

## Legislative Assembly of Alberta

Title: **Wednesday, May 3, 2000**

**8:00 p.m.**

Date: 00/05/03

[Mr. Tannas in the chair]

head: Government Bills and Orders

head: Committee of the Whole

THE CHAIRMAN: I'd like to call the committee to order. For those of you who think we live here, we don't. We just spend our nights and mornings and afternoons here.

I'd like to say for the benefit of those in the gallery that this is the informal part of the Legislature. It's called committee. We're able to go through a bill item by item, section by section. People are allowed to take off their jackets and to drink coffee and even to move around, but hopefully not more than one person will talk at a time.

This evening before we commence, I wonder if we might have consent to revert briefly to Introduction of Guests.

[Unanimous consent granted]

head: Introduction of Guests

THE CHAIRMAN: The hon. Member for St. Albert.

MRS. O'NEILL: Thank you, Mr. Chairman. It's my honour this evening to introduce to you and to all members of this Assembly Mr. Ken Allred, who is seated in the members' gallery. Ken is a former alderman in the city of St. Albert and a very fine and upstanding citizen of our community. I would ask the Assembly to give him a warm welcome this evening.

Thank you.

### Bill 7

#### Alberta Science, Research and Technology Authority Amendment Act, 2000

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

MR. WICKMAN: Thank you, Mr. Chairman. I just have a few comments to make on Bill 7. The minister responsible there has done a relatively good job of preparing this bill. Quite frankly, I would take a thousand of these for one Bill 11 or 999 of these for one Bill 18. The bill from my point of view, from what I can see – I don't know if I should use the term "centralizes" – creates three agencies that will now fall under the ministry, agencies that formerly consisted of an authority and an institute and a council.

There are some concerns that one can see in the bill even though the bill itself is not bad. There is the concern of the appointments that would be made to these three different institutes. We need a mechanism to ensure that the minister is given a wide range of names from which to make the appointments. We have to have some type of independent consulting or head-hunting company to engage in seeking out names of those appropriate experts for the three different institutes. We don't want to get into the situation where we have political appointments being made to institutes that can do a lot of good but whose potential benefit may be hamstrung by having members appointed that don't have the expertise even though they may have a political connection. We see that happen a bit too often, not just with this government. I've seen it happen with other governments too. Appointments will be made on the basis of who you know, political involvement, and so on and so forth.

What this does is bring the research funding under one organiza-

tion, which can lead to efficiencies and a clear direction with respect to accountability. It can also lead to consistency when it comes to fulfilling the goals that are laid out in the business plan.

We still have to raise a concern. To what extent will this new Alberta Science, Research and Technology Authority and the institutes complement business, and to what extent will they be competitive with business? We always hear from the private sector that they don't want government competing with the private sector. The private sector has its place. Not in health care, mind you; let's caution ourselves there. The private sector has its place when it comes to certain types of technology, certain types of expertise and so on. It's a given fact, and we recognize that business is there for a purpose and government is there for another purpose. Government is there to deliver human-type services and to ensure that those are delivered properly.

Now, to what extent will the needs of agricultural research be met? There is some special concern that the new institute may be less sensitive to different regional requirements, and different regional requirements are very important. With agriculture it's very important to retain links with the community so there is good feedback on where research is needed.

We've seen different areas throughout the province where different types of research may be required. The oil sands operators, for example: some of them are concerned that research funds will now be shared with other types of energy. We should welcome that change, because there have to be some innovations. We have to look at other alternatives when it comes to producing energy and such.

Mr. Chairman, as I said in my opening comments, it's not one of those bills that I want to spend a great deal of time speaking on, because there is some merit to the bill, and when there is merit to a bill, this opposition does not like to bog down creative thinking. We want to concentrate on trying to direct the government in those areas where they need some direction, but when they don't need that special direction from us, fine. This particular bill is not that bad.

On that note, I'll conclude.

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

MR. SAPERS: Thank you very much, Mr. Chairman. The Alberta Science, Research and Technology Authority Amendment Act, 2000, is one that we've signaled we're going to be supportive of, words I'm not used to. There were some questions raised, though, during earlier debate, and I'd like to reiterate some of those and perhaps add a couple of new ones as we go through section by section, because I'm not satisfied that we've received the answers. I'll underscore this by saying that while these are more than quibbles – these are serious issues – we are generally in favour of the direction this legislation moves, but there are, as I say, some questions.

If you go right to the back of the bill, what you notice is that the Alberta Agricultural Research Institute, the Oil Sands Technology and Research Authority, and the forest development research trust fund are all being collapsed into one and their legislation is being repealed. One of the first questions I have is the timing, Mr. Chairman. You'll note that the act comes into force on August 1, 2000, just a few months from now, except for all of the sections dealing with the forest development research trust fund. I haven't heard an explanation from the government as to why there is going to be a delay in applying this legislation to forest development research as well.

Now, in regard to the forest development research trust fund the act comes into force as of April 1, 2001, so I'm assuming that it has something to do with fiscal year timing. But I would like to know what the impact on the trust fund is. I'd like to know what other

transitional arrangements are being made and whether or not there is any particular reason why it has to wait until the end of the fiscal year.

Mr. Chairman, there are some other questions that I have as well that have to do with the whole issue of intellectual property and ownership. If you look at part 1 of the act, the new section 4, which proposes changes to section 9, you'll see that the definition of ownership is changing, as it is in the new proposed section 9.1 that's in section 5 of Bill 7. After reading this over carefully and after looking at some authorities on intellectual property and ownership, I just have some concerns that this may not be very well crafted. In particular, some of the emerging law and decisions being made dealing with copyright and intellectual property make me suspicious that we could be on a collision course to some dates in court based on the wording in Bill 7.

8:10

Now, it seems to me that you cannot just because you put it in law take away the intellectual property rights of the person who originated the idea or the knowledge, and because of the way that this bill is written and the way that it extends from the existing law, as I said, I'm just not convinced that we've really done our homework.

In particular, if you look at section 5, the proposed section 9.1, it reads:

The Authority may enter into an agreement with a person in whose favour a grant has been or is proposed to be made under this Part providing for the respective rights, obligations and liabilities of the Authority and the person with respect to the ownership of any invention, work, information or material, regardless of form, including any patent, copyright, technological or industrial design process or trademark acquired or produced by the person while engaged in a project funded in whole or in part by a grant under this Part.

Now, that whole sentence leads me to believe that if the authority chooses to, it can enter into an agreement whether it is the sole funder or a partial funder or a minority funder or whether there has even just been a proposal that it be a funder.

I'm just wondering whether or not I understand this correctly. Does this mean that the authority, as a condition of partial funding in a work, very minor funding perhaps, would want to claim for itself the sole intellectual property ownership of whatever the purpose of the grant or the proposal is? That, I think, should be addressed by government before we are asked to vote this bill out of committee.

Also, dealing with the Alberta Science, Research and Technology Authority, if I look at part 2 under the agricultural institute and I look at what will be proposed section 16.1(6), it talks about the minister designating a Member of the Legislative Assembly as the chair of the ag institute and another member of the agricultural institute as vice-chair. I'm wondering why it is that we would insist that the chair of the institute be a Member of the Legislative Assembly. I believe this matter has been raised by one of my colleagues. I'm not sure that we've had a satisfactory answer.

I can understand there being a requirement that there be a member of the Legislature involved in this institute, but I'm just not sure why that member must be the automatic chair. Most organizations that I'm familiar with allow the organization to determine chairmanship. Sometimes it rotates, and it can certainly accrue to others. I don't think that just by virtue of the fact that the minister has decided to tap one of his or her colleagues on the shoulder, that person should automatically assume the chairmanship.

This becomes perhaps even more important when you look at proposed section 16.11, the section that deals with remuneration. What it says is that all "members of the Agricultural Institute who are not employees of the Government may be paid remuneration and

may receive reasonable traveling and living expenses," et cetera, et cetera, really at the whim of the minister. That means that the Minister of Innovation and Science can not only ask a colleague to come and sit and be the chair but can in fact give that colleague a tidy little raise in salary.

