

## Legislative Assembly of Alberta

Title: **Thursday, April 11, 1991**

2:30 p.m.

Date: 91/04/11

[Mr. Speaker in the Chair]

head:

### Prayers

MR. SPEAKER: Let us pray.

As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy.

As Members of this Legislative Assembly we rededicate ourselves to the valued traditions of parliamentary democracy as a means of serving both our province and our country.

Amen.

head:

### Introduction of Visitors

MR. HORSMAN: Mr. Speaker, I am pleased to introduce to you and through you to members of the Assembly two distinguished Canadians who are seated in your gallery. They are Mr. Roger Tassé and Mr. Fil Fraser. Both are members of the Spicer commission, the Citizens' Forum on Canada's Future. I've had brief discussions with them today to bring them up to date on what is happening with respect to the Alberta select committee on the constitutional future of Canada. I would ask that members of the Assembly provide them a warm welcome today.

head:

### Notices of Motions

MR. BRUSEKER: Mr. Speaker, I rise to give notice that following question period today pursuant to Standing Order 30 I will move to adjourn the ordinary business of the Assembly to discuss the urgent matter of the situation with regard to the announced closure of the Magnesium Company of Canada plant in southern Alberta and the need for an immediate moratorium on business subsidy programs until a complete independent review of the decision-making process of loans and guarantees is completed.

head:

### Introduction of Bills

MR. SPEAKER: The Member for Edmonton-Glenarry, leader of the Liberal Party.

### Bill 276

#### Agricultural Resources Conservation Board Act

MR. DECORE: Thank you, Mr. Speaker. I beg leave to introduce Bill 276, a Bill entitled the Agricultural Resources Conservation Board Act.

Mr. Speaker, as the supply of agricultural land is finite, this Bill establishes the agricultural resources conservation board that will minimize the transfer of good agricultural land for other than agricultural purposes. The Bill will stimulate the development of agricultural practices that will protect and recover land.

Thank you.

[Leave granted; Bill 276 read a first time]

MR. SPEAKER: The Member for Vegreville.

### Bill 243

#### An Act to Prevent Discrimination Against Married Couples Seeking Farm Financial Support

MR. FOX: Thank you, Mr. Speaker. I request leave to introduce Bill 243, An Act to Prevent Discrimination Against Married Couples Seeking Farm Financial Support. [interjections]

MR. SPEAKER: Order please.

MR. FOX: This Bill recognizes that couples actively involved in farming are discriminated against on the basis of their marital status, and instead of treating it as a laughing matter, it seeks a simple, effective legislative remedy.

[Leave granted; Bill 243 read a first time]

head:

### Tabling Returns and Reports

DR. WEST: Mr. Speaker, I rise to table four copies of the annual report of Alberta Recreation and Parks for the year ended March 31, 1990, as required by statute.

MS BETKOWSKI: Mr. Speaker, I'm pleased to table the annual report of the Mental Health Patient Advocate for the year January 1 to December 31, 1990.

head:

### Introduction of Special Guests

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

MRS. HEWES: Thank you, Mr. Speaker. I am honoured today to introduce two classes from the Waverley elementary school. There are 46 grade 5 and 6 students in total, accompanied by their teachers Miss Sherry MacIntosh and Mr. Del Skaret. I'd ask them to rise and receive the welcome of the Assembly.

MR. SPEAKER: Solicitor General.

MR. FOWLER: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you today two important people and friends of this province from the territory of the Yukon, the Minister of Justice, Ms Margaret Joe, and one of her officials Ms Liz Lang. They are in the province of Alberta viewing some of the correctional facilities of the Solicitor General's department as well as conferring with a number of people that operate in the criminal justice system. If they would please rise, I would ask that the Assembly welcome them.

MR. SPEAKER: The Member for Dunvegan.

MR. CLEGG: Thank you, Mr. Speaker. It's a pleasure today to introduce to you and through you Mr. Harold Peterson, chairman of the Fairview hospital board. He's seated in the members' gallery, and I ask him to rise and receive the warm welcome of the Assembly.

MR. SPEAKER: Edmonton-Beverly, followed by the Minister of Energy.

MR. EWASIUK: Thank you, Mr. Speaker. I'm pleased today to introduce to you and to members of the Assembly 46 bright

and eager students from Rundle school in Edmonton-Beverly. They're grade 5 and 6 students studying government, and they're visiting with us today. They are accompanied by their teachers Miss Stenson, Mr. Tachynski, and Miss Andrus. They're sitting in the public gallery. I'd ask them to rise and be received by the Assembly.

MR. ORMAN: Mr. Speaker, for the second time this week there is a group of students here today from my constituency. The students are from Dr. Egbert community school in the community of Marlborough Park. They're here to see our government in action, and I'd ask them to stand and be recognized by the Assembly.

head:

### Oral Question Period

#### Magnesium Company Loan

MR. MARTIN: Mr. Speaker, it's obvious I'd go to the Minister of Economic Development and Trade. Whoops, there goes the so-called balanced budget. Today the majority partner in the magnesium smelter project in High River announced that it would be commencing the orderly shutdown of the facility, leaving the taxpayers of Alberta on the hook again, this time for \$103 million. Now, I want to say to this minister and this government that taxpayers are frustrated and angry with this government's incompetence and mismanagement of the economy: the bungle, bungle, bungle government, another corporate welfare failure program. My question to the minister is simply this: will the minister at least now admit to Albertans that they are going to lose at least \$103 million in taxpayers' funds?

2:40

MR. ELZINGA: Mr. Speaker, the hon. member indulges in NDP economics. When you have an asset worth some \$200 million, you have a government exposure of some \$100 million, our exposure is guaranteed on a 2 to 1 ratio. The way the hon. member suggests that we're going to lose \$100 million is utter stupidity; it's utter nonsense. In our news release the Provincial Treasurer and I exposed ourselves to the media in a very open manner whereby we could be accountable as it relates to this issue, and we indicated that there could be an ongoing cost as it relates to interest somewhere in the vicinity of \$12 million per year. But for the hon. member to suggest that we're going to lose \$100 million is just not factual, as anticipated losses quite easily could be nothing and we happen to believe they will be nothing.

MR. MARTIN: Well, I almost want to comment about exposing themselves to the media, Mr. Speaker, but I'll stay on the question.

Mr. Speaker, it is total and absolute nonsense to say that you have \$2 million in assets. The senior vice-president of the majority partner in this project says that the project is not viable, never will be, and furthermore the technology hasn't worked. The bottom line is that \$200 million in assets is basically worthless; that's the reality. I want to say to the minister: isn't it true that the taxpayers of Alberta now own a magnesium plant in High River that has technology that doesn't work, is one-fifth complete and \$103 million in debt, and which a majority partner says is not viable. Isn't that the reality?

MR. ELZINGA: Mr. Speaker, I'm going to do my utmost, notwithstanding the distortion of facts that continuously comes from the leader of the New Democratic Party, to be very direct

with him. Let me share with him that that is a distortion of the facts. MagCan did not indicate that. They indicated that because of the increased dollar, because of the lower than anticipated price for magnesium, and because they had greater operating costs in the start-up of this plant, for those reasons, they did not wish to involve themselves for a longer period of time before the economics proved to be correct. Once this became public by the company, when they indicated they were not going to continue to invest in the MagCan plant, I had a major automobile manufacturer from North America call me and indicate that they are very bullish as it relates to magnesium production because they are going to require more of it in the production of their own vehicles. The viability is there, but it's not there for a number of years. That is why the present participants have decided to pull back. But for the hon. member to suggest that there is no viability within this plant is totally inaccurate.

MR. MARTIN: Mr. Speaker, the minister is well aware that it's totally inaccurate that this thing is worth \$200 million in assets. That private-sector company would have stayed there if that was the case. Let's not kid anybody about that. The reality, the bottom line, is that there are two choices, and I want to ask which the government is going to do. Two choices: either finish building the plant and throw millions more in or give it to another company and throw millions in, or walk away with a \$103 million loss. Those are the two choices. Which is it going to be, Mr. Minister?

MR. ELZINGA: Mr. Speaker, there are a number of options available to us. The option we are going to accept is to make sure we have the greatest realization on this plant, which is a very important component of the diversification of this province, as we do with all our investments. We've got as the first priority the realization of assets for Alberta taxpayers. We're going to do our level best to make sure that we can see this plant come back on stream, after a period of interim parking, when the viability is there. But to suggest there are only two options is not correct whatsoever.

MR. MARTIN: NovAtel, Pocklington: all the same story again, Mr. Speaker.

#### Senior Citizens Program

MR. MARTIN: My second question, Mr. Speaker, is to the Premier. This government shows Albertans time and time again where its priorities lie: hundreds of millions of dollars for its corporate friends while it slashes much-needed benefits to people like the seniors of this province. I want to say to the Premier that especially since his comments the other day, I've been receiving countless phone calls from seniors who are worried and angry, many of whom are particularly upset that they will no longer receive any assistance for the purchase of nonprescription drugs. I want to say to the Premier: given that this government slobbers at the chance to throw money at the corporate sector, how does the Premier justify slashing medicine coverage for the seniors of our province?

MR. GETTY: Well, Mr. Speaker, it's interesting, because we've had this discussion already just this week. I drew to the attention of the hon. Leader of the Opposition that if he just looks at the information in the budget, he will see that there is an increase in funding for senior citizens. It's over \$1.2 billion.

Now, if he looks at the budget, he'll notice that those things that are plus are increased; those things that are minus are reduced. I hope he's able to handle that. If he looks at the Health budget, he'll see that it's increased. It's not cutbacks in health; it's increased. If he looks at Education, he'll see that it's increased. If he looks at Environment, he'll see that it's increased. Those are the key priority areas for the people of Alberta. Those are the programs we are strengthening, and by strong fiscal management we are coming through with a balanced budget this year.

MR. MARTIN: Only this Premier would have the gall, after they've thrown away \$103 million, to say they still have a balanced budget, Mr. Speaker. What an absolute joke.

Mr. Speaker, I want to come back to this Premier, who doesn't realize that individual seniors are being hurt. They're insulted by your comments. They're much smarter than the Premier; they know they're getting less. Now, I asked specifically about the nonprescription medicine coverage and I get a song and dance. But I want to say to the Premier – this is the crux of it – that he likely is not aware that the National Council of Welfare states that the maximum income a senior living in Edmonton can receive from the government is already well under \$2,000 below the poverty level, already, before these vicious cuts. I want to ask the Premier then: what does the Premier have to say to those seniors calling us who say his government is pushing them deeper and deeper into poverty? What does he say to them?

MR. GETTY: Well, Mr. Speaker, as a matter of fact, I'm pleased to speak to seniors. I spoke with hundreds and hundreds on the weekend, as a matter of fact. They were part of thousands and thousands who came to a little meeting we had on the weekend. They acknowledged that this province has the best senior citizens' programs in Canada; nobody comes close. They also know that the details the Minister of Health gave just the other day are the kinds of things that must be done. The hon. Leader of the Opposition has now heard it two or three times, and it isn't sinking in. I'll ask the Minister of Health to once more give him an education about the sharing programs that are being provided in this province.

MR. MARTIN: I want to say to this Premier that rich Tories going to a convention do not speak for the seniors of Alberta.

Mr. Speaker, \$103 million to give to their corporate friends and go in debt over there but no money for the seniors: they know this is an absolute outrage. I want to ask the Premier this. Will the Premier commit himself for once and do the right thing now? Will he reverse this attack on Alberta seniors and immediately restore the benefits which his outrageous budget has taken away from them? That's the bottom line.

MR. GETTY: Well, Mr. Speaker, again we have to come back and straighten out the hon. member. There is no loss of \$103 million. We have an asset of some \$200 million protecting a liability of \$100 million. Now, that's a 2 to 1 coverage. [interjections] No, no. I know he's never been in business and doesn't understand assets and liabilities, but we can at least draw that to his attention.

Secondly, if he'll look at the budget, he'll see that seniors' funding has increased. Now, I don't know; even this member, I think, can handle that. When seniors program funding increases, they are not being cut back. That's something that is so basic you'd think he'd be able to understand it. [interjections]

MR. SPEAKER: Order.

MR. GETTY: So we've got to knock aside those silly allegations that his research people keep giving him and straighten him out. The Minister of Health perhaps should straighten him out, because she's done it already once this week.

MR. SPEAKER: Well, very briefly, hon. minister.

2:50

MS BETKOWSKI: Mr. Speaker, I think it's important that when the hon. Leader of the Opposition suggests that we should go back to the former programs, let us put on the table what he is suggesting. He is saying: let's take off that enhancement of 13 and a half million dollars with respect to updated coverage under Aids to Daily Living; let's not give that extra \$10 million in home care. Yes, there have been adjustments, but this was a budget of choices and we . . . [interjections]

### Speaker's Ruling Decorum

MR. SPEAKER: Thank you, hon. minister. I would have thought, hon. members, that yesterday we went through an interesting little exercise in an attempt to try to quieten the House down. I'm sure you'll be able to learn the wisdom of yesterday and quiet the House down a little bit so we can at least hear what's going on. [interjection] Thank you, hon. member. I don't need any extra catcalls.

Now we'll move on to the Member for Edmonton-Glengarry.

### Loans to Industry

MR. DECORE: Mr. Speaker, when Albertans get the opportunity of examining the statements the Premier made yesterday and the minister responsible for economic development made yesterday and today, with the facts of this but yet another failure, they won't believe what they read and hear. We have a government that keeps telling us about the success of their diversification program, and another company goes down. We see in the world a movement towards privatization, but this government's going the other way. We now have the people's cellular phone company, the people's one and two meat packing companies, the people's steel company, the people's magnesium company. There's some \$2 billion in loans and loan guarantees and probably more difficulty down the road. My first question to the Premier is this. Mr. Premier, I know that you have now had the opportunity of examining these failures. I would like the Premier to tell this Assembly where the mismanagement occurs? Is it in his office, is it in the minister's office, or is it everywhere in your offices?

