

Legislative Assembly of Alberta

Title: **Tuesday, March 24, 1992**

2:30 p.m.

Date: 92/03/24

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

O Lord, grant us a daily awareness of the precious gift of life which You have given us.

As Members of this Legislative Assembly we dedicate our lives anew to the service of our province and our country.

Amen.

head: **Presenting Petitions**

MR. SPEAKER: The Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I beg leave to present a petition from Parents and Friends of Lesbians and Gays requesting the Assembly to urge the government to introduce legislation which would provide protection to gays from discrimination on the basis of their personal and private sexual preference between consenting adults.

MR. MITCHELL: Mr. Speaker, I rise to present a petition urging the government of Alberta to reinstate funding for seniors' services that were reduced in the 1991-92 budget, including dental and optometric care, Alberta Aids to Daily Living, the senior home heating program, and the nonprescription drugs program.

MR. SPEAKER: West Yellowhead, followed by Calgary-McKnight.

MR. DOYLE: Thank you, Mr. Speaker. Today I'd like to table petitions on behalf of the senior citizens of Hinton who have signed somewhere over 1,700 petitions to encourage the government to reinstate funding for an extended care unit in the town of Hinton.

MR. SPEAKER: Calgary-McKnight.

MRS. GAGNON: Thank you, Mr. Speaker. I rise to table a petition signed by 22 teachers from St. Bede school in Calgary-McKnight. The purpose of the petition is to urge the Legislature to respond favourably to ATA resolution 226/91.

head: **Reading and Receiving Petitions**

MR. SPEAKER: Stony Plain.

MR. WOLOSHTYN: Thank you, Mr. Speaker. I would request that all of the petitions submitted on behalf of the teachers by all of the members of the New Democratic caucus be read and received. What that would mean is that the petition would be read once.

CLERK:

We, the undersigned, as professional staff members of various schools, urge the Legislative Assembly of Alberta to accord favourable consideration to the following resolution, adopted by teacher representatives at the Emergent Representative Assembly of The Alberta Teachers' Association on September 28, 1991:
Resolution 226/91

Be it resolved, that The Alberta Teachers' Association return to negotiations with the Government with a view to concluding a new agreement in which;

- (a) teachers and the government jointly contribute the full amount of all future service costs to the Teachers' Retirement Fund,
- (b) the government assumes full responsibility for the total unfunded liability related to past service costs and adopts an acceptable plan for retiring that debt,
- (c) the government amends the TRF Act to provide full cost-of-living adjustment to pensions, and
- (d) the other changes incorporated in the May 4, 1991, Memorandum of Understanding are retained.

head: **Introduction of Bills**

Bill 273

Legislative Assembly Amendment Act

MR. GIBEAULT: Mr. Speaker, I request leave to introduce a Bill, the Legislative Assembly Amendment Act, which would provide, if passed, for the election of the Speaker of the Assembly and would thus bring the Alberta Legislature in conformance with other jurisdictions who do the same.

[Leave granted; Bill 273 read a first time]

MR. SPEAKER: The Member for Lacombe, followed by the Member for Clover Bar.

Bill 279

Labour Relations Code Amendment Act

MR. MOORE: Mr. Speaker, I request leave to introduce Bill 279, the Labour Relations Code Amendment Act.

Mr. Speaker, this would strengthen the rights of individual workers if approved.

[Leave granted; Bill 279 read a first time]

Bill 249

Heritage Savings Trust Fund Amendment Act

MR. GESELL: Mr. Speaker, I request leave to introduce Bill 249, the Heritage Savings Trust Fund Amendment Act.

The purpose of this Bill is to create a new environmental investment division under the Alberta Heritage Savings Trust Fund which would allow investments from this division for projects that will provide both short- and long-term benefits for Albertans through enhancement of our environment.

[Leave granted; Bill 249 read a first time]

MR. SPEAKER: Clover Bar.

Bill 250

Individual Property Rights Protection Act

MR. GESELL: Thank you, Mr. Speaker. I beg leave to introduce Bill 250, the Individual Property Rights Protection Act.

This Act, if passed, will protect Albertans' individual property rights by ensuring that every Albertan has a right not to be deprived of the enjoyment of property except by due process of law.

[Leave granted; Bill 250 read a first time]

MR. SPEAKER: Drayton Valley, followed by Calgary-McCall, followed by Edmonton-Mill Woods.

Bill 260

Livestock and Livestock Products Amendment Act

MR. THURBER: Thank you, Mr. Speaker. I beg leave to introduce Bill 260, the Livestock and Livestock Products Amendment Act, which is an amendment to protect sellers of livestock from having these livestock included as security in a bankruptcy or receivership action until they have been paid for in full.

[Leave granted; Bill 260 read a first time]

Bill 277

Motor Vehicle Accident Claims Amendment Act

MR. NELSON: Mr. Speaker, I beg leave to introduce Bill 277, the Motor Vehicle Accident Claims Amendment Act.

Mr. Speaker, this amendment is to ensure that people involved in an accident not their responsibility are able to recover the full costs of the injuries and the other benefits that it may cost them during the course of the event.

[Leave granted; Bill 277 read a first time]

2:40

Bill 300

Public Service Employee Relations Amendment Act

MR. GIBEAULT: Mr. Speaker, I request leave to introduce Bill 300, the Public Service Employee Relations Amendment Act.

If this Bill is passed, Mr. Speaker, it will allow employees of the Legislative Assembly the right to bargain collectively, the same right that's enjoyed by other workers in the province.

