

## Legislative Assembly of Alberta

Title: **Friday, June 8, 1990 10:00 a.m.**  
Date: 1990/06/08

[The House met at 10 a.m.]

[Mr. Speaker in the Chair]

### Prayers

MR. SPEAKER: Let us pray.

We give thanks to God for the rich heritage of this province as found in our people.

We pray that native-born Albertans and those who have come from other places may continue to work together to preserve and enlarge the precious heritage called Alberta.

Amen.

### head: Introduction of Visitors

MR. HORSMAN: Mr. Speaker, it's my pleasure to introduce to you and through you to members of this Assembly His Excellency Dr. Kurt Herndl, the Austrian ambassador to Canada. His Excellency has been ambassador to Canada since May of last year. He's making his first visit to Alberta at this time. He's accompanied by Mr. Hans Ockermueller, honorary consul general of Austria, from Calgary. We trust that his visit here will provide him with an opportunity to become better acquainted with Albertans and as well with our dynamic economy. Austria has recently become an important source of investment capital for Alberta. We look forward to continuing this mutually beneficial relationship.

I would now ask His Excellency to rise and, along with his guests, receive the warm welcome of this Assembly.

### head: Reading and Receiving Petitions

MR. TAYLOR: Mr. Speaker, I respectfully request the reading of the petition I submitted yesterday.

CLERK:

We, the undersigned, request the Legislative Assembly to urge the government to halt construction of the Olds Creek Storm Water Management Project until such a time that a complete Environmental Impact Assessment can be conducted, and a guarantee can be made that the construction of such a project will in no way damage any of the surrounding wildlife, or property and that it will in no way contaminate our communities' groundwater system or drinking water source.

### Tabling Returns and Reports

MR. ISLEY: Mr. Speaker, I take pleasure in filing this morning a copy of the press release issued earlier today in recognition of the fact that today is Farmers' Day and an acknowledgement to our farm families in this province.

MR. SPEAKER: The Solicitor General, followed by Calgary-Glenmore.

MR. FOWLER: Thank you, Mr. Speaker. I'm pleased to table answers to Written Question 312.

MRS. MIROSH: Mr. Speaker, I'd like to table the annual report 1990 for the Institute of Chartered Accountants of Alberta.

### head: Introduction of Special Guests

MRS. McCLELLAN: Mr. Speaker, it is my privilege today to introduce to you and through you to members of the Assembly 29 members of the elementary class from C J. Peacock school, which is located in Cereal, my hometown, in Chinook constituency. As all members share, all students are very special to us, but these students are especially special to me as they are members of a school named after my late father in recognition of his contribution to rural education. They are accompanied by their teacher Ched Simmons, by parents Joanne Barrack, Bill and Sue Duffield, and Sherri Rude, and their bus driver Bill O'Neill. They are seated in the members' gallery, and I would ask them to rise and receive the very warm welcome of this Assembly.

MS M. LAING: Mr. Speaker, it is my pleasure today to introduce on behalf of the Leader of the Official Opposition, the Member for Edmonton-Norwood, 27 students from Eastwood elementary and junior high school seated in the members' gallery. They are accompanied by their teacher Mr. Kascak, parents Margaret Roy, Connie Grandinetti, and by Hank and Betty Stock. I would ask that they rise and receive the warm welcome of this Assembly.

MR. SPEAKER: Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Speaker. It's a pleasure today to introduce to you and to all members of the Assembly 54 grade 6 students from the J.A. Fife elementary school, which is located in Edmonton-Belmont. They are accompanied by their teachers Mrs. Wolski and Mr. Beechey, and also by four brave parents Mrs. Fushtey, Mrs. Shewciw, Mrs. Thomas, and Mrs. Featherstone. They are seated right at the moment in the public gallery. I would ask that they rise and receive the traditional welcome of the Assembly.

MR. SPEAKER: Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Speaker. It's my pleasure today to introduce 15 students from the Prince Charles elementary school in my riding. They are accompanied by Barry Onishenko, their teacher, and an assistant, Aaron Pruden. I would request that they rise and receive the warm welcome of the Assembly.

### head: Oral Question Period

#### Alberta-Pacific Project

MS BARRETT: Mr. Speaker, a respected Alberta scientist who served on the Al-Pac review board that called for further studies of the Al-Pac proposal has just returned from Finland, where he's talked to scientific experts who are very skeptical about the latest Al-Pac claims that they'd be able to reduce their pollution by 80 percent with their new technology. What he says, apparently, is that the new technology in Europe hasn't lived up to its PR, and as we know, Mr. Speaker, and as the minister responsible for the NRCB knows, it hasn't even been tested in Canada. So my question to the minister responsible for the natural resources conservation board is: if the new Al-Pac

proposal involves technology that hasn't been tested here, why is it that he won't commit now to making sure that the NRCB and public hearings review that proposal before he gives approval for its go-ahead?

MR. ORMAN: Mr. Speaker, the legislation, Bill 52, is separate and apart from the policy decision as to projects that are in place and whether or not they will be reviewed by the natural resources conservation board. The Bill is not through the House yet, and we're talking about which projects that are under way or in the process of an environmental review will be reviewed. We know there is a mandatory list of projects: all new forestry projects will be reviewed by the NRCB. At this particular time the policy on Al-Pac has not been made. We do not even have our final report in, as I understand it, from Jaakko Pöyry, so I can't speak to that particular issue at this time. The process in the legislation is separate and distinct from the policy that will govern which projects are reviewed that are under way.

MS BARRETT: Well, Mr. Speaker, first of all, the minister has never made it clear whether or not he's in receipt of that report. The question is whether or not it's been released, and of course it has not. But in the second place, if this minister would agree to public hearings – it doesn't matter if the NRCB Bill passes or not; he could agree to the public hearings. Will he agree to the public hearings, given the concerns expressed by the scientific expert who served on the original Al-Pac review panel, or not?

MR. ORMAN: Mr. Speaker, that would be a question more appropriate for the Minister of the Environment.

MS BARRETT: Well, Mr. Speaker, so would the NRCB Bill. So go figure this government. You know what they're doing? They say, "Oh, no. I'm not responsible for this; he's responsible for that." They've got a perfect shell game going on. Why is the minister dithering? If he wants his Bill passed, why doesn't he commit himself now to making sure that the Al-Pac proposal, the new proposal with the untested technology, will go to that board if the Bill is passed?

MR. ORMAN: Mr. Speaker, we're not saying it will and we're not saying it won't. We have not . . .

AN HON. MEMBER: Exactly. Like the Liberals yesterday.

MR. ORMAN: We have not . . . I know it sounds like Liberals, Mr. Speaker, but in fact that decision has not been made, and it will be made. We must get the natural resources conservation board in place, we must get the members appointed, we must establish an infrastructure that can respectfully deal with and assess projects, and once we do that, we'll be able to make the decision. As I've indicated, whether the opposition agrees or whether they do not agree, the process of the NRCB is different from the policy that the government will make with regard to Al-Pac or any of the other projects that happen to be in progress. That decision will be made, Mr. Speaker. It's just not being made today, and I don't see why it creates any heartburn for the opposition.

MS BARRETT: Ha. In other words, NRCB and Al-Pac are two separate issues.

Mr. Speaker, I'd like to designate the second question to the Member for Edmonton-Jasper Place.

### Livestock Industry Diversification Act

MR. McINNIS: Mr. Speaker, it's clear that the Liberals and the Conservatives are one and the same in this province.

This is the provincial government, this is the Premier that promised there would never be game ranching in the province of Alberta. Someone has to speak up for wildlife in this province, Mr. Speaker. The Conservative administration is going to allow the commercial slaughter of elk for profit, backed by the Liberal Party, which leaves the New Democrats as the sole voice for the wildlife in the province of Alberta. I just wonder if the Minister of Agriculture, since it hasn't been possible to believe government assurances on this issue in the past, would indicate for the record why Albertans should believe the promises that are being made in conjunction with Bill 31 to sell it to an unsuspecting public?

MR. ISLEY: First of all, Mr. Speaker, it would help if the hon. member would indicate who he wishes to respond to a question. Secondly, I think the hon. member should be aware that the Bill is before the House; it's being openly discussed by the elected representatives of Albertans. The guarantee that it will be upheld is the fact that it is in legislation and can only be changed by bringing it back to the House. I may add that I think we should be discussing the Bill on the specifics that are in the Bill. I don't think we should be sharing misinformation with the public as to what the Bill does or does not do. We should deal with what the Bill does do.

MR. McINNIS: Mr. Speaker, if the Minister of Agriculture wants to stop sharing misinformation, he could start by withdrawing the pamphlet he put out on the industry.

Bill 31 – the minister is correct – has not yet passed second reading. Hopefully, it will never pass, but already delegates to an international wildlife symposium sponsored by the industry in the city of Edmonton are agitating publicly for paid hunting. They see that as the logical outgrowth of this industry. I wonder if the minister can deny the obvious pressure that comes from that industry to move towards paid hunting for game given the investment in stock, in facilities and equipment, which this provincial government is attempting to sell to the agricultural community.

MR. ISLEY: Mr. Speaker, what the hon. member is trying to do now is wave another red flag. There is no pressure on; there have been no requests for paid hunting. It is the position of this government, very, very explicitly, that we are not moving toward paid hunting. We don't have paid hunting with our cattle out there. We've been raising cattle under domestic conditions for years and years, we've been raising sheep, we've been raising hogs and buffalo, and I don't see you going out and making a deal with a farmer so that you can go out and shoot that poor, defenceless cow. We're talking about an agricultural industry here; we're talking about a good diversification; we're talking about animals which are native to this country, which do very well on our native grasses and our hay crops. We are in no way moving toward paid hunting.

MR. McINNIS: Well, I think we should clarify one point: there is paid hunting in Alberta for wild boar but not for native Alberta species, and that's the area we're moving in.

Another supplementary. A Korean-based company wants to purchase Al Oeming's operation and set up what they call a cow/calf operation in the elk industry to take advantage of a

market situation in Korea. Now, I thought this was supposed to be an opportunity for Alberta farmers to get involved in this thing. Why is it that the international Korean industry is moving in to take control of this operation?

MR. ISLEY: Again, Mr. Speaker, the international Korean-based industry has not moved in to take over. If there is anything materializing with the rumours that the gentleman is alluding to – and if it's an offshore resident buying land in this province, they cannot buy agricultural land without a specific exemption through an order in council. Mind you, anyone that moves to this country and takes up residency and becomes a citizen of Canada and a resident of Alberta can certainly buy agricultural land and participate in any agricultural endeavours. But as far as the control of any sector of our agricultural industry, including game farming once Bill 31 passes, flowing into foreign hands, I can assure you that will not occur because of the restrictions that are in place.

MR. SPEAKER: Calgary-North West.

### Alberta Government Telephones

MR. BRUSEKER: Thank you, Mr. Speaker. The government has repeatedly said that the reason for the reorganization – and I say that very euphemistically – of AGT is to improve the ability to have AGT compete in the global marketplace. We all know the record of management and mismanagement that this government has shown in a variety of its business dealings, and there are a number of concerns that we have with respect to this Bill, in particular regarding the management, the procedures. My question to the minister for AGT is: will the government remove their politically appointed Dr. Neil Webber, who is the current head of AGT, and hire an independent personnel search firm – "headhunters" – to find a chairperson who in fact has the management skills and the expertise that are needed to run this company?

MS BARRETT: A point of order: *Beauchesne* 512(2), Mr. Speaker. If I had thought the questions were in order . . .

MR. SPEAKER: Well, because the matter is being raised that this matter may indeed be on the Order Paper for second reading later today – the Chair has noticed that it is supposedly there, but it is also the eighth with regard to being on the Order Paper . . .

MS BARRETT: Eighth?

MR. SPEAKER: . . . with regard to the possibility of being discussed later this morning, and it makes it a bit difficult whether we get there or not.

MR. STEWART: Mr. Speaker, the Bill for the reorganization of AGT, as the hon. member well knows, is before the Assembly. We'll be very interested to hear from him on this and other matters as it relates to that Bill.

It's always very interesting, Mr. Speaker. We never know from one day to the next which way the Liberal Party will be coming from. One day they seem to be speaking in favour of privatization; the next day they're talking about the mismanagement and so on and they speak against privatization of AGT and its reorganization. So we'll very much look forward to the debate when we'll hear from the hon. member.

MR. SPEAKER: A supplementary.

MR. BRUSEKER: My supplementary, then, Mr. Speaker, would be again to the minister responsible for AGT. The concern that I have in part with the Bill is the special share, also known perhaps as the lion's share. In order to support privatization, will the government make the commitment to remove that special share so that the full benefits of privatization can, in fact, be realized, as the government claims they wish to have?

MR. STEWART: Well, Mr. Speaker, if the hon. member is proposing to amend the Bill, there is a process for that, and let him follow that process.

MR. SPEAKER: Final supplementary.

MR. BRUSEKER: Well, my final supplementary then, Mr. Speaker, is: will the government simply admit that this whole Bill is simply an attempt to have their cake and eat it too, where they want to 'pseudoprivatize' this company yet on the other hand keep their hand in and really keep the reins of AGT firmly in their own hands?

MR. STEWART: Mr. Speaker, I think the reasons for the Bill are clear to all Albertans. That's certainly the indication I get, and certainly the types of calls that are coming in to the 1-800 number at present certainly support that particular position. People know why we are doing it. They know that we are positioning AGT for the future as a telecommunications company; they know that rates will be regulated in the public interest; they know the rate of return or profits will be regulated. I look forward to further debate and perhaps an enlightenment from the Liberal Party as to just how they're going to come down in taking a stand for once in their lives.

