

# Legislative Assembly Province of Alberta

No. 34

# **VOTES AND PROCEEDINGS**

**Fourth Session** 

Twenty-Fourth Legislature

Tuesday, May 2, 2000

The Speaker took the Chair at 1:30 p.m.

## **Speaker's Statement**

Honourable Members, tomorrow morning at 10:30 a.m. on the steps of the main entrance to the Legislature Building a ceremony will take place to commemorate the repatriation and interment of the remains of an unknown Canadian soldier who is to represent Canada's war dead and those who have died in the service of peace.

A small quantity of soil taken from the North, South, East, and West of the Alberta Legislature grounds will be deposited on the grave at the interment of the remains in Ottawa. This action is intended to signify that the province's contribution in war was drawn from all corners of our province. Alberta's soil will be delivered by a Royal Canadian Legion representative.

All provinces have been asked to participate in this project which will be completed in a ceremony to take place in Ottawa, May 28, 2000.

I invite you all to join us for this important event tomorrow morning.

## **Presenting Petitions**

Mrs. Tarchuk, Hon. Member for Banff-Cochrane, presented a petition from 20 Banff, Cochrane, and Harvie Heights residents requesting the introduction of a bill banning the establishment of private for-profit hospitals in Alberta to maintain the integrity of the public, universal health care system.

Mr. Trynchy, Hon. Member for Whitecourt-Ste. Anne, presented a petition from 205 Albertans supporting the reinstatement of front licence plates on all vehicles registered in Alberta.

Mr. Fischer, Hon. Member for Wainwright, presented a petition from 179 Wainwright residents supporting the reinstatement of front licence plates on all vehicles registered in Alberta.

Mr. Coutts, Hon. Member for Livingstone-Macleod, presented a petition from 79 Westlock and Barrhead residents supporting the reinstatement of front licence plates on all vehicles registered in Alberta.

Ms Blakeman, Hon. Member for Edmonton-Centre, presented a petition from 221 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Dr. Massey, Hon. Member for Edmonton-Mill Woods, presented a petition from 220 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mrs. Soetaert, Hon. Member for Spruce Grove-Sturgeon-St. Albert, presented a petition from 444 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Ms Carlson, Hon. Member for Edmonton-Ellerslie, presented a petition from 157 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. Bonner, Hon. Member for Edmonton-Glengarry, presented a petition from 219 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. Gibbons, Hon. Member for Edmonton-Manning, presented a petition from 187 Edmonton and area residents requesting that the promotion of private health care and the undermining of public health care be stopped.

Ms Olsen, Hon. Member for Edmonton-Norwood, presented a petition from 82 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, presented a petition from 221 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. Dickson, Hon. Member for Calgary-Buffalo, presented a petition from 237 Calgary residents requesting that the promotion of private health care and the undermining of public health care be stopped.

Mrs. Sloan, Hon. Member for Edmonton-Riverview, presented a petition from 211 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. Sapers, Hon. Member for Edmonton-Glenora, presented a petition from 185 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mrs. MacBeth, Hon. Leader of the Official Opposition, presented a petition from 306 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Ms Leibovici, Hon. Member for Edmonton-Meadowlark, presented a petition from 220 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. Wickman, Hon. Member for Edmonton-Rutherford, presented a petition from 202 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Dr. Pannu, Hon. Member for Edmonton-Strathcona, presented a petition from 302 Albertans requesting the introduction of a bill banning the establishment of private for-profit hospitals in Alberta to maintain the integrity of the public, universal health care system.

Dr. Pannu, Hon. Member for Edmonton-Strathcona, presented a petition from 40 Albertans requesting that the Government use its legislative powers to help resolve the labour dispute at the Calgary Herald.

### **Reading and Receiving Petitions**

On request by Dr. Pannu, Hon. Member for Edmonton-Strathcona, the following petition was read and received:

We, the undersigned residents of the Province of Alberta, hereby petition the Legislative Assembly to pass a bill banning private for-profit hospitals in Alberta so that the integrity of the public, universal health care system may be maintained.

On request by Dr. Pannu, Hon. Member for Edmonton-Strathcona, the following petition was read and received:

We, the undersigned, ask the Assembly to petition the Government to use its legislative powers to help resolve the labour dispute at the Calgary Herald.

On request by Mr. Sapers, on behalf of Mr. White, Hon. Member for Edmonton-Calder, the following petition was read and received:

We, the undersigned citizens of Alberta, petition the Legislative Assembly to urge the Government of Alberta to stop promoting private health care and undermining public health care.

On request by Mr. Dickson, Hon. Member for Calgary-Buffalo, the following petition was read and received:

We, the undersigned citizens of Alberta, petition the Legislative Assembly to urge the Government of Alberta to stop promoting private health care and undermining public health care.

On request by Mr. Bonner, Hon. Member for Edmonton-Glengarry, the following petition was read and received:

We, the undersigned citizens of Alberta, petition the Legislative Assembly to urge the Government of Alberta to stop promoting private health care and undermining public health care.

On request by Mrs. Soetaert, Hon. Member for Spruce Grove-Sturgeon-St. Albert, the following petition was read and received:

We, the undersigned citizens of Alberta, petition the Legislative Assembly to urge the Government of Alberta to stop promoting private health care and undermining public health care.

On request by Mr. Gibbons, Hon. Member for Edmonton-Manning, the following petition was read and received:

We, the undersigned citizens of Alberta, petition the Legislative Assembly to urge the Government of Alberta to stop promoting private health care and undermining public health care.