[Leave granted; Bill 300 read a first time]

MR. SPEAKER: The Member for Bow Valley, followed by Drayton Valley.

Bill 305

Senior Citizens Gerontology Foundation Act

MR. MUSGROVE: Mr. Speaker, I request leave to introduce Bill 305, the Senior Citizens Gerontology Foundation Act.

This would have lottery money set up as a foundation of which the income would be used for studies in gerontology.

[Leave granted; Bill 305 read a first time]

MR. SPEAKER: Drayton Valley.

Bill 307

Farm Practices Protection Act

MR. THURBER: Thank you, Mr. Speaker. I beg leave to introduce Bill 307, known as the Farm Practices Protection Act.

It's an Act to permit legitimate farm operations to exist without fear of frivolous actions being brought against them for a perceived violation of noise, smell, and dust regulations.

[Leave granted; Bill 307 read a first time]

head: **Tabling Returns and Reports**

MR. McINNIS: Mr. Speaker, I wish to file three copies of excerpts from the Peat Marwick Stevenson & Kellogg report

entitled Prospects for Saskatchewan's Nuclear Industry and Its Potential Impact on the Provincial Economy 1991-2020. This report is dated October 21, 1991. You should know what you're putting \$15 million into.

MR. ROSTAD: Mr. Speaker, I'd like to table two reports: the '90-91 annual report for the Department of the Attorney General and the 18th annual report, fiscal year ended March 31, 1991, for the Alberta Law Foundation.

MR. DINNING: Mr. Speaker, I am filing with the Assembly today seven reports relating to this government's focus on improving the quality of education in this province with a strong focus on results and quality and accountability: first of all, the statement Vision for the Nineties: A Plan of Action; secondly, Achieving the Vision for 1991, a progress report; thirdly, International Comparisons in Education, a report on curriculum, values, and lessons prepared in co-operation with the Alberta Chamber of Resources; the fourth report, How are students doing?, a September 1991 diploma exam report; the fifth report, How are students doing?, a December 1991 achievement testing report; sixthly, a February 1992 report on Alberta's participation in an international examination on mathematics, science, and geography; and last, the January 1992 grade 12 diploma examination results, the examiners' report for six diploma examinations.

MR. ANDERSON: Mr. Speaker, I am pleased to table the 1990-91 annual report of the Department of Consumer and Corporate Affairs, as well as the 1990-91 annual report of the Alberta Securities Commission, both for the fiscal year ended March 31, 1991.

MR. KLEIN: Mr. Speaker, three tablings today. The first is a tabling in response to Motion for a Return 311, proposed by the hon. Member for Edmonton-Meadowlark on the hydrogeological evaluation of the Long Lake regional landfill. The second is a communiqué from the Canadian Council of Ministers of the Environment on accelerated control programs for chlorofluorocarbons, and the third is a communiqué also from that conference on Canada's approach to global environmental issues.

MR. SPEAKER: Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Speaker. It's my pleasure to file with the Assembly a copy of a petition, I believe sponsored by some 1,400 nurses, asking for fairness in resolution of the underfunded pension liability problem that they are faced with because of the government's problem. The covering letter that was sent . . .

MR. SPEAKER: We just file them briefly, hon. member.

MS BARRETT: Yes. I'm just going to tell that the covering letter, dated March 5, 1992, is to the Provincial Treasurer outlining their concerns.

head: **Introduction of Special Guests**

MR. SPEAKER: West-Yellowhead.

MR. DOYLE: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the Members of the Legislative Assembly 43 seniors from Hinton who have worked hard to raise over \$76,000 to assist, in co-operation with the government, in building

a seniors extended care unit in the town of Hinton. These seniors are led by Mabel Lee and Grace Hart, and I would ask them to stand and receive the warm welcome of the Legislative Assembly.

head:

Oral Question Period

Magnesium Plant

MR. MARTIN: As we know, Alberta's in a difficult recession, finally admitted to by this government. That's a recent change of events for them. As a result of their waste and mismanagement, however, we also have a growing deficit, probably close to \$13.5 billion. Due to this government's incompetence with the taxpayers' money, Mr. Speaker, we've wasted millions and millions and millions of dollars on loans and loan guarantees to their friends. I want to talk about one example, the Magnesium Company of Canada, which was a 1986 election promise coming from the Premier of this province. This is still bleeding taxpayers' wallets even though the plant went down a year ago. Now the government can't even sell the plant because apparently they don't own it. Now, my question to the minister of economic development and international trade: will the minister tell us in this Assembly why the Alberta government has not yet taken possession of a company which failed and cost 145 Albertans their jobs almost a year ago?

MR. ELZINGA: As the hon. Leader of the Opposition has indicated, we recognize that there is a fragility within our economy because we are going through a world recession, but we've been somewhat buffered against that because of the economic diversification policies of this government. I quote: this is one year when the grass does not look greener elsewhere; Edmonton and Alberta are in a better economic position than other cities in Canada; our advantages outweigh our problems. Mr. Speaker, that is a quote from the hon. member's colleague the mayor of the city of Edmonton whereby she recognizes that our province offers a number of opportunities, as does the city, because this government has been very involved in making sure that there are jobs for Albertans. We're going to continue with those strong economic thrusts because we recognize that we've got an obligation to provide jobs for Albertans.

MR. SPEAKER: Supplementary.

MR. MARTIN: Mr. Speaker, that wasn't even a clever evasion. I asked about MagCan. That's not in Edmonton. It's in High River, in case the minister didn't really understand the question.

