

Legislative Assembly of Alberta

Title: Wednesday, May 22, 1996 8:00 p.m.
Date: 96/05/22
 [The Speaker in the Chair]

THE SPEAKER: Please be seated.

head: Government Bills and Orders
head: Second Reading

Bill 45 Miscellaneous Statutes Amendment Act, 1996

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. EVANS: Thank you, Mr. Speaker. I'm pleased to move second reading of Bill 45, Miscellaneous Statutes Amendment Act, 1996.

As most members would realize, this is a Bill that is somewhat unique in the Legislature. Before the Bill is presented in the House for first reading, the principles are reviewed between the ministers who are proposing amendments and the critics on the opposition side to ensure that there is consensus. Therefore I would presume that this Bill will receive quick passage through second reading this evening.

MR. COLLINGWOOD: Well, Mr. Speaker, I'll concur in the comments of the Minister of Justice that there has been considerable discussion on the Miscellaneous Statutes Amendment Act, 1996. In fact I once again will commend the Minister of Justice. Those matters that were proposed for the draft of the Miscellaneous Statutes Amendment Act where there was some lack of consensus amongst government and opposition, the minister has not proceeded on those particular aspects. So the Bill as presented this evening has been reviewed, vetted, and discussed between government and opposition members. I concur in those comments.

[Motion carried; Bill 45 read a second time]

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

[Mr. Clegg in the Chair]

THE DEPUTY CHAIRMAN: We'd call the committee to order.

Bill 39 Environmental Protection and Enhancement Amendment Act, 1996

THE DEPUTY CHAIRMAN: We are on Bill 39, and we have gone through several amendments. I think we're on, if I can get it out here, A10 from the Member for Sherwood Park, and we had quite a little debate on that amendment.

The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thanks, Mr. Chairman. Indeed we were on amendment A10 at the time the government moved to adjourn debate on this particular amendment. For the recollection of members, I am referring to section 44 of Bill 39. This particular section will allow the Minister of Environmental Protection to allow the disposal of hazardous waste in the province of Alberta to occur through a registration process as opposed to an approval

process.

What that means, Mr. Chairman, is that if the Minister of Environmental Protection chooses to allow the disposal of hazardous waste through a registration process, no notice is required of an application for registration to dispose of hazardous waste in this fashion and no approval with any conditions will be required by the Department of Environmental Protection. The registrant, as it were, disposing of hazardous waste will simply have to agree with the minister that they will abide by the codes, standards, or guidelines that will be in place at the time they are registered for that particular activity or that particular operation.

Now, the other thing of course that's of concern, Mr. Chairman, is that at this point in time we do not have the final version of whatever guidelines, codes, or standards are going to be in place with respect to the disposal of hazardous waste in the province of Alberta. It is therefore difficult to make any assessment of the registration process because we don't have the benefit of reviewing those codes or guidelines.

In any event, Mr. Chairman, I would not be inclined to allow the disposal of hazardous waste in the province of Alberta to occur by registration or in any other way provided for other than through an approval process. Hence I move amendment A10, which would strike out the words "or registration or as otherwise provided for under this Act", meaning that for the construction or operation of a hazardous waste disposal facility in the province of Alberta, it would have to be by way of approval and approval only, giving the required notice of the application, the ability to file statements of concern, and the ability to appeal the decision to the Environmental Appeal Board.

So for some background for the benefit of members, that is why indeed I have moved amendment A10. I would not prefer to see hazardous waste disposal in the province of Alberta governed by registration. It ought to be by approval and by approval only.

[Motion on amendment A10 lost]

MR. COLLINGWOOD: Mr. Chairman, I'll move to number 13 on the sheet that I have distributed to members. This will be amendment A11, and for this amendment I will refer members to section 55 of Bill 39, found at page 26 of the Bill.

In my last amendment, I described for purposes of the record what will happen when there is a registration procedure as opposed to when there is an approval process. Now, section 55 of the Act lays out a whole number of sections that will be amended by adding "or registration" after "approval". So the minister will then presumably have the discretion as to whether or not those activities identified in those particular sections – if there is reference now to approval, which there is, it will read "approval or registration".

Sorry, Mr. Chairman. I'm just listening in on all the other conversations in the room and seeing if there's anything worth listening to.

THE DEPUTY CHAIRMAN: We'll try to keep the noise level down, please.

The hon. Member for Sherwood Park. [interjections]

MR. COLLINGWOOD: More interesting. Mr. Chairman, the Member for Calgary-North Hill is not particularly interested. He'd rather carry on a different discussion and conversation.

Mr. Chairman, as section 55 in Bill 39 reads, the minister is proposing to add "or registration" after the word "approval" in a

whole variety of sections contained in the Environmental Protection and Enhancement Act. Now, what's interesting is what the minister has left out, which is section 69(1)(a). When you refer to 69(1)(a) in the Environmental Protection and Enhancement Act, this is the section that actually brings into play all of the notice and appeal provisions that currently exist for any activity that requires an approval under the Environmental Protection and Enhancement Act.

So, for example, under section 69, when there is an application for an approval under section 63, the applicant has to then give notice of the application for approval. Having given notice, you move through those various sections of the Act, and that allows Albertans to file a statement of concern with the director of standards and approvals, which then carries forward so that those individuals, subject to certain conditions, will have the right of appeal to the Environmental Appeal Board.

The minister curiously leaves out section 69(1)(a), which will once again be a section of inclusion of the people of Alberta as opposed to an exclusion. By leaving out section 69(1)(a), the minister is once again excluding the right of the public of Alberta to participate in environmental decision-making in the province of Alberta.

All right. So what's the remedy? The remedy is, through amendment A11, to add section 69(1)(a) after section 68(a) in the list of all those sections that appear in 55(2). When we have 69(1)(a), that makes reference to an approval, if I add "or registration" after that, then the registration approval will still allow Albertans to participate in environmental decision-making because there will be a requirement for notice.

8:10

Now, let's look at one particular scenario. The minister and his colleagues have just defeated an amendment of mine so that now under the new amendments that are contained in Bill 39, the minister will be approving, if I can use that term, hazardous waste facilities in the province of Alberta by way of registration. One of the concerns with that is that Albertans will not be given notice of any application, if I can use that term, to operate a hazardous waste facility if it's going through the registration process.

How do you cure that? You ensure by the legislation that the notice provision also exists for a registration in the same fashion that it does for an approval. That, Mr. Chairman, is the reason I am adding section 69(1)(a) in section 55(2) so that the notice provision, the inclusion provisions, the ability to file a written statement of concern, the ability to appeal to the Environmental Appeal Board subject to certain conditions that currently exist in the Act will be there for registrations as they will be there for approvals. If the minister is of the view that all of these sections of the Act can read "approval or registration", there's no reason why the minister cannot then agree that section 69(1)(a) should be one of those provisions that can read "approval or registration", as section 55(2) suggests in Bill 39.

With that, Mr. Chairman, those are my reasons for moving A11. I would look forward to members giving serious consideration to this particular amendment and adding yet again another section of inclusion in the face of the Minister of Environmental Protection bringing forward a Bill that speaks solely to the exclusion of the people of Alberta in the environmental decision-making processes.

[Motion on amendment A11 lost]

[The clauses of Bill 39 agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the Bill be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

Bill 29 Employment Standards Code

THE DEPUTY CHAIRMAN: Our records show that amendment A4 has been defeated. Have we got more amendments on the Bill?

MR. GERMAIN: Thank you very much, Mr. Chairman, for inviting me to present more amendments. I'm happy to do that this evening on behalf of the hon. Member for Edmonton-Meadowlark. Let me just sort out the different piles here.

Mr. Chairman, if you could just confirm that amendment A4 was the last of my amendments that was defeated.

THE DEPUTY CHAIRMAN: Yes. According to our records A4 was the last.

MR. GERMAIN: So you need more ammunition, in other words?

THE DEPUTY CHAIRMAN: Not necessarily, hon. member, but if you have amendments, you are entitled to bring amendments forward.

MR. GERMAIN: Yes, indeed. Indeed. Thank you very much for that kind invitation.

Mr. Chairman, being passed out now are amendments to Bill 29 presented by the hon. Member for Edmonton-Meadowlark. They are on the sheet of paper that is being passed out and are given the letters A, B, C, D, E, F, G, H, I, and J. I am pleased to report to the Assembly that with the concurrence of the hon. Member for Edmonton-Meadowlark and assuming that the debate is professional on this group of amendments, I will be moving them at the end collectively as one amendment and one vote. However, I will also later then be presenting amendments K through to S, and that approach may change, and I want to advise the Assembly of that fairly and in advance.

THE DEPUTY CHAIRMAN: Hon. member, I hope that everybody has A through to – what did you say? – J; am I right?

MR. GERMAIN: That is correct, sir.

THE DEPUTY CHAIRMAN: Thank you.

MR. GERMAIN: If you could just assist me, Mr. Chairman, item A then would be amendment A5; is that how you see it?

THE DEPUTY CHAIRMAN: Yes, I do.

MR. GERMAIN: Okay.

Amendment A is an important amendment, and all hon. Members of the Legislative Assembly should vote for this one, as well as the good other amendments in this package. We are concerned as the Official Opposition of the situation where employers struggling to keep their business alive must negotiate or give a rate of pay reduction to various staff members. It is quite a common occurrence in the province of Alberta at this time. Despite the contrary submissions of many government members not all Albertans are sharing equally the so-called Alberta advantage. So this first amendment, A5 – based on how long an employee has been on the job will determine how much notice they will get concerning a reduction in pay. If they have been employed, for example, for less than two years, they will get one week's notice minimum. If they've been employed for two to four years, they will get two weeks' notice as a minimum. At the upper end, if they've been employed for over 10 years, they will get eight weeks' notice of a reduction in pay. That is a very reasonable and very fair amendment made by the hon. Member for Edmonton-Meadowlark.

The next amendment is the triggering time for when the notice of reduction time period is to be given, and the hon. Member for Edmonton-Meadowlark proposes in the next amendment, which would be amendment A – no; I'm sorry. This would all be amendment A5 then, Mr. Chairman; is that correct?

THE DEPUTY CHAIRMAN: Yeah. But you're talking about B now; right?

MR. GERMAIN: Yes. In point B of amendment A5, Mr. Chairman, the hon. Member for Edmonton-Meadowlark sets a definition for when the starting period will be for that notice that is contemplated to be made.

Now, the next amendment, amendment C, Mr. Chairman, relates to an amendment to section 14(4) of this proposed Employment Standards Code. This is a straight amendment that requires that companies who employ people in the province of Alberta are obliged to keep business records relating to those employees in the province of Alberta. There could be no downside to that particular ruling, and of course since employment officers have only jurisdiction and authority in the province of Alberta, this ensures that the record-keeping is at hand for their particular employment records.

8:20

The next amendment authored under the Edmonton-Meadowlark member's name, amendment D on this particular sheet of paper, is an amendment to section 14 of the Employment Standards Code. This amendment is to ensure that employees receive their employment records in a timely fashion so that they may claim unpaid wages and benefits from a receiver in the event of a bankruptcy. This particular amendment says that if a business basically goes into receivership, records will be provided within five days of that receivership.

Chairman's Ruling Decorum

THE DEPUTY CHAIRMAN: Hon. members, please let's keep the noise level down. It's very difficult even for the Chairman to follow what the member's saying, and it's not being fair to members if we have that kind of noise in the House. It's fine to talk, but talk quietly. Thank you.

The hon. Member for Fort McMurray.

Debate Continued

MR. GERMAIN: Thank you. Amendment E under this amendment A5, Mr. Chairman, is an amendment to section 28 of the code, and what this amendment purports to ensure is that if there is a day off for a general holiday, the employee will not have to make that up by giving up one of the normal days of rest. In other words, if they get the day off for the general holiday, they don't have to come back in and work on what would normally be their Sunday or Saturday off or whatever day of the week it is simply because there happened to be a statutory holiday somewhere interrupting the workweek.

The next amendment, amendment F, Mr. Chairman, is an amendment to section 82(4) of the code by amending the section there to add the words "seeking advice on making a complaint," after the words "a fee for". The purpose of this amendment is to ensure that the employee will not be charged a fee for seeking advice on making a complaint. We think that is a very important amendment, and there again is no downside to the government to adopting this amendment and this package of amendments.

The next amendment under heading G proposed by the hon. Member for Edmonton-Meadowlark is to add another subsection to section 69 of the code. Now, section 69 of the code relates to the choosing of umpires for the purpose of resolving disputes in the employment process. This amendment ensures that there can't be two appeal procedures in use at the same time. If a noncourt procedure is being used, then the provincial court judges and the court process will not be used. It will be a selective process. I want to assure all members that the sponsor of these amendments, the hon. Member for Edmonton-Meadowlark, has been very careful to make it clear that this is not to be confused with the normal court appeal procedure where you elect to go to civil court. The courts, the appropriate provincial judge's court and the appropriate Court of Queen's Bench, as the case may be, will still be the live target for an employer or employee that seeks to pursue that particular remedy.

Under subparagraph H of this amendment, Mr. Chairman, the hon. member has moved that section 70 of the code be struck out. Now, section 70 of the code is a particularly pernicious section because it allows people to make important decisions without any responsibility whatsoever because it says:

No action for damages may be commenced against the Director, an officer, the Registrar or an umpire for anything done or not done in good faith in the performance or exercise or purported performance or exercise of their functions, powers or duties under this Act.

It is the position of the hon. Member for Edmonton-Meadowlark that section 70 be struck out so that individuals involved in this quasi-judicial process, some of them that may end up being fee-for-service hires of the government of Alberta, will have some duty and some obligations.

The next amendment that the hon. member proposes under her heading I is that there is an amendment to section 85(1)(c) of the Act. Members, if they are following along in the Act, will recall that section 85 of this Act relates to decisions of an officer. It is proposed that the officer be given further authority to deal with the true grievance between the parties by adding the phrase, after 85(1)(c), "for any reason including those described in section 83" after "complaint". The purpose of that amendment, Mr. Chairman, is to ensure that if a complaint is not accepted by an employment officer, that decision can be appealed to the director, which is an important right, an important obligation that employees should have and a corresponding obligation that employers should be prepared to accept.

We then move to section 138 of the Act, Mr. Chairman, and if

we look at section 138 of the Act, we see that section 138 is the regulations section. So what do we have here that the hon. Member for Edmonton-Meadowlark has moved? She has moved the usual amendment that obliges regulations passed pursuant to this Act to be reviewed first by the chairman and his committee; that is, the Standing Committee on Law and Regulations, the absolutely best deal in the Legislative Assembly because members of the opposition that sit on that committee have agreed to waive absolutely all of their committee fees for sitting on that committee. They represent en bloc the only group in this Legislative Assembly that has waived fees and has made an undertaking orally in this Assembly not to accept or take any fees for committee work on this committee.

Those, Mr. Chairman, are the amendments A to J.

I will now move that amendment A5 consisting of the sub-amendments A5 sub A to A5 sub J be moved, and I urge all members to support these very good amendments.

I want to say that the hon. Member for Edmonton-Meadowlark has consulted widely on these amendments. She has analyzed them from a nonpartisan point of view. They represent an effort on her part to improve both the working relationship for employees and for employers in the province of Alberta. These are issues, generally, that are concerned with basic fairness, and it is difficult to ascribe any real assessment of damages or cost to the employers for approving this package. Quite the contrary, Mr. Chairman. I think a reasonable argument can be made that by making more clear some of the rights and obligations between employees and employers in this province, litigation, strife, and anxiety in the workplace will be reduced with the result that there will be better harmony between employers and employees, and that will be of benefit to all in the province of Alberta.

I urge all members to support this group of amendments. Thank you, Mr. Chairman.

[Motion on amendment A5 lost]

THE DEPUTY CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. I'm going to now be filing on behalf of the hon. Member for Edmonton-Meadowlark a group of amendments that have been documented as amendments K to S. I must say that with the consent of the House I will address all of the amendments at one point and then at the end advise at the appropriate time which of them and in what sequence and to what extent they are being moved. What I would like to do to save time this evening is present the hon. Member for Edmonton-Meadowlark's amendments in a way in which the explanations are given all up front, and then at the appropriate time I will make the appropriate motion.

THE DEPUTY CHAIRMAN: Hon. Member for Fort McMurray, it's very good of you to move these all at once, but the Chair is going to have difficulty with your making a decision after how we vote on it. So I wish you'd make a decision now, because it'll be up to the Chair to keep you or any other member for that matter on the specific amendments. If we're going to discuss them, then we should vote on them the same way. You understand what I'm saying? If we're going to have discussion on a specific amendment, that's what we have to discuss.

8:30

MR. GERMAIN: All right then. It may be that I will accelerate the rate of the amendments as we progress, Mr. Chairman, but in

light of that direction you've given me, I will move section K only as the next amendment, which would be A6 then.

THE DEPUTY CHAIRMAN: That's right.

MR. GERMAIN: Okay. Indeed members may want to discuss this particular amendment. You know, I've tried to figure out what happened the last time, Mr. Chairman. I think there were so many amendments that the Assembly was astounded by them, and therefore the usual good quality of debate that we enjoy here in the evenings was lacking on the last group of amendments.

Amendment A6 then, Mr. Chairman, the amendment sponsored by the hon. Member for Edmonton-Meadowlark, which I will move on her behalf, is an amendment to section 61. That amendment to section 61 relates to an addition after section 61 that deals with a new topic. The new topic is information that is sought to be obtained by employers about their employees.

It is the proposal of the hon. Member for Edmonton-Meadowlark that

no private body may take any employment action against an individual because of an individual's refusal to disclose personal information except where

- (a) the information is directly related to the requirements of the individual's employment, or
- (b) the information is required to be provided under the terms of a collective agreement under which the individual is covered.

The purpose of this amendment, Mr. Chairman, speaks for itself. It would prevent employers from demanding non employment-related information from their employees. I think most Members of the Legislative Assembly will recognize the very good concern raised in this particular issue. It allows people the opportunity to keep their private affairs and private matters private and in the private domain, not to be disclosed simply at the request of an employer unless there is a bona fide job reason for it.

I have moved only that amendment, Mr. Chairman. It's a straightforward amendment, and I believe the Member for Edmonton-Meadowlark would expect the Legislative Assembly to understand the scope of the amendment. So I would move amendment A6, which is paragraph K on the material that has just been handed out.

[Motion on amendment A6 lost]

THE DEPUTY CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you. The next amendment is also an important amendment. What I will do is move it separately. Mr. Chairman, item L will become amendment A7, if I take your codification correctly.

THE DEPUTY CHAIRMAN: Number L will become A7.

MR. GERMAIN: Yes. Mr. Chairman, what I will do is move items L and M together as item A7, if I might.

THE DEPUTY CHAIRMAN: Yes. Thank you.

MR. GERMAIN: Now, these matters relate to maternity and parental benefits. What they both do is attempt to spell out some of the proposed parental benefits and some of the maternity leave benefits that are proposed by the hon. Member for Edmonton-

Meadowlark. This hon. member moves then, Mr. Chairman, that section 45 of the Act be amended by striking out "12" and substituting therein "6." Now, that section, to put it in context for all of the members, is an obligation to provide maternity leave. It is the hon. Member for Edmonton-Meadowlark's thesis that if a person has been working for a company for six months as opposed to a full year, they should be entitled to the maternity leave, given that it is without pay. And I emphasize that, hon. members. It is not a paid benefit. It is simply the right to depart and take a maternity leave.

That is a generous and fair-minded amendment that I believe all Members of this Legislative Assembly will have the opportunity to vote for positively. Frankly, you will be able to claim bragging rights for the amendment and its approval when you return to the doors in your constituency this summer and people who are hardworking and under tremendous pressure and trying to raise a family ask you: what have you done for me recently in addition to those committee fees and the perks from the Legislative Assembly?

Now, item M, as part of this particular amendment, also deals with the issue of adoption. It makes an amendment to the definition, striking out the word "adoption" and putting in "parental" benefits. Then the parental benefits are defined in section 50 of the proposal by the hon. Member for Edmonton-Meadowlark. These amendments give parental leave to replace and expand the leave previously provided as adoption leave. So what we've done is expanded parental rights by widening them wider than simply adoption, and they would then take the same parental leave rights. Of course all of that leave is without pay, Mr. Chairman.

That concludes my submissions on those two particular amendments, Mr. Chairman. On behalf of the hon. Member for Edmonton-Meadowlark I move as amendment A7 paragraphs L and M in the document that has been tabled in the House.

[Motion on amendment A7 lost]

THE DEPUTY CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you. Mr. Chairman, I want to move the very next amendment also singly, because I know there will not be a single Member of this Legislative Assembly that will vote against this amendment. In fact, I'm positive that this next amendment will pass unanimously.

MS CALAHASEN: No.

MR. GERMAIN: What is this next amendment? The hon. Member for Slave Lake says no, but this amendment helps her constituents.

Point of Order Clarification

MS CALAHASEN: A point of order, Mr. Chairman. I'm not the member for Slave Lake. I am the Member for Lesser Slave Lake, just to correct that.

THE DEPUTY CHAIRMAN: That is just a point of clarification.

MR. GERMAIN: Whether she's from Slave Lake or Lesser Slave Lake, this amendment helps her constituents.

Debate Continued

MR. GERMAIN: Now, amendment N, Mr. Chairman, is an important amendment because this Legislative Assembly must send the message. It is proposed by the hon. Member for Edmonton-Meadowlark under amendment N that there be a paragraph 8.1 added after section 8 of this Employment Standards Code Act. What it will ensure is that if you work part-time, you get the same hourly rate for doing the same job. In other words, if you are a nurse working in a hospital three days a week versus five days a week, you would get the same wage. If you are a dry cleaner in a small northern Alberta dry cleaning plant and you work three days a week instead of four days a week . . . [interjection] Yes, in Barrhead and Westlock. Yes, Barrhead-Westlock, I'm speaking for your constituents right now. I'm helping your constituents.

This amendment ensures this:

An employer must not, for the sole reason that the employee normally works fewer hours per week than other employees, pay an employee at a lower rate of compensation, overtime pay or entitlements than that paid to other employees performing the same tasks in the same establishment.

This is a very important amendment, and I would urge all Members of the Legislative Assembly to look into their heart and vote yes to this amendment.

[Motion on amendment A8 lost]

8:40

THE DEPUTY CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. I will now move on behalf of the hon. member amendment A9, which will be under the heading of subsection O of the section. The reason I do that is because it is a very lengthy, convoluted amendment. It basically creates a new section after section 64 called successor employers. The scheme of the amendment is basically intended to achieve one goal. That goal in its entirety provides for successor rights to ensure that if a change occurs at a business, it will not unnecessarily affect the wages, benefits, or seniority of the employees. This is a very useful amendment for employees who are not covered by a collective agreement. The hon. Member for Edmonton-Meadowlark has consulted widely on this issue and believes that this amendment has wide-standing provincial support.

So on behalf of the hon. member I would move that amendment now and urge all members of the Assembly to vote for it.

[Motion on amendment A9 lost]

MR. GERMAIN: If I might, then, move amendment A10, item P under the hon. Member for Edmonton-Meadowlark's schedule. This amendment again is intended to protect part-time employees. What it effectively does is ensure that employees who are called into work would be entitled to a minimum of two hours' wages for each time they are called in so that you don't call someone in and give them 15 minutes' pay if that's all you need them for.