### **Presenting Reports by Standing and Special Committees**

Ms Graham, Chairman, Select Standing Committee on Private Bills, presented the following report:

Mr. Speaker, the Select Standing Committee on Private Bills has had certain Bills under consideration and wishes to report as follows:

The Committee recommends that the following Private Bill proceed:

Bill Pr3 Westcastle Development Authority Repeal Act — Mr. Coutts

Mr. Speaker, I request the concurrence of the Assembly in this recommendation.

The question being put, concurrence in the report was granted.

## **Notices of Motions**

Pursuant to Standing Order 34(2)(a), Mr. Zwozdesky, Deputy Government House Leader, gave oral notice of the following Written Questions and Motions for Returns to be dealt with Wednesday, May 3, 2000:

Written Questions: WQ17, WQ18, WQ19, WQ20.

Motions for Returns: MR29, MR31, MR32, MR36, MR37, MR38,

MR41, MR42, MR43, MR46.

## **Tabling Returns and Reports**

Hon. Dr. West, Acting Provincial Treasurer, pursuant to the Insurance Act, cI-5, s344(2):

Automobile Insurance Board, Annual Report for Year Ending December 31, 1999 Sessional Paper 757/2000

Mr. Lougheed, Hon. Member for Clover Bar-Fort Saskatchewan:

6 letters, dated from February 22, 2000 to April 4, 2000, from D.N. McDermid, Assistant Commissioner, RCMP (Royal Canadian Mounted Police) "K" Division Commanding Officer; B. Wasylyshen, Acting Chief of Police, Edmonton Police Service; M.L. Chalmers, Chief of Police, Camrose Police Service; J.D. LaFlamme, Chief of Police, Lethbridge Police Service; D.G. Kyllo, Chief of Police, Medicine Hat Police Service; and Christine E. Silverberg, Chief of Police, Calgary Police Service, to Clarke Steele, Provincial Co-ordinator, Alberta Provincial Crime Watch, all expressing their support for Motion 509, and urging the Government to reinstate the requirement to display front licence plates on all vehicles registered in the province

Sessional Paper 758/2000

Dr. Pannu, Hon. Member for Edmonton-Strathcona:

5 proposed subamendments to Bill 11, Health Care Protection Act, which Dr. Pannu will not be able to introduce in Committee of the Whole debate due to the Government's motion for closure

Sessional Paper 759/2000

3 letters dated April 26, 2000, from Gaye McVean, Calgary, to Mr. Hlady, Hon. Member for Calgary-Mountain View, April 27, 2000, from J.H. Uttley, Edmonton, to Hon. Mr. Klein, Premier, and April 27, 2000, from Brian Kosinski, Didsbury, to Hon. Mr. Klein, Premier, all expressing opposition to Bill 11, Health Care Protection Act

Sessional Paper 760/2000

### Mr. Wickman, Hon. Member for Edmonton-Rutherford:

2 e-mail messages dated April 29, 2000, from Duane Dawson, Calgary, to Members of the Legislative Assembly, and May 2, 2000, from Stephen Lamoureaux, Edmonton, to Hon. Mr. Klein, Premier, both expressing opposition to Bill 11, Health Care Protection Act

Sessional Paper 761/2000

Letter dated May 1, 2000, from Jessica Chapman, unaddressed, expressing opposition to plans for privatization and for-profit hospitals in the health care system

Sessional Paper 762/2000

### Mrs. Sloan, Hon. Member for Edmonton-Riverview:

Letter dated March 12, 2000, from Brian L. Fish, Edmonton, to Hon. Mr. Hancock, Minister of Justice and Attorney General, expressing concerns regarding, and requesting the withdrawal of, Bill 11, Health Care Protection Act, and expressing concerns regarding the Gimbel Eye Clinic and the Canada Health Act, with an attached response from Hon. Mr. Hancock to Mr. Fish dated March 22, 2000, responding to his concerns

Sessional Paper 763/2000

4 e-mail messages and 3 letters, dated from March 17, 2000 to April 4, 2000, from Lydia Cristini, Marie Walker, Paul Kohl, Cairine MacDonald, Susan Scott, and Bonnie Anderson, all of Edmonton, and John Lindeman, St. Albert, to Hon. Mr. Klein, Premier, Hon. Mr. Jonson, Minister of Health and Wellness, and Mrs. Sloan, Hon. Member for Edmonton-Riverview, all expressing opposition to Bill 11. Health Care Protection Act

Sessional Paper 764/2000

### Mr. Sapers, Hon. Member for Edmonton-Glenora:

Letter dated April 10, 2000, from Janet Boult, Edmonton, to Mr. Sapers, Hon. Member for Edmonton-Glenora, expressing opposition to Bill 11, Health Care Protection Act

Sessional Paper 765/2000

Letter dated April 17, 2000, from Carol Vander Well, Edmonton, to Mr. Sapers, Hon. Member for Edmonton-Glenora, expressing concerns regarding, and opposition to, Bill 11, Health Care Protection Act

Sessional Paper 766/2000

Mr. Dickson, Hon. Member for Calgary-Buffalo:

Letter dated May 2, 2000, from Mr. Dickson, Official Opposition House Leader, to Hon. Mr. Klein, Premier, regarding statements made by the Premier during Oral Question Period on May 1, 2000.