This government is now paying roughly \$33,000 each and every day for interest in this company. At a time when we don't have money for education or health care or the poor, there it goes out, Mr. Speaker. My question to the minister is simply this: given that this fiasco continues to cost the taxpayers of Alberta millions of dollars in interest every day that the government does not settle this matter, what is the minister doing in terms of the MagCan situation to solve this problem? What is he doing? Don't give us a speech.

2:50

MR. ELZINGA: Mr. Speaker, I think it only fair, if the hon. member wishes to involve himself in a preamble, that we respond to the preamble as well as to the question. So let me respond to his preamble and then come to the question. The hon. member suggests that we cut back in health care and education, which is a falsehood. We've increased on a yearly basis our expenditures

to those areas so that we could continue with the excellence in the health care and educational systems.

As it relates to his question, I'm amazed that the hon. Leader of the Opposition does not realize that the administration as it relates to MagCan falls under the Provincial Treasurer. The hon. member should do his homework prior to putting the questions in this Legislative Assembly.

MR. MARTIN: Well, Mr. Speaker, they're both incompetent. It doesn't matter which one we ask the questions of.

The minister is in charge of economic development. Surely he must be up to date on this. It's cost us probably now \$115 million, Mr. Speaker, when we add the interest charges. My question to this minister is simply this: will he now finally admit that Albertans stand to lose all or most of this \$115 million because of their incompetence?

MR. ELZINGA: Mr. Speaker, the hon. member again talks about incompetence. He is the prince of incompetence, because all one has to do is look back to *Hansard* in the previous session whereby we answered the very question that he put.

MR. SPEAKER: Second main question, Leader of the Opposition.

MR. MARTIN: Mr. Speaker, it's going to be an interesting session, I can see. We are going to have some fun. It's MagCan in High River. Do you remember? Okay.

Western Canadian Shopping Centres Inc.

MR. MARTIN: My second question is to the Minister of Consumer and Corporate Affairs. From mismanagement to mismanagement and patronage. Albertans are very familiar now with the controversy surrounding one Mr. Joe Dutton, the former head of business immigration to Alberta in Hong Kong. They may be less familiar with the fact that an offering memorandum for his shopping centre fiasco was filed with the Alberta Securities Commission, which the minister is in charge of, Mr. Speaker. My question to the minister is simply this: has the Minister of Consumer and Corporate Affairs reviewed the offering memorandum for Western Canadian Shopping Centres Inc. to ensure that the terms and conditions of Alberta securities laws were met?

MR. ANDERSON: Mr. Speaker, with respect to the hon. leader's question, the Alberta Securities Commission is an arm's-length semijudicial body that's attached to this government. Though that body does assess offering memoranda and other securities law requirements as is required, this minister does not interfere with what they do. He does, however, draw to their attention areas which they should look into, and this would be one of those.

MR. MARTIN: Mr. Speaker, clearly, under section 33 of the Securities Act the minister has the authority to order an investigation. My question is: in view of the circumstances and the publicity in this matter, has the minister done anything about this, looking under the Securities Act? Yes or no?

MR. ANDERSON: Mr. Speaker, yes, I have asked the Securities Commission to review anything that might relate directly to Alberta and to respond in the same way they would with any other company anywhere else in this province.

MR. MARTIN: Mr. Speaker, simply this. If you look at the offering, and I have it here in front of me, it says:

The Corporation will use the subscription proceeds from this Offering in carrying on the business of acquiring and developing commercial, non-residential . . . properties in the Province of Saskatchewan.

They didn't do that; they went into industrial. My question to the minister: in view of this, will he now look at this again and tell us if they've gone against the offering? That's what I'm trying to get from the minister.

MR. ANDERSON: Mr. Speaker, what I'm trying to get to the hon. leader is that the Alberta Securities Commission is, and I suspect the hon. leader would like it to remain, an arm's-length body of the government. I have asked them to review anything that might be associated to ensure that it's been in keeping with Alberta law. They will do that, and they will reach a conclusion. This minister, this government won't influence that conclusion because we do believe in the semijudicial, arm's-length, independent review of our securities law.

MR. SPEAKER: Leader of the Liberal Party, Edmonton-Glengarry.

Multiculturalism

MR. DECORE: Thank you, Mr. Speaker. My questions are to the minister of multiculturalism. The minister of multiculturalism has been rather committed to defend the statements made by the Premier in his January speech to the Rotary Club in Edmonton, and we know that the minister of multiculturalism has more technical knowledge on these matters than perhaps the Premier does. My question to the minister is this, and I'd like him to be specific if he could: which Canadian laws impose multiculturalism on Canadians?

MR. MAIN: Mr. Speaker, the laws for which I have responsibility are laws passed in this Legislature. The law most recently passed was the Department of Culture and Multiculturalism amendment Act, which we dealt with in 1990, which dealt in broad terms with the goals and aims of our multiculturalism policy which is, of course, to involve all Albertans in the political, social, economic, and cultural life of our province. That is the law which I am charged with upholding, and that is the law with which I am familiar, and that is the law which this Assembly has passed.

MR. DECORE: Mr. Speaker, the legislation that we have in Alberta that pertains to multiculturalism creates a commission and creates a foundation, some people even suggest imposes a commission and imposes a foundation. I'd like to know from the minister if he sees any legislation that now exists in Alberta as being an imposition of multiculturalism on Albertans.

MR. MAIN: You know, Mr. Speaker, during this time in Alberta's economy when people are anxious for this Assembly to deal in a meaningful manner with the economic issues before us, with the difficult times that many, many Albertans are facing, the Liberal leader continues to deal with matters that have been dealt with by this House and which are so patently obvious to anybody who would take five seconds to examine them.