I would ask the Legislative Assembly to vote positively for that constructive improvement to this particular employment code.

[Motion on amendment A10 lost]

THE DEPUTY CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, sir. As they say in some circles, it's redemption time, because I'm now going to give the hon. members a chance to look out for those part-time workers one more time in this Legislative Assembly.

You will recall that the hon. Member for Lesser Slave Lake and the hon. Member for Barrhead-Westlock were interested earlier in the amendments that related to part-time wages. Now we have the same variant of that theme as it relates to part-time benefits. Can you imagine, Mr. Chairman, working three days a week as opposed to five days a week and being punished by your employer by not getting Christmas off or New Year's Day off or Canada Day off? That's simply wrong, and I think this Legislative Assembly has a duty to reach out and protect those employees who are very often starting out in their employment history or very often are struggling to make ends meet with marginal part-time employment, often at near minimum wages.

This particular section, the proposed section Q in the hon. Member for Edmonton-Meadowlark's amendments, is an amendment to follow after section 34 which will read:

34.1 An employer must not, for the sole reason that the employee normally works fewer hours per week than other employees, reduce the annual vacation entitlement of an employee or change the way in which the vacation pay is calculated in comparison to other employees performing the same tasks for the same business or undertaking.

Now, this amendment would ensure that part-time employees would receive the same prorated wages and benefits that full-time employees doing the same work with the same employer would receive.

So I will now move that amendment as amendment A11.

[Motion on amendment A11 lost]

MR. GERMAIN: On behalf of the hon. Member for Edmonton-Meadowlark I will now move amendments R and S as one package identified as amendment A12; that is, if you don't mind, Mr. Chairman.

THE DEPUTY CHAIRMAN: It's your amendment.

MR. GERMAIN: Thank you, sir. If I might address the Assembly on the amendment found under the letter R of the hon. Member for Edmonton-Meadowlark's amendment. She has made an amendment to section 82(1) of this particular Bill, and what the amendment does is clarify some of the instances in which an employee may make a written complaint to include the failure to give notice of the reduction of wages, provide a reasonable job offer, or provide parental leave. So you will see, Mr. Chairman, that those amendments flow from the reasonable thoughts of the hon. member expressed elsewhere in this particular legislation.

Finally, Mr. Chairman, the hon. member moves that section 129 be replaced. [interjection] Now, the hon. Member for Calgary-North Hill expresses some derision about these particular amendments. It's very clear that he must have no working people or working poor in his entire riding, because these amendments are compassionate amendments. If he disagrees with the amendments, he should still respect with the greatest of respect the work, effort, and integrity of the hon. Member for Edmonton-Meadowlark, who went out and investigated and did field testing with these amendments and got some positive response to these amendments. The hon. Member for Calgary-North Hill is so anxious to deride these amendments with no alternative, no suggestion, no respect even shown to the hon. sponsor of these

amendments by at least saying, "Well, you know, I disagree, but I still respect the hon. member's right to bring in the amendments."

Now, if I might move on then, Mr. Chairman, the next amendment, part S, amends the penalty section. What it does is it adds the contravention of several sections as an offence. If you fail to keep employment records, if you substitute a day of rest for a general holiday given, if you fail to give termination notice or termination pay in lieu of it, or if you fail to follow the direction of an officer investigating a complaint, then all of those will become offences.

I urge all Members of the Legislative Assembly, including the hon. Member for Calgary-North Hill, to vote positively for these amendments.

MR. MAGNUS: Not a chance.

MR. GERMAIN: The hon. Member for Calgary-North Hill says, "Not a chance." He's not going to vote for the amendments, Mr. Chairman, but perhaps other clear-thinking, reasonable members of this Assembly will do so.

[Motion on amendment A12 lost]

[The clauses of Bill 29 agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the Bill be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

8:50

Bill 30 Health Statutes Amendment Act, 1996

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Chairman. We've moved to committee stage on Bill 30; is that correct?

THE DEPUTY CHAIRMAN: That's right.

MR. SAPERS: Thank you, Mr. Chairman. I'd like to start off my comments tonight on Bill 30 simply to note that it's long overdue that we've had a chance to debate this Bill in committee. It's been on the Order Paper a few times, and we haven't been able to get to it. I'm a little concerned that we finally arrive at the committee debate on Bill 30 at the time when we're under the threat of closure on another very significant Bill to all Albertans, Bill 24. I would hope that the fact that I had made the Minister of Health and the hon. Member for Bow Valley, the sponsor of the Bill, aware of my proposed 14 amendments to Bill 30, knowing full well that it would take some time in debate – that it's just a mere coincidence that we now find ourselves under a bit of a time pressure. Of course, we will not have another opportunity

to debate Bill 24, and we do want to get to that very important debate this evening.

Mr. Chairman, I don't know whether we'll get through all 14 of my amendments this evening or not. I don't know whether at some point debate will be adjourned, but I would hate to give short shift to Bill 30, because it, too, is a very significant Bill. It's a Bill that affects several pieces of health legislation that govern the administration of health care in this province, and it's something that I think all Albertans will be very concerned about given their general state of anxiety over the administration of health care in Alberta.

Mr. Chairman, I won't prolong my preamble. What I would like to do is just take a moment's pause and circulate to all members of the Assembly the amendments. Once those amendments have been circulated, I will be moving them individually. So the fact that all the amendments are showing up on these sheets is to save time and paper, but I'll be moving them one at a time.

THE DEPUTY CHAIRMAN: All right. We'll just give the pages a minute or two to distribute the amendments, and then we'll be right on to them.

Okay. Hon. Member for Edmonton-Glenora, I believe that it's been distributed now, so if you'd like to start.

MR. SAPERS: Thanks, Mr. Chairman. We are just trying to streamline the process here. The coach was calling in some plays from the sidelines, but I think we're ready to resume play. So with your indulgence I'll simply wait for the sponsoring member.

Mr. Chairman, the first amendment that I'd like to move is noted as number 1, and it's the amendment that section 1(6) be amended by striking out the proposed section 11(3)(b) and substituting the following: "may, on not less than 2 years notice in writing to the parties, terminate the plan." This relates to the preparation of a plan for the use of services of a nonregional hospital by a regional health authority. The minister may now terminate the plan on reasonable notice. Prior to this suggested amendment to Bill 30 the notice period to repeal was two years. As well, the minister may now order the disposition of assets, property, and the assumption of liabilities to facilitate the winding up of any plan.

What I'd like to do at this time, after moving that amendment – I can see that there are looks of approval and perhaps concern on several members' faces, so I would let the substance of this amendment sink in, Mr. Chairman. At this point, I'd move to adjourn debate.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Glenora has moved to adjourn debate on Bill 30. All those in favour of that motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed, if any? Carried.

Bill 35 Personal Directives Act

MR. GERMAIN: Mr. Chairman, I'm prepared to speak to Bill 35. If I could ask one of the pages to get me a copy of the amendments, I'll focus my mind on the amendment that is on the floor and speak to it.

THE DEPUTY CHAIRMAN: Just one second. This Chairman

is even having a hard time keeping track of everybody and what they're doing.

MR. HAVELOCK: Mr. Chairman, is it usual to sit here for five minutes while someone holds a place to speak, or do you move on to other business?

THE DEPUTY CHAIRMAN: Hon. member, we don't need any criticism. It seems like there are some deals going on. The Deputy Government House Leader keeps changing Bills, and we aren't ready for them.

Now we are ready for them. A4. I'm sure the hon. member has a copy.

MR. GERMAIN: Perhaps, Mr. Chairman, if I could impose on you to refresh the House's memory as to that amendment, then I'll be able to carry on the debate.

THE DEPUTY CHAIRMAN: Well, the hon. Member for Calgary-Buffalo, if I can read it to you, moved that the following be added after section 29:

29.1 Any person who uses the information or records described in section 29(1) for a purpose other than carrying out the authority of the agent or to determine the maker's capacity is guilty of an offence and liable to a fine of not more than \$10,000.

Now, there is a copy coming to you, hon. member.

9:00

MR. GERMAIN: Thank you very much. I appreciate the courtesy of both the Chair and the legislative page department in making me look good tonight. I appreciate it very much, Mr. Chairman. Although some of my professional colleagues might allege and aver that I never look good, that's just a lucky guess on their part.

Amendment A4 is an important amendment, Mr. Chairman, because what this amendment seeks to do is add a new subsection after section 29. The impact of that subsection will make it an offence to release personal information that comes into your possession for the purpose of carrying out a personal directive. Now, the hon. sponsor of this particular legislation, the hon. Member for Three Hills-Airdrie, has correctly identified a very serious offence in section 31 for a person who requires this type of personal directive before they will rent accommodation to an individual; in other words, basically sign over your ability to function in exchange for getting an apartment or accommodation. It seems to me that equally odious and equally objectionable is somebody who obtains personal information to carry out a directive and then releases and discloses that information. That is a breach of privacy, and it makes this an offence. I would urge all Members of the Legislative Assembly to vote in support of that particular amendment.

[Motion on amendment A4 lost]

MR. GERMAIN: The next amendment . . .

MR. KOWALSKI: Hold it.

THE DEPUTY CHAIRMAN: We just voted on amendment . . .

MR. KOWALSKI: Yeah, I know.

THE DEPUTY CHAIRMAN: No. The hon. member has the amendments here.

MR. KOWALSKI: No other member? This member has to wait the eight minutes then? Is that the deal?

THE DEPUTY CHAIRMAN: The hon. Member for Barrhead-Westlock has a right to bring in amendments, yes. We go back and forth if he wants to.

MR. KOWALSKI: This is Committee of the Whole, Mr. Chairman. I have no amendments to make. I just want to ask a question for clarification from the sponsor of the Bill. Is this not a permissible thing to do?

THE DEPUTY CHAIRMAN: We have no amendment on the floor at this present time, hon. member.

MR. KOWALSKI: So I can raise a question with respect to Bill 35?

THE DEPUTY CHAIRMAN: Yes, you can. The hon. Member for Barrhead-Westlock.

MR. KOWALSKI: Mr. Chairman, Bill 35 is one the principles which I support. I've gone through the Bill and I've studied the Bill, but I do have a question to ask of the sponsor because of recent developments in the last number of days. It seems there's some group in the province of Alberta circulating a piece of paper that basically says that this Bill advocates euthanasia. They're basically indicating that they should contact me, for some reason. I'm identified by name, and my address is on it. So in the last number of days I have been inundated with calls with respect to this, and I find nothing in the Bill that would suggest that such is the case. So my question to the sponsor of the Bill is for clarification one more time that in fact this Bill does not advocate for the presence and the possibility of euthanasia in the province of Alberta. I'm personally satisfied, but I want to hear it from the sponsor of the Bill.

THE DEPUTY CHAIRMAN: The hon. Member for Three Hills-Airdrie.

MS HALEY: Thank you very much, Mr. Chairman. I haven't been receiving these letters, although I have heard from several members that they are floating out through the province. I would like to reassure the Assembly as well as the Member for Barrhead-Westlock that it has never been my intent ever to include euthanasia or any illegal activity in this Bill. Clause 7(2) clearly states that any illegal action is void, that the Personal Directives Act becomes void if there's an illegal instruction in it. We amended the preamble of the Bill to expressly forbid that. I'd like to just read it to you.

Whereas Albertans should be able to provide advance personal instructions regarding their own personal matters while recognizing that such instructions cannot include instructions relating to aided suicide, euthanasia or other instructions prohibited by law.

This again is backed up by 7(2), which clearly states that any illegal recommendation would make a personal directive void.

The intent of the Bill is to allow people to have self-determination while you have capacity if you want to set down on paper some of the things such as where you would want to live, how you would want to be treated, what your medical abilities are. That's the essence of this Bill. We are not at this time nor would we at any time recommend that anything illegal be accepted by this Legislature.

THE DEPUTY CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: The hon. Member for Barrhead-Westlock is telling me he helped me out, but I need your help too, Mr. Chairman.

While we're on the subject of euthanasia, if I'm not mistaken – and perhaps the hon. member will comment further on it – any individual of sound capacity can refuse medical treatment that may with great pain and suffering extend their life. Many people call that a passive form of euthanasia, and I'm wondering if perhaps the group that is raising this very bona fide concern is worried about that as well. It is an issue that I think the Bill may have some skinniness on, and you may want to comment on that later. For example, somebody who has a cancerous tumour growing on their lung is not obliged to have surgery to take it out, and presumably somebody who holds a personal directive would also not be obliged to authorize those steps if they felt that they truly represented the wishes of the individual.

Now, the next amendment, amendment A4 – I'm sorry, Mr. Chairman. What will the number be now? A5?

THE DEPUTY CHAIRMAN: A5.

MR. GERMAIN: The next amendment will be A5, which I move on behalf of the hon. Member for Calgary-*Buffalo*, that section 32 of this particular legislation – section 32 of this legislation is the regulation section, and of course regulations are of large concern to people involved in this particular Bill because by regulation you might expand or contract the scope by which a personal directive could take place. It is important in our estimation, therefore, that these regulations be sent to the Standing Committee on Law and Regulations, which as I have mentioned previously, Mr. Chairman, is the best deal in the Legislative Assembly because the Liberal opposition members have agreed to sit on this committee without one single penny of committee fees.

I urge all members of this Assembly to vote for this amendment.

[Motion on amendment A5 lost]

MR. GERMAIN: Thank you very much, Mr. Chairman. On behalf of the hon. Member for Calgary-*Buffalo* I will move amendment A6, which will be that section 41 of the Bill be amended by striking out the proclamation date and substituting "November 1, 1996", which is a date certain for this Bill to take effect in the province of Alberta.

I think it is important that there be an anchoring date because personal directives might not be interpreted by courts or by lawyers or by individuals working on them for many years after they have been prepared, and it is always useful. The government has adopted in the past the practice of setting up a date certain for some legislation to take effect so that people can anchor that date firmly in their minds. For example, Mr. Chairman, a few years ago the Motor Vehicle Administration Act changed, because of the Family Relief Act changes, so that spouses could sue each other in motor vehicle accidents, and that was a date certain that took effect on a certain date. So, too, when the fatal accident bereavement amount increased from \$3,000 to \$20,000 in the province of Alberta – it was a date certain. These are important anchoring dates, and I would urge all Members of the Legislative Assembly to vote for this particular date and make it a date

certain for when this Bill takes effect.

The other issue, of course, is that by having the Bill not take effect until November 1, 1996, all of the Members of the Legislative Assembly adjourn for the summer. We go back to our constituencies, where we're in constant contact with our constituents. This Bill will receive a certain amount of postpassage notoriety and familiarity, and there may be some very useful concerns that come forward. I say to the hon. member that concerns are coming forward daily. For example, just the other day the hon. Member from Calgary-Buffalo received concerns about whether this personal directives legislation would affect the organ donor program, and perhaps we might have a section put in here relating to organ donors. It is these types of well-meaning Alberta ideas that come forward that could improve and enhance this Bill, and that is really what we all want in this Legislative Assembly.

So I urge all members of the Assembly to vote for this date certain of November 1, 1996. And I say that if the Legislative Assembly declines this very reasonable amendment, then I will certainly debate subsequently with the hon. member as to whether she will give an undertaking in the legislation to ensure that proclamation does not take effect till there is a sober second thought review time for this particular Bill.

9:10

MS HALEY: I'll be very brief. I wanted to comment on the specific date that you have for proclamation. I can't support that particular date. What I would like to tell you is that our goal is to have everything ready by the end of December 1996. We have a lot of educational materials that we want to prepare for this. We want to be able to distribute them and make sure that everything is working okay before it's proclaimed. Like I say, our goal is to try and have that done by December 31, 1996. We could be a month earlier or a month later, but I can't really see it happening much before then.

I wanted to comment on your passive euthanasia comment. With deepest respect, people now do not have to accept various surgical procedures. I mean, surely in a freer society, the one that we live in and cherish, if I choose to not have a surgical procedure, I should be allowed to have that wish. That's all I'm trying to do, to be able to carry that self-determination on into a period of future incapacity. While you, a healthy, vibrant man living in Fort McMurray, can make those decisions now, you should be able to write that down and have it have some meaning next year, for example, if you don't have capacity. That's what I'm trying to do, hon. Member for Fort McMurray. There's no passive euthanasia, from my perspective, that we're trying to advocate here. We're simply trying to give people the right to have some self-determination.

With regard to your last comment, which was the organ donor card, I would like to suggest to you that we have an amendment we did to ensure that if somebody, for example, signs an organ donor card, that's also a personal directive and that is recognized in this Bill. So we feel that we're working in concert with the Human Tissue Gift Act, not at angles to it. Calgary-Buffalo did suggest to me that he had suggested someone contact me from Calgary, and as of yet I have not heard from that person.

MR. GERMAIN: Mr. Chairman, in light of the hon. member's undertaking that this Bill will not take effect earlier than the end of November, 1996, which I think is my interpretation of her comments, if she can confirm that, we'll withdraw this amendment.

MS HALEY: The best advice I have had is that December 31, 1996, is our target date.

MR. GERMAIN: In that case, Mr. Chairman, that is an even wider consultive time than the proposed amendment, so I'll withdraw the amendment.

THE DEPUTY CHAIRMAN: Hon. Member for Fort McMurray, you have to have the consent of the Assembly to do that.

All those in favour of withdrawing the amendment by the hon. Member for Fort McMurray, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed, if any? The amendment is withdrawn.

[The clauses of Bill 35 as amended agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the Bill be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

Bill 42 Wildlife Amendment Act, 1996

THE DEPUTY CHAIRMAN: The hon. Member for Sherwood Park on amendment A1.

MR. COLLINGWOOD: Indeed, Mr. Chairman, when we last dealt with Bill 42, we were dealing with amendment A1. I'm going to start my comments this evening on Bill 42 by extending an apology to the Member for Calgary-East, I believe it is, who is the sponsor of the Bill. He'd indicated to me that he had provided some papers. The night we were debating the Bill, I couldn't find them anywhere, but lo and behold, there they were. They were actually stuck in with my notes for Bill 39 as opposed to Bill 42. So I extend my apologies to the Member for Calgary-East in that he indeed did provide me with some written material about questions that were asked in second reading of the Bill. Some of the comments will make for some interesting debate on the next amendment that I will introduce.

Mr. Chairman, at this point in time we are currently on amendment A1. When we last spoke, I was still dealing with the first component of that. Members who will now refer to notice of amendment on Bill 42 will see that there are two aspects to the Bill, section 1(a) and section 1(b). To refresh the memory of the members, we are dealing with section 10 of Bill 42, which is the minister's and the Premier's response to the Premier's commitment to actually do something about endangered species legislation in the province of Alberta. His response is to set up a committee to look at it.

The specific amendment is with respect to section 9.1 in subsection (3) in Bill 42, which indicates:

Endangered species recovery plans may include population goals and identification of critical habitats and of strategies to enable populations to recover.

My point and my submission is that it would be absolutely impossible to have meaningful endangered species recovery plans if that is not mandatory but discretionary. The word "may" must come out and the word "must" must go in. That is the first prong of that particular amendment.

I further move in amendment A1, Mr. Chairman, that subsection (4) be amended, which will impose upon the minister a specific time line for the implementation of an endangered species recovery plan. The time period that would be imposed is a two-year period after the Act comes into force for the creation of that endangered species recovery plan. Now, this would not be inconsistent with what the minister is currently doing with Bill 41. The draftsmen of Bill 41 have included the notion of water management plans, and the minister has in his wisdom and in cabinet's wisdom put into that Bill 41 provision for water management plans to be in place within a period of three years. The notion and the concept of imposing time limits upon a plan – in this case, under Bill 42, being an endangered species recovery plan – would not be inconsistent with the minister's own thinking about how he is going to move forward in the years to come.

So I move that the endangered species recovery plan be implemented within two years of the coming into force of this Act, and I move a further time provision that the endangered species recovery plan be reviewed by the committee being set up by the minister at least every 5 years. The purpose for that, of course, Mr. Chairman, is

to evaluate the success of each plan, and to make modifications, when necessary, to ensure that the populations recover and habitat is adequately protected.

It makes perfect sense, Mr. Chairman, if you are at all interested in proper wildlife management and proper management of endangered species, that you will conduct a review, once a recovery plan is in place, to determine whether or not the plan is working effectively, appropriately, and whether or not the job is being done. There is no harm, indeed, in adding into the legislation a legislative requirement that the committee meet within a particular time frame for the purposes of a thorough review of that plan, first of all to ensure that the plan and the cost of the plan is money that's being spent wisely and to determine through an evaluation whether or not the plan is working.

9:20

I see, Mr. Chairman, that this kind of amendment fits in very nicely with the minister's own business plan arrangement, where he continues to say that he's going to have performance measures within the Department of Environmental Protection. We haven't seen very many performance measures out of the Minister of Environmental Protection, but he does continue to assure us that somewhere down the path he is actually going to have performance measures for environmental protection. As I say, this would fit consistently with that. There is no harm in the amendment. It is consistent with the minister's own approach that we see evidenced in the Water Act that is before the Assembly currently.

Therefore, Mr. Chairman, I see no reason why the minister and opposite members, if they are indeed truly concerned with protecting endangered species in the province of Alberta, wouldn't give some teeth to this particular section. They would get away from this "may include." They would entrench in the legislation a "must include." The critical and minimum elements of an

endangered species recovery plan as a legislative requirement would allow for that implementation to occur within two years so that that gives recognition to the people of Alberta that they are indeed prepared to move forward and that there be a thorough review so that that particular recovery plan as a performance measure can be evaluated.

Mr. Chairman, I see no reason why members opposite can't support this amendment if they are indeed in favour of giving some recognition to the people of Alberta that the province of Alberta and the government of the province of Alberta are prepared to tackle the problem of endangered species in the province of Alberta.

[Motion on amendment A1 lost]

MR. COLLINGWOOD: Mr. Chairman, I'm going to at this moment move amendment A2. I'll need to spend a few minutes giving members some indication of the curious nature of the offence sections which I deal with in amendment A2. There is currently a provision in the Wildlife Act that talks about a prosecution of an offence, and there are sections that deal with vicarious liability. The way the Act currently reads is that where there's a prosecution for an offence under various provisions of the Act,

it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused while acting in the course of his employment or agency functions, whether or not the employee or agent has been prosecuted for the offence.

So we have vicarious liability, where there can be a prosecution against an employee or agent. There is currently reference to the fact that there is a prosecution, and there can be sufficient proof of the offence being committed by an employee whether or not the employee has been prosecuted for the offence. Now, it strikes me – and I think there's reference to this in the notes provided by the Member for Calgary-East – that there is some difficulty with that when you have an offence provision where there are penalties imposed by virtue of a fine or potentially for imprisonment for default of the payment of the fine.

There have been some problems in the past with that. The purposes of the proposed section 91 for the Bill in section 65, moving all the way through to 68, is to put into the legislation some new and different kinds of offence section. Some of the wording is very peculiar. I refer members to section 91(2). Here's the way the section is worded: "Where it is proved to the satisfaction of the court trying a case" that a person, whom we call in this case the client, "has contravened any provision of this Act," whether or not that individual has been prosecuted for the contravention. This section refers to the guide for that client, and if the client is found to have contravened the Act, then the guide is essentially vicariously liable as well.

