

Legislative Assembly of Alberta

Title: **Monday, November 22, 1999** 1:30 p.m.

Date: 99/11/22
[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon.

Let us pray. As we begin a new week, help us, O Almighty, to also begin with the principle of You as the giver of all things. Amen.

Please be seated.

head: Presenting Petitions

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

MS BLAKEMAN: Thank you, Mr. Speaker. I'm very pleased to present another ACTISEC petition signed by 175 individuals from Fort Saskatchewan, Gibbons, Sherwood Park, St. Albert, Stony Plain, and Edmonton. They are asking the government to freeze tuition and to increase support to the postsecondary institutions.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. I'm pleased to present a petition from 588 citizens in Grande Prairie, Sexsmith, Valleyview, Canyon Creek, Slave Lake, North Star, Plamondon, Lac La Biche, Whitecourt, Athabasca, Fairview, Swan Hills, Hythe, Beaverlodge, Wembley, Meeting Creek, Ferintosh, Grimshaw, and Manning urging the government to increase funding to schools to cover the costs of "contract settlements, curriculum changes, technology, and aging schools."

Thank you.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I, too, have a petition. It is sent by the Provincial Injured Workers Coalition Society, and it urges the government

to conduct an independent public inquiry of the Workers' Compensation Act, including an examination of the operations of the WCB, the Appeals Commission, and the criteria for appointments to the board.

This is signed by over 200 people from the Innisfree, Gwynne, Nanton, and Ardrossan areas.

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

MR. BONNER: Thank you very much, Mr. Speaker. With your permission I'd beg leave to present a petition signed by 140 Albertans from Valleyview, Gunn, Mayerthorpe, Boyle, Stauffer, Onoway, Ponoka, Three Hills, Redwater, Andrew, Willingdon, Edmonton, Coronation, and Millet. They are urging the government to conduct an independent public inquiry of the Workers' Compensation Act, including an examination of the operations of the WCB, the Appeals Commission, and the criteria for appointments to the board.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. I, also, would like to table a petition on behalf of the Provincial Injured Workers Coalition Society. This is signed by 160 concerned Albertans from Bonnyville, Cold Lake, Wetaskiwin, Carseland, Didsbury, Strathmore, Cochrane, Lamont, Enoch, Plamondon, Smoky Lake, Edson, High Prairie, Edmonton, Leduc, Tofield, and Westlock. They are very concerned and would like to see

an independent public inquiry of the Workers' Compensation Act, including an examination of the operations of the WCB, the Appeals Commission, and the criteria for appointments to the board.

Thank you, Mr. Speaker.

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

DR. PANNU: Thank you, Mr. Speaker. I have two petitions here. The first one is from 148 Albertans urging this Assembly to urge the government

to introduce a Bill banning the establishment of private, for-profit hospitals to ensure the integrity of public, universal health care may be maintained.

The second petition, Mr. Speaker, is signed by 1,304 Albertans, again petitioning the Assembly to call on "the Government of Alberta to hold a public inquiry into the operation of the Workers' Compensation Board of Alberta."

Thank you, Mr. Speaker.

MS BARRETT: Mr. Speaker, my petition is signed by 161 Albertans asking that the government ban private, for-profit hospitals. It's a good idea too.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I have a petition signed by 140 individuals from Edmonton, Spruce Grove, St. Albert, Calmar, Valleyview, Morinville, Wildwood, Stony Plain, Seba Beach, Caroline, Wabamun, Joffre, and Fort Saskatchewan who are urging "the Government of Alberta to conduct an independent public inquiry of the Workers' Compensation Act."

Thank you.

head: Reading and Receiving Petitions

MS BARRETT: Mr. Speaker, I request that the petition I tabled on Thursday last be now read and received.

THE CLERK:

We, the undersigned residents of Alberta, hereby petition the Legislative Assembly to urge the Government to introduce a Bill banning the establishment of private, for-profit hospitals to ensure that the integrity of public, universal health care may be maintained.

DR. PANNU: Mr. Speaker, I rise to request that the petitions that I tabled on Thursday, November 18, be read and received.

THE CLERK:

We, the undersigned, urge the Legislative Assembly to freeze tuition and institutional fees and increase support in the foundation of post-secondary education.

We, the undersigned residents of Alberta, petition the Legislative Assembly to

1. strongly condemn racism and other forms of discrimination;
2. sensitize and educate its own officers and members to human rights;

3. urge the Government to include, the Universal Declaration of Human Rights; Alberta Human Rights, Citizenship and Multiculturalism Act; and other related materials in the school curriculum; and
4. take other necessary steps to promote human rights in Alberta.

We, the undersigned residents of Alberta, hereby petition the Legislative Assembly to urge the Government to introduce a Bill banning the establishment of private, for-private hospitals to ensure that the integrity of public, universal health care may be maintained.

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

MS BLAKEMAN: Thank you very much Mr. Speaker. I would ask that the ACTISEC petition on tuition freezes that I presented on Thursday, the 18th of November, be now read and received.

THE CLERK:

We, the undersigned, urge the Legislative Assembly to freeze tuition and institutional fees and increase support in the foundation of post-secondary education.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. I request that the petition that I presented last Thursday now be read and received.

THE CLERK:

We, the undersigned, urge the Legislative Assembly to freeze tuition and institutional fees and increase support in the foundation of post-secondary education.

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

MRS. SLOAN: Thank you, Mr. Speaker. I rise and request that the petition I tabled on November 18 be now read and received.

THE CLERK:

We, the undersigned, urge the Legislative Assembly to freeze tuition and institutional fees and increase support in the foundation of post-secondary education.

head: Tabling Returns and Reports

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

MR. HANCOCK: Thank you, Mr. Speaker. Today I have three tablings. The first is the annual report of the Alberta Law Foundation for 1999 for the fiscal year ended March 31.

The second is the annual report for 1998 of the Law Society of Alberta.

The third is the Alberta Law Enforcement Review Board annual report for 1998.

THE SPEAKER: The hon. Minister of Human Resources and Employment.

MR. DUNFORD: Thank you, Mr. Speaker. I'm pleased to file with the Assembly eight copies of my response to written questions 47 and 63.

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

MS CARLSON: Thank you, Mr. Speaker. Today I have two sets of tablings. The first is comprised of two letters: one from Wendy

Adams of Calgary and one from Caroline Wieser of Calgary, who express their concern about Bill 15, which still will not be coming back to this Legislature next spring in a format that will be acceptable to them.

The second set of tablings is 12 letters from concerned citizens from throughout the province who are very concerned about what is happening to Smoky River Coal and Smoky River Coal's extension.

Thank you.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I would like to table five copies of a letter from Roy and Vi Adolf from my constituency. They're very concerned about funding cuts to AISH and concerned for their daughter, just wanting good quality of life for her. I think it's a very good letter that most should be interested in.

Thank you.

THE SPEAKER: The hon. deputy Leader of the Official Opposition.

1:40

DR. NICOL: Thank you, Mr. Speaker. It's a real pleasure this afternoon to table a letter from Joanne Moore and 30 other people in southern Alberta. They see the full funding of chiropractic care as being a method to reduce pain and suffering in Albertans.

THE SPEAKER: The hon. Minister of Government Services.

MRS. NELSON: Thank you, Mr. Speaker. It is my pleasure today to table five copies of the 1998-99 annual report of the Real Estate Council of Alberta.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I have three tablings this afternoon. The first is from district 4 of the Alberta Council on Aging wherein they resolve that they are against "the establishment of private for-profit long term care or assisted living facilities."

The second is from the chairperson of the Afton school council in my constituency indicating a great concern regarding the present lack of funding for education.

The third is from the mayor of Vilna indicating the "disappointment and disillusionment" with regards to the closing of their health care facility.

MS BARRETT: Mr. Speaker, it's with pleasure that I table today five copies of a document written by well-known health care analyst Colleen Fuller. This is a document entitled, I guess, HRG and NAFTA. It spells out fully the implications of allowing Canada's first private, for-profit hospital in Canada and why it shouldn't happen.

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

MR. WICKMAN: Thank you, Mr. Speaker. I have two tablings this afternoon. The first tabling is a document sent to me by Senator Hon. Nick Taylor in which a Member of Parliament is going to table a private member's bill which would see the tax credits and political tax credits equal.

The second tabling, Mr. Speaker, is a letter from a constituent of mine in which he expresses great, great, great disappointment in the direction the Premier is leading the health cuts.

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

MR. DICKSON: Thanks, Mr. Speaker. I have three tablings. The first one is an analysis of section 15 of the freedom of information act and disclosure of private health contracts with RHAs. It documents the history of Liberal opposition to third-party secret contracts.

The second item, Mr. Speaker, is a report done in June of 1999 that assesses health care needs of immigrants in the Capital region.

The third tabling is a report from the Calgary regional health authority done in 1998, which identifies and documents needs of immigrants in the Calgary health region.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission I have two tablings. The first is a copy of a letter to the Premier and the government from the Reverend Don Mayne. It's concerning changes in health care, and amongst other things Reverend Mayne says that you can save the taxpayers a great deal of money by meeting needs through the public system.

The second tabling, Mr. Speaker, is five copies of the 10th anniversary program for the 1999 Alberta science and technology leadership awards, which were held last month in Calgary.

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

MR. BONNER: Thank you, Mr. Speaker. I beg leave to table five copies of an evidence package from an injured Alberta worker who has been encountering many problems with the Workers' Compensation Board, his union, and his employer. It began when his employer made him attend the Canadian Back Institute, which forced him on welfare rather than Workers' Compensation benefits.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I would like to table copies of letters from five individuals who are on the board of directors for the Pumphouse Theatre in Calgary. They are directed to my colleague for Calgary-Buffalo, and they are urging the government "to increase its funding to the Alberta Foundation for the Arts by 50% to redress the damage caused by the freeze in funding to the programs."

Thank you.

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

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased today to rise and table five copies of Growing Up, a submission made to the Alberta Children's Forum on behalf of the constituents of Edmonton-Riverview.

The second tabling is five copies of Toronto Report Card on Children, 1999, specifically this jurisdiction's attempt to progress and contribute to the improvement of children's health and well-being in their city. An idea perhaps.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. I have two tablings today, both of them from constituents of Edmonton-Gold Bar. The first one is a letter from Pierre Salerno to the Minister of Learning requesting a refund of \$43.06 for a textbook he bought for his child. The textbook is entitled *MathQuest 5*.

The second tabling is from Cam McDonald also to the Minister of Learning. It is a proposal of his to increase funding to the schools through the parent action councils.

Thank you.

MR. WHITE: Mr. Speaker, I beg leave to table a report that is labeled by the hon. Minister of Resource Development as bunk. This report, in fact, has done something that it was meant to do. The authors explicitly wanted some debate on this matter. The authors are the Parkland Institute, and it is titled Giving Away the Alberta Advantage.

MR. KLEIN: Mr. Speaker, I would like to table five copies of an article that appeared in the *Globe and Mail*. It was a guest article by Dr. William Orovan, a surgeon in Hamilton, past president of the Ontario Medical Association, who chaired a summit on the Canada Health Act in May of this year. It simply says "Alberta's small step a giant leap for Canada" relative to health care, says the former head of the Ontario Medical Association.

MRS. SOETAERT: Point of order.

THE SPEAKER: Point of order?

MRS. SOETAERT: Yes. It's from a newspaper.

head: Introduction of Guests

THE SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MR. LOUGHEED: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the members of the Assembly two classes from Fultonvale elementary school. They're taught by Mrs. Bittner and Mrs. Shevy, and they're accompanied today by Mrs. Bittner, Rochelle Demchuk, and Doreen Langdon. I would ask them to rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Minister of Environment.

MR. MAR: Thank you, Mr. Speaker. It gives me a great deal of pleasure today to introduce to you and through you to members of the Assembly somebody that I've worked with in the past in my previous portfolio and now as Minister of Environment, Fred Gallagher. Like his father, Jack Gallagher, he has dedicated much of his time and energy to his community, and educators and students have benefited from his work through Fred's encouragement and work to provide a forum, an opportunity for them to pursue and develop innovative methods of education.

Most recently, Mr. Speaker, Mr. Gallagher worked with the Banded Peak school in the community of Bragg Creek and the Rocky View school division to establish the Galileo Professional Development Centre. This is a centre Albertans should be very proud of.

Mr. Gallagher is in Edmonton today to accept the 1999 Friends of Education award on behalf of the Gallagher Education Foundation. This award, Mr. Speaker, is presented by the Alberta School Boards Association.

Fred Gallagher is a geologist by education and has an extensive background in oil and gas, and I look forward to working with him in my new role as Minister of Environment and ask him to stand and receive the warm welcome of this Assembly.

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

MR. BONNER: Thank you, Mr. Speaker. I'd like to introduce to you and through and to all Members of the Legislative Assembly 68 students from Lago Lindo school. They're accompanied today by their teachers Mr. Doug Sprake and Mrs. Gail Spivak and their aide, Mrs. Pat Wandler. With your permission, Mr. Speaker, I'd ask that they now rise and accept the warm greetings of the Assembly.

1:50

THE SPEAKER: The hon. Member for Calgary-North West.

MR. MELCHIN: Thank you, Mr. Speaker. I'm pleased to rise today to introduce to you and through you to members of the Assembly a number of people that are attending for the second reading of Bill 41, the Regulated Accounting Profession Act. They're here on behalf of the three accounting organizations in Alberta. Attending on behalf of the Institute of Chartered Accountants of Alberta are Robert Young, president; Stephen Glover, executive director; Donna Vansen, director. Attending on behalf of the Certified Management Accountants of Alberta are Drew Thompson, chair of the board of directors; Sterling Eddy, president and CEO; Karen Garrick, the manager. Also attending on behalf of the Certified General Accountants' Association of Alberta are John Carpenter, executive director and CEO; Richard Godwin, president; Noreen McFallon, director; and also from the Human Resources department, Dennis Gartner, assistant deputy minister, and James Orr, researcher. I'd ask that they stand and receive the warm welcome of this Assembly.

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

MS CARLSON: Thank you, Mr. Speaker. I am delighted today to be able to introduce to you and through you to Members of the Legislative Assembly a young woman whom I have had the pleasure of watching grow up. She is a friend, a constituent, a young Liberal, a freelance writer for the *Edmonton Journal*, and most currently the session assistant for the Official Opposition. I would ask that Krista Deregowski please rise and receive the traditional warm welcome of this Assembly.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I have two introductions if you'll allow today. The first is Matthew Smolak. He is a research assistant in our caucus office, and he's jumped right into the fray this week. I hope it's been an exciting time. He brings a lot of energy and enthusiasm, so it's a pleasure to introduce Matthew.

As well, I'd like to introduce you to Kieran Leblanc. She is an education advocate extraordinaire, she is a community volunteer extraordinaire in the Mill Creek area, and she is a good friend of mine.

I would ask both Matthew and Kieran to please rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. It's with pleasure I introduce to you and through you to members of the Assembly guests from the High Prairie school division ad hoc committee based in Falher: Mr. Francis Lessard, the chairman; Mrs. Angela Blanchette, the secretary; Mrs. Tony Romanchuk, the principal from the l'ecole Routhier school; Mr. David Doucet, the principal from G.P.

Vanier school; and Mr. Marco Gervais, chairman of the High Prairie school division. They are in the visitors' gallery, and with your permission I would ask them to stand and receive the traditional warm welcome of the Assembly.

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

MRS. SLOAN: Thank you, Mr. Speaker. I am pleased today to rise and introduce a gentleman who has been an invaluable volunteer to the Alberta Liberal caucus. I would ask Ken Lister to rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs.

MS PAUL: Thank you, Mr. Speaker. It gives me a great deal of pleasure to rise today in this Assembly and introduce to you and through you to all Members of the Legislative Assembly Colleen Achymichuk. Colleen is the office manager of my constituency office, and as you can imagine, she's had quite an ordeal over the last week or two. She's fending off all calls and handling them with professionalism and expertise. Colleen, at this time I'd like you to rise and receive the warm welcome of the Assembly.

head: Oral Question Period

THE SPEAKER: The hon. Leader of the Official Opposition.

Regional Health Authority Contracts

MRS. MacBETH: Thank you, Mr. Speaker. Last week we asked the Premier for copies of the regional health authority contracts with private health care providers so that Albertans could get a look at the extent of his government's privatization efforts over the past seven years. The Premier said that all we had to do was ask. Well, we did. We, in fact, asked the Calgary regional health authority over a month ago. Their response denies the request citing, and I quote, harm to business interests of a third party, end quote. In other words, these contracts are hidden from public scrutiny. My questions are to the Premier. Why is the Premier marketing misinformation to Albertans?

MR. KLEIN: Well, Mr. Speaker, I'm not marketing misinformation to Albertans. The only people in this Assembly marketing misinformation and the only people who have consistently been marketing misinformation, of course, are the Liberals, and that's a well-known fact. [interjections] That is my answer for this particular issue because it happens to be true. It happens to be absolutely true.

I see no reason why the RHAs can't disclose details of contracts between RHAs and privately contracted services outside of some issues that may be in those contracts that could be deemed proprietary, as there are issues that are deemed proprietary under the FOIP legislation as we know it today as it affects various government departments, Mr. Speaker.

