

Legislative Assembly of Alberta

Title: **Wednesday, June 6, 1990 2:30 p.m.**
Date : 90/06/06

[The House met at 2:30 p.m.]

[Mr. Speaker in the Chair]

Prayers

MR. SPEAKER: Let us pray.

O Lord, we give thanks as legislators for the rich diversity of our history.

We welcome the many challenges of the present.

We dedicate ourselves to both the present and the future as we join in the service of Alberta and Canada.

Amen.

head: **Introduction of Bills**

Bill 55

International Conventions Implementation Act

MR. ROSTAD: Mr. Speaker, I request leave to introduce a Bill, being the International Conventions Implementation Act.

From time to time the federal government enters into conventions with various countries around the world, and for that convention to have effect in any particular province, a Legislature has to enact legislation. The International Conventions Implementation Act enacts the following three conventions: the Convention on the Law Applicable to Trusts and on their Recognition; the United Nations Convention on Contracts for the International Sale of Goods; and the Convention Between Canada and the United Kingdom of Great Britain and Ireland Providing for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters.

[Leave granted; Bill 55 read a first time]

Bill 56

Gratuitous Passengers and Interspousal Tort Immunity Statutes Amendment Act

MR. ROSTAD: Mr. Speaker, I request leave to introduce a Bill, being the Gratuitous Passengers and Interspousal Tort Immunity Statutes Amendment Act.

This Act implements the recommendations contained in two reports of the Alberta Law Reform Institute. The Married Women's Act currently provides that spouses may not sue each other in tort; this is known as the interspousal tort immunity. A tort is a civil wrong, and this Bill will abolish this interspousal tort immunity.

The Highway Traffic Act requires a gratuitous or guest passenger to prove gross negligence in order to make his or her host driver liable, and the Bill will remove the requirement of this gross negligence so that ordinary negligence will be sufficient to make the host driver liable.

[Leave granted; Bill 56 read a first time]

MR. SPEAKER: Calgary-McKnight.

Bill 219 Arts Council Act

MRS. GAGNON: Thank you, Mr. Speaker. I beg leave to introduce Bill 219, the Arts Council Act.

This Bill provides for the creation of a 12-member Alberta arts council which, through funds approved by the Legislature, will promote the study, enjoyment, and production of works in the arts, including theatre, literature, painting, music, sculpture, architecture, and the graphic arts.

Thank you.

[Leave granted; Bill 219 read a first time]

head: **Introduction of Special Guests**

MR. SPEAKER: Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to the members of the Assembly 57 students and three teachers from the Father Leo Green school, in my seatmate's constituency of Edmonton-Belmont. I'm doing the introductions on his behalf. The teachers are Vân Hua, Leonie Poole, and Nadia Wawrinchuk. I'd ask them to rise both in the members' and the public galleries to receive the warm welcome of the Assembly.

MR. SPEAKER: Edmonton-Calder.

MS MJOLSNESS: Thank you, Mr. Speaker. It's my pleasure today to be able to introduce to you and to members of the Assembly 23 students from McArthur elementary school, located in the constituency of Edmonton-Calder. They are accompanied by their teacher Mr. Badger and parent Mrs. Bennett. They are seated in the public gallery, and I would ask that they rise and receive the warm welcome of the Assembly.

MR. SPEAKER: Athabasca-Lac La Biche, followed by Red Deer-North.

MR. CARDINAL: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the Assembly a Metis leader active in the Aboriginal Veterans Society, the friendship centre in Edmonton, and many other organizations. I'd like Mr. Henry Bedard to stand so he can get the special recognition of this House.

MR. DAY: Mr. Speaker, it's a joy to introduce to you today 35 sharp students from the St. Teresa of Avila school, in Red Deer-North. They're accompanied by teachers Sheila Spencer, Ken Cusworth, Paul Stewart, and Mary Low and also accompanied by Lyn Radford with her two children and by Mr. Warren Berry. I'd ask them to stand and receive the warm welcome of the Assembly.

MR. FOWLER: Mr. Speaker, I'm pleased to introduce to you and through you to the Assembly a special guest from my constituency Mrs. Lee Dioszeghy, who has with her her special guest Ms Madge Fitzpatrick, from northern New South Wales, Australia. I would ask them to rise in their places in the gallery to receive the customary acknowledgment.

head: Oral Question Period

Telephone Rates

MS BARRETT: Mr. Speaker, a study of the American telephone system will indicate that the big bucks are to be made in long-distance rates. That's where the competition has been the fiercest. In fact, what's happened over the years is that those private companies have been jacking up local rates to subsidize the long-distance rates so they can capture more and more of the market. But I was surprised to learn, Mr. Speaker, that the average U.S. flat monthly rate – that's just basic subscription service – is \$19 Canadian, compared to the flat rate of AGT, which comes to \$7.09 on average in the province. Now, currently and in the past as a public company AGT's policies and mandate could be to serve the people first, not to make money first. The American system, of course, has caused nothing but grief for the elderly, for small businesses, and residential consumers in general. I'd like to ask the Minister of Technology, Research and Telecommunications why it is that he's so ideologically bound to consign Alberta consumers for basic phone service to the same fate that their American counterparts have faced.

MR. STEWART: Mr. Speaker, we have no intention, nor does the federal government, who has jurisdiction, to adopt a system of regulation the same as the U.S. system.

MS BARRETT: Mr. Speaker, I noticed that in response to another question a few days ago, the minister said that everything is going to be fair and equitable: don't worry; we've got some agreements. What they've got is either nothing at all or something that is currently being hidden behind closed doors. Will the minister tell us just what protective measures he knows the feds or his government are prepared to implement to make sure that the new company, the privatized by 20 individuals company, won't jack up local rates to subsidize long-distance rates for their big business buddies?

MR. STEWART: Well, Mr. Speaker, the CRTC, the federal regulator, has been in that capacity as a federal regulator for many, many years. It has a history of sound regulation, taking into account the subscribers. It operates on the same sort of basis as the Public Utilities Board. If you look at the history and the regulation that has existed for 70 percent of all Canadians who are subject to that regulatory process, there have not been excessive rates, there has not been gouging, and there have not been spikes. It has been regulated in the public interest, as it will be in the future.

MS BARRETT: Well, Mr. Speaker, my recollection is that the biggies like Bell Tel have been told to give money back to the consumers, which goes to show that the CRTC and the feds haven't always been looking after the interests of basic subscribers.

So I'd like to ask the minister again: is he prepared to tell the people of Alberta just what sort of a deal it is that he got from the feds that will assure the protection of basic consumer services so that the new company, if it occurs, is not able to gouge individuals to subsidize the big corporations' long-distance bills?

MR. STEWART: Well, Mr. Speaker, some of the statements from the hon. member are misleading, to say the least. The

situation is that when there is a rate of return established and if there are excess earnings over that rate of return, whether it be CRTC or the old PUB, those excess rates have gone back for the benefit of subscribers. That happened with AGT in the past under PUB. It's happened with Bell Telephone, as the hon. member indicates, through CRTC. The system of regulation is much the same, and Albertans will receive a fair and reasonable public process for regulation in the future.

MS BARRETT: Yeah, but what's the deal? Tell us the deal.

MR. STEWART: As far the latter part of the hon. member's question – if she'd just be patient, Mr. Speaker – we have indeed had a great opportunity to meet with the commissioner, the deputy commissioner, and other officials of CRTC. We have met with the minister on many occasions relative to this. We have received written assurances from the minister relative to the fact that all of the existing rates and services – ILS, EFRC: all of those things – will become part and parcel of the new regulatory process. All of the rates, as I say, will be subject to the CRTC and a public process from this point on.

MR. SPEAKER: Second main question, Edmonton-Highlands.

MS BARRETT: Mr. Speaker, I'd like to designate that question to the Member for Edmonton-Centre.

Hospital Funding

REV. ROBERTS: Thank you, Mr. Speaker. There have been many Albertans involved in the hospitals throughout Alberta who have been trying to redevelop some trust in this government after their experiences with the previous Minister of Health. However, hospital people throughout the province are increasingly telling me that they are losing trust again with this new minister, particularly on the issue of the lack of funds to cover salary costs and the increasing costs of keeping beds open. Beds are closing at the Royal Alexandra hospital, and we just heard yesterday 65 more beds at the Camsell hospital here in Edmonton, and at other urban and rural hospitals. I'd like to ask the minister today about some rural hospitals that are facing difficulties as well; for instance, at the Three Hills health centre. They recently sent a letter to the minister where they express, and I quote, their "disgust with actual budget letters we have received from Alberta Health" this fiscal year. Does the Minister of Health not understand that when she tells hospitals in January that they can receive a 2 and a half percent increase and then turns around and in June cuts that budget by at least \$70,000 in this hospital, the only conclusion Albertans can draw is that this government just can't be trusted?

MRS. BETKOWSKI: Well, Mr. Speaker, I'm pleased the hon. member has raised the question, because it's obvious that the record needs to be set straight. First of all, the province granted and has effected a 3 percent increase to hospitals across the board for the year beginning April 1, 1990. In addition, I have spoken publicly in this House, I have met with the Alberta Hospital Association and certainly with the many hospital boards that I meet with on a regular basis, and I have indicated that the province is reviewing the settlement between the United Nurses of Alberta and the Alberta Hospital Association. I recognize that their fiscal year shrinks with each passing month and have committed to their association that I would have a response to them on that review by the end of June. None of those

commitments have been made in isolation nor have they been made lightly, and they will be honoured.

REV. ROBERTS: Well, Mr. Speaker, I'd be prepared to file this letter, which talks more about the acute care funding and its impact, which is a very negative impact on this particular hospital and others throughout the province. What makes matters worse, Mr. Speaker, is that instead of being up front early in the fiscal year and funding hospitals properly, hospitals are instead being told by this minister's officials to, and again I quote, "arbitrarily place patients with Blue Cross or other [private] plans in private rooms so that third parties can be charged." They go on to say that this is "unethical at best and outright theft at its worst." How can the minister not only not be trusted to fund hospitals correctly but allow her department officials to coerce hospitals into unethical behaviours such as this kind of scam going on at Three Hills?

MRS. BETKOWSKI: Mr. Speaker, I really don't know what the hon. member is talking about. I'm happy to respond to correspondence, and I will. But with respect to the acute care funding study, that's one that's under way. I discussed it extensively in my estimates, and I recall the hon. member and his interest and his endorsement of the goals and the objectives of that acute care funding study.

In addition, we are certainly looking at the funding level. We constantly keep an eye on it, and one of the issues was preferred accommodation. Yes, if an Albertan goes into a health facility and wants to have a private room or a semiprivate room, we are telling hospitals to charge for that, but that doesn't mean that the access is barred. If an individual needs the care and can't afford it, there is certainly ability to be cared for within the hospital for that, but if, if, if they wish to have that kind of room, then I believe it's a legitimate charge for the hospital to levy on Albertans.

REV. ROBERTS: No, no, no, Mr. Speaker. What this letter directly says is that these patients are "arbitrarily" being put in these rooms and that the hospital, in fact, is supposed to sell this policy to patients who particularly have Blue Cross and can raise money for the hospital.

Well, Mr. Speaker, we've just had enough of this government that cuts back on small rural hospitals yet has \$400,000 to have another review of the review of the Al-Pac project. It's just not fair for Albertans. I'd like to ask this minister: with the acute care funding problems, with the staff settlement problems, with this kind of scam going on, will she not now have an open and public meeting with the Alberta Hospital Association so that all Albertans involved in the hospital sector can be clear and can have the trust restored as they need to have it in this health sector in the province of Alberta?

MRS. BETKOWSKI: Mr. Speaker, I meet with the Alberta Hospital Association on a regular basis, and if they ask me to do another kind of meeting, another format of meeting on issues we have discussed in the past, I would be more than happy to consider those kinds of approaches. But the hon. Member for Edmonton-Centre is not going to stand up in this House and say that there has been a cutback on small rural hospitals, because it simply is not the case. Every single hospital and health unit in this province will receive at least a 3 percent increase on their base budget for 1990-91, and in addition there will be adjustments for special volume and special procedures that have been

added throughout the year. That is not a cutback: not on rural Alberta, not on urban Alberta, not on health for Albertans.

MR. SPEAKER: Edmonton-Meadowlark.

Natural Resources Conservation Board

MR. MITCHELL: Thank you, Mr. Speaker. While the new natural resources conservation board legislation does some things properly, there are ragged edges and gaping holes that still must be addressed. For example, once this piece of legislation is passed, the natural resources conservation board will consider the environmental implication of certain kinds of projects, the Energy Resources Conservation Board will consider the environmental implications of energy projects, and presumably some kind of ad hoc process will consider the implications for the environment of every other kind of project. To the Minister of Energy: why would any self-respecting, efficiency-minded government want to indulge in such blatant and unnecessary bureaucratic duplication, in fact bureaucratic triplication?