What's curious about these provisions is that it contemplates that there is a matter before the court that is not a prosecution. Again, we look at that section:

Where it is proved to the satisfaction of the court trying a case that a person" has contravened this Act, "whether or not the [person] has been prosecuted for the contravention." Well, I'm trying to contemplate a situation, Mr. Chairman, where we are going to have a prosecution for an offence under the Wildlife Act where it is not a prosecution of an offence under the Wildlife Act.

I refer members to subsection (3) as well. It says in that section:

Where it is proved to the satisfaction of the court trying a case that a corporation has contravened any provision of this Act, whether or not it has been prosecuted for the contravention . . .

Once again, in that particular case we have a matter before the court where there is prosecution for a contravention, but it isn't a prosecution of a contravention.

The purpose, as I read this section 93.1 and carrying forward, is that it is giving the court, I guess, the ability to impose different kinds of penalties, that I would call more administrative penalties, which are things where the court can say: "Okay; we can tell you now that there are some things that you have to do. If you received a financial benefit, you will forfeit the financial benefit. If you caused any damage, you will then have to pay the damage." So because of these particular sections, the court ends up becoming essentially a quasi-judicial administrative tribunal for various contraventions under the Wildlife Act. It creates a very curious scenario.

I think the difficulty that the department had – and I'll assume that the Minister of Justice and his department have had a hand in drafting these particular sections – is that if it is in fact a fine that is a fine as a result of a criminal type of prosecution, there is a great deal of difficulty in getting a fine or getting a penalty or getting a conviction through the normal court process of a prosecution. So potentially those who can, quote, get off on a technicality, as they say, will not be fined or found guilty of a contravention of the Wildlife Act.

You don't want that happening, Mr. Chairman. You want the Wildlife Act to work well enough so that when there's a prosecution and somebody is, for example, poaching or something, you want to be able to ensure that you've got them and you've got them dead to rights and you're going to prosecute them and you're going to treat them harshly under the Wildlife Act to give the impression and to send out the statement that we as Albertans don't take very kindly to offences of the Wildlife Act like poaching.

9:30

What we get is section 93.1. I'll just spend a minute to put on the record, Mr. Chairman, that section 93.1(1) now says:

Notwithstanding anything in this Act, where a person is convicted of an offence under this Act by virtue of the application of section 91(1), (2) or (3) . . .

Now, I'll stop there because what that means to me is that although it says, "where a person is convicted of an offence," we know that it's not a conviction of an offence because those particular sections say: where a person has been found to contravene the Act but that person has not been prosecuted under the Act. So is it not a conviction as one would normally consider a conviction to be for the prosecution of an offence.

. . . that convicted person is not liable to imprisonment with respect to that offence or for default in the payment of any fine or other payment of money imposed or ordered.

All right. The essence of the section and those sections that follow is that this is now more like an administrative tribunal, which creates a very curious situation, because we now by virtue of these offence sections put the court in the position of being an administrative tribunal under the Wildlife Act. You have on the one hand prosecutions under the Wildlife Act, and you have by virtue of these sections prosecutions that aren't prosecutions. They are only findings of contraventions that are not prosecutions or convictions. Nonetheless, the minister is now saying by virtue of section 68 of Bill 42 that where we've got these so-called administrative penalties, even though he uses the word "convicted," you cannot with respect to those penalties be

liable to imprisonment with respect to that offence or for default in the payment of any fine or other payment of money imposed or ordered.

The purpose of this section is that if there were imprisonment for that contravention that was not a prosecution or if there was default in payment of a fine imposed under sections 91(1), (2), or (3), the Minister of Environmental Protection would find himself back in court on appeal, because you would then end up in a situation where you have imprisoned somebody without actually having prosecuted them. I think that's what that whole section is about, and it creates a very curious kind of relationship between the Minister of Environmental Protection and the courts. Now, I know that the Minister of Environmental Protection has created some very interesting relationships between himself and the court, where he cloaks himself in the robes of a Court of Queen's Bench judge by filing his orders under section 39, but that's a different story.

[Mr. Renner in the Chair]

Now, with that as a background, Mr. Chairman, I am still going to put in the amendment – and I'll invite hon. members to speak to this. I'm going to refer to the second last sentence so that when we're talking about "default in the payment of any fine," that's when I'm referring to where there is still a liability for imprisonment. What I'm going to do is move that we take out the words "that offence or for default in the payment of any fine or other payment of money imposed or ordered," and I am going to substitute:

the default in the payment of additional fines ordered under section 93.3, but is liable to imprisonment with respect to that offence or for default in the payment of any other fine.

Now, let's put all of those words into some sense of meaning. What the section will then read is:

Notwithstanding anything in this Act, where a person is convicted of an offence against this Act by virtue of the application of section 91(1), (2) or (3), that convicted person is not liable to imprisonment with respect to the default in the payment of additional fines ordered under section 93.3, but is liable to imprisonment with respect to that offence or for default in the payment of any other fine.

I am going to indicate to the Minister of Environmental Protection and to the Minister of Justice that I know the kinds of problems that are anticipated or that are occurring currently under the Wildlife Act. It seems to me that in the balancing act that we've created here, on the one hand you want to prosecute and you want to prosecute hard under the Wildlife Act; on the other hand, you want to make sure that you catch somebody and make them pay or contribute to the loss in some fashion.

What you've done in trying to create the balance is you have put together the court in the prosecution with an administrative tribunal where the court acts as that administrative tribunal. What potentially it will do is weaken the prosecution of offences under the Wildlife Act. If the government or the minister says that we don't have the resources to hit hard, to get a stiff penalty, or to in fact get imprisonment for someone who blatantly violates or contravenes the Wildlife Act, the minister might simply skate through that process and say: "Well, let's treat it as an administrative tribunal. Let's simply pay the cost of the reclamation damage, pay a fine to cover our costs of the so-called, quote, prosecution, and treat it much like they would other administrative tribunals."

One I can think of just offhand is the Securities Commission. The kind of situation I can think of is the one recently involving Larry Ryckman, who has been fined under the Securities Act, but presumably because it's an administrative tribunal and you have

section 91 problems under the Constitution, there's no way that the Securities Commission could impose an imprisonment term on that individual for nonpayment of a fine. What it essentially becomes is a debt due to the Crown, and indeed the provisions in section 68 talk about that fine or that penalty as being "a debt due to the Crown."

Nonetheless, Mr. Chairman, knowing all of that, I am still prepared to move amendment A2. If the Minister of Justice or the Minister of Environmental Protection have some difficulty with that, I'm sure they'll join debate and put their comments on the record.

Thank you.

MR. GERMAIN: You know, if you distill the hon. member's submission to its lowest common denominator, this is another example of this government being soft on crime. This is wildlife crime where individuals guilty of that crime, even if they don't pay the fine, will never have to do the time.

[Motion on amendment A2 lost]

MR. COLLINGWOOD: I will move the third amendment on Bill 42. On that, Mr. Chairman, I am referring members to section 71, which contains two new provisions for the Wildlife Act to sections 96 and 97. Now, it is not surprising that section 96 is the ministerial regulations that are allowed under the Act, and section 97 is the regulations that may be done by the Lieutenant Governor in Council without any scrutiny whatsoever and without even the requirement to publish the ministerial orders, the ministerial regulations. We have in Bill 42 three and a half pages of types of regulations that the minister can pass without any scrutiny whatsoever and without even the requirement to publish those.

So what do we find in the first aspect of amendment A3, Mr. Chairman? We find our old friend the Standing Committee on Law and Regulations to review those regulations prior to their being enacted. The same occurs with section 97, which deals with regulations that the Lieutenant Governor in Council can deal with. Interestingly enough, Mr. Chairman, that list is reasonably scant so that the bulk of this has been left to the minister by the minister so that he can make all of the decisions behind closed doors without publication of those regulations. Nonetheless our old friend that standby amendment will require that the regulations . . .

MR. DICKSON: It's still a good one.

9:40

MR. COLLINGWOOD: My colleague from Calgary-*Buffalo* says, "It's still a good one." It always has been a good one, hon. member, and it always will be a good one. In fact, Mr. Chairman, I would suspect that even the Member for Calgary-*Shaw*, who is the chairman of the Standing Committee on Law and Regulations, a committee that has never met under the so-called leadership of that particular hon. member, would agree with me that this has been, is, and will be always a good amendment.

So we put forward the amendment that requires those regulations enacted by the Lieutenant Governor in Council to be forwarded to the Standing Committee on Law and Regulations for examination prior to their enactment.

Mr. Chairman, I know that you and all hon. members of the Assembly know these amendments well, know the virtues of these amendments, know the importance of these amendments, and ought to vote for the amendments. With that, I will move amendment A3.

[Motion on amendment A3 lost]

[The clauses of Bill 42 agreed to]

[Title and preamble agreed to]

THE ACTING CHAIRMAN: Shall the Bill be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Carried.

Might we have unanimous consent of the House to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed? Carried unanimously.

The hon. Member for Calgary-*Buffalo*.

head:

Introduction of Guests

MR. DICKSON: Thank you very much, Mr. Chairman. I'm delighted to be able to introduce to members of the Assembly this evening David Pimm. David is a native of Red Deer, Alberta, now working in Ottawa. His position is western adviser to the Minister of Human Resources Development. He's out here not only to survey the aftermath of the by-election but to get a sense of some of the trends and developments in the province of Alberta. I'd ask David to stand and receive the customary warm welcome of the members of the Assembly.

Bill 44

Motor Vehicle Accident Claims Amendment Act, 1996

THE ACTING CHAIRMAN: The hon. Minister of Justice.

MR. EVANS: Thanks, Mr. Chairman. I'd like to try to address some of the concerns that were raised at second reading on this Bill. I want to point out that the current fee to allow us to have this motor vehicle accident claims fund is \$6 per vehicle. Now, that resulted in about \$14 million being collected this past year, but that left a deficit, which is being picked up by the taxpayers of the province of Alberta, of about \$10 million, because the expenditures in '95-96 were a little over \$24 million.

Now, 90 percent of those total expenditures are for personal injury awards as specified in court judgments. Clearly what this fund has become synonymous with is personal injury claims. Up to about 1992-93 there was enough money coming from the \$6 per to fund all of the claims, but as litigation has increased and awards have increased, that has now proven to have outstripped the moneys that are available.

We did look at an opportunity through the insurers in Alberta to privatize part of this, and that was one of the questions that was asked. It was asked: why don't you do that, and don't the insurance companies know what's going on here? Well, they suggested that it would cost about \$36.50 per vehicle. If the claim wasn't related to a vehicle insurance policy, there'd be no coverage whatsoever. So they weren't even covering the full

amount, but they were asking for \$36.50 per vehicle.

That was looked at, Mr. Chairman, and we came to the conclusion that a better way to deal with this would be to give reasonable notice of a change and allow individuals who wanted to put collision coverage on, which is available through their insurer – they have to renew their insurance every year anyway and probably at a heck of a lot less than \$36.50 – we would move that particular coverage out of the fund, allow the great percentage of the claims that are being dealt with now to continue to be dealt with, and find some kind of a savings to the fund. Now, in no way, shape, or form is it going to make the fund come up to a break-even point, but just as clearly it will save some money, probably in the neighbourhood of \$1.2 million up to \$1.5 million.

Now, I want to assure hon. members that this is not a group that is administratively heavy in any way, shape, or form. Since 1993 the program has operated with five full-time employees, and legal services are provided through the civil law branch. The last fee increase was back on January 1 of 1986, and that was \$1, from \$5 up to \$6.

In conclusion, Mr. Chairman, we're trying to deal with this fund in a practical way at this particular point in time by reducing the deficit. We undertake to do a thorough review of the entire fund, why it's there, what kind of purpose it's serving, and what kind of a purpose it should be serving in Alberta in the 1990s, but I think this is at least one way of trying to move some of the deficit out of the red and put the responsibility on those drivers who wish to have comprehensive collision coverage, to do that on their own and to pay the coverage. The cost is much less than \$36.50 per vehicle registration, as was suggested by the insurance industry.

So with those comments I'll take my place.

THE ACTING CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks, Mr. Chairman. I have an amendment that's being circulated. There are actually two different amendments. To economize on time, I'd like to move both amendments as one, debate them, my intention would be briefly, and then vote on them as one.

The amendments relate to sections 8 and 11. What we are attempting to do with each of these amendments is to curtail regulatory decisions which we think belong more properly in the Act. We've indicated at second reading some of the concerns we have with Bill 44. The amendments would do this.

Firstly, in section 8 we would delete the portion that would substitute the provision:

No payment may be made out of the General Revenue Fund with respect to all claims arising out of one accident that is greater than the amount prescribed by the regulations.

We think Albertans should be entitled to have that information by way of statute, access through a statute. When it has to be revised, it can readily be revised through a miscellaneous statutes amendment Act or whatever.

It would be in the same spirit as section 11, which we propose to amend by striking out clause (c), which again is a section which if unamended has a number of other key decisions being made by way of regulation. They're more difficult for Albertans to access. I think the two amendments in fact assist in terms of letting Albertans know what their rights and remedies are to a much greater extent than Bill 44 currently does.

9:50

Now, the only other comment I just make is a concern that I've received from the Canadian Paraplegic Association of Alberta, and I suspect that the hon. minister may have seen this as well. It was a communication from Neil Pierce, who talks about a number of ways and areas in which the Motor Vehicle Accident Claims Act could be revised and amended. I want to commend that article by Mr. Pierce to the hon. Minister of Justice. It may be something that I think warrants further reform, further change in the Bill.

Those are the two amendments I'm putting before the Assembly, Mr. Chairman. I think they make Bill 44 better, fairer, and speak very much to the principle that Albertans should be able to access the information without having to hire a lawyer, without having to go down to the law library and spend a lot of time looking through, and I don't think it compromises the flexibility that presumably the government wants to be able to modify this from time to time when circumstances warrant.

Thanks very much, Mr. Chairman.

[Motion on amendment A1 lost]

[The clauses of Bill 44 agreed to]

[Title and preamble agreed to]

THE ACTING CHAIRMAN: Shall the Bill be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Carried.

Bill 45

Miscellaneous Statutes Amendment Act, 1996

[The clauses of Bill 45 agreed to]

[Title and preamble agreed to]

THE ACTING CHAIRMAN: Shall the Bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed? Carried unanimously.

Bill 30

Health Statutes Amendment Act, 1996

(continued)

THE ACTING CHAIRMAN: The debate was adjourned on amendment A1, moved by the Member for Edmonton-Glenora.

The Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Chairman. We'll go back to debate. I should explain for the benefit of all members present who were waiting with bated breath for Committee of the Whole debate on Bill 30 to continue. What transpired while other business was

carried on is that the sponsor of the Bill, the hon. Member for Bow Valley, and myself had an opportunity to liaise and to discuss the merits of the 14 proposed amendments.

As I was saying, these amendments were circulated by myself to the government a couple of weeks ago. The intent was not to try to surprise or sandbag the government in any way but to make Bill 30 and its amendments to three significant pieces of health legislation the best possible legislation that it could be. I appreciate the effort, even though it was a little rushed on the balcony just now, on the part of the hon. Member for Bow Valley, who I described the other day as not being the devil. I do think that's important to be noted in *Hansard*, Mr. Chairman. I appreciate his efforts. We have agreed to disagree on some of these amendments that we'll get to and that of course we'll enter into in the spirit of debate, and we've agreed that some of these amendments would not be in the best public interest.

So I'll continue now. I had moved amendment 1. Amendment 1 would amend section 11(3)(b) by substituting the following, and that is a notice period of "not less than 2 years" for the parties to terminate their plan. Now, this would be consistent with current legislation. It is the feeling of this member of the Liberal opposition from our consultation with stakeholders in this regard that a two-year period of notice would not have undue interference with the operations or business plans.

Mr. Chairman, as you can appreciate, there is tremendous concern in this province right now about the disposition of real property in regard to health care. With this government caucus being so heavily concentrated from the city of Calgary, I think they will certainly appreciate the sensitivity in this province around the debate regarding the possible disposition of the Holy Cross hospital site or the Grace hospital site or the Bow Valley hospital site. There are other centres as well. Of course, when you have profiteers such as Hotel de Health lurking in the winds, the way one editorial writer described them, as vultures ready to swoop down and pick upon the carrion of the health care system, when you have that kind of public sentiment and public mood, you can appreciate why you would want to make sure that the minister still is involved in the disposition of real assets, real property, and a reasonable notice period being required in legislation.

So with those few brief comments, I would like to urge all of my hon. colleagues in the Assembly this evening to vote in support of this amendment. It is very straightforward. It's an amendment I think Albertans will take great comfort in, knowing that the Assembly is sensitive to their concerns regarding the potential sale or closure of hospital facilities and that we want to ensure that in law the role of the Minister of Health is reinforced at every possible opportunity.

THE ACTING CHAIRMAN: The Member for Bow Valley. I'm sorry. I didn't see you. You're so short that I didn't see you standing there.

DR. OBERG: That's right. My apologies on my height, Mr. Chairman.

On this amendment one of the issues that was brought forward – and I must read this to you: "After consultation with the regional health authority and the owners of non-regional hospitals who are parties to a plan." So, Mr. Chairman, the plan has been prepared. It has been given to the minister. By definition that plan is agreed to by the parties. The minister, after consultation with the parties involved may, "on reasonable notice . . .

terminate the plan." Quite simply what we are trying to do is give the maximum amount of flexibility to the parties who are signatories to that plan, to allow for that flexibility to close any facilities.

10:00

By saying two years – for example, say in the town of Brooks the packing plant closes down and 4,000 or 5,000 people move out of that town. If the demographics change, then you still have to keep the facility open for two years. What we're saying is that on reasonable notice with the parties involved, that plan may be terminated. We feel that two years is too solid. It does not allow the parties any flexibility, Mr. Chairman.

Thank you.

[Motion on amendment A1 lost]

THE ACTING CHAIRMAN: Hon. Member for Edmonton-Glenora, I take it that you have something else.

MR. SAPERS: Yes, I have another amendment, Mr. Chairman. Thank you. Now that all members of the Assembly are paying the appropriate attention to debate, the second amendment I will move is number 2 on the sheet that was distributed. This amendment may be considered by hon. members as the standard very responsible and very necessary amendment regarding referral to the Standing Committee on Law and Regulations. Now, in this particular case what we're talking about is a series of regulations that have to do with the Hospitals Act.

Mr. Chairman, again, if there is any area of concern that is on the minds of Albertans, it is health care. In the minds of many Albertans it is the kind of health care they can expect to receive in their hospitals. We are reminded of the extent to which Albertans are concerned about access to their health care facilities as a result of the recent by-election in the constituency of Redwater, where I will again read into the record the fact that the crucial test of his policies, in the Premier's words, was rejected. The Premier failed his test. The electorate in Redwater won by electing an excellent Liberal candidate on the strength of her commitment to ensuring access to health care throughout that constituency.

Mr. Chairman, the absence of public debate on regulations surrounding the Hospitals Act is not acceptable. I will not read into the record the form and substance of the amendment, because I think all members are very well familiar with the amendment. As I recall, Mr. Chairman, when you are in your place as just the hon. Member for Medicine Hat instead of the Acting Chairman of Committees, I believe you have taken it upon yourself to inform the Assembly of how many times the Liberal opposition have moved this amendment. You asked in a not-so-rhetorical manner: when will the Liberal opposition stop moving this amendment? I will answer you in a not-so-rhetorical way. We will stop moving this amendment when of course we no longer have to, when this government sees the light of day, understands the importance of public debate about regulations, particularly on such important Bills, and as a matter of course refers those regulations to the committee so that they can be aired in public.

Mr. Chairman, I know that you wanted to be further elucidated on the Liberal position. I will not take more time to speak to the virtues of this amendment. I think the arguments are well appreciated by all, and I would urge the Assembly to vote in favour of amendment A2 to Bill 30.

[Motion on amendment A2 lost]

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Mr. Chairman, thank you. Amendment A3, as numbered on the sheet distributed to the Assembly. I move that section 1(16) be amended by adding the following after the proposed section 28.2. Section 28.3 would now read:

Notwithstanding anything in sections 28.1 and 28.2, nothing in the medical staff by-laws, the general conditions set out in the medical staff by-laws, the general by-laws or any contract for services or employment can unduly restrict a physician's access to facilities for continuity of care.

This amendment tries to accomplish one thing and one thing only. This amendment tries to establish the right of a physician to maintain contact with his or her patients and the right of patients to maintain contact with the physician of their choice.

I will direct all hon. members' attention to the word "unduly". The word "unduly" is very important in this amendment. Mr. Chairman, the medical staff bylaws are in place to ensure a certain standard, that certain criteria are met in terms of credentialing and granting privileges to medical staff in various facilities.

Mr. Chairman, as you know, we're moving more and more to a concept that may best be described as hospitals without walls or multisite hospitals, where medical staff will have to, by virtue of the reorganization going on in health care – and I am being charitable in this debate by calling it reorganization and not deconstruction or demolition – practise in several sites and in some cases, Mr. Chairman, as you're well aware, coming from Medicine Hat, in various regions. As well as moving towards this concept which we could describe as a hospital without walls, we've also moved to regional medical staff. So we no longer have medical staff attached to just one site, to one hospital. We have medical staff who exist by virtue of their presence in a region. So what we find is that there are many cases where physicians are unable to follow their patient through the system or that patients are restricted access to the physician of their choice.

We think it's very important that when the Hospitals Act is amended, we take into account this reality. Based on this reality we would allow nothing in the medical staff bylaws that would restrict access one way or the other. I will note, Mr. Chairman, that the proposed medical staff bylaws have been criticized by many physicians because they seem to treat physicians as chattels or as employees of the regions. Many doctors I have spoken with resent this implication and feel that it's a very unfair characterization of their relationship with the regional health authorities.

I anticipate that part of the debate that may come from the hon. Member for Bow Valley will be that the medical staff bylaws have to be restrictive because you want to make sure that not just any physician at any place or at any point in time could access any hospital for any reason. Of course, that's not the intent of this bylaw. The word "unduly", if I can come back to that, would prevent that from happening. What this bylaw would accomplish is guaranteeing access by physicians to their patients and by patients to their physicians. We believe that the medical staff bylaws should not be used as an instrument by which, I suppose, to somehow whip physicians into compliance with a region, particularly when that region may at times be pursuing policies or programs that the physicians themselves don't agree with. Certainly, we've seen examples of that where we've seen huge meetings of physicians in Calgary and Edmonton and other places who have spoken out loudly and forcefully and passionately

against the direction and some of the policy initiatives of their regional health authorities.

Mr. Chairman, with those words I'd again ask for the unanimous support of all members of the Assembly on amendment 3.

10:10

THE ACTING CHAIRMAN: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Chairman. In speaking to this amendment, I do understand what the hon. member opposite is trying to get at. The flip side of the argument, though, is that in qualifying physicians – I personally, for example, can have a licence; however, if I do not maintain so many continuing medical education credits, so many courses that I have to go to, I can still maintain a licence, but in the opinion of the regional health authority I do not have the qualifications to be attendant to their hospital. It does not mean that I cannot be a physician. It does mean, however, that I cannot have privileges to the hospital.