Relative to the policy I'll have the hon. minister reply.

MR. JONSON: Mr. Speaker, the policy, which I think all members across the way have now had a chance to study and understand, clearly indicates that we will be ensuring that these financial arrangements are cost effective and in the interests of the overall health care system, just as the current contracts which are part of our health care system.

I just happen to note that in the Capital health region, where we are currently located, there are some \$250 million worth of contract arrangements. One specific example would be that with Dynacare

Kasper in the laboratory area, which is a \$42 million overall operation, Mr. Speaker, which works very successfully.

So this particular matter of there being a mix and a combination of private and public delivery systems within a regional health authority and within the health care system overall is working well in the province.

MRS. MacBETH: Mr. Speaker, will the Premier commit to tabling these contracts, including the taxpayers' dollars that are being spent on them, before the end of this fall session if he's so convinced that they're available?

MR. KLEIN: Well, Mr. Speaker, these are contracts between the RHAs and the various service providers. Again, there is legislation in place now which compels RHAs to release similar information. The FOIP legislation, as I understand it, is very similar to the legislation as it affects government departments, and what is fair for government would be fair for the RHAs. The Liberals understand as well that within contracts there is proprietary information and there is information that they agreed to that should be protected under FOIP legislation. I would suggest that if it's available and it's under the FOIP legislation, then it should be made available.

MRS. MacBETH: Mr. Speaker, does the Premier realize that he might be violating the public administration provisions of the Canada Health Act by not releasing these contracts?

MR. KLEIN: No, I didn't realize that, and I will check that out, of course, with the hon. minister of health. Again, these are contractual arrangements between the RHA and the service providers. How I would be personally responsible or how it could be construed that I personally would be contravening the Canada Health Act is beyond me. Well, perhaps the hon. leader of the Liberal opposition can have her brother provide the terms of his contract with, you know, an RHA.

THE SPEAKER: Second main question. The Leader of the Official Opposition.

2:00 Private Health Services

MRS. MacBETH: Thank you, Mr. Speaker. The Premier, whose cuts created the suffering in our public health care system, has no facts – no facts – to back up his plans to privatize health care. Being short on substance, he's now employing a slick, professional marketing campaign paid for by the taxpayers and aimed at hoodwinking or attempting to hoodwink Albertans. My questions are to the Premier. Why is the Premier working so hard to give choices to those who can afford it and removing choices for those who cannot?

MR. KLEIN: Well, Mr. Speaker, first of all, relative to the cuts, as I said last week in this Assembly, I don't know where the Liberals have been for the last five years. As a matter of fact, I don't think most Albertans know where the Liberals have been for the past five years.

Yes, there was fundamental restructuring, Mr. Speaker, the kind of restructuring that was recommended to the hon. minister of health of the day, and she did absolutely nothing about it. There was restructuring, and, yes, there were cuts. We took 200 separate administrations and re-formed those into 17. We streamlined health care delivery systems, and we sought new and better and more effective and more efficient ways of doing things, something the minister of health of the day, that is pre-1992, failed to do. Had we

gone on spending the way that hon. member would have proposed at that particular time, we would have been health bankrupt today. We had to do something. But since 1994 we have been reinvesting and reinvesting significantly in health care. [interjections]

Well, Mr. Speaker, do they have selective reading of announcements from this government? In the past week alone close to a half a billion brand new dollars into the health care system, while their federal cousins sit back and do absolutely nothing, but what is even more shameful, these people have done nothing to encourage their federal cousins to restore the \$4.2 million that they still owe the people of Canada under the Canada health and social transfer. They have done absolutely nothing. These Liberals sitting in this Legislature have done absolutely nothing, and that is shameful.

MRS. MacBETH: In fact, Mr. Speaker, from '88 to '92 Alberta had the best record in cost control in the country.

My second question to the Premier is: will the Premier, who created the suffering, admit that the only choice he is giving to Albertans is for their tax dollars to be going to subsidize private hospitals at the expense of the public system?

MR. KLEIN: No, Mr. Speaker. Again, it's a matter of offering and expanding choices. The hon. leader of the Liberal opposition has expressed no opposition to clinics operating now that contract to RHAs for cataract surgeries. She has offered no opposition to clinics operating today that offer abortion services under contract to RHAs or other services. Quite simply the policy is there to protect the public health system as we know it today, because fundamental to the policies are the principles of the Canada Health Act.

Mr. Speaker, is the Liberal opposition opposed to universality? If they are, say so now, because we aren't. That's in the policy. Are they opposed to public administration? If they are, then stand up and say so now. Are they opposed to comprehensiveness? If they are, stand up and say so now. Are they opposed to accessibility? If they are, have them stand up and say so now. Are they opposed to portability? If they are, have them stand up and say so now. Those principles are fundamental to the policy that we're proposing.

MRS. MacBETH: Well, Mr. Speaker, obviously there's a real difference between the Premier's vision and my own, and my question is: will the Premier accept my challenge to debate this issue on public TV provincewide, or is he afraid to do it?

MR. KLEIN: Well, Mr. Speaker, I am not afraid to face this member at any time, any place. As a matter of fact, folks, we're doing it right now. We're on television right now. We have an opportunity to debate this today, tomorrow, the next day, the day after. Then we can go into it again next week. We can start all over again. There are 50 minutes each day. That's 250 minutes of public open debate on provincial television, so let's get at it.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. Part of the Premier's private health care marketing campaign is to assure Albertans that private hospitals will alleviate suffering, but the Premier conveniently forgets that it was his government that created the suffering in the first place. The Premier's cuts created the waiting lists and dismantled the public system in order to pave the way for private hospitals. Private hospitals have been the plan from the beginning, a fact that is very obvious now. My questions are to the Premier, whose cuts have created the suffering. Can he tell us, can he explain

why Albertans are waiting in line for hip replacements and other surgeries? Why are these people suffering given that it's your government that's been in charge for the last seven years?

MR. KLEIN: Mr. Speaker, going back to 1992, it was quite clear - and this comes about as a result of The Rainbow Report - that something had to be done. I mean, that was evident in 1989, 1990, and 1991. There had to be a fundamental restructuring. We had to look differently and find new ways of delivering services, and that's exactly what we have done. Most of the cuts, the majority of the cuts took place within the administration of health. It was a burdensome administration. [interjections]

Mr. Speaker, I'm having a hard enough time hearing myself with all the yipping and yapping over there, which is uncalled for, but it's also rude. I mean, it is very, very rude. [interjections]

THE SPEAKER: The hon. the Premier has the floor.

MR. KLEIN: Right. Thank you.

Mr. Speaker, there was restructuring, and yes, there were cuts to health care, but as I pointed out, most of those cuts took place within the administrative components of health care. Two hundred separate health jurisdictions in this province; now there are 70.

Mr. Speaker, the question related to waiting lists. Without doubt there is something that has happened over the past six or seven years, and we were warned about this some years ago. That is that we would have to deal with the so-called age of the baby boomers, an aging population. We now have anomalies in the system that are quite specifically associated with those afflictions. That's why there are so many contracts now with RHAs and private providers of cataract surgeries, because it was putting tremendous pressure on the health care system. Long-term care is another issue, and the hon. minister just made an announcement last week to deal with that issue. Certainly joint replacements are placing tremendous pressure on the system. What we need to do is to find those effective ways, still within the parameters of the Canada Health Act, to deal with these issues, Mr. Speaker, and that's exactly what this is all about.

2:10

Mr. Speaker, I allude to the comments of Dr. Orovon. Again, I have to repeat that he is a surgeon in Ontario. He's past president of the Ontario Medical Association, but most importantly he recently chaired the summit on the Canada Health Act. What he says here is that

the principles of the Canada Health Act, though laudable, are not now being adhered to. Problems with accessibility to care, especially in areas such as those addressed by Mr. Klein, including total joint replacement and cataract extraction, mean those sacred principles are no longer being lived up to. Comprehensiveness, as defined by the act, means medicare must provide everything that is medically necessary for everyone in Canada. This is unachievable and clearly an unaffordable goal.

What he is also saying is, that if we want to deal with these issues, we have to provide those new and different ways of providing them and still within the context of the Canada Health Act.

MS LEBOVICI: Can the Premier, whose cuts created the suffering, tell us why he won't open up the hundreds of beds and operating rooms that exist in this province in the public system right now that this government closed instead of funneling taxpayer dollars to private hospitals?

MR. KLEIN: This speaks directly to my point, Mr. Speaker, and that is that, yes, there probably are some beds that could still be opened

up, but it won't deal with the anomalies that we're now facing relative to some of these afflictions that are causing waiting lists. We want to make sure that we have the capacity to treat people when they come in as a result of a car accident or a heart attack or a very serious illness, cancer and so on, and we still want to be able to accommodate those who are awaiting elective surgery.

I'll have the hon. minister supplement.

THE SPEAKER: No. I think we'll move on. I have a list of 13 additional members who want to raise questions yet today.

MS LEBOVICI: Thank you, Mr. Speaker. Will the Premier, whose cuts created the suffering, admit that the only suffering alleviated by his plan will be the suffering of private, for-profit hospital operators, who desperately need public dollars to make a profit and satisfy their shareholders?

MR. KLEIN: Well, Mr. Speaker, I take strong exception to the preamble. You know, that comment is cheap; it is wrong. It is cheap, it is wrong, but it is so typical of the Liberals. When they can't debate policy or they won't debate policy, they have to get personal. They have to get personal. Coming from this hon. member, who I thought showed some class - at least she did when she ran for the leader of the Liberal opposition. Coming from that particular individual, that is disappointing, indeed. I thought she had more class than that.

MS BARRETT: During the 1997 election campaign this quote, credited to Premier Ralph Klein, ran on the front page of the *Edmonton Journal*: I believe in free speech as long as you say the right thing. Mr. Speaker, if the Conservative government wants to wage a fair debate on the issue of for-profit hospitals, then it should wage a fair war and make sure that Albertans have all the facts. For example, Albertans should be told that if HRG and other private interests are allowed to take advantage of the government's scheme to legalize for-profit hospitals, U.S.-owned corporations would have every right to demand equal treatment under the terms of NAFTA. Therefore, why is the Premier prepared to allow a U.S. foreign hospital chain like Columbia/HCA to set up shop in Alberta under its scheme to legalize for-profit hospitals?

MR. KLEIN: Well, Mr. Speaker, again I'm going to have the hon. minister supplement. Quite clearly there will be stringent or the policy proposes - and this is a policy that is open now for debate between now and the time the legislation is introduced so we can get the input of all Albertans. First of all, I reject that this is going to violate NAFTA in any way, shape, or form, and I reject completely that this is opening the door to so-called American two-tiered health care. The policy expressly prohibits this kind of activity.

I'll have the two ministers supplement, the minister of health and the Minister of International and Intergovernmental Relations.

MRS. McCLELLAN: Mr. Speaker, first of all, I think this concern has to be based on some misunderstanding of the NAFTA provisions. There is nothing that suggests that American or Mexican or any other clinics would be permitted to come into Alberta if a private clinic were accepted by contract with a regional health authority here.

Secondly, I believe that the hon. members must not have the information on the carve-out that is in the NAFTA agreement which applies to health care and other social services. Mr. Speaker, I would be very pleased to provide that information to the hon. member and then have a further discussion if she still has a concern.

However, that was dealt with in NAFTA. There is a carve-out position there.

As I said earlier, I believe this is based on some misinformation on the NAFTA agreement. Mr. Speaker, I am entirely comfortable that we are protected in this system under the NAFTA agreement.

MS BARRETT: The carve-out to which the minister refers only protects us if we have public health care, not private, for-profit.

Does the Premier seriously believe that once the acute care hospital sector is opened to private business interests, under the provisions of NAFTA he is going to be able to keep out foreign corporations? If he believes this, I challenge him to open up his bag of tricks and prove it.

MR. KLEIN: Mr. Speaker, again, I'll have the hon. minister comment, but everything that is being proposed – proposed. Proposed. I have to say that, because nothing is in legislation right now. Everything is open for debate and public comment. Everything, absolutely everything falls within the principles of the Canada Health Act. Every single thing.

Mr. Minister, maybe you'd like to take her through it.

MR. JONSON: Mr. Speaker, as the policy statement clearly outlines, it is a policy statement built around the principles of the Canada Health Act, a publicly funded, publicly administered health care system for this province.

Mr. Speaker, with respect to NAFTA I think the hon. minister previously has outlined the provisions that apply as far as the North American free trade agreement is concerned. The point that seems to be being confused here is that we're talking about the overall governance of a system. We're talking about a one-tiered health care system in this province for insured services, and we're talking about the best possible and most efficient way of providing services under that very, very important umbrella.

MS BARRETT: I don't get these guys.

Mr. Speaker, why does the Premier want to legalize private, for-profit hospitals in Alberta, where we've never had them, while the government of Ontario continues to phase out private hospitals that were grandfathered under medicare and which aren't allowed to expand or make a profit?

MR. KLEIN: Mr. Speaker, again, the hon. member should read the policy. It quite explicitly says that

contracted providers are prohibited from charging any fee (including a facility fee) to insured persons for an insured surgical service beyond those set out in the Alberta Health Care Insurance Plan.

There will be no two-tier medicine and no queue jumping.

Mr. Speaker, I want this hon. member to stand up and to answer, if she won't answer it here, the question of why she thinks it's okay to contract out for cataract surgery or abortion services and not a joint replacement.

2:20

THE SPEAKER: The hon. Member for Calgary-Fish Creek, followed by the hon. Member for Lethbridge-East.

MRS. FORSYTH: Thank you, Mr. Speaker. Of all the challenges, investing in health and re-engineering our current health care delivery system, re-engineering is the most difficult. Federal minister Allan Rock recently stated that Alberta should put more money into health care and that Albertans could face penalties if Ottawa doesn't like Alberta's plan to use private services to fill gaps in the public health care system.

AN HON. MEMBER: A planted question.

MRS. FORSYTH: My questions today are to the Premier. Could you please tell the constituents of Calgary Fish-Creek how much the federal government cut in health care dollars and how many dollars were restored?

MR. KLEIN: Mr. Speaker, they said that the question was planted. Of course, it was planted. Do you think that their questions aren't planted? Come on. Get real. I know that they don't understand the realities of the Legislature, but I thought they understood some political realities.

Mr. Speaker, again, this is the greatest disappointment in that the Liberals in this Alberta Legislature have not put any pressure whatsoever on their Liberal cousins to restore the balance of payments through the Canada health and social transfer program. The federal government is still \$4.2 billion short. Adjust that for inflation, and it's something like \$5.7 billion short. The majority of that would be for health care. I'm not talking about Alberta. I'm talking about across the country.

Mr. Speaker, no matter how you look at it, that is a lot of money that should be coming to this province and to the other provinces for health care while Mr. Rock stands by in Ottawa and has the audacity to stand up on Parliament Hill and say that the provinces should be putting more money into health care when collectively the provinces over the past three years have put some 7 billion new dollars into health care, and the feds have done nothing.

MRS. FORSYTH: Thank you, Mr. Speaker. I've just got to get the facts out.

What is the difference between what Alberta is planning and what currently is being done by the Shouldice clinic in Ontario?

MS BARRETT: They're not allowed to make a profit.

MR. KLEIN: Great. Well, Mr. Speaker, I hear the hon. leader of the ND third party chirping. Right? She doesn't like it. At least she's consistent. She would like to see that hospital closed down.

MS BARRETT: Yes.

MR. KLEIN: Yeah, absolutely. But not these people over here, not the Liberals. They say it's okay in Ontario; it's okay in British Columbia. It's okay to have different rules for Ontario and British Columbia than Alberta.

To answer the question, the Shouldice hospital is an 89-bed facility north of Toronto that is privately owned and that does hernia surgeries paid for by the Ontario health insurance plan. Patients can spend up to four nights there. Ontario patients pay nothing extra for the cost of the procedure. The province, through their public health care plan, pays the cost of the procedure entirely, and the same procedure is also available at Ontario's public hospitals. So you have a private/public kind of situation.

Now, I would also like to know Mr. Rock's position, since he is the champion of the Canada Health Act and the saviour, of the Cambie surgery centre in Vancouver. I understand that this is only one of 12 of these kinds of centres operating in socialist B.C., where, you know, your cousins are operating. That centre has two main operating rooms, 10 recovery beds, five extended short-stay private rooms, and a dental laser suite. I'm told that the Cambie centre is now in negotiations with hospital boards to provide them with services under contract in much the same way as we are proposing in our policy, but we hear nothing from Mr. Rock relative to that centre or the Shouldice centre in Toronto.

MRS. FORSYTH: Could the Premier reassure the constituents of Calgary-Fish Creek, one of whom is in the gallery, and for that matter all Albertans that private hospitals will never be allowed to charge patients directly for service they get free under medicare or offer speedier care to those who can afford to pay or anything else that suggests a two-tier, American-styled health care system?

