itself of, I had three amendments distributed.

I do agree with the Member for Cardston, who has presented this Bill, that in some respects it can be seen to be just a housekeeping Bill with some minor alterations to a very important Act of the Legislature, as we know, the Alberta Health Care Insurance Act. But I'm very concerned that when we do open up a Bill of this magnitude and importance, we don't want to do so lightly. In fact, a number of questions are begged when we change one part of it or another, and we can't just go on thinking that we can just include physical therapists, as they need to be included within the full spectrum of health care delivery in the province, without realizing there are some other implications and repercussions. Certainly the care of rehab practitioners, whether they're physiotherapists or occupational therapists or others – chiropractors for that matter, any others who have expertise in this very vital area of health care delivery – need to be taken very seriously, and we want to do that here tonight.

One of the things I would like to raise is the whole business of just how many providers we want to have on fee for service under the health care insurance billing plan. I mean, we've stopped at this point with physical therapists. We know in fact there are occupational therapists out there that would like to have the same treatment, there are psychologists who's college would like to have them included in the plan, or dieticians and a variety of other providers of service represented by their college want to get in. For some reason, the member and the government have drawn the line with physiotherapists. I think they were included in 1982, and these housekeeping amendments now raise this question again – I think it's a very serious question – which we need to take a wholesale look at. My final amendment, in fact, deals with that in some respect. As well, the business of just how they are remunerated is another question that's begged.

So you'll see, Mr. Chairman and members of the committee, the three amendments I have. Well, there are actually two, under sections A and B. I think the first one is very important, to point out that if we're going to include physical therapists and their college as bodies to which the minister, when they're reassessing claims, can issue information, I think it's important to note that in fact the locus of practice for physical therapists increasingly is in freestanding walk-in clinics or mediclinics. You know, you can drive down the street and it says there "Physiotherapy Clinic." It's not a hospital. It's not a long-term care centre. It's not a doctor's office. It's a physiotherapy or rehab clinic. Moreover, some of these physical therapists are in practice with other practitioners in a mediclinic that has a variety of services, not just rehab but diagnostic and other treatment services. I want to point out to members that we can go ahead and include physical therapists here, but by doing so, realizing

that an increasing amount of their practice is done in these freestanding clinics, clinics such as these in this province go completely unregulated. I think that bears a lot of examination, because with more and more business, more and more health care delivery, more and more providers actually doing business through mediclinics, a number of questions can and, I think, should be asked with respect to just what goes on there and that certain minimum standards, certain things by regulation should be completed.

It's not just me that's saying this, Mr. Chairman. We're familiar with the Watanabe report on the utilization of medical services that was done in the province. They, too, in an appendix to that report, looked at this same issue and talked about the whole phenomenon of mediclinics and what it's doing to us in the province. This is an appendix to that report by Dr. Hatfield and Mr. Rowand, who, in their look at walk-in clinics and how we have practitioners and others practice in them, have a whole section here on regulation of walk-in clinics. This is speaking to the amendment. If I may quote from this report, not at length, it says:

At the present time, there are no rules promulgated by [Alberta Health Care Insurance Plan] or by the College of Physicians and Surgeons which distinguish walk-in clinics from other physician practices. Indeed, materials supplied by Dr. Cassin indicated that "the College of Physicians and Surgeons of this province did not respond to [his] recommendations for standard setting for accreditation for free-standing ambulatory clinics ..."

Well, we know Dr. Cassin, a respected former member of this Assembly, asking government, to say let's have some regulations; the government report asking for regulations.

I haven't pursued the matter to know exactly what the regulations might include, though I do know that we might look at the number of patients one practitioner could see, the kind of equipment that might be necessary if they are going to go into practice, what the procedure is for issuing requests for certain tests, and so on. All of these very necessary matters which go on regularly at walk-in clinics by physiotherapists and others are just not regulated. I want to help government out here and improve the system by just adding in this amendment that at the end of section 7 the minister, in prescribing a number of matters in the regulations, may also prescribe

conditions for the operation of walk-in clinics, mediclinics, and freestanding community health centres that provide health services such as physical therapists provide in them.

Another recent report out of the province of Manitoba commissioned a couple of years ago is just out. The *Globe and Mail* had to get it through Access to Information, but they got it. It shows that

As many as 13,000 Manitobans may be receiving an unnecessary duplication of services from walk in . . . clinics each year.