I think a very good example, as the member has spoken to, is actually in Medicine Hat. Right now in Medicine Hat you have to be a certified College of Family Physicians practitioner in order to have privileges. You cannot be just an ordinary general practitioner to get privileges. What the amendment is saying is that regardless of your qualifications, regardless of your continuing medical education credits, regardless of your maintenance of your skills, you can still access the hospital facilities.

Mr. Chairman, I urge the members to vote against this amendment for those reasons, in that it takes away the ability of the regional health authorities to have excellence in their medical staff.

Thank you.

[Motion on amendment A3 lost]

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Undeterred, Mr. Chairman, undeterred. The fourth amendment is numbered 4 on the sheet circulated.

I move that section 1(17) be amended in proposed section 29 by striking out the word "and" at the end of clause (b), by adding "and" at the end of clause (c), and by adding the following after clause (c) – Mr. Chairman, I need you to pay particular attention to this, because there is a typographical error, which I know that all members of the government are familiar with, particularly the Premier. There is a typographical error in this amendment. It should read "(d) for the clinical and scientific work of the medical staff." The word "hospital" is in error, and the words "medical staff" should be there instead. I apologize to all members of the Assembly for this error in the form that I provided you. I want to make it clear, so that there can be informed and reasoned debate in the Assembly, that it is now the words "(d) for the clinical and scientific work of the medical staff."

Now, this is to ensure that the concerns of the medical staff throughout the province, the physicians throughout the province, including the concerns by those physicians who also teach in the medical schools about the continuation of research in primary and acute care be addressed. This is to ensure that physicians in hospitals are involved in clinical and scientific policy decisions, are involved in clinical program decisions, and are involved in the research which may flow from clinical programming and from scientific pursuits.

I understand from my discussions with the Member for Bow

Valley that the intent of the existing amendment as put forward by the government was not to deny physicians this kind of input or this kind of access to clinical and scientific materials or input to the decision-making. I believe that this new clause (d) will make it crystal clear to members of the professional medical community that the government was not trying in any way to freeze them out from this aspect of their work.

So I would urge support for this amendment, as I believe it is in the best interests of all Albertans that physicians continue to have a high degree of involvement in the clinical and scientific work of the facilities where they work.

Thank you.

[Motion on amendment A4 carried]

MR. SAPERS: You would think that I'd be speechless. It's actually not the first successful amendment. I once stood in my place in this Assembly and proposed 18 separate amendments to the Premier's freedom of information Bill, and you know what, Mr. Chairman? If you recall, one of them was found acceptable by the government caucus. So this is in fact the second time, and I appreciate that.

The next amendment in sequence is of course number 5: to move that section 1(18) be amended in proposed section 30 by adding the following after subsection (1). The addition is numbered (1.1), and the wording is as follows: "The membership of the Hospital Services Utilization Committee must include hospital medical staff." The idea behind this amendment again is very straightforward. The legislation as proposed by the government creates a new committee, a new creature called the hospital services utilization committee. The drafting of the Bill did not ensure that physicians would be a part of the committee. I believe that this is unacceptable. Many of the physicians I have spoken with believe this to be unacceptable. In fact, some of the problems experienced by the government as they pursue their agenda for health care have come about as a result of an antagonism that has developed between physicians and the government and regional health authorities because of the very manner through which the government dealt with physicians, and that is by not involving them right at the get go in the planning for what the health care system would look like in the future. It is no doubt, Mr. Chairman, an oversight.

I suppose it could be argued that physicians would be involved because there are other places, particularly in regional health authority regulations, where it is suggested that physician input will be solicited, that physician input would be sought, but there is nothing to compel the regional health authorities to act on that input. What we are proposing in this amendment is that we need to legislate, not simply regulate – because we all know the sins attendant to regulations – physician input into something as crucial as the hospital services utilization committee.

If you think about it for a minute, Mr. Chairman, it would seem improbable that you could have a hospital services utilization committee operate in the manner contemplated by the Bill without physician input. If the doctors are going to be at that table anyway, why don't we make them legitimate, equal partners at that table and legislate it? I am certain that this is not something that would vary over time. This is not something that should be subject to regulation. Physicians, I'm certain, will be part of hospitals for as long as there are hospitals and physicians.

This motion is very straightforward. It is to really reflect reality, and that is that physicians will be there anyway, that we

need their input, that it's more than just a polite invitation from time to time, that in fact we require it to be in law so that physicians know just how much they are valued in terms of being equal partners in the hospital services utilization committee process.

So I would once again ask for the consent or the approval of my colleagues by voting for my amendment numbered 5.

10:20

THE ACTING CHAIRMAN: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Chairman. Quite simply, on this one we have stated in this Act, if I may quote, that there are mechanisms to ensure that the board considers medical staff input respecting patient care and that medical staff have input into strategic planning, community needs assessment, facility use management and quality assurance.

We feel that if a hospital chooses to have more than one hospital services utilization committee – for example, if there is a dietary services utilization committee – that it not be mandatory for a physician to be on it. We feel that the physicians under this part of the Act have mandatory input to the board on any facility use management. We feel that it is not obligatory nor should it be mandatory that a physician sit on every hospital services utilization committee. For that reason, I would suggest that the Members of the Legislative Assembly do not support this amendment.

[Motion on amendment A5 lost]

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Chairman.

THE ACTING CHAIRMAN: I assume you're pushing on.

MR. SAPERS: Yes.

THE ACTING CHAIRMAN: I thought that maybe the roll you were on might have dissuaded you.

MR. SAPERS: Mr. Chairman, I'm trying to do the best I can for all Albertans here tonight. I know that there are other amendments that must be debated. Again, I would like to have your careful attention to this. I want you to note, sir, that we are now dealing with amendment A6, but it is numbered on the sheet provided to all members of this Assembly as 7.

THE ACTING CHAIRMAN: Then are you going to skip over 6?

MR. SAPERS: The original amendment numbered 6 I am not moving.

THE ACTING CHAIRMAN: You're not going to move that?

MR. SAPERS: I'm not going to move it.

THE ACTING CHAIRMAN: So I'll strike that off this page then.

MR. SAPERS: We are now dealing with amendment 6, which is the renumbered 7, just to make it clear to the Clerk and to yourself. That amendment, that section 39 is repealed and the

following substituted, reads as follows:

The board for each approved hospital shall publish, annually, an audited financial statement detailing the financial transactions of each hospital which it owns or operates.

Mr. Chairman, the reasoning for this amendment is very simple. Albertans want to know how much money is spent on health care, and they want to know for what purposes.

Now, we've moved to regionalization where there are multi-sites. Also in most regions, if not all, we've moved to some form of program budgeting and program modeling. What this means is that if you have a program such as pediatric services available at more than one site in a region as large as the Capital or Calgary health authorities, the budget will be developed based on that program. The budget is no longer attached to the facility. However, certainly for the purposes of planning and for the purposes of accountability and for performance measurement we'll still need to know how much money was spent on the flow-through of the productivity at a particular hospital.

It is simply not good enough to note that the regional health authorities' legislation and regulations require audited statements for the whole region. What we want to ensure is that there is accountability at the unit level so that we can go back to a site administrator or to a board or to a group of physicians or to a community health council or to any other group which the public would want to hold accountable and say: how much money did you spend to make this hospital work?

Mr. Chairman, if I can give you an example, a current and contemporary example of why this is so important, let's just cast our eyes slightly south from the Legislature to Leduc. Now, Leduc happens to have a hospital that's about 10 or 12 years old. That hospital was built at considerable taxpayer expense. Some would say that hospital was overbuilt. As a result of that hospital being built in the manner in which it was, it has some surplus space. That surplus space is now being eyed by a group called Hotel de Health. Hotel de Health would propose to operate a competitive, profit-making, commercialized health care system within a publicly funded health care facility. In other words, what we're talking about here is a tax-funded subsidy of a commercial enterprise in health care.

Now, the people of Leduc want to know how much it costs to run their hospital. If this amendment is not carried, the people of Leduc would never be able to hold their authority, the Crossroads health authority, accountable to know exactly how much it costs so they could make an informed decision as to whether or not they wanted to use that surplus space to rent it out to a commercial, for-profit, two-tiered, Americanized health care company or not. What we want to ensure is that in every case there is financial proof of the operating costs of a particular facility.

Now, Mr. Chairman, this would not be hard to accomplish, even given that we're into program budgeting. If you're going to operate a program at multiple sites, you have to know how much your costs are going to be at those multiple sites. You have to know what your cost centres are that drive your overall budget for the program, and that is a performance measure that we can use to determine whether or not one site is operating more or less efficiently than another site.

You know, I hear the government often talk about the private sector and performance measures and competitiveness. Well, certainly those same government members would understand that if you want to ensure the performance of one particular hospital site, you'd want to be able to compare it to the operating efficiencies of another. You would want in any case, Mr. Chairman, to have it broken down by site, by facility what the particular costs

were. You'd want to be able to strip out all the fixed costs, all the variable costs. You'd want to know what all your inputs were, you'd want to measure those against outputs or productivity, and you'd want to do that on a site-by-site basis. Then you can make decisions as your programs expand or shrink. You can make decisions as to what facilities are more or less efficient.

So we're not asking for anything here that is unknown or unthought of before by the government themselves. We're simply wanting to make it very clear in legislation that the regional boards are compelled to publish on an annual basis "an audited financial statement detailing the financial transactions of each hospital which it owns or operates." Now, keep in mind that the amendment doesn't call for the specific hospital budgets, because that in itself could be an artificial construct. What we're saying is: the financial transactions related to that hospital. It's a very important distinction.

So in the spirit of openness and accountability, which I've heard the hon. Minister of Environmental Protection talk about so many times, in the spirit of being transparent, as I've heard the hon. Treasurer talk about so many times, in the spirit of freedom of information, which of course we've heard the hon. Premier talk about so many times, I would urge all members to support this motion which would provide details to all Albertans related to their hospitals.

Thank you.

THE ACTING CHAIRMAN: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Chairman. Quite briefly on this one, the issues that the hon. member across has brought forward are quite laudable, but I must remind the members of the Assembly that there already is a requisition for the RHAs to provide their financial statements as part of their annual reports, which are tabled in the Legislative Assembly each year.

The issue that I take exception with on this amendment, Mr. Chairman, is that the hon. member has asked for hospital financial statements. The issue that we are moving forward or are trying to integrate into the community is: where does the definition of a hospital start and where does the definition of a hospital end? Through program integration, through integration into the community, publishing hospital financial statements (a) is not accurate because it will tell us nothing and (b) it moves away from the full intent of getting a hospital without walls and the full integration of systems. For example, what percentage of home care, looking after the patients in the home as opposed to the hospital for early discharges, should be in the hospital budget?

10:30

So, Mr. Chairman, what we're saying is that (a) the regional health authorities' budget and business plan is already tabled in the Legislature, (b) it is a false document to ask the hospitals to bring forward their budget, and (c) it goes against the intent of integration into the community. For those reasons I would urge the Legislative Assembly to vote against this amendment.

[Motion on amendment A6 lost]

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Chairman. We're now moving to amendment A7, which I will note for your attention is numbered as 10 on the sheet which was circulated. That amendment

reads as follows: Section 1 be amended by striking out subsection (31) and substituting the following, (31) Section 52 is repealed and the following substituted:

If the board of an approved hospital owned or operated by a Regional Health Authority fails to comply with this Act or regulations, the Minister may suspend or adjust any grants or payments to which the Regional Health Authority may be entitled under this Act until the Regional Health Authority complies with this Act or the regulations.

Mr. Chairman, this is a penalty section, and it is a section we believe the minister must have in her arsenal to ensure that regional health authorities do not misuse taxpayers' money. This is an amendment that puts some teeth back into the Regional Health Authorities Act. It's an amendment that allows for some increased ministerial accountability.

Now, Mr. Chairman, one of the concerns I hear time and time again from Albertans is that they are concerned that there has not been a high enough degree of ministerial accountability in the restructuring of health care. They are concerned that the Minister of Health has not been as involved as she could have been or should have been and that the legislative agenda of the government has really taken the bite out of the minister's authority.

Now, I will note that section 17.2 of the Regional Health Authorities Act does talk about the manner in which the minister may give grants, but it is a permissive section which says that the minister may set some guidelines or some criteria for the administration of grants. [interjections]

THE ACTING CHAIRMAN: Well, I agree. It's getting a little noisy in here, but it seems to be noisier as the crew is moving in on this side of the House. I think they're sending you a message, hon. member.

MR. SAPERS: The Chair wasn't entering debate by any stretch of the imagination; was he?

THE ACTING CHAIRMAN: Not at all. Just pointing out an observation from the Chair.

Hon. member, would you carry on with the debate.

MR. SAPERS: Thank you, and thank you for that attempt to call some hon. members – I would note that there's a rogue member from the government side who is distracting my colleagues.

Mr. Chairman, what we're dealing with here is a change, I guess, in philosophy or a departure from the government's philosophy in section 17.2, which is a permissive section which says that the minister may set the criteria for grants. What we'd like to do is we'd like to see the kind of penalty section that was in the existing legislation retained that makes it very clear that regional health authorities will be subject to a penalty if they do not comply with the minister's regulations or with the Act. This is not just an amendment that is something that would be nice to have. This is an amendment that, I would submit, we must have because it is consistent with, of course, the most fundamental principles of common law. You have to know what it is that would be a violation of the law, you have to know what it is that you're accused of, and you have to know what the consequences would be so that you can answer for them.

Mr. Chairman, we I think owe it to the men and women who we would either appoint or elect to our regional health authorities to know what they are subject to if in the minister's opinion they are seen as failing to comply with the legislation. Section 17(2)

is an important section, and it does give the minister some permission, but it does not make it clear in law what the consequences for noncompliance would be. We think that's very important. We think this is something that the minister needs to be fair to the minister. We think this is something the regional health authorities require so that they know what is expected and required of them and what the consequences could be otherwise. The amendment to section 1(31) we believe is absolutely crucial to the entire enforceability of the Bill. So with that I would ask for support from the Assembly.

THE ACTING CHAIRMAN: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Chairman. Quite briefly on this one. We have taken the liberty of consolidating any reference to grants or payments into the Regional Health Authorities Act for several reasons. First of all, what we are trying to say is that the minister is going to make the grants to the regional health authorities and not to individual hospitals, as is under the Hospitals Act. Second of all, under section 18 of the Regional Health Authorities Act it basically states that the minister has the authority to, where appropriate, provide grants or other payments.

Mr. Chairman, the issues that the hon. member across has brought up are quite laudable; however, it is covered under the Regional Health Authorities Act. We feel it sends an important message to state it in that Act and not have reference to grants or payments in the present Hospitals Act. Therefore I would urge all members to vote against this amendment.

THE ACTING CHAIRMAN: Are you ready for the question?

HON. MEMBERS: Question.

THE ACTING CHAIRMAN: Before I put the question, hon. members, the noise level is constantly rising in here. I can appreciate the difficulty that the speakers are having in making themselves heard, so please keep it down just a little bit.

[Motion on amendment A7 lost]

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Glenora. [interjection]

MR. SAPERS: Mr. Chairman, I've certainly got the Treasurer's attention. I'm always pleased to enjoy that.

I'm now moving amendment A8, which on the document circulated to members of the Assembly is numbered 11. It's actually A8, but it's noted on the sheet of amendments as 11, and that is that section 2(4) be amended by striking out clause (c).

Now, the effect of this amendment would be returning into law sections that relate to an operator of a facility and not permitting that operator to dispose of his or her obligations under a contract with the minister and noting that the contract shall be for a limited term and that the contract should be in the "form and contain the provisions prescribed by the regulations," and notwithstanding any other legislation in the province, Mr. Chairman, contracts "shall be subject to, governed by and interpreted only in accordance with this [specific Nursing Home Act] and the regulations."

I will remind you, Mr. Chairman, of our concern about the extent to which we are moving the legal framework for nursing homes in this province out of the ambit of legislation and into the ambit of regulation. Notwithstanding that concern, we believe

that it is very important to include back into law the sections which would otherwise be repealed.

Now, we require this because the Regional Health Authorities Act is permissive in this regard to the extent that it says that they may have regulations or they may stipulate reciprocal obligations in a contract, but they do not provide a coherent provincial framework. They do not provide a standardized legislated means of ensuring these reciprocal obligations across the province and in law.

10:40

One of the concerns brought forward by Albertans is the emerging patchwork of health services. This patchwork is resulting because some things happen in some regions that don't happen in others. This patchwork is emerging because some regions have been more fairly funded than others. We have noted the terrible funding inequities between some regions, the West-View health authority, for example, being without justification the lowest funded per capita region in the province. We've noted inequities between the cities of Calgary and Edmonton, in fact the Capital health authority board being in effect dismissed because of their reluctance to meet the arbitrary budget targets of the Treasurer to cut more than they thought was safe out of their budget. Part of the justification for that has been, Mr. Chairman, that Calgary was somehow able to do it yet no real recognition given to the very real differences between those two health authorities.

[Mr. Clegg in the Chair]

So this patchwork is developing. The health care that an Albertan receives is becoming increasingly dependent on where they live. That is not appropriate. We believe there should be some legislated protection for Albertans, particularly in relation to nursing homes for our senior Albertans who require this long-term care, some legislated protection in terms of the contractual relationship that the nursing home operators will have between themselves and the government and the regional health authorities. It is very important that this amendment go ahead and that these prescriptions in law be put back into the Nursing Homes Act.

So, Mr. Chairman, I would ask for support for amendment A8.

THE DEPUTY CHAIRMAN: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Chairman. There's a very important reason that I am putting this on the record and that is – the hon. member across has entered into debate. However, I have received correspondence from the Alberta Long Term Care Association today dealing with this amendment, and I feel it should be addressed.

First of all, they are concerned about the definition of nursing home and nursing home contract as they apply. What we are saying is that the contracts will now be between the regional health authorities and the nursing home operators, not the minister. The minister still retains the right to suspend or terminate contracts to protect the health, safety, and well-being of residents. So I did want to put that on the record to make it clear that the minister still has the right to protect the residents of nursing homes, but the minister will not be entering into contracts with the operators, that is, the RHAs. We cannot accept this amendment as it binds the hands of the RHAs too extensively and the minister still has veto power.

Thank you.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you very much, Mr. Chairman. I'd just like to pose a request to the hon. Member for Bow Valley. The letter that he referred to from the Long Term Care Association, two questions. Could he describe the membership of the Long Term Care Association? Is it private nonprofit, private operators, or a combination? Would he be willing to table a copy of that letter in the Assembly?

THE DEPUTY CHAIRMAN: Bow Valley.

DR. OBERG: Thank you, Mr. Chairman. First of all the letter was addressed privately to me, so I will not table it without their permission. The Alberta Long Term Care Association is all operators of long-term care facilities in the province.

[Motion on amendment A8 lost]

THE DEPUTY CHAIRMAN: Before I call on the Member for Edmonton-Glenora, I always have a nice duty to do. The duty tonight is that another one of our pages, Marika Warren – she's sitting here – is on her last day. She's got about 14 minutes left. I'm sure the House would like to thank her for her dedication towards the House.

The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you. This one's for you, Marika.

The next amendment, Mr. Chairman, is amendment 9, numbered on your sheet as number 13. I will be splitting this amendment into 9(a) and 9(b). At this time I would like to move 9(a), which reads that section 2(11) be amended in clause (a) by striking out “subsections (1) and (2)” and by substituting “subsection (1).” This is a very technical amendment, and it can tend to be a little bit confusing, but the gist of it is to reinforce that the minister has the ability to pay in any case, not just a permissive clause that suggests that the minister may pay.

The issue here in some regard is an issue of timing, of sequencing. I understand that there is a disagreement in terms of whether or not this is an amendment in law that we may not need at some future date because of subsequent legislative or regulatory actions on the part of the government. In any case, Mr. Chairman, we believe that it is important now. By substituting subsection (1) and by in essence deleting the reference to subsection (2) in the proposed government amendment, we reinforce the proper responsibility of the Minister of Health.

So I would ask for concurrence of the Assembly in approving the amendment numbered 9(a).

THE DEPUTY CHAIRMAN: Just for clarification, hon. Member for Edmonton-Glenora, if I've got it correct, we've got A9 and it would be the first portion. Is that what you're saying?

MR. SAPERS: Yes. Mr. Chairman, the intent of my direction to you is to split the two clauses so that (i) becomes 9(a) and (ii) becomes 9(b).

THE DEPUTY CHAIRMAN: Why could we not go A9 and A10? Was there any reason for that?

MR. SAPERS: None whatsoever. I was just being creative, Mr. Chairman.

THE DEPUTY CHAIRMAN: Thank you. We'll put it as A9 and A10 then.

[Motion on amendment A9 lost]

MR. SAPERS: Okay. So we're now dealing with my amendment originally numbered 13(ii), which I suggested should be 9(b) which you suggested should be A10. Is that correct?

AN HON. MEMBER: You got it.

MR. SAPERS: Good.

Mr. Chairman, this again is a simple word substitution. It is proposed in section 17(1) to strike out the word "may" and substitute the word "shall." This again reinforces the minister's responsibility in this regard. We believe that this is important. The amendment has to do with the excessive amounts due in recovery, largely the same argument as with amendment 9. I will say that I do not believe there is an issue of timing involved here. I do not believe there is something that will be saved by future legislative or regulatory action on the part of the government. This is no doubt the appropriate time to improve the proposed section 17(1) by inserting the word "shall" where the word "may" now stands, and I would ask for the support of the Assembly.

10:50

DR. OBERG: Very briefly, Mr. Chairman. In this one the Act and regulations do say that benefits will be paid, so this is one case where "shall" can quite easily be substituted for "may", and I would urge the Assembly to agree with this amendment.

[Motion on amendment A10 carried]

MR. SAPERS: Mr. Chairman, that completes today's broadcast. I would like to thank all members of the Assembly for their rapt attention during this debate on the technical amendments to Bill 30, the Health Statutes Amendment Act. Again my appreciation to the Member for Bow Valley. I think we've somewhat improved this Bill, and I will have an opportunity now to review it as amended with members of my caucus to see whether or not it will gain our support at third reading.

Thank you very much.

[The clauses of Bill 30 as amended agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the Bill be reported?

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

**Bill 24
Individual's Rights Protection
Amendment Act, 1996**

18. Mr. Evans moved on behalf of Mr. Day:
Be it resolved that further consideration of any or all of

the resolutions, clauses, sections, or titles of Bill 24, Individual's Rights Protection Amendment Act, 1996, shall when called be the first business of the committee and shall not be further postponed.

[Motion carried]

THE DEPUTY CHAIRMAN: We're on amendment A1 moved by the hon. Member for Stony Plain. This a government member's, and it's several amendments. I'm sure you all have copies. Although it's one amendment, there are many sections in it.

[Motion on amendment A1 carried]

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Chairman. We're here at 5 minutes to 11, and my understanding of the rules is that as a result of the invocation of closure we have really only an hour to deal with Bill 24 at the committee stage.

**Chairman's Ruling
Closure**

THE DEPUTY CHAIRMAN: Just for clarification, hon. member. Under Standing Order 21(2) "no member shall thereafter speak more than once . . . on any such resolution, clause, section or title." A member rising to speak before 12 midnight has 20 minutes to speak. "No member shall rise to speak after that hour." So it's just a little change in the Standing Order. When you speak, then you have just one chance to speak.