MR. KLEIN: Mr. Speaker, the proposed policy states over and over again that there will be no two-tier, for-profit, American-style health care system. I made that clear in my television speech and ever since then. A key restriction and a key component of our health care policy is that private facilities will not be able to charge patients directly for services. Again, the only card you will need is your Alberta health care card.

THE SPEAKER: The hon. Member for Lethbridge-East, followed by the hon. Member for St. Albert.

DR. NICOL: Thank you, Mr. Speaker. In the last few days I've had a number of phone calls from people in rural Alberta asking the question: what does the Premier's option on health care do to them? The first question they would like to ask the Premier is: will this new proposal result in them traveling more and more for the services they need to get rather than having them provided in their local health authority?

MR. KLEIN: No. And that is a very good question. Hopefully not. Hopefully where there are clinics operating in rural areas, we'll be able to make better use of those clinics. I've been saying all along that if people want speedier access to a lot of services, there are state-of-the-art hospitals in rural areas where people can in fact go, Mr. Speaker. The pressure usually comes in the larger areas and is on the larger hospitals.

This is just my suspicion. I don't think too many rural health authorities will be contracting out, certainly not to the same extent as some of the major authorities would. Calgary and Edmonton are where the pressure, according to our statistics, is being brought to bear, Mr. Speaker. So hopefully it will alleviate some of the pressure, reduce traveling time, and reduce waiting time in the rural areas.

DR. NICOL: Thank you, Mr. Speaker. My second question, again, follows that same idea. To the Premier: if the rural health authorities do open some of the facilities that are now closed or not fully used, will they be able to enter into fund transfer agreements with the constrained regional authorities to have dollars follow the patients that come to their area to get those services?

MR. KLEIN: Mr. Speaker, that's a fairly detailed question, and I'll have the hon. Minister of Health and Wellness respond.

MR. JONSON: Mr. Speaker, I think it's important to note in recent developments and recent announcements the focus there has been on the needs of our health authorities outside of Edmonton and Calgary. For instance, the hon. member across the way I think is well aware that in Lethbridge they now have a MRI, magnetic resonance scanner, serving that particular part of the province. I understand that somewhere in the neighbourhood of 500 residents of that area have access to that particular service. So we've brought that particular diagnostic service closer to rural residents in that particular area, and others are planned for the David Thompson region and for Mistahia in the Grande Prairie area.

Mr. Speaker, further to that, in recent announcements we've

focused on the need for long-term care in rural parts of the province. The capital announcement recently focused on many parts of the province in terms of actual projects, long-term care centres, but in addition, in order that our aging population can reside closer to their home communities, we have an innovation fund that we're establishing whereby some of the creative ideas that are out there in combining, say, lodges with assisted living models can be capitalized on further, and we can have a long-term care system which is closer to rural residents. So certainly, Mr. Speaker, I think it's demonstrated that we do have a focus in that regard.

2:30

DR. NICOL: Thank you, Mr. Speaker. With respect to that MRI the minister mentioned, people are coming from Calgary to Lethbridge to get on our list.

Will the Premier commit that he will first allow for the excess capacity in our public system to be used up and that that will become a condition of any kind of privatizing or contracting out?

MR. KLEIN: Mr. Speaker, I refer to the policy statement on some of the conditions of contracting. Basically to paraphrase it – I just don't have the section right here – it certainly spells out quite clearly that there must be a demonstrated need on the part of the health authority to contract or to buy a particular service, and there must be a proven net benefit to the regional health authority. "The demonstrated net benefit of the proposed contract, including implications for accessibility and cost effectiveness," must be one of the criteria.

THE SPEAKER: The hon. Member for St. Albert, followed by the hon. Member for Calgary-Buffalo.

Developmental Disabilities Funding

MRS. O'NEILL: Thank you, Mr. Speaker. In late spring the Minister of Health and Wellness directed the associate minister to do a study of PDD programs and services. I'd like to direct my first question to the Associate Minister of Health and Wellness, and that is: could he explain to us the real causes for the funding difficulties and the shortfalls in the PDD programs and services as they were revealed last spring?

MR. ZWOZDESKY: Thank you. It's a very good question, and quite frankly, Mr. Speaker, it's a question I've been asked many, many times during the extensive review process that I've been involved with across the province in these last several months.

I think that by way of background I would just tell everyone first that in the April budget we did announce an increase of \$22.7 million to this important area, which took the overall funding up to about \$283 million. However, within a very short period of time of the implementation of the April budget it became quite evident that there were some funding shortfalls, and the question is: what caused those funding difficulties? The simple answer to a very complicated set of scenarios is that there was a much larger uptake or intake of new clients than was initially predicted for that budget. So we responded very appropriately and very quickly as soon as we could and injected a further \$10 million.

At the moment, having heard from literally hundreds of Albertans on this issue, it is still a serious issue. It still needs some further addressing, and I will cover it more conclusively and more officially and more fully and completely in the review that I'm doing, which will be completed by the end of December.

In a short nutshell, Mr. Speaker, it's the large intake of new clientele, and there are factors that caused that as well, and that will be covered in the report.

MRS. O'NEILL: My first supplemental is to the same associate minister. What can the associate minister say to assure persons with developmental disabilities that the programs and the services they do receive will not be cut or reduced?

MR. ZWOZDESKY: Well, Mr. Speaker, there's never been an intention on the part of government that I have found in the extensive reviews that I've done to intentionally cut funding. In fact, all that has happened is that the government of this province has consistently added money to this very serious and very important program. It's unfortunate that some people on the opposite side are laughing about this, because it's extremely serious.

What I would like to point out and assure those people who are serious about this issue that may be listening or reading about it tomorrow is that the government of Alberta is very committed to continuing the excellent care, the excellent programs, the outstanding supports and services that are there for those people that we refer to as persons with developmental disabilities. This province has the very best programs, services, and supports for those individuals of any province in Canada, and that's a fact. Part of our challenge is to ensure that it stays that way. I want to assure all of those individuals that are impacted and/or their families that we will do our utmost to continue in that fine manner and fine tradition that has been set.

MRS. O'NEILL: Thank you. To the same associate minister: what are your plans for incorporating the requests of the brain-injured and their families, those requests that you heard during your review hearings, into your report?

MR. ZWOZDESKY: Thank you. As a number of members in the House know from having attended some of the 170 presentations, which I personally heard along with them, there are some parts of the disabilities programs that need some further and more detailed clarification and review. Now, specific to brain injury I have to tell you, hon. member, that I did include this in the terms of reference, and I will address it quite specifically in the report.

What we're really talking about here is a brain injury or some form of brain trauma or brain illness or whatever where if it occurred at birth or during childhood or during infancy, it is covered under the PDD program. However, if it happened after the 18th birthday, that same trauma, that same injury, then there is not coverage under the PDD program. There are other programs available in the community, Mr. Speaker, that help out those individuals. I will specifically address acquired brain injury syndrome in this review and report, and I want to give all of those people with EBIRS or with NABIS or with the Brain Injury Association of Alberta some assurance that I will deal with it in very specific detail in this report.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Calgary-North Hill.

Health Services for Immigrants

MR. DICKSON: Thank you, Mr. Speaker. Last year the Calgary regional health authority surveyed its frontline staff on language issues when new immigrants attempt to access health care. Surprisingly more than one half of those health care workers in that region said that they are concerned about their diagnoses because family members or untrained people are acting as interpreters. Almost a half of those same health workers agreed that they are concerned about the validity of informed consents because they were not using a trained interpreter. My question is to the Minister of Health and Wellness, and the question is simply this: why does this government

allow such an unsafe and dangerous situation to exist in Calgary hospitals and Calgary clinics?

MR. JONSON: Mr. Speaker, with respect to both our current population in the province that need language services as well as the very significant additional population coming to Alberta, whether it be related to the Kosovo situation or to recent arrivals on the west coast, in all of these cases we are aware that we have needs in the area of translation services. Giving credit to the authorities here in Edmonton, we have been able to establish a fairly comprehensive translation service or unit in the city of Edmonton, and we are aware that we need to work further on that in Calgary.

However, I think the impression should not be left that there is not the ability to access people that can speak a particular language and speak English as well and provide those services in Calgary. Although I do acknowledge, Mr. Speaker, that it is an area that has grown very, very, rapidly just recently in terms of the overall need, and we need to make a further effort in this area.

MR. DICKSON: Mr. Speaker, given that 840 CRHA employees disagree, I'd go back to that same minister and say this: what specific steps will he take in the city which is the third most attractive city in all of Canada to immigrants to ensure that this problem doesn't continue, and when will he take them?

MR. JONSON: Mr. Speaker, I have not in essence disagreed with the concern that the hon. member has raised. I do note, however, in his preamble to his supplementary question that it is one of the most attractive, if not the most attractive, places for people to locate in Canada. That's partly because besides having a growing and strong economy, it does have a very good health care system, a very good education system, and is a good place to locate and to live.

MR. DICKSON: Mr. Speaker, my final question would be to the Minister of Justice, and the question is this: given the recent Ontario court decision in the Adan case, that I brought to the attention of the Assembly last spring, what contingency funds have been set aside by this province to deal with lawsuits over language problems in accessing health care services?

2:40

MR. HANCOCK: Well, Mr. Speaker, I guess the short answer is that I don't believe we set aside contingency funds based on specific areas. We have a general budget for lawsuits that we carry on behalf of the province, and we're not anticipating expanding it in this particular area.

THE SPEAKER: The hon. Member for Calgary-North Hill, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

Postsecondary Tuition Fees

MR. MAGNUS: Thank you, Mr. Speaker. Postsecondary students have been expressing concern for some time now about rising tuition costs. Although we have a tuition fee cap of 30 percent of an institution's operating costs, tuition fees may still rise over time as institutions' operating costs increase. My question is for the Minister of Learning. Will the government consider establishing a tuition freeze instead of a cap based on operating costs?

DR. OBERG: Thank you, Mr. Speaker. First of all, I must point out to the hon. member what the actual issue is, and quite frankly the actual issue is student debt. As the hon. member knows, tuition fees only account for roughly 20 to 30 percent of a student's actual debt

in going to school. In order to get at the larger question, which is that of student debt, what we have to do is look at the Students Finance Board and encourage the Students Finance Board to provide more money to some of these students.

As the hon. member I'm sure is well aware, in Alberta at this time after a four-year baccalaureate program the most dollars that you can owe is \$20,000. If you went out and had \$43,000, which is the maximum amount in student loans, if you had the maximum amount of student loan every year for those four years, at the end of the time you would receive close to \$23,000 in remission. Mr. Speaker, \$20,000 for a four-year degree. Sure, that's a lot of money, but what you're looking at with the university degree is roughly a 3.3 percent unemployment rate as opposed to a high school degree, where you're up very close to 15 percent.

So, Mr. Speaker, I would say that tuition freeze is not the way to go. We as a government are committed to fighting the problem of student debt, and we will be taking that on through the Students Finance Board.

MR. MAGNUS: Thank you, Mr. Speaker. My second question to the same minister: how many postsecondary institutions in Alberta have already reached the 30 percent ceiling?

DR. OBERG: Mr. Speaker, interestingly, there are none that have reached the 30 percent ceiling. We do have a couple that are very close. The University of Alberta, for example, is at around 23 or 24 percent. The universities have been very cognizant of tuition fees. They've been very cognizant of the problem with student debt, and they have kept down their tuition increases per year. They have the ability to go up to 30 percent of their operating cost, but the universities haven't.

A very interesting thing is occurring in Lethbridge though. As they push close to the 30 percent cap, what we're seeing is that their incentive to decrease their operating cost is actually going. So, Mr. Speaker, there are some things that we have to look at with regards to the 30 percent operating cap.

MR. MAGNUS: Thank you, Mr. Speaker. To the same minister: what is the minister's response to students who say that tuition is rising too rapidly and that Alberta students now pay more than the national average?

DR. OBERG: Mr. Speaker, a couple of things, I guess. Certainly tuition fees are going up. Tuition fees are going up across Canada. Interestingly enough, when you take a look at the tuition fees and fees that are charged in the major universities across Canada, what you find is that the University of Alberta, which is probably indicative of the Canadian universities, is actually sitting as the seventh lowest, with the University of Western Ontario as the highest. Ones like Queen's University, the University of Toronto, McGill for out-of-province students, McMaster: all of these are at higher tuition and fees than the University of Alberta.

So certainly we say that they are increasing, but again I go back to the whole issue. The tuition fees are not the issue; student debt is the issue. That's what we have to address, and that's what we have to go after.

Thank you, Mr. Speaker.

Recognitions

THE SPEAKER: Hon. members, I have four hon. members who have indicated their desire to participate in Recognitions today. We'll go in this order: first of all the hon. Member for Edmonton-

Glenora, followed by the hon. Member for Calgary-Currie, then the hon. Member for Edmonton-Mill Woods, and the hon. Member for Calgary-Buffalo. We'll begin in 30 seconds from now.

The hon. Member for Edmonton-Glenora.

ASTech Awards

MR. SAPERS: Thank you, Mr. Speaker. Earlier today, prior to question period, I tabled five copies of the program for the 10th anniversary ASTech awards, the Alberta science and technology leadership awards. The Alberta Science and Technology Leadership Awards Foundation is a nonprofit society established to identify and celebrate outstanding achievements in science and technology. The first ASTech awards gala was held in Edmonton in 1990. Approximately 300 people from Alberta's science and technology community gathered on Saturday, May 26, 1990, at Canada Place to honour outstanding achievements in science and technology throughout the province.

On October 22 of this year the 10th anniversary of the Alberta science and technology leadership awards was held in Calgary and attracted in excess of 1,100 people. Founded by three visionary patron organizations in 1989, the ASTech foundation now boasts the support of some 14 patrons from sectors as diverse as education, law, petroleum, telecommunications, medicine, agriculture, accounting, finance, utilities, and government.

My congratulations to all of the nominees for this year's awards and especially to all of the winners.

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

Lougheed House

MRS. BURGNER: Thank you, Mr. Speaker. On September 12 of this past year we celebrated the successful opening of the Beaulieu Gardens on the site of the Lougheed residence in downtown Calgary. These gardens enhance the community. The event was held with several hundred people attending. They were wearing beautiful historic hats and costumes. They had historic cars. The whole flavour within the community was very celebratory.

The exciting thing about this is that with the gardens complete, the restoration of the house, a designated national historic site and a provincial historic resource, now takes centre stage, and the approaching centenary of our province in 2005 is an opportune time to celebrate the completion of the Lougheed residence.

Mr. Speaker, the Lougheed House Conservation Society is grateful for the continued support of those in the community, and I bring to the attention of this House, as we move toward our centenary, that this particular unique piece of our Canadian and Albertan history should be supported. I thank all the organizers for that particular event and look forward to its future.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

Alberta College and Technical Institute Students' Executive Council

DR. MASSEY: Thank you, Mr. Speaker. I want to pay tribute to the Alberta College and Technical Institute Students' Executive Council, ACTISEC. The council is worried about tuition costs, costs that are hurting students. Last Thursday ACTISEC students culminated a walk from Camrose to Edmonton with a rally at the Legislature. Unfortunately, at the very end of the rally a small group of students began banging on the front doors of the Legislature and

obscured the security camera. You know what appeared on the news screens that evening: nothing about the hard work of the ACTISEC executive to take their case to the minister, the planning for the rally, the care taken to choose responsible speakers. No; what viewers saw were the two or three individuals who were out of control.

Following the rally, student leaders were extremely disappointed, feeling that their hard work had been destroyed by the incident. Our message to them must be: congratulations on your effort; don't be discouraged; being an active citizen carries risks, and remember that we are all students when it comes to shaping our democracy.

Thank you.

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

2:50 Calgary Reads Initiative

MR. DICKSON: Thank you, Mr. Speaker. I'm pleased to acknowledge yet another important event in the constituency of Calgary-Buffalo. This was Calgary Reads, an early literacy initiative, a community project developed by the Junior League of Calgary in collaboration with the Calgary board of education. The Junior League provides each participating high-needs school with start-up supplies and a facilitator, who keeps in contact with recruited volunteer tutors. Each tutor meets twice a week with a beginning reader.

On International Literacy Day, Calgary Reads held a terrific event at Quincy's on 7th Avenue. This was organized by Stacy Collyer of the Junior League and Miriam Trehearne of Viscount Bennett Centre and was designed to promote early literacy. The schools involved include Albert Park, Keeler, Le Roi Daniels, Mayland Heights, Spruce Cliff, Tuxedo Park, Valley View, and Windsor Park.

The Junior League is a volunteer organization that trains women for community leadership. Since 1950 this charitable organization has done a lot of good work in the city of Calgary. Thank you, Mr. Speaker.

THE SPEAKER: The hon. Government House Leader on a point of order.

Point of Order Abusive Language

MR. HANCOCK: Thank you, Mr. Speaker. I rise on a point of order under our Standing Orders 23(h) and (j) and will make reference to *Beauchesne* sections 410(4), (7), (8), and 409(1). Specifically, what provoked my point of order was a reference to or a use of the word "hoodwink." Mr. Speaker, I'm utilizing this opportunity of a point of order. That term was used in a preamble to a question – and, I might say, a very long and provocative preamble – to raise in general the whole tenor of the question period today and the question periods that we've been having.