MR. ORMAN: Mr. Speaker, if the hon. Member for Edmonton-Meadowlark is suggesting that there is too much environmental assessment going on in this province, I reject that. I believe that both the ERCB and the NRCB have a role to play in environmental assessment. That's why we set up another body. I remember before we set up the body that the Member for Edmonton-Meadowlark was crying that it wasn't enough. Now he stands up and says there's too much. That's a classic Liberal position, Mr. Speaker.

MR. MITCHELL: It will be, in fact, too much if it isn't done properly, and we should have one board to do it all properly, Mr. Speaker.

The government's own Environmental Impact Assessment Task Force on page 7 recommended explicitly that the public should have a role in determining whether a given project should be reviewed by the natural resources conservation board. Could the Minister of Energy please explain why his government has chosen to explicitly deny this recommendation and put so much power instead in the hands of the cabinet to arbitrarily exclude whatever project it decides to exclude?

MR. ORMAN: Mr. Speaker, how ironic; I was just reading the same report myself for the second or third time. I might say that the report of the Environmental Impact Assessment Task Force, that was commissioned by the Minister of the Environment, made some very good recommendations. I might also tell the Member for Edmonton-Meadowlark that it was one of the first documents I read prior to sitting down and getting involved in drafting the legislation. They have made some very important recommendations. There have been recommendations with regard to a board, and we have the natural resources conservation board in place. They've made some recommendations as to environmental impact assessment within the Department of the Environment, and I know the minister will be dealing with those.

In terms of the public process I note that there is reference to public process in here. We certainly wanted to be sure that within the parameters of the natural resources conservation board we enshrined the opportunity for public scrutiny, and that is the case both in the NRCB and the ERCB. If the hon. member takes the time to carefully review the legislation, he'll

find that it's in that document, and it's an important part of the legislation.

MR. MITCHELL: I've reviewed it, and there is no provision for public input into the screening process to determine which projects should be reviewed by the NRCB.

The federal environmental assessment review process states very clearly that members on any panel that they would appoint must, among other things, be free of political commitments and have special knowledge or relevant experience that is useful for reviewing the anticipated effects. Since the objectivity and the expertise of board members in this case are so important to the effectiveness of this board, will the Minister of Energy commit to specifying as criteria in the selection of board members that they must be objective and that they must have a certain expertise specific to this role?

MR. ORMAN: Mr. Speaker, I can assure the hon. member one thing: the individuals that sit on this board will have a great deal of common sense.

MR. SPEAKER: The Member for Calgary-Millican.

Alberta Government Telephones

MR. SHRAKE: Thank you, Mr. Speaker. With the passage of Bill 371 guess we're taking AGT out from under the yoke of our bureaucracy here in the old provincial government. We're going to let it be a free enterprise corporation, go out and spread its wings and go out into the real world and compete. Most of AGT's telephones and most of the long-distance calls are made in the city of Calgary, where the revenue is made, and in Edmonton they've got their own telephone system called ET, named after that movie or whatever. They get most of the long-distance revenue it seems. Could the Minister of Technology, Research and Telecommunications please advise us: if this new free enterprise corporation makes a corporate decision to move some or all of their head office to Calgary, will they be able to do so? [interjections]

MR. STEWART: Well, Mr. Speaker, it's interesting to see the activity between Edmonton and Calgary as it relates to Alberta Government Telephones. The hon. member refers to it as basically having a Calgary presence. The fact of the matter is that the corporate and registered head office of AGT is, as the hon. member suggests, in Edmonton. The subsidiaries of AGT are headquartered and indeed have their operating divisions within Calgary, including NovAtel, of course. The operating headquarters of AGT are in Calgary. When we looked at the number of employees and the payroll that was involved in this particular operation with AGT and its subsidiaries, we found that Calgary had 4,710 employees; Edmonton, 4,733. The salary dollars: Calgary, \$172 million; Edmonton, \$180 million. In addition to that, I think it's important to note that AGT does remain Edmonton's long-distance telephone company, and \$203 million of revenue came from Edmonton subscribers to AGT during this past year.

Mr. Speaker, to answer the hon. member's question directly: it is intended to keep the status quo.

MR. SHRAKE: A supplementary question. I take it that was a flat no, and I feel like saying: ET, phone home.

One last try at this. Would you consider possibly a good compromise and move most of it down to Red Deer, because I

know the members for Red Deer have wanted it for years? It's a compromise.

MR. STEWART: Mr. Speaker, there is a much broader issue raised by the member's question, and that broader issue is the success of the telecommunications sector in this province. With the initiative that this government is taking, we are going to have a viable telecommunications company out there operating on a global basis, taking new opportunities and building on the strengths of the telecommunications industry in this province. Calgary already has NovAtel, Northern Telecom; they have a second plant of Northern Telecom as well. There is the Alberta Telecommunications Research Centre here in Edmonton. Hughes Canada have announced that they are going to head-quarter in Calgary with the Telecommunications Research Centre there. Mr. Speaker, this initiative will indeed give new impetus to the telecommunications industry in this entire province, and both Calgary and Edmonton, and indeed Red Deer, will profit from that initiative.

MR. SPEAKER: Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Speaker. Both the Premier and the Minister of Technology, Research and Telecommunications have promised Albertans that the so-called golden share, or special share, provision of Bill 37 enables the government to ensure that there will be no fundamental changes to AGT that are not in the interests of Albertans. On the strength of these promises they say that there will be no huge hikes in our phone bills, no drastic cuts in services, no layoffs at AGT. I wonder if the minister could tell me where you will find those provisions in section 5(1), on page 5, that mentions any of those things.

MR. STEWART: Well, Mr. Speaker, I think the hon. member in his preamble is totally wrong. What we indicated was that the special share will stand behind fundamental changes in the Act to protect the shareholders and all Albertans, and that is indeed the case.

MR. McEACHERN: Well, the minister should realize that the *expressio unius* rule says and means that the items which the government can influence through its special share are limited to only those items in section 5(1), which has absolutely nothing to do with reasonable rates, quality service, workers' jobs, or fair treatment of Albertans. So given that and given that this golden share has a five-year sunset clause on it, will the minister tell me why Albertans should believe that any protection is built in at all? Surely this golden rule is just fool's gold.

MR. STEWART: Mr. Speaker, for the benefit of the hon. member, the Supreme Court of Canada in August of 1989 ruled that the jurisdiction over telecommunications lies with the federal government. Matters that relate to rates and services are therefore within the federal jurisdiction. You cannot legislate in this Assembly on those sorts of matters that relate to regulation of telecommunications. What the hon. member also fails to point out, Mr. Speaker, but I will, is that the fundamental changes that are in fact protected through the special share are continued in the legislation itself in order to provide, in effect, a two tiered type of protection during the transition stage and a continuing protection thereafter through the provisions in the statute.

MR. SPEAKER: Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. The privatization of AGT is potentially the largest single public offering in the history of this country, yet we have very little information being made available other than the generalities that are made public in Bill 37. As at least two out of the three parties in this House know, when you make a public offering, there are substantial costs incurred in raising capital through a share offering. I note that in section 40 of the proposed legislation it says that the costs for the share offering are going to be paid from the General Revenue Fund. My question to the minister responsible for AGT is: what are the projections for the total costs that are expected to be incurred that will have to be paid from the General Revenue Fund regarding this share offering?

MR. STEWART: Mr. Speaker, the hon. member has recently put probably about 40 written questions and motions for returns on the Order Paper. I'm sure that is probably one of them, and if not, it should be.

MR. BRUSEKER: Well, I'll add it to the list, then, I guess. Specifically, then, Mr. Speaker, my supplementary question. What Albertans really would like to know is: what are the commissions and other fees that are going to be paid to RBC Dominion Securities as the chief underwriter and, in particular, to the Premier's long-time friend Mr. Keith Alexander, the head of corporate finance there?

MR. STEWART: Mr. Speaker, the hon. member started off his preamble to his first question talking about this being one of the largest issues ever undertaken in Canada, and he's right. If you're going to undertake such a project, such an issue, I would think that you would want one of the largest and most professional companies involved with other underwriters of a similar stature involved in the underwriting.

However, to answer the hon. member's question directly, the underwriting agreement has not yet been finalized. Until that time, those things that he had questions about cannot be determined.

Water Quality Challenge

MR. BRADLEY: Mr. Speaker, quality of water is certainly an issue which is on the minds of most Albertans today, particularly the quality of drinking water. As today was the Great Alberta Water Challenge judgment day, I'd like to direct a question to the Minister of the Environment. Could he advise the Assembly as to which community has the best drinking water in Alberta?

MR. KLEIN: Well, the winner, according to a panel of five or six judges, Mr. Speaker, was the community of Crowsnest Pass, in southern Alberta. The second place winner was Okotoks, and the third place winner was the city of Edmonton, upstream from the sewage treatment plant.

Thank you.

MR. BRADLEY: Supplementary question, Mr. Speaker, to the Minister of the Environment. The municipality of Crowsnest Pass happens to have four different water supply systems to the community. Can the minister advise which water supply in the Crowsnest Pass was the best water supply?

MR. KLEIN: Mr. Speaker, I'm glad to report that it was the great metropolis of Hillcrest.

Telephone Rates

(continued)

MR. DOYLE: Mr. Speaker, on Monday, June 4, 1990, the Minister of Technology, Research and Telecommunications gave us another one of those "all will be looked after" statements when he said:

We can be assured . . . that all costs in respect to rates and services over the years will be dealt with by a public body, an independent body, and will be dealt with on a just and fair basis.

What a flip-flop, Mr. Speaker; what a flip-flop from a previous statement when he said that the CRTC could not be counted on to have the best interests of prairie telephone users at heart. Here's what the CRTC regulations in British Columbia and Ontario mean for rural residents wanting a telephone, or new residents on a farmstead: \$2,500 per mile in British Columbia and between \$3,000 and \$5,000 per mile in Ontario. Would the minister admit that he is trying to play down the catastrophic increases that rural Albertans will have to pay as a result of privatizing their own telephone company?

MR. STEWART: No, Mr. Speaker.

MR. DOYLE: Mr. Speaker, presently all Albertans pay a basic service rate regardless of where they live. This is a far cry from rural users in Ontario, for example, where telephone rates range from \$7.40 per month to \$60 per month, depending on how far the resident is from a base rate area. Would the minister admit that under a privatized AGT, rural telephone users will be penalized not only by higher costs for new telephone lines but higher monthly service charges?

MR. STEWART: No, Mr. Speaker.

To clarify the matter in his earlier preamble, the situation was that when Bill C-41 was tabled in the House of Commons, there was an immediate fear that indeed CRTC would become the regulator for Alberta without us having had the opportunity to ensure that regional interests would be taken into account. It was not an appropriate time for us to be in CRTC's hands without these matters having been worked out. We have now worked out those matters, Mr. Speaker, and indeed the assurances that are required for rural Albertans, indeed all Albertans, are in place, and we can count on that from the standpoint of CRTC's jurisdiction in the future.

MR. SPEAKER: Edmonton-Avonmore.

Abortion

MS M. LAING: Thank you, Mr. Speaker. My questions are to the Attorney General. In the House the Attorney General has said that he will do his utmost to prevent frivolous complaints being laid against doctors for performing abortions, whereas the Solicitor General has said that he cannot prevent police investigations of complaints against doctors performing abortions. Yet such investigations would certainly harass and disrupt their work. Clearly Bill C-43 makes doctors vulnerable to capricious complaints. Will the Attorney General communicate the concerns of Alberta doctors to his federal counterparts and ask them to rescind the Bill?

MR. ROSTAD: Mr. Speaker, my comments as to frivolous actions were predicated on the comment that I made that we do not allow private prosecutions in Alberta and that once an information or evidence is brought forward and is investigated,

if there is evidentiary basis for continuing, a prosecution would be seized by the Crown and taken forward; if there wasn't, it would be abandoned. I can and have said publicly before and will say in the Assembly now that doctors will not get any favoured actions on behalf of the administration of justice. They'll get the same as everybody else does, and that is fairness. I would hope that in the context of this there would not be frivolous attempts at actions. I can only assure that if one does come, it will be looked at and, if's evidentiary sound, continued with by the Crown; if not, it'll be abandoned.

MR. SPEAKER: Supplementary Edmonton-Avonmore, followed by Calgary-McKnight.