MR. GETTY: Mr. Speaker, just implicit in the very question is the timidity of the view of the Liberal Party. Here is a party that deals only in failures. They have no sense of the strength or the health of the Alberta economy. What we have done – and it's evident because all you have to do is compare Alberta to the rest of Canada and North America, and what do you find? People are streaming into this province. Why? They're streaming into this province because it's the only part of North America that has a strong economy; it's expanding. The people are working. We have the lowest unemployment. There are jobs for Albertans, the lowest taxes.

Sure, we're not timid. When you take on a massive restructuring, you know there are going to be some failures, some mistakes, but that isn't a reason to not even start. We started,

and we have been able to make it happen. There's where the Liberal leader doesn't seem to have the sense of the big picture. I mean, here we have the strongest economy in North America and he's talking about failures. The only failures around here have been the Liberal Party.

MR. DECORE: Mr. Speaker, I didn't expect to get an answer. I was looking for a common thread so that Alberta taxpayers' moneys wouldn't continue to go down the tube and be lost.

The second question to the Premier is this. Mr. Premier, we wrote to your government in February asking for the tabling of documents that relate to this particular magnesium company and the involvement of Albertans in it. Will you pull your wheelbarrow out and fill it with the documents and agreements that relate to the Alberta taxpayers' involvement in this magnesium company? Will you fill that wheelbarrow?

MR. GETTY: Mr. Speaker, the hon. leader of the Liberal Party still doesn't seem to have figured out how to get a motion for a return on the Order Paper and through the House. I can't help it if he's sloppy at preparing them and doesn't carry the argument. That's not my responsibility; that's his responsibility.

As far as the wheelbarrow goes, I think I've got that working hard right now on a farm.

MR. DECORE: Mr. Speaker, this is a letter that his own minister signs, declining to give any information on this particular magnesium company, declining to give that information to Albertans. Albertans are going to be fooled. They don't know what the problem is. They don't know where the mismanagement is. They don't know what the facts are. When is this nonsense going to stop, Mr. Premier? When are you going to tell Albertans the facts and treat them like adults? When?

MR. GETTY: Well, Mr. Speaker, I don't know where the leader of the Liberal Party has been today. The minister's released a two-page press release. They've been discussing the matter with all the available media outlets. The information is out. The company itself is making information available. How come the Liberal leader is the only guy in Alberta that doesn't seem to have any information these days? It must be that research group of his or something – I don't know – but surely they can do a little better job than that.

MR. SPEAKER: Final. We had three of them; sometimes a fella gets lost up here.

The Member for Highwood, followed by Edmonton-Jasper Place.

### **Magnesium Plant**

MR. TANNAS: Thank you, Mr. Speaker. My question today is to the Minister of Economic Development and Trade. I'm sure that I speak for most people in Highwood, who take no joy in the temporary closure of the Magnesium Company of Canada's plant located near High River. I think that when you're in a period of difficulty, you want to look to what the future is, what we can bring to this situation. So my question to the minister: will the minister assure the people in Highwood and the province of Alberta that he'll actively seek investors who have experience and who are working in light metal production to reopen the magnesium plant and thereby encourage the secondary plants to locate nearby that have been busy looking at possible locations in that area?

MR. TAYLOR: He doesn't want smart investors; he needs stupid investors.

MR. SPEAKER: Quiet please. Thank you.

MR. ELZINGA: Mr. Speaker, I'm more than happy to leave the hon. Member for Highwood with that assurance and to indicate to him my appreciation for the sensitivity he is showing to the individuals that are employed at that plant, because it is . . .

MR. TAYLOR: He sure could. He can see his election going down the drain.

### **Speaker's Ruling Warning a Member**

MR. SPEAKER: Excuse me, hon. minister. Member for Westlock-Sturgeon, we went through this yesterday; we're not going to go through it again today. Yesterday you had eight different warnings before you were out of the House. I will not be allowing that latitude today.

Minister.

### **Magnesium Plant**

*(continued)*

MR. ELZINGA: Mr. Speaker, I'm happy to leave the hon. member with that assurance because it weighs heavily on us also as it relates to this plant. We do have a considerable amount of compassion for those individuals who do rely on that plant for employment.

It's noteworthy, though, and important to reinforce that this was a decision by the company. The company had made that decision. The Provincial Treasurer and I are now working on contingency plans, whereby we have had indications of private-sector interest already. I had a call from a major U.S. company this morning after the announcement was made by MagCan. We have individuals within our department, too, that are going to actively pursue additional private-sector participation, recognizing again the importance this company plays in the individual constituency and also in Alberta as a whole.

MR. SPEAKER: Member for Highwood, supplementary.

MR. TANNAS: Thank you, Mr. Speaker. I'm sure that will be of some comfort to the constituents.

I'd like to ask my supplementary question to the Minister of the Environment. Could the minister tell the constituents of Highwood that his department, the Department of the Environment, will ensure that the wind-down of the MagCan plant will take care that the dangerous chemicals will be safely stored in secure containers until the plant reopens or such chemicals will be safely disposed of?

MR. KLEIN: Well, Mr. Speaker, the reclamation of the site is entirely the responsibility of the company, and indeed all environmental matters must be addressed to the satisfaction of the director of standards and approvals. We will be happy to give assurances to the hon. member that indeed all environmental factors will be addressed and the site will have to be restored to an environmentally safe state.

### **Loans to Industry** (continued)

MR. McINNIS: Mr. Speaker, I would like to pursue the question of these loan guarantees with the Minister of Economic Development and Trade. Aside from some short-lived and largely fruitless efforts to deny the facts, the minister has generally taken the approach that the government is getting out of loan guarantees: you know, a new economic policy, go forth and sin no more. It seems to me that this posture is almost entirely fictitious. The provincial government is in the process of executing loans and loan guarantees in the amount of \$1.1 billion in support of six pulp projects. In the past few weeks several pulp and paper companies have announced major losses and declining income as a result of declining demand for virgin-fibre newsprint. The Alberta Newsprint Company, the only newsprint producer in Alberta, is shut down because of poor market demand. I would like to know, in view of the minister's record of 30 – let me rephrase that – 31 major failures on loan guarantees, can he advise the Assembly: if he's phasing out loan guarantees, why is he propping up increasingly shaky pulp projects with taxpayers' funds?

3:00

MR. ELZINGA: I appreciate, Mr. Speaker, that the hon. member referred to the document they released to the media yesterday, whereby they highlighted some of the activities we were involved in. I should share with hon. members that this document does not reflect whatsoever the historical data of our involvement over the last number of years. They simply have selected those companies that they deem have not done well. Let me just stress again that they have not highlighted any of those who have repaid their loans, those companies that have discharged their guarantees, or those companies in which we have investments that have proven good.

Mr. Speaker, just to highlight that, I wish to refer to their page whereby they go through a further nine companies. The only reason I raise this is because they're doing a serious disservice to those nine companies by creating a psychological impact of failure when that is not evident.

SOME HON. MEMBERS: Answer the question.

MR. ELZINGA: The hon. members ask for a response. I hope they'll be kind enough to allow me to give it to them.

I wish to deal with six of the nine companies they have listed. Centennial Foods: no losses anticipated there. Smoky River Coal: again the anticipation is of no loss. Fletcher's Fine Foods: no losses anticipated. Alberta Intermodal Services: I've indicated on a consistent basis to the Member for Edmonton-Kingsway that we're going to privatize this, that we're going to realize all our assets, and I'm sure we can do that.

MR. McINNIS: Point of order, Mr. Speaker.

MR. ELZINGA: Vencap Equities: another company that has no financial difficulty whatsoever. The distortion of the facts is simply disgraceful, especially as it relates to the harm that this party is bringing to viable companies within the province of Alberta.

MR. McINNIS: I see that we're back to denial, Mr. Speaker, but really it has nothing whatsoever to do with the question I did ask.

I'm wondering if I could return to another aspect of it. Most of the loan guarantees that have been issued so far involve the recipients going out and arranging their own loans with private financiers, and then the taxpayers are exposed if they fail to repay the loans. In the case of Alberta-Pacific the government is now borrowing the money on the market in its own name and loaning it to Mitsubishi Corporation. The interesting thing is that the company doesn't have to pay anything back if, as, and until they start to show a profit on their books, Mr. Deputy Premier. My question to the minister is simply this: in view of his 48 percent strike out percentage, can he explain how the taxpayers might be better off with this new type of loan, where we borrow the money and wait and see if the company pays it back, as opposed to the old type where he's . . .

### **Speaker's Ruling** **Brevity In Oral Question Period**

MR. SPEAKER: Thank you. It's quite apparent that many members in the House don't know how to ask a supplementary question at all, let alone a succinct supplementary. When we get to this one which has not only a comment, preamble, and we're now on subset three, that's more than enough.

Minister.

### **Loans to Industry** (continued)

MR. ELZINGA: Mr. Speaker, with your consent, sir, I would ask my colleague the minister of forestry to supplement my answer, in that he was very instrumental in putting together this financial package. I should indicate to the hon. member who put the question that the thoughts he's just conveyed now do not hold true to the some 1,500 people that came out to the meeting which I attended yesterday, whereby they're delighted that they do have this opportunity for further diversification, which will create meaningful jobs and employment for Albertans in the province of Alberta. He might not be concerned about jobs, but we sure are.

MR. SPEAKER: Very briefly.

MR. FJORDBOTEN: Mr. Speaker, we as a government are extremely proud of the diversification and creation of jobs in northern Alberta. I find it unfortunate that the hon. Member for Edmonton-Jasper Place would cast aspersions on the companies in this province saying that they are in some difficulty on the pulp and paper side, because frankly they are not in any difficulty in this province. The cyclical price of pulp was taken into account in each of the guarantees as it was placed. The province does well on the guarantees because each one has a guarantee fee.

MR. SPEAKER: Thank you.

The Member for Westlock-Sturgeon.

### **Vehicle Purchase**

MR. TAYLOR: Thank you, Mr. Speaker. Keeping quiet was killing me.

This is to the minister of public works, my old friend. In the last few months the public works department put out a bid for 121 panel delivery trucks, which is about a \$1.7 million order. In the order they asked for captain's or bucket seats and air conditioning, and that adds a little over \$200,000 to the order. What I'd like to know is: could the minister justify to this

House in this time of restraint, when we're cutting back on hospital and medical care amongst other areas, why he would want to spend over \$200,000 for frills like bucket seats and air conditioning on panel delivery trucks?

MR. KOWALSKI: Mr. Speaker, at the outset the government of Alberta is not cutting back on health care assistance. In fact, the budget that was tabled just a few days ago shows a commitment to health service costs in the province of Alberta well beyond \$3.3 billion. That's quite significant when you consider that the population of the province of Alberta is 2.5 million people: a rather hearty investment.

All services that are required of the province of Alberta are tendered in the province of Alberta. I'd like to point out as well to my hon. friend from Westlock-Sturgeon that we've recently published a new magazine called *Source*, which makes available to all entrepreneurs in the province of Alberta an opportunity to bid. What the Department of Public Works, Supply and Services does is receive submissions on behalf of all agencies of the government who request us to tender. We tender and provide those tenders on their behalf.

If the hon. Member for Westlock-Sturgeon would be kind enough to convey to me specific concerns about a particular item, I'd be happy to look into it. It may very well be that some of the vehicles are required for law enforcement officers, where there's a safety concern associated with the type of vehicle, the type of seat, and the type of configuration of the vehicle. Some of the vehicles may be available for the service of handicapped or disabled citizens. It may very well be that there's a direct correlation in dealing with that. Some of the vehicles are required, of course, for hospital and health care facilities in the province, and it would seem to me that we would want to make sure that patients being conveyed from one health care facility to another would be conveyed in comfort. There may very well be a requirement for air conditioning units in the southerly part of the province of Alberta.

MR. TAYLOR: Mr. Speaker, I think farmers and many other groups in this province would be interested in knowing that the minister wants to make sure the prisoners are air-conditioned before they're hauled off to the cooler, where they should have lots of time to cool off.

Further to that question then: could the minister table in this House the bid letter that went out for these delivery trucks, just so the House could see the foolishness involved in this effort?

MR. KOWALSKI: Mr. Speaker, the bid in question is a public document. When you put out a bid document, you put it out to any entrepreneur in the province who would want to get it. So the question of having to table it would seem to me to be absolutely redundant usage of time, space, and equipment. The document is available.

Mr. Speaker, I do want to repeat that with vehicles and all commodities purchased by the government there are requirements. There are requirements on behalf of health care facilities, requirements on behalf of what our incarceration facilities might have, and there is a story behind each and every one. I think it's unfortunate that the Member for Westlock-Sturgeon, again, in his attempt at wit would try and ridicule what may be a very important need for people who may need air conditioning. I would be very, very happy to deal with each and every item that the hon. member would want to bring to my attention.

As for the document, one more time, Mr. Speaker, it is a public piece of information that is easily retrievable from the department of public works here in Edmonton today or in a variety of other issuing offices throughout the province of Alberta.

MR. SPEAKER: Rocky Mountain House, followed by Edmonton-Kingsway.

### 3:10 Water and Waste Water Infrastructure

MR. LUND: Thank you, Mr. Speaker. This government has treated municipalities as partners in providing services to the citizens of their constituencies. One of the programs that has been used as a vehicle to do this is the Alberta municipal water and waste water assistance program. This program allows the province to pay a percentage of the cost of putting in facilities like wells, treated water storage facilities, waste water treatment facilities, and outflow sewer facilities. I've noticed that there's a major change in the formula, and one town in my constituency now is down to 43.72 percent of the cost that the province is going to pick up. To the interim Minister of Transportation and Utilities: what is the rationale in this major change in the formula that's caused this shift in support to various municipalities?