MR. SPEAKER: Highwood.

### Cattle Exports

MR. TANNAS: Thank you, Mr. Speaker. My question today is to the Minister of Agriculture. Mr. Speaker, cow/calf operators, ranchers, farmers, and feedlot operators have greatly benefited by the Alberta government's program on the Crow benefit offset and other supportive programs that have revitalized the cattle feeding industry in Alberta. These programs have benefited not only Highwood but many parts of southern Alberta and, indeed, northern Alberta. The Cargill plant, Mr. Speaker, is located in Highwood. It's a state of the art operation in beef processing. Nevertheless, there are large numbers of slaughter cattle and feed cattle that are being transported from this province into the northwest, taking with them jobs and value-added profits that could well go to Albertans. My question, then, to the Minister of Agriculture: is this minister prepared to look into the situation to come up with useful solutions?

MR. ISLEY: Mr. Speaker, I'm pleased that the hon. member recognized the various programs that went to build a strong cow/calf and feedlot industry in this province, and I appreciate his concerns with the jobs connected with the value-added sector. Might I say that we've had a free flow of live cattle back and forth across the border for years, and under the free trade agreement we hope that continues. For the benefit of our producers I hope they always have the option of letting those cattle go to where they get the greatest return.

There is an area of concern here, and that is that we don't feel the playing field is level at the meat packing and processing level. It's possible for our beef that is finished to the degree that it would go USDA choice grade to flow freely across the border to a plant in the south as long as it's a live animal, but it's not possible for the meat from that animal to flow freely into that USDA choice grade system. What we have to do and what we're currently working on is developing a standardization in the grading system between the two countries. The alternative route is to bring USDA inspectors into Canadian processing plants and possibly, at the same time, have Canadian inspectors going into and grading meat in U.S. plants, if there's a demand.

MR. SPEAKER: A supplementary, Highwood.

MR. TANNAS: Thank you, Mr. Speaker. My supplementary is again, then, to the Minister of Agriculture. I want to know if there is any unanimity in the packing and processing industry as to a suitable course of action. Further, is this minister prepared to give his full weight in assistance to such a course of action?

MR. ISLEY: Mr. Speaker, one of the reasons, I would submit, that this problem hasn't been resolved up to this point in time was because of the lack of unanimity in the industry. When I say the industry, I'm talking the major meat packers out there, the Canadian Meat Council, and the producer organizations. As of now there is unanimity. We are initiating and have initiated discussions with the Hon. Don Mazankowski, Minister of Agriculture for Canada. My full weight will be put behind the position of the industry, and hopefully we will get this matter resolved.

### Child Welfare

MS MJOLSNESS: Mr. Speaker, my questions are to the Minister of Family and Social Services. One mother I know has been struggling for over two years to get appropriate services for her 12-year-old son who suffers from schizophrenia. She has met with several ministers and her own MLA but made very little progress. The stress has been so severe that last Friday she had a nervous breakdown. Because her son has been in the child welfare system for two years, in order to continue services, department policy requires her to give up custody of her child. In view of the fact that mental illness requires long-term care, I'd like to ask the minister: when will he recognize that a two-year limit is unrealistic and irresponsible, and change this policy?

MR. OLDRING: Well, Mr. Speaker, it's always very hard to comment on a particular situation when the information hasn't been provided, but I'd be happy to look into that particular situation.

Mr. Speaker, there are times when we feel it's appropriate to enter into joint custodial agreements with parents. It's done on a mutual basis; it's done on a co-operative basis. We're obviously anxious to provide services to children that need it. This is one of the processes that allows that to happen, and I think it's most appropriate that we continue on that basis.

MR. SPEAKER: Edmonton-Calder, supplementary.

MS MJOLSNESS: Thank you, Mr. Speaker. Well, this mother has met with this minister, and she got no action.

Mr. Speaker, the fact is that these children continue to get lost in a system that does not meet their needs. Last week 165

people attended a workshop on children's mental health because they are so concerned about what is happening to these children and their families. A supplementary to the minister: how many families will have to be destroyed before this minister gets his act together with the Minister of Health so that these children can remain with their families where they belong?

MR. OLDRING: Mr. Speaker, that is absolute nonsense. That member knows full well that the number of children in our care is dropping because we as a government, we as a department, have established a priority of doing everything we can to make sure that children first and foremost can stay in their homes. We are offering tremendous support now; not just we as government: we as Albertans. I want to recognize the effort of a number of agencies across this province that work with us in assisting children who are having troubles, who are going through difficult times; assisting children and families to help them get the necessary support to keep that child in the home. As I say, that member knows full well that the number of children in our permanent care is dropping, and it's dropping because of those kinds of initiatives. I'd also want to assure my colleagues, Albertans, so that there's no misunderstanding, that our colleagues work very closely in addressing these concerns, that I work very closely with the Minister of Health and other members of cabinet in making sure that our policies are working on a cohesive basis. And we're going to continue to do that.

MR. SPEAKER: Edmonton-Gold Bar.

### Social Policy Reform

MRS. HEWES: Thank you, Mr. Speaker. Well, the evident disarray occurring in the Department of Family and Social Services continues to mount every day. We've just heard another illustration.

Mr. Speaker, the negotiations with social workers are floundering. They're critical. Requests for desperately needed increases in social assistance are met with "wait for the reforms." Parents and operators shouted a resounding no to the white paper on day care. The minister gives only slightly and proceeds to push the changes through with no subsidy information. The minister's solution to reducing caseloads appears to be a work-for-welfare scheme. All of these things indicate that we have a department with serious internal problems. To the Minister of Family and Social Services: will the minister now please stop patronizing Albertans, stop this cruel stalling, and commit that social assistance rates will be raised so that people can provide food, clothing, and shelter for their families?

MR. OLDRING: Mr. Speaker, I have said all along that we are committed to major social reforms. But we're not going to do it on a knee-jerk basis as proposed by the Member for Edmonton-Gold Bar. I don't understand the problem she has with the process that we're going through. I don't understand the problem she has with the process of working with Albertans, of talking to advocacy groups, of talking to users. I think it's very important that we take the appropriate time to make sure that the steps we take are the right steps for those 65,000 caseloads that we have currently in the province of Alberta. Mr. Speaker, this is a long-term problem, and I think it's most appropriate that we take the necessary time to make sure that the steps we take are the right ones. I'm going to do that; I'm going to take the necessary time. I'm encouraged by seeing the response to some of the initiatives we've taken already. For the third

consecutive month we've seen our caseloads dropping. I think it's appropriate, and that's what we're going to do.

MRS. HEWES: Mr. Speaker, in the meantime, you know, people are hungry and families in this province are suffering. We can wait forever; it's been since '82, and we know the problem is there. Will the minister either produce the work-for-welfare scheme or at least quit threatening Albertans on assistance that they're going to get cut off? Let's have a look at what you're up to.

MR. OLDRING: Well, Mr. Speaker, it's interesting to hear the Member for Edmonton-Gold Bar call for a work-for-welfare scheme, but the only threats are coming from that side of the House; the only fears are being created from that side of the House.

Mr. Speaker, again, we are committed to addressing this problem through a meaningful, rational process. I am convinced that the steps will be the appropriate ones. I am convinced through the efforts that I and my government colleagues are putting into this process that the results will be well worth the efforts, that the results will reflect the interests of those Albertans that the member is talking about. I'm looking forward to getting on with those social reforms. I'm looking forward to announcing those social reforms, but again, Mr. Speaker, I'm going to take the necessary time to make sure that we do it right. [interjections]

MR. SPEAKER: We will proceed when we decide.  
Rocky Mountain House.

#### **Oil Spill near Rocky Mountain House**

MR. LUND: Thank you, Mr. Speaker. The Rocky constituency has a very intense oil and gas industry, and as part of that industry, of course, we've got many miles of pipeline carrying both sour and sweet gas and sour and sweet oil. It has come to my attention that a crack in a sweet oil line has created a major spill. To the Minister of Energy: I recognize that this spill is in a remote muskeg area, but it is quite large, and I would like the minister to inform the House as to the potential adverse effect of this spill.

MR. ORMAN: Mr. Speaker, the pipeline spill that has occurred in the Amoco pipeline – I believe it's the Rangeland pipeline, which is in the area of Rocky Mountain House – has resulted in a crack in the lining, and there have been some 10,000 barrels of oil that have spilled out of that line. The Energy Resources Conservation Board is on site, and they report to me that they have been able to contain the spill from entering the creek in the area. The spill was at the top of an embankment and was moving towards a creek in the area, and I understand that the Department of the Environment and Amoco, together with the Energy Resources Conservation Board, are on site and have trapped and contained this spill. I'm also advised that they have totally contained it with the booms and dikes and kept it from getting into the water supply.

MR. SPEAKER: Rocky Mountain House.

MR. LUND: Thanks, Mr. Speaker. Perhaps this spill is being contained, but one of the major things that really bothers me: I understand that the spill went undetected for a number of days. I would ask the minister what steps are going to be taken

or are being taken to make sure that this type of thing doesn't happen in the future?

MR. ORMAN: Mr. Speaker, that obviously is the second part of the equation, and that is: how did it happen, and what can we do to prevent it from happening in the future? I understand that Amoco did a flyover, as they do on a regular basis, on May 31, and there was no detection of a spill at that particular time. These companies in their pipeline monitoring do flow balances, the flow in the inlet and the flow at the outlet, to try and determine if there is any slippage in terms of volumes. That was not detected initially, and I guess it begs the question as to why it took the period of time that it did take to detect the flow imbalance. That's a question that we will be pursuing with Amoco through the Energy Resources Conservation Board.

MR. SPEAKER: Edmonton-Avonmore.

#### **Social Assistance**

MS M. LAING: Thank you, Mr. Speaker. My questions are to the Minister of Family and Social Services. If a woman who receives social allowance is presumed to be living with a man, she can be cut off assistance without notice, because under the spouse in the house rule it is assumed that the man will support her. However, in another program of the same department, social services refuses to provide a widow's pension to a woman who lived common-law with a man for many years because the couple was not legally married. In view of this double standard will the minister instruct his department to define common-law relationships in a consistent manner across all programs in his department?

MR. OLDRING: Mr. Speaker, I can only say as it relates to our income security programs that, yes, if there's a common-law relationship in place, we take that into consideration in assessing the benefits, and I think that's only appropriate.

MS M. LAING: But, Mr. Speaker, they don't have a definition of common-law relationship. They call it spouse in the house, and it is an insult to women.

Given that Ontario has seen fit to delete the spouse in the house rule, which denies benefits to many single women, and given that the spouse in the house rule allows invasion of the privacy of women by investigators investigating social assistance, will the minister commit to eliminating this arbitrary rule and providing a consistent definition of common-law relationship?

MR. OLDRING: Well, again, Mr. Speaker, I'll only say that if there's a common-law relationship in place and if a man and a woman are living together and if that man is working, I believe that man has a responsibility to provide. We're going to continue to evaluate those situations. I might point out to the member that there are some situations in Alberta where there is cohabitation and it isn't a common-law relationship, and we're prepared to recognize that when it's appropriate as well.

MR. SPEAKER: Calgary-Forest Lawn.

#### **Oil Pipeline Monitoring**

MR. PASHAK: Thank you, Mr. Speaker. My questions fall in line with those asked by the Member for Rocky Mountain House. The oil spill at Rocky Mountain House indicates that

there are perhaps serious problems with the pipeline monitoring system in this province, and as the minister indicated, Amoco suspected a spill on June 1, but they didn't check it out until June 5. I wonder if the Minister of Energy could tell the Assembly when the inspection services of the Energy Resources Conservation Board first found out about the spill and when he found out about it personally.

MR. ORMAN: Mr. Speaker, the responsibility for detection of the flow balance rests with the operator of the pipeline, and they are to report their results to the Energy Resources Conservation Board on a regular basis. Most pipelines in the province, at least a large number of them, have an automated system that detects flow balance. In this case, part of the Rangeland line has an automated system and part of it is a manual system, and we're trying to determine whether it was human error or whether there were other factors involved. It's difficult to say. Right now the ERCB is preoccupied with containing the spill, and it has been contained in a three-quarter square mile area, and that's the first priority at this particular point.

I indicated to the Member for Rocky Mountain House and I will indicate to the Member for Calgary-Forest Lawn that we will be getting to the bottom of the reason that this leak was not detected at an earlier date.

MR. SPEAKER: Supplementary.

MR. PASHAK: Thank you, Mr. Speaker. Well, spills such as this in all probability will happen more often because of the age of our pipelines. The pipeline was 30 years old, and it was not yet equipped with automatic meters. So my question to the Minister of Energy is: will the minister require that pipeline companies replace these manual meters with automatic meters to prevent serious spills like this?

MR. ORMAN: Mr. Speaker, first, I would not want to create any undue fear in the minds of Albertans that all pipelines in the province of Alberta are on the verge of bursting forth and spilling oil across the province. We have had an accident in this case. We're bound to have accidents; accidents happen all the time. What we try and do is minimize the amount of accidents, and the industry moving towards automation as opposed to manual control is one way of minimizing it. Again, however, there can be mistakes made or mechanisms that go awry that are automated, and then the call would be for manual monitoring. In this case, I think we're just going to have find out what the problem is. We're speculating at this particular time the reasons behind the lack of detection at an earlier date. I can assure the member that as soon as we have determined that, as soon as the ERCB have conducted their review, I'll report back to the member.