Under 23(h) it precludes a member from making "allegations against another member" – hoodwinking is a very provocative and definitive allegation – and using "abusive or insulting language of a nature likely to create disorder." We saw from the catcalls going back and forth across the Legislature today the type of provocation that comes when one uses abusive language in the Legislature, and using the term "hoodwink" to describe any activity by a member is, in my submission, abusive. Whether it appears in the list of prohibited words or not does not necessarily answer the question, because in my humble submission it should be there. Nonetheless, it is an abusive comment.

Under section 409(1) of *Beauchesne* the statement is: "It must be a question, not an expression of an opinion, representation, argumen-

tation, nor debate." The preambles we've heard to questions today and on other days of this session and specifically the one which used the word "hoodwink" were clearly an expression of opinion and were argumentative. Mr. Speaker, I would ask that you rule as such and that you draw the House's attention to these rules.

I'd also bring in reference to section 410(4), "in the view of the watching public, decorum is of importance"; 410(7), "brevity both in questions and answers is of great importance"; and 410(8), "preambles to questions should be brief and supplementary questions require no preambles."

Mr. Speaker, because of the tradition we have in this House where points of order raised during question period are not dealt with till after the question period, there is no ability on the part of a House leader or any other member of the House to intercede to stop the abusive language and the abusive preambles that are being brought forward before questions. I would ask humbly that you draw the House's attention to that, that you rule out of order the specific use of the word "hoodwink" today as an abusive word, that you ask members, particularly members of the opposition, when they're framing their questions, to remember that their object should be to obtain information, not to insult the government or the intelligence of the public of Alberta.

THE SPEAKER: The hon. Official Opposition House Leader.

MR. DICKSON: Thank you, Mr. Speaker. Just a couple of observations in response to the point of order. It seems to be richly ironic that in the same question period and, in fact, in the same exchange where the Premier in fact inflamed and violated the process by asking a series of questions which could do nothing other than engender an argumentative, volatile atmosphere, the Government House Leader should focus on the word "hoodwink." I think one might argue in fact that the truth here ought to be a full defence and that in fact rather than exaggeration, this is an entirely accurate representation in terms of the government policy around private/public health care.

I think the point is this. To be absolutely fair and candid with the Speaker, I notice that in that comprehensive 12-page list you'd circulated before, in fact the word "hoodwink" does appear. It was apparently used on May 8, '92, and drew the attention of the Speaker at the time. I would refer you also, sir, to 486(2), that "an expression which is deemed to be unparliamentary today does not necessarily have to be deemed unparliamentary next week."

I think that in the thrust and parry of question period today there was nothing in the question posed by the Leader of the Official Opposition that offends the rules. In fact, if we were going to slavishly adhere to all of the rules governing the process of question period, sir, we would be here until 5:30 this afternoon addressing those. One can only hope that the focus becomes sharper in question period and the answers more forthright in the future, but I think that there is no basis to single out any one member this afternoon and particularly the Leader of the Opposition for what I thought was a specific and responsible question.

Thank you.

THE SPEAKER: The comment in question was the following, directly out of *Hansard*, and I quote the words of the Leader of the Official Opposition:

Being short on substance, he's now employing a slick, professional marketing campaign paid for by the taxpayers and aimed at hoodwinking, or attempting to hoodwink, Albertans.

Well, the hon. Official Opposition House Leader is absolutely correct in pointing out that in the document that I circulated some

time ago about expressions ruled unparliamentary in the Legislative Assembly of Alberta, the word “hoodwink” comes into play, and it was dealt with on May 8, 1992. The hon. Opposition House Leader is also very correct that there is a context in which all this should be taken. The Government House Leader is also very correct in terms of the suggestions that he has made with respect to the context of the words and the utilization of the words and everything else today.

The bottom line is that the rules governing question period are covered in *Beauchesne*, and the Speaker has gone through them before on numerous occasions and has pointed out basically what one should be doing and what one should not be doing. Essentially, the bottom line is that we can improve the decorum in the House during question period time; number two, we should remind ourselves that the question period’s purpose is not to engender debate but is to seek information; and number three, we can be a little briefer.

Today there were nine hon. members who had an opportunity to raise questions. There were nine sets of questions. On average we get up to 11. That’s pretty good. On Wednesday and Thursday we had 10 each day. What the chair never knows from day to day is how many hon. members want to raise questions. Today was one of those days on which a large number of members indicated their desire to raise questions, and as a result of nine sets of questions, because of a lack of attention to brevity, there were still eight members who did not have an opportunity to raise a question today.

It would really be helpful to everyone – and I’m sure that both House leaders would agree to this – if we attempted to have just a bit briefer question and a bit briefer answer. As an example, in the first two sets of questions, an exchange between the Leader of the Official Opposition and the leader of the government, there were six minutes entailed; in the third set, questions from the hon. Member for Edmonton-Meadowlark, seven and a half minutes; and then for the leader of the third party the time frame was six and a half minutes. But for the most part there was no set of questions that could be dealt with in less than five minutes.

In Ottawa, in the Canadian House of Commons, they have a unique rule. Perhaps when we adjourn this session, whenever it might be, and before the time that we come back in the next session in the year 2000, the House leaders might actually want to apprise themselves of the rules that govern the question-and-answer period in the Canadian House of Commons, where brevity is now met with a time clock. One has to believe that from day to day there are opportunities in this House for people to express themselves, but again the bottom line is that the purpose of question period is to seek information. All members, I think, have been a little carried away with the debating-type aspect of it.

The bottom line with respect to the very specific point of order that the Government House Leader raised today: the word “hoodwink” has been ruled unparliamentary in this House since 1992. Context is very important, and it would seem to me that the use of the word “hoodwink” in the context in which it was used today is not in keeping with the best of the traditions that all hon. members would want to aspire to in this particular Assembly.

Privilege

Private Security Guard in Legislature Building

THE SPEAKER: The other day, in fact last Wednesday, November 17, the hon. Member for Edmonton-Strathcona raised a purported question of privilege under Standing Order 15(5). The event giving rise to this question of privilege occurred sometime just before the noon hour of that day; therefore, the two-hour written requirement of Standing Order 15(2) could not be met. The chair does find that this matter was raised at the earliest opportunity. The event as

described by the Member for Edmonton-Strathcona was that a replacement reporter for the *Calgary Herald* was escorted in the Legislature Building by a person the member calls, and I quote, a bodyguard. The purported question of privilege is that the person’s presence in the Legislature Building somehow breached the privilege of the Assembly or is a contempt of the House.

3:00

As the chair understands the matter, the Government House Leader, who is also Minister of Justice and Attorney General and responsible for the security staff of the building as distinct from the Assembly, indicated that when the security staff were advised of the bodyguard’s presence, they advised that individual that it was not appropriate to be performing his duties in the building, and he left.

The responsibility for the security of the building does not lie with the Speaker but with the Department of Justice and Attorney General. The Assembly’s jurisdiction is over the precincts, which includes part of the Legislature Building and the Legislature Annex. However, it is important to observe that as Joseph Maingot states in *Parliamentary Privilege in Canada*, the second edition, at page 171, “It is the function of the precincts that is ‘sacred’ and not its location.” The chair wants to make it very clear that the individual did not enter the Assembly but only the building, and to the chair’s knowledge there was no effect on the proceedings of the Assembly.

The chair notes that this is an interesting twist on what may be seen as a more familiar purported question of privilege, when someone is denied access to the Legislature Building. Perhaps if this person had been denied access to the building instead of being admitted, someone might be making just that case. To the chair’s knowledge usually Legislatures and parliaments do not come under criticism for allowing people in.

In any event, there is no right to have access to either the building, security for which is provided by the branch of the Department of Justice and Attorney General, or the galleries of the Assembly. In this case the admission of the individual to the building was in keeping with normal practices. While no one has a right to enter this or any other public building, the tendency is to allow admission whenever possible.

The chair may be allowed to express a view, keeping in mind that the chair does not exercise authority over the building security but only the Assembly and its precincts. It is the chair’s profound hope that the presence of any visitor in this building is not ever intended or perceived to be intimidating or threatening. The chair points out that in this case there is no evidence that the individual in question threatened or assaulted anyone. Whether the person was refused or granted admission to the building is not a prima facie question of privilege. In the chair’s view it is likely only when a member or an officer of the Assembly is denied access to the precincts that a valid question of privilege would arise. Accordingly, there are no further proceedings on this matter.

head: Orders of the Day

head: Government Bills and Orders

head: Third Reading

Bill 42

Alberta Stock Exchange Restructuring Act

THE SPEAKER: The hon. Member for Calgary-Mountain View.

MR. HLADY: Thank you, Mr. Speaker. I am pleased to move third reading of Bill 42, the Alberta Stock Exchange Restructuring Act.

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

MR. SAPERS: Thank you, Mr. Speaker. The Alberta Stock Exchange Restructuring Act will no doubt receive third reading today. I have no indication from any member representing any side of this Assembly that any other outcome will be the case. There have been a couple of issues raised, though, since the second reading discussion on this bill and today, and I think it is worth while to put them on the record. It shouldn't take very much time of the House to do that.

I anticipate that the new junior capital market that's going to be established for all of Canada and headquartered in Alberta will, generally speaking, be very good news. But I'm wondering how much effort will go into educating both investors and those people who make decisions regarding funds and fund management and how much effort will go into ensuring that Alberta companies are able to access pools of capital that may now be flowing into Alberta because of the location of the exchange.

It seems to me that one of the most significant problems facing particularly technology companies in Alberta is an access problem to either start-up venture capital or in fact capital through public offerings when an idea has gone from the point of innovation through to commercialization. We have some significant challenges in this province because other provinces, of course, have tax policy that helps attract investment dollars, and that policy doesn't exist here. We also have in some other provinces a much longer standing diversification in terms of market understanding of technology.

[The Deputy Speaker in the chair]

In Alberta if you want to raise money for an oil or a gas venture, it's relatively easy. There are lots of folks out there that understand that business and are willing to put their money on the table. There's a common language in this province to do with the natural resources sector, and that common language, unfortunately, isn't part of the lexicon in Alberta business when it comes to many technology companies. This is particularly a concern in many of the life and health sciences as well as in the other technology sectors. I will note that the Minister of Innovation and Science is not unaware of this problem and in fact has been working quite diligently to try to address it. I hope that his challenges won't remind him of Winston Churchill's observations when he suggested that he found from his days in government that his opposition may sit across from him but that his enemies sit behind him. I wish him luck with his efforts.

Another area of concern when it comes to information technology. I'm hoping that some expertise will be established in the Calgary market and the Alberta market, not in the business community – I think that that expertise is already there. When I say market, I mean particularly in the stock market and the securities end of the business. From talking with both brokers and bankers, the story that I'm getting is that they see just too much risk and not enough immediate upside in terms of maximizing shareholder returns. I guess my thought is that the reason why they perceive so much risk is perhaps because of a lack of expertise in evaluating and in assessing the business opportunities that are presented to them.

There is in this province some very good news in the high-technology sector, and some of that good news is reflected in the recognition which I was just honoured to provide of the Alberta Science and Technology Leadership Awards Foundation and their annual celebrations of all things innovative and scientific. That good news should be echoed and amplified at every opportunity.

Why I raise this in relevance to third reading of Bill 42 is because this junior market can play a significant role, an expanded role in terms of ensuring that the science and technology innovation success which is born here in Alberta can also be grown here in Alberta. I

would just hope that the men and women who are going to be making this exchange work, the regulators that are going to be watching over the exchange, and of course the people with the money, the folks with the deep pockets, will recognize those opportunities and that they will work together in this province to ensure that we have a good, healthy number of clean and solid offerings where the integrity of the plan and of the people is beyond question and where we can see some real explosion in terms of the funding that the sector deserves in this province.

3:10

There was an article I noted in one of the newspapers – I can't recall which one it was, but it was just last week, Mr. Speaker – where there was a further concern that went something like this. It was a mutual fund manager that was talking about the new junior exchange, and his comment was: well, just because they're going to repackage some of these small companies in this new junior exchange doesn't necessarily mean that we're going to find them any more attractive for inclusion in the fund management. That was a very disturbing comment to hear, and I was concerned that it sends a bit of a negative signal about (a) the stability of the junior capital market in this country and (b) the kinds of companies that find themselves listed on those exchanges.

MR. SMITH: It's low interest rates and a 68-cent dollar that's wrecking it.

THE DEPUTY SPEAKER: The hon. minister, if he wishes to join in the debate, can do so at the conclusion of the hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Speaker. I don't know what the new exchange will do in terms of polishing up its image. It is true that there have been some historic problems in particularly the western exchanges in this country. As I mentioned during second reading debate, there have been some spectacular failures, and those are unfortunate. We should be doing everything we can to ensure that that history is not repeated.

With those few brief comments, Mr. Speaker, I will join with the government in wishing the new junior exchange in Calgary all of the luck in the world.

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

MR. DICKSON: Thank you, Mr. Speaker. Just a couple of brief comments to add, and I associate myself entirely with the comments we just heard from Edmonton-Glenora.

Just in terms of timing, my understanding is that there will be a vote this Friday by members of the Alberta Stock Exchange and the Vancouver Stock Exchange, and then the merger will take place officially on November 29. As I understand it, the appointment of Mr. Hess takes effect also on November 29, and then we see the appointment of a 20-member board of directors, made up of the 14 member directors and six independents.

I'd just make the observation, you know, that this is Monday. This is actually only the third sitting day of this fall session.

MRS. SOETAERT: Is that all?

MR. DICKSON: To some it seems longer, Mr. Speaker, but I assure them this is only the third sitting day of the fall session.

We've taken this bill from first reading to second reading, through committee, and here we are finishing up at third reading. I think this

is instructive because what it demonstrates, Mr. Speaker, is that all of us ought to have more confidence in the ability of this Chamber and this forum to be able to, firstly, recognize when there are imperative time constraints that have to be met, and we found here that the opposition worked hard to accommodate those kinds of concerns. I think it's ample testament to the business-friendly nature of the opposition caucus.

I'd just make the observation that I find the Government House Leader tremendously persuasive almost all the time, but occasionally, Mr. Speaker, when we attempt to make the argument that we don't have to do so much by regulation, that more important decisions would come in here, you will find that certainly members of the Official Opposition understand those kinds of outside constraints and deadlines, and we work hard to accommodate them. The important thing – and I know that the Member for Calgary-Mountain View appreciates this and that all the ministers appreciate this – is this is a far more powerful statement having had the benefit of a debate in the Legislative Assembly, having had the opportunity for the kind of scrutiny that's happened, and I think this is the way you launch something like the new exchange.

Some of those comments you may find somewhat collateral to the principles of the bill. I think that this has been a very interesting exercise. As I said before, I associate myself completely with the comments by my colleague from Edmonton-Glenora – I was going to say Glenmore, but that's the other side – and I want to incorporate by reference his excellent analysis of this bill both at second reading and again at third reading.

Thank you very much.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Calder.

MR. WHITE: Thank you, Mr. Speaker. I rise to congratulate those that worked so long and hard on this matter, in particular the supporting member from Calgary who was so adept at providing the information to this side when this side asked some fundamental questions about the matter and was always open to exploring some other possibilities. My colleague for Calgary-Buffalo has gone through that area of co-operation very well.

I'd like to just spend a moment and say how excited this particular member is about this new venture. Being headquartered in Calgary is very important to Alberta. Albertans have always been entrepreneurial but always short of that critical element for the success of any venture, the cash, in order to follow through with it. With the junior capital market being readily accessible, it provides so much opportunity for so many Albertans that do have that drive and do have the interest and are really, really willing to contribute to this society in this manner. This venture leaves those markets so readily accessible. The information will be at hand. The market will be right in the heart of Calgary to be able to raise those dollars for all of these ventures.

I particularly applaud the rapidity with which this piece of legislation has come to this House and has been dealt with by this House. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Mountain View to close debate.

MR. HLADY: Thank you, Mr. Speaker. Just to address a couple of the questions from the Member for Edmonton-Glenora and to close. His concerns over the access to pools of capital are valid. It has always been a question, especially for the technology and industrial sectors, when trying to look for capital in Alberta. We don't have the fundamentals, if you go to any of the brokerage houses, to have

corporate financial analysts who understand technology. So what happens is that those deals end up getting put off to Toronto to be analyzed to determine whether they are good deals. That's always been a problem. I think what we're going to see with the new Canadian Venture Exchange is a further development of the fundamentals inside our brokerage houses and a need for that.

I've also been very fortunate to work with the Minister of Innovation and Science. He's been working very, very hard for the last couple of years developing the whole technology sector, and it's crucial to see what he's done. The recent announcements in regards to ICORE are certainly going to develop parts of the infrastructure that are needed to do that basic due diligence and make sure that you have new businesses coming through that are going to be sitting in a really good position to make some things happen so that you have good investments for the financial sector.

But I still think there's another piece there, where the financial sector has to get up to speed to understand what technology is about in this province especially. I hope, as the chair of technology commercialization wearing another hat, that I can help in that area. I think that bringing the sectors together so that we can do the due diligence so that the investors know they're getting good investments is part of maybe a structure that we can be involved with and make work well.