MR. KOWALSKI: Mr. Speaker, yesterday I issued on behalf of the Minister of Transportation and Utilities a statement with respect to the Alberta municipal water and waste water partnership program and the rules that will go into effect as of April 1, 1991. In essence, what the government has done is reallocate dollars within that existing program, that will soon be evaluated and debated by the Legislative Assembly, to ensure that smaller communities in the province of Alberta have greater access to the dollars that are available for water and waste water infrastructure. The major change is that prior to April 1 communities of a population of less than 1,000 were allocated dollars on a per capita grant. We've changed the basic formula to ensure that those communities of 1,000 or less in population would now be eligible for a grant from the province of Alberta in the neighbourhood of 75 percent of the cost. That's part of the ongoing commitment that this government has towards the quality of life of all citizens in the province of Alberta irregardless of where their communities are and irregardless of the size of their community.

MR. SPEAKER: Supplementary.

MR. LUND: Thank you. To the same minister. I understand that there's a penalty associated with the grant if the municipality doesn't put in place conservation measures. I would assume that that means water meters. Given the fact that one of the major cities in the province of Alberta doesn't require water meters, how do you rationalize that part of the program?

MR. KOWALSKI: Mr. Speaker, the program in question is available to all communities in the province of Alberta with a population of 45,000 and less. The major city that the hon. gentlemen is referring to is the city of Calgary, which of course does not have metering of water for water consumption. One of the key parameters of the program that was enunciated yesterday has a water conservation element with respect to it. Those communities in the province that do not have water meter usage or do not have a system to implement a rate structure

based on consumption could receive a penalty in the grant of upwards of 10 percent. In essence, the bottom line of this is to encourage conservation and water preservation.

MR. SPEAKER: Edmonton-Kingsway.

**Glacier Ammonia Ltd.**

MR. McEACHERN: Thank you, Mr. Speaker. My questions are to the Minister of Economic Development and Trade. The minister knows full well that there are all sorts of ways to create jobs without throwing good money after bad, as this government did in the case of Glacier Ammonia Ltd. of Pincher Creek. The government promised to advance them \$4.3 million and actually did give them \$2.9 million before the company went under. Now the assets have been written off and the jobs are gone. Will the minister confirm that the loss to the taxpayers of this province will be over \$2 million in this mess?

MR. ELZINGA: Mr. Speaker, it is a little too early to assess what the loss will be. I acknowledge to the hon. member that there will be a loss. If I can share with him why we did involve ourselves with it, I'm sure he'd have great sympathy. We involve ourselves in specific areas throughout the province in the event that there are depressed areas. We acknowledge that we have an obligation to make sure there is equal opportunity throughout the province of Alberta. There is going to be a loss, but to indicate that figure at this time is far, far too premature.

MR. McEACHERN: Well, Mr. Speaker, there's lots of ways for regional development better than this way. In fact the government's bad judgment is really quite startling. This government already knew when they promised to advance the money that this company had \$65 million in private debentures out, \$60 million of which was at 30 percent to three foreign banks. Yet the minister just pushed blindly on. Will he confirm that as late as the spring of '89 he was willing to lend this company \$6.2 million of taxpayers' money at 8 percent?

MR. ELZINGA: Mr. Speaker, if the hon. member wishes specific details, I'm more than happy to offer him the specific details if he would put it on the Order Paper.

SOME HON. MEMBERS: Oh, oh. [interjections]

MR. SPEAKER: Order. [interjections] Order.

MR. ELZINGA: I should indicate to the hon. member that we recognize an obligation, and I appreciate again that they're not worried about jobs or the development of this province. If they want to go through a superb document that the Minister of Technology, Research and Telecommunications put out about the importance of high technology in this province and the role that it plays in the creation of jobs and the companies that we have helped because of our investments, there are some 1,200 high-tech companies in the province of Alberta that provide meaningful employment for our young people. They're listed in this document. If the hon. member is willing to put a positive face on what is taking place in this province, as the population is, I would suggest this to him as worthwhile reading.

MR. SPEAKER: Edmonton-Calder.

**Mental Health Services**

MS MJOLSNESS: Thank you, Mr. Speaker. Since last fall 29 psychiatric beds in Alberta hospitals have been closed, and three people in Edmonton have tragically committed suicide recently because they could not access appropriate care. These cases demonstrate the desperate need for a 24-hour psychiatric crisis centre in this province. My questions are to the Minister of Health. Given that the minister has not allocated funding for such crisis centres, will the minister now recognize the serious need for these centres and take immediate action to ensure that these centres will be available to people who are in desperate need of those services?

MS BETKOWSKI: Mr. Speaker, the hon. member is correct in that there is not special funding for an Edmonton crisis centre proposal, which I've certainly reviewed very carefully. In reviewing the priorities in the Department of Health, along with the people in my department, as we worked through budgeting I decided that rather than dedicate the resources to that crisis centre, instead we needed to do some other things, including enhancing community mental health services and through the agencies to assist in the discharge of patients when they're coming out of an institution into the community; to continue to ask the provincial suicidologist in the Department of Health to develop training and information for emergency personnel in the general hospital emergency wards in order that they would better know how to deal with a crisis psychiatric patient; and thirdly, to bring together the community agencies, the government mental health agencies, and the various heads of psychiatry throughout the city in order that we could better co-ordinate the many services with respect to psychiatric service.

I realize that the answer often seems to be that we name a problem and we add a program and we fund it. I simply am of the view that in this case there is a better answer, and that's the program I've just outlined to be put in place.

MR. SPEAKER: Supplementary, Edmonton-Calder.

MS MJOLSNESS: Thank you, Mr. Speaker. In the province people that are experiencing a crisis have no place to go right now, and we've just mentioned that 29 psychiatric beds have been closed in the hospitals. I would ask the minister: will the minister explain to the people of this province who are in desperate need of some crisis services where they should go for help on a 24-hour basis?

3:20

MS BETKOWSKI: Mr. Speaker, there are certainly some psychiatric beds that have been closed, but quite frankly we're dealing with psychiatry and with the need for mental health services a lot differently than we used to even 10 years ago. We've had a lot of discussion in this House about the need to put more focus on the community. The actions that have been taken and the reality is that in fact we are doing more things in the community and we perhaps need fewer psychiatric beds as we work through. Nonetheless, to suggest that there is nothing there for people is in fact not the case. What we are trying to do is work within our existing system, where people may present themselves in terms of psychiatric emergencies, to prepare them for the emergency better than they are now and to enhance the community side, which we are doing in this budget, as you will know, by a 13 percent increase on the mental health side of the

Department of Health budget, the vast majority of which is going into enhanced community services.

### **Municipal Taxation**

MR. WICKMAN: Mr. Speaker, I am aware that the Minister of Municipal Affairs is seriously considering implementing a centralized approach to assessment. It appears to have some common thread with the Minister of Education's concept of corporate pooling. The feedback I have received is one of tremendous objection by municipalities throughout the province, and the fear is being expressed that the government may attempt to ram this concept down the throats of municipalities. My question to the Minister of Municipal Affairs: will the minister assure this House that he will not table applicable legislation until further discussions are held and until some agreement with municipalities is reached?

MR. R. SPEAKER: Mr. Speaker, I believe that's a very appropriate question and one I'm certain the municipalities across this province would be very interested in. Over the last three-year period the Municipal Statutes Review Committee has been asked to review a number of concepts, and one of the concepts in that review is the concept of an assessment authority. They've looked at the program that's in British Columbia and other provinces for certain formats. This item was placed before the last spring meeting of the Alberta Association of Municipal Districts and Counties for their response, and I would have to say that I have been informed that they did not favour the concept at this point in time. As a government we would use that directive as a very meaningful one, and there would be no intent in any way to proceed with that kind of legislation unless we had the approval of that body.

MR. SPEAKER: Supplementary.

MR. WICKMAN: Thank you, Mr. Speaker. In his review is the minister prepared to give serious consideration to the concept of an opting-out clause for those municipalities that may choose not to be part of such a scheme if such a scheme is implemented?

MR. R. SPEAKER: Mr. Speaker, I believe the question has answered itself. We would have to accept, first, the assumption that we would move ahead with that authority. At the moment there's no intention to do it, and we will not do it until we get direction from the local authorities.

MR. SPEAKER: Lesser Slave Lake.

### **Zeidler Labour Dispute**

MS CALAHASEN: Thank you, Mr. Speaker. My question this afternoon is to the Minister of Labour. The employment situation in Slave Lake has suffered major blows in the last month. In early March Weldstran Division of Canada decided to close the Weldstran plant in Slave Lake, putting 112 employees out of work and seriously affecting many others in the independent sawmill business and local service sectors. It is my understanding that negotiations between the province and Zeidler workers of the Slave Lake area have just fallen through, again another serious blow to the Slave Lake area. Can the minister please inform the House of the status of these negotiations?

MR. FOX: Tell her about the world's strongest economy.

MR. SPEAKER: Order please. Let's let the minister at least get started.

MS McCOY: Mr. Speaker, I can indeed. The management and union involved in the Zeidler talks have met four times since December of 1990. Unfortunately those talks have stalled. I have been encouraging both sides to get back to the table. The union appears to be ready, willing, and able to do so. [interjections]

### **Speaker's Ruling Decorum**

MR. SPEAKER: The supplementary will proceed when the House quietens down. The Chair has received a note from some members saying they can't hear even when members try to cut it down a bit.

Thank you, hon. members, for the respect you are now going to give to the supplementary from Lesser Slave Lake.

### **Zeidler Labour Dispute (continued)**

MS CALAHASEN: Thank you. I'm very pleased to hear that the minister is going to be doing something which I feel we have to do as quickly as we can. However, I think that in order for us to be able to resolve this as quickly as we can, we have to work together. I would like to ask the hon. Minister of Labour: will you please meet with the Slave Lake mayor, Peter Moore, and myself, as representatives of the people of the area, and Zeidler representatives to further open the lines of communication on this matter in an effort to reopen the negotiation process and bring this situation to a mutually acceptable conclusion?

MS McCOY: Mr. Speaker, I would be more than pleased to meet with the mayor and the hon. member representing that constituency, and I would be more than happy to include in that representatives of the union and of the management of Zeidler, if the latter would come.

MR. SPEAKER: Thank you. [interjection] You're not recognized, hon. member.

Before we deal with the various procedural items, might we revert briefly to Introduction of Special Guests.

HON. MEMBERS: Agreed.

MR. SPEAKER: Thank you.

First, the Minister of Municipal Affairs.

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

MR. R. SPEAKER: Mr. Speaker, thank you very much for the opportunity, but my former colleague Mr. Keith Everitt has left, and it was my intent to introduce him.

MR. SPEAKER: What constituency did he represent, hon. minister?

MR. TAYLOR: Mr. Speaker, if I was allowed to speak, I might tell you.

MR. SPEAKER: That's right.



MR. R. SPEAKER: Mr. Speaker, Westlock-Sturgeon was the name of the constituency.

MR. SPEAKER: How appropriate.  
Minister of Energy, please.

MR. ORMAN: Well, I have the opposite problem, Mr. Speaker. I introduced my group when they weren't here. Now that they are here, I'd like to introduce them to you. This is a second group this week from Dr. Egbert community school. There are 78 of them. They are accompanied by teachers Harvey Leong, Bev Dreschler, Nicky Langridge, and Roy Harker, and they are with parents Mrs. Obleman and Mrs. Chinook. I'd ask them to rise and receive the traditional warm welcome of the Assembly.

#### Point of Order Oral Question Period Rules

MR. McINNIS: Mr. Speaker, in question period I posed a question to the Minister of Economic Development and Trade with regard to loan guarantees in the pulp and paper industry. There was an answer that came back that dealt with a number of food service companies and a few others that I think he mentioned. I'd just like to draw the attention of the Chair to *Beauchesne* 417. While it's recognized that the minister does not have to respond to a question, it says, "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate." I believe the answer was not brief, dealt with anything but the question raised, and certainly provoked debate, for which I was duly admonished by the Chair.

MR. ELZINGA: A brief word on the point of order. Had the hon. member not included in the prefix of his question the items they dealt with in a news release yesterday, I wouldn't have responded to the news release. He indicated a number of loan guarantees that we were involved in, so I thought it only appropriate that we refer to a reference that he originally made.

MR. SPEAKER: Thank you, hon. members. The Chair is pleased to note that both members are going to now abide by the exact letter of the law with respect to preambles and questions, supplementaries and answers. Perhaps there is indeed the possibility in the new Kingdom of Heaven on Earth after all.

#### Privilege Speaking Order

MR. SPEAKER: Now we're going to deal next with a matter of privilege, which was raised yesterday. But first I'll allow the galleries to be . . . Carry on.

Yesterday the hon. Member for Edmonton-Highlands raised a purported point of privilege relating to the Chairman's recognition of the Member for Calgary-Forest Lawn in Committee of Supply on the evening of April 9. In essence, the Member for Edmonton-Highlands complained that the Chairman's failure to allow the Member for Calgary-Forest Lawn to speak, as he was the only member standing at the time, breached the privileges of the Member for Calgary-Forest Lawn by impairing that member in execution of his parliamentary functions.

3:30

The Chair reviewed *Hansard* and spoke to the Chairman, Deputy Chairman, and acting Chairman of Committees in order to determine what transpired that evening. There was debate on the estimates with various participants speaking as per the list

provided. There were also two procedural motions introduced with various members speaking to these motions. At one point a heated exchange took place between the Chairman and the Member for Edmonton-Highlands. Although the Member for Calgary-Forest Lawn was standing, the Chairman recognized, per the speaking list provided, the Member for Ponoka-Rimbey. As the Member for Ponoka-Rimbey was not in the House at that moment, the Chairman recognized, as is the custom, the Minister of Advanced Education in reply to the Member for Calgary-McKnight. The Member for Ponoka-Rimbey was then recognized, followed by the Member for Calgary-Forest Lawn, who then spoke.