MS M. LAING: Thank you, Mr. Speaker. To the minister responsible for women. The College of Physicians and Surgeons today is advising doctors to ensure that they are satisfied that the medical criteria addressed in the Act are met and, if necessary, to seek consultation from appropriate practitioners to support their medical decision. This leaves the woman in the untenable position of facing a second assessment, including the possibility of psychiatric examination, at a time when delays could jeopardize her well-being. Will the minister responsible for women's issues commit to communicating to her federal counterpart the hardship that the new abortion Bill will inflict on women and their doctors and recommend that the Bill be rescinded?

MS McCOY: Mr. Speaker, I have no difficulty in communicating that view to my federal counterpart. I do believe the Minister of Health would like to supplement my answer.

MRS. BETKOWSKI: With respect to the question in regard to the college and the insistence upon the second assessment, I think in this time when we are all measuring the potential effect of federal legislation, certainly from the Ministry of Health's point of view we are doing everything possible to ensure that reasonable access to this procedure continues. I'm assuming it is in that context that the college has made the recommendation they have to their members, but I would be happy to confirm that motive with the college and report back to the hon. member.

MR. SPEAKER: Calgary-McKnight.

Video Stores

MRS. GAGNON: Thank you, Mr. Speaker. My question is to the Minister of Culture and Multiculturalism. At this time in Alberta, children of any age have access to all videos, no matter how violent or sexually explicit, even those which if shown in movie theatres would be restricted to adults 18 and over. The onus to restrict access rests solely with video store owners, some whose standards are lax, a situation which the Minister of Culture and Multiculturalism, our do-nothing minister, seems willing to live with. Many Albertans, including police morality squads and some video outlet store owners, are asking for some action by this government in addressing this inconsistency. My question is: will the minister acknowledge the seriousness of the situation by consulting with police morality squads and video store owners to hear their views about the matter?

MR. MAIN: Mr. Speaker, the Alberta film classification board has responsibility for viewing and classifying motion pictures available for public display, and they do that. The hon. member,

the know-nothing Member for Calgary-McKnight, is suggesting that somehow the government insert itself into the family rooms and living rooms of houses in this province, that we should somehow tell parents how to raise their children, what standards to place upon their children. I can't see a role for the government in that sort of thing.

However, the film classification boards here and in the other provinces meet on a regular basis. They discuss questions such as this, on the viability of regulating videos. At the current time this is under consideration. I expect that in a number of months, perhaps in the fall, there will be a recommendation to perhaps establish a national board that would take a look at this problem. In light of the ongoing discussions, it seems to make no sense to make any moves at this time.

MRS. GAGNON: Mr. Speaker, I'm not asking him to insert himself into living rooms; I'm asking him to start to monitor what's going on in video stores. For the record I would ask the minister to commit to tabling in this Legislature some legislation which would protect our children and ease the minds of parents, many of whom have contacted me in this regard.

MR. MAIN: Whenever the Liberal opposition faces a problem, their answer is to pass legislation of some description as opposed to trusting parents, trusting video store operators to do the right thing.

Recently there was a study conducted in Calgary of some 76 video stores. In all but four of those there was a separate location for adult videos. All store owners contacted had a policy on renting explicit material only to adults. If there are those operators who are unscrupulous, there are remedies in the various municipalities involved. Many municipalities across the country have passed municipal bylaws restricting the sale and rental of and access to this type of material. Mr. Speaker, 90 percent of the videos that are available for rent right now are classified on the box. There's information on 90 percent of them on the content of the material. I can't imagine what difference adding another sticker to that box is going to make. Once again, I believe it is the responsibility of parents to ensure that the material coming into their homes is appropriate.

MR. SPEAKER: Calgary-Foothills.

Trucking Rates

MRS. BLACK: Thank you, Mr. Speaker. My question is to the Minister of Transportation and Utilities. The independent owner/operator truckers' association has made a plea for increases in their fees to enable them not only to make a living but to also maintain their rigs. In response to their plea, over 100 truckers in Calgary have voluntarily withdrawn their services. My question is: does the minister intend to assist Alberta truckers in obtaining the minimum hauling rates they require in order for them to stay in business?

MR. ADAIR: Mr. Speaker, as I said yesterday in response to a similar question, our understanding is that the independent operators enter into negotiations with the companies and sign an agreement by which they then operate. I have not to date had any request from any of the truckers to try and get the parties together. If I did get that request, I would take a look at what we may be able to do to assist in getting the operators, if they are having difficulty, sitting down with the owners to talk about rates. But, basically, to this point in time it's been a decision of

the independent operator and the company and a position of the two of them to sit down and do it on their own.

MRS. BLACK: As a supplementary, Mr. Speaker, does the minister realize that the trucking industry is not like other business ventures in that when truckers are forced to cut costs, they do so by working longer hours, letting their tires wear out, and going longer between vehicle servicing? These measures serve to make the driver and the equipment a safety hazard on the highways. What steps will the minister take to ensure that highway safety is, in fact, maintained?

MR. ADAIR: Well, Mr. Speaker, some time ago, long before I became the Minister of Transportation and Utilities, the industry and the department, at that time Transportation, worked out a deal where we in the province of Alberta are the least regulated of any province in Canada. Recently all of the provinces in Canada signed an agreement, and that's the National Safety Code. In that National Safety Code are some 16 particular items that are checked and measured, including hours of work, the shape of the vehicle, the inspection process, the CVSA; that's the Commercial Vehicle Safety Alliance standards for inspections. All of those are in place now and would apply. I'm confident that the trucking industry itself within the province is operating well within those standards, because we as a province do the most checks basically of any province in Canada. Last year, 1989, we did over 17,500 inspections compared to, say, British Columbia's 6,700.

MR. SPEAKER: Edmonton-Jasper Place, followed by Edmonton-Whitemud.

Special Waste Treatment Centre

MR. McINNIS: Thank you, Mr. Speaker. My question is for the Minister of the Environment. May I first extend to him my condolences and those of my colleagues for the bereavement in his family.

The Swan Hills special waste treatment facility suffered losses of some \$25 million in each of the first two years which have escalated to some \$35 million this year. The Von Roll rocking kilns in that facility have shown themselves ineffective for the designed purpose, dealing with the incineration of contaminated solid waste material. As a result, the joint venture is in the process of in effect building a new plant within a plant to deal with that facility. The Minister of the Environment chose this week, Environment Week, and the meeting of the Cascadia group of legislators to once again speculate about bringing hazardous waste into Alberta from other jurisdictions, the third time in my memory that he has done that. He said that the public would be consulted, and I appreciate that, but I wonder if the minister would perhaps reconsider and provide information regarding the evaluation reports of the Von Roll rocking kilns and the market surveys for the new kilns which are being installed as part of that input process.

MR. KLEIN: Mr. Speaker, I thank the hon. member for his sentiments.

To answer the question, I said that if we received inquiries from other jurisdictions, then we would consider entering into discussions with those officials. Indeed, we have received a request from the province of British Columbia to accept into Alberta at Swan Hills toxic materials from that province. We have received a request from officials of the Northwest Ter-

ritories to receive toxic materials from the Territories, and we have received another request from the Environment minister in Quebec to again accept some of the PCBs that were rendered harmful through the fire at St. Basile le Grand. Basically, Mr. Speaker, at this particular time we're in the discussion stage.

With respect to the rocking kilns, the department has acknowledged that indeed there was an underestimation of the amount of materials that would have to be destroyed that were contained in soil and so on as opposed to liquids, which could be destroyed quite readily. Indeed we're going to compensate for that factor by installing a very significant rotary kiln which will take care of the backlog and, if indeed there is a decision by government to accept waste from other jurisdictions, accommodate that waste as well, Mr. Speaker.

MR. McINNIS: Mr. Speaker, I can see how the import of hazardous waste would be convenient to paper over the financial situation at Swan Hills, but it may be rather inconvenient for people who live along the transportation corridors where this stuff would have to be moved. I wonder if the minister responsible for Public Safety Services, in view of the fact that Alberta continues to have no regulations governing safety vessels and containers for hazardous cargo, has decided to prepare a risk assessment of the prospect of bringing in hazardous waste through populous areas of the province so that that information can be available prior to the public input process the minister referred to.

MR. KOWALSKI: Mr. Speaker, there's been absolutely no decision to import hazardous waste from outside the province of Alberta into the province of Alberta. Further, Mr. Speaker, all of the highways in the province of Alberta are designated dangerous goods routes. I think we have to put into context what is a dangerous good. Each and every day in this province dangerous goods are transported by truck. In fact Alberta has more trucks on the road than any of the other three western provinces put together. Dangerous or hazardous goods include such things as fuel, fertilizer, and that sort of thing.

There is, of course, a massive training program that we've had under way in our province for a great number of years through Alberta Public Safety Services. Annually we train some 4,000 people – firemen, local authorities – on how to handle dangerous goods. In addition to that, we've undertaken very, very major initiatives with the trucking industry, not only in this province but across the country of Canada, to ensure that they're knowledgeable with respect to this matter.

Furthermore, if anyone would take a look at a road grid of the province of Alberta, they would see some 10,000 miles of secondary roads, an equivalent number of primary highways. They'll see all the roads leading to Swan Hills, and they'll also know that there are numerous routes that can be followed by truckers who are involved in this.

Furthermore, Mr. Speaker, on any daily given basis there are probably in the neighbourhood of only two to four movements throughout this province of Alberta in very clearly marked vehicles owned and operated by the Alberta Special Waste Management Corporation, with very specialized training for all of the drivers associated with the handling of this material. My experience is that since the opening of the Special Waste Management Corporation plant in September 1988, I am unaware of any problems that have been identified to anyone with respect to the transportation of these goods.

MR. SPEAKER: Edmonton-Whitemud.

Municipal Grants

MR. WICKMAN: Thank you, Mr. Speaker. We hear a great deal about the so-called partnership between the municipalities and this government. Let me point out that it's some partnership. Last year we saw a last minute reduction in CRC funds, we saw a reduction in the education foundation requisitions, and now we learn of a 6 percent last-minute decrease to municipalities for grants in lieu of taxes. To my favourite minister, the Minister of Public Works, Supply and Services, who sent letters to the municipalities addressing this drastic deed: why would the minister have so little regard for the municipalities that he would dump this news on them at the last minute and with no prior consultation so that they could consider it in their budgeting process?

MR. KOWALSKI: Mr. Speaker, I take it that the hon. Member for Edmonton-Whitemud is referring to a discretionary grant known as a grant in lieu of taxes. In the budget for the fiscal year 1990-91 that total application of grants, which are discretionary, which are not required by law, by the way, in the province of Alberta, has been reduced from \$41 million to \$37 million. Now, that grant was identified in the throne speech of March of this year. Furthermore, about a month after that, after it was identified in the Speech from the Throne, I conveyed a letter to all municipalities in the province of Alberta indicating that this discretionary grant would be reduced by approximately 6 percent, and about a month after that first letter, in April, I conveyed another letter to all municipalities in the province of Alberta indicating that they would receive approximately 94 percent of the total grant level in this fiscal year that they received in the last fiscal year. So there have been at least three communications with respect to this grant.

It should also be pointed out, Mr. Speaker, that this is not a grant that applies to all municipalities in the province of Alberta. It only applies to those municipalities that have the good fortune of having provincial government buildings. So you'll have one municipality that has a large infrastructure of provincial government buildings getting a grant and a neighbouring community just a few miles away that would not get it. In fact, it may be of interest to all the citizens of Alberta to know that the province gave to the city of Edmonton \$2,318,000 last year by way of a grant in lieu of taxes for the privilege of having this building, this building we're in right now, located in the city of Edmonton.

MR. WICKMAN: Mr. Speaker, such a generous minister it beholds me.

To the minister. He is aware of a letter with recommendations calling for actions by the Alberta Urban Municipalities Association. Can I ask the minister: is he prepared to add to an existing feeling that the so-called partnership theme between the municipalities and the provincial government is being thrown to the wolves by the provincial government?

MR. KOWALSKI: Mr. Speaker, in terms of partnership I think we have to talk about all of the benefits that are provided to the various municipalities in the province of Alberta. Just let me give you an example, Mr. Speaker. Let's use Edmonton. The total budget for the grant in lieu of taxes program is approximately \$37 million; 42 percent of that total grant comes to one municipality, the city of Edmonton: some \$15.5 million. In addition to that, by way of the partnership my colleague the

Minister of Transportation and Utilities will award to the city of Edmonton this year, 1990, under the Alberta cities transportation partnership program at least \$48.5 million. My colleague the Minister of Municipal Affairs just recently awarded to the city of Edmonton through the Alberta partnership transfer program \$343 million in fiscal 1990. In addition to that, Mr. Speaker, under another partnership program, the AMPLE program, the Alberta municipal program for local employment, the city of Edmonton will get \$15 million. In addition to that, by way of a partnership program through the community facility enhancement program we've provided \$8.7 million to date. Now, Mr. Speaker, if any individual would total all those dollars up, they would say that this government is more, more, more than generous.