Sessional Paper 767/2000

Receipt showing the expenditure of \$21.19 by Mr. Sapers, Hon. Member for Edmonton-Glenora, for refreshments for a Bill 11, Health Care Protection Act focus group held on April 26, 2000

Sessional Paper 768/2000

Document dated May 2, 2000, entitled "Update: Cost-Benefit Analysis of Opposition and Support for 'Klein's Private Hospitals' (Bill 11)" comparing poll results and expense statistics for Hon. Mr. Klein, Premier, and the Official Opposition

Sessional Paper 769/2000

Ms Paul, Hon. Member for Edmonton-Castle Downs:

Information pamphlet from a conference entitled "Confronting Poverty... Making a Difference" to be held in Medicine Hat on May 5 and 6, 2000

Sessional Paper 770/2000

Ms Leibovici, Hon. Member for Edmonton-Meadowlark:

Pamphlet dated April 2000, listing 4 songs sung by persons attending the rally held at the Alberta Legislature protesting Bill 11, Health Care Protection Act, on the evening of May 1, 2000

Sessional Paper 771/2000

Letter dated April 19, 2000, from Bill Smith, Mayor, City of Edmonton, to Hon. Mr. Klein, Premier, stating that a motion had been passed by Edmonton City Council at its meeting of April 11, 2000, indicating grave concerns regarding, and requesting the withdrawal of, Bill 11, Health Care Protection Act

Sessional Paper 772/2000

E-mail message dated April 14, 2000, from Vernon and Madeline White to Marilyn Hart, Secretary, Alberta Liberal Caucus, expressing concern over having to pay for a 24-hour blood pressure cuff

Sessional Paper 773/2000

E-mail message from William Dascavich, Lee Kitlarchuk, Francina Lazarovich, and Reverend Robert Seal, to Hon. Mr. Stelmach, Minister of Infrastructure, asking for answers to questions regarding Bill 11, Health Care Protection Act

Sessional Paper 774/2000

E-mail message dated April 20, 2000, from Ross Gould, Calgary, to Mr. Melchin, Hon. Member for Calgary-North West, asking for answers to questions regarding Bill 11, Health Care Protection Act

Sessional Paper 775/2000

Letter, undated, from Harold Moore, Fairview, to Hon. Mr. Klein, Premier, regarding donations made to the Progressive Conservative Party

Sessional Paper 776/2000

#### Ms Blakeman, Hon. Member for Edmonton-Centre:

Information brochure entitled "A Study of the Socio-Cultural Factors Affecting TB (Tuberculosis) Treatment and Prevention in Immigrant and Aboriginal Populations in Alberta, Canada" prepared by the Departments of Human Ecology, Family Medicine, and the Capital Health TB Clinic, University of Alberta

Sessional Paper 777/2000

### Mr. MacDonald, Hon. Member for Edmonton-Gold Bar:

E-mail message dated April 14, 2000, from Gina Duff, striking Calgary Herald worker, to Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, urging the Government to use its legislative powers to assist striking Calgary Herald workers in obtaining their first collective agreement

Sessional Paper 778/2000

Document, undated, entitled "The Ralph Klein/Bill 11 Top 10 Movie List" provided by citizens gathered at the Alberta Legislature to protest Bill 11, Health Care Protection Act

Sessional Paper 779/2000

## **Members' Statements**

Mr. Magnus, Hon. Member for Calgary-North Hill, made a statement regarding Holocaust Remembrance Day, May 2, 2000, a day to remember the senseless and systematic annihilation of six million innocent European Jews and millions of others during the holocaust of World War II.

Mr. Gibbons, Hon. Member for Edmonton-Manning, made a statement regarding the 49th Anniversary of Mental Health Week in Canada, May 1-7, 2000, focusing this year on workplace stress and the importance of community mental health services.

Ms Kryczka, Hon. Member for Calgary-West, made a statement regarding Charissa Tomczak, a grade 10 Calgary-West student who participated in Mr. Speaker's Youth Parliament, April 13 and 14, 2000, 7 young constituents who were nominated for the Alberta Government's first Great Kids awards, and 19 young athletes and 2 coaches from Calgary-West, who competed in the 2000 Alberta Winter Games.

## ORDERS OF THE DAY

# **Public Bills and Orders Other Than Government Bills and Orders**

#### **Committee of the Whole**

According to Order, the Assembly resolved itself into Committee of the Whole, and the Speaker left the Chair.

(Assembly in Committee)

And after some time spent therein, the Acting Speaker assumed the Chair.

Progress was reported on the following Bill:

Bill 206 School (Students' Code of Conduct) Amendment Act, 2000 — Mr. Coutts

### **Motions Other Than Government Motions**

### **508.** Moved by Mr. Trynchy:

Be it resolved that the Legislative Assembly urge the Government to examine the results of the study undertaken by the Provincial Auto Insurance Crown Corporation of Québec - Société d'Assurance Automobile du Québec (SAAQ) on the dangers of hand-held cellular telephone use by drivers of motor vehicles, and then consult with Albertans on whether and what restrictions should be imposed on the use of hand-held cell phones by operators of motor vehicles while driving.

A debate followed.

The question being put, the motion was agreed to.

## **509.** Moved by Mr. Lougheed:

Be it resolved that the Legislative Assembly urge the Government to reinstate the requirement to display front licence plates on all vehicles registered in the province.

Mr. Tannas, Hon. Member for Highwood, moved the motion be amended by adding the following after "province":

"in conjunction with a licence plate re-issue"

Debate continued on the amendment.

Pursuant to Standing Order 8(2)(c), debate adjourned on amendment, Mr. Fischer speaking.

## **Government Bills and Orders**

### **Second Reading**

On the motion that the following Bill be now read a Second time:

Bill 23 Apprenticeship and Industry Training Amendment Act, 2000 — Hon. Mrs. McClellan, on behalf of Hon. Dr. Oberg

Pursuant to Standing Order 4(1), debate adjourned, Mr. Gibbons speaking.