That's a lot of people, a lot of money, and I think if we're going to do ourselves a favour with these walk-in clinics and rehab clinics that physical therapists and others work at, we need to have the regulations which can look more closely at this whole matter. Again, I argue the point strongly that if in Bill 6 as it's set forth we want to be able to reassess certain claims, it's going to be hard to know how to reassess those claims if we don't have better ways of examining what's really going on in their areas of practice. So I offer this amendment, based, as I say, on the government's own report, based on what the former member of this Assembly has said, based on studies in Manitoba and other places, and I think it's not asking much: that the minister may prescribe regulations governing clinics and these areas of practice in which physical therapists work.

The second one, under section B is, I think, a bit contentious, because when we want to reassess a claim that a practitioner is receiving payment for, basically the Bill is saying that the information should go to the college, to the practitioner, and I think to the patient involved. That's well and good. However, we're talking discipline here. We're talking standards which really must be kept high. What's happening when a complaint or investigation is launched – I might just remind members that under section 8(2) of the current Act, these investigations or complaints are raised when in the minister's opinion the claim for benefit is unjustifiable, when the total amount of the benefit paid was higher than it should have been, when the services provided were inappropriate or unnecessary, when the service could have been provided or replaced by another professional at less cost or was provided when it wasn't medically necessary. I mean, these are some pretty grievous violations, which, in the minister's opinion, when they assess the claim – there are criteria for assessing whether or not the claim is a legitimate one or, in fact, falls under section 8(2).

This amendment makes the point that it's not just for the practitioner and the college and the minister to know about these things. I think this is not a private matter; this is a public matter. These are public funds that are being expended, this is a public health care system, and if these kinds of abuses are going on with respect to how claims are being assessed or need to be reassessed because of some abuse, then I think that matter perforce needs to be made public. Now, I know someone will say, "Well, that's very harsh; you don't want to blacklist a physical therapist who has been found to provide faulty claims for one of these matters." But they're in a very privileged position now, being able to bill the health care insurance plan. I think if they have been found to be guilty of one of these provisions, where the minister thinks the claim is faulty, then it's not just an internal matter; it's a public matter.

Furthermore, it's not just me saying this to point the finger in terms of the public good; it is in fact the former Minister of Hospitals and Medical Care himself who agrees with me on this point. I think if he spoke at that time in terms of government policy, then I think government today needs to back him up. I mean, this was back in 1987, just a couple of years ago, in the Public Accounts Committee when this issue came up in terms of the Auditor General looking at how payments for Alberta health care were not being as carefully monitored as they could be. The issue came up about practitioners who fraudulently bill the plan or who fall under section 8(2). At that time, on page 120 of *Hansard*, I asked the minister: would you make the names of those doctors public, as you said last year you were going to do? The minister at that point said yes, it's an important question:

If we do suspend doctors from the right to bill the plan because of fraudulent billings, indeed the names of those doctors will be made public.

Well, I haven't seen any action on that since that date. Again, I argue that it's in the public interest, not just to blacklist certain practitioners. If there's been a claim reassessed and if there's been some way in which they worked through and found that this practitioner is providing unnecessary services or charging too much for services or any other of these criteria they're falling below, then it's not just for that patient, that practitioner, and the college to know, it's for the public to know and for people, of course, to avoid that practitioner and for others with peer pressure to improve things all around.

So as I say, I point this out for government because the former Minister of Hospitals and Medical Care is already on record in terms of supporting my amendment, or at least I'm

just reiterating what he already said two years ago. So I would expect government support to come in on that one.

The last amendment I would like to raise is getting back to this business of how many practitioners and health care providers are we going to have on fee for service on Alberta health care insurance plan just billing the plan over and over? Now, I argue and I think, and I've talked to many practitioners who also know that fee for service doesn't always have to be the way to go. In fact, it sets up a very false economy in some respects, sets up some workaholicism and other ways in which quality might deteriorate. In section 11 of the Health Care Insurance Act itself, it does provide for

The minister [to] enter into agreements or arrangements for the payment of benefits on a basis other than a fee for service basis. That's fine as far as it goes. What I'm asking for in this amendment is to say that those agreements or arrangements can go even further or we can spell them out and say those agreements or arrangements may include remuneration by salary, payment by a capitation system, a fee for service as we have, or a combination of all these. I think this is essential. If we're going to control health care costs and we want to provide people a decent return for their expertise and their service, we need to be able to explore with them ways of being remunerated other than just simply the fee for service basis, and I say this particularly for physical therapists.