Mr. Speaker, thank you very much for your time. I'm glad that we could make this happen as quickly as we did and see the new Canadian Venture Exchange be a great success across this country.

[Motion carried; Bill 42 read a third time]

head: Government Bills and Orders
head: Second Reading

3:20

Bill 41 Regulated Accounting Profession Act

THE DEPUTY SPEAKER: The hon. Member for Calgary-North West.

MR. MELCHIN: Thank you, Mr. Speaker. I'm delighted today to rise and move second reading of Bill 41, the Regulated Accounting Profession Act.

Before I start, I would like to acknowledge the hard work and dedication of many of the three accounting bodies. I previously introduced all of them during Introduction of Guests. A few of them arrived late, but I appreciate that they could also make it. We were debating that we should maybe fill the rafters with many of the accountants across the province, but I suspect the Treasurer was too concerned about the loss of chargeable hours. As a result, we have the leadership of the three accounting bodies here. I would like to say that they've certainly been very much behind this legislation. They have given their full support for the advancement of Bill 41, the Regulated Accounting Profession Act.

About a little over 10, 11 years ago, in 1988, there were three separate acts, one from each of the accounting organizations, passed in this Legislature and proclaimed at that time. There was a commitment to review that legislation after a period of years, after experience with it. It gave us the opportunity not just to incorporate the experience of the accounting bodies over that period of time but also to harmonize and update the legislation with respect to professions in general.

Last spring there were two different acts passed, the Health Professions Act and the Regulated Forestry Profession Act. This legislation, the Regulated Accounting Profession Act, has been patterned on and certainly used the template of those professions, so

when we are looking at legislation in the future, we can have a simplification and a streamlining of professional legislation in the province. We have had a significant amount of consultation with all stakeholders and at this stage have the full support, like I mentioned previously, of the three accounting bodies: the Institute of Chartered Accountants, the Certified Management Accountants, and the certified general accountants.

There are a number of key principles incorporated into this act that are paramount when you have a self-regulating profession. The protection of the public is paramount, so this legislation takes into consideration factors that will ensure that the public are protected when they receive services from the accounting members.

Secondly, the protection of the profession's integrity is established both with regards to competency and credibility.

The third issue with regards to the principle of this act has to do with the flexibility of the accounting regulatory systems, that the scope and role would allow businesses in capital markets and other enterprises to operate with maximum effectiveness, that the regulatory environment would not be too constraining to allow the ordinary, ongoing work of commerce.

Fourthly, this would be transparent to the public; the provision of information about the workings and purposes would be credible and easily available to all Albertans.

Fifthly, the regulatory process must be fair and the principle of natural justice observed throughout and the decision-makers accountable for the decisions they make.

Finally, the regulatory system must support the efficient and effective delivery of accounting services.

The structure of the legislation and the acts has been combined. As mentioned, it will eliminate three existing pieces of legislation and will streamline the accounting regulation into one act. It provides for a common regulatory framework for processes such as registration, complaint investigation, discipline and appeal hearings, and regulation and bylaw-making authority. The final part of the act has a separate schedule for each of the three groups dealing with profession-specific items such as designation titles and transition provisions relating to the current legislation.

There are a number of issues in this legislation that are the same, incorporated from the three previous acts. The Institute of Chartered Accountants of Alberta, the Certified Management Accountants of Alberta, and the certified general accountants of Alberta will continue as self-governing bodies. They will continue to have similar responsibilities for registering members, receiving and investigating complaints from the public, conducting discipline and appeal hearings, making regulations and bylaws to support their operations, and conducting practice reviews of members.

One specific area that will remain in place is the restricted activities of the three accounting organizations. Financial audits and review engagements will continue to be the same areas of exclusive scope of practice, and only individuals registered under this act and with one of the accounting organizations can conduct financial audits and reviews.

There is one new exemption added to this part of restricted activities, which allows – and I'm glad to see it – for the conduct of audits and reviews on a voluntary basis. So those providing audits for nonprofit organizations registered under the Companies Act or Societies Act can also engage the services of other accountants and others involved with those organizations.

As I've mentioned, the designated titles under each of the accounting organizations will remain the same with one exception. The title of certified public accountant, which is presently prohibited by existing legislation, will be permitted subject to regulation. The existing business practice arrangements will stay the same. The

accountants will continue to provide services as sole practitioners, partners, professional corporations, or, recently, as limited liability partnerships.

Yet this legislation comes with a number of significant changes, a number of them made with respect to the accountability and transparency of the accounting profession. One of the principles I mentioned earlier is that public accountability and transparency have increased in several ways. First and probably foremost, public representation on all the governing councils, hearing panels, and appeal bodies will be increased from, presently, approximately 10 percent to 25 percent, that reflecting also the same representation as in the Health Professions Act and the Forestry Profession Act. These public members will be appointed by government and will be paid an honorarium and expenses by government to ensure their independence.

Another area of transparency is to improve the reporting requirements: annual tabling in the Legislature of reports from each of the accounting organizations with specific areas required to be contained in that report. Continuing competency requirements are also strengthened. There has been an ongoing regular practice review of firms, which will continue, and a mandatory continuing education requirement is placed in the act. All three accounting bodies have practised this in recent times and have incorporated that into their practices anyway to upgrade and continue to ensure that the qualifications of their members are at their best.

Discipline and appeal hearings will be public, and recorded decisions of these proceedings will be public so that the public will have an opportunity to be fully involved, to hear of any complaints, and to certainly ensure that the proceedings are available for scrutiny by the public.

A significant area that was added to this legislation that didn't exist previously has to do with the provincial Ombudsman. After all appeals have been exhausted, the public can also file a complaint or can appeal to the Ombudsman. The Ombudsman will not be able to overturn decisions made by regulatory bodies, but just as with complaints about government, the Ombudsman will be able to investigate complaints and make recommendations to the accounting bodies. The Ombudsman's role does not replace provisions for appeal both within the regular body and to the courts, but it certainly adds another level of public visibility and an opportunity to provide feedback to the accounting organizations.

With respect to regulation and bylaw-making authority, the determination of the accounting standards is being moved from regulation to bylaws. This certainly recognizes the ongoing local, national, and international development of accounting and auditing standards that the professions have been seriously engaged in throughout their tenure. Registration qualifications will be set by each of their organizations, as set out by regulation. This function was previously held by the universities' co-ordinating council, and that council will no longer have that function.

3:30

Another fairly significant new aspect of this legislation is to provide for the registration not only of the individual members but also of the public accounting firms and professional service providers. Increasingly today accounting services are provided through large, many times not just local and national but international firms, and when complaints or other issues are brought forward, the reports are signed off by the members but in the name of the firm. When the public or any individual has a complaint, typically a complaint will be brought forward against the firm, not just an individual member's practice.

Previously there was no ability for the accounting organizations

to review a complaint of a firm. They could only review the complaints and issues regarding its registered members. This will facilitate an ability to also monitor the practice at a firm level. Many issues, such as the standards that are set for the provision of their audit and accounting services as well as advertising and many firm practices, are set at levels beyond just the individual but in a national and international scope, so this will certainly provide the public the ability to assess the practices of the firm as well as just that of the individual member. Firms and individuals who provide incidental public accounting services, however, will be exempted from registering as firms.

Another area that has been changed in this legislation has to do with the practice review policy board. Previously, there was a joint standards directorate established by legislation. Now there is a new practice review policy board set to ensure that the practice requirements conducted will be similar in all organizations. Previously, the joint standards directorate had regulatory authority to conduct practice reviews of accountants, and now that will be transferred directly to the individual organizations to conduct their own practice reviews of their members.

An area that has been changed to reflect the template, as I mentioned, with respect to the health and forestry professions has to do with the complaint, hearing, and appeal processes. A number of significant changes have been made to improve these processes. Probably one of the most significant is to separate the investigative, adjudicative, and appeal functions and to prevent any bias during a disciplinary process.

It also provides for an alternative dispute resolution process at an early stage. So complaints can be resolved at an early stage without having to go through the formal appeal and investigative process, if warranted.

As I mentioned, on all of these bodies public representation will be increased to 25 percent, and hearings will be open to the public. The accounting organizations can now also apply directly to the Court of Queen's Bench to enforce a decision of a discipline or appeal body and, also, have authority to seek a court injunction to enforce public protection provisions such as the enforcement of professional practice standards. These areas will certainly help self-regulating professions monitor and enforce the standards that are there to protect the public.

Fines, previously at a level of \$6,000, have been raised to a maximum of \$25,000 for contravention of the act and certainly will not be seen just as a cost of doing business. Public notification of disciplinary action and decisions must be in writing, outlining the reasons for the decisions. These as well as a number of other issues, I would suggest, have substantially improved the legislation for regulating accounting practices in Alberta, and I look forward to the debate that we'll have here today in second reading.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. I have a few remarks regarding Bill 41, the Regulated Accounting Profession Act. I've been going over it, and I believe it is a sound piece of legislation.

The object of the Regulated Accounting Profession Act is to replace the three existing acts that govern the accounting industry: the Certified General Accountants Act, the Certified Management Accountants Act, and the Chartered Accountants Act. We are with this new bill ensuring common processes for registration, discipline, and appeals for chartered accountants, certified management accountants, and certified general accountants. The streamlining,

the standardization, and the consolidation of the accounting professions legislation, as I understand from the hon. member, have been discussed thoroughly with the three accounting organizations in Alberta. I think this is a very good example of good consultation.

This act, as I see it, has two major components. The first, of course, is the establishment of common professional requirements regarding registration, competency, an open disciplinary process, and it also defines which activities – for instance, audits and review engagements – are restricted to registrants of the accounting organizations. The second component, Mr. Speaker, consists of a series of schedules that set out conditions, entitled Profession-Specific Provisions. I believe that all hon. Members of this Legislative Assembly should support this legislation. As I said before, it was developed through an excellent consultation process with the three accounting organizations in the province and, as far as I know, has their full support.

However, in any debate there are a number of issues that need to be raised pertaining to public accountability and the public's right to access information, and now is the perfect time. Earlier, Mr. Speaker, we heard in question period the whole issue of access to information regarding health contracts, regional health authorities contracting out information. This is a \$668 million business in this province, so there certainly are – and I believe this bill has incorporated into it – excellent access to information issues for the public. I'm going to get into this a little further as I continue with my remarks.

The Regulated Accounting Profession Act reflects, I believe, the evolving nature of the accounting profession and the need to ensure effective governance, accountability, transparency, and openness. It is very important, Mr. Speaker, that we have transparency and openness as we move to a global economy. The economy seems to be accelerating. National and state boundaries are becoming less meaningful as this globalization accelerates, and it is very important that we have legislation such as this.

Now, the Institute of Chartered Accountants of Alberta, the Society of Management Accountants of Alberta, and the Certified General Accountants' Association of Alberta worked very hard to develop this important legislative initiative, and it should serve to make the profession more transparent and open to the general public. I believe it will also increase public confidence in not only this profession, but if this legislation as it moves along is upheld in the manner that is outlined here, the public will have confidence in the governing bodies.

3:40

We need to recognize that the accounting profession has gone through a process of dramatic change, as a lot of other professions have, this past decade. Accounting firms are changing the nature of their work practices in response to technological advances and the changing needs and requirements of clients. There are also advances in information and communication technology, and these advances have challenged the current regulatory system.

The scope of practice now is moving well beyond the traditional accounting, auditing, and taxation services that existed as little as a decade ago. Now the accounting profession is helping people to create financial plans that will result in a secure future, and I can't think, Mr. Speaker, of anything more important than creating financial plans for the retirement of all Albertans. There has to be a public confidence in this whole process, and I would recognize the efforts of the hon. member who is sponsoring this bill, that his work does not go unnoticed nor go unappreciated.

Specialization, Mr. Speaker, has also become a reality in the past decade, whether it be in an accounting office or whether it be in a

legal firm. It doesn't matter. Accountants must not only have knowledge of accounting but other related disciplines as well. They must have information at their fingertips on taxation, information technology, and companies legislation. Bill 41 reflects the need for greater flexibility in the profession to respond to these changes, to recognize the need for enhanced accountability and public participation in the profession, representation on committees and discipline and appeal tribunals.

This bill also provides for a more effective disciplinary enforcement system to protect the public, and I'm going to say a little bit more about that later on in my remarks. I believe this bill also provides greater uniformity in rules for registration, rules of practice, governance, and, most importantly, ethics. This bill also strengthens the focus of the legislation to sustain the protection of the public and adapts to all the future needs of the public with an awareness of the impact that this profession has on our lives, and I would refer back to the competent way in which the money that we're setting aside for our retirement, how this can be done by the accounting profession.

There are also some concerns about this bill that I would like to talk about briefly, and perhaps the hon. members can in due time, in the course of debate, explain and clarify a few things for me. I would be very grateful if they could do that. Mr. Speaker, the powers and duties of the discipline and appeals tribunals are not affected by a vacancy in the office of the public member for up to two years from the date of the act coming into force. I would like to know how all this is going to work, and I'll be waiting to hear in committee.

Certain situations defined as matters of public security, where committee meetings and discipline and appeal tribunal hearings may not be open to the public: I would like to know why there is not this openness to the public.

I'm also of the understanding that information on registrants may not be as readily accessible to the general public from the accounting organizations as it is currently from the public register.

The Provincial Ombudsman, Mr. Speaker, cannot overrule the decision of an accounting organization, its governing body, a committee, a discipline tribunal, an appeal tribunal. He can only make recommendations. Now, I'm of the opinion that the Ombudsman here has no powers of enforcement, and if I could have that clarified, I would be grateful.

Accounting organizations, as I understand it, can make an application to the Court of Queen's Bench for enforcement of rules and decisions without notice to the person affected. I would like to know why.

Sanction agreements can be reached between the CIC and the investigative party on approval by a majority vote of a CIC panel. Now, a sanction agreement cannot be appealed to the appeal tribunal. There does not seem to be any requirement to make the sanction agreement public.

Those are the concerns I have, and I'm going to be waiting very anxiously for Committee of the Whole because I think my concerns are justified and I would like to hear the rationale behind this approach.

There are also many highlights to the Regulated Accounting Profession Act. There's public accountability, there's the registration, there's the practice review, there's the access to information, there's the role of the Ombudsman, there are issues of restricted activities here, and the complaints inquiry process. Now, when I talked earlier about public confidence in professions and in professional organizations, the first thing that comes to mind with most people – and I'm sorry to talk a little about the legal profession in this discussion of public confidence in professional organizations, but everyone talks about: well, we're going to go to the Law Society

and we're going to complain about this or about that. In the complaints inquiry process under the Regulated Accounting Profession Act the investigative processes, the disciplinary tribunals, and the appeals tribunals are separated in order to eliminate any potential conflict of interest. The public is not represented at the investigation stage but has a 25 percent representation on the disciplinary tribunal and the appeal tribunal.

All decisions, as I understand it, are appealable to the complaints inquiry committee. The process is established in this manner to allow for flexibility, efficiency, and an open disciplinary process. I think that is a good way to go. Any person in this province can make a complaint to an accounting organization about the conduct of a registrant or former registrant. The conduct of a registrant must first be examined by the complaints inquiry committee, or the CIC, secretary. On completing the review, on hearing the complaint, the secretary must refer the complaint to the chair. I think this will allow a great deal of public confidence. Perhaps the general public will not have an interest in this until something goes wrong, until there is a problem. Hopefully not.

At any time, Mr. Speaker, before a discipline tribunal starts to hear evidence of an allegation of unprofessional conduct, the complaints inquiry committee and the investigated party may enter into a sanctioned agreement admitting unprofessional conduct on the part of the investigated party and also stating the sanction that is to be imposed. The chair must select a panel consisting of two members of the complaints inquiry committee, the complaints inquiry committee chair, and one public member to recommend an agreement. A majority vote of the panel ratifies the sanction agreement.

However, the concern here is that there may be a use of sanction agreements to avoid public scrutiny, and this is something that I think we should be watchful for. Although there's only one public member on the panel, the public member's vote can be overridden by the majority vote of the other two accounting profession members. As well, a sanction agreement approved by the panel cannot be appealed to the appeal tribunal. There also does not seem to be any requirement to make the sanction agreement public, although it can be sent, I understand, to the Minister of Justice and Attorney General.

3:50

In concluding my remarks, I would like to review the highlights of this bill and why I think it is a step in the right direction in this province. These highlights, I believe, have been very well articulated by the previous speaker. We are going to establish common professional requirements, registration, competency, and an open disciplinary process in the accounting profession. The definition of "restricted activities" which may be provided by members of each profession for enforcement – we're all set there. The requirement that 25 percent representation on accounting organization committees and discipline and appeal tribunals is also a very positive step. We are going to provide recourse to third-party appeal and review of decisions by the provincial Ombudsman.

I think the provincial Ombudsman is very hardworking, and this is only going to add to the workload of the Ombudsman and the office. However, if this legislation is as well drafted as I think and the consultation process has been as thorough as I understand it to be, perhaps this is going to be one piece of legislation where the Ombudsman will not have to play a very active role. There are people who are always beating a steady path to the door of the Ombudsman's office in relation to activities that are happening at WCB and many other government departments, but hopefully in this case the door will never be opened.