MR. SPEAKER: Calgary-McKnight.

#### **Culture Grants**

MRS. GAGNON: Thank you, Mr. Speaker. The 1989-90 estimates for the Department of Culture and Multiculturalism show a 28.9 percent cut in the performing arts budget. Because of those cuts the Alberta Band Association has been forced to withdraw funding from the junior band workshop program. That program allowed 800 junior high school students to attend week-long summer music camps in six centres throughout Alberta at an approximate cost of \$20,000. The minister's decision has

forced the cancelation of the Medicine Hat and Grande Prairie workshops this year. My question to the minister is: how can the minister justify the deterioration of this \$20,000 education program, benefiting approximately 800 students, when his government through the Wild Rose Foundation has spent at least the same amount in sending five officials, including one MLA, to Japan?

MR. MAIN: Well, Mr. Speaker, the matter raised by the hon. Member for Calgary-McKnight is a situation, I guess, that we all face. Increased pressures . . . [interjections] Well, we all face increased pressures for limited dollars. Difficult choices have to be made. With respect to the matter raised about the Wild Rose Foundation, the member surely to goodness must know that that foundation is not in this department.

MRS. GAGNON: Mr. Speaker, these young people are trying to be part of Alberta's cultural revival. They're looking for enriching ways to live their lives. So I would ask the minister: will he agree to restore funding to the Alberta Band Association so that these workshops can go on?

MR. MAIN: Well, Mr. Speaker, I'll take a close look at what the member has raised and get to the details of it and provide her with some specific responses. But the granting budgets, not just for bands, not just for choral groups, but for everybody who is making a cultural contribution to this province, are under extreme stress. I can think of the city of Edmonton, for example. Many, many festivals happen here, and people want to have more festivals. There's increasing pressure on limited budgets. We review on a constant basis the way to provide the most possible dollars we possibly can for this valuable resource . . .

MR. TAYLOR: Take a rest here or in Japan. That's what you need.

MR. WICKMAN: No problem finding money for briefcases.

MR. SPEAKER: Order.

MR. MAIN: Thank you, Mr. Speaker.

If we can find extra dollars anywhere, we're going to make sure they are in the hands of people who can use them. We're looking for efficiencies in administration and every conceivable way to make the best possible use of the very limited dollars we have.

MR. SPEAKER: Cypress-Redcliff, followed by Edmonton-Kingsway. [interjections] Order please.

#### **ADC Land Sales**

MR. HYLAND: Thank you, Mr. Speaker. My question is to the Minister of Agriculture. It's related to the sale of Alberta Agricultural Development Corporation lands and the methods by which they are sold. I wonder if the minister has entered into negotiations or had any negotiations or thoughts related to listing those lands with the multiple listing services provided by the Alberta Real Estate Association rather than picking individual real estate firms for the sale of those lands.

MR. ISLEY: Mr. Speaker, the Agricultural Development Corporation uses a variety of methods of disposing of land that

comes under its ownership. One of the most successful methods we found recently was public auctions, which we conducted both last fall and this spring in various locations across the province. I believe it disposed of almost 300 quarter-sections at fairly close to and in some cases in excess of appraised values. However, one of the handicaps in always using that system is that in order for an auction to work well, you need a substantive amount of land to attract people to the sales. Where we've got smaller parcels of land, we have used the public tendering process. We have on occasion used the multiple listing service of the real estate industry. We have on unique occasions even given it to a real estate agent, but that would normally only be if there's one real estate agent in the community.

MR. HYLAND: Mr. Speaker, after meeting with real estate agents yesterday, one of the things they suggested was having a list of land that would be available for sale at certain dates. I wonder if the minister would examine the ability to prepare that list so that we would have 7,500 salesmen out there trying to move our excess farmland rather than 15 or 20 people at an auction sale.

MR. ISLEY: Mr. Speaker, that list is prepared; that list is available on request to any real estate agent. We may have to make some of them a little bit more aware of the fact that the list is there and that it is a public list.

MR. SPEAKER: Edmonton-Kingsway, followed by Edmonton-Meadowlark.

#### **Vencap Equities Alberta Ltd.**

MR. McEACHERN: Thank you, Mr. Speaker. My questions are to the Minister of Economic Development and Trade. The government knows that the only reason Vencap Equities Ltd. made any money, a paltry 2.8 percent earnings this year, was because two-thirds of their money is tied up in marketable securities, treasury bills, that sort of thing. Vencap has continued to suffer massive losses on its venture capital side, particularly in companies owned by friends of the government. Given that Vencap has recently lost most of its investments in companies like BioTechnica and Agri Trends, how can this government justify allowing a few of its friends like Jim Gray and Lloyd Quantz and Al Olson to squander heritage trust fund money belonging to all Albertans?

MR. SPEAKER: The Chair gives an admonition to the House about casting around names of other people outside this Chamber unable to defend themselves. There's been more than enough of that. Thank you.

MR. ELZINGA: Mr. Speaker, as the hon. member *is* aware, Vencap is an arm's-length organization from the government of Alberta. They have a \$200 million loan from the government of Alberta, and they are involved, as the hon. member himself mentioned, with venture capital investments, and by their very nature they are more of a risk. We are glad they are involved in these risk ventures because that way it adds to the further diversification of this province.

I should share with the hon. member that it is unbecoming to him to involve in a slanderous way those individuals as he has done, because they are very involved in the development of this province.

MR. McEACHERN: Mr. Speaker, a true venture capital company would invest in small companies, not three dozen middle-sized companies of the friends of the government.

If the government had given this \$200 million – instead of giving it to Vencap in a sweetheart deal, if they'd given it to AGT, they would be getting market rates on it. So, Mr. Speaker, why don't they privatize their friends and cut them off the government payroll and leave AGT alone?

MR. ELZINGA: Mr. Speaker, is the hon. member suggesting that the venture investments by Vencap are not in the private sector? I'm not sure of the intent of his question, because it's utter nonsense, what he is conveying to this House.

MR. SPEAKER: The Member for Edmonton-Meadowlark.

#### **Global Warming**

MR. MITCHELL: Thank you, Mr. Speaker. Climate changes due to global warming can have a profound effect on Alberta's agriculture industry in the not too distant future, and in fact there are those who argue that it may already be having a profound effect. A recent issue of the *Climate Change Digest* by Environment Canada entitled *The Effects of Climate and Climate Change on the Economy of Alberta* and a recent document by the Alberta Research Council called *Adapting to Climate Change in Alberta* both report on studies which address the possibility of global warming's effect on agriculture in Alberta. I wonder whether the Minister of Agriculture could give us his reaction to these documents and tell us whether he's raised this matter with the Minister of the Environment or the Minister of Energy, whichever one is responsible for these matters at this time.

MR. ISLEY: Mr. Speaker, I think it's fair to say there have been discussions on the impacts of global warming with the various ministers that the hon. member has identified. In fact, I believe the first presentation I viewed on it recently was midwinter when I drove in from Bonnyville one morning. When I left home, it was minus 45, and my constituents were saying, "Hey, we'd like to see some evidence of this global warming." I had a number of farmers this spring – and remember we went through a very late, cold spring in this province – saying, "Do these people talking about global warming really know what they're talking about?" I suppose I'm from Missouri; I have to be shown. Are we in a theoretical debate here, or are we in a real one?

MR. MITCHELL: It's just appalling that a minister of this government would joke about something as critical as this.

Mr. Speaker, last week I tabled a document which outlined a resolution by the National Farmers Union at its April 4 convention, a resolution calling for steps on the part of this government to reduce carbon dioxide emissions in the agricultural industry. The week before I'd asked the minister a question about it. He didn't know whether it existed or not. I wonder whether the minister could tell us: is he aware of that resolution now, what is his reaction to it, and has he taken that up with the Minister of Energy?

MR. SPEAKER: One question out of the two would be enough.

MR. ISLEY: Mr. Speaker, I have had no communication with the National Farmers Union since the last time the issue was raised in the House. I am attending one of their meetings, I believe in late June. There may be some discussion at that point in time.

MR. SPEAKER: Calgary-Mountain View.

#### **Whistle Blower Protection**

MR. HAWKESWORTH: Thank you, Mr. Speaker. For the second straight year the Ombudsman has recommended in his annual report that the government enact whistle blower legislation to protect both civil servants and the public from retaliation if they bring a complaint against the government. This type of legislation provides a valuable protection for Albertans as well as an important safeguard to ensure fair and responsible government. Unfortunately, the government has so far failed to act on this recommendation; it ignored, for example, the whistle blower's protection Bill which the New Democrats introduced in the last session. I'd like to ask the Deputy Government House Leader if he would tell the Assembly: does the government intend to ignore this problem indefinitely, or can Albertans anticipate action soon on the new whistle blower's protection legislation, as requested by the Ombudsman?

MR. STEWART: Well, Mr. Speaker, the Ombudsman's report, as the hon. member has indicated, has just been tabled yesterday. I haven't personally had an opportunity to review it. We will certainly do that and take the hon. member's question as notice at this time.

MR. HAWKESWORTH: Well, Mr. Speaker, the lack of this kind of protection has a chilling effect on people reporting wrongdoing or unfair treatment. I've had constituents tossed out of their homes for bringing forward complaints about their landlord. I'm aware of a case of a public employee who was in effect fired for reporting suspicions he had of thefts going on in his department. Town councils might be afraid to complain about their government MLA for fear of losing government programs. Will the Deputy Government House Leader admit that the longer the government delays in acting on this recommendation from the Ombudsman, the more they reinforce an image the public has of them of not being in the least bit concerned and more interested, perhaps, in protecting themselves than they are in improving services to the people of Alberta?

MR. STEWART: Mr. Speaker, it's my understanding that some of the matters that the hon. member raises are under consideration at the present time by the responsible minister at the request of members of the special select committee. I'm sure they will take the member's comments into account.

#### **Orders of the Day**

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

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.

#### **head: Introduction of Special Guests (reversion)**

MR. SPEAKER: The Member for Lacombe.

MR. MOORE: Thank you, Mr. Speaker. It's a pleasure this morning for me to introduce to you and through you to members of the Legislature 140 students from Nelson school in Lacombe. They are accompanied by teachers Mr. Jardine, Miss Sargeant, Jim Maloney, Grant Smith, Betty Ree, and also parents Mrs. Hicks, Mrs. Plested, Mrs. Jacobson, Mrs. Rodway, Mrs. Rose, Mrs. Hull, and Mrs. Kempt. They are seated in the members' and public galleries, and I'd ask them to rise now and receive the traditional welcome of this Legislature.

MR. SPEAKER: The Minister of Career Development and Employment.

MR. WEISS: Thank you, Mr. Speaker. It's a pleasure for me this morning to introduce to you and through you to members of the Assembly a constituent of mine from the city of Fort McMurray, Mrs. Connie MacRae. Mrs. MacRae has been involved on various boards and agencies within the community and presently is serving as the elected member of the Fort McMurray Regional hospital. I'd ask her to rise and receive the cordial welcome of the Assembly.

MS BARRETT: Point of order, Mr. Speaker.

MR. SPEAKER: Yes, Member for Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Speaker. I appreciate that you heard me when I rose earlier on the citation with respect to anticipation from *Beauchesne* 512, and appreciated your comments. But I'm wondering if there could be any further clarification on this matter, the reason being that I'd contemplated also asking a series of questions about AGT and privatization to the minister and then thought maybe I'd better not because that anticipates. To me it was pretty clear that the Bill would come up today. I know you can't give a definitive answer, but could you give a little more direction about on what basis I might be able to anticipate whether or not I would be called on the anticipation rule under those circumstances? [interjections] I'm not trying to put anybody on the spot, but I would like to have asked questions today as well to the minister, and I didn't because of that rule.

MR. SPEAKER: Well, the Chair is never at all accustomed to being on the spot.

MS BARRETT: I was talking about them.

MR. SPEAKER: I see. Thank you.

The Chair appreciates the fact that a point of order was raised, because indeed if we had stuck entirely to the rule of anticipation, the question should have been ruled out of order. The difficulty the Chair had, as the Chair attempted to explain to the House at the time the point of order was raised, was that according to the proposed list for today, that Bill was indeed last on the list, and given the pace of movement of Bills at second reading earlier this week, the Chair was then caught on the



horns of the dilemma that this Bill 37 was the last one to be up for today.

In future the Chair will just rule that the question cannot be asked on the particular day that it's being brought forward in terms of the listing. But the Chair also only got the listing at the last moment.

Thank you.

head: **Government Bills and Orders**  
head: **Second Reading**

**Bill 55**

**International Conventions Implementation Act**

MR. ROSTAD: Mr. Speaker, it's my pleasure to introduce for second reading Bill 55, International Conventions Implementation Act.

This Act enacts three conventions, which are contracts or agreements that the federal government makes with other bodies throughout the world. In these particular instances, there's a Convention on the Law Applicable to Trusts and on their Recognition. This provides an international set of rules for the recognition of trusts. The laws of many civil countries do not recognize trusts, and this convention allows for a uniform application of laws on trusts and avoids contradictory and unclear conflicts of laws . . .

MR. SPEAKER: Order please. The Chair is having great difficulty hearing the comments.

MR. ROSTAD: . . . currently applicable to the law of trusts in the international context.

MR. SPEAKER: Excuse me, hon. minister.

Members of the Liberal caucus: please, if you wish to discuss, we do have ample space at the back, plus a cup of coffee.

MR. ROSTAD: Thank you, Mr. Speaker.