MR. SPEAKER: Is this supplementary information or a point of order?

DR. WEST: Mr. Speaker, I would like to supplement the answer by the Minister of Public Works, Supply and Services to the hon. member. He mentioned CRC, a \$240 million commitment to our municipalities. He made reference to the fact that perhaps they weren't notified soon enough, but they were notified of this grant this year. They're in process now. I haven't had one complaint. Some \$21 million flowing through in CRC grants to the municipalities this year.

MR. SPEAKER: The Chair has received notification that the Minister of Energy wishes to clarify a statement made yesterday.

Irrigation Farmers' Power Rates

MR. ORMAN: Mr. Speaker, I always hate following the minister of public works. It's a tough one to do.

Mr. Speaker, during the last couple of days, June 4 and 5, I have had an exchange with the Member for Westlock-Sturgeon with regard to irrigation farmers' power rates. For the record, I indicated that there was going to be a public meeting in Calgary. In fact that meeting has been moved to Lethbridge Community College, no doubt due to pressure from the Provincial Treasurer, and it will be June 11 at 9:30 in Coulee hall of Lethbridge Community College. That's where there will be a public meeting with irrigation farmers to discuss power rates with the Public Utilities Board.*

MR. SPEAKER: Might we revert briefly to Introduction of Special Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.

In this order: Edmonton-Centre, Redwater-Andrew, Minister of Economic Development and Trade.

head: Introduction of Special Guests (reversion)

REV. ROBERTS: Thank you, Mr. Speaker. I'd like to introduce to members of the Assembly 18 students in the Alberta Vocational Centre's adult social studies class. They're here visiting with us today. I hope to have an opportunity to

*see page 1648, right col., para. 7

meet them when they leave here at 3:30. I would ask them now to please rise and be welcomed by members of the Assembly.

MR. ZARUSKY: Mr. Speaker, it's a pleasure for me today to introduce to you and through you to the Assembly members of the MD of Sturgeon. They are visiting here today to meet with certain government departments in regards to issues in the MD. They are Mr. Alex Bochanesky, councillor from the Redwater area, and Mr. Keith Everitt, councillor and also former member of this House, and I believe another member has joined them. They're seated in the members' gallery, and I ask that they rise and receive the warm welcome of this Assembly.

MR. ELZINGA: Mr. Speaker, as is the case on many occasions, my hon. colleague the Member for Redwater-Andrew beat me to the punch. I wanted to have the opportunity to introduce my dear friends in the gallery, but since they've already been introduced, I will not repeat the process, sir.

Orders of the Day

[On motion, the Assembly resolved itself into Committee of the Whole]

head: **Government Bills and Orders** **Committee of the Whole**

[Mr. Schumacher in the Chair]

MR. CHAIRMAN: If members of the committee would come to order, the Committee of the Whole this afternoon has a number of Bills that it would like to consider.

The hon. Member for Calgary-Fish Creek.

Bill 47

Alcohol and Drug Abuse Amendment Act, 1990

MR. PAYNE: Thank you, Mr. Chairman. Perhaps I should explain first of all to members of the committee that the Member for Calgary-McCall and chairman of AADAC is out of the city on official duties today and asked me to pinch hit for him, which I'm happy to do.

Perhaps I could just take 30 seconds to explain that this is actually a very slim piece of legislation. There are 10 sections, and virtually all of them simply clarify the operations of the commission. For example, section 2 clarifies that the commission is an agent of the Crown. Section 5 clarifies the title of CEO. Section 6 clarifies the budget approval process, and section 9 clarifies the distribution of surpluses. Finally, section 10 clarifies suits by and against AADAC.

I think that probably suffices, Mr. Chairman, for my amplifying comments at committee on this Bill, and I would try to respond to any questions or comments that might be advanced at this time.

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

REV. ROBERTS: Yes, Mr. Chairman. My colleague from Edmonton-Avonmore and I have a few comments, but one I'd like to just get on the record first in terms of asking in a general sense the degree to which this Bill or any changes to it, indeed the whole of AADAC, will be impacted by the establishment of the new family life and drug abuse foundation. Now, we're still waiting to hear from the Minister of Health. I think she

promised that something would be on the table by the end of May or in a few weeks. We haven't heard yet. I'm anxious to know what form, what shape it's going to take, how it's going to function, and how it's going to impact. I mean, there are many of us who think that it's going to affect the work of AADAC, particularly as a treatment program, some of the research and prevention efforts of AADAC. I just wonder whether the Bill is premature in that sense, whether we shouldn't wait until the drug abuse foundation – at least we know what it's about and then look at AADAC and how it's going to be impacted, because certainly some things are coming, and this Bill leaves that question hanging.

Thank you.

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

MS M. LAING: Yes, I just have a question. I notice in this Bill that the right to establish tariffs of fees is extended to section 15 in addition to section 16 of the old Act. I'm wondering for what reason, if that extends any rights or powers to charge fees or tariffs in other areas already being charged.

MR. CHAIRMAN: Order in the committee, please. Order. The Chair is having difficulty following the debate.

MS M. LAING: It was just a question. I'm wondering if the hon. member understands the question or whether I need to repeat it.

MR. PAYNE: I understood what I heard, but it was so noisy I only heard about one-third of it.

MR. CHAIRMAN: Well, then, the hon. member has the opportunity to repeat the question.

MS M. LAING: Okay. Under the present Alcohol and Drug Abuse Act, section 16 provides for the establishment of "a tariff of fees payable to the Commission for services, programs or materials provided by the Commission." A similar clause has now been inserted into section 15. I'm wondering if that, in reality, makes any change or difference.

MR. CHAIRMAN: Are there any further comments?

The hon. Member for Calgary-Fish Creek.

MR. PAYNE: I'm sure the two members that have advanced those two questions will understand that as a pinch hitter I may not be able to give as fulsome an answer as the questions merit.

First, the Member for Edmonton-Centre asked the question: is the existing legislation or the proposed amending legislation in any way impacted by the proposed foundation on family life? I've only had a preliminary discussion with the sponsoring member, but it's his view that neither the present statute nor the proposed amendments are significantly impacted by whatever proposal is coming.

As to the question of tariff of fees, my understanding, subject to confirmation with the chairman of AADAC, is that the tariff of fees is not impacted by the amendment to section 15.

With that, are you prepared now, Mr. Chairman, to entertain a motion that the Bill be reported?

MR. CHAIRMAN: The Chair is prepared to proceed.

[The sections of Bill 47 agreed to]

[Title and preamble agreed to]

MR. PAYNE: Mr. Chairman, I move that Bill 47 be reported.

[Motion carried]

[Mr. Moore in the Chair]

MR. ACTING DEPUTY CHAIRMAN: The hon. Member for Drumheller.

Bill 17
Municipal District of Badlands No. 7
Incorporation Act

MR. SCHUMACHER: Thank you, Mr. Chairman. As pointed out at second reading, this is really a model Bill for the incorporation of a municipal district. It relates to a small area in the Red Deer River valley on both sides of the city of Drumheller and results from a commitment made several years ago by the then Minister of Municipal Affairs, Mr. Julian Koziak, that this business would be considered if the area proved that it could be viable on a taxation basis and that it would be to the general benefit of the area.

The only difference between this Bill and the previous legislation on this subject, the municipal district of Bighorn Act, is that this Act will come into effect upon proclamation rather than on a fixed date.

MR. ACTING DEPUTY CHAIRMAN: Edmonton-Beverly.

MR. EWASIUK: Thank you, Mr. Chairman. I just want to rise again to reiterate my position that I gave the other day when this Bill was given second reading. I have no reason not to support the Bill again at this time. Really, I think the Municipal Affairs department agreed to grant ID No. 7 municipal status provided they met certain conditions. I think two of those conditions were that they establish a valuable tax structure and, secondly, that they seriously negotiate, or at least that negotiations take place, with the city of Drumheller in the establishment of the possible amalgamation. I certainly don't want to stand in the way of an ID that wants to become a municipality; I think we will support their initiative.

However, as the Member for Drumheller has stated, until such time as the negotiations – and I think they emphasize and underline that serious negotiations in good faith take place with the city of Drumheller and the ID. Hopefully, with the government intervention as well, this will come to be. The Act will not be coming into effect until it's given proclamation, so there is no established date for the Bill to take place. So based on that information, I just want to rise again and say that we will support the passage of this Bill.

HON. MEMBERS: Question.

MR. ACTING DEPUTY CHAIRMAN: The question has been called.

[The sections of Bill 17 agreed to]

[Title and preamble agreed to]

MR. SCHUMACHER: Mr. Chairman, I move that Bill 17, the Municipal District of Badlands No. 7 Incorporation Act, be reported.

[Motion carried]

Bill 15
Workers' Compensation Amendment Act, 1990

MR. TRYNCHY: Mr. Chairman, Bill 15 has been presented, but since we introduced the Bill in second reading, on rechecking the contents, I would like to provide some amendments, and those amendments will work in this way.

[Mr. Schumacher in the Chair]

There's a number of injured workers that would not be receiving a pension under the Act as introduced that would now be clarified. Under section 54 – the old section, now section 53.2 – 1,220 Alberta workers would receive pensions. Amendments to section 59 would provide assistance to approximately 380 Alberta workers, and an amendment to section 60 would provide assistance to approximately 800 Alberta workers. By these amendments, Mr. Chairman, all injured workers in the province of Alberta would receive pension increases, and this amendment would provide some \$1.5 million in additional pension funds as compared to the Bill as introduced at second reading.

I would ask the hon. members to support the Bill as amended.

MR. GIBEAULT: Mr. Chairman, I'd just like to get a clarification. Are we dealing just with the amendments at this moment? We have to deal with that first.

In that case, Mr. Chairman, I'd like to express my concern about a couple of components of the government's amendment. Basically it's just a rephrasing of the existing proposals, but there is 53.2(1). It is now going to cover workers with temporary total disability. To the extent it does that, that's an improvement, but there are two problems with that. One is that there wouldn't be an increase until a worker had been in a situation of temporary total disability for 24 months. Now, clearly the norm in these matters when there's an adjustment to be made for inflation should be on an annual basis, not every two years. So that is unacceptable to us, and I would encourage the government to consider amending that to 12 months: temporary total disability 12 months after the date of the accident.

That would make it more acceptable, although I still have to say, Mr. Chairman, that even with that we're talking about a provision that it's going to provide a 10 percent pension increase when the cost of living has been, as I mentioned earlier, in the period under discussion, the last four years, since 1986 when it was last increased, about 18 percent. Even though the minister claims in his own figures, by his own account – after I had questioned him about this the last time, the minister sent me information suggesting that the cost of living had gone up, in fact, 11.3 percent. Those are his own figures, so why he's trying to chisel workers like this by only providing a 10 percent increase when in fact even his own calculations, which I do not accept, indicate that the increase has been 11.3 percent – I have to express my concern that the minister has not chosen to replace where it provides for 10 percent adjustments with adjustments that are a truer reflection of the actual cost of living. On that basis, we cannot accept the amendment either.

The last point I want to make on the amendment is that it is very interesting and educational to all who read the section 52(1.1)(b), which provides that for those who have suffered accidents "on or after January 1, 1990, the greater of . . . \$900 per month [for] permanent total disability," and then it goes on to talk about permanent partial disability. But if we accept that a worker is entitled to a minimum for total disability of \$900 per month, that's an interesting number, and I'm interested to know how the government's come up with that calculation other than simply increasing a previous number by 10 percent. Because if you multiply \$900 by 12 months, you get an annual salary of \$10,800. If you divide that by 52 weeks, you get a weekly wage of \$207. Divide it by 40 hours a week; you get an hourly rate of \$5.19 per hour. Now, if we accept that a worker who has been totally disabled is entitled to compensation of at least \$5.19 per hour, does that not in fact constitute the minimum wage of this province? If so, why is it that the minimum wage is only \$4.50 if our legislation for workers' compensation is going to provide for at least \$5.19 per hour compensation – which I might say is scandalous, but at least this is what the government is putting before us. I would suggest that means that at least the minimum wage in this province ought to be equal to that figure.

So unless the minister is prepared to address those specific concerns that we have in terms of reducing from 24 months to 12 months the provision for temporary total disability and change the increases to reflect more accurately the real cost of living since the last increase in pensions and benefit payments, then the New Democrats will not support this amendment.

MR. WICKMAN: Mr. Chairman, just on a procedural question, if you could answer first, are you restricting discussion just to the government amendment at this point?

MR. CHAIRMAN: At this time, hon. member, yes we are.