The Chair would direct all members to the fact that privilege is a very serious matter involving, in the case of an individual member, that member's ability to function independent of any outside interference. What happened in Committee of Supply appears to the Chair to have been contained within the committee itself and was in reality a dispute between the Chairman and certain members about speaking lists and rules of order for the functioning of the committee.

In the course of the evening the Member for Calgary-Forest Lawn was called upon by the Chairman to speak, shortly after the exchange with the Member for Edmonton-Highlands, and that member – namely, the Member for Calgary-Forest Lawn – did speak. Therefore, it does not appear that the Member for Calgary-Forest Lawn was prevented in raising his concerns with regard to the estimates.

The Chair finds the Member for Edmonton-Highland's complaint to be one of order in the committee, on which the Speaker cannot rule. Our Standing Order 62(3) states clearly that points of order raised in committee must be dealt with in committee. In accordance with Standing Order 15, no prima facie case of breach of privilege has been established, because the Member for Calgary-Forest Lawn was only delayed from speaking rather than denied the right to speak pursuant to the Chairman's control of the list of speakers in debate.

The Chair wishes to further advise Edmonton-Highlands that although the notice on the point of privilege was received in accordance with Standing Order 15(2) – namely, the two-hour notice before the House – it was partially defective in form. Standing Order 15(2) states:

A member wishing to raise a question of privilege shall give a written notice containing a brief statement of the question to Mr. Speaker and, if practicable, to any person whose conduct may be called in question, at least two hours before the opening of the sitting, and before the Orders of the Day are called, shall call attention to the alleged breach of privilege and give a brief statement of the nature of the matter which founds the complaint. As the Chair mentioned, this was only partially defective. Nevertheless, it was a point of order that should have been dealt with in committee.

Thank you.

Now a request, Standing Order 30, the Member for Calgary-North West.

#### head: Request for Emergency Debate

##### Loans to Industry

MR. BRUSEKER: Yes. I believe all members have a copy of the motion. It has been distributed, Mr. Speaker. I'll just read it once again: be it resolved that the Legislative Assembly adjourn the ordinary business of the Assembly to discuss the urgent matter of the situation with regard to the announced closure of the Magnesium Company of Canada plant in southern Alberta and the need for an immediate moratorium on business

subsidy programs until a complete independent review of the decision-making process of giving loans and guarantees is completed.

Speaking to the urgency of this particular issue, Mr. Speaker, this morning we learned that the government of Alberta moved in on the Magnesium Company of Canada. The proposal that we have from the government is, in effect, as I understand it, basically to mothball the plant. The cost will be, according to this government news release, approximately \$12 million on the guaranteed loan per 12-month period. Now, if that continues for an indefinite period . . . Again, there is no indication of a plan; there's no direction here. So it seems like we've already put \$102.75 million into this particular venture. I heard no plan in the announcement, no plan from the minister with respect to what is going to happen to this particular company.

I'm even more concerned when I look at the budget document that was tabled only recently in the House: from March 31, 1989, to March 31, 1990, a staggering growth of \$800 million of loan guarantees; from March 31, 1990, to December 31, 1990, another \$500 million in loan guarantees. We have repeatedly on this side of the House asked for copies of the documents telling us what the agreements are. We can't get those, and that is a great concern for us. We're concerned about where we've been in the past. We only have to look at the record: Northern Steel, Ski-Free Marine, GSR, Myrias, NovAtel, et al. I think we can stop with those five.

Of particular concern, Mr. Speaker, and this is what I really want to get out, is: where are we going down the road? There is a category here that's broadly classed as "other." Other: \$81 million worth of loan guarantees. We have no indication from this government what the plan is, how those were approved, where we are going with it. We have an immense risk right now of \$102.75 million on the line. The minister assures us that we're going to get something back. I know he would like to say that we're going to get all \$102 million back, but I don't believe that's going to be the case. I think we will get something back, but I'm not sure what. I'm wondering where we're going. I'm wondering where this government is going with MagCan and with the other \$3 billion worth of loan guarantees that we've got. It's imperative that we discuss this immediately.

MR. SPEAKER: Urgency of debate: Edmonton-Kingsway, then the minister.

MR. McEACHERN: Yes, thank you, Mr. Speaker. I'd like to speak to the urgency of this matter. This government promised as much as two years ago that it would get out of the loan guarantee business and quit messing around in the economy of Alberta. They claimed when they went into the '89 election that the economy of Alberta was strong now and that they could therefore back away, yet we see that they continually keep, in an ad hoc manner, giving loan guarantees to all kinds of companies, the magnesium plant of Canada just being one of many.

I might add, Mr. Speaker, that it's an election promise that the Premier made and was determined would go ahead so it would sound good. It was much like the pulp mill announcements that were just going to be so wonderful for this province and diversify the economy and show how strong and entrepreneurial this government was. What it really amounts to is an incredible array of subsidized corporations operating in this province to force diversification on an economy that has failed miserably.

The minister loves very much when he's defending the government's economic programs to throw in things like the farm credit stability program. Well, let me point out that the

farm credit stability program also has its failures. We don't hear about them because we do it through the banks. In fact, in many cases tax dollars are used to help the banks take farmers' farms. We don't hear the details on that.

The student loans that the minister likes to throw in also have a higher failure rate than 3 to 5 percent. Mr. Speaker, we have a serious problem with this government. After 20 years they've come to believe that these taxpayers' dollars are their dollars to buy their friends and to buy votes with as they please. They have no respect for the taxpayers and the ordinary people of this province who carry the can when they have all these failures. So it's time we had a full debate on this subject.

The Leader of the Opposition put out a document yesterday showing the number of failures in this ad hoc program. It shows something that the Treasurer said in this House some time ago to be quite true. When he brought in the Alberta stock savings plan Bill, I suggested some changes to it that might help to diversify the economy into the rural or regional parts of this province, and he stood up and said that the government cannot pick the winners and losers in the economy. Yet what are they trying to do? We've had an awful pile of losers. They can sure pick the losers all right: their own friends, an incredible number of companies that already are on the downhill trend when they start putting money into them.

Mr. Speaker, I think a full debate on this topic would just be excellent at this stage of the game. It's urgent. They're wasting too many taxpayers' dollars for this to go on forever. We certainly are not going to get a balanced budget with this kind of economic performance out of the government.

3:40

#### Point of Order Relevance

MR. JOHNSTON: Mr. Speaker, just on a point of order with respect to the member's comments. I refer to Standing Order 23 and Standing Order 30 where it says very specifically that:

The member may briefly state the arguments in favour of the request for leave and . . . may allow such debate as he considers relevant to the question of urgency

not as to policy. Clearly, Edmonton-Kingsway is out of order.

MR. SPEAKER: He was for most of his comments. Correct.

#### Loans to Industry (continued)

MR. ELZINGA: Mr. Speaker, I want to indicate my thanks to the hon. Member for Calgary-North West for making the argument against urgency by referring to the budgetary paper. Since we are presently debating the budget, he'll have every opportunity to discuss these issues if he so wishes.

Let me go through a number of reasons, not only one of which was the budgetary process of which the hon. member who introduced this motion endorsed, thus speaking against his own motion, but I also contend, as he did, that there is no urgency.

MR. DECORE: Hide under a rock.

MR. ELZINGA: If the hon. leader of the Liberal Party wishes to participate in the debate, why doesn't he stand on his feet?

MR. DECORE: You're afraid to debate this. You want to hide it.

MR. SPEAKER: Order please. The minister is indeed correct, hon. member. Standing Order 13: take a look at it.

The minister, please.

MR. ELZINGA: Just getting back to my arguments as to why there is no urgency, Mr. Speaker: number one, this decision was a company decision; number two, there's assets of some \$200 million within the company itself. Our exposure through a loan guarantee is for slightly less than \$103 million dollars, giving us the 2 to 1 coverage.

The hon. member suggests in his motion that we discuss the entire area of loan guarantees and government programs. Again I come back to my original contention that that is the purpose of our budgetary discussions. He will also have opportunities in Public Accounts to discuss this, thus again disqualifying his contention that it is a matter of urgency.

I share with him, too, since members took such considerable liberty in dealing with this issue, that I encourage once again, as I did in question period, all members to refer to a superb document that my colleague put out highlighting the 1,200 high-technology jobs that are within this province creating jobs for Albertans so that we can maintain a strong economy in Alberta.

With those few thoughts, Mr. Speaker, I share with you, sir, that we don't believe that there is any urgency whatsoever to the proposition that has been advocated by the hon. Member for Calgary-North West. In fact, by his comments he also agrees with our proposition.

MR. SPEAKER: The Member for Calgary-North West has indeed brought forward to the Assembly this particular motion. It's interesting to note that it has two interrelated aspects: the whole matter of the question on the business subsidy programs but it also deals with the Magnesium Company of Canada plant. There might have been some aspects of urgency whereby the Chair might have been convinced on the matter with the magnesium company had that matter not been raised in question period today. However, the Leader of the Opposition took that as his leadoff question, so there were three questions there. Also, the matter was raised by the leader of the Liberal Party in terms of referencing in preamble, and then the Member for Highwood had his question and supplementary dealing with the whole issue.

The business subsidy programs have certainly been a matter of spirited discussion within question period throughout the last week or so. It is also appropriate to point out that the budget debate continues tomorrow. There are opportunities there for members of the House to raise the issues, and also the estimates of the Department of Economic Development and Trade will be before the House within a few days. Therefore, with respect to Standing Order 30, the matter fails the test of urgency.

head:

### Orders of the Day

### Written Questions

MR. GOGO: Mr. Speaker, I move that the written questions appearing on today's Order Paper stand and retain their places on the Order Place with the exception of the following: 183, 259, 264, 268, 269, 280, 285, 302, 303, 305, 306, 307, 308, and 310.

[Motion carried]

### Daishowa Pulp Mill Emissions

183. Mr. Mitchell asked the government the following question:

What were the levels of air emissions from Daishowa Canada Co. Ltd. that precipitated the issuing of a control order under the Clean Air Act on February 8, 1990?

MR. GOGO: The government accepts that question, Mr. Speaker.

### Health Care for Seniors

259. Mrs. Hewes asked the government the following question: With respect to the Order in Council Special Warrant 139/91 issued in the amount of \$51,600,000, what is the breakdown by cost and procedure for basic health services, extended health benefits for senior citizens' out-of-province hospital costs, and Blue Cross?

MR. GOGO: Reject.

### Women's Shelters

264. Mrs. Hewes asked the government the following question: How many women and children have been turned away from the Alberta women's shelters for the fiscal years 1986-87 to 1989-90 inclusive?

MR. GOGO: Reject, sir.

### Housing Subsidies

268. Mr. Wickman asked the government the following question:

- (1) How many programs for subsidized housing are under the control of Mortgage Properties Inc.,
- (2) what is the total number of subsidized housing units available in Alberta under each program, and
- (3) what is the total number of available subsidized housing units, by program, listed by Municipal Affairs in Alberta?

MR. GOGO: The government will accept that question, Mr. Speaker.

### Core Housing Incentive Program

269. Mr. Wickman asked the government the following question:

- (1) How many core housing incentive program, CHIP, projects have not been able to service their debt,
- (2) which CHIP projects have not been able to service their debt,
- (3) how many of these CHIP projects has the government assumed, and
- (4) how many CHIP projects have been foreclosed?

MR. GOGO: Reject, Mr. Speaker.

### Lakeside Farm Industries Ltd.

280. Mr. Taylor asked the government the following question:

- (1) During each fiscal year for the last 15 years, how much money has the government loaned and granted to Lakeside Farm Industries Ltd., or other names under which the company has operated, giving a breakdown of each division if available, and
- (2) what was the debt outstanding to the government as of January 1, 1990, for each of the companies and divisions listed above?

MR. GOGO: The government rejects that question, Mr. Speaker.

#### **Prime Minister's Alberta Visit**

285. Mr. Doyle asked the government the following question:
- (1) What was the cost to the government of providing police security for the Prime Minister and his party during his trip to Alberta from November 12 to 13, 1990, and
  - (2) what was the cost to the government of associated services such as accommodation, meals, and transportation provided for the Prime Minister and his entourage during this visit?

MR. GOGO: The government rejects that question, Mr. Speaker.

#### **Hospital Bed Availability**

302. Mr. Wickman asked the government the following question: What is the number of hospital beds in Alberta, and what number of beds are being used or available for use by Alberta hospitals?

MR. GOGO: The government will accept that written question, Mr. Speaker.

#### **Family Violence**

303. Mrs. Hewes asked the government the following question: With respect to family violence situations, how many charges have been laid by police for the periods April 1, 1990, to September 31, 1990, and October 1, 1990, to March 31, 1991?

MR. GOGO: As well, the government will accept that question, Mr. Speaker.

#### **Soil Erosion**

305. Mr. Taylor asked the government the following question:
- (1) What is the best estimate for the amount of topsoil lost from agriculture lands in Alberta due to wind erosion and water erosion in the periods 1980 to 1985 and 1985 to 1990, and
  - (2) what percentage of the topsoil in the province has been lost this way in the last 100 years, and how much of this has been lost since 1980?

MR. GOGO: Reject, sir.

#### **Soil Conservation**

306. Mr. Taylor asked the government the following question:
- (1) What was the total arable acreage in Alberta on which soil conservation measures were practised in the periods 1980 to 1985 and 1986 to 1990, and
  - (2) what were the three main conservation techniques used, and on what percentage of the total conservation acreage was each measure practised?

MR. GOGO: The government rejects 306, Mr. Speaker.

#### **Soil Conservation**

307. Mr. Taylor asked the government the following question: How many full-time staff or full-time staff equivalents does Alberta Agriculture employ to encourage and develop soil conservation measures in the field, advising farmers and in research?

MR. GOGO: The government will accept 307, Mr. Speaker.

#### **Soil Conservation**

308. Mr. Taylor asked the government the following question: How much money has Alberta Agriculture spent each year for the last five fiscal years in promoting soil conservation?

MR. GOGO: Accept, Mr. Speaker.