Now, some physical therapists, as we know, are already on salary, being based in hospitals and long-term care facilities. They receive a salary for the work they do in those centres. I'm wondering whether they cannot also be employed by a clinic that isn't owned or operated by other physical therapists but, say, by government, who sets it up with a nonprofit board. They could be hired on a salary to provide services for people who need their services, but they would be remunerated by a salary. Capitation is, I know, unpopular among some practitioners, but it basically says: "Okay, physical therapists, say there are 500 of you in the province. Here's the \$5 million this year that you will be allocated, so based on what past practice has been, find ways within this capped amount, within this global amount, to offer services within that capitated amount." It's done in many places through the world, this capitation system. Again, I know the former minister talked of it as an idea he was intrigued about. Some are very threatened by it, but I mean, we all have to live within some global budget. It's not that intimidating. In fact, I think it offers some creativity on the part of the practitioner to really provide excellent service given a limited number of dollars.

So those are my amendments, Mr. Chairman. I know they are just trying to help with this basically housekeeping Bill, but when we begin to alter some aspects of the existing Health Care Insurance Act, we have to be careful what that does and some of the implications. These, I think, are some of them and need to be supported by government and all members of the House here tonight.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you. Just by way of clarification, unless advised otherwise by the mover, it would be my intention to deal with the amendments as a package of three.

The Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Chairman. I was just going to ask you or the member to split the amendments. I believe they

are stand-alone and quite separate, and I'd like your consideration of that, sir.

MR. DEPUTY CHAIRMAN: Well, I think rather than debate it, if the request has been made, that's the way we'll go. It works better that way, I think.

Please proceed.

MRS. HEWES: Thank you, Mr. Chairman. I was prepared to speak in favour of the Bill, and very briefly I think it's an important piece of legislation to bring the physical therapists into the picture in a legislative fashion.

Also, Mr. Chairman, I want to support the first amendment that the Member for Edmonton-Centre has presented. I believe this is a good amendment, and since the Act is open, I think this is an important time to place it in the legislation. Medicentres, mediclinics, freestanding community health clinics are now an established part of the entire health care system. They are established in our neighbourhoods, and I think they provide a valuable service in many neighbourhoods. They do take some of the pressure off emergency rooms in acute care hospitals. They're accessible to young families, and I think they've proved themselves. But I do believe the time has passed when we should have particular conditions and standards for the operation of these clinics, as Dr. Watanabe acknowledged.

Mr. Chairman, these clinics often, in the case of community health centres, serve the particular needs of groups of people that otherwise would probably not find themselves receiving health care. I'm thinking in particular of the Boyle McCauley health clinic, with which many of us are familiar, in downtown Edmonton. I think that type of centre is going to become more prevalent as we move more securely into the business of prevention and keeping people well. These community health clinics not only serve the physical needs of people but go in great measure to serving the needs of the mental health of people, particularly people in our inner cities where poverty is a major problem and broken families and violence in families are often part of the health problem that is being experienced.

Mr. Chairman, I'm also aware that there are increasing plans and proposals for clinics for special-needs groups such as women. There is a proposal in the city of Edmonton, partly sponsored, I believe, by the YWCA, to establish a walk-in health service information and referral service for women.

I think the increasing incidence of these types of proposals, Mr. Chairman, makes us aware or should make us aware that we need at this point in time to develop operational standards and conditions for operation for these types of clinics. I will support amendment A.

MR. DEPUTY CHAIRMAN: Any further discussion on amendment A?

SOME HON. MEMBERS: Question.

[Motion on amendment A lost]

MR. DEPUTY CHAIRMAN: Moving on then to amendment B 2.1 Does anybody wish to speak? The Member for Edmonton-Avonmore.

MS M. LAING: Thank you, Mr. Chairman. I certainly rise in support of this amendment. In fact, the money that goes into the health care system is public dollars. If those dollars are

obtained fraudulently or through a practice that does not meet the conditions under which payment should be made, then that person certainly needs to be held accountable and, I believe, held publicly accountable for that matter. They should not be protected from feeling the full measure of censure in terms of having in fact defrauded the people of Alberta.

MR. CHUMIR: Speaking on 2.1, the proposed amendment to section 8, Mr. Chairman, I would like to say that aside from the philosophy of this particular amendment, I am extremely uneasy about the process. This seems to be an evening for discussing fair and due process.