With those remarks, Mr. Speaker, I shall take my seat. Thank you.

THE DEPUTY SPEAKER: The hon. Minister of Human Resources and Employment.

MR. DUNFORD: Thank you, Mr. Speaker. I rise to speak in support of the principles of Bill 41, the Regulated Accounting Profession Act. In doing so, though, I want to first of all recognize the hon. Member for Calgary-North West. He took on this task for us. Members here in the House will recall that sometime late in May we had a major reorganization of government departments, and of course this was one of the ongoing initiatives that we inherited under our new mandate, so I was particularly pleased when the hon. member agreed that he would, in fact, bring forward the bill on behalf of the accounting professions. I must indicate to the member and to all members in the House the comfort that I felt in being able to turn this task over to a man of such experience and certainly knowledge in this particular area.

While I have the floor, I want to thank the representatives of the accounting professions that are here with us today. With Bill 41 we're trying to provide clarity and coherence to government procedures, to the sort of responsibilities that we have, and when we are able to streamline in this fashion, it of course helps us with our roles and responsibilities to a great extent, and for that I'm very grateful.

It also helps us move along toward I believe a more coherent model of how we deal with the professions here in Alberta. Once again we have another bill that incorporates more public input. It's certainly more open and transparent. Also, we have the role of the Ombudsman involved in key areas.

The speaker just previous to me indicated the concern that he had with the Ombudsman in the sense that this particular position might be finding increases to its particular workload. I think there's the capacity for that to be handled, and I think it sends a real message out to the public that if all else fails, there is a way to go beyond members of a particular profession to someone who has the clear responsibility for viewing, protecting, and commenting on the interests of members of the Alberta public.

I want to close my comments, brief as they are, just by thanking a member of our department. Dennis Gartner has been working with us on this particular initiative. He has kept myself as the minister advised all the way along, and I want to thank him personally.

Now, there's more to this than just a thank you for this particular bill. The announcement has been made today that Dennis is moving on to Municipal Affairs. He's accepted responsibilities for safety services, freedom of information and protection of privacy, disaster services, and this will be effective on December 1. Dennis, we're sorry to lose you. Certainly we understand that the areas of those responsibilities you'll be moving to will be a tremendous responsibility, and of course we want to congratulate you for that.

Thank you very much, Mr. Speaker. That concludes my remarks.

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

MR. DICKSON: Thank you very much, Mr. Speaker. I want to welcome here representatives of the three accounting professions. I just start off by saying, firstly, that I'm supporting the bill. I particularly wanted to thank Mr. Sterling Eddy, the president of the Certified Management Accountants of Alberta, and Noreen McFallon of the Certified General Accountants' Association of Alberta, who have been very kind in offering to discuss any elements of the bill and that sort of thing. That offer has been very much appreciated. There are a couple of items that I have not had an opportunity to speak to these folks about. That's not because they haven't made themselves available but because I haven't had an opportunity to,

and because I was supporting the bill in any event, the issues are in the minor rather than the major category.

There are three things that I wanted to raise with respect to this bill. The first one is section 144, and frankly I expect this is not something that's been prescribed or required by the three accounting professions as much as it has been by the draftspeople, the legislative draftspeople working for the Department of Justice. I'd be less than consistent, Mr. Speaker, if I didn't draw the attention of the Assembly to section 144, and I don't want to be inconsistent.

The concern has to do with the regulation-making power there. We see in section 144(1):

The Lieutenant Governor in Council may make regulations

- (a) respecting the transition to this Act of anything under a former Act, including the interpretation of any transitional provision in this Act;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from a former Act.

There's a two-year sunset provision in terms of that type of extraordinary regulation, but I've spent eight years in this Assembly expressing my concern about excessive delegation of regulation-making power. This is something we can always do better on. This is of less consequence, I think, to the three professions than the fact that I think what's happening is government – and I don't want to blame the parliamentary draftspeople. Mr. Pagano and his colleagues work very hard and they're excellent professionals, but I think sometimes we look at shortcuts, and we take what may be sort of an attractive short step instead of going through the kind of public scrutiny that ought to happen.

4:00

When I see a regulation-making power like this, my view is that it's broader and more expansive than it need be. It may well be that this will never be utilized to the full legal extent that's provided here, but I think it's important in this Chamber that we signal a concern about the sweeping power. When I went to law school back in the late '60s, early '70s, the notion about regulations was that they were necessarily incidental items. Subordinate lawmaking meant that, subordinate lawmaking. We've now got to a point where by regulation you in effect can do some things that formerly, 30 years ago, could only be done by statute and only be done in a place like this, where there's that sort of broader public forum, that broader public scrutiny.

This isn't, as I suggested at the beginning, a reason to oppose the bill, but I don't want to be in an estoppel situation, where this comes up again and government people say: well, we now have a new standard in terms of lawmaking, and this has now become regularized because we've seen it in additional statutes. I don't like it, and I want to make that reservation as clearly as I can.

The second provision – and I think my colleague from Edmonton-Gold Bar touched on it – had to do with section 74, the sanction agreements provision. I think public interest and disclosure are important issues. I'm drawing comparisons with what the Law Society of Alberta does now. I'm thinking of some of the things that the College of Physicians and Surgeons does in terms of recognizing that if you're a self-governing profession or professions, there is this huge public responsibility, and part of the way of discharging that is to ensure a high level of transparency in terms of the way that governance work is done.

I'm looking forward to comments relative to the sanction agreements, in particular in terms of what the process is in terms of how Albertans, how the public gets notification if in fact it's found that an offence has been made out, that there's been an instance of unprofessional conduct. There is very much a public interest in

knowing those things. You know, Mr. Speaker, the reality is we know that if there's a member of the Law Society, we know that if there is a physician – and I confess that I don't know whether the bylaws make provision for it, but I don't see it in the statute, and that's something I would query.

The last question I had had to do with section 8(2). The *Rules of Court* are very clear in terms of what an originating notice of motion is, how it's commenced. There's the default provision of 10 days' notice to the respondent, the other side, and other interested parties. Now, something really curious has happened in section 8(2). We've got, "With the permission of the Court, an accounting organization's application may be made without notice to the person concerned."

Mr. Speaker, I have some more I want to say around section 8(2), but I understand we have some special guests to be introduced. As long as I don't forfeit my space on the speaking order, I'd be happy to sit down and permit an introduction to take place.

THE DEPUTY SPEAKER: Thank you.

Would the Assembly agree to the brief introduction of guests?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

head: Introduction of Guests

(reversion)

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

MR. AMERY: Thank you, Mr. Speaker. It's my pleasure to rise today and introduce to you and through you to members of the Assembly a dear friend and a guest from the Parliament of Lebanon. Seated in your gallery is the hon. Abdulrahim Murad. Mr. Murad was the former minister of advanced education and career technology and presently is the Member of Parliament representing the Bekda Valley region. Mr. Murad is a very well-respected and admired politician in Lebanon for his charitable work and his devotion to the poor, elderly, and deprived people in that country. Mr. Murad is visiting communities in Edmonton and Calgary. We just met with the Minister of Learning, and he will be meeting later with the minister of international relations.

Mr. Murad is accompanied by a very well-known Edmontonian, not because of his hairdo but because of his activities, Mr. Joe Hak, and Mr. Nabil Abdulghani, a well-known businessman, and Mr. Samir Sleiman, the president of the Lala Culture and Social Society, and my assistant Darla. With your permission, Mr. Speaker, I'd ask them to rise and receive the traditional warm welcome of the Assembly.

THE DEPUTY SPEAKER: Thank you.

Calgary-Buffalo.

head: Government Bills and Orders

head: Second Reading

Bill 41

Regulated Accounting Profession Act

(continued)

MR. DICKSON: Thanks, Mr. Speaker. Anyway, where we'd left off was just chatting about section 8(2). There's nothing to be gained by adding this provision. I don't know why we wouldn't just incorporate it by referencing the existing notice provisions. I know the Government House Leader may give some opinion on this, but

once you start providing some additional provision - it's on page 15, 8(2), "application may be made without notice to the person concerned."

Here's my question. Under the existing *Alberta Rules of Court* there are exceptional extraordinary cases where you can make an application ex parte. Ex parte is just Latin for no notice to the other side. I don't know why we just don't leave it at that. By putting in this provision 8(2), "with the permission of the Court, an accounting organization's application may be made without notice to the person concerned" – the query is whether the court looking at this is supposed to use the existing tests with respect to notice for ex parte applications on an originating notice of motion or whether the Legislature is trying to give them some different direction. I think, frankly, it would be much cleaner to leave it out altogether because this power already exists. By putting section 8(2) in, what you do is you put the court in the difficult position of saying on an application – the Legislature is presumed to know what the provisions are in the *Rules of Court*. So to make that provision, the Legislature must have intended something different, Mr. Speaker, and it doesn't tell us what the criteria are going to be under which notice would be waived.

Now, probably it's not going to happen very often, but it's something that my eye was drawn to. If there's some good explanation, I'd be happy to hear it, but it just seems to me, with respect, sloppy lawmaking to duplicate a power that already exists without then putting in what that whole code is. So it's either in accordance with the *Alberta Rules of Court* or in some different direction, and what would the circumstances be? Under the *Rules of Court* it's clear. It's an extraordinary thing, because normally anybody who's affected is entitled as of right to notice.

I have that question. It's not a reason to vote against the bill, because I understand it's enthusiastically supported by the three professional organizations that are directly affected. Part of the reason the bill is here is we also have a duty in terms of that broader public interest to ask these questions, and I'm looking forward to some explanation.

With that, Mr. Speaker, I would move that we adjourn debate on Bill 41 at this time.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo has moved that we adjourn debate on Bill 41. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. The motion is carried.

head: Government Bills and Orders

head: Third Reading

4:10 (continued)

Bill 7

Alberta Health Care Insurance

Amendment Act, 1999

[Adjourned debate May 6: Ms Leibovici]

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

MS LEBOVICI: Thank you, Mr. Speaker. In the short time that I have available this afternoon to address this very important bill, I'd

like to reiterate the reasons that we are not in support of this bill.

One of the main ones – and the reason becomes a little bit clearer for the introduction of the bill – is with regards to the impact it will have in ensuring that Alberta Health can behave like an American-style HMO. The AMA quite rightly pointed out in their Contact newsletter to MLAs that perhaps one of the goals of this particular bill is to ensure that the minister would have the ability to make any changes that are required and to open up the door to American-style health care. This is in fact what we have been fighting in this Legislative Assembly these last couple of days, and we'll continue that fight to ensure that private, for-profit health care does not have a foothold in this province.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Speaker. When we look at this bill now, we can look at the direction it's taking. I look at what the bill does. It certainly gives the minister more power. He can reject the physicians' claims if the required information is not provided. There's a penalty section here where he can fine the physicians "\$1000 for the first offence" and "\$2000 for the 2nd and each subsequent offence." It allows the minister of health something that I'm not really happy about, and that's to make regulations for any matter "the Minister considers necessary for the proper administration of the [public health care] Plan."

We've seen the comments by the Alberta Medical Association regarding HMOs. HMOs and managed care are a huge problem in the U.S. How that relates to this bill, Mr. Speaker, is that the whole notion of the government having compulsory electronic billing, in my view, is to ensure they have all the data available to them to determine what particular treatments in the future could be insured. Why they have this is that if you look at Bill 40, the Health Information Act, people will be able to access billing records and all sorts of information now. So compulsory electronic billing falls nicely into place when we reflect on the contents of the new Health Information Act.

I believe it's the government's intent to have this information available to determine who is treating whom and for what and how much it costs. The next step is that if it's costing too much, then maybe we should deinsure that particular service. We should make it one of those particular services that's now deinsured so that one of these nice little health facilities such as HRG and whatever else is going to come around. So we put it into their hands now, and they can then perform the surgical service or whatever is needed. They can perform all sorts of different treatments and procedures.

Lots of people say that the government doesn't have a plan for health reform. I don't believe it's health reform they have a plan for; I believe it's privatization. This bill falls nicely into that little envelope as far as I'm concerned. It's part of the overall plan, step by step, legislation by legislation: let's amend whatever we can towards private health care. So you amend all the legislation you have. Bill 7 is a part of that. I have some huge concerns about the government's direction.

Also we know, Mr. Speaker, that we have the health minister stating that Bill 7 allows the government to protect the Alberta health care insurance plan from administrative nightmares. He also says:

It allows government to protect Albertans from being required to pay large sums of money out of pocket for extended periods of time if physicians decide to bill patients directly rather than submit claims to Alberta Health.

Well, that just says something to me about this government. This is the same government who's made access to health care very difficult. It's the same government who sends bill collectors to the doors of the unemployed when they don't pay their health care premium so that they can get this particular service from Alberta health care. I haven't bought into the fact that this government really cares and that they're here to protect the citizens of the province from what they would consider having to pay out large amounts of money.

Well, they're going to create a system that's going to require people to take large amounts of money out of their pockets. What's going to happen with the new proposal of the Premier is that they're going to be paying out more than they ever dreamed. That to me is not protection. In fact, maybe I could just quote, if I could, Mr. Speaker, from *The Concise Oxford Dictionary*. Protect means "keep safe, defend, guard, (person or thing from or against danger, injury, disadvantage)." That doesn't sound to me like something the government is doing in Bill 7. I think that's just a bit of a PR front, and certainly it doesn't wash when it comes to the creation of the new health care system that they want to design and fall into.

I also would suggest that the AMA is right when they allude to the fact that more problems will be created with this bill as opposed to what exists now. If you have 99 percent of your billing done electronically, as it is, what is the problem? It begs the question: why do we need this legislation? Is that 1 percent of billing that's done in this province of such huge concern that this government has to get into that business of checking up on the doctors? I would suggest that the doctors in this province have, for the most part, served us well. They're not into fleecing their patients. The number one issue for the doctors is the health and well-being of their patients, preventative medicine. It's not getting as much money out of their pockets as they can. That's not all doctors. There are a few. However, most doctors are of that nature, and they don't choose to bill directly.

I think the broader issue of the American HMOs and managed care has to be something that Albertans need to pay attention to more often, because as we move into this privatized system that the Premier has alluded to and is contracting out, that's exactly what we're going to see. We'll have health maintenance organizations that only accept the best patients, that only take people with lots of dough in their pockets. They create these little enclaves where Doctor A only takes patients who are 25 years of age and under and are very fit and athletic and who have a high aptitude and high IQ, as opposed to taking the patient who might have MS or a young juvenile diabetes patient or some young mental health patient, where lots more money is going to be spent looking after these folks.

4:20

I think the government has tried to pull the wool over the eyes of Albertans long enough. I can't believe that this is an actual quote from the Premier, Mr. Speaker, and that's from the MD-MLA Contact of March 17. . .

Speaker's Ruling Third Reading Debate

THE DEPUTY SPEAKER: Hon. member. I would remind the hon. member and all hon. members that we're now at the third reading stage, which isn't a ramble over everything that ever could happen under the sun. It deals with the bill and its contents. Now, there may be a little bit of broadening there, but that's where we should be at the debate on third reading.

Debate Continued

MS OLSEN: Thank you, Mr. Speaker. I would point out to you that

what I'm quoting from is directly related to Bill 7. I would refer to this quote, and let me know if I am out of order. The quote from the Premier says: we're trying to protect the public health [care] system as we know it today, and if Bill 7 does not pass, our public health care system will be destroyed.

Well, I beg your pardon, Mr. Speaker. Let's talk about destroying the public health care system. I think that's an essential ingredient in this particular piece of legislation, Bill 7, the fact that the Premier thinks that if 1 percent of the people are billed on paper, not electronically billed, it's going to destroy our health care system. Let's give our heads a shake. That's not quite what's going to happen. Maybe the Premier could look at that again.

I would say to you, Mr. Speaker, that this is a matter of the government again taking control of something, creating an issue where there is no issue. I think they need to leave well enough alone. I do not support this bill, and I do not believe that it's in the best interests of Albertans. The best interest of Albertans is public health care. The best interest of Albertans is not creating problems through bringing in another bill that directs the government towards a private system, and that's what that bill does, as far as I'm concerned.

Thank you.

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

MR. SAPERS: Thanks, Mr. Speaker. It's always a pleasure to follow my colleague from Edmonton-Norwood. I appreciate her comments and also your concern that third reading debate would somehow take us far afield in discussing all the concerns regarding health care. We wouldn't want to do that, not that there's ever been ample time in this Chamber to discuss all of those concerns, but I appreciate that Bill 7 would not necessarily present that opportunity.

There's been much reference made to Bill 7 in previous stages of its passage through the House and to a newsletter that was put out by the Alberta Medical Association, a document that's called the MD-MLA Contact sheet. The document in question came out on March 17 of this year, so it's getting to be a few months old. I was curious to see what had happened. Had the AMA in fact followed along on the debate? Had there been some recognition of other concerns through second reading, through the committee stage, from when the House adjourned earlier this year? Had there been any reconciliation between the government and the Medical Association regarding their concerns as they pertained to Bill 7? So I asked some of the physicians that I know, and I spoke to some of the people that I know in health care administration.