It seems almost ridiculous to waste the House's time in answering these. However, let me, number one, correct the member. The legislation does not impose a commission and a foundation. It rather expands an existing commission and creates an advisory council, and those people who are involved in that commission are dedicated Albertans. They don't feel an imposition. They feel rather that they're doing a service to the people of

Alberta in drawing people together. As I said in my remarks earlier in this session, many of us came here on different boats, but we're all in the same boat together. That is the aim of our multiculturalism policies, multicultural laws as well, to have all of us pulling on the oars of the good ship Alberta together.

MR. SPEAKER: Thank you. [interjection] Thank you. I'm feeling somewhat submerged.

MR. DECORE: Mr. Speaker, not too technical and not too knowledgeable.

I'd like to put my last question to the minister, then: does the minister contemplate any changes to Alberta legislation with respect to multiculturalism or the multiculturalism initiative that deals with bilingual education?

MR. MAIN: No, Mr. Speaker. If the member is suggesting that somehow there's a pernicious plan abroad in the land to do away with all the good things we are doing, he is absolutely dead wrong, and for him to begin to suggest that kind of thing with that kind of a question is again just a falsehood. This government, the Premier, the minister, the chairman of the commission, and the Legislative Assembly are committed to the goals that we've already stated that we've been committed to, that were laid out in that legislation. A motion presented by one of the opposition members earlier in the week suggested things along the line that we reaffirm our support of multiculturalism, a positive characteristic. We've already done that.

MR. SPEAKER: Thank you hon. minister.
Banff-Cochrane.

Tourism

MR. EVANS: Thank you, Mr. Speaker. My question today is to the Minister of Tourism, Parks and Recreation. The economic downturn worldwide has had a negative impact on tourism in the province of Alberta. There are a number of operators who've had a very challenging time in the last 12 to 14 months both provincially and in my constituency. As an advocate for the tourism industry in Alberta, what is this minister doing to assist the industry in these very difficult and challenging times?

3:00

MR. SPARROW: Mr. Speaker, it has been a trying time in 1991 for the tourism industry. It was anticipated that we would have a flat year. Recent figures show that we are up over last year from \$2.59 million to \$2.77 million because we did have increases in our international markets. We were a safe haven. We did have problems with a reduction in eastern Canada and not as many Canadians coming to Alberta, but we do have the industry at heart. Yesterday the minister of economic development talked about *Toward 2000 Together*. We in Tourism have a similar process which is part and parcel of that program. *Tourism 2000: A Vision for the Future* is being designed now and will be part and parcel of the overall economic strategy into the future with *Toward 2000 Together*. We've also this year put in a five-year marketing strategy that is to start this year and have marketing programs in geographic marketing areas in Alberta, regional, North America, U.K., Europe, and Asia-Pacific, and each of those . . .

MR. SPEAKER: Thank you, hon. minister. Let's save something for a supplementary, please. Let's go.

MR. EVANS: Mr. Speaker, with respect to the minister's comments about the Tourism 2000 initiative, when can Albertans in general and the tourism industry expect the strategy of the department to be made public?

MR. SPARROW: This is in the preliminary stage. I expect to have a report early this summer, and it definitely will be dovetailed into Toward 2000 Together so that, as the minister stated yesterday, tourism would be part and parcel of the total economic strategy for the province. We're hoping that the committee that's meeting here on Thursday with their final symposium can get their work done and bring it forward early in June.

MR. SPEAKER: West Yellowhead, followed by Edmonton-Gold Bar.

Hospital Construction

MR. DOYLE: Thank you, Mr. Speaker. The people of Hinton have been and continue to be victims of broken promises by this government in 1983, 1986, and 1989 for an extended care unit in Hinton. The need for this facility is well documented. I'd like to table copies of a videotape taken in Hinton 25 days ago and send one copy to the Minister of Health for her observation.

Speaker's Ruling Tablings

MR. SPEAKER: Thank you, hon. member. You're wasting your time. You're wasting the time of question period. Take your place, please. You know full well that you're supposed to do your tablings at the other time. It's much more convenient than wasting the time of question period.

Now we're looking forward to hearing your question.

Hospital Construction (continued)

MR. DOYLE: Thank you, Mr. Speaker. Over and over again families spoke of their heartbreak, guilt, and anger as well as resulting loneliness, despair, and worsening health of loved ones who have spent many hours far from home. "Can we stop this pain and loneliness and keep families together?" said one woman. I'd like to ask the minister if she would show that she has heard from the people of Hinton and act on her government's long-standing commitment to complete this project in Hinton.

MS BETKOWSKI: Mr. Speaker, I find rather surprising some of the comments made by the hon. member, particularly when he looks at his own party's view with respect to rural hospital building throughout this province, but perhaps he can answer to himself and his own constituents. I was also surprised earlier today to hear that the member had some guests in the Assembly, and I was pleased to find them in the building and to meet with them. I certainly recognize how important the long-term care project is for the people of Hinton and area. Certainly it means that as we look at the 31 projects that are on the deferred list, part of our budgetary challenge is to continue to bring projects off that list, as we've done over the last several years, and are, as the member should know, building at a level of \$130 million of capital in the province this year. This means, however, that some of the projects aren't going to proceed as quickly as we all would like, but the assurance I gave the people from the town of Hinton who were here today and which I give to this Assembly now is that we certainly want the project to proceed as soon as possible.

MR. SPEAKER: Supplementary.