MR. DICKSON: Just for clarification, Mr. Chairman. If additional amendments are moved, then presumably I'm entitled to speak once on each of the amendments. Is that correct?

THE DEPUTY CHAIRMAN: Yes. Correct.

Debate Continued

MR. DICKSON: Very well. My first observation is just with respect to the matter of closure. That unfortunately is not a debatable motion, at least before the vote was taken, but I want to say this. The government has had effectively two alternative courses of action. One would have been to listen to the enormous outpouring of concern and dissatisfaction with Bill 24 and the government amendment package and to have spent the summer months in terms of meeting with those groups, talking, trying to find a way of coming closer to meet the unanimous recommendations from the all-party panel that wrote the Equal in Dignity report. The government elected not to do that. They instead took the easy way out – and I say the cowardly way out – which was to invoke closure. Mr. Chairman, the people of Alberta will have their opportunity in due course to register their reaction to this ploy, this manoeuvre by the government, but I want to say for all of those Albertans involved with the Dignity Foundation, for the many, many Albertans, Alberta volunteers that are part of the Alberta Coalition of Human Rights, that they have all been insulted by the government action in invoking closure.

Now, moving on. The last speaker we heard from the other day was the Member for Barrhead-Westlock, who spoke on May 15, 1996. I wanted to respond specifically to some of the things he said. Firstly what he did was to comment that there had been

no federal Bill of Rights before Alberta came along and introduced the Alberta Bill of Rights. Well, that's not accurate, Mr. Chairman. I want to be clear that the federal Bill of Rights in fact was introduced by John Diefenbaker and was passed by the House of Commons fully 10 years before the Alberta government got around to bringing in a Bill of Rights.

The Member for Barrhead-Westlock talked in his speech about "the boat sails well." In other words, there's no problem, according to that member, with human rights enforcement, human rights protection in the province of Alberta. It seems to me that hon. member is looking at a boat, and he only sees the superstructure of the boat. He only sees the part of the boat above the waterline, and it looks pretty good to him. That's what he told us. He talked and focused about the representation of different races and different cultures in this place, in the Legislative Assembly of Alberta, and he rhapsodized about the peace and harmony that he sees around him in the Legislative Assembly. He focused on the Legislative Assembly. He's not paying enough attention, Mr. Chairman, to what's going on in Alberta below the waterline, because I think that this Legislature is not as representative as we sometimes think it is, as representative as we would like it to be. In fact, if the hon. Member for Barrhead-Westlock looked below the waterline, he'd find that as nice a boat as it is, there's some rot in the hull of the boat.

At page 1922 in *Hansard* the Member for Barrhead-Westlock asserted, "We have tolerance in Alberta in 1996. We have understanding in Alberta." And then he went on to say:

There could be those who would want to go among the 2.8 million people in . . . Alberta and . . . stir up intolerance, stir up misunderstanding, and stir up unnecessary debate . . . I don't see anything wrong in my province.

Well, in my constituency, Mr. Chairman, I see a number of things that are wrong. Too many of my constituents face discrimination, and they face discrimination day after day when they're trying to find a job, when they're trying to find a place to live or keep a place to live. This is the province where Jim Keegstra was able to practise his particular brand of intolerance and bigotry for 10 years. We still have taxicabs in the city of Calgary that will be dispatched with all white drivers if the caller requests a Caucasian driver. That's rot in the superstructure of the boat that's the province of Alberta, and it's not acceptable.

11:00

Mr. Chairman, I wish the Member for Barrhead-Westlock were here. Perhaps he didn't have to listen to me, and he's read a book called *Web of Hate*, which is authored by Warren Kinsella. I just want to quote from the first page, the first chapter of the book. We have this observation from Mr. Kinsella, who spent considerable time writing for the *Globe and Mail* in the province of Alberta. He studied and looked at some of the groups that promote hate and intolerance. He said:

In recent years, many Canadians have come to realize that the purveyors of hate are a tenacious lot, possessing ample resources and a fierce commitment to the ideology of bigotry. In a startlingly short time, the haters have moved from three-paragraph news items tucked behind the Classifieds to chilling front-page stories detailing assaults, threats and murders. Along with the cross-burnings and neo-Nazi rallies that have routinely taken place in every region of Canada since 1990, there have been other examples of the growing web of hate: assaults on non-whites and gays in suburban Vancouver by white supremacist skinheads; an attack by neo-Nazis on a retired Edmonton broadcaster that left him blind in one eye; the killing of an aboriginal man by a far right leader in Prince Albert,

and on and on. In fact, the distinguished author says, and I quote: "the list is a long one."

So I say to the Member for Barrhead-Westlock: look below the surface, because there are problems in this province. The problem is that to deny them is a bigger myth and a bigger lie than acknowledging they exist and trying to do something about it.

Mr. Chairman, the Canadian Indigenous Women's Resource Institute wrote a letter to Mr. Klein, and they sent me a copy. The author was a Doreen Spence. Doreen Spence referenced a letter she got from the hon. Premier. She helped the hon. Premier get elected in 1993. This is what she had to say, and I quote from part of the letter:

Anything less than a fully independent Human Rights Commission will damage the province's reputation locally, nationally and internationally. To have an agency which is judge, jury and advocate is ludicrous. Alberta already has a national and international reputation as a red neck place to live.

She goes on to invite the hon. Premier:

Therefore, please do not ignore the outcry of the coalition.

She's referring here to the Coalition on Human Rights in Alberta, and she goes on to say:

These are "normal" groups without vested interest . . . they just happen to be directly affected on a daily basis, dealing with human rights abuses.

The Premier also received a letter – here's a recent one, May 16 – from the epilepsy association, where the executive director says, and I quote:

We urge you to reconsider this Bill. The Human Rights Commission needs to be independent and unbiased to effectively fulfill its mandate, and maintain relationships built on trust, not on politics.

The letters go on and on.

Getting back to that rot in the bottom part of the hull of the ship that the Member for Barrhead-Westlock talked about: if that member came to Calgary and he went to the Native Friendship Centre or he went to the PICS school, the Plains Indians Cultural Survival School, or he went to the Mustard Seed, he'd find that there are people who haven't experienced the kind of Alberta that that member likes to laud. He would find that we do have bigots and racists. What's unfair about that is that most Albertans – and I say this as a native Albertan – are fair minded, Mr. Chairman. Most Albertans are extremely generous of spirit, and they're tolerant, but unfortunately, we have those who give us a reputation that hurts us in a host of different ways. So I say to the Member for Barrhead-Westlock that the good ship Alberta is taking on some water. The skipper may be marching up and down the bow of the boat marveling at all the gleaming hardware and how shiny the mast and tackle are, but we've got rot.

Mr. Chairman, I could go on talking about those kinds of problems, but I think it's time we get to work in the short time that's remaining and start to deal with some of the amendments that are going to be put forward by the opposition in an effort to take a Bill that's deficient and disappointing and try and bring it up to the level that the Equal in Dignity report authors had recommended. That is simply to say that Premier Klein created a task force. The Premier's office selected the men and women who were on that task force. We had no input in that; other Albertans had no input in it. The Premier appointed the people. They came back with a set of unanimous recommendations – unanimous. The government in Bill 24 and even with the amendment package has ignored virtually all of the major amendments, and we're going to try this evening in the short time we have left under the heavy, ham-handed process of a closure motion and vote by the government to address some of those problems.

The first amendment, Mr. Chairman, is one that goes directly to the independence issue. It's being distributed now, but just let me give some background to this. The government and the hon. minister continue to assert that the commission in Alberta is independent. Well, if the commission is independent, how is it that when they published their human rights update, January 1 to March 31, 1996, we had this supposedly independent commission lauding the proposed changes in Bill 24? There's no critical commentary. There's no critical analysis at all. Well, it just doesn't make any sense. In the Human Rights Commission's own document we see ample evidence of the lack of independence.

More examples. This government has refused to appoint to the Human Rights Commission, interestingly, any of the people that have ever won a Suzanne Mah award for distinguished leadership in terms of promoting human rights in the province. Now, isn't that a curious position? The people that the Human Rights Commission salutes at McDougall Centre or at the Edmonton City Hall with a whole lot of fanfare as being leaders in the area of promoting human rights, when they apply to be appointed to the Human Rights Commission, their names don't get to the top. Now, one would think that if we were trying to have the strongest, most independent commission, the independent commission that the hon. minister represents we already have, wouldn't we expect that some of those people would end up on the commission? It doesn't happen. We can go through people like Shirish Chotalia; Fil Fraser; Dr. Sayeed, the physician at Lloydminster who is the acting chairman or chief commissioner; Brian Edy. These people are deemed by this government not to be able to make a contribution to the Alberta Human Rights Commission. What an outrageous proposition. Why is it that people like Ed Webking of Lethbridge, who received the Suzanne Mah award, or Michael Greene, who practices almost exclusively in the immigration area in the city of Calgary – these people have been found sufficiently meritorious, or at least their contributions, to be able to win an award from the Human Rights Commission, but these people can't get appointed to the commission.

The hon. Minister of Community Development refuses to insist that if you're going to be on the Human Rights Commission, you have to forgo overt partisan political activity. Now, how can you say the commission is independent if somebody who's a commissioner can go on radio programs as a representative of the Progressive Conservative Party? What does that say to those men and women in Alberta who in fact have a complaint against the government of Alberta under the Individual's Rights Protection Act and come forward and find that the commission has people who are apologists for the government first and foremost?

11:10

Now, in a moment I'm going to run out of time, Mr. Chairman. I expect that my friend for Edmonton-Avonmore is going to pick up, but I think that first amendment has now been distributed. I want to formally move the amendment. At the very top, the upper left-hand corner, it says s16 because it's amending section 16 of the Bill. What this does, in brief, is say that we're going to take the Human Rights Commission, afford it the same degree of independence that the Auditor General, the Chief Electoral Officer, the Ombudsman, the Privacy Commissioner have. We'll let the Standing Committee on Legislative Offices be responsible for putting the people on the commission because the minister has demonstrated that he's not able to do it. Now, I see the chairman of that Standing Committee on Legislative Offices shaking his head now, maybe for another reason, but I hope he's going to tell us why he wouldn't think that would be a positive suggestion and an excellent idea. So what the amendment does –

it's self-explanatory. It amends section 16. It means that the people on the commission are appointed by somebody independent of the government. Now, there are a number of different models. The government may have a better way of doing it, but the way they're doing it now certainly doesn't work.

In speaking to this amendment, I'd also say if anybody looks at the Ontario Human Rights Code Review Task Force, the report chaired by Mary Cornish's task force, you find in there repeatedly talk about the importance of having a commission that is not just independent in operation but appears to be independent to Albertans who may have a complaint against a body and are relying on that commission to assist them. I have a whole filing cabinet in my Calgary-Buffalo constituency office of people who've gone to the Human Rights Commission because they wanted some help. They felt they'd been subjected to discrimination. You know what happened, Mr. Chairman: they didn't get that measure of satisfaction. Some of those people expressed a suspicion that the commission is more interested in making the government look good or ensuring the government avoids embarrassment than trying to get to the bottom of things and ensuring that their complaint is dealt with effectively and aggressively and in a complete manner.

Mr. Chairman, time marches on. I think that we may yet have a couple of speakers, and I just preface my concluding remarks by saying that because we have now something like only 45 minutes left on this Bill, we're going to be speaking briefly. We're not going to have a lot of speakers to the amendments. We're anxious that some government members may yet reconsider their position.

Thanks very much, Mr. Chairman.

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-East.

MR. AMERY: Thank you very much, Mr. Chairman. It is indeed a pleasure to rise and speak to the amendment to Bill 24, the human rights, citizenship, and multiculturalism Act. I'm sure you're aware that this Bill has been debated to death. Over 300 minutes of debate went into this Bill.

AN HON. MEMBER: How many?

MR. AMERY: Three hundred minutes of debate.

A while ago we all remember that the hon. Member for Lac La Biche-St. Paul rose in this House and delivered a member's statement, and in his member's statement he lectured all of us as to how careful we should be when we're spending taxpayers' dollars. Mr. Chairman, the hon. Member for Lac La Biche-St. Paul shared with us his research, and he told us that it takes \$2,500 per hour to run this place and keep this place open.

AN HON. MEMBER: How much?

MR. AMERY: It takes \$2,500 per hour to keep this place open. This Bill has already cost taxpayers over \$14,000. We all know who's footing the bill for this Bill. The very same taxi driver that the hon. Member for Calgary-Buffalo talked about is the one who's footing the bill for this Bill. The hon. Member for Calgary-Buffalo is asking the taxi driver to get into his cab, go out, work for 16 hours a day, and make sure you send us \$2,500 per hour to make sure we are fighting for you, to make sure we keep this place open because we're fighting for you.

Mr. Chairman, the hon. Member for Calgary-Buffalo is telling the construction worker today to do the same thing. The hon. Member for Calgary-Buffalo is telling the young immigrant mother . . .

THE DEPUTY CHAIRMAN: Hon. Member for Calgary-East, I think you expect me to stop you. If you didn't, we'd have to. We've got an amendment on the floor, and you must speak to the amendment.

MR. AMERY: Mr. Chairman, I'm leading up to the amendment.

When the hon. Member for Calgary-Buffalo was speaking – and they usually rise day in and day out and talk about the protection of the human race and the protection of culture and multiculturalism. They tell us that it is their God-given right to be the guardians of the heritage language program. I only hope that they would practise what they preach.

One only has to take a look at the composition and makeup of this caucus to know our commitment to human rights and culture and multiculturalism. In this caucus we have members of Lebanese descent, of Vietnamese descent, of Ismaili descent, and Métis and aboriginal and Chinese. Mr. Chairman, you name it, we have it. [interjections]

THE DEPUTY CHAIRMAN: Order. [interjections] Order in the House. Only one more chance, hon. Member for Calgary-East, or you'll lose your turn. Get on to the amendments.

MR. AMERY: I'm trying to show the hon. members our commitment to culture and multiculturalism, to human rights and equality, to the independence of the Human Rights Commission, and it's right on the amendment, Mr. Chairman.

MS CALAHASEN: Speaking on the amendment.

MR. AMERY: Speaking on the amendment, Mr. Chairman.

The hon. Member for Calgary-Buffalo told us that the people of the ethnocultural communities are up in arms. Mr. Chairman, I had the privilege of being with the Premier last Saturday night at a ethnocultural function, and the people were really up. They were up on their feet giving the Premier standing ovation after standing ovation. They weren't up in arms. I am really tired . . .

MR. ZWOZDESKY: A point of order.

THE DEPUTY CHAIRMAN: Hon. Member for Edmonton-Avonmore.

Point of Order Relevance

MR. ZWOZDESKY: *Beauchesne* 459. The member is truly wasting the Legislature's time. We've only got 40 minutes left. They had their chance in second reading. They adjourned debate early. They had their chance during other committees. They adjourned debate early. Now he's wasting time by not even referring properly to the amendment before us. We've only been given 40 precious minutes here, Mr. Chairman, and I expect that member, especially that member, to observe that more respectfully.

THE DEPUTY CHAIRMAN: Hon. Member for Calgary-East, I have warned you twice, and you did not pay heed to the Chairman, so you will lose your turn.

Hon. Member for Edmonton-Avonmore.

11:20

Debate Continued

MR. ZWOZDESKY: Thank you very much, Mr. Chairman. I want to speak directly to the amendment regarding Bill 24, because this is an extremely important Bill. I'm very disappointed that the Member for Calgary-East would succumb to the pressures of his own caucus to utter the words that are clearly not his.

We're talking here about something that's extremely important to Albertans, not to be taken lightly. We're talking about the independence of the commission that is duly created by this Bill, and what we want to be sure of is that we have those members appointed by the Standing Committee on Legislative Offices. That's one of the valued functions of this particular body. If you had that kind of rule observed and if this kind of an amendment were to come through, you wouldn't have articles such as this one on "Multiculturalism an advantage for Albertans," quoted May 21 in the *Edmonton Journal*, where it says: "Another serious concern is Bill 24. This bill seems to downplay the significance of multiculturalism." It goes on to say: "Alberta was once on the leading edge of multicultural policy and programs." That's written by Rosemarie Nahnybida of Sherwood Park. Along with that she would be asking for this amendment calling for an independent body that would have some teeth and some merit to it. Instead what do we get in Bill 24? We get a melding together, an amalgamation of two bodies, one of which is the Human Rights Commission . . . [interjections]

THE DEPUTY CHAIRMAN: Order. [interjections] Order in the House.

The hon. Member for Cypress-Medicine Hat.

Point of Order Relevance

DR. TAYLOR: Mr. Chairman, I was listening carefully to the member opposite from Calgary-East in regards to his comments on the amendment, and I felt you were perhaps a little harsh. I thought he was right on the amendment. Now I've listened to very similar comments, very similar, irrelevant comments. My point of reference is *Beauchesne* 459. That's one thing I would cite. His comments are not relevant to the amendment. I note that you ruled very wisely perhaps with the other member, and I would ask that you rule with an even hand on this member speaking. It is not relevant.

Another point I would point out to you, Mr. Chairman, is in terms of abusive language, Standing Order 23(j). His language is certainly abusive to my colleague opposite, very abusive language. He imputes motives . . .

THE DEPUTY CHAIRMAN: Hon. member, you don't have a string of points of order at one time. You've brought out two now, and I don't think you're going to stop.

Hon. member, on the point of order.

MR. ZWOZDESKY: Thank you very much, Mr. Chairman. I'm talking about the number of members that get appointed by the Lieutenant Governor in Council as opposed to the number of members that we are suggesting must be appointed by the Standing Committee on Legislative Offices. That is the commission which is referred to in these articles. That is what we're talking about, and I suggest you wake up, pay a little more

attention, tighten your screws, and pay close attention because this might affect your constituency.

Here we have another article: Alberta needs strong human rights commission . . .

THE DEPUTY CHAIRMAN: Order. On the point of order, the Chair didn't like to make the hon. Member for Calgary-East lose his turn, but the hon. member was warned twice. At no time did the hon. member refer to any part of the amendment whatsoever.

Now, on the point of order by the hon. Member for Cypress-Medicine Hat, I've watched extremely closely because I have no intention of letting the debate go on on the Bill. The hon. Member for Edmonton-Avonmore has certainly, to some degree at least. I will be watching him very carefully.

The hon. Member for Edmonton-Avonmore.

Debate Continued

MR. ZWOZDESKY: Yeah. Thank you very, very much. To complete your sentence: to some degree. That's exactly what this is about. We have to allow a little bit of latitude because we're talking about an extremely important piece of legislation here. That's what we've been fighting on. The debate is going to be curtailed, as it has been four previous times.

We're talking about the commission. That's what this talks about: appointment to the commission. What we want to see is a strong commission such as is advocated in this article by Shirish Chotalia in the *Edmonton Journal* on Wednesday, May 15, wherein directly related to the commission and the membership on it, respecting that she used to be a member of the commission, she says:

Bill 24 fails to legislate the independence of the Human Rights Commission by having it report to the legislature akin to the reporting structure of the ombudsman and auditor general.

She goes on to say:

Supporting a strong and independent human rights commission equates to ensuring that the talents of all Albertans are allowed to develop and create the strength of a marketplace that can compete internationally, and create the moral fabric of a society that can withstand the scrutiny of future generations.

That's why this amendment is so important. The only way to get independence in this commission is to not have it report to only one minister; have it report to this entire body. At the same time, watch how the selection process . . .

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

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-Varsity, minister of economic development, on a point of order.

Point of Order Relevance

MR. SMITH: Thank you very much, Mr. Chairman. *Beauchesne* 459, relevance to the amendment. In fact, not at any time has this department received any discussion, any imputation, or any notice as to the amount, the effectiveness of human rights legislation in this province as it relates to business investment and business attraction. In fact, the speaker's comments are clearly out of order and are clearly not relevant to this amendment.

THE DEPUTY CHAIRMAN: Just on the point of order, do you want to comment on it?

MR. ZWOZDESKY: There is no point of order. Everything I

have said is directly relevant to the commission, which is what this amendment talks about, Mr. Chairman. We're talking about the process through which members are appointed, and the reason behind this amendment is to give it independence. Pay attention. Tighten your screws. This is a very important piece of legislation here that we're bringing forward, and you'd do well to absorb it.

THE DEPUTY CHAIRMAN: The minister of economic development certainly hasn't got a point of order. He might have a disagreement. So if we could just continue with the debate, with all due respect to the Member for Edmonton-Avonmore. We're certainly wasting a lot of good, valuable time in here. I will make sure that he talks to the amendment. You do have to stray somewhat away from the amendments, but I didn't get the point of the minister of economic development. It was quite noisy, so I didn't.

MR. ZWOZDESKY: There is no point from the economic development minister. It's just a delay tactic because we're eating up precious time. That's the third or fourth interruption already. If they would just allow the hon. member to continue with it, we'd get on with this. It's what gums up the motors. When the government has its opportunity to speak, they adjourn debate.

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

THE DEPUTY CHAIRMAN: The hon. minister of economic development.

Point of Order Imputing Motives

MR. SMITH: Under Standing Orders 23(h), (i), and (j): imputing motives, Mr. Chairman. I have a tremendous interest in this Bill. This government has a tremendous interest in this Bill. This government is a tremendous supporter of multiculturalism. This government has a tremendous record in human rights legislation, and we don't need to take that action to impute against this government for political reasons.

THE DEPUTY CHAIRMAN: Obviously, a disagreement again.

MR. ZWOZDESKY: Mr. Chairman, that is a total, complete crock of nonsense. I'm talking about the need for a stronger commission here, and that was what my quote was all about, which is relevant to the number of members that sit there and why they should be appointed in an independent, arm's-length fashion. That is what this debate is all about. The economic development minister has got a whole hive in his bonnet, and I'm happy to see him laughing now because I know he wasn't serious about what he said there.

Debate Continued

MR. ZWOZDESKY: We all have a commitment to multiculturalism, I would like to think. That's what we're fighting for here. Why then did you try and eliminate it in the first place? Good of you to admit the mistake, and I agree with that. I support the minister of culture for having brought that forward. However, what we're talking about now is something slightly different. If you want to talk about multiculturalism, you have to look at this article relevant to this from the *Calgary Herald* today which was written by Domenico Rossi, where he says:

More than 25 years ago, the province made a commitment to the principles of multiculturalism and the learning of other languages. The Klein government also . . .

[interjections]

Chairman's Ruling Decorum

THE DEPUTY CHAIRMAN: Order. Obviously, we're not going to continue this way.

AN HON. MEMBER: Why?

THE DEPUTY CHAIRMAN: Well, nobody can hear anybody else, and this is not even being realistic. The Chair might have made a wrong call, but the Chair is the boss. We are going to have some order in the House, or we'll sit here until we get that order in the House. I can't hear a word, and nobody else can either. It's plum ridiculous the amount of noise that's been going on here. We've had a good evening. Let's get on with a proper debate.

The hon. Member for Edmonton-Avonmore.

Debate Continued

MR. ZWOZDESKY: Thank you very much. A wise ruling. We're doing our best to heed that here, and if they would just let us get through this last half hour, which is all they're allowing us now, things would be a lot better.