Disclosure carries with it a public taint, of course, and perhaps it is appropriate that some billing practices should have such public taint. But the taint in this instance is meted out by the sole judgment and discretion of the minister. Note that there are no procedures here set out for due process. There's no independent adjudicative body. There are no standards, merely a statement that the minister may make certain decisions with respect to billing and thereafter the minister may at his or her discretion make public the name of the practitioner. Under these circumstances the doctors, it seems to me, would be at the mercy of the minister.

They used to say in our old equity classes in law school that the courts of equity were governed by the chancellor's conscience, and there arose from that a saying that the chancellor's conscience varied with the length of the chancellor's foot, meaning it very much depended on who the chancellor was. In this instance I find altogether too much of a situation in which the disclosure practices may vary with the length of the minister's conscience and the length of his or her foot. So I would not choose to support this amendment on that basis.

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Centre.

REV. ROBERTS: Thank you, Mr. Chairman. I appreciate the comments from the Member for Calgary-Buffalo. I just want to point out that if he reads section 13 of the Health Care Insurance Act as it currently is, it gives a number of safeguards, a number of ways in which the person named can appeal to several bodies. Not being a lawyer, it does seem to me to satisfy a good deal of due process that I think would impress the Member for Calgary-Buffalo and others of the Assembly.

MR. ADY: Pertaining to section 8 and the proposed amendment, I think we have to keep in mind that we presently have a disciplinary process in place for the professions. I'm not confident that this body should move to destroy that or to replace it, especially with an amendment. This is a very broad step the hon. member is proposing. I think we've seen some very dire penalties handed down by the various colleges or professional bodies that have jurisdiction under the Act for carrying out disciplinary action on their respective members. We've seen lawyers disbarred. We've seen doctors have their licences removed. We've seen a variety of heavy fines passed out to various members of professional bodies. I think we're a long way away from taking a step this broad, to move this unilaterally to do this. I think that if we were going to do this, we would need to revisit the whole structure of the disciplinary bodies we have in place in this province. We'd have to remove it totally from the colleges or the governing professional bodies.

This would be a total departure, and I don't think we should move that far.

I think the amendment calls for drastic action, and I would urge the members of the House to defeat the amendment.

REV. ROBERTS: This guy's got me going. I do wonder what to believe out of this government. Because it is clear – and I know the former Minister of Hospitals and Medical Care took a lot of heat two years ago when he made these comments, but I think, you know, it's a matter of public trust and public dollars. It's a thorny issue in terms of discipline and the rest. The minister back on December 9, 1987, made this comment. It was reported by the media; it's in *Hansard*. I don't imagine the former Minister of Hospitals and Medical Care could have been that irresponsible as to have made such a statement at that time and to now be retracted by government at this point. I'd like to know what the real story is here, you know, as someone who's a lowly opposition member and trying to make sense of the conflicting messages we get from government. I hear the minister say: yes, we'll make the names public. Mind you, he says that it would be in a schedule at the end of the year or something. He wouldn't go heralding the name in neon lights or anything, but there would be ways in which the disclosure would also be to the public. I guess if you want to disagree with the former minister, it's a prerogative. I know times change. But it's hard to know who you can trust, and it's hard to know what single message we're getting from government with respect to this very important issue.

MR. DEPUTY CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

[Motion on amendment B 2.1 lost]

MR. DEPUTY CHAIRMAN: Moving, then, to amendment B 2.2.

MS M. LAING: Mr. Chairman, I'd like to speak in support of this amendment. I think it's very important that we provide health care to increasing numbers of people who need it for a variety of reasons, particularly, as was mentioned earlier, in the area of mental health services, which are for the most part excluded from our health care system. I think that through this amendment we are able to provide health care to many more people and keep health care costs under control. As it is, the great fear is that if we start to meet all of the health needs of the citizens of this province, the cost will be unreasonable and unbearable. One of the ways to keep it within line, then, is to include different kinds of remuneration including salary. Certainly this would tie in with the notion of freestanding community health clinics with volunteer community-based boards, which could be truly advantageous to the people of the province through not only lowered costs but providing service as it is needed within the community in which it is needed.

So I would urge support of this amendment.