The second convention is the United Nations convention on the international sale of goods. This convention provides a complete code of laws for the sale of goods in the international context. Currently, if parties to a contract do not specify in the contract which jurisdiction laws apply, it will be determined by the conflicts of law at the time of the dispute. This convention sets out a clear set of rules at the outset.

The third is the Canada/United Kingdom convention on the reciprocal recognition and enforcement of judgments in civil and commercial matters. This convention provides a reciprocal arrangement recognizing and enforcing judgments in the United Kingdom and Canada. It also protects Canadians and Canadian property in the United Kingdom from judgments obtained under the European convention on judgments, where the jurisdiction of the original court was not based on residence nor submission to the jurisdiction.

To enable the implementation of these to cover our jurisdiction and all of Canada, it's necessary for us to bring this Act to our Legislature, and I move second reading of the Bill. Thank you.

MR. SPEAKER: Thank you.

Discussion?

HON. MEMBERS: Question.

MR. SPEAKER: There's a call for the question.

[Motion carried; Bill 55 read a second time]

**Bill 56**

**Gratuitous Passengers and Interspousal  
Tort Immunity Statutes Amendment Act**

MR. ROSTAD: Mr. Speaker, I move second reading of Bill 56, the Gratuitous Passengers and Interspousal Tort Immunity Statutes Amendment Act.

This Act really brings us into the 20th century in how we are treating passengers in vehicles. The gratuitous passenger is the passenger who is riding along without paying for that particular ride. The present provision of the Highway Traffic Act specifies that, in terms of liability, that passenger must prove gross negligence before the driver can be subject to payment of liability. The courts over a period of time have been negating that gross negligence and, in fact, applying an ordinary negligence rule, and our legislation has been out of sync with what's happening in society today. This Act is to repeal that section of the Highway Traffic Act so that we do not have to, through necessity, go through long and sometimes convoluted legal actions to determine what could be determined through legislation.

The second main principle of the Bill is the tort immunity section. Under the Married Women's Act our legislation has said that a spouse cannot take action against another spouse in a tort action. This Act will again correct that so that a spouse has the same right as any other particular passenger if it has to do with motor vehicles and would be able to bring an action against the other spouse and have the courts determine if there would be liability.

It's again my pleasure to move second reading of Bill 56.

MR. SPEAKER: The Member for Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Speaker. Initiatives to implement these changes are long overdue. They have come years after changes in these areas of law in many other jurisdictions in the world and years and years after recommendations by the Institute of Law Research and Reform in this province. I'm very pleased to see them finally coming on, particularly to provide some long overdue recognition of the excellent work that is being done by the institute.

I'm very disappointed, and I know members of the institute and members of the legal profession are very disappointed, by the delay of the government in dealing with the many excellent reports, not just these but many others which have been prepared by the institute and have sat there gathering dust. One of these pieces of legislation deals with the concept of gross negligence, and I think the government has been grossly negligent in not attending to the state of our laws which affect so many people in an unheralded and quiet way. These changes do not have the high degree of sex appeal that many other pieces of legislation do, but they are equally important. I'm very pleased to see this Attorney General – I might say that I always like to compliment the Attorney General – finally getting down to it, but there are many other reports that are deserving of review.

In this instance the minister requested and obtained the co-operation of both of the parties in order to keep comments short and not to take a great deal of valuable legislative time, and that has been possible because of the noncontentious nature of this

legislation. I can't guarantee that all reports of the Law Reform Institute would receive the same degree of approval, but many of them would, and I would urge the minister to bring in some of that legislation and carry on the very fine precedent he is establishing here.

But the issue raises the broader issue of law reform: not what the institute has done but areas that remain unexamined. I've spoken previously in this House with respect to the need to review the legal system in a more significant way, particularly with respect to access to legal services. I know that this is a minister who is somewhat reform minded, and I would urge him to set in motion – and I urge him again, because I've done so, I believe, earlier – a review by the institute or by some other body of the problems that arise in this province with respect to the difficulty of getting access because of expensive legal services. Again, it's a quiet problem. The people who are denied access to legal services are not loud. But on a day-to-day basis, when one talks to lawyers, they see it all the time. It's a matter of concern, and I would hope that this government would move to at least start some in-depth thinking.

Discussions across the country are taking place, and Alberta is a bit of a vacuum. I must say I'm disappointed and somewhat ashamed of the province for our lack of apparent willingness to deal with problems other than those that are right at the top of the headlines in the press.

So, again, we will be supporting this legislation, are appreciative of the minister bringing this forward, and I hope he will take a greater interest in the concept of the changes that are needed in our law, as I've mentioned.

Thank you.

MR. SPEAKER: Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Speaker. I also appreciate the annual consultation from this minister and the Government House Leader when it comes to Bills such as these, the clearly noncontentious issues, sometimes in miscellaneous statutes and sometimes specifically with conventions, implementations, and changes to laws that are very old and outdated.

But what I would like to suggest to the minister, in indicating the support of the Official Opposition New Democrats for this Bill, is also a recommendation that had been put forth earlier, before the session started, that some of the other matters contemplated by the Law Reform Institute – I think previously also called "and research" – be forwarded to the Standing Committee on Law and Regulations, the reason being that some of the . . . I mean, I've been reading their reports for years, since I was a researcher here. Some of their deliberations may appear contentious in the first instance, but in fact I've found through, you know, discussing some of the matters with members of other political parties that there isn't a lot of contention, and perhaps more could be done.

Sometimes the way to do that is through our Standing Committee on Law and Regs, and then bring the recommendations to the Assembly. I'd like to make a pitch for that, not that there's anything the matter with the process that the minister has observed so far. We appreciate that and we appreciate the Government House Leader but would make the pitch for law and regs to be able to take on some more of this work in a bipartisan environment to see if we can come up with unanimous recommendations to the Assembly such as are embodied in Bill 56.

Thank you, Mr. Speaker.

MR. DOYLE: Mr. Speaker, it's pleasing to me, of course, to see the minister taking this position and changing this Act, because I personally was involved in such a case over some wranglings in court over a couple of years to – without going to court; rather, between insurance companies. It was very unfair, the treatment that I for one received and that many people in Alberta have received. The insurance companies, of course, have a lot more money than the private individual to fight these cases. They worked real hard to use the words "gross negligence." If it had been only negligence, these things would have been settled much quicker.

On behalf of many of the people of Alberta, Mr. Speaker, I'm very satisfied that the minister has taken this stand. It will not cost people a lot of money that they would have to pay the rest of their lives out of their own pockets for very serious injuries to one of their spouses caused by accidents, and I appreciate this Bill.

MR. SPEAKER: Attorney General, in summation.

MR. ROSTAD: In summation, Mr. Speaker, I appreciate the co-operation of the Official Opposition and the Liberal Party, and I take note of their representations for future action.

I move second reading of Bill 56.

[Motion carried; Bill 56 read a second time]

#### **Bill 44 Dental Disciplines Act**

MRS. MIROSH: Mr. Speaker, I rise to move second reading of Bill 44, the Dental Disciplines Act.

I'd like to just emphasize that this Act and this Bill is consistent in every way with the government's policy on professions and occupations, and most importantly, the fundamental purpose of this legislation is to protect the public.

The legislation is designed to regulate three disciplines involved in the delivery of services so that standards can be set and qualified practitioners will provide services in these three disciplines; that is, the dental hygienists, the dental technicians, and the dental assistants, all encompassed under one umbrella Act. Each of these disciplines plays a very vital role in providing dental care to Albertans, and together they make up a total of approximately 3,500 members in the work force. Although these three groups already have some form of regulation, their Bill is certainly outdated and inadequate and does not comply with the government policy.

The new legislation allows these groups to establish standards, procedures, and controls that do protect the public and the service users. As a consequence, the overall objective of promoting quality, efficient, cost-effective dental health services will be met by these groups. Each of these groups will be granted the use of a reserved title so that the public will be able to distinguish the registered members from those who do not meet the above standards. Most professional statutes delegate the responsibilities of self-governance to the professional associations, as I just mentioned, and the Bill assigns the responsibilities of registration, discipline, and practice review.

The Alberta Dental Hygienists' Association, the dental technicians, and the Dental Assistants Association are certainly in full agreement together, and this itself is history. They're very excited about this Bill and would certainly like to see it moved along in the legislation quickly.

I believe that the responsibilities of self-governing can be delegated to these three associations. At the same time, the legislation is designed to ensure that the professional association is accountable to the public and to the government. In accordance with the new policy, the Bill requires two members of the public on the council of the association and one member on their discipline committee.

In closing, I'd like to recognize all the professional dental associations for their work in the development of this piece of legislation. They've been very involved with this legislation. The Alberta Dental Association, the Alberta Dental Hygienists' Association, the Alberta Dental Technician Association, and the Alberta Dental Assistants Association have all provided valuable support in developing the Bill before you, and I have certainly enjoyed working with them.

I would like to, again, move this Bill.

Thank you.

MR. SPEAKER: The Member for Edmonton-Centre, followed by the Member for Edmonton-Gold Bar.

REV. ROBERTS: Thank you, Mr. Speaker. I want to make a few comments here at second reading. I hate always having to begin by saying that we welcome this but we continue to wonder why it's been so long overdue. I know that there has been constant lobbying on this issue to lift the kind of moratorium that there's been on improving dental legislation. That moratorium has gone on for far too long, and it's gratifying – although, as I say, it tries one's patience sometimes to see these kinds of things taking quite so long.

There are a number of questions I'd like to ask about certain details and sections of the Bill. I guess that's perhaps better reserved for committee stage, but certainly we in the New Democrat caucus support very much in principle the, I guess, basic principle, as the Member for Calgary-Glenmore has said, which is the protection of the public.

Particularly, Mr. Speaker, I think a very important point we as legislators need to keep in mind is that there's an emerging number of health care professions out there. There seems to be one popping up every few months or so that wants to help the public in some form or other in the health care field. It's a very proliferating field, and there's a number of health care providers who at least want to provide some sort of service, not to mention dental assistants, dental hygienists, and dental technicians. I would just like to urge this government to continue to – well, not to continue, but to be more assertive in terms of investigating and determining what their stand is with respect to a lot of these providers. I know that in the province of Ontario they're in the process of undergoing a very thorough, a very comprehensive, and a very complicated study of the health care professions and providers in that province all the way from midwives to pastoral care people to different people in the dental office. I don't know whether we can take some example from what's happening in Ontario. I know it's a complicated business, but I think I would rather be on the side of, "If we're going to protect the public, let's get on and do it more aggressively and more assertively," than as a last resort when everybody else has already done it.

With respect to dental hygienists, technicians, and dental assistants, as I say, there'll be more points I'd like to ask at committee stage in terms of some minor questions, and perhaps amendments. I know we're not going to be able to get into the whole area of fees which they charge or charges or their salary and all that, nor do I think – I'm trying to look through more

carefully in terms of the place of practice of these various providers. We normally like to think of a dentist's office that we go to in some professional building somewhere, but increasingly there are dental centres which are in shopping malls and are sort of quick denticentres which are paralleling these medicentres. I'm wondering the degree to which these providers are going to be able to practice in some new and perhaps unregulated centre such as that.

Not to mention schools. It seems to me, particularly with respect to dental hygienists, that a lot more could be done, in terms of their practice, with preventive medicine and good oral health; that a much more satisfying, fulfilling, and perhaps beneficial area of practice would be in the school system. I know in the province of Saskatchewan, of course under the New Democrat government there, they had a very comprehensive program of dental prevention and education for children in the school. If you can't tell somebody by the age of 10 or 12 how to brush properly, how to take care of their teeth and their whole oral health, then often it's hard to learn later on. I think that if dental hygienists particularly could move more with health nurses into the schools, we would benefit greatly by that. Again I don't think the Bill necessarily goes into that, but they're areas that we'd touch on.

With respect to the training, licensing, and registering, I guess my only question is . . . Again, we seem to want to give them greater powers – an enablement, an empowerment – although they still seem, from my reading of the Bill, to have the hand of the dentist himself working on their councils, on their committees, and I guess that's fair enough. They want to collaborate well and work as a team. But I wonder whether there isn't still some patronizing thing there if you always have to have a fully qualified dentist to be there, when in fact I think some of the issue is the degree to which hygienists and assistants can do well things which dentists used to do. So if there's some turf war developing here, I hope that that can be settled, as I say, in a collaborative way and not just say that the dentist always is the one, sort of like "father knows best," who knows what these new providers can or could or should be doing.

I'm sure the Member for Calgary-Glenmore knows about the issue last year which we got a lot of mail about from dental assistants. They were concerned about the fact that any new duties which they wanted to take on would somehow have to be passed by the Dental Hygienists' Association; that regulation 52(2), I think, of the previous Dental Profession Act in a sense prohibited dental assistants from defining what their own duties could or should be; that that sort of had to be ratified by dental hygienists. I'm hoping I can understand that with this new Bill that is no longer the case, that in fact any new duties which the dental assistants might want to take onto themselves would be a matter for them and their own council to determine together with the Lieutenant Governor in Council, however that would proceed. I do recall that we got close to 100 letters ourselves from dental assistants very concerned at that kind of unfairness. They just want their own governing body and the Lieutenant Governor in Council to make those kinds of additional duties effective. I actually still haven't found in the Bill itself where it would say that they have those powers now, but I understand that with their new council, and similarly with the dental hygienists and the dental technicians, they could do it themselves together with the powers that be in cabinet and not have to keep battling it out with the other providers. So I hope there's some clarification on that forthcoming, and we'll await more detailed study at the committee stage.