Again, I'm wondering whether that's really the most appropriate thing to do in this day and age. Perhaps what we should see is some legislation, not just regulation, which provides guidance on the expenses and remuneration paid to members of the agricultural institute and then have that chairmanship up for grabs, as it were, by any member who is appointed to the institute.

While I'm on the point of the minister and his discretion, are we satisfied that this matter should be left to ministerial order? It seems to me that that's even a rank below what I usually complain about, which is that it's left to the Lieutenant Governor in Council, that it's left to regulations that will be made by the cabinet. In this case it's the minister sitting all alone in his office late at night figuring out, you know, with a scratch pad and a pocket calculator how much money he wants to spend on these individuals in this institute.

Now, I don't have any evidence to suggest that this minister has been unfair or that somehow there's any suggestion of corruption or anything like that. I just think it's a little inappropriate, if you're going to call on men and women in this province to provide some public service and you're setting that up by statute, that you would then just say: well, it's okay; it's good enough for the minister all alone to be dealing with issues of remuneration. As we all know, it's these kinds of issues which, even though they may not involve significant dollar volumes, tend to gain public attention and generate certainly public distrust of the system, the cries of patronage, et cetera, et cetera. So I would like some comment from the sponsor of that legislation when it comes to his role in determining remuneration.

Still dealing with the agricultural institute, in part 2 – and I could repeat these comments for the other research institutes as well – I note that under the proposed section 16.2(1) and (2) the Regulations Act does not apply to the bylaws of the agricultural institute. Now, probably the biggest effect of that means that those bylaws won't be published in a way that's very readily accessible by anybody that has an interest in the workings of the agricultural institute. I can't for the life of me understand why that would be. Bill 7 and the general government direction in terms of co-ordinating research efforts across government is a good thing. I mean, Mr. Chairman, this is me saying something flattering about the government. It seems that they're going in the right direction.

The government talks a lot about transparency and openness and accountability, and certainly one of the best ways to be transparent and accountable is to also be open and make sure that everything you do that has attached to it somehow the expenditure of public funds, which is what this institute will have attached to it in many ways, is as open as can be. It seems to me that you would want to make sure that the bylaws which regulate the operations of this institute would be as public as they could be as well. So I don't really understand why the Regulations Act wouldn't apply, and I would like the minister to talk to me about that as well.

Now, if we look at part 3, the energy institute, I can make exactly the same comments about proposed section 16.4(1), which deals with remuneration one more time. Again, it's left up to the minister to decide who it is that would be on the board. Again, the same comment and concern, that the minister "must designate a member who is a member of the Legislative Assembly as the chair of the Energy Institute."

You know, in the province of Alberta there are probably more energy sector experts per capita than perhaps anywhere else in the

world, and I'm not sure that a lot of them are Members of the Legislative Assembly. So here we are creating the energy institute, which is going to be doing leading-edge, world-leading research, and we're going to put as its chair always a Member of the Legislative Assembly. Again, I could understand appointing a Member of the Legislative Assembly to serve on the institute board, but I wonder about this prescription that the MLA must also be the chair. The same comments about the role of MLAs and remuneration. Also, I note again that the Regulations Act doesn't apply here either.

A comment that I failed to raise when I was dealing with the agricultural institute I will bring into the debate at this point, and that has to do with the annual report. The annual reports must be submitted to the minister "in a form satisfactory to the Minister." Now, the minister – and I'm not saying this critically – earlier in this legislative session tabled a report in the form of a CD-ROM, and I understand that he was instructed by the Speaker that as nifty as that may be, he was required to submit paper, hard-copy versions of that report. So we have a minister here that's not beyond experimenting with the form of reports.

8:20

In this case we have a situation where the minister is the only one that has to be satisfied with the form of the report. If the report should be made in such a way that it's not accessible to every Albertan on an equal basis, I'm not sure that that serves the public interest. I guess I would suggest that it would be helpful if these annual reports were submitted to the Assembly. We do that with so many other organizations, ones that are truly at arm's length from government. We have ministers of the Crown rising almost every day in tablings and tabling statutorily required annual reports from self-governing professions and from professional organizations. It satisfies a valid public interest. I would suggest that the same arguments could be made for the reports from these research institutes. We have not been told why it is that these reports (a) must be in a form prescribed only by the minister and only to his satisfaction and (b) why the reports are only going to be given to the minister.

You know, with freedom of information legislation, with citizens taking governments to court over broken election promises, in this age of electronic access to information people are getting to the point where they do not tolerate well being kept in the dark. This government I think should recognize that trend and could perhaps exercise a little bit of leadership here and move quickly to ensure that these reports are made public in a standard form and in the most public way possible, and that would be with a tabling in this Assembly.

Now, the forestry institute, which again is the one that's not coming into force until the beginning of the next fiscal year, includes in its legislation many of the same concerns that I've raised for the energy and the agricultural institutes. In other words, again we find that an MLA must be the chair, that remuneration is to be determined by the minister alone, that the annual reports are to be sent to the minister, and that the Regulations Act does not apply.

While I believe that the government is moving in the right direction with Bill 7 and I'm glad to see the co-ordination of research efforts and to see the elimination of duplication and the reduction of bureaucracy and I'm happy to learn of the commitment to focus and to make sure that value is derived, again I have this concern (a) that on the legal side we may not have done our homework as well as we might have as a province when it comes to intellectual property and ownership rights, and (b) I'm concerned about the way the public appears to be excluded from the control and the reporting and the understanding of what these new research institutes are all about.

You know, we're in committee. This is early on in the committee stage of the bill. We've signaled that as an Official Opposition we're not questioning the intent of the bill, but we're certainly hoping that the government will look at these concerns and perhaps suggest some amendments so that we can be assured that the public interest is going to be well served.

Thank you.

THE CHAIRMAN: I wonder if the committee would consent to briefly revert to Introduction of Guests.

[Unanimous consent granted]

head: Introduction of Guests

(*reversion*)

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

MR. HANCOCK: Thank you, Mr. Chairman. It's a real pleasure today to introduce to you and through you to members of the committee in the Legislature a good friend, a member of the council in the city of Red Deer, and someone who has been a friend to many of us for many years, Mr. Bill Hull, who's in the members' gallery. I'd ask him to rise and receive the warm welcome of the House.

#### Bill 7

#### Alberta Science, Research and Technology Authority Amendment Act, 2000

(*continued*)

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

MR. DICKSON: Thank you very much, Mr. Chairman. It seems like it was only a few scant days ago that we were addressing this bill in second reading. Frankly, I was actually surprised, and I referred back to *Hansard* to see that it was April 17, 2000, when I had a chance to raise some questions around this.

I might start by making the observation that the Minister of Innovation and Science is a fascinating minister to watch. There's been this conversion on the road to Damascus: the minister has developed this enormous enthusiasm for technology and for research. Now, that's a wonderful thing. It's a laudable characteristic that the minister who is charged with Innovation and Science takes such a huge personal commitment and interest in his area. But I must just say that as somebody who has had a chance to watch this government very carefully over a number of years – and it's manifest in the bill, and I'm going to come to some specific sections – I'm struck a little bit by a comment that William Wordsworth, the famous English poet, who lived between 1770 and 1850, offered. He made this observation that is useful to reference as we talk about what's enabled by Bill 7. Wordsworth said:

Science appears but what in truth she is,  
Not as our glory and our absolute boast,  
But as a succedaneum, and a prop  
To our infirmity.

It strikes me sometimes that we think that if we can just immerse ourselves in enough technology, somehow it's a way of bypassing, overriding all of those sorts of challenges that go along as part of the human condition. As valuable as technology is – I have a laptop computer; I enjoy access to be able to do Internet research and send e-mails – I think it's important to remember that technology is supposed to be a facilitating tool and an enabler, but in essence

what's still important is sort of what our primary work and our primary business is.