MR. ADY: I think we have to see this amendment for what it really is. If we consider what's proposed here, it has to do with putting all professional people on a salary to work for the government. I don't think that we're quite ready for that. If we're going to move doctors onto a salary, we're going to remove all of the incentive that is prevalent in the private

enterprise system that we have in this province. To remove it from our professional people, I think, is going far beyond what we're prepared to do at this time. I'd certainly urge all members to defeat this amendment.

MS M. LAING: Mr. Chairman, I must respond to the last statement just made. I am a health care professional. Before I came here, I worked for a salary at a community-based health centre, and it did not in any way, shape, or form destroy my initiative. People work for other reasons than money. They work to provide service, to improve the well-being of the citizens of the province, to create a more humane society. That some people think the profit motive is the only reason we go to work is certainly to miss why a great number of people in this province and in this country not only go to work but do volunteer work. What does the hon. member think volunteer work is all about if all people ever do is work for money and to get ahead in a monetary sense?

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Kingsway.

MR. McEACHERN: Yes. It was an incredible statement just made by the Member for Cardston. To consider that the health care system is a private enterprise system, what's he telling us? That he intends to privatize the health care system, for heaven's sake. That doctors only work because you pay them some kind of a private fee. That all health care professionals have to be put on a fee system. Are you in this Assembly because you're on a fee system, or have you got a salary? Do you work less hard or . . .

MR. DEPUTY CHAIRMAN: Order, hon. member.

MR. McEACHERN: What's out of order about that?

MR. DEPUTY CHAIRMAN: Would you please resume your seat? [interjection] The Chair does not at this moment have to quote citations, hon. member.

I would ask you to address the Chair in the proper manner and not engage in direct contact with another member of the Assembly, verbally, as it is.

MR. McEACHERN: Okay, Mr. Chairman. I agree that I should not address him directly.

Through you, then, to this member: does he really think that he would work harder in this Assembly if he were given some kind of fee for the hours he puts in? [interjection] Just forget it, Stan. Just go smoke your cigarettes and forget it, okay?

The member really has a most extraordinary view of the health care system. The health care system is one in which we concern ourselves with the health of all Albertans. It's not based on some kind of private enterprise ethic that somebody's going to make a pile of money out of somebody else's ill health. It's important that the members in this Assembly realize that and not think they can basically put one health care professional after another after another on some kind of fee-for-service basis that will burden the taxpayers to the point where they'll then start to claim that they can't afford the health care system. As a matter of fact, it would make a lot of sense to have the majority of your health care professionals on salaries, and a lot of them are. I'm sure that a nurse doesn't work any less hard

because she's on a salary than a doctor who's getting a fee for service. So I don't understand the mentality of this member.

There's certainly nothing wrong with this amendment; it makes perfect sense. Nobody has said that you have to automatically turn everybody onto salaries overnight, but it would save the system a considerable amount if we did move in that direction. So, Mr. Chairman, I suggest that this amendment is a good one, and if the best argument your side can put up is that argument, then you've got no reason not to accept this amendment.

MR. DEPUTY CHAIRMAN: The Member for Vegreville.

MR. FOX: Just to point out what the amendment actually says, for the benefit of my friend and colleague from Cardston. I recognize that his riding is very close to the United States, where they base their health care system solely on the profit motive. Not only is that a system that is grossly unfair to people in their country, but it's an extremely expensive system. If an analysis were done, I think it would show that the cost of their health care system as a percentage of gross national product is somewhere in the neighbourhood of 12 percent; whereas our publicly funded system, which has the goal of being universally accessible, in spite of the fact that the Conservative government seems intent on destroying that noble goal, is somewhere in the 8 to 9 percent range. So our system is not only defensible in terms of its humanity, in terms of its compassion, in terms of its ability to respond to the needs of people with or without money, based on their need; it's also an efficient system. I think the Member for Edmonton-Centre is simply proposing ways that it could be made more efficient.

The amendment says, "which may include remuneration by salary, payment by capitation or a combination of payment methods." That leaves ample room for fee-for-service formulas, and I think the Member for Edmonton-Kingsway raises a very interesting point here by implication. The Member of Cardston as mover of the Bill, and hence the entire Conservative government, is implying that either they want to move nurses and other health care professionals towards a fee-for-service kind of system or else they're saying that the system as it's currently structured provides no incentive for them, destroys their motivation, and by implication that they're not doing a very good job. I think that's an indefensible claim, and I think the Member for Cardston perhaps owes other health care professionals in the province either an apology or a reversal of his commitment to vote against this amendment, perhaps encouraging his colleagues to look seriously at it.