MR. WICKMAN: Okay. Speaking to the government amendment, and then, Mr. Chairman, I wish to speak to the Bill and propose my own amendments as distributed. But while I'm speaking to the government amendment, I don't feel it would be acceptable for me to make an amendment to an amendment unless you deem it to be so.

MR. CHAIRMAN: Hon. member, it would be more orderly if we can dispose of the government amendment and then move on to any other amendments people have.

MR. WICKMAN: Thank you, Mr. Chairman. The amendments as proposed by the minister do address one concern of mine in particular, and it's the concern that he's familiar with. I commend him for bringing it forward. I've had the occasion to speak to the minister on it. That's the situation where we have a person on a temporary total disability for a lengthy period of time.

[Mr. Jonson in the Chair]

One particular case that I had pointed out to the minister was a situation in Calgary where the individual has been in that situation of being on a temporary total disability or a temporary disability for an eight-year period, and of course he was penalized in the sense that he was not entitled to increases given to other injured workers who qualify under workers' compensation. So that part of it I like. I like the fact that, as the minister points out in his amendments, the minimum is going from \$730

to \$900 a month over stages, and I feel that is acceptable. By my calculations that means an increase of about 23 percent.

However, because we're only talking on this amendment now, I would like the minister to respond to a couple of questions dealing specifically with this government amendment. Mr. Chairman, I am not totally clear as to the total number of dollars involved. I understand it's in the neighbourhood of about \$2 million, but I'm not clear. I'd just like the minister to run through a typical situation for me. Are there in fact any situations where a worker will receive retroactivity to January 1, 1982, or are these all just technical changes to accommodate the main thrust of the amendment, which I read to be to include other persons that wouldn't have been included in the original Bill? If the minister could address that, I would have a better idea as to whether I could in fact support this particular amendment that has come forward to the Bill.

Thank you.

MR. TRYNCHY: Mr. Chairman, in response to the Member for Edmonton-Mill Woods. He suggested we change the 24 months to 12 months. He should know that in the past the waiting period was much longer than 24 months. I would suggest that we do not support the amendment to change it, and allow the Workers' Compensation Board to have a look at it to see what the cost would be and see if they would want to make those changes in the future.

He talked about the cost of living at 10 percent. He should be aware that the public service in the province of Alberta in the same period of time received 9.4 percent. So I believe 10 percent is a fair amount. He also talked about the increase from \$730 to \$900 per month. He should remember that that's a 23 percent increase in pension in one year, so I don't know how he gets his figures.

I would suggest that the concerns that are raised here will be provided to the new board of directors via *Hansard*. If there are some suggestions that bear merit, they would be addressed by the new board and put into place thereafter.

The questions asked by the Member for Edmonton-Whitemud. No, my understanding is that it would not be retroactive to 1982. That section was repealed in 1986, and those people received no income. It would be effective as of January 1, 1990. So that's a considerable increase from what they weren't getting to what they're going to get now. But it wouldn't be retroactive to 1982. If I am wrong, I will advise you later, but I don't think I am.

So those are questions that I believe were asked of me, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Ready for the question? Is it acceptable to the committee that we vote on the package of amendments without going one by one?

HON. MEMBERS: Agreed.

[Motion on amendments carried]

MR. DEPUTY CHAIRMAN: We have an amendment to Bill 15 proposed by the Member for Edmonton-Whitemud.

MR. WICKMAN: Thank you, Mr. Chairman. Actually the amendment as given to you has been distributed. The amendment should be moved, and I do move the amendment in such a way that section 23 is deleted from the amendment in that it's no longer appropriate because of the amendment that has been

presented by the government and passed. As you follow the amendment, keep that in mind.

Mr. Chairman, just a couple of opening comments when I speak to this amendment. I don't want to get falsely optimistic, but I sense from talking to some injured workers in recent months – and when somebody does something that is right, something that takes some effort, and it appears there are improvements, one should be recognized for it and given credit. I'm not sure who's responsible for it, whether it's the minister – although I do note the minister has gone out of his way to have an open-door policy in recent times – but I feel there is more of a willingness on the part of the Workers' Compensation Board to try and resolve some of the disputes with some of the injured workers. Now, I don't know how many. I know there are still some out there that are not happy, but at least there appear to be some meaningful attempts to resolve some of them. I know they all can't be resolved. I know there are always some troublesome ones where there are areas of dispute that there simply aren't any solutions for, a solution acceptable to both parties.

However, when we talk in terms of this particular Bill, the more dollars available to people, I guess, the happier people are, generally speaking. But at the same time there's a certain balance. I've spoken on this before. The minimum being increased is good. I don't like the freezing at the top level, because those people now will have been frozen for a good period of time. However, these three amendments that address the Bill, the three areas that I feel are really, really lacking and can be addressed by approving – and I'm going to move the entire amendment in one shot rather than break it down – accomplish three things. If these amendments can be approved, then I would have no difficulty, quite frankly, in supporting the Bill. If the amendments aren't approved, then I'm going to have some difficulty in supporting the Bill.

The one amendment addresses the need for independent counsel to assist workers in making presentations when they go for an appeal, when they go to have their claims reviewed. At the present time we're all aware that there are advocates, but those advocates are hired and paid by and responsible to the Workers' Compensation Board, so they in fact are in the situation where they have to serve two masters. The first portion of this amendment is to take away that need to have to serve two masters and make those advocates or that counsel totally independent so they can serve fully the function of the betterment of the injured worker who is trying to resolve his dispute with the board.

Now, the second portion of the amendment allows for the Appeals Commission to be more independent, let's say, in that they become directly responsible, through a reporting mechanism, to the Legislative Assembly. Again, although I realize it states on paper that they're an independent Appeals Commission, I'm not convinced they're an independent Appeals Commission. They do answer, I believe, to the same CEO or to the same president, whatever the situation may be. So there's some conflict as to who is the master. I believe it's the Legislative Assembly. I believe this body, through the minister, has to be the ultimate body when it comes to resolving these types of appeals, these types of issues. So that's the second portion of the amendment.

Now, the third portion of the amendment would correct what I feel is a glaring error in the Bill, and that's the wording where benefits or compensation payable to workers "may by order" be increased, whatever. But that's no certainty that it's going to happen. We've seen what's happened in the past, and I don't

think it's good enough. I'm of the firm belief that the Bill has to state very, very clearly that it "shall for each year by order" allow that procedure to take place where the benefits payable to the workers are reviewed and adjusted in accordance with what's happening out there in the world in terms of inflation.

So just to wrap up, Mr. Chairman, if the government can see fit to support this amendment, or if they feel maybe they can support two portions of it and not all three – I would have no objection to it being split into the three different areas and voted upon singly, but I'd like to see all three of them approved in one shot – I think that way we'd all be working in the best interests of the injured worker.

Thank you.

MR. TRYNCHY: Mr. Chairman, in responding to the amendments from the Member for Edmonton-Whitemud, I'd like to have from the gentleman some examples of where this independent counseling is not taking place. It's in place now and it's working. I have never had an injured worker come to my office and say they're not getting an independent helper to help them in their Appeals Commission and in their review of their compensation.

Now, something else I'm looking at, and I'm going to discuss this with the board, is: can we set up an independent workers' advocate? It would be independent of everybody and the workers could go there for information. I'm looking at that to see if the new board would consider that. So I would suggest to the House that we not accept these amendments and give the new workers' board, which has been formed just a few months, some time to look at the new amended Act and put these things together. We want to move on the second amendment out of the Legislative Assembly and to the authority of the board and not have to come back to the Legislative Assembly whenever it sits, whether it's once a year, for approval. So I can't support that amendment either, because I believe the board has to have the flexibility to move whenever they feel it's right. They can move within four months or two months or six months or eight months and make a recommendation and have it approved by order in council. It depends on circumstances. So to do that and tie their hands again by having it come to the Legislative Assembly I would not support and would ask the members not to support.

Now, the member goes on to say that the Appeals Commission is not independent. I'm disappointed. I'm disappointed in the member's comments in saying they're not independent. If he has an example, I'd like him to provide that to me, because that Appeals Commission is made up of four people from labour, four from employers, and four from the general public. I've watched them work and I've seen the results. As I said, I'm disappointed that he would suggest that the Appeals Commission is not independent and we should do something else. Mr. Chairman, that's one I would definitely not support and would ask the members not to consider, because if he wants to be specific, which members would he like to replace on that Appeals Commission? The four members that represent labour? The four members that represent the employers or the four members that represent the public? Does he know who they are? I can provide him with the names of all of them; there are 12. There are 12 people representing the injured workers of Alberta and doing a very fine job.

The last amendment was to strike out "may by order" and put in "shall." There again, that ties the hands of the board. I want the board to be flexible, to be able to do it whenever they feel it is justified. To suggest that they "shall" do it each year could

mean that they might want to do it on a six-month basis. They might want to do it every nine months. By putting "shall" in every year would restrict their ability to function.

I would suggest to all members not to support any of the amendments by the Member for Edmonton-Whitemud.

MR. DEPUTY CHAIRMAN: Are you ready for the question, with the understanding that reference to section 2.3 has been deleted because of the previous amendment?

SOME HON. MEMBERS: Question.

[Motion on amendment lost]

MR. DEPUTY CHAIRMAN: We'll move now to amendments proposed by the Member for Edmonton-Mill Woods. The Chair has a question or two of the hon. member before we proceed. Does the member wish to present these separately or as a package? There are a number before us, I believe five in number. Separately?

Recognizing, then, the Member for Edmonton-Mill Woods, the amendment to Bill 15 dealing with section 2.

MR. GIBEAULT: Actually, Mr. Chairman, I'd like to deal . . .

MR. TRYNCHY: [Inaudible] more copies. Are they the same ones the hon. member gave me some time ago? Okay.

MR. GIBEAULT: I just wanted the minister to have those in advance, with the hope that that might give him a chance to study them and consider their merit. We'll see how far we get with that.

Mr. Chairman, I'd like to start with my amendment that amends section 7. If members could address themselves to that one, the amendment would amend section 7 of Bill 15 so that in section 53.1(1) of the Bill we strike out the words "may by order" and substitute "shall," then add "or temporary disability exceeding 12 months" after the words "permanent partial disability," and perhaps the most important, add the following after proposed section 53.1(1), which would read:

The adjustment shall take place once a year on January 31 and shall be equal to the increase in the Consumer Price Index for the previous calendar year . . .

MR. DEPUTY CHAIRMAN: Excuse me, hon. member. I'm sorry to interrupt, but I believe I suggested, because we would like to go in order as these amendments apply to the Act, that we start with the amendment to section 2. Now, did I not understand you?

MR. GIBEAULT: It would be my preference to go with the amendments in the order of the way I perceive their importance. My perception of that is that section 7 is the most important one. Is there some particular reason we have to start with section 2?

MR. DEPUTY CHAIRMAN: Well, hon. member, the Chair just felt that it was logical. If you wish to proceed in that manner, I think it's rather confusing to the House, but that's just an observation. I would move to . . . We're dealing, then, with section 7 – is that correct? – right now.

MR. GIBEAULT: Yes.

MR. DEPUTY CHAIRMAN: All right. Please proceed.

MR. GIBEAULT: I'm sure all the members will be able to follow me.

Section 7 is the important one. As I was saying, the last important part of this amendment, Mr. Chairman, would read that

the adjustment shall take place once a year on January 31 and shall be equal to the increase in the Consumer Price Index for the previous calendar year as measured by Statistics Canada.

You'll notice that this is significantly more comprehensive than the amendment suggested by my colleague in the Liberal Party for Edmonton-Whitemud, because we suggest a very specific mechanism in a way of dealing with these inflation adjustments. It has been a concern to injured workers. The last increase was in 1986. The minister and I have had some disagreement about the extent of inflation since then. Even his own numbers suggest an 113 percent increase – and I'm using the numbers he sent me – since '86. Why he's only suggesting 10 percent and wants to chisel injured workers of this province, even by his own numbers, which, as I said before, I don't accept because they don't take into effect the entire cost of living adjustment for that period – even at that, it just shows the possibility for governments to come up with all kinds of strange ways of calculating the impact of inflation over an extended period of time if we do not have in the Act a specific mechanism and provision that requires that the board not just "may" review these things once in a while but "must" review these each and every year by the full amount of inflation.

Mr. Chairman, in supporting this amendment, I want to refer all members of the House to the legislation in British Columbia, and I'm going to refer to the legislation in Saskatchewan and Ontario. Now, this minister and this government might not want to show any leadership here. Perhaps they're not aware that inflation protection provisions are already in place in British Columbia, Saskatchewan, and Ontario. So if we were to do it today, it wouldn't be showing any leadership. So I'm not even asking for that. I'm only asking that we bring our legislation up to the same level as the other provinces. B.C., Saskatchewan, and Ontario are the three examples I'm going to refer to.