Now, I'm frankly disappointed, Mr. Chairman. When I rose to speak to this bill on April 17, I indicated that I thought there were some very positive things with Bill 7. I think one of my difficulties was that we've raised, not just me but my colleague for Edmonton-Glenora just a scant couple of moments ago, some legitimate issues and questions. It's useful to consider that on Bill 11, for example, we have government members complain that debate is tedious and nonproductive and so on. Well, here's an example of a bill at second reading where a number of bona fide legitimate questions were asked. We get to the committee stage. We vote for the bill because in principle we support the notion of this kind of management of science and research and technology in the province. Yet we get to this place, and has the minister responded in any way to those questions, issues, and queries that were raised at second reading? I'm sad to report that I haven't seen any attempt. It's not a question of whether it fell short or whatever.

This afternoon we saw the Minister of Children's Services provide an exemplary model of responsive governance in terms of trying hard to share information. There are some other ministers I might single out who are particular favourites of mine who get questions. If you ask questions, you are likely to get responses. You know, our friend from Calgary-Nose Creek, the Minister of Environment, is a minister who works hard in terms of trying to respond to those things. Why is it that the Minister of Innovation and Science has not responded to any of the questions I asked and some of my colleagues asked? You know, April 17, 2000 – that's a few weeks ago – would afford a department, a minister with those kinds of resources to answer some of those questions, but they haven't been answered.

8:30

Now, I'm going to go back to some of those things that still remain questions for me. Before I do that, I just want to note that my colleague for Edmonton-Glenora had talked about the intellectual property provision here. I'm a bit embarrassed. I had been a trademarks agent and had done some copyright work when I practised law, and I frankly am not as astute as my colleague for Edmonton-Glenora. My attention was not immediately drawn to those provisions, but in listening to his commentary and his analysis, I'd just like to say that I think he raised some legitimate questions around this whole issue of ownership of intellectual property, the ownership of the copyright, particularly if it's pursuant to a person's engagement under section 8(1), and if we look at the original bill . . . [interjections] [The chairman waited until the committee came to order]

THE CHAIRMAN: I wonder if we could be this quiet when we're listening to the hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you very much, Mr. Chairman. Unfortunately, what we don't have in the bill is the text of section 8(1), but if you just go and look at the statute, here's what it provides:

The Authority may enter into agreements to engage the services of persons it considers necessary and may prescribe their duties and conditions of employment and pay their fees, salary, remuneration and expenses.

It goes on, but it's the 8(1) part that's relevant. So some of those people may enter into agreements where you often have a collaborative initiative involving two or three different creative forces, whether they're individuals or partnerships or corporations, and it seems to me this may not be sufficiently flexible.

The other thing is if you look at the proposed section 9(2): "The Authority may compensate a person" described in (1). You wonder if there shouldn't be stronger language to ensure that people who

enter into these agreements are not taken advantage of by particular authorities.

I'd just like to take a moment to go back to the specific concerns I had raised the other day. One of the ones I zeroed in on last time was the provision for the appointment of a Member of the Legislative Assembly to these various boards, and I talked about that on April 17. I'm thinking here of sections 7, 16.1(5), 16.1(6) in terms of who's going to be appointed.

I'm reminded of 1991 when Mr. Don Getty, who was then Premier of the province, was defending the appointment of his barber to the Alberta Gaming Commission. You may remember this, Mr. Chairman. You've been here longer than I have. The Premier of the time said, and this is a direct quote: What's wrong with barbers? The answer, of course, is that there's nothing wrong with barbers, and I don't know whether the Member for Calgary-West maybe has some perspective on barbers in elected – no, that takes us in a different direction altogether.

I think the point I was going to make, Mr. Chairman, is simply this. MLAs are competent people. We all represent different kinds of experience and we have different sorts of skills, and hopefully we all got elected for reasons other than just the colour and the party we were running for at the time. I have lots of respect for my colleagues in this Assembly, for all 82 of them, but it's bigger than that. There's an issue of the independence of these various authorities and the extent why you would compromise what may be otherwise excellent work done by the authority by insisting they be – let me be blunt – tainted by having an elected member, an elected representative of the government on these things.

I think of the Calgary Airport Authority and the frustration that airport authority experienced because the federal government came along and said: we're going to appoint X number of people to that authority. When people come as sort of appointees, they often bring a different perspective, and you may say that's not necessarily a bad thing. But maybe what you want are just the best and brightest people involved in new technology in the province sitting on these different authorities. Do you really advantage those authorities? Do you make them any stronger by requiring them to have an MLA on there? Just as Mr. Getty's barber may have been a very knowledgeable person to appoint to the Alberta Gaming Commission back in 1991, I think it was, what does it do in terms of public confidence in terms of these different authorities? I asked that question. I've not seen any answer to it. I'm just referring the Minister of Innovation and Science to page 1056, when I made these comments on April 17, 2000.

I also asked about section 16.12. Why would it be that we would require the authority to report to the minister and advise the minister instead of advising the Legislative Assembly? Now, my ever astute colleague from Glenora also spoke to that.

It seems to me the essence of debate is that we can ask these questions, but after a while I feel like I'm in a bit of a wind tunnel, Mr. Chairman. I'm not getting any answers. I'm looking for some advice from wiser and more experienced legislators than I am. What's an MLA to do to get answers before we move to the next stage and we have to vote on this bill? What can I do? I've asked questions on second reading, and I stand up again and, as I say, it feels a little like being in a wind tunnel. You're closed off and the wind is zipping by and there's nobody paying very much attention. You just have to wonder if this is the way we're going to make the very best use of these authorities. I'm not sure it is. I think we can do better, but I'm still looking for answers to that.

Here's the other problem I've got. I come in and I want to support government bills. When the Government House Leader tells me that we've got some dandy bills here – you know, he's a pretty sharp

fellow. He's a pretty sharp fellow and I'd like to accept that information, and I start off: how can I support this bill? So when I come in and ask questions and there's no response, no answers, it then gets me thinking. I'm not naturally a suspicious guy, Mr. Chairman, but every now and again I start wondering: if they won't give you the answers to legitimate questions asked fairly, then why not? Is it because there are no answers? Is it because they think we're not going to like the answers and we may go from the sort of mild support of a bill to opposition? I don't know, but I can't think of anything faster to move reasonable men and women from a position of neutrality to a position of opposition on a bill when you don't get answers.

What else haven't we got answers to? Well, why is it that the Regulations Act doesn't apply to the bylaws under these authorities? As I said on another bill, is it because of section 2 of the Regulations Act that they don't want to give a copy to the registrar of regulations? Is it section 3 of the Regulations Act that requires the gazetting of a regulation? Is that the problem? I don't know what it is, but I don't hear anybody offering an explanation. We're reasonable people. Even in the opposition we're reasonable people. If we were afforded that kind of explanation, we could at least deal with it and move on.

8:40

The question of an annual report. As my colleague from Edmonton-Glenora had also said, why doesn't the report come to the Legislative Assembly? Why does it go to the minister? This is usually good news. The Minister of Innovation and Science is the guy who'll talk to anybody with great enthusiasm about his portfolio. Well, why wouldn't he share the annual report? Why wouldn't he be insistent, adamant, that that annual report be made available in this place so that it's available to researchers, so that anybody who goes into the excellent Legislature Library can access it or university students and people can access it through the Alberta Library service? I mean, that just makes such good sense. Why would we not do that? I can think of no reason why the annual report wouldn't be tabled here and become a sessional document.

You can look at the ag institute, section 16.3, section 16.4(5), (6), or the energy institute, 16.42, and the same observation would apply.

Those are all questions I've got. I guess I'm expressing some chagrin that I'm not seeing any answers and I'm not seeing any attempt to provide answers. I'm really hopeful that we're going to have some answers before we get to third reading. This is what opposition is supposed to do. We ask those questions, and we're entitled to answers. I sure hope the Minister of Innovation and Science will come across with those answers before we have to get any further along. Those are the comments I wanted to make, and I continue to await not so patiently for those answers, Mr. Chairman.

Thank you very much.