I just want to finish that quote from Domenico Rossi, who goes on to say:

The Klein government also voiced its commitment to the principles of multiculturalism and the promotion of multiculturalism policy and programming as a significant part of our Alberta. Yet today, Bill 24 is set to destroy those principles by eliminating the Multiculturalism Act.

In doing so, they're also eliminating the effectiveness of the Multiculturalism Commission. We know that when you amalgamate the Multiculturalism Commission with the Human Rights Commission, you're diluting both purposes. The Multiculturalism Commission over here, which is integral to this particular . . . [interjections] I know the Provincial Treasurer is having problems, but I wasn't expecting wolf calls.

Chairman's Ruling Decorum

THE DEPUTY CHAIRMAN: Order. Order. We aren't continuing like this. We can't continue like this. Nobody can hear a word anybody else is speaking. If you want to howl like a coyote, go out in the clear blue skies. There's lots of room over there. Please, let's have some order in the House.

Hon. Member for Edmonton-Avonmore, let's continue and be reasonable.

MR. ZWOZDESKY: Thank you. I, too, don't like it when the Provincial Treasurer howls like that, but what can you do? Everybody heard it. He's done his job. He's thrown me off my path here only temporarily.

11:30

Debate Continued

MR. ZWOZDESKY: When I'm talking about the necessity for this arm's-length commission, I'm talking about something that wouldn't dilute the two purposes of each. On the one hand you have the Multiculturalism Commission, which is a proactive body

that traditionally likes to put forward positive things about multiculturalism and cultural retention and the promotion and respect that go along with it so that it doesn't result in the types of discriminatory practices which happen as a result of governments running away from that concept, and they wind up over here in the other body where complaints are dealt with. If you do a good job in the proactive sense and let that body stand by itself, give it some independence to move, we will probably have a much better understanding, appreciation, and acceptance of the different cultures, a large part of which stems itself into complaints that the Multiculturalism Commission deals with over here.

The Multiculturalism Commission is a proactive organization. The Human Rights Commission is a reactive one. By meshing the two together, you're accomplishing neither purpose here. All you're doing is taking the money from multiculturalism, putting it toward the human rights side, and probably trying to catch up some backlog and some administration that should have been tidied up elsewhere.

The other part is that you're not even dealing with taxpayers' moneys here, so don't get too excited on that side. You're dealing with lottery moneys only. That's all you're dealing with: found moneys, chance moneys. Not one penny of taxpayer dollars goes toward this business right now.

So I would urge them not to amalgamate them, and in the event that we're going to lose that argument, then at least take a look at this particular amendment that helps you to give some independence, some credence, some meaning, some teeth to the newly created commission. At least do that. Score something for the side of wisdom by embracing that particular one. Otherwise, all I see is some ideology at play here. I see the ideological assault on multiculturalism, a little bit of which has been corrected, but still the Act is being repealed. I don't like that and neither does the multicultural community, because we're dealing with a government here who is fixed on some form of an ideology that wouldn't even allow a motion to go through this House to recognize the International Day for the Elimination of Racial Discrimination. Now, tell me where the logic in that is. You don't even allow a harmless motion like that to go forth or a motion on Freedom to Read Week or Canada Book Day.

When I ask for an amendment like this to be supported, Mr. Chairman, I'm asking for a very valid reason: because we need that strength and we need that independence. Otherwise, you're throwing us back several decades, and we're not moving forward. Some people would say we need to be a little more progressive in this, a little less conservative and a little more progressive. So don't bury this behind closed doors. Don't make those decisions outside of this process. You've got nothing to hide. Be the honest, open government you claimed you were going to be. Please be that. Albertans want that. They may even vote for you if you return to that type of strategy, and I would hope you would consider that.

My final comments are with regard to some other amendments that I had hoped to bring forward which, unfortunately, I won't be able to do now. I wanted to get rid of section 29, which was the abolition of the Alberta Multiculturalism Commission. I just do not favour that abolition for some of the reasons stated.

The final point I want to make, Mr. Chairman, is that it's interesting that the government, in popping the word "multiculturalism" back into Bill 24, did so very selectively. They hadn't gone through the entire Act and put in all the principles or concepts of multiculturalism, and neither did they put in the functions of multiculturalism the way they were in the original

Act. They picked and chose a few words, tossed in awareness and appreciation, and if we had a stronger multicultural Human Rights Commission, which may result from this Bill, some of those types of principles may be put back in. The only way we're going to get it is if we have a strong, independent group appointed through the process, as the amendment requires. That amendment says clearly that the Legislative Offices group should be able to appoint seven members to the board. Otherwise, this results in nothing more than pure, blatant tokenism, and that tokenism is not going over with normal, ordinary Albertans. I'm sure the government will at some point, at some time, pay the price.

You can do it now by stepping away from Bill 24. Take the summer; come back with a better Bill later. If you're fixed on amalgamating it, then so be it, but at least do it properly and do some consultation. There's a community out there friendly to all of you guys, and that community is asking for you to listen to them. The least you could do is pay them the respect that they paid you at the polls in 1993 and that they paid your Premier when he was elected.

THE DEPUTY CHAIRMAN: The hon. Minister of Community Development.

MR. MAR: I'd like to hear the question called.

[Motion on amendment lost]

THE DEPUTY CHAIRMAN: On the Bill itself, are you ready for the question?

MRS. SOETAERT: No. I have an amendment, sir.

THE DEPUTY CHAIRMAN: Oh. The hon. Member for Spruce Grove-Sturgeon-St. Albert. [interjections] Sorry, hon. member. The hon. Minister of Community Development.

MR. MAR: Thank you, Mr. Chairman. My comments are relatively short, and accordingly the hon. Member for Spruce Grove-Sturgeon-St. Albert will have some opportunity to address these matters.

I wish to say that the Bill that is before us, Bill 24, is a good piece of legislation. Mr. Chairman, it contains a number of the recommendations that were made by the government's review panel that reviewed the Individual's Rights Protection Act and the Human Rights Commission here in the province of Alberta. With the amendments that have been put forward by the government, I haven't done a numerical count, but my expectation is that about three-quarters of the recommendations made by that review panel have been accepted by the government and have now been put in place, either pursuant to Bill 24 or through administrative changes to the manner in which the Human Rights Commission works within.

I wish to address the first issue, with respect to the amalgamation of the Multiculturalism Commission with the Human Rights Commission. There's no doubt, Mr. Chairman, that multiculturalism has a number of different definitions. One of the definitions is simply a way of describing what Alberta is. No one can dispute on either side of the House that multiculturalism is a way of describing Alberta; it is a way of describing Canada. By reason of our multicultural nature, this is an outstanding place to live, and I don't think anybody would argue with that.

The second definition of multiculturalism is with respect to

government policy and what multiculturalism is as a government policy. Mr. Chairman, the time has come and gone in this country when multiculturalism as a government policy means cultural retention.

Now, I recall the hon. Member for Edmonton-Avonmore speaking eloquently at second reading about the fact that we should not be concerned when somebody can say that they speak a number of different languages, that in fact they have retained their cultural heritage, and I agree with him. That is true, but with respect to government paying for that, that is quite another matter. Certainly the government recognizes the importance that multiculturalism has had to the province of Alberta and the quality of life that we enjoy, and that recognition has been placed within the legislation which is before us today.

11:40

Mr. Chairman, the only other thing that I wish to address at this time is a relatively recent concern that was raised by the Building Owners and Managers Association, and that is the amendment that is within Bill 24 which will repeal section 5 of the Individual's Rights Protection Act. I have received correspondence from BOMA, the Building Owners and Managers Association, who have expressed some concern over whether the repeal of section 5 of the IRPA will have the effect of compelling building owners and managers to retrofit their buildings to accommodate people with physical disabilities.

That is not the intention of the repeal of section 5. The intention is that building codes are not intended to be retroactive but in fact only prospective. Accordingly, so long as a building is built in accordance with the building codes of the day, then that would be satisfactory, and the intention of the repeal of section 5 is not to compel owners to retrofit their buildings. However, it continues to be a matter of concern for BOMA and for others that have expressed this concern with respect to buildings. Accordingly, I would refer those people who continue to have that concern to section 11 of the Individual's Rights Protection Act, which says that there can be discrimination where it can be reasonably and justifiably demonstrated to be satisfactory.

So, Mr. Chairman, BOMA and others that think like BOMA should take some comfort in section 11 of the Individual's Rights Protection Act. Further, if this does become a matter that continues to be of concern to BOMA after, say, a period of a year, I would refer hon. members and individuals reading this transcript to section 13 of the Individual's Rights Protection Act, which confers upon the Lieutenant Governor in Council the ability to make regulations "exempting a person [or] class of persons . . . from the operation of this Act." My undertaking to people who have concerns about the repeal of section 5 is that after a period of a year we would examine whether that continues to be a concern, and if it is a significant concern, then we would give an undertaking to consider making regulations pursuant to section 13 of the Act.

Mr. Chairman, that concludes my remarks on this Bill.

THE DEPUTY CHAIRMAN: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Chairman. I would like to put forward my amendment. It will be circulated right now. Virtually what it does is ask that section 29(b) be struck out, which actually takes out the women's secretariat. It would mark the demise of the women's secretariat. [interjection] That is shameful, and you know what? That's once again significant of

what this government thinks of the work that women do. You know what? Here we have a government that has seen the demise of the advisory council, an arm's-length group that worked very hard for this government, and now they want to get rid of the women's secretariat. They've only been in existence for 10 years. You know, the women's secretariat was established to "identify, analyze and make recommendations about government policy, programs and legislation that affect women." Well, now more than ever we need this piece of legislation to stay intact, and what does this government do? What do they do in Bill 24, the notorious Bill 24 . . .

MR. GERMAIN: That they say is good.

MRS. SOETAERT: . . . that they say is good? They pull out the women's secretariat. Did you guys know that? Did some of you backbenchers who've never looked at the Bill even know that? I doubt it. I doubt it, and if you did know it and let it go through, doubt, shame on you. Shame on you.

Now, let's talk about another thing that they're supposed to do. Who in this government defends women? Nobody. Not a single person over there takes a look at what's happening to women in this society and does a thing about it. In fact, what do they do? They take away any tool a woman has to speak up in this Legislature. What do they do? They hassle any woman that stands up and tries to speak, especially the Treasurer. He just can't take it.

So, Mr. Chairman, let's talk about this women's secretariat Act. Let's look at the second thing that they're erasing from the books of history. The second one: maintain, co-ordinate, and liaise with government. God bless anybody who can liaise with this government. And what are they doing? They're getting rid of them, this government department "to ensure that women's concerns are reflected in legislation and policy and program development." The only time we see representation there, the Premier says: stand up, mighty fine women. Well, that's degrading. That's appalling. What do we do? We take away the women's secretariat. I'm sick of it, Mr. Chairman. I'm sick of it.

MR. BRACKO: Where are the women on that side? Women, speak up.

MRS. SOETAERT: It's time women speak up more. Well, they have to with this government in power, shameful that they are. Fortunately, we just elected another vocal woman, and you'll soon be hearing from her.

MR. GERMAIN: What party? What party?

MRS. SOETAERT: For the Liberal Party.

MR. SAPERS: And that was a crucial test of the Premier's policies.

MRS. SOETAERT: It was a crucial test. And do you know what? Maybe it was a test of his women's policies that are nonexistent. Nonexistent.

This secretariat was to "conduct research and collect data on women's issues." Now, you know what? They did collect a good report and do some homework on it. Guess what they'd do to a report on women. Guess what they'd do to it. They put it

through the shredder, I bet you they would. They'd shred anything written about women that might embarrass them, but what do they do? They're going to ruin the secretariat now while they're at it. They've gotten rid of the advisory council. Well, heck, they're going to get rid of the secretariat next.

Now, the other role that the secretariat – and do you know what? They did some good work for this government. How do they acknowledge that? They get rid of them.

MR. GERMAIN: They terminate with the terminator.

MRS. SOETAERT: They terminate them. That's right.

Here the secretariat is to "promote public and Government awareness of issues of concern to women." Well, we need that secretariat. Who's spoken up about domestic violence for women? This caucus. This Member for Edmonton-Highlands-Beverly. She speaks up for women who are caught in domestic violence, and her Bill actually got passed in this Legislature. Why? Because this caucus cares about what is happening to women. You know, women continue to get trampled – trampled – in this government's search for the Alberta advantage. That's what they think the Alberta advantage is for women. Part-time jobs. No benefits. Teachers, nurses being laid off. Women ultimately picked on more than any other sector of this province. And what do they do?

MR. SAPERS: Described as roadkill on the Tory highway.

MRS. SOETAERT: Described as roadkill on the Tory highway.

What do we do to help that over there, government? What do we do? We take away. They do zero. Worse than that, they go in the hole. They take away the women's secretariat.

Now, the last thing: "undertake any activities that the Minister considers appropriate." An example of that. I know that the women's secretariat has helped different women's groups across this province set up weekends. In fact, in Spruce Grove they have a harmony weekend. Up in Peace River they had a women's conference that was helped, funded by the secretariat. Those are good programs that this women's secretariat has enhanced and helped to function. Some people don't realize – the Member for Lesser Slave Lake should realize this, and maybe the Member for Peace River should mention it – that women in rural areas of this province often deal with isolation. Isolation is a big factor in their lives, and when they have weekends like this, where it's good for women, where self-confidence is gained, communication with other women in the same situation, those are excellent, excellent weekends

And what does this government do to the programs that the secretariat supports? What do we do? We get rid of the secretariat. That's that government's answer. If you don't want a voice heard, what do you do? You get rid of it. Well, we're tired of it over here, and we're not going to take it anymore. More than ever – more than ever – the concerns of women have to be heard in this Legislature. This caucus will always bring them up – always bring them up – because that government is deaf when it comes to women's issues: deaf, blind, and dumb.

11:50

When you look back at the last three years, what this government has done to the role of women and the importance of what they contribute to this province is sad and it's pathetic. They've taken away the advisory council.

MR. SAPERS: They're outraged in Grande Prairie.

MRS. SOETAERT: They're outraged. In fact, I was in Grande Prairie speaking to some of the women up there. They're appalled – appalled – at what this government is doing in health care. They're appalled that their Member for Grande Prairie-Wapiti hasn't even met with the school board. They're appalled about a lot of things. Wait till they hear that the secretariat will meet its demise. You know what? It's sneaky because people up there don't realize that all the programs the women's secretariat has helped to put in place – and suddenly when they're gone, they'll say: what happened? We'll say: “Well, the government tried to sneak it in as per usual, and they got rid of it. I'm sorry we can't promote the harmony weekend anymore. I'm sorry we can't promote the women's farm weekend, but you know what? This government doesn't care about women.”

Mr. Chairman, now more than ever the voice of women has to be heard by this government, and they're ruining every tool that women have had to speak through. They've taken away the advisory council; they're taking away the secretariat. It's a sad, sad day in this province when this government continues to ignore the work that women do, the disadvantage that this government has put them at, the Alberta disadvantage for women, as they continue to take away tools that women have had to negotiate, to liaise with this government. They don't liaise with anybody, certainly not the women's groups. Maybe some of these members opposite should march this week with the group coming in to march against poverty against women.

I would urge this government to support this amendment. The women's secretariat is a strong voice. It's needed in this province. They're taking away every tool they've ever had. We have women in poverty; we have women in domestic violence; we have women with children who can't get support payments; we have women in need. We need a voice that goes to this government. We will continue to do that here, but believe me, they need it from more than one direction.

So, Mr. Chairman, I would encourage all members to support this amendment. Thank you.

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-Bow.

MRS. LAING: Thank you, Mr. Chairman. I'm pleased to stand and speak to the amendment. We've heard a lot of negativity on this side of the House from members opposite about things that are desperately wrong with the status of women today in Alberta. I find that this is not the true case. Women today in Alberta have many advantages. There are many programs.

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

THE DEPUTY CHAIRMAN: On a point of order, the hon. Member for Edmonton-Centre.

Point of Order Imputing Motives

MR. HENRY: Well, the hon. member is imputing motives that this side is being negative. All I heard Spruce Grove-Sturgeon-St. Albert say was what a great job the women's secretariat was doing and what positive things it was doing for the people of Alberta. If the member is going to stand there and provoke debate by suggesting that the members on this side have repeat-

edly been negative about women, then I will go on record and I will stand my record against any member in this Legislature, especially the government members, with regard to women's issues in this province. I've been doing and speaking nothing but positive, Mr. Chairman.

THE DEPUTY CHAIRMAN: Very quickly on the point of order.

MR. EVANS: Always very quickly, Mr. Chairman. On the point of order there is no point of order. The hon. Member for Calgary-Bow is making comments from her personal perspective as a woman in Alberta, as a Member of the Legislative Assembly in Alberta. I think that is valuable information both for this Assembly and for the citizens of the province of Alberta. The hon. member opposite has no point of order, and the hon. member should be allowed to continue.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Centre certainly has no point of order after what we've heard tonight.

The hon. Member for Calgary-Bow.

Debate Continued

MRS. LAING: Thank you very much, Mr. Chairman. There are very many programs that this government has put in place to help women.

SOME HON. MEMBERS: Name them. Name them.

MRS. LAING: I will. We only have to look at the Justice department and the things that they have put in to help with the prevention of violence against women.

AN HON. MEMBER: What are they?

MRS. LAING: Excuse me. The Justice Minister has programs in which people are protected from violence through his services. We have programs such as the victims' assistance program.

Point of Order Questioning a Member

MRS. ABDURAHMAN: Mr. Chairman, I was wondering if the hon. member would entertain a question at this time. [interjections]

THE DEPUTY CHAIRMAN: Everybody answers for everybody else.

The answer is yes or no, hon. member.

MRS. LAING: Yes.

Debate Continued

MRS. ABDURAHMAN: I would like the hon. member to name the programs through the Justice Department that are specifically directed at women.

MRS. LAING: Well, we could certainly have the minister carry on with the litany of services. There also are programs under Family and Social Services such as the women's shelter program.

MRS. SOETAERT: A point of order, Mr. Chairman.

THE DEPUTY CHAIRMAN: No. We're not going to continue this point of order till the time runs out.

Hon. Member for Calgary-Bow, continue with your remarks.

MRS. LAING: As I was saying, the Minister of Family and Social Services has put in a program such as the restraining order where women are allowed to get an order without having to pay the fee, and it is done very, very quickly.

MR. WOLOSZYN: Alice's Bill just passed.

MRS. LAING: Yes. This government supported unanimously the member's Bill yesterday, a domestic violence Bill.

MR. HENRY: It was a private Bill.

MRS. LAING: But we supported it, and that shows that we have support for women. We supported it individually. It was supported unanimously.

Getting back to my programs, the things that have come out of the departments. We have many examples, I know and I'll speak again of the city of Calgary, where the Minister of Family and Social Services has certainly been innovative and creative in providing programs for women.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Meadowlark.

**Point of Order
Relevance**

MS LEIBOVICI: Thank you, Mr. Chairman. It's *Beauchesne* 459, relevance. The amendment is dealing with the women's secretariat. It's not dealing with the Department of Justice or the department of social services. It's dealing with the women's secretariat. [interjections]

THE DEPUTY CHAIRMAN: Order. [interjections] Order. Hon. member, continue your point of order please.

MS LEIBOVICI: I beg your pardon?

THE DEPUTY CHAIRMAN: Continue on your point of order.

MS LEIBOVICI: Well, that is my point of order. We seem to be moving off the topic and off the amendment. Thank you.

THE DEPUTY CHAIRMAN: Hon. member, I'm sorry. There was so much noise, I did not hear your point of order. Would you repeat it, please?

MS LEIBOVICI: My point of order was *Beauchesne* 459, relevance. The amendment deals with the women's secretariat. It does not deal with the Department of Justice programs. It does not deal with the department of social services programs. I'm not sure if the next department was going to be Health or Education. It deals very specifically with the women's secretariat, and the member should keep on topic.

Thank you.

THE DEPUTY CHAIRMAN: I'm sure the hon. Member for Calgary-Bow will keep on this very short amendment. A lot of the time one side provokes discussion. They lead away from the actual amendment, so we're going to give that leniency.

Debate Continued

MRS. LAING: We were talking about programs that have come out of things, and it was implied that this government did not support women. I was just giving a few examples here of things that are done. I was talking about things in the city of Calgary of which I'm very much aware, and it's just used as an illustration, Mr. Chairman. Family and Social Services came forward and helped put up money for a security guard so that a new shelter for women could be opened. This is a new, innovative type of shelter which is long term. It is a shelter for families. It has apartments, and it is not just sort of a dormitory type. So there are many, many places where we have examples of programs that have helped women.

12:00

This government is not antiwomen, as a lot of us are trying to imply. Women in this caucus have a very strong place, and they have a free voice. We have several excellent examples of ministers who are of the female gender, who are real leaders. I think you'd have to agree that this is . . . [interjections] We have three, and they do an excellent job.

We certainly have standing policy chairmen who again are leaders and have a very excellent reputation in this caucus and in this government, indeed in all of Alberta, showing that women are strong leaders, they have a strong voice in Alberta, and they certainly have equal opportunities.

At that point I would like to conclude my remarks. Thank you.

THE DEPUTY CHAIRMAN: Due notice having been given by the hon. Government House Leader under Standing Order 21 and pursuant to Government Motion 18 agreed to this evening, under Standing Order 21(2), which states that "all questions . . . must be decided in order to conclude the . . . debate," I must now put the question.

[Motion on amendment lost]

THE DEPUTY CHAIRMAN: On the remaining clauses of the Bill, are you agreed?

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

[Several members rose calling for a division. The division bell was rung at 12:02 a.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Fritz	Oberg
Amery	Haley	Paszkowski
Burgener	Havelock	Renner
Calahasen	Hierath	Rostad
Cardinal	Hlady	Shariff
Coutts	Jacques	Smith
Day	Laing	Stelmach
Dinning	Langevin	Taylor
Doerksen	Magnus	Trynchy

Dunford	Mar	Woloshyn
Evans	McClellan	Yankowsky
Friedel	McFarland	

DR. OBERG: Thank you, Mr. Speaker. I hereby move third reading of Bill 30.

THE SPEAKER: The hon. Member for Edmonton-Glenora.

Against the motion:

Abdurahman	Henry	Sekulic
Bracko	Kirkland	Soetaert
Chadi	Leibovici	Van Binsbergen
Collingwood	Nicol	White
Dickson	Percy	Zariwny
Germain	Sapers	Zwozdesky
Hanson		

MR. SAPERS: Thanks, Mr. Speaker. Previously we enjoyed some vigorous debate on amendments to Bill 30 during committee. During that debate in my concluding comments I had mentioned in fact the co-operation that members of the opposition caucus had received from members of the government caucus pursuant to some amendments. I will note that two of initially 14 amendments were passed by this Assembly.

Now, you will recall during previous stages of debate on this Bill that several members of the opposition caucus in fact spoke against Bill 30. I had indicated at the conclusion of the committee stage that with the amendments that were passed, I would be able to report back to my caucus and we would be able to have a discussion to determine whether or not Bill 30 should indeed receive the support of the opposition.