Thank you, Mr. Speaker.

MRS. HEWES: Mr. Speaker, just a quick comment. I'm pleased to say that the Liberal caucus will, in fact, support this Bill. I'm glad it's here, and all parties appear to be pleased and grateful to the member for getting it before us finally. It's been anticipated for some time.

Mr. Speaker, I just have one request or plea or question to the member: that in fact when it comes time to write the regulations that will be required as a result of this, the primary actors and players will once again be thoroughly involved and consulted as these are developed. I would anticipate that the member will be doing this.

Thank you, Mr. Speaker.

MR. CHUMIR: Just a very brief comment in support of the legislation. I just wanted to note that I'm very pleased to see that many of the provisions in here which relate to discipline are very heavily weighted towards due process. This is a matter which I've discussed in other contexts with the Member for Calgary-Glenmore, and I'm pleased to see this.

I have one caveat that I would note in here which I'll be raising in committee, and that's with respect to the concept of the complainant being able to appear with counsel.

REV. ROBERTS: More work for the lawyers.

MR. CHUMIR: Therefore you'd get more work for the lawyers, as my friend the vicar here says.

But anyway, the points that I have are quibbles. The process is headed in the right direction, and I would merely use the occasion to renew the joint resolve, as the Member for Calgary-Glenmore expressed to me several weeks ago, to see that these forms of due process make a more regular appearance in legislation dealing with professions and particularly occupations. It's the occupations level, which are not professions per se or quasi-professions, where we have found, and I have found particularly, that these protections tend to be absent, tending to apply the principle that the livelihood of an individual who is not a professional or quasi-professional is of somewhat less importance for protection than is that of the professional. I don't think that's right, and I know the Member for Calgary-Glenmore shares that, and I just wanted to reiterate and refresh her in terms of our discussion of several weeks ago.

Thank you.

MR. SPEAKER: Calgary-Glenmore, in summation.

MRS. MIROSH: Thank you, Mr. Speaker. In summation, I'd just like to outline once again that this is an umbrella Act encompassing some very general procedures, and again I am very pleased that all the disciplines are collaborating to set this Bill the way it is. The regulations will be coming forward, and they will all be involved, once again, in each of their own regulatory procedures.

I am pleased that members opposite do agree with this Act. It has taken a lot of work, and I know it's certainly long overdue. It's long overdue because it has taken time for these disciplines to come together and recognize the importance of what an umbrella Act means. I am looking forward to Committee of the Whole and answering all the questions that members opposite have brought forward.

Thank you, Mr. Speaker.

[Motion carried; Bill 44 read a second time]

## Bill 45

### Professional Statutes Amendment Act, 1990

MRS. MIROSH: Mr. Speaker, I rise to move for second reading Bill 45, the Professional Statutes Amendment Act, 1990.

Mr. Speaker, this Act encompasses about four professional pieces of legislation and some minor amendments to be made. First of all, Bill 45 will amend the Nursing Profession Act. It is at the request of the Alberta Association of Registered Nurses that we have deleted the administration of medication from the definition of exclusive nursing practice. There are circumstances where medication is administered by people who are not registered nurses, and the AARN felt that this is an area that they had to recognize. There are several care givers, such as day care workers, rehabilitation counselors, et cetera, who may be administering medication.

I'd like to table in the House at this time Guidelines for Development of Policies and Procedures Directing the Administration of Medication. A task force on the administration of medication was established and jointly chaired by the Alberta Association of Registered Nurses and the Professions and Occupations Bureau in preparing these guidelines for the administration of medication by non nurses. These guidelines are in the final stages of review, intending to be now established as policy and procedure.

Secondly, Mr. Speaker, this Bill will amend the Pharmaceutical Association Act as well as the Pharmaceutical Profession Act. Currently, the Pharmaceutical Association Act is waiting for proclamation while we're working on regulations. The Pharmaceutical Profession Act is a statute that we are still working with.

Mr. Speaker, we're concerned that the failure to substitute generic for brand name drugs increases unnecessarily the cost of the drugs to the consumer and to the government. The Act will require a physician to make a conscious decision with respect to the administration of brand name medications rather than generic drugs by indicating in his own handwriting that there should be no substitution. In addition, this amendment will provide some liability protection to the pharmacists when substituting these generic medications for brand name equivalents.

Thirdly, Mr. Speaker, the Occupational Therapy Profession Act is also being amended by this Bill. Bill 45 will recognize that similar individuals practising occupational therapy programs in other provinces will be permitted to practise in Alberta as well and to be registered in Alberta. This change will give Alberta employers the opportunity to recruit individuals from other provinces to fill much-needed positions in this area. This amendment recognizes the competency and abilities of these individuals while continuing to ensure the high standards of professional care provided by occupational therapists.

Fourthly, Mr. Speaker, Bill 45 will amend the Physical Therapy Profession Act. When the physical therapy Act was passed, it contained a provision for an exclusive scope of practice. Subsequently, however, it was recognized that such a provision could seriously limit the public's ability to obtain services from other practitioners. This section was never proclaimed and will now be repealed by this amendment.

Mr. Speaker, we are still faced with the question of how you ensure public ability to obtain alternate therapy services without letting nonregistered individuals circumvent the spirit of the Act by stating that they provide physical therapy services and implying that they are physical therapists. In response to this, we are strengthening the right to title section of the Physical

Therapy Act. It will prohibit individuals from referring to their practice as physical therapy or physiotherapy. If they're not members of the College of Physical Therapists, individuals who provide remedial massage back therapy, athletic therapists, and so on will be able to continue to practise but they will not be allowed to call themselves physical therapists or physiotherapists.

Mr. Speaker, those are the key features of Bill 45, and I recommend them to the Assembly for second reading. Thank you.

MR. SPEAKER: Edmonton-Centre.

REV. ROBERTS: Thank you, Mr. Speaker. I'd like to make a few comments on second reading of Bill 45, although I must say it's difficult to know what one operating principle is at work here except that we're amending four different professional statutes. I can't really discern one single principle. But with respect to at least three different areas I'd like to touch on, as the Member for Calgary-Glenmore has outlined, the first one pertains to the Nursing Profession Act. I again would just like to be clear and make sure we have it on the record that by having this amendment and striking out the administration of any drug or medicine as an exclusive part of nursing practice, who then is able to administer drugs, what is their training, and what way can they administer drugs so that the public can be assured that they know what they're doing, that they're at least trained enough in various pharmacological investigations to know that there's not going to be some adverse reaction or side effect or that the dose is right? I mean, there are a lot of things that go on when you administer drugs, and on behalf of the public, I just want to ensure that whoever is administering them is doing so very ably. I'm anxious to get the document the member handed out.

My understanding from those in the AARN that I've spoken to is that this is necessary because there are some people who are self-administering drugs – for instance, diabetics who administer their own insulin – or others who can take care of, we trust, again with good education and the rest of it, the administration of drugs themselves. But this does not therefore allow, for instance, that registered nursing assistants or nursing aides or others in long-term care centres could now be among those who could administer drugs. If it does, I would just like to be more clear. I know the member spoke about day care workers or some others she had in mind, but I just want to know, if it's taken out of exclusive nursing practice, how far it now extends into the practice of others and, again on behalf of the public, to ensure that whoever is administering drugs is doing so capably.

Actually, on the other hand, it was interesting to read an article – I think it was in the *Medical Post* – which now talks about nurses in the United Kingdom getting the ability to prescribe drugs and medications. Maybe we should give some nurses more power not just to administer but to actually prescribe certain medications. I guess in Great Britain they're doing so from a formula where they can . . . That's a different issue, but I think the whole area of administration of drugs and pharmaceuticals is going to continue to be one we as legislators need to be vigilant about with those in the field.

With respect to the Pharmaceutical Association Act and this amendment, again it's long overdue. I just wonder how many millions of dollars – maybe that's a bit exaggerated, but clearly hundreds of thousands of dollars – have now accrued to brand name pharmaceutical houses because this simple amendment has not been in heretofore. In fact, the ability of pharmaceutical

houses to provide prescription pads saying "no generic substitution" on them that the doctors just use without really – I cannot say that they don't know what it says, but it's a way in which the pharmaceutical brand name houses have been able to accrue unto themselves millions and millions of dollars, by this simple little prescription drug pad where, in the doctor's own handwriting, it does not say generic substitution may not be used. So, again, I'm glad it's in here. You know, as a defender of the taxpayer's dollar, I just wonder how much money has been put out either through Blue Cross or through Alberta health care and the rest where dollars could have been saved if this had been in, as it should have been, several years ago.

[Mr. Jonson in the Chair]

I wonder again whether we can go a bit further with this, because as we know – I guess it wouldn't be under the pharmaceutical; it might be under the Medical Profession Act – they're lobbied by certain drug companies who take doctors out for fancy dinners and provide them with all kinds of computer equipment in their offices and all the rest in exchange for them prescribing a certain brand name drug. From my reading, I think there's a lot going on here of very excessive and undue and perhaps even – I can't say "illegal," but it would be illegal now, given this. But there are certainly a lot of things going on which force the hand or cause doctors to prescribe brand names when a very fine generic equivalent might well be available if they were able to know that and not be so heavily lobbied as they currently are. So it's good to have that in there.

Then with respect to physical therapy, I know and I'm glad we have attention paid to this section with respect to title. I've been getting some letters, and I don't know if others have, from physiotherapists, actually one in the Chinook Physiotherapy Clinic – I wonder if that's in Calgary-Glenmore on the Macleod Trail – and other physiotherapists talking about not just their right to title but the impact the goods and services tax is going to have on their practices. I think we are under some understanding that health care services would be exempt from the new Brian Mulroney Conservative goods and services tax, but I'm really astounded, as they are, that physiotherapists' costs are going to greatly escalate with the GST being on their accounting services, repairs, chemicals, service contracts, capital expenditures, contracts to goods and services, and a variety of things for physiotherapists who are trying to provide a health care service for the general public but are having to pay a tax to help bail out Brian Mulroney. I think it's quite unfair. I guess it's not within the purview of this Act, Mr. Speaker, but it needs to be added to the record.

Maybe again at committee stage we can get into how physical therapy is legally defined. I have a definition here which states that physical therapy is legally defined as the treatment of the human body by the use of physical remedies, including therapeutic massage and manipulation, exercises, and by means of radiant, mechanical, and electrical energy. If that is the 1984 definition of physical therapy, I know physiotherapists themselves are moving right along into the field, and given their Act and the rest, they want to be able to have more direct control in this whole area of health care.

I was interested to hear the member claim that, for instance, masseurs or those who offer a massage treatment can still practise their craft but just not under the title of physical therapy. I guess that's fair enough, although there still seems to be a lot of gray area, because certainly someone who is doing massage can be saying that they're doing therapy on a physical

part of the body according to this definition. I'm wondering whether maybe the definition needs to be changed a bit to ensure that what physiotherapists are doing is more narrow and, therefore, has more strength of definition than this broader title which does include therapeutic massage.

I'm wondering too . . . In our multicultural province people are coming from many parts of the world where manipulation of the body not just by a masseur but even some chiropractic manipulations – others from the Asian countries and Asian world have a number of different practices from ancient times where the body is manipulated in certain ways which might fall under this definition but isn't going to be by a fully trained physiotherapist. I guess we can tell them all they're not to use that word and aren't to put up the title PT, but I wonder just how heavy-handed that is and how cognizant we then need to be of other providers in this same general area who want to provide a service to people. I guess what I'm pleading for is that some education both ways has to go on here. I think the strength of title is probably a good thing, but there are other legitimate providers of – what are we going to call it if we can't call it physical therapy? – manipulation of the body's muscles and so on who need to continue to be able to practice, I believe, maybe just under a better definition.

We'll get at it more at committee stage, but those are my comments for now. Thank you.

MR. ACTING DEPUTY SPEAKER: The Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I'll just take the opportunity to get on side here and say that the Liberal caucus does indeed support second reading of this Bill. As I understand it, it is here to clear up some long-standing loopholes and ambiguities that exist in these varied professions and that they have been lobbying to achieve. My reading of it is that they approve of it.

The first one, the Nursing Profession Act and the changes to the administration of medicine as an exclusive nursing practice, is perhaps the most contentious part of this Bill, Mr. Speaker. It's also my understanding that soon there will be introduced a compulsory medication delivery course in the nursing assistants program that doesn't exist at present, and perhaps the member could verify that.

Mr. Speaker, I would think that our endorsement should be considered in the sense of wanting some assurance once again that the regulations will be developed with ongoing consultation with the various health care professions that are involved here, and also that the regulations will describe the clear methods of how these particular pieces of legislation will be monitored as to their effectiveness.

I'm pleased about the changes related to occupational therapy. Since this once was my profession many, many years ago, I'm very interested in it. I recognize the shortage of OTs in this province and the necessity to recruit more, and I think this will go some distance to accomplish that. So I'm pleased about that section. Similarly with the physical therapists. The physiotherapists have been asking for this, and I believe this will go a long way to protect both their profession and the general public in dealing with them.

Lastly, Mr. Speaker, the Pharmaceutical Association Act related to generic equivalents. I support these amendments. The question I want to ask is that in requesting that the doctor, the prescribing person, write in his or her own handwriting as opposed to simply checking in a box, I take it this is done as a

protection for the public and the pharmacist. I wonder if the member would comment on whether the types of problems that have been experienced with just checking in a box – if that has been an unsatisfactory performance and is part of the reason; that is, if there is any data, any empirical evidence, that this has caused an ongoing problem for the pharmacist and for the consumer in the past.