#### **Nakiska Ski Resort**

310. Mr. Chumir asked the government the following question:
- (1) What was the revenue received by the government for the leasing of the Nakiska resort for each fiscal year from the original date it was leased to Ski Kananaskis Inc. to March 31, 1991, and how was it calculated,
  - (2) what is the cost of development of the Nakiska resort to the government, and
  - (3) what expenses, if any, were incurred by the government with respect to the Nakiska resort from the date the original leasing arrangement was signed with Ski Kananaskis Inc. to March 31, 1991?

MR. GOGO: The government, Mr. Speaker, rejects 310.

head:

#### **Motions for Returns**

MR. GOGO: Mr. Speaker, I move that the motions for returns appearing on today's Order Paper stand and retain their places on the Order Paper except for Motion for a Return 191.

[Motion carried]

#### **Alberta Wildlife Park**

191. Mr. Taylor moved that an order of the Assembly do issue for a return showing statements giving a breakdown of money spent by the government on the Alberta Wildlife Park for each year since the park's inception.

MR. SPEAKER: Speaking to Motion 191, the Minister of Recreation and Parks.

DR. WEST: I accept Motion for a Return 191.

MR. SPEAKER: Concluding comments, Westlock-Sturgeon.

MR. TAYLOR: Mr. Speaker, in closing the debate on the motion, I wanted to thank the minister. That's the first time I've seen him do anything.

MR. SPEAKER: Order please.

[Motion carried]

**head: Motions Other than Government Motions****Health Care Cost Statements**

206. Moved by Mr. Clegg:

Be it resolved that the Legislative Assembly urge the government to provide health care service recipients with a "costs incurred by Alberta health care" transcript for the patient/client's signature before the patient leaves the medical centre – hospital, clinic, medicentre – or before the home care professional leaves the patient and that a year-end statement be sent directly to all Albertans totalling these amounts as an information service.

[Adjourned debate April 9: Mr. Clegg]

MR. SPEAKER: The Member for Dunvegan.

MR. CLEGG: Well, thank you, Mr. Speaker. It's, again, a pleasure to finish my remarks on Motion 206. I'm very concerned that we keep the best health care system in the world, and that's why I presented this motion. I just want to bring a few more facts today from what I had mentioned Tuesday.

In the last five years social assistance, health, and education have increased \$1.7 billion. In the last two years our health costs have increased about \$1.3 billion. I'm really concerned at those staggering figures. I know Albertans want good health care, they have good health care, but I am so sure that we cannot continue increasing health costs at that rate.

3:50

[Mr. Deputy Speaker in the Chair]

As many of you know, I don't like to get up too much because my dad always taught me that when you're talking, you're not learning anything. Sometimes when I'm listening I'm not learning anything either. When I look across . . .

MR. TAYLOR: Just come over and sit beside me.

MR. CLEGG: That's what I'm scared of, hon. member.

When I look across the House and I hear "cutbacks": cutbacks in Health, cutbacks in Education, cutbacks in social services; spend more money, spend more money. That's all I hear. So I don't know. My father passed away a few years ago so I can't question what he told me, but I certainly know that if I'm going to listen to that side, I'm not going to learn anything. I don't know how they get a cutback when it's probably in the neighbourhood of \$1.7 billion in the last four or five years. Let me assure you that I'm glad that none of those people are making out my income tax, because if they were, as a farmer I might have to pay income tax instead of getting a refund back. That's the kind of calculation they've been doing. How they ever, in fact, get their philosophy . . .

MR. TAYLOR: Get the Minister of Municipal Affairs to . . .

MR. DEPUTY SPEAKER: Order please.

MR. CLEGG: I notice that the Member for Westlock-Sturgeon is walking out today. He doesn't even need any help today to go out.

We cannot continue to increase the funding at the rate we've been doing. This motion is just to alert people and to give them information of what the cost of the health care system in Alberta is. With our economic development we've done in Alberta in

the last five or six years, certainly it's got lots of advantages. It's put people to work, and our unemployment rate has gone down, and that's all good.

When we have 100,000 more people coming into Alberta, and we know that the premiums only cover about 35 percent of the cost of the health care, then that is an increasing cost to the health care system. Now, certainly it's great to have them working. It's great to have more people in Alberta. We've now increased our population to over 2.5 million people, and that's good, but it's still a further drain on our health care system. I am just so convinced. That's why I brought Motion 206. We have to make the people that are using our system realize what it's costing us as Albertans.

We get criticized if there's any increase in premiums, and again the opposition just went wild. They say it's a tax. It's not. It's like a premium. A premium is like an insurance program. That's what it is. You know, if you buy car insurance, you pay a premium. When you buy crop insurance, you get a premium. This is exactly what health care is. They cried and cried because we raised it \$3 a single person or \$6 a family. You'd think it was the end of the world.

Now, I'm excited to hear what other members of this Legislature's remarks are on Motion 206, and I would hope that everybody here would speak in favour of it and that we could pass this motion.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Avonmore.

MS M. LAING: Thank you, Mr. Speaker. I rise to speak to this motion. I think it's really important that we address the issue and the false assumptions held by the member opposite.

When I first read this motion, I had two concerns: to what purpose would we send out a transcript of health care costs, and what would the cost be? The member in his opening remarks on Tuesday last addressed these two questions. To the question of purpose he said it is not simply for information purposes, but the purpose implies that most people, because they can, do in fact misuse or abuse the health care system and that this telling them how much the services cost would smarten them up and would reduce health care costs significantly. Well, Mr. Speaker, I have seen no research evidence that patients, writ large, misuse the health care system by seeking or taking medical treatments and health care services that they do not need. Indeed, you cannot access medical treatment unless a doctor prescribes it. Common sense should inform you that most people do not go to the doctor every other day or three times a day just because they can. Sitting in waiting rooms and emergency wards is not inherently rewarding nor even in many cases a pleasant experience. It is rarely chosen unnecessarily.

Mr. Speaker, if people want to know the cost of the medical services they received, they merely need to call Alberta health care services and the information will be mailed out to them free of charge.

The member sponsoring this motion implies that ordinary Albertans do not know that our health care system is supported by tax dollars and that it is costly. I believe that is simply untrue. Albertans know that our tax dollars support our hospitals and our health care system in the same way that tax dollars support schools and education systems, roads and transportation systems, and our social service systems. That is why we pay taxes, and Albertans know that. Disproportionately,

individual Albertans pay the tax dollars that support these systems rather than the corporate tax dollars.

This motion demonstrates a very negative view of human nature and of Albertans. Basically, it holds that human nature is exploitive and wicked and that Albertans will rip off the system either through ignorance or through bad intentions. Mr. Speaker, even if they could, which they cannot do because doctors control the provision of services in Alberta, I do not believe that Albertans would do this. Doctors decide what is appropriate or necessary. So to what purpose to give the information of the cost of the doctor, after the fact indeed? Patients are unlikely to say to the doctor, if they had the information prior to the fact, "I won't have that done; it costs too much." Nor should they, because cost should not be the criterion of a medical intervention. What should be the criteria are the effectiveness and the least intrusiveness. That is much more to the point.

As to unnecessary or frivolous visits to doctors, I would not deny that this happens, by a small group of people. But we do not treat the vast majority of Albertans as if they were wanton wasters of our health care dollars because a small number of people in fact misuse their right to see a doctor. Indeed, we see evidence that Albertans fail to seek out interventions that are preventative in nature, and we see publicly funded campaigns to encourage them to do so, to seek out medical care. We see it in ad campaigns about having tests for the detection of cancer. We see it in the emphasis on prenatal care. We see it in the emphasis on immunization. This is where we have to encourage people to access the health care that they need. If people are continually going to the doctor, that means their real health care needs, health in the sense that the World Health Organization defines health, are not being met, that either undifferentiated and vague symptoms that may indicate potentially serious illnesses are being dismissed or not being taken seriously or not being understood. We often hear from people who went to doctors for years and received no relief from their symptoms, that someone finally recognized that they had a serious illness that had gone untreated for all those years.

4:00

Other people may have mental health needs that are not being met. I think of depression in our senior citizens that in the past was often written off as just part of the process of growing old, but depression isn't necessarily part of the process of growing old, and it is treatable. Or we see loneliness and isolation as maybe being a reason for going to the doctor and having contact with another human being. There are solutions to these needs that physicians themselves cannot offer, but there are solutions. To say that these people do not need care is to ignore these people, to dehumanize them.

Mr. Speaker, health care procedures are not offered in a smorgasbord fashion so that anyone who cares to can pick and choose his or her favourite intervention or procedure free of charge. It doesn't work that way. You have to have a doctor say, "This is needed."

Mr. Speaker, my second question about this motion is: at what cost? Well, the hon. member opposite says: only half a million dollars; a drop in the bucket of a \$4 billion budget. Where is this member, I would ask, when a treatment agency wants only \$40,000 for a year to treat 100 batterers? Think of the dollars that may be saved in women, or their children, who would not be battered, bruised, or injured by those men. Where is this member when shelters want \$2.5 million so they can provide basic emergency services? Just half a million dollars,

Mr. Speaker. No wonder this government is accused of mismanagement and wasteful spending. Or is it that some half million dollars are more important than other half million dollars?

It would be more useful, I would submit, if this half million dollars were spent on researching the necessity and effectiveness of medical interventions now being made. In some areas, Mr. Speaker, there is ample research evidence of the overuse of some procedures and of the questionable value of more intrusive and expensive methods over less intrusive methods, which in some cases may, in fact, not only be less expensive but more effective.

Mr. Speaker, recent research indicates that the incidence of unjustified surgery ranges from 14 to 32 percent. Research indicates that Canada has the highest rate of gall bladder removals and the second highest rate of tonsillectomies in 10 countries in the western world. Great concern has been raised about the number of caesarean sections in Alberta. Research reveals that overall 44 percent of C-sections are totally unnecessary. Some Alberta hospitals have a rate of 26.1 percent of C-sections per 100 live births as compared to 5.6 percent in the Netherlands. Hysterectomies are another example, another common surgical procedure. Up to 60 percent of North American women will undergo this surgery if present trends continue, yet a surveillance committee in Saskatchewan caused a drop of unnecessary hysterectomies from 24 to 8 percent.

Mr. Speaker, this is how we cut down on health care costs. The surgical process and outcome study put forward by the department of surgery at Foothills hospital in Calgary states:

For at least 14 years the statement has been made that half of what the medical profession does is of unverified effectiveness. Surprisingly, there is no meaningful evidence to disprove such a claim. In the words of one scientist, the fundamental assessments of whether procedure A or B works better, just haven't been done.

If indeed 14 to 32 percent of surgery is unnecessary, that would mean a savings of between \$3.9 million and \$11.9 million annually at the Foothills hospital alone. The *New England Journal of Medicine* has indicated that as much as 44 percent of heart bypass surgery is carried out for inappropriate reasons. One piece of research compared two groups of patients: those receiving surgery and those treated with drugs. The results indicated that after six weeks the number of deaths and heart attacks in both groups was the same.

Mr. Speaker, I also think of the costly reproductive technologies that we hear much about, in particular in vitro fertilization with the low success rate of 12 to 13 percent, in the face of great trauma and intrusiveness to women. In a study in South Carolina with 29 women who had been attempting to achieve pregnancy for four years, two years beyond the required two years for in vitro fertilization techniques to be used, a moderate weight gain was prescribed and 90 percent became pregnant in a three-year period, for the most part within six months of attaining their ideal weight. Now, just think of the cost of telling somebody to go gain eight pounds compared to an in vitro fertilization procedure.

We need funds to look at alternatives and to assess the effectiveness of less intrusive, less costly, less automatically done medical procedures. We need to empower people to care for their own health. In the same way, Mr. Speaker, we can allow for the use of the services of alternative health care professionals. For example, we have before us at the present time the question of licensing midwives. We witness the spectacle of a midwife facing charges and undergoing a court process because

she used a less intrusive method of delivering a baby because the mother rejected the intrusive and what were proven to be unnecessary interventions by a physician in the birthing of her child. I respectfully suggest that many other savings are possible if we are serious about reducing our health care costs in these ways.

Mr. Speaker, if we are truly concerned about health care costs, we must be concerned about misdiagnosis and missed diagnosis. I think of the women labeled hypochondriacal, mentally unstable, suffering from menopause and the empty nest syndrome, and treated with drugs, if treated at all, who are in abusive relationships. The problem was that they were battered. That was certainly a missed and misdiagnosis.

If we want to cut health care costs, which is what this motion is all about, we need to take a holistic approach to medical interventions. The mind and body are a unity. Even the most basic surgery has a psychological impact, and research has demonstrated that health care professionals – psychologists, social workers – involved routinely with patients in hospital for surgery reduce significantly the time of stay in the hospital and report higher rates of success and satisfaction on the part of the clients. Physicians do not have the time and often the expertise to work with patients as to the uncertainties and fears that even the most well adjusted and informed patients have.

If we want to reduce health care costs, we will address the issue of poverty, which has serious health implications. Poverty means unhealthy children. It means illness in adults, and it means death at an early age. We ignore the health care cost implications of poverty at our peril, Mr. Speaker.

#### 4:10

The issue of violence against women and children must be known as a health care issue. Forty-thousand dollars to treat 100 batterers. How many treatment dollars for battered, bruised, injured women and children would be saved if we spent that \$40,000? This is a question we must ask and understand as a health care question. Stress and sexism in the workplace are other issues for the health care system, because they cost. They cost in terms of worker productivity, but they cost in terms of health care. Health care and health care costs cannot be isolated from the social, economic, and political realities in which we live.

Mr. Speaker, I would hold that this motion is a punitive motion. It would induce guilt in those Albertans who have serious and chronic health care needs, people already burdened by ill health, and it would allow self-righteousness in people who are blessed with good health. Indeed the policies of this motion may cause responsible and concerned people to not access the very care they need to ensure that they can live healthy lives and that they will not be burdened by the serious consequences of untreated illness. I think here of the diabetic, of people with disabling diseases, with diseases of deterioration. Constant care and monitoring is essential, and we do not need to further burden these people by making them feel guilty about how much their health care is costing society.