In B.C., for example, our sister province – and we have so much in common with B.C., why couldn't we have a provision in our Act like they do in theirs? – the Workers Compensation Act of British Columbia, section 25(1) says:

As of the first day of July in each year the board shall determine a ratio by comparing the consumer price index for April in that year with the consumer price index for October in the preceding year, and as of each first day of January, the board shall determine a similar ratio by comparing the consumer price index for October in the preceding year with the consumer price index for April in the preceding year.

Section 25(2):

As of July 1 and January 1 in every year, the board shall, by applying the ratio determined under subsection (1), adjust all periodic payments of compensation then being paid or payable in respect of every injury or death occurring, and every disablement from industrial disease sustained, prior to 6 months before the date the adjustment is being made.

Section 25(3):

Where periodic payments of compensation are commenced or recommenced in respect of an injury, death or disablement from industrial disease sustained more than 6 months prior to the commencement or recommencement, the level of compensation shall be determined as if the payments had been continuously made from the date of injury, death or disablement from industrial disease.

Section 25(4):

Subject to subsection (5), each dollar amount mentioned in this Act in any context whatsoever shall be adjusted by the board on January 1 and July 1 in each year by applying the ratio determined under subsection (1), and, on the board making the adjustment, all sections containing those dollar amounts shall be deemed to be amended accordingly.

Now, that's very clear, I think, Mr. Chairman.

I want to then refer to the legislation in Saskatchewan, which has also got a very specific clause for providing for inflation protection to the pensions and benefits injured workers get. In Saskatchewan the Workers' Compensation Act, section 69(1), says that

calculation of the loss of earning capacity for the purposes of subsection 68(1) and sections 71 and 72 shall be based on the difference between:

- (a) the worker's average weekly earnings at the commencement of his loss of earnings resulting from the injury, increased annually by the percentage increase in the Consumer Price Index; and
- (b) the earnings that the worker is estimated to be capable of earning.

Section 69(2):

For the purposes of subsection (1), the percentage increase in the Consumer Price Index shall be the percentage increase for the 12 months ending on November 30 in each year, and that percentage increase shall be applied to the average weekly earnings of the worker on the anniversary date of the commencement of his loss of earnings resulting from the injury in the year following the year in which the calculation is made.

Now, it's very clear: every year, and there's a reference to the consumer price index. There are no may's or maybes, no wishy-washy kinds of provisions like in the minister's Bill before us. It's very definite.

I want to refer lastly to the legislation in Ontario, Mr. Chairman, in this regard.

MR. DEPUTY CHAIRMAN: Just on a point of order. It seems to me that a couple of examples are certainly in order, but these are rather lengthy clauses and there is provision in our rules about repetition that does not advance the debate.

MR. GIBEAULT: There's just one last example, then, Mr. Chairman, the Ontario legislation, section 139 of the Workers' Compensation Act, which reads:

On the 1st day of January in each year, beginning in 1987, an indexing factor shall be determined, based on the percentage change in the Consumer Price Index for Canada for all items, for the twelve month period ending the 31st day of October of the previous year, as published by Statistics Canada.

Then subsection (2) of that section of the Act says that

On the 1st day of January in each year, beginning in 1987, the board shall,

- (a) adjust the dollar amounts set out in this Act and in provisions continued by section 132 by applying the indexing factor to the amount as adjusted under this Part on the preceding 1st day of January.

It goes on, Mr. Chairman.

The point, I think, has been quite clearly made. I've now given the minister three provincial workers' compensation Acts – B.C., Saskatchewan, and Ontario – all of which have solid provisions for protecting the purchasing power of the disability pensions received by injured workers in those respective provinces. I challenge the minister to stand up today and tell us why we in Alberta, a province that has one of the highest living standards in the country, cannot have a clause in our Workers' Compensation Act that we could be proud of, that protects the

purchasing power of injured workers. I simply don't accept that, Mr. Chairman, and I challenge the minister to give us the excuse – for lack of a better word – as to why in Alberta we are not prepared to join our sister provinces of B.C., Saskatchewan, and Ontario who have had this provision in their legislation for some time.

Now, having made that particular point, I want to also comment that section 7 of the amendment Art here, which refers to 53.1(2) . . . If we were to pass this amendment Act that is before us here, Bill 15, even if the board, without any direction as to when they make an adjustment, at some point make a decision that they're going to have an increase – we don't know by what standard, or there's no compulsion about how often they should make these adjustments, but at some point let's say they do make an adjustment – if we accept this, then subsection (2) says that an order that has been referred to in subsection 1, some indexing provision, "does not have any effect unless it is approved by the Lieutenant Governor in Council." Well, Mr. Chairman, this is so much more extra bureaucracy. You'd think that the minister and the cabinet have got enough to do without wasting their time reviewing the Workers' Compensation Board's decisions. Now, let them do their job. The minister keeps harassing us about this, that we are not letting the board do their job, and I am suggesting to him let's have the Act in this case do exactly that. Let's require the board to make that adjustment and then that is it. We don't need to waste any more time trying to get something before what we know is a very busy cabinet agenda.

So, Mr. Chairman, it is absolutely essential to get a provision in the Act that provides for regular cost of living inflation protection. It is simply unacceptable to go on and have the government periodically, and now it'll be the board – but we don't know. If we pass this Bill 15 legislation in section 7 here, the board may from time to time make an adjustment. Mr. Chairman, that could be another four years from now. The last increase was four years ago in 1986. The last increase before that was in 1982, and that is not good enough for the injured workers of this province. After suffering the trauma of an accident at work or the debilitation of an industrial disease, occupational disability, our injured workers deserve more than that. They deserve to have the purchasing power of that, in many cases, meagre pension and benefits protected against the ravages of inflation. So I encourage all members of the House to support this amendment.

MR. TRYNCHY: Mr. Chairman, it proves without a doubt that the hon. Member for Edmonton-Mill Woods doesn't understand the Art at all.

MR. CHUMIR: Point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Point of order, Calgary-Buffalo.

MR. CHUMIR: My hon. colleague had wished to speak and was unable to get the attention of the Chair.

MR. WICKMAN: Well, I had gotten your attention earlier. You nodded that yes you recognized.

MR. DEPUTY CHAIRMAN: This rather surprises the Chair in that in committee it is customary that if the minister wishes to respond at a particular time, the minister may. We've had that procedure for quite some time now. I'm assuming that the minister is going to respond to specific points or questions raised

by the previous speaker. The Member for Edmonton-Whitemud is certainly on the speaker's list.

MR. WICKMAN: I just thought, Mr. Chairman, in all due respect, because I'm talking on the amendment, it would make it easier for the minister to accommodate his views and my comments.

MR. DEPUTY CHAIRMAN: Order please. This is not for members to decide. The Chair has recognized the minister. If he does not wish to speak, however, please proceed, Edmonton-Whitemud.

MR. WICKMAN: Mr. Chairman, I can agree with the thrust of what the Member for Edmonton-Mill Woods is attempting to achieve. Basically, what I was attempting to achieve in my amendment is to give some assurances that injured workers will not go for a period of time without any increases in that catch-up situation.

I just want to go back for a second to 1971 to make an illustration. When the Tories were first elected, a very fresh government, and they energetically went about changing some legislation, the Workers' Compensation Act was one they changed, because back then the minimum total disability pensions were \$125. Over a period of time they were brought to a much more respectable level. Now, had this particular amendment – and I think it's unfortunate that the member has chosen to use this wording, and possibly there's opportunity for him to change it. But in my opinion, it's too restrictive in the sense that if this legislation were in place in 1971, there would never have been the opportunity for the government to implement healthy increases every so often for other circumstances to bring that minimum up. What this amendment does is lock it in. And there are circumstances, whether it be the GST or whatever, or whether it just be that the government has, like they had a few years ago, such huge surpluses they have to give away money – and one year it was the workers; some of them saw their pensions double in that one year through the supplement system. This is too restrictive.

Had the member worded his amendment that the adjustment shall take place once a year on January 31 and shall be no less than the increase in the consumer price index, it would have given the injured worker the best of both worlds, which the injured worker is entitled to. You can't just restrict him to the consumer price index, because that in itself may not be sufficient. There may be other factors that have to be taken into consideration. I'm not familiar enough with the procedure as to how the Member for Edmonton-Mill Woods could entertain that change to his amendment, but in my opinion that would make it more workable.

Would the chairman accept an amendment to the member's amendment – in other words, a subamendment? My subamendment, Mr. Chairman, would be to substitute: where it says "and shall be equal to," this would read "and shall be no less than the increase in the consumer price index." If you accept that subamendment, I'll move it.

MR. DEPUTY CHAIRMAN: Hon. member, subamendments are certainly in order. Do you have it written out so that the Table officer might examine it for . . .

MR. WICKMAN: Well, Mr. Chairman, this amendment was just plopped down on us a few minutes ago. It would be

impossible to get it typed and run off 90 copies. But if you simply want it in rough, I can do it in rough.

MR. DEPUTY CHAIRMAN: Excuse me. The Chair is only requesting one copy for examination as to it being in order.

MR. WICKMAN: Yeah. It's acceptable in this form. I'll have my runner bring it up to you.

MR. DEPUTY CHAIRMAN: We'll just have to wait for a moment, please.

The amendment proposed by the Member for Edmonton-Whitemud is in order. Debate now on the subamendment.

SOME HON. MEMBERS: Question.

[Motion on subamendment lost]

MR. DEPUTY CHAIRMAN: Back on the original amendment. Are there speakers?

The hon. minister.

MR. TRYNCHY: Mr. Chairman, I'd like to respond to the amendment to section 7 as presented by the Member for Edmonton-Mill Woods and added to by the Member for Edmonton-Whitemud. The reason I didn't speak in regards to the subamendment is because it doesn't change anything. It says "shall be no less," but still on a yearly basis, and this is what we're trying to get away from. Both members want to lock the compensation payments in on a yearly basis, and this isn't what we want to do. This is not what we want to do. We want to allow the board the flexibility to move whenever they have to. The point was made that we could have GST; we could have a number of other things happen. We want the board to move whether it's on a two-month basis or nine months, but they want to lock it in. And I don't need an excuse to talk about ours, because we will be the leaders in Canada with this new amendment. It gives the board the authority to move whenever they want to.

Now, the question was asked: the government might not support it. I can't for a minute think why any government would not support the request of a Workers' Compensation Board that has no financial obligations to the government whatsoever. Why would any government not support it? That's just foolish. Mr. Chairman, our proposal is much more fair and acceptable to the injured worker. I've spoken to many injured workers since I took over this portfolio in the last year and two months, and I've asked them over and over how they'd like to see these pensions handled. They wanted them handled as quickly as they can. And we don't have to wait four years, because it's removed now from the Legislature to the board themselves. So the Legislature would not have to meet to increase the pensions. He's right, the last increase was some four years ago, but it can't happen again. It cannot happen again, unless, of course, we have a board that has no human respect for the injured, and we don't have that. We have a board that has that respect. So I say to you that we need the flexibility; we cannot afford to lock in the pensions for the injured on a yearly basis. We have to have faith in the board, and if we find that the board doesn't do their job, then it's time that we all get together and change the board.

On section 7, I would ask all members to not support that amendment.

MR. GIBEAULT: Mr. Chairman, I'm really disappointed to hear what the minister just had to say, but I'd like to point out to my colleague from Edmonton-Whitemud that in our view this would simply be a minimum, a floor-level kind of increase to ensure that the benefits and pensions of injured workers are not eroded by inflation. But it would not prevent the board from making additional increases or adjustments for whatever circumstances may come up that they feel are worthy of some additional increase. So I would encourage him to support us on this particular amendment being advanced by the New Democrats.

Mr. Chairman, I just have to say in closing on this that it really does shock us. I thought I made a strong case here. We've got our sister provinces – B.C., Saskatchewan, and Ontario – all of whom have these kinds of inflation protection clauses for the benefit of their workers. Why in Alberta are we simply trying to buck that trend and shortchange injured workers? I mean, this is an opportunity for this minister to stand and get on record as being an advocate of injured workers. Here he's trying to put forward something that's so wishy-washy we don't know when there will be a next increase, how much it will be, and whether or not it'll even be approved by the cabinet once it's been recommended by the board. For a government that has all kinds of time and special favours and arrangements for the Pocklington of this province, he ought to be ashamed that he's not supporting a provision that would provide such a minimum guarantee of protection to the injured workers of this province.

So I would encourage all members of the House to support this amendment proposed by the New Democrats.