MR. DOYLE: Thank you, Mr. Speaker. It's strange that they have lots of money for MagCan but seniors and their families all over this province have been dying and waiting for years for this government to get their act together.

Mr. Speaker, in 1990 the Minister of Health promised a priority list for long-term care so that rural Albertans would know when these facilities they expect would be delivered. Does the minister expect me to go back to the people of Hinton and tell them that this government doesn't keep its promises and cannot be trusted?

MS BETKOWSKI: Mr. Speaker, the hon. member can do whatever he wishes to do with his own constituents. I met with them today and assured them that we would make the project proceed as soon as we possibly could. They will all proceed on the basis of the greatest health need first, and then they will follow.

MR. SPEAKER: Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. Let me see what I can find out here. Despite the rhetoric in the throne speech, the government is still making life pretty difficult for seniors in Alberta. This one determined and committed group has raised over \$77,000 towards planning and construction of the extended care facility in Hinton. I want to ask the Minister of Health: exactly when is construction going to begin on this? Let's have a look at the priority list, Madam Minister.

MS BETKOWSKI: Mr. Speaker, again, I think this member of this party should look at her own leader carrying his wallet, holding it up there for all of us to see. I am very proud as a Minister of Health of the resources that we dedicate not only to the capital but to the operating support of health in this province, and we can all be proud as members of this Assembly for the kinds and qualities of service that we have.

With respect to raising dollars in the community, I think the member raises a very legitimate question. Should the precedence be based on who has the fiscal capacity to provide the resources, or should the precedence be based on what is the most important health interest? As a government we have opted for saying that the greatest health need is the one that must proceed first. I don't belittle in any way the kind of work that the people from this constituency have done to support that program, and I thank them for it. I think, however, we have to assess them.

As for tabling the list in the Assembly, I think the hon. member will have to wait, as she well knows, for the tabling of the budget to know which projects will proceed and which will not in the next fiscal year.

MRS. HEWES: Freedom of information, Mr. Speaker: I hope that list of priorities will be in front of us in the budget.

Mr. Speaker, my supplementary to the minister is: will the minister then please tell us how you rationalize this position with the family grid that we've recently been treated to? Item 4 says, "Seek to support and strengthen families and to decrease the potential for family crisis." How does the Hinton situation jibe with that?

MS BETKOWSKI: Mr. Speaker, welcome to the world of health. I realize that others may have made different decisions with respect to what capital projects should have proceeded in this fiscal year, but let's look at what is going on in that \$130 million:

the Royal Alexandra hospital, the Cross Cancer Institute, facilities up in Valleyview, facilities in Calgary at the Calgary General hospital and the Holy Cross hospital. Those are commitments to family. Can we do everything at once that everybody wants? No, we can't, but we can do on an orderly basis within the fiscal capacity of our province those projects most needed on a health basis, and that is the commitment of this government to health in this province.

MR. SPEAKER: Smoky River.

Grande Prairie Regional College

MR. PASZKOWSKI: Thank you, Mr. Speaker. I've recently received calls from parents whose children are enrolled in the Royal Conservatory of Music program at Grande Prairie College. They're concerned that there may indeed be a partial cutback to the funding of this most beneficial and important program. To the Minister of Advanced Education: would the minister please clarify the role that his department plays in the funding of this important program?

MR. GOGO: Mr. Speaker, Grande Prairie Regional College is one of the 27 institutions that serve over 100,000 people. They have the university transfer program which has music as an integral part of that program. Under our Bill 27, which was passed last year in the Assembly, there can be no deletion of a credit program affecting a student that's enrolled without that coming to the Minister of Advanced Education, and I've yet to receive that from Grande Prairie College.

MR. SPEAKER: Supplementary, Smoky River.

MR. PASZKOWSKI: Thank you. Also to the Minister of Advanced Education. I understand that the music program which was developed in conjunction with the education faculty remains untouched. Does that mean that we can expect a degree completion program to be announced in Grande Prairie in the near future?

3:10

MR. GOGO: Well, Mr. Speaker, as members are aware, I think it was in December I announced that we were looking at the whole question of expanding degree-granting institutions, and one of those items would perhaps be degree completion for regional colleges. As I indicated then, the government has taken a very major initiative in *Toward 2000 Together*. There's a human resources study going on, and I would hope that at the conclusion of that study, perhaps 12 to 18 months, the government would be in a far better position to make a firm decision on the whole question of expanding degree-granting facilities.

MR. SPEAKER: The Member for Calgary-Forest Lawn.

Special Education

MR. PASHAK: Thank you, Mr. Speaker. Due to downloading on the part of the provincial government, the Calgary board of education is looking at proposals that would both substantially reduce local taxes and reduce support services for handicapped children. My question is to the Minister of Education. What steps does the minister intend to take that would ensure that the special needs of these handicapped students are met?

MR. DINNING: Well, Mr. Speaker, every single school board in this province has a responsibility to deliver education services to

every single child who is a resident student of that school district no matter what ability that child comes to the front door of that school with. This government provides funding this year in the order of nearly 1.7 billion taxpayers' dollars, combined with another billion dollars in local supplementary requisition. I would suggest to the Calgary board of education that the nearly 7 percent average annual increase in funding that the provincial taxpayers have contributed over the last three years, 7 percent per year, is a significant amount of money that can be used to meet the needs of these young children whether they're special education students or any other kinds of students. I'd suggest to the Calgary board of education, as we have to all school boards, that rather than looking for more and more and more money, school boards start focusing more on achieving identifiable, clearly defined objectives, focus on results rather than simply focusing on more and more and more money.