If we are truly concerned about reducing health care costs, we need measures that will deal with the complexity of the issue. We need to address the issues of poverty. We need full employment, increased minimum wages, economic fairness for women through employment and pay equity. We need to deal with the issues of violence and sexism, which have emergency and long-term cost implications for the health care system. We will support and encourage the use of health care alternatives. We will use a model of health that includes physical, psycholog-

ical, spiritual integration and that uses holistically the clients of the health care system. We will use a system that supports and encourages the use of the least intrusive methods. We will fund research that studies outcomes and effectiveness of different interventions.

We will not – I emphasize not – attempt to blame and further burden those who require health care services. We will understand that medical practitioners are ultimately responsible for the types and numbers of health care interventions, and we will act to discourage unnecessary interventions. More importantly, we will respect Albertans and their usage and their understanding of the health care system, and further we would work to empower Albertans through giving them information and access to health care alternatives.

Therefore, I cannot support, and indeed I condemn, this motion.

MR. DEPUTY SPEAKER: The hon. Member for Drayton Valley, followed by Edmonton-Gold Bar.

MR. THURBER: Thank you, Mr. Speaker. There are many valid points to be raised in the context of Motion 206, because it points out how important it is that we as Canadians work to not only contain the costs of the health care system so that the economy can continue to support it but to make sure that people understand the cost to the other taxpayers in the province.

Canada has the most expensive universal publicly funded health care system in the world, Mr. Speaker. This motion would encourage and enhance appreciation of this health care system. In Alberta it is universally offered to all Albertans regardless of their ability to pay, but it is not free. There are two and a half million people registered in this system; 30 percent of our provincial budget expenditures go to provide these services. As we've mentioned before, there's \$4.1 billion in the new budget to take care of this system: \$54 million for mental health; community health, a very vital part of our health system, \$257 million for that; long-term care for seniors and the afflicted that have to be in there over long terms, \$449 million; Alberta health care insurance payments, \$650 million; and \$2 billion for active care treatment.

Mr. Speaker, of the \$650 million from the province for Alberta health care insurance plan moneys, 220,000 low-income earner subsidies are included. It's one of the best plans probably anywhere in the world for the low-income earner, the elderly, and the frail. The province pays additional subsidies and premiums for 260,000 of these seniors and 130,000 Albertans on income support programs of one sort or another. We have to recognize that health care premiums do not cover the full costs of the medicare system in Alberta. One hundred and forty-two million dollars of this comes from the federal government in transfer payments. As has been pointed out in this House many times, the federal transfer payments keep decreasing. We are now just at a little over half of what the original agreement stated we should get. It's a very real problem in the health care field. They are passing off not only the responsibility but the funding of this federal health care system.

Thirty-five percent comes from the premium payers. For 35 percent of the cost, people are covered under a universal program that covers everybody. The other 53 percent, which is also increasing, comes from the province. Mr. Speaker, that's broken down in many ways. A certain portion of it comes from the taxpayer. A certain part of it comes out of the royalty revenues and a variety of other corporate taxes, et cetera, but 53 percent is paid by the province.

Mr. Speaker, I think it's important that we realize that governments do not have money. Taxpayers have money; taxpayers pay for other taxpayers to live in this system. I think it's important that eventually, and I'll mention it a little bit later on, it's not the government that's paying for the health care system in Alberta; it's the people who are paying for that. That's a misnomer in a lot of people's senses. When they go to the hospital or they go to the doctor, they feel: "Well, the government's got lots of money; they're paying for it. It's my right to be here, and I will continue to come, because the government's paying for it." I think it's important for them to realize that it's their neighbour down the road, the man working across the street, the guy in the oil patch who are paying their taxes. They're paying for that care: as much as \$1,640 per person in Alberta on average. Taking a normal family, that amounts to some \$4,500 in health care spending. I realize that some families probably don't use that, but I'm absolutely certain that there are a lot of families that use a lot more than that.

If you look at the average cost of a bed in some of our larger hospitals where you're looking at \$1,000 to \$1,100 per day for somebody even to be in there: that's only four days in the hospital and you've got your whole allotment for your family. I think it's important that people realize that. There are some institutions presently in Alberta that do send a bill indicating how much health care has paid on their part. These people, and I've talked to several of them – in fact, some of them have been very close to home – were absolutely surprised that it cost this much to keep them in a hospital. One lady who talked to me had been in one of the main hospitals in Edmonton here for 29 days; the bill was something over \$30,000. She said, "How can that be?" She said: "Maybe I didn't need to be there that long. Maybe I could have been transferred to a smaller hospital where they operate at \$200 or \$250 a day for recuperation." What it did, Mr. Speaker, was make her think. She's a responsible citizen of Alberta, and she said, "If ever again that happens to me, where I know that I'm going to be confined in a high-cost unit, I will ask them if there isn't someplace they can move me to where I'll get the recuperation care I need at a lesser cost to my fellow taxpayers."

4:20

I think it encourages increased accountability. It would encourage a dialogue such as happened between that lady and myself and some other MLAs at the time. I think it's important that that dialogue take place. Then the recipient knows what's being spent on their behalf; they recognize the cost that's involved by the other taxpayers. Maybe there are ways. If people understand the system and understand what it costs, maybe they will come to us and say, "Look, we have to reorganize, we have to regionalize a little bit in our care system so that we can take advantage of the lesser costs, just as good care but lesser costs in certain areas." I'm certain that Albertans understand that. It's my feeling, and I'm sure this was brought home by this lady, that Albertans are undereducated on the system's operations, the costs, and the fees. Of course, this bill that this lady got didn't indicate how much it cost for the doctor. This was bed space, hospital costs. Maybe it would bring it home a little more to some of the service givers and the health care service people that some of these decisions are made without full information. I think it would be valuable that any decision that either a patient or a doctor or a health care giver makes should be made with the utmost information that's available at that time. Then you have wiser decisions being made.

I think this carries on, Mr. Speaker, to a need for the average Albertan to tell their children, if they take them to a doctor for a cold – maybe it's necessary, maybe it isn't. I don't want to get into that; I don't want to debate that, because parents will make their own individual decisions. At least when they were done with it, somebody would give them an accounting. They could say to their 15-year-old son or daughter or 10-year-old, "Gee whiz, this is what it cost." Now, they can either say, "This is awfully nice of the taxpayers to provide this for us" or "Holy smokes, I didn't know it cost that much" type of thing, but least they would be aware, Mr. Speaker, and they would help, I'm sure, through correspondence with their MLAs and with the health care givers to try and develop maybe a more effective system and streamline it. Even in the effective areas, in the streamlined areas, this needs to be communicated not only to the health givers but to the health care receivers.

There is no public input at the present time in setting the fee schedule, so Albertans don't know where it's at. They haven't spent a lot of time thinking about it, but maybe if Albertans were educated, maybe if they knew what these costs were, Mr. Speaker, maybe they would wonder: "Now, are these health care givers appropriately compensated? Do they need more money or are they making too much?" We don't know. It would be nice to have input from the public, from the doctors, and from the patients.

No public audits are carried out right now, so there's no incentive to minimize any errors in billings, but if you had that bill within a few days or a week or so – I don't know how often it should go out; I think that's the mechanics of it that should be worked out – so you could look at it and you saw that one time you went to see the doctor there was a \$26 fee and the next time you went to see him it was an \$80 fee, perhaps the average Albertan would question that and say, "Why is there a difference?" If it's explainable, fine; if it's not, let's find out why. Maybe there are some errors in billing. It's hard for the system to audit itself, and it's my real belief, Mr. Speaker, that this should happen because I'm sure that Albertans would appreciate it and they would participate more fully in the decisions that have to be made in regionalizing and streamlining our system in order that we can continue to afford it.

There's no knowledge in the general public related to doctor shopping or the convenience of doctor shopping. People now are able to go to their local doctor. They don't know what it costs. Or they go to a specialist. They don't know what it costs in comparison to their local doctor. I think that needs to be dealt with.

Another area that could be dealt with under this, Mr. Speaker: would the average Albertan, if they understood the costs of preventable accidents and diseases, then recognize that prevention would be the best form of cure and the most financially sound? They might. They might even quit smoking if they knew what it cost to treat lung cancer. [interjection] I'm sure my hon. friend will never find out.

The credibility from a motion like this, Mr. Speaker, would add to the credibility of the community as a whole to the whole medically driven system. A recent pilot project of the Department of Health did show that providing a point-of-service statement was technically feasible. It's done in several institutions in the province right now, and I believe that this motion would require only minor adjustments to service the whole province. The costs of Alberta health care transcripts could be sent with your insurance premium payments. There wouldn't be an extra cost of mailing. I guess one of my personal concerns



with this would be that it should be not "costs incurred by Alberta health care" but "costs incurred by the Alberta taxpayer."

Mr. Speaker, on a different topic but to give you an idea about educating the public, some time ago in the United States when you got a speeding ticket down there, as I was unfortunate enough to do at one point in time, it did not read "speeding ticket." It read: the illegal use of a depleting natural resource. So you knew it wasn't really because you were speeding; it was because you were using too much gas at that speed. It brought home a message to you.

Mr. Speaker, I think that if you go with this resolution, and I would urge the people in the House to support it, we would be able to improve on our good working relationship with the Alberta Medical Association, the Alberta Hospital Association, and other affected stakeholder groups. Their input certainly must be sought to co-ordinate an effective implementation of Motion 206. I think it's important.

We've heard a lot of people talk in this House about providing information to Albertans on a regular basis so that they know where the government is spending their money, what they intend to do with it, and how it is handled. Mr. Speaker, I think that under this motion it would be a real start in the right direction. It would allow Albertans to be better informed, particularly on the health care system, because we're talking about \$4.2 billion, which seems to rise every year.

Mr. Speaker, in view of the time – it's now 4:30 – I would like to ask that you call a vote on this motion.

MR. DEPUTY SPEAKER: Order please.

Hon. member, because it is 4:30, the Chair is required to interrupt the proceedings of the House at this time to move on to the next order of business pursuant to Standing Order 8(3).

head: **Public Bills and Orders Other than**  
head: **Government Bills and Orders**  
head: **Second Reading**

4:30 **Bill 203**  
**An Act to Create a Commission to Examine**  
**Legal Reform in Alberta's Justice System**

MR. DEPUTY SPEAKER: The Member for Calgary-McCall.

MR. NELSON: Thank you, Mr. Speaker. At this time I wish to move second reading of Bill 203, An Act to Create a Commission to Examine Legal Reform in Alberta's Justice System, sometimes referred to as our injustice system.

Mr. Speaker, for most Albertans the very idea of going to court as a witness, juror, claimant, or defendant is unsettling at best and terrifying at worst. For a variety of reasons most people will confess a particular feeling of trepidation at the thought of dealing with our judicial system. For some, even meeting with a lawyer can be stressful. While many of these feelings of unease may be explained simply because, by definition, lawyers deal for the most part with legal problems, the truth is that many people are uneasy because they feel helpless in the hands of the law.

The average Albertan does not understand legalese or even the process governing our justice system. Albertans, therefore, are completely at the mercy of a system they do not understand and for the most part cannot afford. For the majority of Albertans, hiring the services of a lawyer for even a simple problem is excessively costly. To hire a lawyer for a lengthy, complex issue can result in total bankruptcy. The reality is that the vast majority of Albertans cannot afford to pursue litigation.

The unfortunate truth is that only the very poor, who may be entitled to legal aid, or large corporations and the very rich can afford to see their days in court.

In case anyone requires more convincing as to the need to look into justice reform in Alberta, I'd like to give a few examples regarding costs, delays, inefficiencies, and calls for reform from judges, lawyers, and lay people alike. In the last few months alone there have been numerous outcries from the bar, the bench, and private citizens involved with the justice system. Lawyers have complained publicly about the state of the justice system, and Crown attorneys have announced work-to-rule campaigns because of what they described as the critical situation in Alberta's criminal justice system. Divorced women are cheated out of adequate child support payments because they cannot wait for court hearings that may not occur for up to a year in the future. Legal costs just continue to pile up for the individual, the taxpayer, or both. Child custody access and maintenance cases: the wait for a family court date itself can be used as a bargaining chip. Clients settle for less than they are entitled to in order to avoid the year-long delay for an in-court resolution. If a divorced woman wants more maintenance money, she often has to settle for a low compromise out of court to avoid heavy legal bills and a long delay that would bring her further economic hardship. Victims of crime, Mr. Speaker, are shortchanged by the system. They are frustrated and confused by the long waits and successful adjournments. They are delayed in getting over their victimization and getting on with their lives when they continue to be involved in a drawn-out legal process, and in many cases they themselves are treated like criminals or second-class citizens.

Mr. Speaker, in December 1990 a book released by two political scientists on Canada's judicial system claims that some lawyers in Alberta and Ontario are using the delay inherent and available in the judicial process to help win the case they are arguing or at least to make some sort of a deal. These authors claim that some lawyers actually specialize in delay. You only have to look at some of our traffic situations in Alberta.

We must look into the system. Judges, lawyers, members of citizens' groups, and the public at large are all calling for reform. Even in these few examples, chosen from only the past few months, the need for legal reform is evident. Beyond this public outcry is a real fiscal responsibility to look into the system as well. The current problems in the judicial process do cost the government money. Excess administration, unnecessary time in court, and any additional worker hours resulting from all these inefficiencies are, in the end, funded by the provincial, federal, and municipal governments. Peace officers have to wait for days and hours instead of being out doing their job. Laypersons, however, can be hit the hardest by the current inequities in our system, by taxation when they pay the bill for the tax man and the costs that are attributed to the legal community.