MR. WICKMAN: Mr. Chairman, it's not my preference for wording, but that's not the fault of the Member for Edmonton-Mill Woods. The government members simply wouldn't accept a subamendment. I have to now look at it from the point of view that this amendment is better than what is in the legislation proposed by the minister. I guess I should remind the minister that, as in other things in life, sometimes it's better having it once a year, only once a year, than every four years. I think if we look at recent history, the injured worker would prefer to see this amendment in there than to see what happened in the last four years where they had to go four years for a catch-up. I suppose if it came to the situation where the board justified additional increases over and above the consumer price index, they could do it in two forms. One is to come forward with recommended changes to the Workers' Compensation Act. Secondly, they could do it in the form of a supplemental – in other words, a supplemental in addition to their basic pension – and that would achieve extraordinary circumstances. So, yes, I will support the amendment.

MR. TRYNCHY: I can't let them get away with that, Mr. Chairman. What we're trying to do here is provide flexibility and not lock in pensions on a yearly basis. With this legislation we will be the leaders in Canada. Now, neither one of those two speakers before me have any faith in the board. They must not have any faith in the board, which is comprised of people from labour, industry, and the public, to suggest that they have to wait longer than a year or for a year for the next increase. Surely we must have some respect for the people we put on that board to make sure that the injured worker is looked after.

The hon. Member for Edmonton-Mill Woods is right on when he says that I'm a supporter of the injured, and I am. That's why I encourage all members to support the legislation we're

putting in place, so we do not have a fixed time frame of a year but we can move whenever we have to and as quickly as we can through order in council.

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

MR. McEACHERN: Yes, Mr. Chairman. The minister wonders why we don't trust the board. As a matter of fact, they're handpicked by the minister; that's why. He rejected the AFL nominees to the board, so why should we trust the minister's handpicked henchmen?

Furthermore, the minister himself doesn't seem to trust them, because he makes the legislation so that they've got to submit their suggestions to the cabinet. If you're saying "Why would anybody expect the cabinet not to approve any changes they suggested?" why bother to have them submitted to the cabinet? You have them submitted to the cabinet because this government wants to run everything by order in council; that's why. Nobody trusts this cabinet; that's the truth of the matter. So that's why this amendment should be accepted: because it puts it in legislation so that any changes to that would have to be brought before this Assembly and so that the people of Alberta could at least know what was going on instead of being subject to the whims of a handpicked group of people that this minister put in place and a cabinet that nobody trusts. That's why this amendment should be accepted.

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

HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: All those in favour of the amendment to section 7 in Bill 15 as proposed by the Member for Edmonton-Mill Woods, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: It is defeated.

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

[Eight minutes having elapsed, the House divided]

For the motion:

Barrett	Hewes	Roberts
Chumir	Laing, M.	Taylor
Doyle	McEachern	Wickman
Gibeault	Mjolsness	Woloshyn

Against the motion:

Adair	Fjordbotten	Osterman
Ady	Gesell	Paszkowski
Black	Hyland	Payne
Bogle	Johnston	Rostad
Bradley	Klein	Schumacher
Brassard	Kowalski	Shrake
Cardinal	Laing, B.	Sparrow
Cherry	Lund	Stewart

Clegg	Main	Tannas
Day	McClellan	Thurber
Dinning	Mirosh	Trynchy
Elliott	Moore	Weiss
Elzinga	Oldring	West
Evans	Orman	Zarusky
Fischer		

Totals: Ayes – 12 Noes – 43

[Motion on amendment lost]

MR. DEPUTY CHAIRMAN: Proceeding to the amendment to section 2 as proposed by the Member for Edmonton-Mill Woods, the Chair . . . Order please. The Chair wishes to indicate that in order to advance debate, dealing with an amendment out of order was allowed, but having checked various references starting with *Beauchesne* 691 on page 205, we will revert to the usual procedure and deal with amendments in order according to the Bill before us.

The Member for Edmonton-Mill Woods.

MR. GIBEAULT: Yes, Mr. Chairman. This amendment would renumber section 2 as 2.1, section 3(1)(d) and (e) are struck out, and the following is substituted as section 2:

2 members nominated by the Alberta Federation of Labour, 2 members nominated by the Alberta and Northwest Territories Building Trades Council and 2 members nominated by injured workers organizations in Alberta.

Now, Mr. Chairman, the reason that we're submitting this particular amendment is that currently section 3(1)(d) in the Act refers to directors of the board, including

(d) not more than 3 members whom the Lieutenant Governor in Council considers to be representative of the interests of workers, and

(e) not more than 3 members whom the Lieutenant Governor in Council considers to be representative of the interests of the general public.

I would suggest that fair-minded people would accept that an agency that is to be dealing with workers' compensation should have the workers' interests at heart. It's been our public experience so far that this government is not particularly interested in working co-operatively with organized labour in this province or with injured workers' organizations in this province. There's some sort of predilection to confrontation on the part of the government and the minister. We know that he has refused to accept nominations that have been made to him for people to serve on the board of directors. He's refused those and found some other people that are perhaps more to his liking. But, Mr. Chairman, that just breeds a lot of cynicism in a board, a lot of distrust, and a lack of confidence in the board that should not be there.

Now, I would suggest that if we accepted this amendment, instead of the three that the minister and the cabinet considered to be representative of the interests of workers and the three for the public – that's six – we would still have six, if we adopted this, except they would be much more accountable to the public that this agency, the Workers' Compensation Board, serves. Of course, New Democrats always believe that, to the greatest extent possible, public bodies must have that accountability to their respective publics, so that is why we're suggesting this amendment.

If it were to be passed, then there would be two positions reserved for persons to be nominated by the largest workers' organizations in this province, the Alberta Federation of Labour,

and also two members nominated by the Alberta and Northwest Territories Building Trades Council. We have to recognize that a very large percentage of accidents in this province occur in construction, so it's essential that those who work in that field are represented on the board, and then, of course, two members who are nominated by injured workers' organizations in Alberta. Now, I'm sure the minister will want to point out that there is somebody on the board now who was an injured worker. I asked one of his staff people at a meeting once: "Which injured workers' organization nominated this person?" I was told clearly that none had. So this person is not accountable to anybody. It's just tokenism, and that's simply not good enough, Mr. Chairman. This amendment would have the effect of making the board a much more accountable organization. As I said, as New Democrats we believe that public agencies must have that public confidence.

So we therefore urge all members of the House to support this amendment.

MR. WICKMAN: Mr. Chairman, looking over the various amendments, I feel this is another good amendment. I just want the minister to backtrack for a period of time. I think all members of the House will recall the situation I'm about to refer to. A number of years ago the minister that was then responsible for the Workers' Compensation Board I thought did something that was very, very startling and caught a lot of people off guard. That was the time that he appointed as chairman of the board the president, or former president, of the Alberta Federation of Labour. At that particular time on that board there was a mix, a mix that assured that there was representation from the injured workers and representation from people that were representing injured workers. It gave them a voice, and it was during that period of time, I remind members of this House, Mr. Chairman, that the board made its greatest strides in that whole 20-year time frame from 1971 to the present time. If you can narrow in any period of time where you can look at the board and say, "Great strides were made," that was the time, and that was due to the type of representation they had on the board representing the elements that had to be represented.

So this is one amendment I can support.

MR. TRYNCHY: Mr. Chairman, again the Member for Edmonton-Mill Woods suggests that the board does not have the injured workers at heart. That's quite a statement to make, because that's not the way I find the board. Or if he's mentioned that comment to myself, that again is not true, because I do have the injured worker at heart. He says there's distrust of the board. I haven't found that, and I'd like the hon. member to write me a letter or show me where that distrust is. Because I've noticed the board – and I've met with them a number of times – working in harmony, working in harmony for the good of the injured.

The Member for Edmonton-Whitemud said we need a mix on the board, and he's right on. We need a mix on the board. So let me explain to you what we have on that board. We have three people from industry, one member representing the logging and the trucking industry, one of our highest rates of assessment. We have one from the oil industry, and we have one injured worker. We have three people from labour. Now, I can name them off, and I guess they're all my buddies – they must be – John Booth and so on.

AN HON. MEMBER: Who nominated him?

MR. TRYNCHY: Mr. Chairman, nominations come to myself in hundreds from across the province, and we picked the people we thought would do the fairest and the best job for the injured worker.

The public sector – let me continue – has a doctor on the board, which I think is essential. We have small business represented, and we have someone with financial management abilities.

Mr. Chairman, I just can't understand how anyone would sit here and question the integrity or the ability of the members on this board without even giving them a chance to perform past the few months that they've been there as members, so I would urge all members to reject this motion and support the board as is. We'll have new appointments; they're appointed yearly on a one-year, two-year, and three-year basis, so there's always renewal. I'm sure we can make the changes as we see fit.

So I would ask all members to support what we have: a decision-making board with compassion, fairness, and a lot of common sense.

MR. McEACHERN: Some of these individual members may be very fine people – I don't know them individually well enough to judge them – and they may over the next year or two prove themselves to be quite effective. But the minister fails to understand that there is a process that you go through to get a board that is really representative and that people can have confidence in right from the start. And that is, you ask the people, the organizations that are involved in what it is you're trying to do, to nominate and put forward the people that they want on the board.

The minister has handpicked all of these people from whatever process. In fact, it was interesting to note that he said that if some of them don't work out too well, we can replace them, obviously meaning that if they in his mind don't work out, he can replace them. Now, it doesn't seem to me that that organization should be made up of people that the minister thinks are good. It should be made up of people that the injured workers of this province think are good. I would remind the minister that there is a great move on in this province, in this country, in the western world, and probably throughout the world for organizations – mostly it's volunteer organizations that have come around to doing this. Governments, this one anyway, are still too far behind the times to buy into this idea, but self-help groups are catching on, in case the minister hadn't noticed.

If battered women have a problem, they turn to other battered women, who understand their problems, to form organizations and lobby governments for funds to do what needs to be done to protect themselves. Injured workers likewise are starting to band together to form organizations so they can fight against governments like this one to try to protect themselves. If you're going to have a body that is making a lot of decisions to do with injured workers, then the logical thing to do is to buy into that philosophy that those people that have suffered the injuries know the most and know best what the problems are for themselves, and therefore they deserve some representation on this committee.

I realize it's not a voluntary committee, and you don't expect it to be all injured workers, but all this amendment is doing is asking you to put two of them on there from injured workers' organizations, not ones handpicked by yourself but somebody that the injured workers have picked. There is a whole philosophy about how you set up committees so that they're representative of organizations involved in the business that you are in that this minister is totally ignoring. That's what's wrong with his

legislation, and that's what's wrong with his jumping up on his high horse and saying: "How come you're picking on these individuals? They're fine individuals. How come you're saying they're not good enough?" That's not the point. We don't know; they haven't been around long enough to know how they're going to perform. But we do know how they were picked and how that committee was set up, and it's not an acceptable process. What you need to do is turn to the Alberta Federation of Labour and the Building Trades Council, ask those groups to nominate some people for this committee, and accept their nominees, not screen them and sort of say, "I'll take this one but not this." Have some faith in those people and in those organizations. They are the ones that know what's going on in the industry, particularly the injured workers.

So I do not understand the minister's arguments at all. This is a reasonable amendment, and if the minister really had the interests of the injured workers at heart, he would turn to those people who really know for representation and not just name who he chooses.

MR. TRYNCHY: Just briefly, we did go through a process. As I mentioned, we had over a hundred names submitted to us. We took from that list of names the best people for the job.

I've met with injured workers. Since I've taken on this portfolio, I've met with, I guess, personally or by phone or by letter, over 1,500 injured workers. Injured workers have been to my office, or I've responded by phone call or by letter or in groups. Not one of them has ever raised the question that the board is not satisfactory.

And we do have an injured worker on the board. We have a worker that's been through the injuries, and we have employers, such as the member representing the logging and trucking industry, who have been through compensation themselves and understand the difficulties that happen in the industry. And the three people from labour: they understand and respect the injuries of workers. I think it's a fair board. In time, as I said, if we feel that we can put better people on the board, I'm sure the opportunity will be there for members to make suggestions and submissions, and we'll have to consider them.

MR. DEPUTY CHAIRMAN: Ready for the question? All those in favour of the amendment to section 2 of Bill 15 as proposed by the Member for Edmonton-Mill Woods, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: The amendment is defeated.