Unfortunately, Mr. Speaker, the answer that I got wasn't very comforting. In fact, there has been no accommodation made of the concerns. There has been no recognition of the validity or the legitimacy of the concerns raised by the province's physicians as they try to impress upon the government that there was no reason for Bill 7 to exist, that the regulatory framework which governs physician compensation right now is adequate to deal with just about any issue that the government has mentioned as it's been trying to pursue Bill 7. They're still scratching their heads collectively, trying to figure out why exactly the government is still so hell-bent and determined to pursue Bill 7.

The fact is that when this bill first came out, we all thought it was a negotiating stunt. We were convinced that in fact what the government was doing was just positioning itself during that time when the government had to sit down with the AMA and negotiate the physician payment pool for the coming year or years. Once that agreement had been reached, we were looking forward to Bill 7

being withdrawn by government, just being allowed to die, like so many other pieces of health care legislation from that last session were just allowed to lapse. In the shadow of Bill 37 from the session before, they were all destined for the same scrap heap, and we thought that Bill 7 was going to end there as well. But here we are, on the third day of what is destined to be one of the shortest fall sessions on record from what we're being told, being faced with Bill 7 and third reading debate. So the bill didn't go the way of the dodo bird.

MRS. SOETAERT: It should.

MR. SAPERS: Well, I won't pursue that connection any further.

Mr. Speaker, there are serious issues that exist, and my colleagues from both Edmonton-Meadowlark and Edmonton-Norwood have talked about some of those issues just this afternoon. Physician payment is an ongoing concern, and Bill 7, which would amend the section that talks about penalties and amend the section that would talk about direct billing, comes at a time when the AMA and the province of Alberta are supposed to be exploring just a whole host of alternative payment mechanisms. It comes about at a time when there are experiments in place, most notably the one down in Crowfoot Village, a family practice in northeast Calgary, which is an experiment in terms of how physicians will . . .

MRS. NELSON: Northwest Calgary.

MR. SAPERS: Crowfoot Village in northwest Calgary. I'm sorry if I misspoke myself.

It will talk about how physicians will organize themselves and how physicians will then be compensated for the work that they provide. The Crowfoot Village family practice experiment is really one that's based on a capitation model. That means that a group of physicians will get a fixed amount of money for providing primary care to a fixed number of patients.

Now, there are some modifiers and variables in that, but that's basically the way it's going to work. It's going to be evaluated to see whether or not people received the care they were entitled to and that they required and whether or not it was a burden on either the public purse or on the physicians.

This model also is reflected in a health maintenance model, where, if we look at HMOs from around the globe and the experience there, we can see that there are a number of concerns. There have been some positive results; there have been some negative results. In fact, if you look south of the border – and by the way, I'll say just parenthetically, Mr. Speaker, that this highlights some of the concerns about privatized, two-tiered medicine. Some of the HMO experiences in the States have been riddled with corruption and fraud and other criminal acts. I'm not for a minute suggesting that that takes place in Alberta, but I think as we look at, again, the climate in which Bill 7 lands in the middle of, we have to be concerned. Why would the government be proceeding with this legislative initiative while these other experiments and these other issues are being explored? It seems to me that it's a bit of a spoiler. You know, it's a little bit of a fly in the ointment, so to speak, when we're dealing with the relationship between the government of Alberta and the province's physicians.

Now, the relationship is not particularly a healthy or a happy one right now as it is, Mr. Speaker. The government, in fact, has a lot to account for when it comes to the position they have put doctors in. If you think back, the seeds for the ill will in the relationship between the government of Alberta and the province's physicians go back at least as far as the decision to form regional health authorities

and denying physicians the ability to sit on those regional health authorities. Doctors have been made to feel devalued, and doctors have been made to feel that their opinions don't count. Physicians have been made to feel that there is an antiprofessional climate, and many physicians, in fact, have even left the province.

I want to talk about the relationship of Bill 7 and the physician supply in just a second. But before I get to the issue of a shortage of physicians, particularly in some areas of practice, I just want to conclude this theme in terms of the relationship, the problems that that presents. If Bill 7 becomes law, my thesis is that the relationship will deteriorate even further, that there will be more acrimony between the government of the province of Alberta and the physicians that serve the people of the province of Alberta. That can't be good, and the government, of course, knows that, because when the physicians decide to organize, as they have in the past on a couple of notable occasions, they have direct impact. The physicians' Tell Me Where It Hurts campaign and other similar advertising campaigns have been very impactful in terms of shaping public opinion and influencing public policy. Why the government would want to sort of keep on poking at this group is well beyond my powers of analysis.

4:30

Now, the answer could be that the government's opinion is that the physicians somehow have gotten too big for their britches, that they're too powerful, too wealthy, too well organized, that they somehow represent an elite, and this government doesn't want to cater to this group of individuals.

Well, if that is in fact what's motivating the government, if that's the sentiment, if that's their true belief about the province's physicians, then they should probably put some further amendments into this act or others and say: well, the reason why we're doing this is because we're trying to put doctors in their place; let's just be honest about it; that's really what this bill is all about, that's what we're trying to do because we just think that doctors have gotten too uppity.

If in fact the government were to take that approach, then at least we could have an honest debate about the role of physicians in the province and the public policy that should be in place when it comes to physician compensation and payment. But we don't see it put into those terms, and we're just left to speculate as to what the real motivation is in Bill 7.

Now, I mentioned, Mr. Speaker, that I wanted to talk a little bit about physician supply and the impact that Bill 7 may have. It's interesting to note that the Canadian Institute for Health Information statistics show that the number of practising physicians in Alberta in 1998 was 4,762. This represents an increase of about 178 from 1993, in that five-year comparison. The number of general practitioners, however, in that same five-year period, between 1993-98, actually fell, decreased by 45. What this results in is that Alberta has 162 active physicians per 100,000 population today compared with about 170 per 100,000 in '93. If this current trend continues, projections are that this number will drop to 133 per 100,000 by the year 2019, which I think is about the same year that the Premier and the Treasurer were speculating, for some reason, would be about the time we would eliminate provincial income tax in the province of Alberta. So maybe they're also speculating about eliminating family practice medicine in the province of Alberta, because that's what the statistics show.

Now, you may be asking: well, what does Bill 7 and restricting physician billing have to do with physician supply? Most Albertans receive most of their primary medical care from the family physician of their choice in that physician's clinic. The average dollar volume

of services provided is somewhere in the order of \$200 or \$300. So what that means is that on average an Albertan will go and visit their physician in that physician's clinic and the system will be billed about \$200 or \$300 per Albertan over the course of the year. So if it's \$210, let's say, that represents maybe 10 general visits to that doctor's office. If there's any other kind of procedure that's involved, of course it could represent significantly less than 10 visits.

Right now if you are in almost any area of this province and you're a newcomer to the province and you try to find a family doctor for you and your family as a new resident of Alberta, you will be sent from pillar to post. You will be forced to shop around quite a bit. There are many, many practices right now that have closed practices, that aren't taking any more patients on, that aren't taking any more families on, and there are many family practice physicians who are nearing retirement age and who find themselves unable to sell their practices to young doctors who want to establish a practice or come into an area. Part of the explanation that's been provided to me – and I have asked all over this province, Mr. Speaker – is that the climate in which a family practice physician is now forced to practice is just not worth it. It's not worth the headaches, the hassles, and the politics. It's just not worth it.

What we find is that in one of the critical areas of primary care, which can in fact save us lots of money – primary care family practice physicians are often the first stop that an Albertan will make in terms of health maintenance or illness prevention or to regain wellness. Those folks do a really good job of providing care quickly and often saving the need for much more expensive intervention down the road. So I'm very concerned that what Bill 7 presents is another argument that these family practice doctors will muster and say: "See; there's another example of this negative climate. Here's another example of the government misunderstanding the business and the practise of medicine in the province of Alberta. Here's another example of us being made to feel belittled as a profession and as individuals and devalued as a profession and as individuals." I think this will just make this physician shortage, that is very real, all the worse.

I have not heard from the government a single comment, other than some of the rather rude interventions coming during this debate, that talks about the necessity for Bill 7, that talks about the solid rationale, that talks about the consultation, that points to examples in other jurisdictions about how similar kinds of controls have benefited the taxpayer or have saved the system any money. I haven't heard a word of that, and I'll make this fearless prediction, Mr. Speaker: this debate will conclude and there still will not be a word uttered from the government side on any of those issues that would add any substance to their claims surrounding the necessity for Bill 7.

Mr. Speaker, the right thing for the government to do, of course, would be to let Bill 7 just disappear. They don't seem to be inclined to do that, but I find it just as difficult as it was for me to support at earlier stages at this its terminal stage, and I truly wish it were terminal. At this its final stage I find it still very difficult to support. I certainly hope that some member of the government, preferably a front bench member, somebody we can truly say speaks for the government, will stand up and provide the robust defence for this bill that they believe it deserves, but I won't hold my breath.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. I appreciate the opportunity to make some comments about this bill as it proceeds through

third reading. At third reading the obligation is to ask questions about the content of the bill, and there are a number of questions that I think still remain unanswered. I guess the major question and the point that a number of people have tried to make during the committee stage and second reading of the bill is to question how the bill furthers the interests of those that are using the health care insurance system; that is, what is the effect on patients and, equally important, what is the effect on medical doctors and those practitioners who have to use the health care system on a daily basis?

During second reading and the committee stage of the bill a number of questions were asked about those specific issues, and as we're all aware, the Medical Association has been very, very vocal in their opposition to Bill 7. They've raised a number of points, along with others, that I think still deserve answers from the government. I would be reluctant for the bill to proceed until they had received those answers.

4:40

One of the things that we find curious, I guess, in this case is the lack of consultation with the physicians on Bill 7. I think it's curious that this piece of legislation, Bill 7, should proceed as it has to third reading, the objections from physicians having been heard that there wasn't opportunity taken to meet with the physicians and see if some compromise or some changes could be made that would make the bill acceptable to these major users. It does stand in contrast to the government's actions with other professions. I think of the work that the government did when they introduced the performance incentive program in the education department and how the outcry from the profession at that time resulted in the government working with the profession and some other interested associations, withdrawing the bill and attempting to work with those groups to come up with a better plan. It seems strange that that really good model was not followed with Bill 7.

One of the concerns, of course, is that the provisions of the bill are part of the negotiations between the Medical Association and the government. I think that if that is the case – and I noted the comments when the minister was talking about Bill 7 that have led to these suspicions. He said at the time:

Bill 7 allows the government to protect the Alberta health care insurance plan from the administrative nightmare that quite frankly would be created should large numbers of claims be submitted on paper, either directly by physicians or by their customers, rather than electronically.

So he's raising some fears about the actions of physicians that seem to have their roots in the previous negotiations that have gone on between the physicians and the government. As such, I wonder if those fears should be a component of Bill 7. I suspect the answer to that is no. It's unfortunate that it has been interpreted by physicians and others who have read the bill that this is the case, that this is really a bill aimed at influencing and controlling negotiations rather than an attempt to make the use of the health care insurance system easier on the part of the users and the physicians who deliver services. The concern I think is one that still has to be addressed.

A further question at third reading of the bill is: have the objections to the bill that have been raised at the committee level and at second reading of the bill been resolved? I know that the answer is no. The bill appears in the form it came to us originally, and I think the objections that were raised were at least four. One is that the bill adds to the regulations now in place that constrain professional practice. That is, instead of moving away from regulating the actions of physicians, it attempts to further control their actions in an area that most other professionals don't have to face. Again, that fear was raised and has been a concern. It was outlined by the medical profession in their newsletter to members, and again the government

has chosen not to address it, which I think is really quite unfortunate.

A second objection that was raised is that it increases the amount of red tape, that it again makes some more rules governing how physicians and government should relate to each other in their business dealings. The government I think has worked hard in the last five or six years to reduce the number of regulations, to assure businesses that they are interested in freeing up dealings and making it easier for people to work with the government through their business dealings. This bill seems to fly in the face of those provisions by adding further constraints and further restrictions through regulation as to what physicians may do.

A third concern has been the worry that the provisions of the bill could result in the patient/doctor relationship being interfered with. Again, we're at third reading and that worry has not been addressed. Again, it's unfortunate, because physicians are expected to work with a wide variety of patients under a wide variety of conditions. I think anything that interferes with that relationship is something that should be looked at with a great deal of care and concern for the future.

A fourth concern, and again it goes back to my original concern about consultation. The minister, again in commenting on the bill, made a rather curious statement. He said, "I am prepared to personally commit that government will consult with affected stakeholders." Again it's strange, yes, as I indicated before, that that consultation didn't take place prior to the bill or while the bill was in second reading and committee and there were many opportunities to have that consultation take place. It seems to be a rather curious way to formulate and then introduce legislation. I would dare guess that with 95 percent of the bills that are introduced in our Legislature, there has been at least some cursory attempt to talk to the groups that are going to be involved and the stakeholders, certainly on something as sensitive as health care, which has been under intense pressure. So you would have thought this would have been a prerequisite and not an add-on after the bill, the legislation, has been approved.

I think I'm about ready to conclude my remarks about this, and I would like to conclude with something that I do find quite astounding. That was the minister's admission that

in summary, there are no substantive provisions in Bill 7. The substance will come in the regulations to be developed under the authority of Bill 7, and with the passage of Bill 7 . . .

That is really, for a minister of the Crown, quite an astounding remark, that there's no substance in this bill: I want you to pass it, and then I'm going to make up some regulations that will put the substance together. I wonder, when he made those comments, if he had really thought through how untenable that position seems to be in terms of presenting good legislation to this Legislature, good public policy that can be debated.

With those comments, Mr. Speaker, I'll conclude. Thank you.

[The Speaker in the chair]

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

4:50

MRS. SOETAERT: This will be good. Thank you very much, Mr. Speaker. It's nice to know that other Members of the Legislative Assembly are anxious to hear my comments on final reading of Bill 7 always.

I've got to tell you that during second reading and third reading maybe we weren't as vigilant as we should've been. Here we are in third reading, and maybe with all the bills that come in the spring and all the lack of information that we get beforehand, et cetera,

maybe we should've held this up in committee. Maybe we should have, but there were so many things coming in that, thankfully, we caught it by third reading.

I have some real concerns about this bill, and I know it was held over to the fall in hopes that maybe the minister would talk to a doctor or two about this bill. As it turned out, I don't think he did, because one of the grave concerns the doctors have is that they haven't been consulted. That probably by definition means talked to, visited with, shared ideas. But they didn't do that, so I find that disappointing. I would expect that if something were going to happen to change the rules of this Assembly or what MLAs can and cannot do or who they talk to, et cetera, that would be discussed first. But we see here, with this Health Care Insurance Amendment Act, that no, they weren't talked to, not even a little cup of coffee to share some ideas, not even a chance to express their concerns.

However, I am sure most MLAs received their mail, and I'm sure they all read it. It was that MD-MLA Contact. I certainly got it, and I know other members of my caucus did. There were quite a few concerns expressed in that. Now, I'm surprised that the minister hasn't responded to those, so I'm thinking: then why are we passing this bill now? To me it must be an issue of power and control. We're not going to pass it, we hope. We're certainly not going to allow it to go through quickly. [interjections] No, it's the truth. There were other bills that went through quickly in this Assembly because we agreed with them. With one I was hoping that I could be godmother to a sponsor's new child if we passed it quickly, but that didn't come to be. Despite that disappointment it passed anyway but because that interest group was consulted, talked to, chatted with.

But that didn't happen for the doctors in this province. No. No time for a little chat, cup of coffee, consultation with them. No. No time for the people who are absolutely essential in our health care system. No. It's an issue of power and control. Funny; I bet they consulted the doctors who are really interested in private health care. Bet they did. Contracting out. Bet they did. Bet they had a good old chat with them. Maybe it was more than coffee. Maybe there was a crumpet with it. But you know what, Mr. Speaker? I am very disappointed with the lack of consultation with this bill.

Just a reminder of concerns about Bill 7, and I think these are valid concerns. They're giving Alberta Health the power to tell physicians how they must deal with their patients when billing for medically insured services. Of course it worries me when we talk about insured services because there are lots that could be deinsured if a minister or a department felt like time for a change. So that concerns me.

Why would this government care if a few physicians didn't bill electronically? That was one of their tools for bargaining, so we take away a bargaining chip. That's the real deal here, an issue of power and control again. Most disappointing. So that's the real agenda of this bill, an empty bill based on power and control with regulations to follow. A disappointing piece of legislation.

Let's look at a couple of other concerns that have come to the attention of the – I know that all the members of the Assembly, and disappointingly so, are not standing in here and saying: I got that letter too; I share their concerns; I talked with the local doctor. But maybe that didn't happen. Maybe they can't share that information with us.

Here's another concern. Probably 1 percent of claims included for services in Alberta require paper documentation, probably only 1 percent, so the whole idea of eliminating this isn't an issue. It doesn't happen. So why are we putting in this legislation? Power and control. It would be interesting. Would the government tell a retailer that they can't submit their bill any way they like? I don't think so, but we do that to doctors.