[The clauses of Bill 7 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the bill be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

## Bill 10 Securities Amendment Act, 2000

THE CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Chairman. Again this is one of those pieces of legislation that, I guess, demonstrates that opposition can be very co-operative. Opposition has the ability to look at bills and analyze them and separate those that are good from the bad. This is another one of those bills that a MLA has put some thought into and come up with a relatively good bill. I know at times there is that criticism, that opposition is there to criticize for the sake of criticism, which really isn't true. Now we have two bills in a row where we've made it quite clear that we support the principles of the bills. When we deal with bills like Bill 11 or Bill 18 that are very controversial, which in our opinion are bad bills, we're speaking out on those bills because they are not good bills, but when a bill presents itself that is acceptable, that has been well thought out and serves the purposes of Albertans, then it's a different story.

If we look at Bill 10, the Securities Amendment Act, just looking at the highlights of it, it restores the powers previously available to the Alberta Stock Exchange, the premerger to the Canadian Venture Exchange, the premerger in order to properly govern the conduct of its members and marketing regulation obligations, parallel legislation changes under the B.C. Securities Act. Secondly, it makes the filing of personal information a statutory requirement and, thirdly, gives the Alberta Securities Commission the flexibility to deal with involving alternative trading systems by permitting the commission to deem them an exchange, subject to a higher level of requirements.

Now, if you look a bit at the background of what has led us to this particular moment in history – let's put it that way – in March of last year, March of 1999, the restructuring of Canada's stock exchanges was announced, and upon the restructuring of the Canadian exchanges, the senior equity market was relocated to the Toronto Stock Exchange and the derivatives trading was moved to the Montreal exchange. The existing junior equity market was consolidated into one new national junior exchange, called the Canadian Venture Exchange. When we look at the stock market listings, for example, we now see that listed in the *Edmonton Journal* and the *Sun* under the Canadian Venture Exchange, rather than looking under the Alberta Exchange, as we used to previously.

Again, last year on November 16 we saw the appointment of the former chair and CEO of the Alberta Securities Commission named president and CEO of the Canadian Venture Exchange. His appointment was effective last year.

The goal of the Canadian exchange is to provide venture companies with effective access to capital while protecting investors. That's a very, very important point. From my observations of the stock exchange, watching it and participating in it to a very, very limited degree, both the Alberta and the B.C., the Alberta exchange I never really, really questioned that much, but with the B.C. exchange there were scandals related to it, scandals that, if I recall correctly, even involved one of the former Premiers of the province of B.C. There's always been some skepticism as to what was happening on that Vancouver exchange. By consolidating the two and coming out with a Canadian exchange, I think that's done good.

We saw earlier this year on March 2, for example, a Canadian exchange report a record-setting day, reaching new highs, trades in the value of \$258 million and the number of trades and transactions being over 52,000. I think what that indicates is confidence in the exchange, restoration of that confidence that may have been lost to some degree.

So when we look at the intent of the bill, there is rationale for supporting it. It's not what we would call a contentious bill, and it has been vetted by the regulators and all the affected stockholders, as required. It's not one of those bills where we see hundreds of people in front of the Leg. saying, "Kill that bill." It's a type of bill that you don't see opposition to.

We should take the opportunity at this time to express our appreciation to the Alberta Securities Commission for their efforts to keep us informed as to developments concerning the Canadian Venture Exchange and for providing us with the briefing on the intent of the legislation. It's important, Mr. Chairman, that we have healthy, effective capital markets in Alberta to stimulate the economic growth, the job creation, and the investment opportunities.

Investment potential cannot be underestimated. It goes without saying. The benefit of capital investment is a key requirement for a strong economy. It's important, again, as I said earlier, to have confidence in the exchange. When investors are making their investments, they want to feel like they do have a degree of protection. I think that when we see the consolidation, the merger of the exchanges, we end up with a situation that probably is the better of two worlds.

On that particular basis, Mr. Chairman, I will keep my comments relatively short, as it's not a controversial bill with a great deal of shortcomings and I know the Member for Edmonton-Glenora is quite anxious to have his say on the bill as well. So on that note I'm going to conclude.

Thank you, Mr. Chairman.

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

MR. SAPERS: Thank you very much, Mr. Chairman. The Securities Amendment Act is pretty straightforward in many regards. We've had some co-operation from the sponsoring member and from the government, and for that I want to pass along my thanks. I also had a chance to talk with some folks from both the Securities Commission and the Canadian Venture Exchange. Some concerns have been clarified. Some others, however, endure.

Some of the language that's being cleaned up – for example, substituting the word "salesperson" for "salesman" – I think makes a lot of sense in this day and age. But I'm not sure, for example, under section 2(d) and 2(g), where the definition of "private issuer" has now replaced what was called a "private company" – now, "private issuer" is a term that I believe was used under B.C. legislation before but not in Alberta legislation, and I'm not versed well enough in securities law to fully appreciate the difference, and I haven't seen an explanation. I'm supposing what this means is that any private issuer would include either an individual or a company, but it doesn't say that. So I'm just wondering whether or not the sponsor could comment on that before we get this out of committee.

8:50

There are also some concerns that I have about regulations and rule-making, section 35, which I've raised at second reading. The subordinate lawmaking is a continuing problem in my mind, and the more I see the government move towards various forms of subordinate lawmaking, the more concerned I get, particularly when it comes to something that potentially may be affecting the life savings of Albertans and others, who may be affected by the operations of the junior exchange in Calgary.

Section 19, dealing with seed capital, also raises some red flags for me. Section 19 amends the seed capital exemptions to statutory declaration and substitutes "written acknowledgment" for "statutory declaration." Now, the requirement for a statutory declaration from

investors under certain trade exemptions was reduced to a written acknowledgment through a blanket order back in May of 1987. So we've had more than 10 years' experience, and I'm wondering what that experience has been. Were there some particular problems that arose with this reduced standard? If so, maybe the sponsor of the bill could tell us what those problems were and how specifically moving toward statutory declaration is going to address those problems. Now, again, I recognize that the amendment may reflect current industry practice and it may bring this provision for exemption registration into harmony with other jurisdictions.

When I look at B.C., which seems to have been the model for other changes in this amending act, the requirement is only for written acknowledgment. So again we've got a little bit of a mismatch. If the idea is to harmonize regulations right across the country, why does this difference exist? So if the change wasn't driven by negative experience, what exactly is the change being driven by? [interjection] Mr. Chairman, I see that I have the associate minister of natural resources' rapt attention and interest in the Securities Amendment Act.

The other changes I think are relatively straightforward. I know there is currently no provision permitting the Alberta Securities Commission on its own to designate a person or a company as an exchange for the purposes of the act. Section 12 will correct this deficiency. The amendment in section 12 will give the commission the necessary flexibility to regulate the activities of alternative forms of trading systems that provide service to Alberta investors. As we see the explosion of e-trading and we try to anticipate all the changes that may come in the not-so-distant future, I think this is fairly visionary legislation, and I appreciate it.

There are some consequential amendments. One of them is the application for registration with section 54 being amended. This requires the subsequent amendment for a section to deal with applications for renewal, reinstatements, or amendments of registration themselves. Again, it's fairly benign. I think it's really in the realm of housekeeping.

Overall – and I think I mentioned this in second reading debate – the bill is supportable. It makes sense. It reflects some careful thinking about what we need to do to move forward as we gain experience with the new exchange structure across the country, as we work towards harmonizing interprovincially and then nationally and then maybe even internationally when it comes to dealing with the equities market.

I just wish that the government would show a little bit more leadership in talking to Albertans about these issues. It seems to me that increasingly we're learning of young students in school being given classroom assignments on picking stocks and watching the financial pages in the newspapers. Increasingly we're being bombarded with advertisements telling us to top up our RRSPs, usually in mutual funds. Canadians are being told that their government's sponsored pension plans may no longer be able to provide them the security they were hoping for. So there's a lot of pressure on individuals to look after their own financial destiny, their own financial future.