## Adjournment

The Assembly adjourned at 5:30 p.m. until 8:00 p.m.

TUESDAY, MAY 2, 2000 — 8:00 P.M.

### **Government Bills and Orders**

### **Second Reading**

On the motion that the following Bill be now read a Second time:

Bill 18 Alberta Personal Income Tax Act (\$) — Hon. Mr. Day

A debate followed.

Ms Carlson, Hon. Member for Edmonton-Ellerslie, moved that the motion be amended by striking out all of the words after "that" and substituting the following:

Bill 18, Alberta Personal Income Tax Act, be not now read a Second time because the Assembly believes that as a result of the tax reduction measures announced in the 2000 Federal budget the Bill would not ensure that all Alberta taxpayers receive a fair tax reduction.

Debate continued on the amendment.

Mr. Herard moved adjournment of the debate on the reasoned amendment, which was agreed to.

On the motion that the following Bill be now read a Second time:

Bill 23 Apprenticeship and Industry Training Amendment Act, 2000 — Hon. Dr. Oberg

A debate followed.

Hon. Mr. Hancock moved adjournment of the debate, which was agreed to.

### Committee of the Whole

According to Order, the Assembly resolved itself into Committee of the Whole, and the Deputy Speaker left the Chair.

(Assembly in Committee)

The following Bill was taken under consideration:

Bill 11 Health Care Protection Act - Hon. Mr. Jonson

**17.** Oral notice having been given on Monday, May 1, 2000, Hon. Mr. Hancock moved the following motion:

Be it resolved that further consideration of any or all of the resolutions, clauses, sections or titles of Bill 11, Health Care Protection Act, shall, when called, be the first business of the Committee and shall not be further postponed.

The question being put, with Mr. Tannas in the Chair, the motion was agreed to. The names being called for were taken as follows:

For the motion: 39

**Boutilier** Herard Nelson O'Neill Broda Hierath Paszkowski Cao Hlady Clegg Jacques Pham Doerksen Jonson Renner Dunford Klapstein Severtson Smith **Evans** Klein Forsyth Langevin Stelmach Tarchuk Friedel Lougheed **Taylor** Fritz Magnus Graham Marz West Haley McClellan Woloshyn Hancock Melchin Zwozdesky

Against the motion: 14

Blakeman Leibovici
Bonner MacBeth
Carlson MacDonald
Dickson Massey
Gibbons Olsen

Pannu Sapers Sloan Soetaert During Committee of the Whole consideration of Bill 11, Health Care Protection Act, Hon. Mr. Hancock, Government House Leader, requested and received the unanimous consent of the Committee to waive Standing Order 32(2) to reduce the time between division bells from ten minutes to one minute, following the vote on the subamendment to the proposed amendment to the Bill (Section A), introduced by the Hon. Minister of Health and Wellness.

Debate continued (on subamendment introduced by Ms Leibovici, Hon. Member for Edmonton-Meadowlark, on April 17, 2000) that the proposed amendment to the Bill (Section A), introduced by the Hon. Minister of Health and Wellness on April 12, 2000, be amended as follows:

The proposed section 2(1) is amended:

- (a) by striking out "No physician shall provide a surgical service" and substituting "No physician shall provide an insured surgical service"; and
- (b) in clause (b) by adding "that requires a stay by the patient of under 12 hours" after "approved surgical facility".

Pursuant to Government Motion 17 and Standing Order 21(2), at 12:04 a.m. the question was immediately put on the subamendment to Bill 11 (Section A) Health Care Protection Act, with Mr. Tannas in the Chair, which was defeated. The names being called for were taken as follows:

For the amendment: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaertGibbonsOlsen

Against the amendment: 45

Boutilier Hancock McFarland Broda Herard Melchin Hierath Cao Nelson O'Neill Clegg Hlady Coutts Jacques Paszkowski Doerksen Johnson Pham Ducharme Jonson Renner Dunford Klapstein Severtson Evans Klein Smith Fischer Stelmach Langevin Forsyth Lougheed Tarchuk Friedel Lund Taylor Fritz Magnus West Graham Marz Woloshyn Haley McClellan Zwozdesky

Pursuant to Government Motion 17 and Standing Order 21(2), at 12:18 a.m. the question was immediately put on the amendment to Bill 11 (Section A) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

- A. Section 2 is struck out and the following is substituted:
  - 2(1) No physician shall provide a surgical service in Alberta, and no dentist shall provide an insured surgical service in Alberta, except in
    - (a) a public hospital, or
    - (b) an approved surgical facility.
  - (2) No physician or dentist shall provide a major surgical service, as described
    - (a) in the by-laws under the *Medical Profession Act*, in the case of a physician, or
  - (b) in the regulations under section 25(1)(a.1), in the case of a dentist, in Alberta, except in a public hospital.

With Mr. Tannas in the Chair, the amendment was agreed to. The names being called for were taken as follows:

For the amendment: 45

Boutilier Hancock Broda Herard Hierath Cao Clegg Hlady Coutts Jacques Doerksen Johnson Ducharme Jonson Dunford Klapstein Evans Klein Fischer Langevin Forsyth Lougheed Friedel Lund Fritz Magnus Graham Marz Haley McClellan McFarland
Melchin
Nelson
O'Neill
Paszkowski
Pham
Renner
Severtson
Smith
Stelmach
Tarchuk
Taylor
West
Woloshyn
Zwozdesky

Against the amendment: 14

Blakeman Leibovici
Bonner MacBeth
Carlson MacDonald
Dickson Massey
Gibbons Olsen

Pannu Sapers Sloan Soetaert

Pursuant to Government Motion 17 and Standing Order 21(2), at 12:22 a.m. the question was immediately put on the amendment to Bill 11 (Section B) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