MR. PASHAK: Mr. Speaker, the minister's own special education review process has suggested that his department should take the lead in establishing co-operation between government departments. Given that the Calgary board is no longer able to provide physiotherapy or occupational therapy to handicapped students and given that these are more properly the responsibility of the health system, what is the minister doing to get agreement from his colleague the Minister of Health to fund these essential health services in schools?

MR. DINNING: Mr. Speaker, I would put to the hon. member, as my colleague the Minister of Health has talked about today, that both the health care system, including the Calgary board of health and other regional boards of health in the Calgary area, as well as the education systems in this province are very well funded by provincial taxpayers' dollars. I have to ask the honourable question, a rhetorical question perhaps: is it the taxpayers' responsibility to continue to feed the insatiable appetite of school boards and other public institutions like that for more and more money, or is it the school board's responsibility to live within the taxpayers' means? [interjections]

MR. SPEAKER: Order please.

MRS. GAGNON: Where's the quality?

MR. SPEAKER: Order please, Calgary-McKnight.
Edmonton-Avonmore.

Personal Hygiene Products

MS M. LAING: Thank you, Mr. Speaker. My questions are to the Minister of Health. *Whitewash*, a new Canadian book by Liz Armstrong and Adrienne Scott, presents the health risks posed to women and children who use sanitary products widely advertised as being safe and environmentally friendly. The authors also demonstrate the failure of governments and companies to protect the well-being of women and children. For example, in Canada such products as tongue depressors, bandages, and dental floss are subject to government testing and regulation, but sanitary products can be placed on the market without prior evidence of safety or efficacy. To the minister: will the minister now commit to taking these issues to the federal minister of health to investigate in a thorough manner those concerns about the health risk posed to women and children by the use of chlorine bleached kraft paper products?

MS BETKOWSKI: Mr. Speaker, I'm not aware of the study which has been cited by the hon. member. I should be and I'm not. I'll certainly look into it, and if appropriate, I would be pleased to take her suggestion and have it reviewed by the federal minister of health.

MR. SPEAKER: Supplementary.

MS M. LAING: Thank you, Mr. Speaker. Thank you to the Minister of Health for that answer.

Mr. Speaker, my second question is to the Minister of Consumer and Corporate Affairs. Again, we have discovered the manufacturing sector promoting products at the peril of women and children and the environment. Public information on this matter is deficient. To the minister: given the concerns raised by this book and elsewhere in the literature, will the minister commit to launching a public awareness campaign about the health and environmental hazards posed by these products?

MR. ANDERSON: Mr. Speaker, I too haven't read the book or seen a copy of it. If the hon. member would like to send me information she thinks particularly pertinent I'd be glad to consider it. I might say that product testing, determination of whether a product is meeting its advertising goals, is a federal responsibility. If there are particular products that Alberta women and children are having difficulty with I'd be glad to discuss those with federal officials.

MR. SPEAKER: Calgary-North West.

Golden Gate Fresh Foods Inc.

MR. BRUSEKER: Thank you, Mr. Speaker. My question today is to the Minister of Economic Development and Trade. The government has once again put taxpayer money at risk in another loan guarantee in an attempt to pick winners, this time \$13.9 million to Golden Gate Fresh Foods Inc., located in Lodi, California. My question to the minister is very simply this: since the plant has now shut its doors as of December 1991, how much of this loan is at risk?

MR. ELZINGA: Mr. Speaker, I'm more than happy to take that on notice for the Provincial Treasurer, under whose responsibility that falls.

MR. BRUSEKER: Mr. Speaker, the order in council reads: upon the recommendation of the Minister of Economic Development and Trade, not the Treasurer.

Since the government has expressed a new commitment to access to information, will the minister then commit to at least tabling the agreement between the government and Golden Gate Fresh Foods with respect to this \$13.9 million?

MR. ELZINGA: Mr. Speaker, my answer is the same as it was for the first question.

MR. SPEAKER: Innisfail.

Grain Transportation

MR. SEVERTSON: Thank you, Mr. Speaker. Last summer the federal and provincial agriculture ministers met and agreed to consult producers on the Western Grain Transportation Act. I understand that facilitators were hired and held some 140 meetings across Canada, most of them in the prairies. My question to the

Minister of Agriculture is: when will the facilitators be making their report?

MR. ISLEY: Mr. Speaker, the facilitators have made an interim report to the federal minister and provincial ministers. I would expect the final report about mid-April. The interim report would indicate that there is strong support in Alberta for the pay-the-producer concept as opposed to pay the railway, strong support in Saskatchewan for maintaining the status quo, and a very mixed viewpoint in the province of Manitoba.

MR. SEVERTSON: My supplementary, Mr. Speaker. There were five options outlined in the Transportation Talks document, which was handed out at the meetings. My question to the minister: are any of these options acceptable under the GATT/Dunkel proposal?

MR. ISLEY: Mr. Speaker, if the Dunkel text were to become the GATT agreement, the two last options in the Transportation Talks document – one the buy out and the other paying it out to the farmers through a NISA account – would probably both fit in the green box. If the buy out is similar to the Alberta government's Freedom to Choose proposal, where it would be bonded out based upon arable acres adjusted for productivity and distance, it would definitely fit the green box, and we could retain that benefit to western Canada in perpetuity. Depending on how the NISA program is finalized would depend on whether or not that program would fit into the green box. Maintaining the status quo would be subject to rather significant reductions. Paying it to producers on an ongoing basis would be subject to rather significant reductions.