Mr. Speaker, with those few comments, I welcome this Bill, and our caucus will be supporting it.

MR. ACTING DEPUTY SPEAKER: To conclude debate, the Member for Calgary-Glenmore.

MRS. MIROSH: Thank you, Mr. Speaker, and thank you for comments opposite. I would just like to clarify again with regards to the administration of drugs. Once the guides and procedures have been circulated in the House, I think probably that will clarify to you the procedures we in fact will adopt with those who will be administering drugs. It is a problem, though, with diabetics in particular, whereby they do administer their own drugs or their relatives do that. But again, they will be subjected to following these specific guidelines.

The hon. Member for Edmonton-Centre outlined the physical therapy and physiotherapy definition. I suppose we could come up with any definition, but I think it's important for me to outline it. Physiotherapy and physical therapy are universal titles that everybody around the world is aware of. I think the public knows, and should know, what physical therapists and physiotherapists do. What they do, of course, is not an exclusive scope of practice, and what masseuses or athletic therapists call themselves is under a different regulation and different title. But physical therapists and physiotherapists do deserve that right to title.

I would just like to explain that any type of legislation or regulations that the occupation and . . . The bureau actually deals with professions, and consultation with professions all the time is ongoing. We have great rapport with professions, and I intend to keep that rapport with them.

In conclusion, Mr. Speaker, I would like to move second reading of Bill 45.

[Motion carried; Bill 45 read a second time]

### **Bill 46 Legal Profession Act**

MR. EVANS: Mr. Speaker, I'm pleased to rise in the House today to introduce second reading of the Legal Profession Act, Bill 46, and I wish to thank my hon. colleagues for their very kind comments and applause at the beginning of my presentation.

Although a number of the provisions in this Bill are merely a streamlining of existing provisions and/or housekeeping matters, Mr. Speaker, there are also a number of substantive changes, and really the overall intention of the Act is to ensure that the profession is more accountable and responsive to Albertans. I'd like to go through a number of those changes for the hon. members.

The first is to make disciplinary hearings open to the public unless otherwise directed by the benchers. The intention here is to give Albertans an opportunity to take a more active role in the disciplinary hearings of the society so they fully understand the process that is undertaken to get to the stage of a disci-

plinary hearing and they are well aware of the findings of those hearings.

Secondly, there will be an increase in the number of lay benchers and, as well, Mr. Speaker, a stipulation as to the maximum number of years benchers may serve in a consecutive number of years.

Thirdly, there is a provision that allows the Law Society to seek an injunction to restrain a person from unlawfully or wrongfully practising law whether or not that person has been prosecuted or convicted. The intention here again, Mr. Speaker, is to protect the public and to ensure that those who are practising without a licence and could subject the public to harm are dealt with in as prompt a manner as possible. A corollary of that is an increase in the monetary penalties both for incompetency of members and for those found to be practising law without authority.

Finally, Mr. Speaker, the last major change is a requirement that the Law Society make a hearing record available to the Attorney General if there are reasonable and probable grounds that a member whose conduct is being investigated has committed a criminal offence. Again, public accountability is the object to which this provision is addressed.

Those, I believe, are the major changes to the Act, so without further ado, I would move second reading.

MR. ACTING DEPUTY SPEAKER: The Member for Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Speaker. This Bill seems to be a good Bill moving in the right direction, but it has an area missing, or at least I think it does, that could easily be rectified by a small amendment.

Several times over the last few years we have put forward a Bill in this House that would remove lawyers from being exempt under the mortgage brokers licensing Act. Now, it seems to me that there's no reason in the world why lawyers should be allowed to buy and sell real estate and mortgages without having a special licence the same as anybody else in the world. Any other person but a lawyer that wants to sell real estate or mortgages has to take out a special licence; they then come under that Act, and there are certain penalties and consequences that follow if there's trouble. Lawyers are exempt from that. There's a very specific clause which says that lawyers are exempt, and we have suggested for three or four years in a row that that exemption should be removed.

Now, this Bill could very easily take care of that. After all, this Bill is meant to tighten up the rules by which lawyers play the game in this country. So the amendment should be in the Bill itself. It would be consistent with the principle of the Bill. Then, of course, as in most Bills where it affects other related Bills, you have to make those related amendments. Usually at the end of a Bill there's a list of all those other Bills that require changes because of what you put into the main Bill. Since the Bill purports to deal with problems that lawyers may run into in dealing with the public, it would seem to me that this is one of the simpler, more straightforward, easier things to deal with. There's no reason in the world why it shouldn't be there, and I don't understand why the member would leave it out.

MR. ACTING DEPUTY SPEAKER: The Member for Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Speaker. Our caucus will be supporting this legislation. We're now in second reading dealing

with the matter of principle, and one of the key principles here, of course, is that of self-governance of the profession. As a lawyer, I very much subscribe to the view that self-governance best serves the interests of the community. There's no adequate substitute for regulation by those who know the profession and have a vested interest in its well-being.

At the same time, there is a valid public interest in ensuring that we have safeguards to reflect that public interest and to ensure that the profession is more open and accountable. Groups have formed in recent years, particularly the VOLD group, which have raised serious concerns with respect to the practice of law in some instances in this profession. The group, I believe, has raised many valid concerns. I don't subscribe to many of their solutions, but I think we have to recognize that those concerns are reflective of some real problems.

Now, this legislation deals with some of those concerns, and it heads us in the right direction of making the profession more open and accountable. My instinct, while supporting the general direction, is that we should be moving a little farther and faster. It's a matter of degree. I'm not out of tune with the principle, but I would like to see us perhaps be a little bit more aggressive. Now, I did set out my views in that regard in a letter to the benchers of the Law Society of Alberta on October 17, 1986. It was a letter that I drafted after consultation with a number of lawyers including some benchers, and I know that many of the views I'm expressing here would be supported by members of the legal profession as well as many members of the public.

In terms of lay benchers, I think it's healthy to have a group of lay benchers serving. The issue is one of degree and one of numbers. This legislation provides that there will be three lay benchers and, in essence, when you get through the math, there will be 20 members of the legal profession, so that's three out of 23. Now, lay benchers are there to provide some overall public representation but are not to supplant the general principle of self-governance. That being said, I would personally prefer to see somewhat stronger public representation by increasing the number of lay benchers perhaps by one or two. Were we to have four lay benchers, that would be four of 24, so that would be one-sixth, which would not be inordinate, and five would be one-fifth. My sense is that three is too low considering the present temper of the times, and it may be perceived as tokenism. I believe it would also be useful in terms of appointing lay benchers if the Attorney General had a mandate not simply to consult the benchers as he does under the present legislation but also to consult more broadly. An appointment process in which the Attorney General as a lawyer consults with the benchers smacks far too much of a cosy, pat deal as to who the lay benchers should be.

Moving on to the issue of hearings, this legislation implements the very positive step of requiring disciplinary hearings to be held in public. It's been a source of some criticism and complaint that secret hearings merely reflect cosy deals, with the lawyers protecting their own. Secrecy has the effect of eroding public confidence in the process, and of course who more than lawyers should recognize the validity of that old maxim that justice must not only be done but must be seen to be done? I have some concerns, though, with respect to the mechanics. In particular, I have concerns with respect to that section which provides for public hearings, section 75, which seems to give to the benchers unbridled discretion to close hearings. There are absolutely no standards or tests defining the circumstances of closure in that section, and I would distinguish that, for example, from the provisions in several pieces of legislation that have just been presented this morning, Bills 44 and 45, in which it's much

more clearly defined and hearings are to be closed only in the event that the complainant requests – the client, in the case of the legal scenario – or, alternately, if in the opinion of the discipline committee the interests of any person other than the investigated person would be detrimentally affected if the hearing were not held in private. It's a much narrower focus, and I would certainly think some more precise definition would be appropriate in the Legal Profession Act or else some very clear explanation, as the range of circumstances is so broad that a definition is not practicable. That may be the contention, but I would certainly like to hear that.

I have a concern also in that the breadth of that provision could be interpreted in such a way as to result in the complainant being excluded as well, not just other members of the public or the interested press. I hope that this is not intended. It seems to me that it's a matter that requires a clarification.

Now, there's another provision that deals with secrecy and exclusion of the public, and that's section 109, which deals with solicitor/client privilege. The concept has some merit, but the section is far too broad and poorly drafted and seems to give the solicitor, the person who's being investigated, the right to claim a solicitor/client privilege in respect of his or her clients. In fact it seems to me that the privilege is that of the client and can be waived by the client, and there should be a reference to the client and the decision being made by the client rather than the lawyer who may have a self-interest in confidentiality.

Now, several other concerns have been raised with me from time to time by members of the VOLD group and otherwise with respect to the complaints process, and that is, firstly, that the complainant should be advised of any penalty imposed on the lawyer. I note in the context of policing that I often hear complaints from people who have been involved with the police, that in the disciplinary process they never know what happened, and that leads to public mistrust. I think it would be very healthy at any stage of the proceedings, whether it goes to a formal hearing or not, that if there is a penalty meted out or a finding of culpability, the complainant should clearly have the right to be advised.

Another concern that has been raised, and I don't know whether this is appropriate for legislation or not, is that hearings should be in the locale where the complaint arises. I've heard of instances where individuals have had to travel to other locales, and that has been a cause of some concern.

Now, I'd like to move on to the assurance fund issue. The assurance fund is a fund made up of payments by lawyers which is to protect members of the public from defalcations by members acting in their capacity as lawyers. The Peter Petrasuk case, in particular, but also the Liknaitzky case has caused a great deal of public discontent with respect to the way in which the assurance fund system operates. Many individuals were denied reimbursement of their losses on the basis that Mr. Petrasuk in particular was not acting within the scope of a solicitor/client business when he took the money. Now, the concerns that I have are twofold: I recognize the validity of the distinction between acting as a businessperson and acting as a solicitor/client, and I don't think that the legal profession can be expected to indemnify any person who loses when they get into a business deal with a lawyer.

But that being said, there're several areas of concern that I have. The first is the phraseology of the legislation which provides that the benchers may approve payment in the event that there has been a loss falling within the solicitor/client privilege. It appears that this gives the benchers a discretion even if the loss has been within that realm of privilege. Now,

Mr. Petrasuk's mother, who also lost money to her grateful son, was denied reimbursement by the benchers. She even went all the way to the Supreme Court of Canada, and the Supreme Court interpreted the "may" provision as being mandatory, as if it should be read as "shall." I think it's important that that be reaffirmed in the legislation itself. I think that it should be made absolutely clear that once there is a decision that the defalcation was within the scope of the solicitor/client relationship, there's no discretion on the part of the benchers to pay or not pay. It should be paid.

There's also a concern that arises with respect to how an individual faced with the might of the legal establishment in the event of disagreement is to meet that challenge. Often people are in very poor financial circumstances, and it seems to me that there really should be some provision for legal assistance to people who may come into conflict with the legal system. They may have to go on to court at great expense, and it just seems to me that when they're battling the might of the legal system, it's such an uneven battle that we as legislators and policymakers should be taking into account the needs of those individuals. Indeed, it serves the legal profession to have those needs taken into account, because frustration, aggravation, unhappiness, and a sense of injustice can fester throughout the community, and that does not serve either the legal profession or the community well.

The second concern I have is that relating to the distinction between when lawyers are acting in their capacity as lawyers and as businessmen. One of the practical realities is that in some instances, particularly in the Petrasuk case, it's very difficult to differentiate. Benchers by and large being volunteers – different panels of benchers would sit on different cases, and I'm hearing from those who lost money there that they feel their case was very similar to a situation in which somebody was reimbursed. I sense from discussions I've had with members of the legal profession that there's some validity to that concern, and as a result I think that when you get into situations like this, there needs to be some thought given to means whereby more uniformity can be provided. That's not always possible. Indeed in litigation there is the roll of the dice as to which judge comes through the chute, and they're all human; they differ. But I think that more attention should be given to that particular area.

Another concern arises from the fact that it's so easy for clients to be misled as to what capacity they're dealing with when the lawyer is doing business out of his office. Once money is lost, it's hard to understand this fine distinction being made.

I made some suggestions in my letter to the benchers as to some of the practical ways in which they might address that issue. Some comments made earlier with respect to one of my suggestions were that there be a review of the exemption of lawyers from the mortgage brokers licensing Act. I think that this area in particular needs to be addressed by the profession. The Petrasuk incident has caused untold ill will to the legal profession, and it doesn't serve either the profession or society when we have a lack of confidence in that very, very important profession.

Finally, I'd like to deal with the issue of the practice of law itself: who may or may not practise law, unauthorized practice, and so on. This has become a very contentious issue in recent times across the country. We see in this province and elsewhere across the country a group such as POINTTS representing people in traffic court. Other groups are getting involved in matrimonial issues, wills. The definition of the scope of practice of law, as I understand it, remains the same in this Act as in the previous one. The benchers are given some strength and



injunctive power to require people to cease practising, and in addition the government has beefed up penalties for unauthorized practice of law.

Obviously the government has taken some form of position or crystalized some form of view as to how they look at this issue, and my concern is the absence of any statement of philosophy or principle or assessment or analysis of this issue from the government. It raises the important question of what is the right balance between the need to protect the public on the one hand from charlatans who may be practising law without any qualifications and causing a great deal of harm to the individuals who rely on their advice, and that is a serious concern. But on the other hand is the need for society to constantly evolve, to recognize the problems and impediments within the profession at the present time for the average person to receive legal assistance at reasonable expense, and to seek ways in which greater access to assistance can be provided by nonlawyers, hopefully at lower cost although not always so.