- B. Section 3 is struck out and the following is substituted:
  - 3 No person shall
    - (a) give or accept any money or other valuable consideration,
    - (b) pay for or accept payment for enhanced medical goods or services or non-medical goods or services, or
    - (c) provide an uninsured surgical service

for the purpose of giving any person priority for the receipt of an insured surgical service

With Mr. Tannas in the Chair, the amendment was agreed to. The names being called for were taken as follows:

For the amendment: 44

Boutilier Herard Hierath Broda Cao Hlady Clegg Jacques Coutts Johnson Doerksen Jonson Ducharme Klapstein Dunford Klein Evans Langevin Fischer Lougheed Forsyth Lund Fritz Magnus Graham Marz Haley McClellan Hancock McFarland Melchin Nelson O'Neill Paszkowski Pham Renner Severtson Smith Stelmach Tarchuk Taylor West Woloshyn Zwozdesky

Against the amendment: 14

Blakeman Leibovici
Bonner MacBeth
Carlson MacDonald
Dickson Massey
Gibbons Olsen

Pannu Sapers Sloan Soetaert

Pursuant to Government Motion 17 and Standing Order 21(2), at 12:28 a.m. the question was immediately put on the amendment to Bill 11 (Section C) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

- C. Section 5(1) is struck out and the following is substituted:
  - 5(1) No person shall require a person who receives an insured surgical service at a public hospital or a designated surgical facility to pay for
    - (a) enhanced medical goods or services, or
    - (b) non-medical goods or services

that are provided in connection with the provision of the insured surgical service or that arise out of the stay at the public hospital or designated surgical facility, unless subsections (2) and (3) have been complied with.

(1.1) No person shall charge or collect a rate for enhanced medical goods or services that is greater than cost plus a reasonable allowance for administration.

With Mr. Tannas in the Chair, the amendment was agreed to. The names being called for were taken as follows:

For the amendment: 43

**Boutilier** Herard Broda Hierath Cao Hlady Clegg Jacques Coutts Johnson Doerksen Klapstein Ducharme Klein Dunford Langevin Evans Lougheed Fischer Lund Forsyth Magnus Fritz Marz McClellan Graham McFarland Haley Hancock

Melchin Nelson O'Neill Paszkowski Pham Renner Severtson Smith Stelmach Tarchuk Taylor West Woloshyn Zwozdesky

Against the amendment: 14

Blakeman Leibovici
Bonner MacBeth
Carlson MacDonald
Dickson Massey
Gibbons Olsen

Pannu Sapers Sloan Soetaert

Pursuant to Government Motion 17 and Standing Order 21(2), at 12:34 a.m. the question was immediately put on the amendment to Bill 11 (Section D) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

D. Section 6(1) is amended by striking out "section 4" and substituting "section 4 or 5(1.1)" and by striking out "section 5" and substituting "section 5(1)".

Boutilier Herard Melchin Hierath Broda Nelson Cao Hlady O'Neill Clegg Jacques Paszkowski Coutts Johnson Pham Doerksen Jonson Renner Ducharme Klapstein Severtson Dunford Smith Klein Evans Langevin Stelmach Fischer Lougheed Tarchuk Forsyth Lund **Taylor** Magnus West Fritz Graham Marz Woloshyn Haley McClellan Zwozdesky

Hancock McFarland

Against the amendment: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons Olsen

Pursuant to Government Motion 17 and Standing Order 21(2), at 12:39 a.m. the question was immediately put on the amendment to Bill 11 (Section E) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

## E. Section 8 is amended

- (a) by striking out subsection (1) and substituting the following:
- 8(1) A health authority that wishes to enter into an agreement with an operator of a surgical facility for the purpose of providing facility services that are required in connection with the provision of insured surgical services shall provide the Minister with a copy of the proposed agreement for the Minister's approval.
- (b) in subsection (3)
  - (i) by striking out clause (d) and substituting the following:
    - (d) that there is an expected public benefit in providing the insured surgical services as contemplated under the proposed agreement, considering factors such as
      - (i) access to such services,
      - (ii) quality of service,
      - (iii) flexibility,
      - (iv) the efficient use of existing capacity, and
      - (v) cost effectiveness and other economic considerations,
  - (ii) by striking out "and" at the end of clause (e), by adding "and" at the end of clause (f) and by adding the following after clause (f):

(g) that the proposed agreement contains provisions showing how physicians' compliance with the *Medical Profession Act* and by-laws as they relate to conflict of interest and other ethical issues in respect of the operation of the facility will be monitored.

With Mr. Tannas in the Chair, the amendment was agreed to. The names being called for were taken as follows:

For the amendment: 44

**Boutilier** Herard Melchin Broda Hierath Nelson Cao Hlady O'Neill Clegg Jacques Paszkowski Pham Coutts Johnson Doerksen Jonson Renner Severtson Ducharme Klapstein Smith Dunford Klein Evans Langevin Stelmach Fischer Tarchuk Lougheed Forsyth Lund **Taylor** Fritz Magnus West Graham Marz Woloshyn Haley McClellan Zwozdesky Hancock McFarland

Against the amendment: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons Olsen

Pursuant to Government Motion 17 and Standing Order 21(2), at 12:44 a.m. the question was immediately put on the amendment to Bill 11 (Section F) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

F. Section 12(b)(iv) is amended by adding "in respect of the provision of facility services" after "under the agreement".