MR. SPEAKER: Vegreville.

3:20

Drought Assistance

MR. FOX: Thank you, Mr. Speaker. In addition to having to suffer the ravages of agriculture that are general across the province, producers in northeastern Alberta suffered with extremely dry conditions last year and low production as a result. Meetings were held in Willingdon in August and again in November, with over a thousand people turning out in each case to lobby the government for some form of assistance, and there have been ongoing meetings between the minister and a committee of reeves from the area lobbying for implementation of a disaster assistance program which would make interest free loans available to producers who qualify, similar to programs put in place elsewhere in the province. So far that hasn't happened. I'd like to ask the minister if he's waiting in typical Conservative fashion for a politically opportune time to announce this disaster assistance program. Or is the answer really a definite no?

MR. ISLEY: Mr. Speaker, the hon. member is quite correct in his summarization of meetings that have occurred and the concern that has been expressed. Early last fall we responded with an emergency water response program. We subsequently followed that up with a supplemental water response program. The Alberta Hail and Crop Insurance Corporation co-operated very diligently and provided quick assessments in the northeast and a higher than normal payout to the northeast area of the anticipated payouts under the revenue insurance program. We've applied all the broad-based generic tests that were used to determine disaster areas in other parts of the province. I notified the reeves of the northeast prior to Christmas that under the criteria used in the past, the conditions in the northeast would not dictate that one year of

drought constituted a disaster. The reeves appealed that. We finally said: "Look; we'll assess it on an individual farm basis if you've got farmers that wish to come forward and open their books." We carried that out, still to no avail. It would appear that programs like crop insurance, like the gross revenue insurance program, like forage insurance and pasture insurance are responding very well to drought conditions.

MR. FOX: Mr. Speaker, the producers in northeastern Alberta certainly don't have that impression. The conditions are desperate there.

I'm wondering if the minister will confirm that the real reason this disaster assistance program hasn't gone forward is that the Minister of Agriculture has no influence in cabinet and that Conservative MLAs from northeastern Alberta have no influence in caucus.

MR. ISLEY: Mr. Speaker, the hon. member can judge whatever way he likes as to how much influence the minister has in cabinet.

The hon. member should also be aware as a northeast MLA that a press release was issued a little over a week ago, summarizing what had occurred and saying that this is the final response. The hon. member should also know, if he checks with his farmers, that GRIP, the gross revenue insurance program, worked extremely well in the county of Minburn.

MR. SPEAKER: Edmonton-Mill Woods, followed by Calgary-McKnight.

Immigrant Professionals

MR. GIBEAULT: Mr. Speaker, my questions today are to the Solicitor General, who is the minister responsible for professions and occupations. After much delay the government's interdepartmental task force on the qualifications of foreign graduated professionals has now submitted its report and recommendations to the government. This report has been eagerly awaited by the many, many immigrant professionals in our province who have encountered all kinds of barriers to practising their various professions or occupations here in the province. My question to the minister: given the government's commitment in the throne speech to access to information, will the Solicitor General now stop any further stalling and release the task force report along with the government's response to the report's recommendations? Will he do that today?

DR. WEST: Mr. Speaker, the member has identified a very important area in our society today. I can assure this Assembly that as Solicitor General I'll be working with the other departments in our government to look at this very important issue and the results of the review that has been going on to make positive progress in this area in the future.

MR. GIBEAULT: I asked for a date and if he'll table the report. He didn't answer the question, so I repeat it.

Let me just follow it up with a supplementary. After the report is tabled, I'd like to ask the Solicitor General how much credibility he thinks he is going to have with groups like the Alberta Association of Immigrant Professionals and others who are involved in this issue when published reports have indicated that he gets his jollies abusing immigrants in public places.

Speaker's Ruling Reflections on a Member

MR. SPEAKER: Order. Order. The member has violated at least two sections of *Beauchesne* within the space of about 50 words. Go back and read *Beauchesne*.

Calgary-McKnight.

Immigrant Professionals

(continued)

MRS. GAGNON: Mr. Speaker, I also want to mention the issue of foreign professional qualifications, but I address my question to the Minister of Labour. I would like to ask the minister: when this report is tabled, and we do hope it is soon, will the minister also table a plan of action and some time lines so that the government will not be able to stall for another three years?

MS MCCOY: Mr. Speaker, the Chair of the Professions and Occupations Bureau may wish to supplement my answer because of course she's been spearheading very ably this important research. As the Solicitor General mentioned, there have been several of us who have been avidly following the course of its progress. The report took us much longer to put together than we had anticipated because the breadth of the subject and the number of stakeholders was very wide and we wanted to ensure that we consulted with each and every one of those stakeholders to the extent we could and to truly delineate the whole field. The report is an exciting one. I can say to you that we are going to release it publicly, and that will be very soon.

I would encourage the Chair of the Professions and Occupations Bureau to supplement my answer.

MRS. MIROSH: Mr. Speaker, we welcome this question. The task force has done a wonderful job. It's been an interdepartmental report. We've had a lot of public input, and the report will be available probably the first part of next week.* The delay currently is just trying to figure out how this area will be funded. This, of course, is a very important question with regards to the budget. Once the report is released, I believe that all Members of the Legislative Assembly will feel that it is an important one to endorse and implement.

MRS. GAGNON: Thank you.

MR. SPEAKER: Calgary-Glenmore, on a question basis.