So that is the cutting-edge issue. It's being discussed and dealt with in public reports in other parts of the province. It's very similar to the issue of law reform, which we were discussing earlier today, in which the government is some 10 years behind the rest of the world dealing with these issues, and I think we have to address them a little bit more forthrightly. I think we need some reviews and assessments of what is the nature of the problem. Now, I know that the Law Society is very concerned about some of the harms that are being done to members of the public through unauthorized practice of law. But I know of no objective study. We have a law reform institute here that could very readily review this issue. The capacity to get assistance at a reasonable price, if that can be accomplished without eroding quality, is very important to the public. I would urge the Member for Banff-Cochrane, who's playing an ever stronger role in the realm of our judicial system, to grab the bull by the horns, to lock horns with the minister, and to serve as a catalyst for which he will long be remembered and much revered in society as a reformer: the Lord Denning of this forum.

So with that, Mr. Speaker, I will close my comments and affirm once again that we will be supporting this legislation.

MR. PAYNE: Well, Mr. Speaker, without the benefit of a legal education similar to that enjoyed by the Member for Calgary-Buffalo and others of our colleagues, I regret that my remarks will be concise and forthright and won't be supported by much philosophizing or laboured reasoning.

Mr. Speaker, you may recall that one or two years ago I sponsored a private member's motion, the effect of which would have convened an all-party committee to review the concerns that had been raised by the Victims of Law Dilemma, VOLD, and others. That private member's motion, of course, did not pass, but it did trigger a large number of calls and letters over many months, especially from Angie Filipowich, who now, I believe, is past president of VOLD. As luck or fortunate coincidence would have it, as I was in my constituency last evening, I took a phone call; I recognized the voice, and it was that of Angie Filipowich. She had called to express her disappointment that so many of VOLD's concerns did not appear to have been acknowledged or seriously considered in the development of this legislation. Now, Mr. Speaker, I assured her that the Bill's sponsor, the MLA for Banff-Cochrane, would certainly be prepared to review her specific recommendations regarding the Bill, and I encouraged her to spend this weekend with her VOLD colleagues going over the Bill and summarizing and prioritizing their main concerns. This morning I would certainly

like to encourage the Bill's sponsor to consider her comments regarding Bill 46 prior to committee study.

If I could characterize succinctly, Mr. Speaker, the types of concerns that have come in by way of phone calls and letters since my private member's motion, they would largely have to do with the question of openness of the profession and its practice and its accountability and the question of representation by lay members on the benchers.

Now, the Member for Calgary-Buffalo has expressed some guarded concern – and I compliment him for his professional heroism in so doing – the fact that there are only going to be three lay members on the benchers so long as that number does not exceed 20. I would like to take exception to that. I'm not at all uncomfortable with the number that has been brought forward in this Bill, and I'd like to explain why. I don't think it's so much a question of a number of lay members on the benchers. I don't think it much matters whether it's one, three, five, or 11-teen. Rather, Mr. Speaker, I think it's primarily a function of the capabilities and the backgrounds and indeed the personalities of the benchers. I recognize that the Attorney General plays a crucial role in this process, and I would like to use this forum to encourage him to continue to nominate with widespread consultation those kinds of people that could make a considerable impact on the deliberations of the benchers. That's the first consideration: the background of the lay members themselves.

But I believe an even more important variable is the weight that the benchers would accord to the recommendations and observations of these legally unqualified lay members. I'm fully satisfied, Mr. Speaker, that if we can satisfy those two criteria – getting quality lay representation on the benchers, and if the benchers would redouble their efforts to develop whatever procedures and attitudes it would take to maximize the potential contribution of these lay members – then I have no concern whatsoever with respect to the number three. Now, I recognize that the lay members may not be technically qualified to *assess* legal matters, but just as I strongly support the jury system, a system of legal amateurs, so also do I strongly support the perspective of the lay members and its meaningful incorporation into the deliberation of the benchers.

Finally, Mr. Speaker, I would like to compliment the Member for Banff-Cochrane and others who have obviously worked diligently to develop this Bill, and I compliment the progress that's been made with respect to increased accountability and openness. But I, too, would like to indicate that I would be even more supportive of future legislative initiatives that would bring into the practice of law even more openness and accountability in the years ahead.

Thank you, Mr. Speaker.

MR. ACTING DEPUTY SPEAKER: The Member for Banff-Cochrane, to conclude debate.

MR. EVANS: Thank you very much, Mr. Speaker. I'd certainly like to thank the hon. members who took the time to carefully consider this important piece of legislation and to make their comments known today.

I would like to begin with a brief discussion about the comments made by the Member for Edmonton-Kingsway concerning the exemption under the mortgage brokers licensing Act. The intent, of course, of this legislation is that it is an umbrella piece of legislation dealing specifically with the practice of law and how that practice can be carried out for the benefit of clients and society as a whole. That very broad description

gives, then, the opportunity to deal with specific aspects of the law through other more particular pieces of legislation, such as the mortgage brokers licensing Act. There certainly would be an opportunity, hon. member, to propose an amendment to that Act, and I would suggest that that might be an appropriate way to deal with your suggestion.

However, on a more philosophical level. Obviously lawyers who practise in the real estate and mortgaging field deal with mortgage companies, deal with brokers, and it would, in my opinion, be a very difficult matter to describe what could or could not be done with clarity by a lawyer who is acting in that field. I believe, hon. member, that that is the reason for the exemption under that Act. Of course we must remember that we have the rules of the society and the professional code of conduct. These are disciplinary, if you will, internal proceedings to ensure that lawyers who are acting in whatever field it might be are doing so in a responsible and forthright manner.

[Mr. Speaker in the Chair]

I'm very happy to hear that the Member for Calgary-Buffalo will support this legislation, and I thank him and the Liberal caucus for that support. I would like to point out to him and to my colleague the Member for Calgary-Fish Creek that I, too, have chatted with Angie Filipowich, and I think that my conversation with her last evening was perhaps after yours, hon. Member for Calgary-Fish Creek. I don't think I have dispelled all of the concerns of Mrs. Filipowich, but I certainly believe that I have dispelled many of them. I've indicated to her that I intend to continue to communicate with her and to work with her. She is concerned about the numbers of lay benchers, just as has been brought up here, and in point of fact also how the lay benchers will be appointed. I think I can say without fear of contradiction that the wording of the legislation, which does provide that the Attorney General in consultation with the Law Society will make those kinds of appointments, is clearly intended to leave that responsibility to the Attorney General. In point of fact, because the intention of this redraft of the Act is to open up proceedings and to give the public more input, I am confident that public input into the selection process for lay benchers will be much, much more common and in fact will be requested whenever that comes up.

In terms of the number of benchers relative to the number of lay benchers, I would like to advise hon. members that the current practice on an appeal committee, a hearing committee – the analogous committees – is that normally of a five-member committee, two current lay benchers are on that committee. So in point of fact the representation by the lay benchers is some 40 percent on those very important committees, and the intention is to actually increase that. As you'll note by careful reading of the legislation, we're talking about the three lay benchers being members and at least three members of the other benchers, the legal benchers. I would also point out to you that there is a provision that on the finance committee there will be at least one lay bencher. I think these are reflective of the intention of the legislation to make sure that we do give the public the very best opportunity to input into the process.

I very much appreciate the comments from the Member for Calgary-Buffalo. Again, in terms of the specifics that he has brought forward, I do feel comfortable that the concerns of VOLD are being addressed. I'll stop for a moment and just backtrack. The concern about the definition of "practice" and what paralegals should be allowed to do and how their work either relates to strictly a paralegal function, quasi-legal, or when

it is impinging on the Act under the definition of the practice of law: there was a very conscious decision made not to change the definition of the practice of law so that we would allow the courts in connection with the injunctive relief to make those decisions. We recognize that there is a certain amount of fluidity in the practice of law and the other matters that are being dealt with by paralegals, and rather than try to restrictively define what *is* or is not the practice of law, we wanted to leave it open so that that fluidity could be recognized by the courts and could be dealt with by the courts in a timely and effective manner.

A very serious issue is this distinction between a lawyer acting as a lawyer and a lawyer acting as a businessman. I believe that with the injunctive relief that will be allowed for those who are practising without a licence, that gives you the tone that will be of much assistance in the future to determine whether or not a lawyer is acting strictly as a lawyer or as a businessman. Again, it's a very difficult matter to define which is which, but we have the courts, we have the code of conduct, and we have the rules.

I certainly thank the hon. Member for Calgary-Buffalo in his reference to me as the potential Lord Denning of this House. His comments and the other positive comments of my colleagues are certainly not going unnoticed.

Thank you very much.

[Motion carried; Bill 46 read a second time]

### **Bill 53 Parentage and Maintenance Act**

MR. TANNAS: Mr. Speaker, it's with pleasure that I move second reading of Bill 53, the Parentage and Maintenance Act. This legislation will replace the provisions of the existing Maintenance and Recovery Act dealing with maintenance of children of unmarried parents and judicial determination of parentage.

Since the proclamation of the Maintenance and Recovery Act over 20 years ago, legal developments and changing societal values have rendered many of the provisions of that Act obsolete and in need of reform. The Parentage and Maintenance Act addresses this need for reform in three key areas. First of all in the matter of focus this Act represents a fundamental change in focus from a determination of parental fault to a determination of joint parental responsibility for children of unmarried parents. This legislation does not perpetuate outdated notions of blame; rather, it emphasizes and safeguards the needs and best interests of children. It is the child's right to maintenance which is given paramount consideration under the Parentage and Maintenance Act.

The second matter is the Charter and Charter issues. The Act eliminates the discriminatory distinctions between so-called legitimate and illegitimate children and in so doing ensures compliance with the principle of equality before the law, as embodied in the Canadian Charter of Rights and Freedoms. For example, children of unmarried parents will now be entitled to maintenance up to 18 years of age, as are all other children born of married parents. Further, the very restrictive time limitations for commencing a court application for maintenance have been removed. Child maintenance will no longer be automatically terminated at the marriage of the child's mother. This departure from the Maintenance and Recovery Act is again reflective of the emphasis placed on the needs of the child and the child's right to maintenance. A child should have the same chance for a relationship with both parents throughout its life.

Further, in determining the amount of child maintenance that a parent will be required to pay, the needs of so-called legitimate children will no longer be given priority over the needs of children of unmarried parents.

The Act also eliminates the so-called "clean break" principle as it relates to child maintenance. A parent will no longer be able to divest himself or herself of financial responsibility for a child by making a simple single lump sum payment. Maintenance for children of unmarried parents must be available to the child until he or she reaches the age of 18 as it is now with all children born of married parents. These reforms then, Mr. Speaker, will not only address Charter concerns but will serve to emphasize that a child's right to maintenance must not be contingent on the marital status of his or her parents.

I repeat one of the more important features of this Act. The Act does away with the terminology of "legitimate" and "illegitimate" child, for indeed the legitimate or illegitimate appellation really applies to the legal relationship of the parents and should not reflect at all in any way upon the miracle of birth.

The third issue: procedural and administrative processes. The Act addresses a number of procedural and administrative matters. For instance, the legislation authorizes court-ordered blood tests in cases where parentage is an issue, and it allows the court to draw an adverse inference against a party who refuses to consent to such a test. The Act also sets out a number of statutory presumptions of paternity to assist the court in its determination of parentage and to ease the heavy evidentiary burden which unmarried mothers currently face under the Maintenance and Recovery Act.

In terms of administrative matters, Mr. Speaker, the Parentage and Maintenance Act will streamline and facilitate the process of securing child maintenance and judicial declaration of parentage. For example, departmental involvement will no longer be required when two parents wish to enter into a maintenance agreement. In addition, the Act provides that maintenance payments may follow the child where there is a change in care and control of the child. This provision not only reflects the paramount importance of the child's right to maintenance but also avoids costly court proceedings otherwise required to redirect to the child's new custodian. Maintenance orders and agreements made under the Parentage and Maintenance Act will continue to be enforced pursuant to the provisions of the Maintenance Enforcement Act. Accordingly, the enforcement provisions of the existing Maintenance and Recovery Act, which have been inoperative since proclamation of the Maintenance Enforcement Act in 1985, will not be carried over to the new legislation.

In conclusion, Mr. Speaker, this Bill is reflective of modern societal values concerning the needs and best interests of children. Indeed, this Act may be described as a child-centred piece of legislation. It eliminates discriminatory distinctions based on marital status of a child's parents and ensures that the child's right to maintenance is given paramount consideration. Further, the various procedural and administrative reforms embodied in this Act will streamline and facilitate the process of obtaining both child maintenance and judicial declarations of parentage.

I look forward to hearing the comments of my colleagues to this Bill.

REV. ROBERTS: Mr. Speaker, I would like on second reading to congratulate the member for Bill 53, the Parentage and Maintenance Act. We in the New Democrat caucus are very

supportive of this Bill and how it, as the member has said, reflects more contemporary values and concerns with respect to families and children as well as to better streamline the whole process where there are some difficulties in discerning or ascertaining difficult circumstances. So again we congratulate the member. I think we'll have more time at committee and third reading to speak more to it.