For many Canadians that means dabbling in securities one way or another, either through e-trading at home on their computer in the middle of the night or by handing over a portion of their pay to somebody for RRSP purposes to purchase mutual funds or whether it be in a more traditional relationship with a stockbroker. But because of that increasing experience of Canadians dabbling and becoming increasingly reliant on the success of those dabbings, I would just like to encourage the government to be far more proactive in providing education and information about the market, about investments, about the regulations and the protections and the risks

of being involved in securities and equities. This bill would have been a good opportunity.

Now, I don't want to be provocative in this next comment, Mr. Chairman, but the government has demonstrated a willingness to go directly to Albertans to discuss or try to explain proposed legislation. Whether it be \$1 million or \$3 million, the government has certainly spent a bunch of money to talk about Bill 11: full-page newspaper ads, radio and TV spots, mail-outs to every household. So it's clear that if the government chooses to, it can commit public funds to the promotion of its legislative agenda. Instead of focusing on spending taxpayers' money to try to sell an idea that Albertans don't particularly seem willing to buy, it may be worth while for the government to ask its Public Affairs Bureau to figure out new and improved ways of communicating with Albertans when it comes to matters that are not really of a political or partisan nature but are really bread-and-butter issues that affect their lives in very real and tangible ways through their pocketbooks.

So I would ask, finally, that the government maybe rethink its priorities for how it uses its Public Affairs Bureau money. It's about an \$8 million budget. Perhaps they should be less inclined to dedicate that money to trying to sell a government idea and therefore be accused of using taxpayers' money to purchase propaganda and, instead, use that same tax funding to provide nonpartisan, nonbiased information about something as fundamental as their ability to gain and to benefit from a healthy securities industry here in Alberta.

So with those comments, Mr. Chairman, I look forward to response from the Member for Calgary-Mountain View, the sponsor of the bill, and I hope to get the answers to some of these concerns before we are finally called to vote on Bill 10 in committee.

9:00

[The clauses of Bill 10 as amended agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I would move that the committee rise and report Bill 7 and Bill 10 as amended.

[Motion carried]

[The Deputy Speaker in the chair]

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

MR. SHARIFF: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 7. The committee reports the following with some amendments: Bill 10.

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: Government Bills and Orders

head: Second Reading

### **Bill 23 Apprenticeship and Industry Training Amendment Act, 2000**

[Adjourned debate May 2: Mr. Hancock]

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

MR. BONNER: Thank you very much, Mr. Speaker. It gives me a great deal of pleasure tonight to rise and speak to Bill 23, the Apprenticeship and Industry Training Amendment Act, 2000. I would like to compliment the sponsor, the Minister of Learning, on this particular bill. It overall is a good piece of legislation, and it certainly isn't anywhere nearly as contentious as Bill 11 or Bill 18. This is a bill that I think overall is very good.

[The Speaker in the chair]

Now, the object of this bill, Mr. Speaker, is to implement changes to the operation of the apprenticeship and industry training systems in Alberta and to make it more responsive to the employers, the employees, and the apprentices. Again, this is an area that does have to be overhauled, and it is an area where there is great concern in industry here in Alberta. A lot of that has to do with the average age of our tradesmen in this province. We have seen in so many instances that because of our cyclical economy, because of feast and famine – and certainly it's good to see that that has been leveled off in recent years – it's extremely hard to train new workers, to put them into the apprenticeship programs and to see them complete that. If there's no work, then certainly it's very difficult for employers to keep these people on. So it's no wonder that employers are very cautious before they do take on young people into the apprenticeship programs.

As well, part of the object of this particular bill is that it will propose changes that will redefine the government's provisions in the Alberta Apprenticeship and Industry Training Board. One of the things we will see from this is that entrance requirements for trades are removed from regulations and added to the legislation. I think one of the strengths of these proposed changes, Mr. Speaker, is the fact that there was extensive consultation before this bill was drafted. I think it's one of the reasons why the changes to this bill will be limited and it will be a good piece of legislation and one that industry, the employers, the employees, and the apprentices will all look forward to.

There are some concerns, and they are minimal. One of these is that they are concerned that not allowing the regulation that will tighten up the requirements of the new competency training to be drafted will not allow a high enough standard to be kept, and it is absolutely essential that there are uniform standards to protect the professional reputation of current journeymen.

Associated with this as well, Mr. Speaker, is the issue of workplace safety. We have seen in a recent article from the *Calgary Herald* that workplace fatalities are well above average, particularly when we look at it at this time of the year. We have already had 19 fatalities in the workplace here in the province whereas last year, according to the article, we had a total of 34. So even though we haven't reached half the year, there has been quite a rash of fatalities.

We don't know if this is because of a number of reasons: whether it is because we've moved to a system where we are looking at compliance for workplace safety from the employers, whether this

is a result of the tremendous decrease in the number of inspectors in OH and S, or if part of the reason is because we have gone to a new system where we are creating safety associations and in those associations have sort of squeezed out the professionals that we had in safety training in this province. Once we had professionals that looked after, for example, safety management systems in companies. They delivered OH and S programs in the companies, and they also looked at emergency planning and response. So those are all things that certainly have a big impact on workplace safety. Again, when we look at an apprenticeship program, we certainly do have to have standards that are going to deliver employers and graduating apprentices out into the workplace who are very safety conscious, and it will certainly help all people.

Now, I also see here, Mr. Speaker, that the International Union of Operating Engineers supports this new legislation as well. One of their major concerns is that people who are entering the workforce from the apprenticeship program and the industry training program will in fact be quite competent, quite qualified, and certainly that safety for all will be guaranteed.

9:10

Some more specific concerns or comments I'd like to make on Bill 23, the Apprenticeship and Industry Training Amendment Act, are from the Alberta Apprenticeship and Industry Training Board consultation, A Vision for the Future, phase 2 update. Now, they do have a number of recommendations here as to how they are going to strengthen the apprenticeship program here in the province. One of the first things they wish to do, Mr. Speaker, is to offer more options for training. I touched on that briefly in my opening remarks: how employers are quite reluctant to take on apprentices if they cannot see down the road that they are going to have work for these people and be able to provide them with top-quality experience in the apprenticeship program.

As well, when these apprentices do start in the apprenticeship program, because of their knowledge, because of their abilities, they start at a much lower rate. Certainly that is a discouragement for people entering a particular trade. It is very, very difficult for these people to survive on these low wages, particularly when they have to take time off in the apprenticeship program to go to educational institutions. So some of the recommendations here certainly will address this idea that there will be improved financial support for apprentices.

Now, as well, one of the recommendations is that we will have increased promotions of ways to start an apprenticeship and recognize prior learning so that the whole process of apprenticeship will be compacted. I certainly see that this has been one of the ways of lightening the load and the hardships of young people who are entering an apprenticeship program, but I also think that if we are going to allow a program where people can challenge standards, can challenge exams, then those standards have to be extremely high because of the lack of experience that does come with these types of situations.

As well, I think one of the strengths of this new bill is that there will be more training opportunities for youth. I know that when we look at what is happening in our institutions of higher learning in this province, perhaps one of the biggest expenses for anybody is when they have to leave their home, travel to a different city, and pay for room and board on top of all their tuition fees, their books and whatever. Again, I think it is an extremely strong part of this bill that there will be more opportunities for youth for training, and hopefully this will allow the youth to stay at home and share in the support that families give to people when they are seeking their education.

Another recommendation here is that there be increased options for certification of workers. More opportunities we can give people to be certified in a particular trade certainly is something that would draw people to the apprenticeship program. Again, the more qualified our workers are and the more we have, it will certainly eliminate the problems we do find in these boom times we have now in Alberta, where perhaps some people are being pressed into doing particular types of work that they are not qualified for, that they are not trained for, work they cannot do safely. Perhaps this is one of the reasons that we do have such an increase in workplace fatalities this year as compared to last.

One of the other recommendations that has support from the board is that apprenticeship wage percentages will remain in regulation unless changed or removed by the Board in consultation with the applicable provincial apprenticeship committee.