Boutilier Herard Melchin Broda Hierath Nelson Cao Hlady O'Neill Clegg Jacques Paszkowski Coutts Johnson Pham Doerksen Jonson Renner Ducharme Klapstein Severtson Dunford Klein Smith Evans Langevin Stelmach Fischer Lougheed Tarchuk Forsyth Lund **Taylor** West Fritz Magnus Graham Marz Woloshyn Haley McClellan Zwozdesky

Hancock McFarland

Against the amendment: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons Olsen

Pursuant to Government Motion 17 and Standing Order 21(2), at 12:49 a.m. the question was immediately put on the amendment to Bill 11 (Section G) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

- G. Section 18 is struck out and the following is substituted:
  - 18(1) Where the Minister is of the opinion that, since the granting of a designation in respect of a surgical facility, circumstances have changed with respect to any of the factors referred to in section 8(3) or 15(1) in a material and substantial way, the Minister shall give a written notice of intent under subsection (2) to the operator of the designated surgical facility.
  - (2) A notice of intent must
    - (a) set out in detail the nature of the change in circumstances under subsection (1) that gave rise to the notice of intent, and
    - (b) advise the operator of the Minister's intention to withdraw the designation of the surgical facility or amend the designation to delete one or more of the surgical services that the designated surgical facility is authorized to provide unless, within 60 days of receipt of the notice of intent, the operator establishes to the Minister's satisfaction that
      - the concerns raised in the notice of intent have been addressed or will be addressed, or
      - (ii) the concerns raised in the notice of intent are not founded or do not warrant withdrawing or amending the designation.

- (3) During the 60-day period referred to in subsection (2) the Minister and the operator shall attempt to resolve the concerns in the notice of intent.
- (4) If
  - (a) the Minister is not satisfied as set out in subsection (2)(b), or
  - (b) the Minister is of the opinion that, after reasonable attempts at resolution of the concerns under subsection (3), the concerns will not be resolved within the 60-day period,

the Minister shall by order withdraw the designation of the surgical facility or amend the designation to delete one or more of the surgical services that the designated surgical facility is authorized to provide.

- (5) The Minister may by order withdraw a designation of a surgical facility or amend the designation to delete one or more of the surgical services that the designated surgical facility is authorized to provide where the Minister is satisfied that there has been a contravention of this Act, the regulations, an approved agreement, a term or condition imposed under section 8(2), 11(3) or 15(4) or a conflict of interest by-law referred to in section 19.4(1)(a.1) of the *Cancer Programs Act* or section 6.1(1) of the *Regional Health Authorities Act*.
- (6) The Minister shall by order immediately withdraw a designation of a surgical facility or amend the designation to delete one or more of the surgical services that the designated surgical facility is authorized to provide where the Minister is advised by the council of the College that the surgical facility is no longer accredited or is no longer accredited to provide that surgical service or those surgical services, as the case may be.

With Mr. Tannas in the Chair, the amendment was agreed to. The names being called for were taken as follows:

For the amendment: 44

Boutilier Herard Broda Hierath Cao Hlady Clegg Jacques Coutts Johnson Doerksen Jonson Ducharme Klapstein Dunford Klein Evans Langevin Lougheed Fischer Forsyth Lund Fritz Magnus Graham Marz McClellan Haley Hancock McFarland Melchin
Nelson
O'Neill
Paszkowski
Pham
Renner
Severtson
Smith
Stelmach
Tarchuk
Taylor
West
Woloshyn
Zwozdesky

Against the amendment: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons Olsen

Pursuant to Government Motion 17 and Standing Order 21(2), at 12:54 a.m. the question was immediately put on the amendment to Bill 11 (Section H) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

- H. Section 23 is struck out and the following is substituted:
  - 23(1) A decision of the Minister under this Act is final and conclusive, subject to the right to judicial review set out in subsection (2).
  - (2) A decision of the Minister may be challenged on judicial review for jurisdictional error or patent unreasonableness by filing an originating notice with the Court of Queen's Bench and serving it on the Minister within 30 days of the decision.

With Mr. Tannas in the Chair, the amendment was agreed to. The names being called for were taken as follows:

For the amendment: 44

Boutilier Herard Melchin Broda Hierath Nelson Cao Hlady O'Neill Paszkowski Clegg Jacques Coutts Johnson Pham Doerksen Jonson Renner Severtson Ducharme Klapstein Smith Dunford Klein Evans Langevin Stelmach Fischer Lougheed Tarchuk Forsyth Lund **Taylor** West Fritz Magnus Woloshyn Graham Marz McClellan Zwozdesky Haley Hancock McFarland

Against the amendment: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaertGibbonsOlsen

Pursuant to Government Motion 17 and Standing Order 21(2), at 12:59 a.m. the question was immediately put on the amendment to Bill 11 (Section I) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

- Section 25(1) is amended
  - in clause (a) by striking out "physician's or";
  - by adding the following after clause (a): (a.1) respecting what constitutes a major surgical service for the purposes of section 2(2)(b);
  - in clause (b)(i) by striking out "enhanced medical goods and services and non-medical goods and services" and substituting "enhanced medical goods or services and non-medical goods or services".

With Mr. Tannas in the Chair, the amendment was agreed to. The names being called for were taken as follows:

For the amendment: 44

Boutilier Herard Broda Hierath Cao Hlady Clegg Jacques Johnson Coutts Doerksen Jonson Ducharme Klapstein Dunford Klein Evans Langevin Lougheed Fischer Forsyth Lund Fritz Magnus Graham Marz Haley McClellan Hancock McFarland

Melchin Nelson O'Neill Paszkowski Pham Renner Severtson Smith Stelmach Tarchuk **Taylor** West Woloshyn Zwozdesky

Against the amendment: 14

Blakeman Leibovici Bonner MacBeth Carlson MacDonald Dickson Massey Gibbons Olsen

Pannu Sapers Sloan Soetaert

Pursuant to Government Motion 17 and Standing Order 21(2), at 1:04 a.m. the question was immediately put on the amendment to Bill 11 (Section J) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

Section 25(2) is amended by adding "and the Board of The Alberta Dental Association" after "College".