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

[Mr. Schumacher in the Chair]

[Eight minutes having elapsed, the House divided]

For the motion:

Barrett	Laing, M.	Taylor
Chumir	McEachern	Wickman
Doyle	Mjolsness	Woloshyn

Gibeault	Roberts	
Against the motion:		
Adair	Fjordbotten	Osterman
Ady	Gesell	Paszkowski
Black	Hyland	Payne
Bradley	Jonson	Rostad
Brassard	Klein	Shrake
Cardinal	Kowalski	Sparrow
Cherry	Laing, B.	Stewart
Clegg	Lund	Tannas
Day	Main	Thurber
Dinning	McClellan	Trynchy
Elliott	Mirosh	Weiss
Evans	Moore	West
Fischer	Oldring	Zarusky
Totals:	Ayes – 11	Noes – 39

[Motion on amendment lost]

MR. GIBEAULT: Mr. Chairman, I rise now to move an additional amendment to Bill 15 to amend it by adding the following after section 3: a new section 3.1, which refers to section 8.2 of the Act, to be amended by adding the words

the benefits or entitlements of any worker which are the subject of an appeal shall continue until the Appeals Commission has made its ruling on those benefits or entitlements after the words "relating to the claim."

Now, the reason for this is quite simple. If a worker feels that her or his benefits are not as they should be, they have the right to make an appeal to the Claims Services Review Committee, and if they're dissatisfied with that, they have a right to appeal it to the Appeals Commission, which sounds fine on paper, but the fact of the matter is that that process can often be months and even years. So what happens in the meantime? An injured worker gets an arbitrary notice that they've been cut off benefits, and if they take it to the Claims Services Review Committee, that may be several months down the road. Three, four, five, six months: who knows? That may or may not be upheld. If it's not, then the appeal can be taken forward to the Appeals Commission and it may be another six months. So we have a situation where the total burden of this claim, whether it is legitimate or not, lies on the worker. The worker has got to somehow survive. How do you survive when you have no income? The whole system now is stacked against the injured worker and in favour of the board.

I would submit, Mr. Chairman, that if we had this amendment in the Act, it would have the effect of expediting the appeal process enormously, because now we would have the board saying: "Well, we've got an appeal here, and we're going to have to continue paying this appeal until the appeal is heard. Well, son of a gun, let's have an appeal scheduled for next week." If that one is not successful and it goes to the Appeals Commission, then they would say: "Well, we're still continuing to pay this worker. We've got to get this resolved right away." I bet you if we had this provision on the books, there wouldn't be a case that would not be heard by both levels of the appeal within a month, within 30 days, and that would be fairer to the workers. If their claim is not upheld at that level, then so be it. But surely workers are entitled to due process and a due process with a reasonable degree of expeditiousness. We cannot allow a system that starves workers out, starves them into submission. We cannot have that system in effect.

Mr. Chairman, we cannot continue to allow this system. I could refer to many cases in my own constituency. Many of my colleagues have told us that many citizens have come to their New Democrat MLA for assistance in dealing with the Workers' Compensation bureaucracy. They have an appeal, and we give them assistance in putting together the appeal and the case and so on, but months and months go by before the appeal is heard. In the meantime, they can't make their commitments to their family, just looking after them: home mortgage payments, rents, and so on. It puts them in an extremely difficult situation, to the point where sometimes workers are forced to go on social assistance and borrow money from friends and family to try and scrape by somehow. It's a totally humiliating process and not worthy, I would submit, of a government and a Workers' Compensation Board in 1990 that really want to deal expeditiously with the claims of injured workers.

If we adopted this provision whereby entitlements that workers had would continue until they exhausted their appeals – and they have two levels of appeal – as I said, you can be darned sure that the appeals would be done, I would be willing to gamble, within 30 days, perhaps 60 at the outside. Then everybody knows where they're at. The injured worker knows where she or he is at. That would be fairer, that would be expeditious, and we would have much less of the current problem of having cases on appeal and hearings being delayed for months and months. It's now a totally unsatisfactory process, Mr. Chairman, and all members who share some commitment to principles of basic justice must support this New Democrat amendment.

MR. WICKMAN: Mr. Chairman, I'm all for legislation that is fair, that is balanced. I use the term "balanced" because I think balanced is the key. I recognize that at the present time there are difficulties within the appeal procedure, the length of time to get some appeals under way and such, but this is going, I believe, to the other extreme. I could see this type of system inviting a great number – I wouldn't begin to even speculate – of claims, and those claims would be exhausted through every appeal avenue possible simply to delay, to obtain benefits during that period of time. The amendment doesn't satisfy me in the sense that a claim first has to be accepted by the board. Would it apply to anyone that put a claim in? If that claim was disallowed, that person would automatically receive benefits until he went through the appeal procedure. It would certainly serve to speed up the appeal procedure, but in my opinion it's going to the other extreme.

There has to be a fairer mechanism. Maybe the existing process where the appeals that are successful are paid retroactively somehow can be beefed up. Maybe it can be somehow carved in stone that an appeal has to be heard within a given period of time; otherwise, the worker is entitled to some additional compensation for undue hardship, whatever the case. But I simply can't support an amendment that I feel is unreasonable, and this particular amendment in my opinion is unreasonable. It no longer strikes the necessary balance.

MR. CHAIRMAN: The hon. minister.

MR. TRYNCHY: Mr. Chairman, thank you. Very briefly, the hon. Member for Edmonton-Mill Woods said appeals may not be upheld, and he's right. What happens, then, if you have an appeal that goes on for years and it's not upheld? How do you collect back from that person? You can't do it. It's a difficult thing.

What we're moving to, and what we've got to do, is having our appeals heard earlier. Just last year we set up a new Appeals Commission with a number of new members on the board. And we're moving; there'll be no more two- or three-year waits. It will be within weeks, and sometimes less than that, that you can get right to the Appeals Commission. So that's what we have to do.

If we allow this to go through, as the hon. Member for Edmonton-Whitemud said: why would anyone want to settle? They would take every case to the Appeals Commission because you'd be paid till then, whether you got it back or not. But under the present system the Claims Services Review Committee do not reject your benefits. You go through that process, and then after thorough discussion, medical reports and all that, say, "Look, your last appeal now is the Appeals Commission." That's where we have to make sure we work quicker: make sure the Appeals Commission hears these cases very, very soon. That's what we want to do. But there are some cases that are 10, 12, 15 years old, and I don't think they'll ever be resolved because in some cases they're not compensable. They do belong in some of the cases. I tell you, I'm as fair and the board is as fair as we can be, but there are certain limits to the Act that you have to follow. So in that case what will you do? You couldn't collect it back, because the persons are in difficulty.

So I would ask all members to not support this amendment. Let's work together to make sure our appeals are heard sooner and the injured workers get their benefits quicker. Once the appeal is heard, if they haven't been paid, they do get retroactive pay that goes back to the date of injury.

MR. CHAIRMAN: Is the committee ready for the question on the amendment?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. GIBEAULT: A further amendment, Mr. Chairman, now in section 5. Actually, it's two changes.

Section 5 is amended by striking out sections 5(a) and (b) and substituting:

(a) by striking out 51(4) . . .

which refers to the maximum level of earnings that can be compensable for workers' compensation, \$40,000; and in the second place by replacing the references to 90 percent of net earnings with 100 percent. So there's two items.

The first one is the maximum limit of compensation. Currently section 51 of the Act says:

(4) In computing net earnings for the purposes of this Act, no regard shall be taken of the aggregate gross annual earnings of the worker in excess of \$40 000.

Now, a couple of points have to be made about that, Mr. Chairman. There is no limit to the legal liability of employers from workers' compensation. They don't have a legal liability limit of \$40,000 after which they are then liable for damages and injuries and accidents. It's unlimited. Part of that deal was to give unlimited carte blanche legal liability protection to employers in return for those premiums. So how can we possibly fairly turn around and say to workers, "Oh, yes, but this only applies to you up to \$40,000"? Now, that limit has not been raised since January 1, 1982, one more indication of how seldom this government has bothered to increase limits on behalf of injured workers. It would be interesting to all hon. members to know, I'm sure, that Newfoundland, arguably one of the poorest provinces in Canada, has had since 1983 a maximum limit for

compensation of \$45,500, \$5,500 more than the province of Alberta. Now, that's embarrassing. That is totally embarrassing. Also the province of British Columbia has higher limits, \$42,200. Our neighbour to the east, Saskatchewan, our sister province, a province that has much less resources than us and is facing difficult times: maximum compensation limit, \$48,000, \$8,000 more than Alberta, and has had that since September 1, 1985.

So, Mr. Chairman, what this Bill is proposing is simply to allow more than \$40,000 if it's prescribed by an order of the board. That might look fine on paper, but can anybody who is familiar with the circumstances of how the WCB operates imagine more bureaucracy? I can't understand how this government loves bureaucracy. An injured worker puts in a claim. Perhaps they had a good year. They're a skilled worker. They made \$45,000 last year, but they're limited to \$40,000. So now in order to get the \$45,000, somehow their adjudicator has got to submit this through all kinds of ranks of supervisory and management people of the WCB and they have to bring that to the board. Even then, Mr. Chairman, here again the government wants to have all these decisions of the board reviewed by the cabinet. They don't seem to have confidence in the board. They accuse me of not having confidence in the board, but every piece of this Act says exactly that, that they don't have confidence in the board. They won't let them make decisions without them being reviewed.

So we've got this poor injured worker. He's hurt his back; he's totally disabled. He's entitled to \$45,000 if we want to compensate him at 90 percent of his previous earnings, but to get that extra \$5,000, he's got to go through an adjudicator, several supervisors, some management people, to the board, then to the minister to take before the cabinet. What kind of nonsense is that? I mean, it's totally ludicrous. So we do not accept the principle of a limit on workers' compensation if there is not going to also be a limit on employers' liability. What's fair on one side's got to be fair on the other side.

Now, if there is going to be a limit — and it seems this government is committed to that — we have to have some assurance that it's going to be as it should be to give us some element of pride in the country. We're always talking about how Alberta is number one. Let's make it number one in the province here. Let's get it beyond Newfoundland at \$45,500 or above Saskatchewan at \$48,000. Let's get it up there at \$50,000 or perhaps higher if we're even going to have one.

So I'd suggest, Mr. Chairman, that this is totally unacceptable: to have a limit at \$40,000 and then have that crazy bureaucracy of having it go through all kinds of people and hands — the board, the minister, the cabinet — to get an extra couple of thousand dollars for a worker. I can't understand this government's love of bureaucracy. I would have thought the minister had more to do with his time than that.

Now, there's a second component to that amendment, Mr. Chairman, and that is to change the level of compensation from 90 percent to 100 percent. I know that no province has 100 percent of net earnings, but the fact of the matter is that by having it at only 90 percent instead of 100 percent, we are penalizing people for having the misfortune of being involved in an accident. Why should an injured worker have to, right off the bat, on top of the trauma, all the difficulties, the pain and suffering, on top of that suffer a loss of 10 percent of their net earnings? Surely if we're going to be compassionate — this would be an opportunity today, Mr. Chairman, for the minister to show his compassion and his government's. [interjection] That's very hypothetical, I know, as my colleague says. But I want to give this minister that opportunity to show some

leadership. Let's show Alberta leading the way across the country with workers' compensation that is the most generous in the country, that does not penalize workers unfairly for the misfortune of having an accident. That's exactly what we are doing by providing only 90 percent of the net earnings instead of the full amount.

Once again, Mr. Chairman, it's the New Democrats who are standing up for injured workers to make sure they get proper compensation and that they are not penalized by the system as it currently exists. I challenge the members of the House to search their hearts and support this resolution to give justice to injured workers.

MR. TRYNCHY: Mr. Chairman, a few comments on these two amendments. I think the hon. member forgets that when you receive your workers' compensation benefits, they're tax free. In some cases injured workers make more money off the job than on the job. That is a fact in some cases. [interjections] Well, we can show them the cases. You know, Mr. Chairman, I don't have a case here, but it's a proven fact.

In 1982 the government raised the benefit to \$40,000, which was the highest in Canada. Do you realize that 95 percent of Albertans are covered? There's only 5 percent of Albertans that make more than \$40,000. I would like to let the board decide what is fair. Let's not pick a figure of \$40,000 or \$45,000 or \$50,000. Let the board decide what they want to do. The government's not going to do it from now on. That's why the changes are here. We're going to remove all this from the legislation and let the board that's in place decide what it should be.

So I recommend to the members not to support the two amendments.

MR. CHAIRMAN: Is the committee ready for the question on the amendment?

HON. MEMBERS: Question.

[Motion on amendment lost]

[The sections of Bill 15 agreed to]

[Title and preamble agreed to]

MR. TRYNCHY: Mr. Chairman, I move that the Bill be reported as amended.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. SCHUMACHER: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports the following: Bills 47 and 17. The committee reports the following with some amendments: Bill 15. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. SPEAKER: Having heard the report, do the members concur?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.

[At 5:26 p.m. the House adjourned to Thursday at 2:30 p.m.]