I want to say that in fact I had calls from many of my local doctors expressing concern about Bill 7 and saying: I hope you're speaking and expressing our concern, and I hope you will work to stop it until they've addressed the issues. Instead, we see a lack of response from the government. [interjection] Oh, the Member for Cypress-Medicine Hat loves to enter debate when I'm speaking, Mr. Speaker, but of course, I won't acknowledge that. I will continue to speak to Bill 7.

You know, we expect physicians to deal with all kinds of things. They say that probably 10 percent of patients don't even have valid health care cards, but Alberta Health does not have a process by which physicians can immediately verify the status of patients. No, that's not a priority but controlling how doctors bill is.

Now, you know what's interesting? This is a government that talks about getting rid of red tape and getting rid of bureaucracy, yet this won't help that. This won't help that. That's odd to me, and to me it kind of interferes with the doctor/patient relationship. It does. I think the government has no place in that relationship.

If Bill 7 isn't going to solve a problem except for the power and control and negotiating chip that the government will have, maybe it's going to create more problems than the government is really going to like. Have they thought about that? Is it going to create more problems?

I actually didn't realize much about the American system until lately. We've had to do a little bit of research on it on several different levels: on the two-tiered system they have, which is knocking at the doors of Alberta because of this government, and on what HMOs are. They are health maintenance organizations. They've been criticized in the States for putting profits before quality care and dictating how physicians must practise. Do we want that in Alberta? I guess some people on the other side of the House do. I certainly don't.

It says that Alberta health care can impose "other matters the Minister considers necessary for the proper administration of the Plan." Then the government is saying: do as we say, or we won't pay. That's a very imposing statement, "considers necessary for the proper administration of the Plan." So are we going to say, "If you don't do this, we won't pay you"? Is that not once again a power and control issue rather than a co-operative one, rather than a consultative one? This government is great at having summits and roundtables, et cetera, et cetera, and trying to get people involved, but in this one, a total disregard of that. I mean, this bill was news to doctors. They didn't know it was coming. They didn't know it was here. They hadn't been talked to about it. Doesn't anybody have any regret about that or feel a little bit guilty about not even talking to them first? Maybe guilt is something I was raised with more than others.

5:00

You know, Mr. Speaker, how about a second thought about it? Isn't there anybody that said to the minister: didn't you talk to the docs about this? My doctor and other doctors in my constituency are calling me. Didn't you talk to them? You'll say: well, no, because we want more bargaining power over them, so that's why we're doing this. Did the rest of the Assembly just say: well, okay then? I think that when you represent your constituency, included in that are the medical doctors, and they have a right to know what legislation is going to affect them. You would think that you would call or talk to a doctor just to say this is happening. But, no, that didn't happen.

I'm really concerned about this. The government says that this is part of health restructuring, so health restructuring now means a two-tiered contracting out, a private system, where we don't consult

doctors. That's health restructuring in Alberta. I have some concerns about that.

I don't think this bill will serve Albertans. It won't serve the doctors who are asked to deliver so many things in our medical system. It will serve a minister of health who wants another bargaining chip, and I think that's a poor reason to support it.

We get to the issue of regulations. The minister says: well, it's not much of a bill, but the regulations are following. Well, here goes. Regulations can change at a whim. Not that I'm saying that that minister of health won't make good regulations, but who's to say he'll always stay there? Who's to say he'll always be the minister of health? You know, there are lots of people jumping for that front row, and they may not be as trustworthy – I'm sure they would be in this Assembly. But one would question: would the next minister of health be as considerate to these issues or consider them priorities or even care about them? You know, I have real concerns over regulations. I realize in some instances we need regulations or bills would be tremendously tedious. But to have a bill that says it does nothing but wait for the regulations: you've got to wonder about that one, Mr. Speaker, because I certainly do.

I'm near concluding my statements, which I know will disappoint. You like my voice, my dulcet tones, I know, but I have to say . . .

DR. TAYLOR: More. More.

MRS. SOETAERT: They want more, so I have a few more points I will make.

I guess I'd ask the question, speaking to third reading: does the minister not trust the medical profession? Does he not trust them? Is that the point? Maybe that is his point, because I would think he would have the common courtesy to at least discuss with them what is happening that will affect them.

I will conclude my remarks on Bill 7, Mr. Speaker. I'm very concerned about it. I think what we have here is an issue of power and control, a bargaining chip for the government, a disregard for our doctors, and definitely an opening here for private health care providers. Isn't that sad? Those people get consulted all the time, but the people who are delivering the publicly funded system don't get consulted. A sad statement of affairs in Alberta, Mr. Speaker.

I have grave concerns about Bill 7. I'm not in favour of passing the bill at third reading. I openly stated my concerns at the beginning, that we thought maybe the minister would make it stronger or get rid of it in Committee of the Whole, but now here we are at third reading and disappointed with the lack of commitment from the minister to work at it from the spring session to the fall session. He's had quite a lengthy chance to consult with people, to change it, to pull it. It isn't like it's important legislation that has to go through today in order to ban riding in the back of a pickup truck or important legislation that would affect the stock market. No, this is a bill that is not necessary. It's not needed, and it's not a good bill. So I would ask the minister and his colleagues to seriously think about tabling this and reconsidering it. It is not a bill worth passing in this Legislature.

Thank you, Mr. Speaker.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to speak very briefly on Bill 7 in its third reading, the Alberta Health Care Insurance Amendment Act, 1999. This bill is designed to provide the minister with the authority through regulation – and I want to emphasize this: through regulation – to ban direct billing of patients for services covered by the Alberta health care insurance plan. Furthermore, it

authorizes the minister to require that all such billing be done electronically rather than manually.

We are in third reading, and the thing that I find most objectionable about this bill are the regulatory powers that the minister is seeking from the Legislature. In other words, it's asking this Legislature to give its power away to legislate a power which legitimately lies with this Legislature. I find this most objectionable. We're finding more and more pieces of proposed legislation coming before this Assembly that are designed to take the powers of this Legislature away and put them in the hands of the executive, and I don't think that's the right thing to do. That's something that I cannot support.

If the minister had been up front and put in the legislation itself the mechanisms through which he would want to ban direct billing of patients, I would have supported it because I think banning direct billing of patients is a good thing, and I know that a vast majority of doctors don't necessarily support direct billing.

They are, however, concerned about the way the present billing and payout system doesn't work, and that's why they want to have the option before them. So in my view what the minister needed to do was to seriously address the genuine concerns of doctors who experience unexplained, undue, unreasonable delays in payments for the services that they render day in and day out to Albertans in our emergency rooms, in their clinics, in their offices. There's no reason that the government should not address this concern of the doctors for on-time payments for the work that they do.

The process through which this bill has come before us is another issue that I take objection to. Doctors – and the Premier recognized it the other day – are highly educated professionals. They spend lots of time in colleges and universities, many years to get training, and then they get the licence to practise. Why don't we consult them? Why is it that when we bring in legislation that has direct impact on their work, on their ability to provide service and to seek compensation for it, this government is not willing to consult with them? Consulting in advance of bringing legislation into this Chamber is important. It's also a sign of showing due respect for all stakeholders in the system, and doctors are a very important set of stakeholders. To deny them the opportunity to be consulted shows disrespect for an important player in our medicare system. So I think the doctors are rightly angry about this bill, are opposed to the process and reject that process which excludes them from proper and serious and genuine consultation.

5:10

Why is this consultation not there? Why is there a disinclination on the part of the minister and this government to show respect that is due to the doctors in the process of preparing this bill? Well, I guess it clearly is a matter of, I suppose, control. You quote a doctor when you want to justify privatization of health care, and you recognize and acknowledge how a doctor from Ontario would like to see Alberta proceed with privatization, but when it comes to real consultation with doctors, we simply ignore them.

[The Deputy Speaker in the chair]

Then this government wants to control them. The government wants to exercise its executive power to exclude doctors from the process of consultation, and I don't think that is right.

The minister tried to sneak this bill through the Legislature last spring before it caught the attention of the Alberta Medical Association. The minister's approach, obviously, was less than straightforward and somewhat dishonest, in my view. Well, the Alberta Medical Association did notice that this bill was coming through,

and that's the reason that the bill was held over until the fall. The doctors, for the right reasons I think, put up a strong opposition to it. During the summer the New Democrat opposition had the opportunity to discuss this bill further with representatives of the Alberta Medical Association. While we have agreed to disagree with the AMA over a legislative ban on direct billing – and I understand their reasons why they want this, because this present system doesn't work – we do believe that the AMA has some very legitimate concerns about the way the current billing system and the payout system works and doesn't work.

Their concerns include unacceptably long delays in making payments to physicians, particularly those who work in the emergency room services. Clearly, if you are to move the system towards electronic billing, these problems must first be corrected, and I don't see why this bill should be rushed through before such time as those problems that we find in the existing system that put doctors in difficulty and disadvantage are corrected and attended to.

Doctors, in my view, deserve our attention, deserve to be consulted. Unlike the Premier's claim that the doctors are driven only by the pecuniary motive, that they are into this business of making money, I think most doctors are committed to the provision of this very essential service, and for that, they deserve our respect. It's the service motive that drives most doctors, not the pursuit of money.

So I would say, Mr. Speaker, that we should recognize and acknowledge the very important contribution that doctors make. We should consult them seriously. We should bring them into the process and change this bill to meet their concerns before we rush this bill through the Legislature.

Secondly, we think the ban on direct billing is the right thing to do, but why leave it to the regulations? Bring it before this Legislature. Bring it as the centre part of the legislation. Then we can have a debate on that as to what exactly the government means by it, what the minister wants to do, so that the ban on direct billing should be done through legislation rather than by regulation.

If a ban on direct billing is desirable – and in our judgment it is desirable – why not be up front about it and write it into the legislation, as was done with Bill 21 last year? As you will recall, Bill 21 clarified rules around doctors opting out of the public health care system. However, those rules are clearly laid out in the legislation itself. In Bill 7 these matters are left to the minister's discretion through regulation, and frankly I don't want to leave these matters to the discretion of the minister. They should be within our purview. We should be making those decisions and judgments.

Mr. Speaker, one could go on talking about this bill. I think the primary concern that I have is its arbitrary nature, in that it doesn't consult doctors, and that prevents the government from having to address the real issues in terms of delays in payments to doctors. The second thing is the regulatory powers that the minister is seeking through it, which I cannot stand up and vote for in this Legislature.

Therefore, I will ask the minister to withdraw the bill at this moment, engage in consultation with the AMA, take out those regulatory powers that you're seeking, and put substance in this bill and bring it back to us so that we can look at what's in the bill and then give him the powers to proceed with it or not.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I get up this afternoon to speak to third reading of Bill 7. It's a bill that I guess when you look at the title on the surface of it talks about some changes that are going to be made in the process of billing under our public health care insurance program.

When you start to look at the little clauses that come up in there, because now this is all going to be effectively part of the legislation as we proceed further, I guess something troubles me a little bit in the sense that in many cases when two parties enter into agreements, there's a real part of that negotiation that deals with the process of payment, the timeliness of payment, the responsibility of payment. All of these things are part of the negotiation that goes on in the context of how two open, up-front agents enter into an agreement with each other. But what we're saying here is that we're going to put into legislation a whole bunch of processes and put into regulation, which is even worse than legislation because it can be changed without public debate, the context under which doctors can bill for the services provided under the Alberta Health Insurance Act.

What we end up with, then, is that the ability of the physicians in Alberta to deal with the different aspects and the different risks that are associated with providing those services to Albertans, to include that in their negotiations with the province is being taken out, because it'll be built into the regulations that are going to be forthcoming from the minister if this bill is successful in getting Royal Assent and approval. So what we've got there to me is essentially a legislated guideline on things that should be negotiated between two parties.

We look at it in a couple of different areas that really bring about some questions. It's the idea that basically we've heard on a number of occasions from the government side that the physician will under no circumstances be allowed to deny service. So if I come in and ask for a doctor and I show them no card or even an out-of-date card or say I left it at home, they provide a service because they can't deny it according to the debate that we've had associated with this bill: there will be no denial of service by a physician. So every Albertan has to have the opportunity to be given those services.

Then the physician, through the process, submits that to Alberta Health, and all of a sudden we find out that some condition in here has been violated. Whether it means they've given service to a person without a proper, valid health care number, whether that means that they've not followed the right procedures, that they've left out one form or another or not filled out a form correctly, or that they didn't give the appropriate tests or maybe they gave one too many tests associated with a bundled procedure, they're going to find that that claim is now going to be denied by Alberta Health.

5:20

So what happens? It also says in here that a physician cannot bill directly. They cannot collect for that service from Alberta Health. They can't bill the patient directly. In other words, what we've got is a situation where whenever there's a conflict that arises, all of the cost and all of the risk associated with the transaction when a physician provides us with medical care – the physician assumes all of the risk associated with the financial aspects of that treatment.

Mr. Speaker, I would suggest that if we truly have a public health care system, the public is the one that should be assuming the final risk. We're asking too much of our physicians, especially physicians who work in some of the areas of the province or in some of the clinics in the province that have a higher proportion of their patients who might happen not to have valid cards or may not follow the normal procedures or have complications that do not fit into the normal treatment process defined for a particular request by that patient.

I guess that's the concern that really hits home when you deal with the implications of this bill. I know that all of the little proper words are in there talking about consultation and all of the proper words are used that talk about the idea that we're going to be making sure that good health care is provided to Albertans and that physicians are

going to be looked after through their negotiations, but in effect this puts all of the burden and all of the risk onto those physicians who are going to provide those services.

In the next part the bill provides basically an open-ended ability for the minister to develop regulations that are associated with the collection of fees or the payment for services by Alberta Health and on behalf of the doctor. I guess to me what you find here is that effectively when the government gets into a period of negotiation with the physicians over services, over fee schedules, over any other set of conditions, if they find that negotiations aren't progressing the way they could, that negotiations are being diverted into something other than the direct dollar value of a service, the minister is going to have the option through executive order to come in and add to or change the regulations that are there without public debate and, therefore, change the conditions under which those negotiations can be carried out.

I guess what I would like to have seen in here if we're going to have this kind of a bill is that we should have a bill that basically puts a degree of certainty into it so that all of the parties involved can be sure that in the middle of negotiations, in the middle of a contract, in the middle of a period when they think they have a contract and all of a sudden the regulations change – how can that, then, be included or be built into the operation and the handling of our health care system by our physicians?

I guess the thing that we see here is that we can also have regulations, especially under the final condition, which provides "for any other matters the Minister considers necessary for the proper administration of the Plan." How broadly are we going to see these regulations apply? Is it going to be that the minister through that provision can start providing for flat fees and bundled services for particular activities so that if a complication arises, the complication treatment falls back onto the physician offering that care?

This is the kind of thing that we've got to be sure doesn't happen within the context of that open-ended last provision (d) that they're adding to the section of the bill. We're going to end up with essentially any opportunity for the minister to come along and say: well, let's change this; you're now going to bill it in this way. It's going to effectively, then, get into a situation where we'll have situations of the uncertainty continuing to increase on behalf of our physicians.

I guess the extra thing that comes in there is that as these regulations get out, what kind of additional support can a physician provide to a patient? Are they going to be allowed under this as well, or will that be excluded through the regulations? That kind of behind-the-scenes power to one person that exists in a negotiation to me is overburdensome and is not in the spirit of a good, democratic process, where we believe in the aspects of free enterprise, where the give-and-take of negotiation is one of the critical parts of trying to

evaluate and define whether or not we truly have the best price that's available for the provision of a service. What we're effectively saying here is that all the power in determining how this billing process is going to go and what negotiations can go on with the physicians is going to be in the hands of the minister of health.

I guess one other thing that I'd like to just deal with before we conclude is the idea that there are a lot of cases – and I know I do it quite often, Mr. Speaker, when I go out, especially when I'm at home on the farm. You know, you have no health care card with you. If you're in an accident, what happens when you get to the hospital? They're not going to deny it, but how can they be sure that we're truly qualified to get the treatments under this especially when we're away from our home community, when the doctors don't know us, the health providers don't know us? There's uncertainty there, and effectively what we're going to end up with is a system here again where the doctor, if he or she is cautious or concerned about whether or not this individual that the treatment is being provided to has a valid Alberta health care card – there could be delays in services while they check it out.

That's one of the things that we're going to have to make sure doesn't happen, because timeliness, especially in emergency situations, is so important, and if that's going to be there, will doctors have access to Alberta Health records to determine who has valid health care numbers? If that's going to be there, how are we going to protect the privacy of our health care system, if people can call up, look in, and get clearance and get information on our health care through a request to find out whether or not we have a valid health care number? So I guess in essence what we're looking at is an option here to really open the system up and to create some uncertainty in this.

Mr. Speaker, that's about all I had to say on this. I think that we've got to look at this in the context of how it improves our health care system, and I don't see that as being something that I feel comfortable with in this bill. So I hope everybody will vote against it.

Mr. Speaker, from the sounds that are going on, I would just like to adjourn the debate on the bill as I conclude my comments. Thank you.

THE DEPUTY SPEAKER: The hon. Member for Lethbridge-East has moved that we adjourn debate on the bill at this time. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

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