A second recommendation, Mr. Speaker, is that journeyman/apprentice ratios will remain in regulation. Again, certainly when we look at the overall quality of a program for young apprentices, a very important part of that component is the journeyman/apprentice ratio. It's a case where we don't want to see one journeyman for too many apprentices.

As well, Mr. Speaker, another recommendation that has been recognized is that there are specific . . .

THE SPEAKER: Excuse me, hon. member, please. The Minister of Forestry was on his way out. This is the House, not committee.

MR. BONNER: Thank you, Mr. Speaker. Now, the board does recognize that there are specific problems being experienced with the description of some trades. The board will work with the provincial apprenticeship committees to look for solutions to this particular problem.

Another very good recommendation by the board in the drafting of this bill was that they recommended criteria for the designation of trades and occupations. When we look at this, there are a certain number of criteria that the board chose, and certainly one of those was the criteria for the description of all trades, both compulsory and optional certification trades. This is certainly a criteria that we would look at, and I certainly look forward in Committee of the Whole to speaking about this in a much broader sense.

Another criteria they looked at was for the designation of compulsory certification trades, and finally, another criteria was for the designation of occupations. So, again, a very, very thorough look at what has happened here with the Apprenticeship and Industry Training Act.

I think it's also important that we look at the background for this particular bill. Since late 1996, Mr. Speaker, the Alberta Apprenticeship and Industry Training Board and the Alberta government have consulted on ways to make the apprenticeship and industry training system more responsive to employers, employees, and apprentices. As a result of those consultations, six new actions in apprenticeship and industry training occurred.

The first was more options for training. I think that when we have more options for training, one of the good outcomes is that it certainly gets away from any abuses that can happen in the apprenticeship program; for example, where young people are offered an apprenticeship, they go to work for a particular business, they start out as labourers, and after two years they are still not in the apprenticeship program. So we've lost people when they quit those jobs, probably people that would have been very good tradesman. They had a tremendous interest at one point. Just the sheer frustration of not being able to get into the apprenticeship program would allow them to quit.

One of the other recommendations they did have was improved



financial support for apprentices. Again, when these people are studying, when they are at school, when they are on the job at reduced rates, they certainly are facing a certain number of hardships. For some it's very difficult to get student loans. So I think this is a definite improvement to what is in existence now.

Another recommendation that resulted from the consultation is that there should be increased promotions of ways to start an apprenticeship and recognize prior learning. Again, we've always had this in the trades. If we look historically at this, certainly a good example would be where a blacksmith would take his son on, and he'd have on-the-job training. This certainly continues to this day. It's not uncommon for someone in the trades to take one of their children with them, and they certainly do pick up an awful lot of knowledge even though they aren't in a program. This also fits right in with another conclusion of this group because of consultation, that this would provide more training opportunities for youth.

9:20

When we look at the whole program, we also see that all of these increase the options for the certification of workers. Again, what we want in this province is a very well-qualified body of tradesmen, and with that certification we'd get away from what we find here today, where we do have people entering jobs that are almost forced into those jobs because we do have a lack of skilled tradespeople.

Those are a number of the strengths of this bill, Mr. Speaker, and with that I will conclude my remarks on Bill 23 this evening. I look forward to debating it more in Committee of the Whole. Thank you very much.

[Motion carried; Bill 23 read a second time]

THE SPEAKER: A point of clarification, hon. members. The only people whose votes will be counted are those who are in their rightful places, and if it had been a situation, that would have been the resolution.

THE CLERK: Bill 19, Alberta Income Tax Amendment Act, 2000. Adjourned debate, hon. Dr. West.

SOME HON. MEMBERS: Question.

THE SPEAKER: Please sit down, both hon. members. The Clerk very clearly pointed out Bill 19.

MR. HANCOCK: Well, might we receive unanimous consent to not deal with Bill 19 and move to third reading on Bill 11?

[Unanimous consent granted]

head: Government Bills and Orders  
head: Third Reading

### **Bill 11 Health Care Protection Act**

THE SPEAKER: The hon. Minister of Health and Wellness.

MR. JONSON: Thank you, Mr. Speaker. It is my pleasure to move third reading of Bill 11, the Health Care Protection Act, and in doing so to make just a few comments about this very, very important piece of legislation.

First, Mr. Speaker, it should be noted that this particular piece of legislation has received very extensive debate in this Assembly both at second reading and at committee stage. Indeed, this bill will be

the most debated piece of legislation in the history of the Alberta Legislature by the time we have completed that debate.

The amount of time devoted to this bill is, of course, important, Mr. Speaker, because the topic is important. Health care is in fact probably the most important social issue in the minds of many Albertans and most Canadians today. As a result, not only has Bill 11 been heavily debated in this Legislature, but it has also been extensively discussed outside this building in the public: in meetings, in coffee shops and restaurants, in living rooms and kitchens across this province of Alberta.

That discussion and debate, Mr. Speaker, has sometimes become very heated, very emotional, as occasionally happens with very potentially emotional and important topics such as health care. Sometimes that discussion and debate strayed away from the actual content of the bill – in fact, in many cases it did – and focused on some of the bigger challenges and issues facing health care right across our nation.

What is important, however, is that this government did listen to the discussion with an open mind and an open willingness to adapt and to amend this bill. We heard what Albertans were telling us about this particular piece of legislation and about health care in general in Alberta. We heard what they said in their many calls to our constituency offices, in their calls to the government RITE operators, in the many community meetings and forums that we attended, and in the letters and e-mails that we received. We heard the concerns that Albertans had with Bill 11, the concerns that they had with our health care system, and the priorities that they have for a health system of the future.

We gave serious attention and consideration to their comments and their suggestions, and the result, Mr. Speaker, was the substantial number of amendments that we as a government brought forward to strengthen and improve this legislation, amendments that provide further protection for our publicly funded health care system, amendments that provide even further protection for patients and consumers, and amendments that clarify the overall intent of Bill 11 to build a stronger publicly funded health system for the future. For that, we thank all Albertans who took the time to provide their input. We listened, we considered, and we acted through amendment.

For those suggestions and concerns from stakeholder groups and individual Albertans that fell beyond the scope and mandate of this particular bill, we commit, Mr. Speaker, to take aggressive and timely action to address those overall issues as well with respect to our much-prized health care system.

Mr. Speaker, what we have ended up with is a strong and necessary piece of legislation to preserve publicly funded health care in this province and to retain the flexibility to deal with issues and challenges as they arise in the future.

What we have is a bill that prevents the development of any two-tier, American style health care system in Alberta, a bill that prohibits the two-tier concept supported by the Leader of the Official Opposition.

We have a bill that makes it illegal to operate a private hospital in this province and that makes it illegal to charge a fee to Albertans for medically necessary services.

We have a bill that makes it illegal to jump the queue and get faster access to medically necessary surgery through a payment of any kind and makes it illegal to accept any type of payment to give faster service for a medically necessary surgery.

Mr. Speaker, we have a bill that protects patients from any unethical behaviour or pressure to purchase unnecessary products and services and a bill that limits charges for enhanced goods and services so that there is no profiteering at the expense of a patient in the health system at large.

Mr. Speaker, we have a bill that puts all surgical facilities under

the control of the publicly funded health system so that they operate only where there is a benefit to the publicly funded health system of this province.

We have a bill that requires a health authority to make effective and efficient use of existing hospital space before considering a contract with a surgical facility.

Finally, Mr. Speaker, we have a bill that ensures openness and accountability in our health system by requiring that any contract between a health authority and a surgical facility must be available to the public.

Mr. Speaker, Bill 11 as legislation is fully consistent with the principles of the Canada Health Act and in fact helps to protect and preserve those principles in the operation of Alberta's publicly funded health system.

Bill 11 is legislation that, as I have so often stated, is not the solution to every challenge facing health care in Alberta or in Canada, but it is one important piece of Alberta's six-point plan to build a solid foundation for a publicly funded health care system in this province in the future. It is one important piece in helping ensure the sustainability and accessibility of quality publicly funded health care services in Alberta not only today but into the future.