MR. DEPUTY CHAIRMAN: Order please. The Chair would observe for all hon. members that this particular movement away from the actual amendment, I think, has been well voiced on all sides. Perhaps we could get back to the amendment that is before us in the more narrow and direct sense.

The Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. I want to speak just briefly to it and talk of the incentive motive that the Member for Cardston spoke of briefly when he urged members to vote against the amendment. The problem with the incentive motive in the health care system is that too often what we do is we take it away from providing a health care mechanism to making a money-making opportunity for certain professionals. There are those people out there who would love to provide proper health care to their patients, yet they would not receive



sufficient funding to be able to provide proper counseling to those patients based on the number of patients they would see over the course of an hour.

If we're going to move our system into the kind of preventative health care system that I'm sure all members want to have, we're going to have to look towards having a number of physicians and medical consultants on a salary basis so they will ensure that after spending a number of years in universities that are heavily subsidized by this government for those students to get through programs so that they can go out and provide a practice and make a good income – we're going to have to make sure that some of those people that want to practise preventative health care have a decent living to look forward to.

This measure, this amendment goes in that direction, and it's certainly worthy of consideration and worthy of support.

MR. DEPUTY CHAIRMAN: Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Chairman. I speak in favour of this particular amendment, which provides some specific alternatives to the minister. I just want to read for the benefit of members what the balance of section 11 says so that they have some idea what they're voting on. Section 11 says

The minister may enter into agreements or arrangements for the payment of benefits on a basis other than a fee for service basis. We're adding the words, "which may include remuneration by salary, payment by capitation or a combination of payment methods." Now, how on earth the Member for Cardston can interpret that as meaning that everyone in a profession has to be a civil servant, I think, is beyond reason and logic. It's perhaps a different dimension in logic than I'm familiar with.

I simply want to reflect for members on the experience that I've had as part of the community clinic movement. I've been involved on the board of directors of a community clinic which operates on a not-for-profit basis, in which physicians collect a salary rather than a fee for service. There are a number of interesting consequences of that type of system. One is that there are fewer visits by patients to the doctor. It just so happens that on a fee-for-service basis there's an incentive to create more visits, perhaps, than might be thoroughly necessary under a different set of circumstances.

It does sometimes allow the possibility of a physician spending more time with a particular patient. That's a particularly good thing in the case of certain types of problems: elderly people, who need a little more counseling perhaps and advice on how to cope with the complex medical problems that come with aging; young mothers or expectant mothers, who sometimes need to spend a little more time. The salary model, which can be financed by a grant or a capitation, does provide some useful alternatives in the health care system. Sometimes fee for service becomes assembly line medicine. All that's being done in this particular amendment is to offer some positive suggestions, some ways this type of thing can be done.

You know, it isn't the case that every visit to a doctor has to be tied to a particular fee. I remember very well the controversy we had in this Assembly a couple of years ago over contraceptive counseling, whether that should be in or out of the fee schedule. Of course, it was the judgment of the government

that it should be taken out. Marvin Moore, who was at that time the minister of health in this Assembly, tried to make the case: "Well, we're not outlawing contraceptive counseling. What we're doing is taking it out of the fee schedule. They can do it; they just can't be paid for it." That was the type of logic that was applied in that situation.

Well, it might make very good sense if you weren't operating on a fee-for-service basis, if you had another model available within the health care system. That's simply what my colleague for Edmonton-Centre is doing: putting forward a positive suggestion on how we can organize medicine on other than a fee-for-service basis. If you have those alternatives in the system, you can do research; you can figure out what types of medical services are best provided for on which model. It doesn't all have to run through on the one model, a rather expensive model, under which most medical practitioners operate.

So I hope that with that clarification the member now sees the eminent wisdom of my colleague's amendment and will therefore vote in favour.

HON. MEMBERS: Question.

[Motion on amendment B 2.2 lost]

[The sections of Bill 6 agreed to]

[Title and preamble agreed to]

MR. ADY: I move that Bill 6 be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. JONSON: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills and reports the following: Bills 1, 3, 4, and 6.

MR. SPEAKER: Those in favour of the report, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried.

MR. HORSMAN: Mr. Speaker, by way of advice to the members, the business of the Assembly tomorrow evening will be the estimates of Culture and Multiculturalism in Committee of Supply.

[At 10:40 p.m. the House adjourned to Tuesday at 2:30 p.m.]