I know that in review of the Bill we have some questions with respect to the definitions about how a father is defined. I don't know if the member has read the play by August Strinberg, a Swedish playwright, entitled *Father*, a play I was in several years ago. It talks at length in that play about a father who began to think he wasn't really the father. Of course, in this day and age the biology of the father can often be ascertained and determined, but also in this day and age of artificial insemination as well there might be some responsibility of a man who may well be the biological father through artificial insemination, at the request of a woman, who we question whether in fact would need to be held responsible when such an agreement or contract would say otherwise. So it might be a minor point, but as we're moving into this area with reproductive technology and the rest, I'd like some further clarification there, I think, as the member knows.

Also, with respect to section 10, the failure to appear in court, I'm just not clear whether the respondent referred to in section 10(1) is the same as the applicant to whom no costs shall be awarded at the end of subsection (3).

Again, Mr. Speaker, I'm sorry to flag these issues at second reading, because we'd like to get at them more in committee stage. Otherwise, we're very supportive of the Bill and congratulate the member and the government caucus for finally bringing this through in a way that is going to better reflect societal values and, as the member says, a child-centred approach to parentage and maintenance.

Thank you.

MR. SPEAKER: Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. Yes, I, too, support the Bill, and I'm glad to see it, but I do have some questions for the member. I hope that when we get to committee stage, he will want to answer some of these, or perhaps even today.

Mr. Speaker, I'm pleased to see that the emphasis in this Bill has changed it to be child centred to bring it more into conformity with present-day family structure with changes in parenting and that the discrepancies related to legitimate/illegitimate children have been done away with. I also recognize that perhaps part of the incentive for this Bill is the fact that the other piece of legislation, the Maintenance and Recovery Act, has in fact been challenged relative to the section on remarriage, that maintenance ceases on the remarriage of the mother in that case. Hopefully this Bill will pass and put to rest some of those potential challenges under the Charter that I think the former Bill, I suppose reflecting that day, no longer maintains. The remarriage section I think was unfair, discriminatory, and I'm glad to see that it's removed.

I'd like to know on that point, Mr. Speaker, whether or not this Bill has been checked out for its conformity to the United Nations Convention on the Rights of the Child, if this is one of the pieces of legislation in this government that in fact has been reviewed and can be said to be part of the ratification process in the UN Convention on the Rights of the Child.

Mr. Speaker, I do have some concerns about particular parts of the Bill that the member may want to refer to. In one section

of the Bill – see if I can find it here – section 4, it relates to a mother. The section starts out, "A request for assistance relating to the maintenance of a child or a mother . . ." I do question that on the basis that I think the occasion could arise when that could be a father who has custody of the child and should get maintenance from the spouse, the mother. So I wonder if there could be a consideration by the member sponsoring the Bill in changing that wording to "of a child or a parent may be made to the Director by a parent" and so on. My concern is that that's done for a reason, that it is mother that's intended not parent. If so, I wonder why. Because, once again, I think that could be challengeable under the Charter.

Similarly, Mr. Speaker, in section 14 it refers to a married woman. I don't know if that is done intentionally, because I think again that's discriminatory. Why would the evidence of a married woman have more weight than the evidence of a woman who's not married? I would seriously question that being left in this Bill unless the member can give me an explanation that is satisfactory that it is not discriminatory and that it wouldn't be challengeable under the Charter.

Mr. Speaker, I am concerned that the Bill, since the subject is now open, does not in any way refer to the access rights of a noncustodial spouse. This is a long-standing problem that a number of individuals and groups have spoken with me, and I'm sure with other members, about. As the rate of divorce and separation in our province has increased, it has often become an increasingly difficult problem where children are used and exploited between parents, where the noncustodial spouse has access rights but is deprived of these simply because of the meanspiritedness of the custodial spouse or whatever. I have wondered if the member in reviewing the need for this legislation gave consideration to this and if there is some possibility of this Act being amended to include the notion of a third-party mediator. As it stands, Mr. Speaker, the noncustodial spouse who has access rights must in fact go to court again – and it's a long and very expensive process – if the custodial spouse is defying the court order. So I have questioned whether or not there could be legislation written or this Act could be amended to include some protection, some third-party mediator, to protect the access rights to a child of a noncustodial spouse. I think it properly could belong in this piece of legislation.

Mr. Speaker, my last question is related to the first section where court is specified as being the Court of Queen's Bench. In our province paternity is determined in the Court of Queen's Bench; access and custody, in family court. This, I think, creates a real hardship for individuals for whom all three things are a problem, and they are required to bounce back and forth. Now, it's my understanding that in some provinces paternity as well as access and custody are able to be dealt with in family court, and again my question to the hon. member is whether or not that was considered and if that definition could be expanded and extended to include family court as well as Court of Queen's Bench to prevent that difficulty that ensues when the parents are having to move between those two courts.

Thank you, Mr. Speaker.

MR. SPEAKER: The Member for Highwood, summation.

MR. TANNAS: Thank you, Mr. Speaker. I'd like to thank the members for Edmonton-Centre and Edmonton-Gold Bar for their comments and questions. I assure them that I'll answer these points in committee stage and would now move that the Bill be voted upon.

[Motion carried; Bill S3 read a second time]

### Bill 37 Alberta Government Telephones Reorganization Act

MR. STEWART: It's my pleasure, Mr. Speaker, and indeed I am very proud to move second reading of Bill 37, the Alberta Government Telephones Reorganization Act.

I'm sure that when the Premier made his announcement in this House on behalf of the government, it brought back some memories for him as being one of the prime movers in respect to the Alberta Energy Company, a move that was certainly well accepted by Albertans and indicated the growth and confidence in our province at that time. Here we are at a similar time, Mr. Speaker, and I think it's remarkable because of the fact that in 1986, in the year after our Premier took office as our Premier, this province suffered a tremendous setback from the standpoint of international circumstances that impacted upon the economic growth of our province. Since that time, that strength has been renewed, and it now makes it possible for us to move in the direction that we are doing through this announcement.

Mr. Speaker, when the Premier made his announcement in this House, he talked in terms of this being a vote of confidence in Alberta, and I would like to suggest that it is likewise a vote of confidence in the telecommunications industry itself as one of the fastest growing industrial sectors in the advanced technologies in this province. There is tremendous potential there, and indeed the announcement today will augment the progress that we're making in that area.

It's also a vote of confidence in AGT. AGT is a well-respected corporation for its services, for its employees, for its management. It has performed well and will continue to perform well for all Albertans in the future.

Mr. Speaker, the announcement made by the Premier will be giving individual Albertans and others an opportunity to own shares in a new AGT, and this is an opportunity that is important for our province and certainly for the AGT employees, the company, and for all Albertans. It opens up an exciting new era of growth and opportunity, and all these partners will win in this decision. It's good for the province because a strong, financially healthy, competitive telecommunications company can create more skilled jobs and leading edge technologies and services.

AGT will be ahead because it will be able to raise equity capital itself without taxpayer support to face a new and strong competitive environment that is coming soon in the telecommunications industry. AGT will also be free to compete anywhere in the world in one of the fastest growing most exciting global industries we know. There are industry spokesmen, Mr. Speaker, who will tell you that the telecommunications industry will be an industry of some \$300 billion by the year 2000, in the next decade.

AGT employees will also win. They can join in and build their own stake in the success of this company. Albertans benefit too, and indeed this is very important to us. We want to make it possible for average Albertans, thousands of them, families and individuals, to participate in this initiative. We want to make this share offering as accessible as possible, and we will be giving preference to Albertans through an installment program.

Mr. Speaker, we should be talking about why we are making this move at this particular time. Why is this a decision that is right for Alberta? I would suggest that what we are doing is adopting a position for AGT to respond to the changing

environment in telecommunications in this province. We are positioning AGT as a telecommunications company in this province to carry forward in giving good services and in expanding areas and horizons.

There are many changes that AGT is required to adapt to: changes certainly in jurisdiction, as we've noted from the Supreme Court decision brought down in August of 1989 whereby the federal government is now declared to have the jurisdiction over telecommunications matters and regulation in this country; changes in competition, because by virtue of that change in jurisdiction and the policies of the federal government, competition is coming and it's coming fast; changes in technology, because in order to be competitive in the global marketplace, technology will be the key, and it's important for this company and this industry to keep on the cutting edge, as it were, in technological development in telecommunications – but with that new technology comes the need for greater and substantial capital investment, capital investment that will be required to ensure that AGT in the future does lead in a worldwide industry on behalf of the people of Alberta – and change in opportunity, because indeed the telecommunications market, as I said, is changing and changing quickly to grant new opportunities. Indeed, as we look around, we see that despite the political persuasion of governments, despite other circumstances, there is a worldwide move towards the privatization of telecommunications in order that those companies can have the flexibility to move quickly in a very dynamic industry.

Mr. Speaker, the decision with respect to Bill 37 did not come quickly. It is one that has been examined along with other options for many, many years. In fact, I personally have been involved with respect to the examination of this particular question in determining what the positioning should be for this company for approximately three years. It's not a decision based on ideology; it's not a decision based on budgetary considerations. On March 22 our Provincial Treasurer brought down a responsible budget that does not make reference whatsoever to privatization or revenues coming from it. It's one that is a responsible fiscal plan for the future in order to bring us back to a balanced budget by the year 1992. But AGT must, in fact, adapt to the changes that I have indicated: changes in jurisdiction, changes in the competition, changes in technology, and changes in the opportunities that exist for it to flourish in the future.

At the present time, Mr. Speaker, there are fences around AGT. We have indicated to AGT on numerous occasions that we don't want it out there tramping on the toes of the private sector. It must, obviously, fulfill its responsibilities as a telecommunications company to provide universal service and access to that service for all Albertans. It has done that, and it will do that in the future, but it has not had the opportunity to fully expand in the areas of telecommunications in which there are great opportunities for it in the future. It must expand or we will find, as many people have told us, that if you don't move in these sorts of directions, it will shrivel up and die, because indeed it does not have the opportunity to access other revenues and to access other opportunities in that expanding market. So what we are doing, Mr. Speaker, is really giving AGT a head start in order to compete in the global marketplace and to provide the type of opportunities for Albertans, for employees, and for the investing public.

The capital investment I mentioned that is required for this company to ensure that its technology is such that it can compete is very, very substantial. It will require at least \$2 billion in the next three to five years in order just to keep up

with technology. Last year alone the company spent some \$440 million on capital expenditures just in order to preserve the technological development of the company. But it does need a better debt/equity ratio, because, as you know, Mr. Speaker, it's as if an individual has a house that has a market value of \$100,000 and he owes a \$90,000 mortgage against it: there is not much flexibility there for that person to manoeuvre, not much equity. So the whole point of the exercise and a very important point in the matter of positioning AGT is to better structure it in order to accommodate its opportunities in the capital financing field in the future. So for that purpose one of the points that will be taken into account is the positioning of that debt/equity ratio to a 50-50 basis. In that way, it will have the flexibility to move as any other private sector can.

Also, Mr. Speaker, it means that AGT will not have to keep coming back to government from the standpoint of either providing those funds for that capital investment in the future or that government will on future funding be required to stand behind by way of guarantee to ensure that that capital is available.

Over the years since 1904 AGT has been carrying out a public policy of this government and governments before to ensure that there is individual, affordable, and universal service for all Albertans. Many programs have been initiated by this government, and indeed the individual line service is but one example to ensure that that will be possible. That individual line service will in fact become a reality by June of 1991. Funds to complete that program are already appropriated in this year's Alberta Heritage Savings Trust Fund estimates. The extended flat rate calling has over 400 routes for rural Alberta, the most extensive of its kind in the country. This supports the families and the rural economy, and indeed we will be looking at and making improvements for rural subscribers and announcing that shortly. So AGT, when you look at the public policy mandate, has indeed served its original purpose, and it's now an opportunity for this company to look for new growth to bring new opportunities for all Albertans.

Mr. Speaker, the opportunities that I mentioned for Albertans certainly include the opportunity to make an investment in this great new AGT. It's a proven company. This is not a sellout; this is indeed a buy in, because every Albertan will have the opportunity to purchase shares in this company. They will have a preference in the period of time in which they can acquire those shares, and they will have the opportunity to acquire those shares through an installment. That is an opportunity for widespread take-up by Albertans. Albertans have indicated their support for Alberta investments in the past, as indeed they will in the future. Albertans have confidence in this province that is indicated by the nature of their investments in the past, and I suspect it will be the same in the future.

So, Mr. Speaker, one of the major things about this announcement is to give the type of assurances that Albertans require – assurances with respect to future rates and services, assurances with respect to jobs and new opportunities, and assurances that this company will continue to operate within Alberta and be managed by Albertans for the good of Albertans. Those are the assurances that are built into this legislation and, indeed, in the phase two when the offering comes forward. For the employees it means no layoffs, and indeed AGT has never had layoffs. It has been a proven employer giving opportunities to its employees, and indeed the expanding of the horizons of AGT will in the future provide new skill opportunities for those employees. It will provide in Bill 37 for the transfer of all of their pensions

and their existing contracts of employment and their benefits. They will be taken over by the new AGT.

Mr. Speaker, in view of the hour, just before adjourning debate, I look forward to carrying on with respect to these assurances because they are important to all Albertans. Albertans will indeed find that rates and services will be regulated in their interest in the future, the rate of return of the company will be regulated in the public interest, and Albertans can look forward to the opportunities of a new AGT that will adapt to the new changes that I speak of.

With that, Mr. Speaker, I beg leave to adjourn debate.

MR. SPEAKER: Having heard the motion, those in favour please say aye.

HON. MEMBERS: Aye.

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

[At 12:59 p.m. the House adjourned to Monday at 2:30 p.m.]