With Mr. Tannas in the Chair, the amendment was agreed to. The names being called for were taken as follows:

For the amendment: 44

Boutilier Herard Melchin Broda Hierath Nelson Cao Hlady O'Neill Clegg Jacques Paszkowski Coutts Johnson Pham Doerksen Jonson Renner Ducharme Klapstein Severtson Dunford Klein Smith Evans Langevin Stelmach Fischer Lougheed Tarchuk Forsyth **Taylor** Lund Fritz Magnus West Graham Marz Woloshyn McClellan Zwozdesky Haley McFarland Hancock

Against the amendment: 14

Blakeman Leibovici Pannu Bonner MacBeth Sapers Carlson MacDonald Sloan Dickson Massey Soetaert

Gibbons Olsen

Pursuant to Government Motion 17 and Standing Order 21(2), at 1:09 a.m. the question was immediately put on the amendment to Bill 11 (Section K) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

Section 26(3) is amended by striking out "5(1)" and substituting "5(1) or (1.1)". K.

Boutilier Herard Melchin Broda Hierath Nelson O'Neill Cao Hlady Clegg Jacques Paszkowski Coutts Johnson Pham Doerksen Jonson Renner Ducharme Klapstein Severtson Dunford Klein Smith Evans Langevin Stelmach Fischer Lougheed Tarchuk Lund **Taylor** Forsyth Fritz Magnus West Woloshyn Graham Marz Haley McClellan Zwozdesky

Hancock McFarland

Against the amendment: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons Olsen

Pursuant to Government Motion 17 and Standing Order 21(2), at 1:14 a.m. the question was immediately put on the amendment to Bill 11 (Section L) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

# L. Section 29 is amended

- (a) by striking out clause (g)(ix) and substituting the following:
  - (ix) medical goods or services consistent with generally accepted medical practice in the particular case;
- (b) in clause (r) by striking out "but does not include a minor surgical procedure that is exempted in the regulations under section 25(1)(a)" and substituting "but does not include a surgical procedure that is exempted as a minor surgical procedure in regulations under section 25(1)(a) or is described as a minor surgical procedure for the purposes of this clause in the by-laws under the Medical Profession Act;

Boutilier Herard Melchin Broda Hierath Nelson O'Neill Cao Hlady Clegg Jacques Paszkowski Coutts Johnson Pham Doerksen Jonson Renner Severtson Ducharme Klapstein Dunford Klein Smith **Evans** Langevin Stelmach Fischer Lougheed Tarchuk Lund **Taylor** Forsyth Fritz Magnus West Woloshyn Graham Marz Haley McClellan Zwozdesky

Hancock McFarland

Against the amendment: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons Olsen

Pursuant to Government Motion 17 and Standing Order 21(2), at 1:18 a.m. the question was immediately put on the amendment to Bill 11 (Section M) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

- M. The following is added after section 31:
  - 31.1(1) The Cancer Programs Act is amended by this section.
  - (2) Section 19.4(1) is amended by adding the following after clause (a):
    - (a.1) governing conflict of interest in respect of members of the board, agents of the board and senior officers and employees of the board;

Boutilier Herard Melchin Broda Hierath Nelson O'Neill Cao Hlady Clegg Jacques Paszkowski Coutts Johnson Pham Doerksen Jonson Renner Severtson Ducharme Klapstein Dunford Klein Smith Evans Langevin Stelmach Fischer Lougheed Tarchuk Lund **Taylor** Forsyth Fritz Magnus West Graham Marz Woloshyn Haley McClellan Zwozdesky

Hancock McFarland

Against the amendment: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons Olsen

Pursuant to Government Motion 17 and Standing Order 21(2), at 1:23 a.m. the question was immediately put on the amendment to Bill 11 (Section N) Health Care Protection Act, introduced by the Hon. Minister of Health and Wellness on April 12, 2000, that the Bill be amended as follows:

- N. The following is added after section 33:
  - 33.1(1) The Regional Health Authorities Act is amended by this section.
  - (2) The following is added after section 6:
    - 6.1(1) A regional health authority shall make by-laws governing conflict of interest in respect of members of the authority, agents of the authority and senior officers and employees of the authority.
    - (2) By-laws under subsection (1) have no effect until they are approved in writing by the Minister.

Boutilier Herard Melchin Broda Hlady Nelson O'Neill Cao Jacques Clegg Johnson Paszkowski Coutts Jonson Pham Klapstein Renner Doerksen Ducharme Severtson Klein Dunford Smith Langevin **Evans** Lougheed Stelmach Fischer Lund Tarchuk **Taylor** Forsyth Magnus Fritz Marz West Woloshyn Graham McClellan Haley McFarland Zwozdesky

Hancock

Against the amendment: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons Olsen

Pursuant to Government Motion 17 and Standing Order 21(2), at 1:28 a.m. the question was immediately put on the remaining clauses of Bill 11, Health Care Protection Act, with Mr. Tannas in the Chair, which was agreed to. The names being called for were taken as follows:

For the motion: 44

Boutilier Herard Melchin Broda Hierath Nelson Cao Hlady O'Neill Clegg Jacques Paszkowski Johnson Pham Coutts Renner Doerksen Jonson Ducharme Klapstein Severtson Smith Dunford Klein **Evans** Langevin Stelmach Fischer Tarchuk Lougheed Forsyth Lund **Taylor** Fritz Magnus West Graham Marz Woloshyn Haley McClellan Zwozdesky

Hancock McFarland

Against the motion: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons Olsen

Pursuant to Government Motion 17 and Standing Order 21(2), at 1:32 a.m. the question was immediately put on the title and preamble to Bill 11, Health Care Protection Act, with Mr. Tannas in the Chair, which was agreed to. The names being called for were taken as follows:

For the motion: 44

**Boutilier** Melchin Herard Broda Hierath Nelson Cao Hlady O'Neill Clegg Jacques Paszkowski Coutts Johnson Pham Doerksen Jonson Renner Ducharme Klapstein Severtson Dunford Klein Smith **Evans** Langevin Stelmach Fischer Lougheed Tarchuk Forsyth Lund **Taylor** Fritz Magnus West Graham Marz Woloshyn Haley McClellan Zwozdesky Hancock McFarland

Against the motion: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons Olsen

Pursuant to Government Motion 17 and Standing Order 21(2), at 1:37 a.m. the question was immediately put that Bill 11, Health Care Protection Act, be reported, with Mr. Tannas in the Chair, which was agreed to. The names being called for were taken as follows:

For the motion: 44

Melchin Boutilier Herard Broda Hierath Nelson O'Neill Cao Hlady Clegg Jacques Paszkowski Coutts Johnson Pham Doerksen Jonson Renner Ducharme Severtson Klapstein Dunford Klein Smith **Evans** Langevin Stelmach Fischer Lougheed Tarchuk Lund **Taylor** Forsyth Fritz Magnus West Graham Marz Woloshyn Haley McClellan Zwozdesky

Hancock McFarland

Against the motion: 14

BlakemanLeiboviciPannuBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons Olsen

On motion by Hon. Mr. Hancock, Government House Leader that the Committee rise and report, the motion was agreed to. The names being called for were taken as follows:

For the motion: 43

Boutilier Herard Melchin Broda Hierath Nelson O'Neill Cao Hlady Clegg Jacques Paszkowski Coutts Johnson Pham Doerksen Jonson Renner Ducharme Severtson Klapstein Langevin Smith Dunford Lougheed **Evans** Stelmach Tarchuk Fischer Lund Magnus **Taylor** Forsyth Fritz Marz West Graham McClellan Woloshyn Haley McFarland Zwozdesky

Hancock

Against the motion: 13

BlakemanLeiboviciOlsenBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons

The Deputy Speaker resumed the Chair.

The following Bill was reported with some amendments:

Bill 11 Health Care Protection Act - Hon. Mr. Jonson

Mr. Herard, Hon. Member for Calgary-Egmont, tabled copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

Subamendment to Bill 11 introduced by the Minister of Health and Wellness on April 12, 2000 (Section A) (Ms Leibovici, Hon. Member for Edmonton-Meadowlark) — Defeated on division

Sessional Paper 780/2000

Amendment to Bill 11 (Section A) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 781/2000

Amendment to Bill 11 (Section B) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 782/2000

Amendment to Bill 11 (Section C) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 783/2000

Amendment to Bill 11 (Section D) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 784/2000

Amendment to Bill 11 (Section E) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 785/2000

Amendment to Bill 11 (Section F) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 786/2000

Amendment to Bill 11 (Section G) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 787/2000

Amendment to Bill 11 (Section H) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 788/2000

Amendment to Bill 11 (Section I) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 789/2000

Amendment to Bill 11 (Section J) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 790/2000

Amendment to Bill 11 (Section K) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 791/2000

Amendment to Bill 11 (Section L) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 792/2000

Amendment to Bill 11 (Section M) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 793/2000

Amendment to Bill 11 (Section N) (introduced by the Minister of Health and Wellness on April 12, 2000) — Agreed to on division

Sessional Paper 794/2000

The question being put, the report was agreed to. The names being called for were taken as follows:

For the motion: 35

Broda Haley Hancock Cao Clegg Hlady Coutts Jacques Doerksen Klapstein Ducharme Lougheed Magnus Dunford Evans Marz Fischer McClellan Forsyth McFarland Fritz Melchin Nelson Graham

O'Neill
Paszkowski
Pham
Renner
Severtson
Smith
Stelmach
Tarchuk
West
Woloshyn
Zwozdesky

Against the motion: 13

Blakeman Leibovici
Bonner MacBeth
Carlson MacDonald
Dickson Massey
Gibbons Olsen

Sapers Sloan Soetaert

# Adjournment

Hon. Mr. Hancock, Government House Leader, moved adjournment of the Assembly. The question being put, with Mr. Tannas in the Chair, the motion was agreed to. The names being called for were taken as follows:

For the motion: 34

O'Neill Broda Hancock Paszkowski Cao Hlady Pham Clegg Jacques Doerksen Klapstein Renner Ducharme Lougheed Severtson Dunford Magnus Smith Evans Marz Stelmach Tarchuk Fischer McClellan Forsyth McFarland West Fritz Melchin Woloshyn Graham Zwozdesky Nelson

Haley

Against the motion: 13

BlakemanLeiboviciOlsenBonnerMacBethSapersCarlsonMacDonaldSloanDicksonMasseySoetaert

Gibbons

The Assembly adjourned at 2:12 a.m. Wednesday, May 3, 2000, until 1:30 p.m.

Hon. Ken Kowalski, Speaker

Title: Tuesday, May 2, 2000