Another deterrent to seeking justice is the length of time required to see a case from beginning to end. The excessive time required to pursue litigations frightens many Albertans as they see their life savings slowly being eaten up by the legal process. Clearly, our justice system is not meeting the needs of those it seeks to serve when the majority of Albertans are seriously limited by their lack of ability to see a case through to completion. Albertans do not realistically have complete access to justice. As legislators it is our duty to guarantee all Albertans a right to justice.

Mr. Speaker, Bill 203 seeks to review the justice system in the province of Alberta and make recommendations to the Legislative Assembly with the goal of making our justice system

accessible, understandable, relevant, and efficient for all Albertans. The commission would consist of five Albertans, two from the legal community and three laypersons.

Mr. Speaker, in reviewing the existing justice system, the justice reform commission would conduct public hearings, to be held throughout Alberta. By conducting a public process, the committee would be able to hear from Albertans how Albertans would like the justice system to serve Albertans. The committee would become aware of areas of our legal system which are flawed and ways in which the existing system may be improved. The commission would also consult with the legal community – lawyers, judges, peace officers, stakeholder groups, professionals who have spent years actively participating in the system – and of course laypeople, seeing firsthand the good and the bad of our legal system. It is proposed that at the end of 12 months the commission will submit a report to the Attorney General complete with recommendations specifying areas in which the justice system is weak and ways in which to make it strong.

Mr. Speaker, Albertans do have a number of concerns, conceptions, and misconceptions about our "injustice" system. Ordinary people frequently feel alienated from the justice system, which they see as being too complicated, too expensive, and far, far too slow. Many people think the criminal justice system is too technical and too lenient with some offenders.

Mr. Speaker, the Justice Reform Committee of British Columbia, upon which Bill 203 is partially based, has had real effects on the administration of justice in B.C. No one can suggest that such a committee would be of little use when looking at the positive changes that have occurred in British Columbia since that committee released its fine report. Public hearings were held in nine communities throughout the province of British Columbia. The committee heard 175 representations and received 200 briefs, and look at that great document. A report was released called Access to Justice, and it contained 182 recommendations designed to result in a justice system that is far more fair and more accessible to all those people it seeks to serve.

Mr. Speaker, after receiving the report, the Attorney General toured the province to discuss the recommendations with the public and members of the legal community. He also received written responses to the report. The Attorney General then established an advisory committee on the implementation of legal and procedural reforms. He then laid out a number of concrete policy directives, the main thrust of which was a major plain language initiative. This initiative was designed at the request of citizens who made appeal to the reform committee to increase the understandability of the legal system. I commend the Hon. Bud Smith for his initiative.

#### 4:40

This initiative has brought results. A plain language directive has been implemented, and new legislation, particularly in areas where people are likely to represent themselves in proceedings, has been drafted in plain language, in good old plain English. Small claims court and the documents pertaining to it, for example, have been simplified. There are now standardized forms distributed in clear and precise language.

Mr. Speaker, the justice reform Act, 1989, made a number of changes in the direction of intellectual accessibility to the justice system. Some of the main provisions included the simplification and modernization of outdated terminology in legislation; a number of statutes were amended to improve their functioning and administration; various amendments to improve the functioning of the Family Relations Act respecting investigative

reports, variance of maintenance orders, and other orders of the court. A variety of other changes to improve the administration of some basic Acts were also done.

The Court Rules Act was also a result of the consultative process of the Justice Reform Committee and the Attorney General's follow-up. That Act consolidated all powers to make rules governing practice and procedure of the court into one Act. The move will eliminate redundancy and confusion where court proceedings are concerned. The main provision of the Court Rules Act is implementation of the economical litigation program, which will allow cases concerning between \$5,000 and \$20,000 to be conducted in a much less costly manner. The rules of economical litigation will be simple enough to permit litigants who wish to represent themselves to do so. This represents a major step forward to accessibility. Not only is it easier for private citizens to represent themselves through simplified procedures and documents, but the cost involved in pursuing a legal matter of this magnitude is also substantially reduced by this new legislation. The committee, therefore, has resulted in tangible legislative changes that are making a real difference for the people of British Columbia. Albertans could also benefit from a thoughtful review process and careful legislative reform.

Another Bill resulting from the reform committee's proceedings is the Small Claims Act. This Act is designed to allow a just, speedy, and simple method of resolving small claims. The main provision of this Act is that it is in plain language, in good old English. There is a greater scope for the admission of evidence at the judge's discretion. The Act will be accompanied by a guide to the small claims court rules, which outlines all matters of procedure. This was the first program of its kind in Canada. We should also be a leader. In addition to the rules, booklets were developed to assist those using the court without a lawyer. Surprise: these books are also written in plain, clear language. Additional steps to streamline and simplify the process were also taken, including mandatory settlement conferences with the judge prior to the trial and more leniency regarding service of documents. The Act also represents a major step toward meeting the goals identified by the Justice Reform Committee.

Mr. Speaker, only through the hearings and findings of the committee and through its report and the positive response to it has this type of initiative been given substance through legislation. The people of Alberta are also calling for reforms to allow them, too, to understand and participate fully in the justice system that is there to serve them.

The court system in B.C. has also been simplified through the Supreme Court Act. This Act merged the Supreme and county courts into one, eliminating the overlap of jurisdiction and the confusion associated with that overlap. The new Act is also simplified and shortened. It probably saves the government a lot more money too.

In addition to these pieces of legislation already enacted, there are additional recommendations under the Attorney General's plan that are under consideration, and relevant legislation is presently being developed.

Mr. Speaker, Alberta need not expect that these same reforms will occur here. What we need is to take the time to identify the problems with our justice system. We need to listen to Albertans, both the public at large and the judiciary, to determine where the shortcomings of this system are. Once that is accomplished, we may then take the time to examine ways to reform the system. As I have indicated by the numerous examples of substantive, important legal reforms that have occurred in British Columbia as a result of their committee, this

initiative should not be futile. This commission can and should result in actual improvements and changes that will save the government money, save individuals in the system countless hours, dollars, and nerves, and reverse the growing cynicism and frustration currently experienced by so many Albertans, and will continue to do so. It will, if we care enough to create this commission and give it this mandate, make real strides towards returning the justice system to those it is meant to serve.

The very recent announcements by the Attorney General are undoubtedly very well received by the legal community and the public as some initial steps towards repairing the system, but we need more than just band-aid solutions. There are more complex obstacles that must be identified and addressed. If this Act were passed, would we fear that it could lead to a constructive law reform? Do we fear we may discover some problems: lawyers commencing actions recklessly, lawyers taking advantage of the not-so-learned layman, lawyers stalling needlessly, lawyers overbilling and protected by taxation and the courts, lawyers acting in other lawyers' best interests, a Law Society that serves the lawyer first, a court system that is very cumbersome?

Many Albertans have expressed the desire to understand the legal system and its language. If they have to swear an affidavit, for example, they want to understand what it is they are swearing to. Our laws are replete with archaic words and phrases used redundantly and imprecisely. Phrases such as "now this investiture witnesseth" suffice only to confuse. If Albertans are asked to follow a set of legal rules and procedures, they should understand what it is the rules are requiring. The language of the justice system must not be a barrier to Albertans.

4:50

Litigation has evolved over the centuries. Unfortunately, past procedures, useful in dealing with complex disputes, have become unnecessary and cumbersome when applied to the more common, straightforward cases often found in youth and family courts. These simple cases, for example, are still subjected to interrogatories, examinations for discovery, commissioned evidence, motions to examine, witnesses, claims of privileges, and so on. Well, we must never be careless with legal methodology. We must develop procedures which are tailored to different types of cases. Furthermore, we must rely on the bench and bar to reject those practices which contribute to delay, excessive cost, and restricted access to the courts.

The cumbersome nature of the court process lends itself to excessively high cost to the public and to the individual seeking justice. Often it is only the very poor Albertan who may seek recourse from legal aid or the very large business corporation who is financially able to run the gamut of our justice system and write off his legal costs on the balance sheet. The average Albertan cannot afford to see his day in court as frequently; the cost of litigation is greater than the total value of a settlement. Mr. Speaker, unlike the corporation, he or she cannot write off the legal costs on his or her balance sheet at the end of the year. It is this high cost of the legal system which is one of its greatest barriers. Albertans are not prepared or willing to bankrupt themselves in pursuit of good, true, honest justice.

Mr. Speaker, legal information and advice is frequently not available to Albertans living in small, isolated communities. Furthermore, services are limited for the frail or physically disabled and those who have difficulties with the English language.

Many of the difficulties experienced with the justice system occur simply because people do not understand how Alberta's

justice system works. It is clear that the legal education needs of all Albertans are not being met by various legal education services currently on hand. The Legal Education Society of Alberta, for example, while providing seminars for the public – lectures and curricula – for the most part are geared towards those who already possess an understanding of the justice system. These courses are frequently taken by lawyers for continuing education.

The public has repeatedly called for a fairer, more just legal system. In fact, Mr. Speaker, they're not just calling for it; they are demanding it. Time and again people recount incidents where because of costs, time delays, or misunderstandings, they feel they have been cheated by the legal system. Some cases, such as the Charles Ng and Clifford Olson cases, while statistically uncommon, have obtained widespread publicity, with the result that the public suspects that the criminal justice system is in serious need of review.

Many of our own members in this House have also called for a review of the justice system, sometimes, I believe, against deaf ears. Even the legal community has called for justice reform. What is evident, Mr. Speaker, is that all sectors of Alberta society are aware that our justice system as it currently exists is flawed. The people demand serious reform. I recognize that demand is a very tough word, but that is what is happening.

Alberta needs to keep up with justice reform movements in other parts of the nation and throughout the world or be left behind with an archaic, outdated system. Alberta must be progressive with our justice system. We must have the courage to reform our policies. Mr. Speaker, our justice system in Alberta was designed over 100 years ago. While it has served us well, it was designed for a different place and a different time, when life in Alberta was much less complex and much more structured, when expectations about the system of justice and its mandate were relatively narrow and straightforward.

Mr. Speaker, the time has clearly come to redesign what we have. We should undertake this task not only because the pressures imposed on our system are now very great and threaten its capacity to perform effectively, but also because we have an obligation to bequeath to our children and our grandchildren a system which works and works fairly. It may be foolish to pretend that in one year this commission will fix all that is wrong in our system of justice. We must take that initial step. These first steps for reform must be taken to prepare the way for lasting, significant change into the 21st century.

Mr. Speaker, as legislators we have a responsibility to do what we can to alleviate the hardships and frustrations faced by so many Albertans. In that regard I would like to encourage all members to support Bill 203 and to return our runaway, inconsistent justice system to the hands of ordinary Albertans. Does our justice system, the office of the Attorney General, the government, and this House have the courage and the conviction to seek changes so all Albertans have equal access to justice, or do we wish to continue with our system of injustice?

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Strathcona.

MR. CHIVERS: Thank you, Mr. Speaker. I listened with growing perplexity to the comments by the hon. Member for Calgary-McCall, growing perplexity because when I first reviewed the Bill in some detail, I tried to make some sense of it. I thought perhaps one should examine his Bill by the criteria

that he established at the outset. In attempting to do that, I found that it didn't measure up very well.

The learned member in the beginning of the Bill sets out the purpose of the Bill, being to make the judicial system and the laws within it "accessible, understandable, relevant, and efficient for all those it seeks to serve." Well, I started measuring this legislation by those standards. It seems to me that while the purposes and the objectives of the Bill are doubtless laudatory and worthy, the Bill itself is ill-crafted, ill-considered, and ill-conceived. The learned member opposite has spoken of some very high principles of democracy, accessibility to the court system. Yet I note that one of the very first sections of the legislation deals with the application of the legislation, and it certainly ensconces a very undemocratic principle.

If you examine the third section of the legislation, it gives this law an overriding precedence over all of the other 100-odd statutes in the province of Alberta. One may wonder why this is so. If we're speaking of plain language and there's a purpose to be served by that kind of a clause, perhaps the citizens of Alberta would like to know the answer to why it was necessary to make this Act "take precedence in interpretation" over any other Act, any other regulation, any other rule, any other law of the province of Alberta. Now, what is the need for this plain language, Mr. Speaker? Well, I certainly support plain language, but here we have a clause of general application that seems to have no purpose. On closer scrutiny it's very easy to see what laws this law could run into contradiction of: the rights that are guaranteed by the Bill of Rights, the Individual's Rights Protection Act, and the Charter of Rights and Freedoms. It is an interesting commentary on legislation which is proffered by the Member for Calgary-McCall on the basis of support for democracy, support for openness, support for accessibility and relevance that he begins his legislation with that kind of an application clause.

5:00

[Mr. Jonson in the Chair]

Now, let's examine who gets appointed to this commission. My learned friend has waxed eloquent about the need for public input. Now, what kind of a commission has he crafted in his legislation? If you look at the composition of the committee, you'll see that in the first place it speaks of a committee of at least five people. I believe my friend was incorrect when he urged upon the House that this provided for a commission of five. It's a commission that's appointed by the provincial cabinet. It's not chosen from amongst the groups that are engaged in the legal process. It's not chosen from the public except for a nominal member of the public.

Let's see who sits on this committee as my friend has structured his committee. It's a committee chosen by cabinet consisting of "an active judge or justice of the Judiciary," certainly one of the people that must be responsible for the mess that he's described in the Assembly this afternoon. "A member of the Law Society of Alberta in good standing": certainly another participant in the fiasco that he's described this afternoon. "An educator" – now, this is very interesting – "from a school, college, university or technical institute in Alberta" but not one from the law school. Now, I ask myself: why is it that my friend has confidence in the active judges and justices of the judiciary of the province and is willing to appoint them to his commission? Why is it that he has confidence in members of the Law Society and is willing to appoint them to the commission? Why is it that he has confidence in educators from

schools, colleges, universities, and technical institutes, but not from the Faculty of Law?