Mr. Speaker, I would encourage all members in this Assembly to look at this legislation with an open mind, without political bias and without political rhetoric. Look at its strengths, its protections, its optimism for the future. I encourage all members to support Bill 11, the Health Care Protection Act.

9:30

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

MS LEIBOVICI: Thank you, Mr. Speaker. In the last few weeks and even tonight we've heard lots of rhetoric from this government on Bill 11. We've heard half-truths, misinformation, insults, and inflammatory statements, all in an attempt to defend the indefensible, to defend a bill that will promote two-tiered health care in this province, that will open the doors to private, for-profit health care in this province, and that will ensure that our cherished publicly funded health care system will in fact be under attack not only here in Alberta but across Canada.

This government has spent at least \$3 million – \$3 million – to sell a bill to its own citizens. The more Albertans hear, the more information they get, the more they dislike this bill. The e-mails, the faxes, the petitions, the telephone calls, the polls all indicate that opposition to this bill is increasing daily, that the only ones in this province who wish to promote the bill are the government members in this Legislative Assembly and the few who have their ears, and that contrary to the wishes of its own citizens, tens of thousands of Albertans, they are pushing a bill that Albertans do not want.

It's as much an issue of democracy, Mr. Speaker, as much an issue of values as it is of the promotion of private health care in this province. This government has been told that morally, ethically, socially, and economically this bill does not make sense, and that's not only by the members of this Official Opposition. Religious leaders, scholars, economists, doctors, nurses, and health professionals in this province have told government members, I'm sure many to their faces, that this bill is dangerous. What we have instead of facts is government members, the government executive, and the Premier of this province trying to lay blame, trying to say that it's the Official Opposition's fault that Albertans do not believe what they are saying. In this government's arrogance, the only justification we have heard in this Legislative Assembly is that they are right and the tens of thousands of Albertans who have said that they do not want this bill, that they want this bill pulled, are wrong.

Mr. Speaker, I believe this government has insulted Albertans by

saying that they are left-wing nuts, by saying that they do not understand the bill, that it's only a minor adjustment, by sending out truth squads to tell Albertans what the truth is. They continue to insult the intelligence of Albertans by saying that they don't understand the bill, a bill that this government has sent to their homes, a bill that this government believed they would read themselves and understand what the meaning of the words are within the bill and make judgments on their own as to what that bill means. This government has the arrogance and these government members have the arrogance to say that Albertans do not understand what the bill says.

In fact, this disrespect the government members have for constituents is based solely on the fact that the constituents disagree with the government members. The reality is that in fact we have seen government members who don't understand what the bill is about. We've seen government members who say, "Well, this bill isn't about overnight stays," when in fact it is. We've seen disputes between the junior Minister of Health and Wellness and one of the members of the truth squad as to whether the bill is really about private hospitals or about surgical facilities. Then we had recently the Member for Calgary-Fish Creek, who indicated that this bill was a miracle cure. Just this afternoon the Premier said: well, no; really it's just a minor adjustment to health care in this province. So do you know what you're talking about? Do you know what you're supporting, or is it just pure arrogance that you are voting for something that you have no understanding about?

The amendments that were put forward, Mr. Speaker, do not deal with the key concerns Albertans have with this bill. They do not deal with the issue of overnight stays. They do not deal with the issue of enhanced services. They do not really deal with the issues of conflict of interest that will continue to occur within this province. They do not deal with the contracts and the opening up of contracts that the Alberta Medical Association would see, not only for the surgical facilities but for all contracts. That is not what these amendments deal with, so in fact the amendments do not deal with what some of the issues are that Albertans have identified over and over again in the last few months.

It's easy for the government members to hide behind their desks and hurl insults, because it's impossible for them to substantiate their so-called facts, these half-truths that we see and hear on a daily basis from this government in this Legislative Assembly and outside this Legislative Assembly. So let's go through what some of these so-called facts are that the government indicates the bill will do.

The government says that the bill will support the principles of the Canada Health Act. Well, let's look at some realities. The Premier has been on record over the years saying that he would like to change the principles of the Canada Health Act, that he would like to change the Canada Health Act. Twice government members have voted against the principles of the Canada Health Act, and in fact the federal Minister of Health has recently indicated, as well as another legal opinion, that Bill 11 may well contravene those principles of the Canada Health Act. With regard to the provision of MRI services in this province, the Official Opposition has indicated, as well as now the federal Minister of Health in terms of an investigation, that in fact we think currently the province is contravening the principles of the Canada Health Act. So much for their support of the principles of the Canada Health Act.

Another so-called fact by this government is that this legislation is similar to legislation elsewhere in Canada. The reality is that there is no legislation in Canada which specifically provides for overnight stays, because what that does is open up the provision for private, for-profit hospitals. Their own blue-ribbon panel told them so. Not more than a year, a year and a half ago the government's own blue-ribbon panel said: you're going to have facilities that have

overnight stays; those are private, for-profit hospitals. That's a fact.

Contrary to that being a minor change, as the Premier would on some days like us to think, even though it's a breakthrough, even though it's an innovation – and those are their words – even though this will make a difference in the provision of health care but is just a little minor change, in fact what this bill does is set up private, for-profit hospitals or, as the euphemism is now, surgical facilities.

Another fact, Mr. Speaker, is that Saskatchewan specifically outlaws extra billing, the so-called enhanced services that open the doors to two-tiered health care, which is what this legislation again provides for.

Now, another so-called fact the government talks about over and over again is that the College of Physicians and Surgeons and the federal Minister of Health made them do this, made them bring in the legislation in its current form. The actual fact, Mr. Speaker, is that HRG put forward an application to the College of Physicians and Surgeons to set up overnight stays at their facilities, which are, again – and that's what the blue-ribbon panel said as a result of that request – private, for-profit hospitals. That's why the college came back to this Assembly, to this minister to say: "You know what? We're not in a position to open up the doors for private, for-profit hospitals. Your role is to close those doors, not to open them." You know what? This government doesn't have the guts to do that, doesn't have the guts and the fortitude, doesn't have what it takes to say no to overnight facilities that are private, for-profit hospitals. That's what the bill should have said.

9:40

Now, another fact is that private facilities will only be allowed where there's a benefit to the public and the current beds need to be used more efficiently. This so-called fact is written into the bill, and therefore it will make it so. Well, the reality is that there have been virtually no studies done by this government with regard to the benefits of those 52 clinics that they like to bring up all the time. Any studies that do exist – and there are I think three, to my knowledge, in this province, of which the minister said today he would table two in the Legislative Assembly – in fact indicate that there is no benefit. All those studies have to do specifically with Calgary. Perhaps the members would like to ask the minister for those particular studies, because I think they might be very informative. They might in fact change your vote when it comes to the third reading vote.

So in fact there is no benefit. In reality, the experience in Calgary would bear out the analysis that has been done in other jurisdictions across the world that indicates that where there is a two-tiered health care system, where you have a private, for-profit system sitting alongside a public health care system, in fact what happens is your costs go up and your waiting lists go up and there is no benefit to the public system or to the public. That is borne out by the experience we've seen in Calgary. If you want to do some dot connecting, if in fact those 52 clinics, the majority of which are in Calgary, are so efficient and effective, then why do we have some of the largest waiting lists for services in Calgary? Shouldn't the results that this bill is supposed to provide be evident, then, in Calgary? But they're not. I think members need to ask themselves: why is that? Maybe the reality is that the experiment is not working in Calgary, and it might be better to plan than to experiment.

Conflict-of-interest provisions. In fact, what we are going to have in this province are 17 different conflict-of-interest provisions, and those provisions will have no teeth, much as we see right now in Calgary and specifically with regards to conflict of interest that is occurring there at this particular point in time. Again, the government has done little about it.

The other fact the government keeps saying is that the RHAs are asking for this, that the reason the government is doing this is

because the RHAs are asking for this. Well, the only ones that have asked for this that I am aware of, unless the minister can table something different, are the politically appointed members of the Calgary regional health authority. They are the ones that are on record as saying they would like to have this option. The individuals in the health care professions who are working within the regional health authorities are not asking for this. In fact, they are saying that this bill will not provide them with what is required to ensure a well-run public health care system.