Now, Mr. Speaker, I've been denied that opportunity because we're back at third reading now, and I haven't had a chance obviously to report back to my caucus. This creates a problem, because Bill 30 is a Bill that would amend three very important pieces of health law in this province, and we take this very seriously. If you will recall debate at second reading, you will note that one of the difficulties we had with this Bill was that it was retroactive in the sense that it created changes that really should have been put into place contemporary with what was known as the Regional Health Authorities Act a couple of years ago. In other words, there were things that were anticipated and changes that were anticipated or reasonably should have been anticipated by the Minister of Health and by the government caucus that obviously weren't because of the haste with which the Regional Health Authorities Act was brought to this Chamber.

So, Mr. Speaker, what I would like to do now is move that we adjourn debate on Bill 30 because I would like the opportunity to go back to my caucus. I would like the opportunity to reflect on the amendments that were successfully passed and weigh those against the amendments that were rejected in debate and determine whether or not Bill 30 is now in a form that can enjoy support. So I will move that we adjourn debate on Bill 30.

12:20

THE SPEAKER: The hon. Member for Edmonton-Glenora has moved that debate be now adjourned on Bill 30. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The motion fails.

MR. SAPERS: Mr. Speaker, given that the government caucus doesn't want to give me the privilege or the prerogative to be able to do what I thought was our understanding, and that was to canvass my caucus subsequent to the amendments, what I will do now is review the amendments for Bill 30 and what we were not able to secure in debate.

Now, Mr. Speaker, the significant concerns we had with the Nursing Homes Act amendments had to do with the lack of

Totals: For - 35 Against - 19

[The clauses of Bill 24 as amended agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the Bill be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Carried.

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

[Motion carried]

[The Speaker in the Chair]

MR. LANGEVIN: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports the following: Bills 24, 42, 44, and 45. The committee reports the following with some amendments: Bills 39, 24, 35, and 30. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

Thank you.

THE SPEAKER: Does the Assembly concur in the report?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE SPEAKER: Carried.

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

Bill 30
Health Statutes Amendment Act, 1996

THE SPEAKER: The hon. Member for Bow Valley.

ministerial control or the lack of redress that an ordinary, perhaps severely normal Albertan would have if they were unhappy with a nursing home operator changing their operation or selling their operation or disposing of assets. These amendments weren't brought forward.

The amendments regarding medical staff bylaws were not accepted by the government. These were amendments that would have allowed for continuity of care. They would have allowed for choice on the part of physicians in terms of maintaining contact with their patients, and they would have allowed for patients to be able to see the doctor of their choice in the facility where they happened to be receiving medical attention. There were some other amendments, amendments that had to do with financial accountability, with reporting, with transparency of financial transactions as they pertain to health care facilities. These amendments, unfortunately, were not found to be acceptable by the government either.

This leaves Bill 30 still as a very, very flawed Bill, as a Bill that in some respects is housekeeping, and this is another difficulty. There are some aspects of Bill 30 which I would very much like to see proclaimed into law. There are some elements of Bill 30 which I believe are in the best interests of Albertans and the best interests of the administration of health care in this province. There are some other sections in Bill 30, however, particularly those that have to do with ministerial responsibility, with financial transparency, and with the ability of physicians and patients to exercise choice and to be ensured of continuity of treatment, that aren't in the best interests of Albertans and would not be of ultimate benefit to the administration of health care.

So we have a mixed bag, and without the ability to go back and be able to separate what I believe should have been three separate legislative initiatives on the part of this government – one dealing with the Hospitals Act, one dealing with the Nursing Homes Act, and one dealing with the Regional Health Authorities Act - we're left with this conundrum: how do we deal with this omnibus Health Statutes Amendment Act, given that it has not been amended satisfactorily?

So, Mr. Speaker, my own conclusion is that Bill 30 is still too flawed in its current form, even as amended. I am sincere in again saying to the Assembly that this particular process, even though it was a little rushed at the committee stage, was a far more satisfactory process than it's been my experience on other Bills in which I have sought amendments. I say that with all sincerity. Given that, Mr. Speaker, Bill 30 still remains flawed, at least sufficiently flawed that we are not able at this time to support it at third reading.

[Motion carried; Bill 30 read a third time]

Bill 29 Employment Standards Code

MR. DAY: Mr. Speaker, I move Bill 29 for third reading.

THE SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. We started out in the introduction to Bill 29 with some suggestion from the hon. minister sponsoring the Bill that this was generally a rewrite and that there were very few, if any, significant changes of substance in Bill 29. We reflected through the weeks that this Bill has been before the Legislative Assembly and we reflected through those good-quality amendments that came forward by the

Official Opposition as to what a great opportunity the minister had in Bill 29, the Employment Standards Code, of working on some of those issues that had so much plagued Albertans over the last few years.

The preamble of this Bill, Mr. Minister, is a preamble that I think all Albertans and certainly the Alberta Official Opposition can endorse, which is the preamble that says that it "encourages fair and equitable resolution of matters arising over terms and conditions of employment."

From that lofty preamble, Mr. Speaker, the Bill rapidly dove into a pool not filled with water but rocky difficulties between employees and employers. One typical example is in the area of making complaints relating to unfair business or employment practices. Now, it would have been so easy for this government to come forward and recognize that individuals in that position – whistle-blowers, if you want to use that street terminology – are extremely vulnerable, and if they are to be dismissed immediately following that complaint and the employer suddenly says, "Oh, it's because the work is sloppy," we all know that in fact the likely, real reason they are dismissed is that because in the eyes of the employer they are identified now as being a troublemaker.

It would have been a wonderful opportunity for the Minister of Labour to rise above the anvils that were chaining down labour relations in non collective agreement situations in the old legislation and clean up and come forward with progressive, new, modern, upbeat legislation. But that opportunity was missed, Mr. Speaker.

One other area, for example, where it was missed is in the area of those situations where many people who took a 5 percent cut at the Premier's request to make things work in this province. The hon. minister at that time said that the appropriate place to debate that Bill was in this very legislation, the employment standards legislation. The Minister of Labour at that point thought that the idea might have some merit. But when this Employment Standards Code came forward, was there any opportunity for people? Oh, there was in the Bill, Mr. Speaker, a section that said that your pay could be reduced, your pay could be rolled back, but the opportunity to guarantee a minimum notice period came and went for this government. The opportunity came and went for this government to ensure that if you were dismissed subsequent to a voluntary wage rollback within six months, you would get your severance based on the old rate.

Now, the hon. Member for Edmonton-Meadowlark will have many other comments about Bill 29 in third reading stage. It is an area that she has investigated with a great deal of thought and sensitivity and kindness and compassion to all Albertans, and in her conclusion she concluded that the Bill was wanting in many material particulars. Rather than detract from those comments that the hon. member will now wish to make, I will simply conclude my comments by expressing a moment of sadness and a moment of disappointment that a great opportunity that we had to move employee/employer relationships forward in this province came and went. The door opened and closed, and we did not take advantage of going through it into a better future of employee/employer relationships.

12:30

THE SPEAKER: The hon. Member for Edmonton-Meadowlark.

MS LEBOVICI: Thank you, Mr. Speaker. Just picking up on that poignant note from the Member for Fort McMurray, it is indeed a sad circumstance that the opportunity was not taken to move the employment standards Act forward in this province and

to provide for benefits that others across North America do enjoy, in Canada in particular.

Even when we look at things such as the minimum wage, we now rank as the second lowest province across Canada with regards to our minimum wage. Only P.E.I. is lower than ourselves at \$4.75 an hour. If we indeed wish to think of ourselves as a province that has an advantage, as the Premier and the members of the executive like to put forward, in fact I don't know where the advantage is when we look at a minimum wage of \$5 an hour.

The Employment Standards Code provides the basis upon which employers and employees look at their employment relationship in this province. When we look at the restrictions that are put onto employees attaining their benefits and their dues as provided for in the Act, one can only think that the Act does not provide for a level playing field between employers and employees. This is something that could have been more easily rectified in the rewrite of the Act.

We put forward a number of amendments. In the name of efficiency the hon. Member for Fort McMurray on my behalf moved them as a block, but that was only after looking at some of the comments that the Minister of Labour was kind enough to provide to me on at least the first section of the amendments. With the exception of one, he seemed to indicate that these were not the amendments that would be approved by the government side.

I know that I almost daily receive a phone call from an individual – and I had another one tonight I haven't had a chance to get back to – who wants to know what the status is of Bill 29. These are generally individuals who have had experience with trying to enact certain provisions of the Employment Standards Code in order to obtain those benefits from an employer and have been unsuccessful, whether it is overtime payments, whether it is layoff notice as required, whether it's the general holiday pay: any of the benefits that are outlined in the code.

So what has ended up happening is that there are individuals throughout Alberta who have said: "I've tried to use the system that's put into place. I've tried to actually apply the provisions as put forward within the Act, and in effect they are not working for my circumstance." Now, I agree that we can't make a law that will cover each and every individual, but on the other hand when one sees that there are certain trends that occur, then I think those need to be addressed by the appropriate minister. In this case it's the Minister of Labour.

The amendments we've put forward try to deal with bringing the Employment Standards Code into the current employment situations that we see right now. Those employment situations deal with home employment, with issues of instability in the workplace, with not only maternity benefits but also paternity benefits, dealing with part-time issues as more and more employees are employed part-time. We tried to in our amendments bring the code forward into the 21st century.

Unfortunately, the minister has spent a lot of time supposedly rewriting – and it's not the minister himself but his department – the code in plain English. If someone were to pick up the new Employment Standards Code, I don't think that in fact it is in plain English. I don't think that someone who is not familiar with legalese, is not familiar with the terminology that we have become familiar with in this Legislative Assembly would be able to pick it up and immediately say: "Uh huh, this is what I'm entitled to. Uh huh, this is where I go. This is what my rights are."

It is better than it was. I am going to say that. But it's not as

good as it could have been, given the time and the effort that was put into effect. Also – and I keep reiterating this particular fact because I think this is the importance of this particular code – there could have been better, I guess, utilization of the time and energy to look at what the employment situations, the employment relationships are going to be like in the 21st century. We're used to a certain model of employment relationships. That model around the world is changing, and I think our employment code should have led the way in terms of recognizing what the new workforce is going to look like.

We have many young graduates who are coming out of school, out of universities, out of colleges who do not find jobs in the traditional fields, who do not find 9 to 5 jobs, who do not find jobs that are necessarily with an employer where they will stay for the rest of their lives. In fact they are becoming entrepreneurs. They are hiring individuals. I think this needs to be recognized with the Employment Standards Code.

One of the things that might have been interesting to look at – and I'm not sure whether this does fall within the Minister of Labour's or within the Minister of Education's responsibility – would have been to ensure that students have a knowledge of the Employment Standards Code and that it's taught to them in high school. I think that should be a course that is taken so that when our youth work at various organizations – usually they're restaurants or retail – they are aware of what their rights are, because it's the Employment Standards Code that covers the 16 year old and the 17 year old who is working. I think that's something that everyone should be aware of. It's a basic right. Unfortunately there's no mention made in this particular code, and that could have been a place to put it. It could also be something perhaps that the Minister of Labour might want to pass along to the Minister of Education in terms of a curriculum item that I think is very valuable for our youth to look at.

There are other areas within the code that are very specific that deal with situations such as persons with disabilities, restriction on employment of children. I think there are some issues within that. I can think of an individual who approached me just last week. I couldn't quite understand what the relationship was, but it sounded as if that individual was on a government program. I'm not sure if it was a workfare program, but it was a program through social services that necessitated that he went to work, and he did not receive the minimum wage. The question that individual had was: "Why should I not receive the minimum wage even though I have a disability? I have performed that function before. Just because I've obtained this job through social services, why in fact do I not get the minimum wage?" I think those are legitimate concerns that should have been covered off within this particular Employment Standards Code. When we look at the province's movement towards workfare, are those individuals indeed covered by the Employment Standards Code or are they not? I think that's something that needs to be addressed as well.

12:40

The issue of overtime has been a contentious issue for many years since the overtime agreement clauses came into effect. The hon. member has indicated that she thinks we should get paid overtime. I don't know that that would be agreeable to the public, but perhaps we should send a notice over to the Minister of Labour and see what he thinks about whether or not MLAs are entitled to overtime. I think the answer would be no.

The issue of termination of employment is an especially essential area, given again the tenor of the times with the down-

sizing that's occurring throughout the business sector. These are all issues that I think with the appropriate consultation could have led to something a little bit different than what we see here.

I would hope that perhaps – and maybe I'm reading into what the Minister of Labour has done with this particular Act – this Act will be the jumping board, the springboard for a public consultation process. Perhaps the reason that this Act was put into play the way it is right now with very little changes is so the minister can now take this Act that is in plainer language – not as plain as I think he and I would have liked to have seen because of the constrictions in writing legislation – out to the public. Perhaps he is going to take it out to the various groups that are interested in looking at it, taking our amendments – they don't need to have a Liberal opposition label on them – taking some of the thoughts that are in those amendments. Those are amendments that have been gleaned not just from my ideas but from individuals who have phoned either myself or my colleagues and have indicated that these are concerns within the labour code as it now exists and that these are the kinds of things that they would like to see occur.

There should be research done to see what are the best aspects of an employment standards code that can be obtained from other provinces across Canada, and we should in fact have within this province the best employment standards code possible, that indeed ensures that there is a level playing field, that indeed ensures that we are going into the 21st century with the best standards possible that employers and employees can attain, and that in fact this will provide that springboard. If the Minister of Labour is looking at that, I will say in the Legislative Assembly that both myself and my colleagues would be more than pleased to aid you in that process.

There are lists of individuals I have access to that I'm sure would wish to have input into looking at providing suggestions for improvements to the code as it now exists. I think that is a necessary next step. This perhaps is the first step. Perhaps again what the minister is looking at is taking this and, as he's done in the past, taking the important aspects, putting those into really plain language so that people can understand it, and using that as a process to ensure that there is consultation with all those individuals affected.

This consultation needs to be open, Mr. Speaker. It needs to be advertised throughout the province. It needs to not just be to a select group of individuals or a select group of unions or a select group of interest groups. It needs to be wide open. This was done in the past. That is my suggestion to the minister.

In the consultations that I've had with individuals on the Employment Standards Code, the minister does not seem to have made any major changes to the current legislation, and therefore I am not going to stand in opposition to the passage of this particular code. What I would like to reiterate is that what could have happened would have been a number of things. One, the consultation process that the minister had talked about in terms of putting this code together should have happened before it was brought forward to the Legislative Assembly as opposed to after. The results of any consultations should have been provided to the public, and the minister has indicated that there were some. I haven't seen the results of that consultation. I did ask what groups were consulted, and I haven't been made privy to that information, though the minister has been forthcoming with other pieces of information.

In fact, what I think could have happened was that perhaps the Bill could have been laid over until the fall session. There was no rush, as there have not been any major changes to this legislation.

There's actually no rush to passing it in the Legislative Assembly at this point in time. What could have just as easily happened was that the legislation be held over until the fall session and that this document indeed be used as a discussion piece at this point in time.

The amendments that were put forward by the opposition could have been put forward as either a package or as ideas we could have presented in terms of public hearings, and other individuals could have had that opportunity as well. Indeed, the minister does have that ability right now. He does have the ability right now to indicate that perhaps that is something he would like to do. Unless there is something that I and others are missing in this particular legislation, there are no major changes that the minister needs to have to implement the Employment Standards Code in the province right now. This is indeed a rewrite, and again, unless I and others are missing something, which may be possible, there is really no reason to pass this legislation as it sits right now.

So with those comments, I appeal to the minister's good sense and his sense of fairness and do hope that we will see within the next few months the instigation, the start of a process of consultation with Albertans across the province on what our Employment Standards Code should look like. Perhaps we will then have such items as an annual review of the minimum wage, which I think is something we need to have on an annual basis, recognition of the changing workplace, and indications that we are indeed as a province moving ahead, with regards to our labour relations or employment relations, into the 21st century.

With those comments, I close my debate and hope to hear from the minister in the near future, if not in the next 10 seconds.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Manning.

MR. SEKULIC: Thank you, Mr. Speaker. I saw the hon. Minister of Labour looking to me to add some comments to debate on third reading of his Bill, so I took the challenge to put some comments on the record regarding the Employment Standards Code.

In my previous life I've had occasion to actually go through in great detail the Employment Standards Code. The comments that I have pertain to the process by which we come to amending Bills in this Assembly. One would think that when we do bring a piece of legislation to the floor of this Assembly, we would be doing more than just changing and attempting to simplify the language in which it is written, although I have to say there is merit to that goal.

12:50

Mr. Speaker, one of the things I would think the hon. Minister of Labour would do and perhaps have his department pursue is to look for the different clauses that are brought forward in greater frequency by either the employer or the employees as areas of concern, the areas in which there's breakdown in employer/employee relations. When we take a look at the preamble, quite clearly the government does recognize the importance of the relationship between labour and management. In fact, they say in the preamble:

Recognizing that a mutually effective relationship between employees and employers is critical to the capacity of Albertans to prosper in the competitive world-wide market economy of which Alberta is part . . .

and that truly reflects my views.

Mr. Speaker, they also go on to say in their fourth acknowledgement, or recognition, in the preamble clause:

Recognizing that employees and employers are best able to manage their affairs when statutory rights and responsibilities are clearly established and understood.

Well, here the government recognizes that the critical hinge for the relationship between employees and employers is the understanding of their statutory rights and responsibilities and the fact that those statutory rights and responsibilities are clearly established, and most importantly, this is where those statutory rights and responsibilities are debated and put forward.

My concern once again goes back to how it is that we amend Bills, and the best source of such change would be the Department of Labour, which is flagged on a daily basis as to what the weaknesses are. I know one of the concerns or one of the highest frequency areas of concern is the minimum wage. It would have been of benefit to the Assembly and in fact to all Albertans to know in the past two or three years what percentage and what specific number of concerns brought to the department have been in that one area. Those statistics are vital when we come to debate change.

Most importantly, I know I've heard the Minister of Labour speak in this Assembly about the savings we've realized in shortening the period of debate on the budget. Well, it's easiest and most efficient to debate with full information, and the minister is the source of that information. It's important, when he brings a Bill like this forward, that he contribute to the Assembly his knowledge, the knowledge that's been accrued within his department just in their administration of this very Act.

Mr. Speaker, I will be supporting this because this isn't rolling back. However, it's not as progressive as I would have liked the Bill to have been. With those comments, I will be supporting this Bill.

MR. KIRKLAND: Very briefly, Mr. Speaker, in reviewing the Bill, I find the Bill to be generally a positive Bill and would support it. I would just offer one small bit of advice as I look at it, and that would be on page 14, clauses 16 and 18. That explains and addresses when an employee must work and gives exception. For example:

Every employer must allow each employee a total of at least 30 minutes of rest, whether paid or unpaid, during each shift in excess of 5 consecutive hours of work unless

- (a) an accident occurs, urgent work is necessary or other unforeseeable, unpreventable circumstances occur.

Now, I would suggest that "urgent work" is something that probably should be defined in the definitions. Urgent work is a very subjective comment, and I would suggest that in fact it could be tightened up somewhat and it would work in the favour of both employer and employees. I could see it setting aside some disagreements that may arise as a result of that. I know it's not an easy definition to arrive at. But on the overall components of the Bill and clauses of the Bill, Mr. Speaker, I would say that as I read it, I think it is a good piece of legislation.

THE SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Speaker. I appreciate this opportunity to speak to Bill 29 at third reading. I am particularly concerned about the lack of acceptance of the amendments brought forward by the Member for Edmonton-Meadowlark to do with adoption leave, in changing the wording from "adoption" leave to "parental" leave.

In my own constituency I have been approached by several

individuals both individually and collectively as part of an association of adopted parents who are very concerned that there is an inherent lack of fairness in current provincial law regarding parents who adopt children, particularly infant children. We all know that if a family has the pleasure and the joy of bringing a new baby home, if they're the natural parents, they usually enjoy some maternity benefits or some other parental leave. Unfortunately this has not been extended as a matter of legislated right to parents who adopt. There is usually just as much disruption, change in the family routine, adjustments that need to be made when you adopt an infant as when you are blessed with having one through the natural process of childbirth.

Mr. Speaker, the issue here is really one of fairness and equity and of reinforcing the notion of family. We've heard the expression used so many times: family values. I can recall one particular instance where an individual in my constituency, who I know the Minister of Labour in fact has corresponded with, put forward a very, very cogent argument and a very clear-cut case regarding the need for adoption leave to be written into provincial law. Knowing that the provincial Minister of Labour is familiar with these circumstances and familiar with the eloquent argument that was put forward, I was very disappointed to see that the government caucus had not been apprised of these arguments or of the situation and that in fact there was no willingness by the government to accept the amendment which would have righted this wrong, which would have dealt with this inequity.

Bill 29, as we've come to learn in debate, is a Bill that's rife with problems. There were several amendments, dozens of amendments, that were put forward that were debated. I regret to have to report that not one of those amendments was seen as a worthwhile amendment. Once again the government is operating under the delusion that they have brought perfect legislation to the Assembly and in fact have even chastised the opposition for daring to debate or question their legislation and have used the experience of question period to criticize the opposition and to try to bring the opposition into some form of disrepute, accusing us of using delay tactics because we have had the temerity to either debate Bills or propose amendments.

Now, we've just recently granted third reading in this Assembly, in spite of opposition from this caucus, to Bill 30, which was a Bill that retroactively changed several Health statutes in this province because the government was imperfect in their drafting of previous legislation, particularly the statute that created the regional health authorities. So we know that this government doesn't have an unblemished record when it comes to bringing perfect legislation to the Assembly. We know that they quite often are forced to come with hat in hand back to the Assembly to say, "Oops, we made a mistake, and now we have to correct it." We are simply trying to make this system and the process more efficient by recognizing those weaknesses now, recognizing those weaknesses at the appropriate time, when the government proposes the legislation to the Assembly, and then bringing forward reasonable amendments, productive amendments, to correct the deficiencies in the Bills. Unfortunately, Mr. Speaker, the government I suppose in its myopic arrogance would rather dismiss those amendments and suggest that their legislative drafters have achieved perfection once again.

1:00

I suppose the proof will be in the pudding when we're back here in the fall with no doubt another series of amendments to the labour standards Act. That will be a shame, and I know that the Minister of Labour himself would think that'd be a shame because

he's the member that constantly reminds the Assembly about the cost of debate, the cost of democracy. I think he said it's – what? – \$15,000 a day for every day that we engage in the democratic process of debate. If he's truly concerned about saving those costs, then you would have thought, Mr. Speaker, as I certainly did, that he would have reviewed these amendments and he would have given them the attention they deserved. He would have briefed his caucus so that they'd understand the importance and the power of these amendments, and we would have seen certainly some changes to Bill 29. Unfortunately, that wasn't the case, and we're now stuck with Bill 29 in the form that it's in.

Mr. Speaker, I'll conclude simply by going back to where I started. I was talking about my regrets on behalf of my constituents that this government has not seen fit to pay attention to the very real needs of adoptive parents and amend the code accordingly so that parents who have adopted infant children would have the benefit of parental leave.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you very much.

MR. HAVELOCK: Mike, I hate you. I'm going to kill you.

MR. HENRY: I'm being threatened by the Member for Calgary-Shaw one more time, just for the record.