I suggest, Mr. Speaker, that there is a very good reason why the hon. member does not wish to appoint a member of the Law faculty to this commission. One of the tasks of the law school is to educate people, to inform them, to make the laws clear and understandable and to speak and discuss and discourse about the laws, and to be knowledgeable about them, not just in their application but in their application to people, and to urge upon society measures of law reform. This they do abundantly. If one bothers to read the publications of the law school and to be knowledgeable about them, you will find that the law school is not unknown as a critic of the laws. Why, then, does my friend go on to deal with, as one of the participants on this commission, "an individual holding qualifications" in the realm of public administration? He has confidence in public administrators, and he has a token private citizen, one citizen, on this group.

We have a commission established apparently on the basis of a technocratic approach to the reform of law, and I say to this Assembly, Mr. Speaker, that that is not the way to reform the law. The difficulty is not identifying the ills. I find little to disagree with in my friend's litany of complaints about the judicial system. With respect to the costs, the delay, the inefficiencies, and the inaccessibility, I find little to criticize in the hon. member's litany of complaints about the judicial system and the process. Indeed, we've already had enough studies. We have studies galore identifying them, the most recent being one which I urge the members of this House to adopt the recommendations of, and I'll be very interested to see if the member opposite supports the adoption of the recommendations in the Cawsey commission, in the Rolf commission.

Indeed, in Mr. Justice Cawsey's report he stated that it was not necessary for him to do much more in terms of recommendations than reiterate the recommendations that had been made in the past decade by commission, by task force, by study, by learned articles. It was not necessary for him to do very much more than to enumerate again the recommendations that have been made to this government, to other governments – repeatedly to governments in Canada and indeed this government included – to reform the judicial process to make it more understandable, to make it more accessible, to make it more relevant, all of which are the objectives of the hon. member's Bill. I hope we can count on him to support the initiatives recommended by Mr. Justice Cawsey in that regard.

Indeed, Mr. Justice Cawsey also wanted to make the laws more understandable. He spoke of recommending that the aboriginal people that appear before them in our criminal courts have available to them translators to translate into aboriginal languages. Indeed, this is certainly a technique to make the law more understandable to the people that it's supposed to be serving.

Mr. Speaker, the difficulty with this legislation is not in the identification, and the need is not for the identification, of the ills in the system. The difficulty is that this is not the process to go about dealing with the mechanisms to reform those ills. Those are already known in many studies and many reports. If we need another study, what we need is a study that permits not only input from people, from ordinary Albertans, in much the same way as this government has chosen to structure the hearings of the task force study on constitutional reform. What this commission needs in addition to participation by the public and access by the public is not – and I don't disagree with the principles set out in section 6 of the Act. They're very laudatory

principles. They're very worthy, and I support those principles. The problem is that they're not applied in the legislation itself.

Let's look at one of the sections dealing with the public hearing process. This committee is not mandated and obligated to conduct public hearings; it is permitted to hold public hearings if it so chooses. Now, that's a curious twist to legislation that is supposed to permit the participation of the public. Surely it would be mandated. Then let's look at the next clause in section 7 with respect to the establishment of public inquiries. Well, why is it necessary to give this body the jurisdiction to establish another committee and subcommittees? If you go on in that section, you will find it has powers to constitute subcommittees, all no doubt at great expense because they're going to be professionals that are going to be involved in this.

Perhaps the most distressing part of the proposed legislation is section 8, where the member opposite deals with the question of testimony that's presented to the commission, materials that are presented to the commission, information received by the commission during its investigations. It's very interesting to see that these are to be treated as private and confidential. What ever happened to open decision-making and participation of the public and knowledge of the public? What are we going to have here, private submissions to a specialized tribunal with no means for the press to participate? This section, incidentally, I submit and urge to the Legislature could be construed so as to reflect upon the application of the Charter of Rights. Is there going to be access by the media to this information? Is the press going to be able to attend these hearings? What is the purpose served by that section? Where is the sense of democracy? Read that section and try to understand what it means. Is it understandable? Is it in plain English?

I suggest to my friend that his efforts might be better expended, in terms of when he's speaking of plain language, in trying to deal with the Bills that have been introduced in the Legislature thus far by the government he is a part of. There's a bundle of them sitting on his desk; let's examine them. Are these in plain English? Are these understandable? Do these meet the criteria that he's seeking to achieve in this legislation, that he's going to measure other bodies by? I suggest that he start at home and start measuring the Legislative Assembly of Alberta, which enacts many of the laws that create the problems for people in terms of understandableness, in terms of accessibility, and in terms of open decision-making.

#### 5:10

Mr. Speaker, I certainly sympathize with the litany of complaints that the hon. member has identified and which are doubtless there and have been identified by many people. I certainly sympathize with the need to establish a process and a mechanism to gain public input to reforming those laws. I certainly would urge him to examine again another body that is related to this Assembly, which partially, although independent of it, reports to this Assembly, and that is the Alberta Law Reform Institute. We have a stack of recommendations from that body as well that are sitting on the shelves collecting dust in the Legislature Library downstairs, legislation which is already drafted which conforms with the concepts – the openness, the equity, and the understandableness – that the member seeks to achieve, yet they are not acted upon by this government. I ask him again: why is this?

Mr. Speaker, in conclusion, I submit that this legislation does not meet the needs; it does not meet the standards. It cannot be assessed as worthy of the objectives that are urged upon the Assembly by the member. If the Bill itself does not meet those

standards and does not meet that measure, then I submit that it is not a Bill that is worthy of support; it is not a Bill which should be accepted by this Legislature.

Mr. Speaker, I have a number of other comments that I would like to make, but I've promised my learned friend from Calgary-Buffalo that I would not exhaust the time, and he has the opportunity to speak on this. I oppose the Bill.

MR. ACTING DEPUTY SPEAKER: The Member for Clover Bar.

MR. GESELL: Thank you, Mr. Speaker, and good afternoon. I'm pleased to rise today and speak in support of Bill 203. I would ask that all members give serious consideration to the discussion that has occurred here. I do not agree with the comments that have been made by the Member for Edmonton-Strathcona. I would urge all members to seriously look at the principles of this Bill and to support the initiative that has been proposed, this first step that is required in order to make the necessary and essential adjustments and reform to our legal system, our judicial system. I would want to congratulate the Member for Calgary-McCall for introducing the Bill, because I believe it's appropriate.

Now, in speaking on this Bill in second reading, I want to speak about justice, Mr. Speaker. I want to speak about common sense, not specifically about some of the complaints that have been aired by lawyers of the legal profession or the delays and all of these other matters. I want to talk about the foundation, the basis of justice. I want to talk about what's right and what's wrong, and I want to talk about the values that people hold, because I believe those are critical and important. Now, in speaking on this Bill, I want to cast no reflection on judges or lawyers or all of those people that are involved in the judicial process. I do not want to single out individuals. I'm talking in general, in broad terms, about the process of justice. I may, as the Member for Calgary-McCall has in his discussion, use some very strong language – I didn't say unparliamentary but strong language – because I feel very strongly about this particular issue.

Let's talk a little bit about the values that society holds, the mores, the norms that individual people have and that society, our community, has. I believe from what I hear from residents in Alberta that they perceive that there is a divergence from what they hold as values in perhaps some of the legal, judicial findings that actually occur in our present system. I want to make reference to a letter that has been sent to the editor of the *Edmonton Journal* by Gerard Boychuk from Wetaskiwin, and I quote:

Decisions on issues such as the rights of the fetus should be made by people who are elected by, and responsible to, the population.

*The Journal's* editorial support of individual rights and freedoms is simplistic and naive. Promotion of hatred, and a pornographer's provision of live sex acts, are examples of behaviour that can be defended on the basis of individual rights and freedoms. Proscription of such activities is based not on the premise of individual rights, but on the notion of communal welfare and community standards.

Mr. Speaker, when I talk about reform of the justice system, I'm talking about those communal standards and community welfare. I want to provide some specific examples a little bit later on in the discussion.

Let me first deal with a procedural portion that I perceive in the proposal in Bill 203. The member proposes to create the commission as the first step. I believe that may be correct;

however, I see a preliminary procedure that may be required prior to the commission being established. I view it from the point of view of perhaps the electoral boundaries process and procedure that has occurred in this House, and that is that elected people, we here in this House, need to establish the direction, the framework, of where this system should go in broad, very basic terms. Then the commission should come into being and develop that broad framework into a system that will function for Albertans, and perhaps for the next hundred years, we hope.

[Mr. Speaker in the Chair]

I feel that initial committee – and it may perhaps be even the Standing Committee on Law and Regulations, a committee that we have in this House that is comprised of members representing all parties, from all sides of this House – should deal initially with the broad spectrum of where we should be with our judicial system, the objectives that we might have, the parameters that we should be considering. Then the commission might develop further and put in place some specific recommendations.

Now, Mr. Speaker, I promised I would deal with some examples. Some of the examples have been discussed by the Member for Calgary-McCall: the discussion about more prosecutors and more judges and overcrowded jails and so on. These items have been dealt with in the most recent discussions, the announcement that the Attorney General has made. I think those symptoms of a basic problem are dealt with to a large degree. I'm zeroing in on a more basic issue, I believe. There are also some discussions that the Member for Calgary-McCall has made with respect to overcrowded jails and the problems that exist there. I want to provide a few statistics to point to that problem. Maybe our system is not functioning that effectively when we have the costs associated with incarcerating people and the number of people that are incarcerated in the system. The most recent figures show that 26,673 men and women were behind bars in '86-87; there are some 15,567 inmates in provincial jails and another 11,106 in federal facilities. The median age in the prison population is about 39 years, and women comprise 6 percent of the provincial inmates but only 2 percent of the federal inmates. They perhaps have not the same degree of problems as men have.

5:20

We have in addition 78,000 offenders who are not behind bars, who are in the community under supervision. That may be perhaps a better avenue. But we need to understand that this system has caused us to pay for each prisoner that we have in a facility \$103 per day, a tremendous cost. Now, we've had some discussion about delays and lawyers complaining about delays in the system and Crown attorneys working to rule and all these other things, but I believe that the initiatives that the hon. minister has announced will alleviate these difficulties.

There was also the discussion by the hon. Member for Calgary-McCall about the study that was recently undertaken, and it deals with delaying tactics. I'd like to be a little bit more specific. The authors are Ian Greene, a lawyer, and a political scientist, Peter McCormick, the lawyer from York University in Toronto and the political scientist from the University of Lethbridge. Their publication is entitled *Judges and Judging: Inside the Canadian Judicial System*. They claim that actually some of the delays are intentional, not all of them but some of them. I believe I've got firsthand experience in my practice of

planning consultant that I undertake, in those cases when I've tried to collect some bills for outstanding accounts.

The young offenders situation is another area that has been discussed and that I'm hearing a lot of comments and concern about. I want to refer to a letter that has been sent by Sharon Murphy,\* a constituent of my colleague here from Lacombe. I want to just quote one sentence here in respect to young offenders: I personally would rather see my child treated harshly if it would help him to respect the law and become a productive person. Something has to show these kids that this is no joke, and society deserves better protection than they are getting. We definitely have to make some changes in our young offenders. Rules and regulations are essential. They are not working. There are people in our society that are taking advantage of some of these rules and laws that we have in place. That is not right, and people tell me that it is not right.

One then needs to ask, Mr. Speaker, that with all of these problems, when society questions the values, individuals question the values: do we still have a fair judicial system? I'm not so sure we do, and I'm not so sure that the majority of people out there in Alberta feel that we do. That's disturbing because that ultimately reflects on where our society moves in the future.

I want to deal with a couple of instances and the perception that people hold with those specific examples. The Rutherford case, I guess, in Sherwood Park might be an excellent example, where the people that I have spoken to believe – and I'm not sure whether this is correct because I haven't researched it, but I want to express the opinions that people provide to me from Sherwood Park. They're saying that in their opinion the prosecutor and the lawyer for the defence made an arrangement and that that was more binding than the justice that was to be dispensed by the person on the bench. Now, I don't know if that's correct or not, but that's the opinion I'm getting from people. When people hold those opinions, that scares me because that is something where we are not dispensing justice any more if that is true.

I want to also talk about intent to some degree. People are very much concerned about that, the intent that sometimes is discussed when, say, an impaired driver causes an accident or causes death, a fatality. Sometimes the findings may be that that person was so incapacitated, they did not know what they were doing. Well, Mr. Speaker, that choice of being incapacitated by either alcohol or drugs or other substances was a free choice that was made by that individual, and it should be treated as such and not as an excuse or blaming society as a whole. People don't believe that is correct, and I have to agree with them.

It would be somewhat different if a person were to steal food and they were starving. To me that's a completely different situation, because there's a necessity there. Perhaps our legal system and our justice system need to identify necessity and free choice. It also may apply to wanton destruction of life and property, and that occurs in our system, and I think it should be punished severely.

Now, Mr. Speaker, I also want to talk about some of the impressions that we leave with residents of Alberta, our province, and I want to cite another example. I believe it was on Highway 2 that there occurred an accident, and another person stopped and ran across the median to help those victims of that particular accident. That helper was then subsequently sued by the victims of that accident because apparently he did not take enough care in rescuing those people. Well, if our system allows that to occur and promotes that, then we have some very severe problems, because that tells me that I as an individual should

\*This spelling could not be verified at the time of publication.

not care for you over there because I might get sued somewhere down the line. That is not right. We all have a responsibility, each and every one of us, to look out for our neighbour and to assist wherever we can.

Mr. Speaker, I'm running out of time. I have a lot more to say but not enough time to do it in, so I would ask to adjourn debate.

MR. SPEAKER: Having heard the motion by the hon. Member for Clover Bar, those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried.  
Government House Leader.

MR. HORSMAN: Mr. Speaker, this evening it is proposed to deal in Committee of Supply with the estimates of the Department of Agriculture. I would move that the Assembly stand adjourned until such time as the Committee of Supply rises and reports and that when the members assemble, they do so in Committee of Supply.

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

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed? The motion is carried.

[The Assembly adjourned at 5:29 p.m.]