Another fact with regards to the bill and the whole issue around Bill 11 has been that this bill will be debated in the Legislative Assembly. Well, each member of the Official Opposition has sent a request to the members of the government to debate Bill 11, to have a real debate within their constituencies so that their constituents can in fact have an opportunity to ask questions. What occurred? To date, 31 government members have not said one word in this public debate in the Legislative Assembly on Bill 11. What we've also had is debate curtailed in this Assembly twice, through a process of a type of closure in first reading, in second reading, and in Committee of the Whole stage closure as well. We have not had a full and open debate, nor has the government indicated that they are willing to listen to what the real concerns of Albertans are with regards to some of the key issues on the bill. If they were, they would have voted in favour of our subamendment on overnight stays, which is one of the two key, key concerns on Bill 11. So not willing to listen, not willing to make any changes, not willing to have debate: those are what some of the real facts are when it comes to what Bill 11 is about.

Now, I believe a government's role is to hear what people's concerns are and not to diminish their legitimate concerns, because quite frankly to do so would be to sow the seeds of distrust that eventually this government will harvest. It is you who are sowing those seeds of distrust, and it is you who will harvest what the results of it are. The government members can sit and point fingers all they want. They can do that. They can say that it's the Official Opposition. They can say that it's the unions. They can say that it's the special interest groups. The reality is that it's only themselves to blame for not listening to what the concerns of Albertans are on this cherished issue of health care.

In the latest poll 60 percent of Albertans have indicated that they do not support this bill. That's a huge number, and of those 60 percent over 90 percent said that they knew the bill. These are not uninformed Albertans that are saying they don't like the bill. These are informed Albertans who are saying they have serious concerns that this government has not heard.

The government's insults and their half truths and their misinformation have not satisfied Albertans, nor has the \$3 million spent on advertising been enough to buy them off. They know the bill of goods that they're being sold, and they're not buying that bill of goods. Though the government may well say "I'm right" and the government may well say Albertans do not know what they are talking about, the reality is that they do know and they do not agree with what the government has said.

It would do well, I believe, for the government and the government members to take a close look at what is the real story behind Bill 11, what are the real issues behind Bill 11, and to take heed and listen to those concerns and pull the bill. It's as simple as that.

It's the government's third try at it. It's still not right. They are still not protecting the interests of Albertans with regards to the protection of our public health care system, and in fact what needs to happen is that the bill be pulled. We are in third reading stage, and in fact what needs to happen is that the bill be killed.

We are hearing right now outside individuals who have severe

concerns around the bill. We are hearing a representation of Albertans who have indicated that they do not agree with the tack this government has taken, and though the Premier has promised over the years that there is a plan in health care and has promised over the years that things will get better, the reality is that over the last seven years we have seen a worsening of our health care system in this province.

In fact, the promise the Premier made in 1993 that there would be short-term pain for long-term gain has now extended into long-term pain, and there is no end in sight. There is absolutely no end in sight. This proposal that is being put forward to initiate private, for-profit health care in this province will not do anything to alleviate the fact that our health care system needs to have some long-term plans and long-term solutions. With the efforts this government has provided and the money that has been spent on pushing private, for-profit health care, in fact there have been, it seems, no energies left over to defend and maintain and sustain our publicly funded health care system.

Thank you very much.

9:50

THE SPEAKER: The hon. Member for Leduc.

MR. KLAPSTEIN: Thank you, Mr. Speaker. This is the first opportunity to speak on Bill 11 that I've had. While many good points and speeches have been made on Bill 11 and questions raised in other venues by very gifted and knowledgeable people, I believe I owe it to my constituents to put some of my thoughts about Bill 11 on the record in the House.

Firstly, I do not believe in a two-tier health system; likely I never will. However, I do not disagree with contracting some work to private providers.

I acknowledge and respect the concerns expressed by some of my constituents and by others outside the constituency who have called and written about Bill 11 and our health care system. Many have quoted one study or another, quoted one expert or another in their comments on our health care system generally or specifically on Bill 11. My experience in the matter of expert opinion, in over 15 years in local government and now as an MLA, has led me to the conclusion that the fact that the experts do not agree makes a layperson's opinion valid. However, I like to be as well informed a layperson as possible.

It has along the way in the debate been alleged that some self-interest is driving this issue or this bill. While it's my view that there is not much that is done that cannot somehow in some way be perceived or construed as being driven by the self-interest of a few or of many, when all is said and done, there is a lot more said than done.

Some questions arise. Why Bill 11, and why now? Right now there is no legislation to control, regulate, govern, or prohibit the operation of a private hospital system in Alberta, so if we do not create legislation to deal with it, I suggest to you that what we will have in the near future is a private hospital system running parallel to the public system. Some contend that it won't happen unless the private system can access publicly paid for, medically necessary insured work. I think otherwise.

The private sector can now do Workers' Compensation Board, military, and RCMP work as well as uninsured work, all of which is outside the Canada Health Act. In addition, they will likely be able to do publicly paid for, insured work coming from other provinces. What we could well have is publicly paid for, insured work from other provinces being done in an Alberta facility to which Albertans would not have access, so it seems reasonable that we should have a method of providing access for Albertans. Bill 11 does this through allowing for contracts between private providers and health

authorities, which leaves both access and payment for insured services within the public system.

Then the question is: why now? It seems to me that for the first time in Alberta we have a private facility that is capable of competing in a significant way with the public system on a basis that heretofore has not existed through the small-scale 50 or so private clinics which are now in operation. So if we are going to do anything in the way of legislation, now is the time, and it is needed now.

The existing clinics demonstrate clearly that publicly paid for, private-provider arrangements can and do work very well. There are in the present health care system many private-provider contracted services. I do not think there are many people that go to work in our health care system that do so without some sort of contract.

My experience with collective bargaining leads me to believe that the employee-provider organizations say to employers that unless you assure us a certain earning, we will not work for you. In like manner, contractors, having calculated their costs and determined what they want in the way of earnings, either negotiate with or tender to employers for the work they want to do. Which method is preferable is largely determined by whose self-interest is being served. A point of view is driven by a viewpoint. The method of service delivery does not determine either access or payment arrangements. Albertans receiving medically necessary services will not have to pay for the medically necessary insured services no matter which delivery method is used.

In Bill 11 which method of service delivery is most desirable is to be determined by the respective health authority in accordance with legislative criteria. Bill 11, while it does deal with private-provider arrangements, is but a small part of the greater health care issue in our province and in our country. The fact is that health care expenditures have increased rapidly, mostly due to the very positive and beneficial developments and increased know-how in what we are able to do in the way of patient care for our citizens. We are truly well blessed in this regard. However, these improvements come at a cost. What we can do in health care in the future will not be limited by increases in knowledge. They will be limited by the fiscal constraints that economic reality will place upon us.

It has been said that some of the problems we face are due to the cuts that were made a few years ago. Well, the budget reductions ended years ago too. If the cuts made in Alberta are the ogre, why do all the provinces face the same problems we in Alberta face?

Many of the waiting lists we daily concern ourselves with are for procedures that were nonexistent a few short years ago. Billions more dollars will be spent to improve and strengthen our public health care system, and I strongly support our public health care system. Allowing some of the work within the public system to be done by private providers is nothing new and does not threaten our public health care system. Bill 11 will spell out the rules that will govern the private-provider arrangements.

Mr. Speaker, health care is a very interesting and complex matter of great concern to our government and to all our citizens. Accordingly, let us recognize that Bill 11 is not intended to deal with all health care issues but is intended to set out the framework under which private providers can participate in the delivery of publicly paid for services provided on an equally accessible basis to all our citizens without charge to any of them, and I believe Bill 11 will do so.

I thank you, Mr. Speaker. I wish to move that we adjourn debate on third reading of Bill 11.

[Motion to adjourn debate carried]

[At 9:59 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]