AN HON. MEMBER: He's stalking you in the Legislature.

MR. HAVELOCK: I don't have to stalk him; he's easy to find.

THE SPEAKER: Order.

The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you, Mr. Speaker. I do want to speak to Bill 29 and not the subjects that the hon. Member for Calgary-Shaw would like to raise. I would like to say a couple of things. Number one, in terms of the plain language, I think the minister's gone a certain distance with regard to bringing in plain language, but again reading the Bill and thinking about some of the individuals who would want to be able to pick up the Bill and look at it in terms of their own situation, I thought we should have gone a bit further. But I will acknowledge the minister's gone half a step, and I'd like to commend him for that. Let's call it plainer language and not plain language, because I don't believe it's any plainer than some of the debate I hear from across the way.

I do want to just touch on the point that the Member for Edmonton-Glenora and the Member for Edmonton-Meadowlark raised with regard to parental benefits and parental leave and adoption benefits. Certainly in my family we've had adoptions, and I know that all hon. members would want to recognize that when parents choose to bring a child into their home through adoption that is a significant commitment to that child and that we as a province should be doing whatever we can to help that new family with a good start through parental leaves. I regret that the Employment Standards Code doesn't have provisions, number one, that are called parental leave and, number two, that allow for enough time for that family to be able to get a good start.

It speaks to one of my frustrations in this Legislature, that being that the words from the government side are always: let's support the family, and the institution of the family is paramount. Yet the

actions never seem to follow. It seems to me that if we're going to go anywhere in this province, yes, we need to make sure we have the oil running, we need to make sure that we've got investment money coming in, but most importantly we need to make sure that every one of our policies runs the test of: is it good for children and does it support families? This particular Employment Standards Code, I believe, fails to do that adequately, and I think the minister knows that. I think in his heart of hearts, if he reflected, he would know that we need to go further as legislators to use every tool we have to help support the family and to help support that family unit and to help support children, whether they be children with their birth parents or whether they be with adoptive parents.

I think the hon. Minister of Family and Social Services will agree that we need to do whatever we can to encourage parents who want to adopt, both within the aboriginal community, where I know he has a particular concern because of child welfare, and in the community at large. We have a responsibility that when a family has agreed to expand their family by adopting a child, we should be supporting them. We should be right up front there, and I think that having parental leave, particularly parental leave that allows for new children, both through birth and adoption, would be commendable. But again I regret that the government hasn't seen fit to follow up its rhetoric with actual action with regard to supporting children and families.

Another issue I'd like to raise and that I regret is not in this Bill – and I want to go back several years ago, in 1989-90 I believe, when the then Minister of Labour the hon. Elaine McCoy set out a broad consultative process. It was very different from the consultative process that's followed by the current government elected in 1993. That broad consultative process wasn't sort of "Let's handpick to make sure we get the result we want." It wasn't sort of "Let's stage the agenda so that only narrow issues are dealt with." Stakeholders from chambers of commerce, from the business community, and from the labour community came together and examined the issue of the minimum wage in Alberta.

The report that was subsequently tabled in this Legislature by that minister and produced by that consultation didn't say, "Let's raise the minimum wage to \$7.50 an hour." It didn't say, "Let's have a cost of living increment." What it did say, Mr. Speaker, is: let's have an annual review; let's every year have the minister get up and say, "This is what the government's plan is with regard to the minimum wage this year." There will be times under that particular scenario where it would be appropriate for the Minister of Labour to stand up and say, "The government sees it beneficial and appropriate to increase the minimum wage this year by 25 cents, and that will come into effect six months hence." Another year it might be appropriate for the minister to stand in his place and say, "After broad consultation the minimum wage this year will not be adjusted, so we will wait until next year to review it again."

Again, the Minister of Labour may stand in his place through a recessionary period and say, "In order to help preserve jobs, we need to drop the minimum wage by a certain amount for a period of time, again coming into effect six months hence." If that particular recommendation from that consultation that was carried out by the previous Minister of Labour had been included in the Employment Standards Code, I would have been much more eager to promote this in this Legislature and around the province.

Again, in summary in terms of what I was looking for in this Bill and I don't see with regard to the minimum wage is a process whereby there's some predictability for individuals, for labour,

and for the business community whereby on a certain date every year the minister would conclude a consultation, make an announcement, and then have an implementation date, perhaps three or six months down the road. We don't see that, and I regret that. I see the minister regrets that he didn't do it as well. I regret that those individuals from business, labour, the chambers of commerce, and the community at large who came together in good faith at the request of the government of the day, came and gave the best input they possibly could and came up with a broad consensus – it was a broad consensus. It didn't say, "Let's pick some artificial numbers out of the air," but: let's have some predictability with regard to a review so that we're not sort of screaming for three or four years and all of a sudden there's a very significant hike in the minimum wage which then negatively affects on some businesses; let's have an annual review to determine whether it's appropriate for it to go up, stay the same, or in a recessionary period even go down; and then let's have predictability in terms of an implementation date so that businesses can adjust. I think that's a very reasonable kind of compromise, and it would have shown true leadership if this government had accepted that compromise that was offered by all the stakeholders. I want to emphasize that. It was all the stakeholders. It was not just the labour community. It was not just the social welfare community. It was not just the Liberals. It was not just the New Democrats and Liberals. It was not just the backbench of the Tories. It was labour, the community, business and chambers of commerce, large businesses, and the Federation of Independent Business was involved as well, a really broad spectrum that came together and reached a compromise. "Compromise" is the wrong word. They reached a consensus that this was the way to go with regard to the minimum wage.

1:10

I remember that at that point, Mr. Speaker, I was the chief of staff for the Liberal caucus and responsible for research. I remember providing advice to the Liberal members of the day with regard to what stand they may want to take on a particular issue. I remember getting that report, and of course being in opposition one of the tasks . . .

AN HON. MEMBER: Did you wear bib overalls?

MR. HENRY: That was before your day, hon. member.

I remember getting that report and flipping it open and immediately saying: let's look for what the opposition is supposed to do. In some people's view it was: let's oppose or let's look for criticism. I looked at that report and I thought: maybe I'm missing something. On the surface it looks like they've done a really good job. So I got on the phone and actually phoned some of the stakeholders involved who attended part of that consultation, and I said, "Have you seen the report?" They acknowledged that. I asked the question of each of them, "Was what was in the report an accurate reflection of what would happen in the consultation?" Without exception, each one of the ones that I phoned said, "Yes, that was it."

The hon. government Whip is listening attentively, and I remind him that he was a member of the socialist party at the time. Of course, his party criticized that report to no end, and no doubt he was a part of that. But the Liberal caucus at the time got up and said: "Good show, Minister of Labour. You not only brought people together but provided a positive framework to build a consensus, which those people responded to and developed a proposal and a series of recommendations." Then the government

went further and accurately reported that and then tabled that in the Legislature. Good show. The record will show that there was a press release issued by the Liberal caucus at the time – again, hon. government Whip, not by your former caucus but by the Liberal caucus – that said this was a good report and commended the minister for the work in doing that report.

I regret that that minister, at the time, was not able to push through her caucus at the time those particular recommendations with regard to the minimum wage. I have no doubt – and I will stand corrected if I'm wrong – that this current Minister of Labour probably didn't even bring them to his caucus.

MR. DAY: Mr. Speaker, a point of order.

THE SPEAKER: The hon. Minister of Labour rising on a point of order.

Point of Order Third Reading Debate

MR. DAY: Wanting to maintain the temperate tone of debate, might I suggest that as this employment standards amendment Act and changes for simplification and others in the code do not anywhere address the issue of minimum wage and third reading is to be on the principles of the Bill being enunciated – I wonder if the member could direct himself to the Bill.

MR. HENRY: To the point of order, if I may, Mr. Speaker. I understand we are dealing with the principle of the Bill, and this is the Employment Standards Code. It is my view that it should include a provision for an annual review of the minimum wage. There is a reference to minimum wage in the Bill, and it seems to me that it's appropriate for me to point out what is missing in the Bill if we're dealing with the Employment Standards Code. Maybe the hon. Minister of Labour thinks I should talk about how we should deal with the minimum wage when we're discussing the health statutes Act or when we're discussing the family and child services Act or something else. I think this is the appropriate time because it should have been a part of the principle of this Bill, and it isn't.

THE SPEAKER: It's the Chair's view that on third reading debate a lot of time spent on what might have been is really not in order. The Chair was just getting a little nervous about the extent to which the hon. member was going in describing the very great detail of the process relating to this consensus that he was talking about. To be in order on third reading he should have done that much more concisely and not be appearing to be entering into an extended debate.

After all, the Bill principles were discussed at second reading. That was the place to be dealing with the deficiencies of the Bill, not after it has received approval of those principles and committee stage. Now we're at third reading, and the Chair's view is that we should not be having detailed commentary on what might have been in the Bill.

MR. HENRY: If I may, Mr. Speaker, I certainly accept your ruling, but I do want to point out that this Bill replaces an old Bill that did have the minimum wage addressed in it. It seems to me that that's the reference point, and it seems to me that it's pretty fundamental.

THE SPEAKER: You've made your point. Move on, hon. member.

MR. HENRY: Well, I've made the point, Mr. Speaker.

THE SPEAKER: All right. Well, let's not be remaking it.

Debate Continued

MR. HENRY: Thank you, Mr. Speaker. If I can just very quickly summarize, I think the point here is that we've had a consultation that was effective and that produced a positive result and was ignored by this government. It should have been improved in this Bill and instead was put out.

Moving on to other points, I wanted to talk about the whole issue of successor rights when new employers come in. There are some positive things in this Bill with regard to when a new employer comes in. I don't want to go clause by clause, but when a new employer comes in, the length of service stays in. I think there are some positives there. It could have gone a bit further with regard to when a new employer comes in and making reasonable offers of employment, but I'll leave that.

Also, I wanted to just speak briefly about the issue of prorated benefits for part-time employees. This code does deal with full- and part-time employees. I just wanted to relate that some time ago, when I was executive director of a private charitable nonprofit agency, one of the things we noticed was that there was an increasing trend – and we were part of that – to using more part-time workers and fewer full-time, salaried workers. We felt at that point – and I'm talking 15 years ago – that it was appropriate to start looking at taking the benefits offered to full-time employees and making a prorated amount of that available to part-time employees. You can be creative on how you do that, give part of the overall compensation package that's offered to employees.

The other point that I do want to commend the minister on is the provision in the Act that allows an employer to pay vacation pay as you go, on each paycheck, and not sort of wait until the end of the year. Especially with some of the businesses where employees tend to come and go, it becomes a bit of a nightmare in terms of accounting and keeping track. In future what I'd like to see us look at is perhaps an additional kind of similar financial compensation in lieu of statutory holidays for long-term part-time employees, what are often called permanent part-time but are over an extended period of time. I think that could be effective. I know that can be under agreement with the permission of the minister, but I'd like to see it part of the code because I think that gives some employees some options as well as employers. I think it would make that whole area of how we use part-time employees much clearer.

Again with regard to the layoff provisions, I think some of the provisions that the minister has reiterated here are moving in a positive direction, and I won't go into that in detail.

With those comments, Mr. Speaker, I will take my place. Thank you.

[Motion carried; Bill 29 read a third time]

1:20

Bill 35 Personal Directives Act

MR. EVANS: On behalf of the hon. member I would move third reading of Bill 35.

MR. COLLINGWOOD: Mr. Speaker, speaking to third reading of Bill 35, I would start my comments by saying that Bill 35 did

get a fairly significant amount of debate in the Legislative Assembly. I know there are members in this House and I know there are certainly some Albertans who are apprehensive of this particular Bill, in allowing for the creation of a personal directive, but I think, as the Member for Barrhead-Westlock indicated earlier today, the Bill is very clear.

In the amendment that was put forward as a government amendment and as the Member for Three Hills-Airdrie indicated, the Bill is clear, that no instruction that is prohibited by law can be included in a personal directive. While the preamble of the Bill is not substantive law and can't be relied on as substantive law, it does make reference to the fact that personal directives would not contemplate euthanasia or assisted suicide or anything of that ilk. So in terms of the principle of the Bill what it will do is allow Albertans to give direction to an agent with respect to personal matters as opposed to financial matters.

We did, Mr. Speaker, in debate have a discussion and in fact quite a good discussion about the consequential amendment that's contained in Bill 35 with respect to the Powers of Attorney Act, each of the members of the House relying on I guess what could be called conflicting statements of the Canadian Bar Association, whether or not they were in favour of amendments to the Powers of Attorney Act or they were not in favour of amendments to the Powers of Attorney Act, by not requiring the certificate of a lawyer when an individual turns over their personal affairs to an individual who will then have right of access to financial resources, financial documents, and the like.

I guess I will say, Mr. Speaker, notwithstanding some of the debate in Committee of the Whole, that the Bill in third reading stage certainly in my observation, in my position and I think some of my colleagues', is still somewhat deficient or somewhat weak in some areas. We attempted to cure those and clarify those in committee stage through amendments that were put forward that the government did not see fit to support.

One of those which I think will still be a bit of a concern is in terms of the assessment of whether or not an individual has capacity. At this point in time that consultation is with a physician or a psychologist, and it really will still remain unclear as to whether the psychologist who is providing that very, very important assessment about whether or not the personal directive becomes effective after the person has lost capacity is a trained and professional psychologist in the province of Alberta or in another province where the same designation of professional psychologist is designated for that particular individual. I think that will be one of the weaknesses of the Bill. Again, as I say, that is clearly one of the most important aspects of the rest of the Bill. If there has not been an assessment of capacity and that assessment finds that there is no longer capacity, the rest of the Bill is sort of just waiting in the wings until that situation arises, and that indeed becomes a very, very important part of the Bill.

Other than those comments, Mr. Speaker, I know there are Albertans that are waiting for this Bill to pass. I am also aware that there is still some concern about the complementary nature of this Bill to the Human Tissue Gift Act. I know that the Member for Three Hills-Airdrie made reference to that. I suspect that there will still be some discussion about the complementary nature of this Bill with that by some Albertans, who as far as I am aware as recently as yesterday were still expressing some concern.

I recall and will state for the record that the Member for Three Hills-Airdrie did indicate in committee stage that it is the government's projection to have the Bill up and running by December 31, 1996, so we'll look forward to working towards that target.

Again I heard the Member for Three Hills-Airdrie indicate that there is some educational work that's being done right now to inform Albertans about what the Personal Directives Act, law after third reading and Royal Assent, will do so that they have a very clear understanding of what the Bill can do, what the limitations of the Bill are, and certainly those prohibitions with respect to things like assisted suicide.

So with that, Mr. Speaker, we'll look forward to passage of Bill 35, keeping in mind the concerns of some Albertans and keeping in mind that through an education process and an ongoing consultation process, even after Bill 35 moves through this process, we ensure that it has been done right, that we assess how this program is going to work in the province of Alberta, listen to the concerns that are expressed, make sure that they're dealt with appropriately, and put into place an effective personal directives legislation that will serve the needs of those Albertans who want it and who unfortunately may need it.

Thank you.

[Motion carried; Bill 35 read a third time]

Bill 42 Wildlife Amendment Act, 1996

THE SPEAKER: The hon. Member for Calgary-East.

MR. AMERY: Thank you, Mr. Speaker. I'd like to move third reading of Bill 42.

MR. COLLINGWOOD: Mr. Speaker, we had taken a look at Bill 42 through second reading and through Committee of the Whole. I will acknowledge that there are some provisions of Bill 42 that are positive steps toward wildlife legislation changes. This is not a Bill that is simply not supportable in principle. It is supportable in principle because it does contain some changes to the Wildlife Act that will be good amendments and we'll look forward to.

The real concern, Mr. Speaker, that I have had with this Bill and continue to have with this Bill is the very weak and superficial approach that the Minister of Environmental Protection has taken on the issue of endangered species legislation where in fact if this were indeed endangered species legislation, there would be specific provisions contained in this Bill that deal with the disruption of habitat of endangered species and a recognition of the recovery of endangered species more than the minister has done. All this Bill contains is the empowering provision for the creation of yet another committee of government, being the endangered species conservation committee, who in turn will then create the scientific advisory committee to report to the endangered species conservation committee, who ultimately will then hopefully do something about endangered species in the province of Alberta.

1:30

Mr. Speaker, it is simply lacking in its commitment to endangered species and endangered species legislation in the province of Alberta and certainly what many have considered to be a breach of a promise by the Premier of the province of Alberta, who in September of 1995 indicated to the environmental summit that he would indeed bring forward into this Legislative Assembly endangered species legislation. I can tell you, Mr. Speaker, from personal conversations with some of the individuals involved in that, that when they saw Bill 42 and recalled the discussions with the Premier from September of 1995, they could not fathom that

this would be what the Premier of the province of Alberta said would be endangered species legislation. It is clearly not. It is clearly the setting up of a committee to address the issue.

It is so weak that it even allows for endangered species recovery plans to not even necessarily include population goals and identification of critical habitats and of strategies to enable populations to recover. Those are the minimal, critical, fundamental elements of an endangered species recovery plan, and the government is so weak on its commitment to endangered species that it can't even make those mandatory components of an endangered species recovery plan. This particular section in Bill 42 speaks absolute volumes about the government's lack of commitment to endangered species in the province of Alberta in the face of how the government, through the Premier, said they would in fact indicate to Albertans their concern for and their action plan to combat the decline of populations of various species in the province of Alberta.

We have another example, not necessarily specifically in the Bill. We have a number of Albertans who are very aware of the declining or at least low populations of grizzlies in the province of Alberta, recognizing that through the population estimates and recognizing the government's own population goals, the actual estimate is much lower than the population goal. Yet the minister still allows hunting of grizzlies in the province of Alberta. The commonsense approach, whether by Bill 42 or through the authority that the minister currently has, is to make a statement to the people of Alberta that a moratorium on the hunting of grizzlies would be put in place until such time as the population had recovered. Those are the kinds of things that make common sense. Those are the kinds of things that demonstrate by that kind of message to the people of Alberta that the government is concerned not only with the species itself but with the habitat that that species needs to survive and flourish in numbers that ensure that they are not vulnerable, threatened, or endangered.

Mr. Speaker, while I say that there are some aspects of this that are supportable, there are some aspects of the Bill that are not supportable. I know that with the changes to the fish and wildlife trust fund, we'll be watching very carefully to ensure that the fish and wildlife trust fund is managed appropriately. We have to recognize that there are private . . .

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

THE SPEAKER: The hon. Member for Peace River rising on a point order.

Point of Order Relevance

MR. FRIEDEL: *Beauchesne* 459, Mr. Speaker, relevance. The Government House Leader raised the same point before, that during third reading the debate is supposed to be limited to the principle of the Bill. All we've been listening to for the last hour and a half is a bunch of whining about the amendments that weren't passed and adopted on behalf of the Liberals. I suggest that it might be in order to bring these people into line as to what should be debated at this stage.

THE SPEAKER: Well, just so all hon. members know what the debate on third reading should be, the Chair will quote from *Erskine May*, page 509. It says: "Debate on third reading, however, is more restricted than at the earlier stage" of second reading, "being limited to the contents of the bill" as it is at third

reading, and efforts to bring in "matters not included in the . . . bill are not permissible." So please, hon. members, stay with the Bill as it is presently before you after it has emerged from committee.

MR. COLLINGWOOD: Thank you, Mr. Speaker. For the record and for the member who obviously wasn't paying attention, I could refer him to page 7 of Bill 42 and specifically section 10, which creates the proposed section 9.1(1), (2), (3), (4), (5), (6). I was speaking specifically to section 10 of Bill 42, section 9.1(3), for the benefit of the hon. member. Perhaps now he can go back to sleep and think about raising another point of order later.

Mr. Speaker, I'd like to now speak to section 7 of Bill 42, and when I'm done speaking to section 7 of the Bill . . .

THE SPEAKER: Order please, hon. member. We're not going to have clause-by-clause study of this Bill. That is certainly not in order for third reading. You'll deal with the Bill as it has emerged from committee and not go through committee study again.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I will speak to the provisions of the Bill in third reading, not line by line and not section by section, but following your direction, I will keep my comments to the Bill itself.

Debate Continued

MR. COLLINGWOOD: Mr. Speaker, with respect to the fish and wildlife trust fund, there is and continues to be in Bill 42 in third reading some confusion about the future management of the fund. I would indicate to hon. members that we will indeed watch carefully the management of the fund and recognize that the fish and wildlife trust fund does have private contributions that are made to it.

In my conversations with the Member for Calgary-East I had made reference to section 100 of the Wildlife Act as it currently stands, dealt with in section 73 of Bill 42 with respect to a number of funds that form part of the fish and wildlife trust fund: the Buck for Wildlife fund, the fish and wildlife habitat trust fund, the wildlife damage fund, and the wildlife depredation fund. As I recall, Mr. Speaker – and I don't have the notes in front of me – there was some reference to that by the Member for Calgary-East in some comments that he did provide to me. I'll refer to those, but again we'll watch carefully in budget estimates for how those funds are managed and to what extent the funds are going to be used for enforcement of legislation.

In the past, Mr. Speaker, enforcement matters have been dealt with generally through the Environmental Protection department. They have not been used as sort of dedicated funds coming out of this fish and wildlife trust, except for the report a poacher program, which while it is a program that essentially reports much like a Crime Stoppers kind of program, it obviously deals with enforcement, because there is the follow-up to ensure that poachers aren't getting away with poaching.

So with that, Mr. Speaker, some positive aspects of Bill 42 and

some seriously negative aspects of Bill 42. As a result of those serious deficiencies in terms of endangered species legislation I'm not in a position to support Bill 42 in third reading, which is unfortunate because, as I say, there are some positive aspects. Nonetheless, it being a government Bill, I know the government will pass it and will make their statement relative to endangered species in that fashion.

Thank you, sir.

1:40

[Motion carried; Bill 42 read a third time]

MR. EVANS: Mr. Speaker, I would remind hon. members that the normal course of action for passage of Bills is that a Bill would not move past one phase, one place per day. That's in Standing Orders. However, with respect to Bill 45, the Miscellaneous Statutes Amendment Act, 1996, I think there's a fair bit of agreement that that Bill has been reviewed by everyone here. I would ask for unanimous consent of the Assembly to waive Standing Orders so that we may move to third reading on Bill 45.

THE SPEAKER: Is there consent in the Assembly to allow third reading of Bill 45?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried. So ordered.

Bill 45

Miscellaneous Statutes Amendment Act, 1996

MR. EVANS: I'm pleased to move Bill 45 for third reading.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. Just for the record and again to indicate to the Minister of Justice that throughout the process, as we always do with the Miscellaneous Statutes Amendment Act that comes before the Assembly in each session, there has been discussion amongst the various departments that are putting forward these changes. They are in essence editorial in nature. Discussion has taken place between the various departments and members of the opposition caucus. All of the aspects of Bill 45 that are contained in the Bill have been vetted and approved by members of the opposition caucus. No matters of contention remain. Whenever we have a situation where there's some contention, it is removed from the drafts of Bill 45. So I will again state for the record that we have had the opportunity for discussion and debate and are in agreement with the editorial changes that the government is proposing in this particular statute.

[Motion carried; Bill 45 read a third time]

[At 1:44 a.m. on Thursday the Assembly adjourned to 1:30 p.m.]