Addiction Treatment for Adolescents

MRS. MIROSH: Mr. Speaker, I recently have had the opportunity to meet with a number of constituents who've expressed a concern with regards to the number of taxpayers' dollars moving south of the border to treat people with drug and alcohol addiction, particularly the adolescents. We now know that there are a number of programs here in Alberta that can probably be used for our adolescents and others. I'm wondering if the Minister of Health could explain why those taxpayers' dollars are still moving south of the border and why they couldn't be implemented into the programs that are here, in Alberta.

MS BETKOWSKI: Actually, Mr. Speaker, the proportion of Albertans going into the U.S. for addiction treatment is relatively small, some 500 compared to 33,000 admissions to AADAC and its funded agencies in the last fiscal year. Nonetheless, we are

*see page 81, left col., para. 8, line 5

concerned that Albertans must go out of the province to find treatment and that perhaps those Albertans aren't aware of what is available within Alberta before they make a decision at a very difficult and pressured time in their families' lives, I'm sure. So what we have put in place is a prior approval process before any of these programs will be approved for payment out of the Alberta Health Care Insurance Fund. That process will ensure that first we exhaust all opportunities in Alberta, then all opportunities in Canada before we will consider out-of-country placement.

As Minister of Health I am only responsible and can only speak for the Health Care Insurance Fund. We do not fund community residential programs out of the Health Care Insurance Fund but certainly will fund physician-based, acute care programs whether they are within Alberta or outside of Alberta.

MRS. MIROSH: Mr. Speaker, I'd like to direct my supplementary question, then, to the chairman of AADAC. The Alberta Adolescent Recovery Centre recently opened in Calgary, and I was wondering if AADAC will be working with this centre in helping them provide a program that would be in-house.

3:30

MR. NELSON: Mr. Speaker, AADAC has been involved with assistance in developing the program of the Alberta Adolescent Recovery Centre since its inception originally as Kids of the Canadian West. They have developed an exceptionally good program to assist in the care of young people in the province of Alberta for recovery in alcohol and other substances abuses as well as other disorders. Alberta today has without a doubt exceptional programs for adolescent care, unmatched anywhere in Canada and in fact probably in the United States. As far as I'm concerned, with the support of the government there is in general terms no reason for young people to have to go to the states. There is a misconception that because it is an American program it is better. That is not the case. Alberta has exceptional programs that can meet the needs of Albertans in all age groups and particularly our adolescents.

Health Care Facilities

MS BARRETT: Mr. Speaker, the New Democrat caucus spent the autumn and winter traveling throughout the province, particularly visiting rural Albertans, asking people what they wanted government to do. The thing that we heard time and again was that long-term health care facilities are needed in a lot of rural communities. They don't need more little acute care hospitals with high-tech equipment that in some cases has yet to be unpacked. They're looking for a long-term care strategy. I'd like to ask the minister today if she's got a strategy in mind to develop combined nursing home/auxiliary hospital/community centre clinics that will service these people in their own communities.

MS BETKOWSKI: Yes, Mr. Speaker.

MS BARRETT: Mr. Speaker, I also remember when the government said that they were going to have a Premier's commission on the future of health care. That took two years. Then they had to take two years to respond to the Premier's commission. My question to the minister is this: if she has a strategy, will she tell the Assembly sometime during the next week or two, or are we going to have to wait another four years while these people in rural Alberta suffer?

MS BETKOWSKI: Well, Mr. Speaker, the hon. Member for Edmonton-Highlands doesn't have to wait at all. I'll tell her right now what the process and the procedure is. Following the very effective work of the Premier's Commission on Future Health Care, a response to which I tabled in this Assembly yesterday, we spoke about the whole issue of using the infrastructure that we have in Alberta to better advantage in the '90s than perhaps for the purpose that it was built in the '70s and '80s and earlier. That process is one that government doesn't believe it has all the answers on. I mean, perhaps the New Democratic caucus does, but we in government don't believe we do. Rather, the process that we're following is to have a very immense work done throughout this province to define the role of health facilities. The first step is completed, and that's to say, "This is what our facility is doing today." The second step, which is just about completed, is, "This is where we want to be 10 or 20 years from now." The third step is to share those statements with others in the area to look at perhaps a changing role for existing health facilities and to complement those with perhaps new facilities so that we can in fact reflect the spectrum which was the dream of the Premier's commission and, frankly, the dream and desire of this government for the province and the people of Alberta.

MR. SPEAKER: Hon. members, we've come to the end of question period. The Chair has sent for the Blues with respect to some comments made by Edmonton-Mill Woods, and the document will be perused to see if there's any need for any appropriate action of a remedial nature.

Point of Order Decorum

MR. SPEAKER: A point of order, Career Development and Employment.

MR. WEISS: Thank you, Mr. Speaker. I rise recognizing that I may be ruled out of order, but I still raise what I believe is a very important point of order. I make reference to *Beauchesne*, section 329, Decorum in the House, and section 333, Interruptions of Members. Assuming that the rotunda is an extension of the House, would you be kind enough to advise the Assembly what the disturbance in the rotunda was prior to the start of today's session? More importantly, has any member of the Assembly abused their privileges by condoning or promoting the incident? [interjections]

MR. SPEAKER: Do any other members wish to speak to the issue rather than just shouting across the Chamber?

Thank you, hon. member. The Chair will take it under advisement.

head: **Orders of the Day**

head: **Written Questions**

MR. GOGO: Mr. Speaker, I move that the written questions on today's Order Paper stand and retain their places. [interjections]

MR. SPEAKER: Order please, hon. members. There's a motion before the House if all those who are seated in their places would care to vote.

[Motion carried]

head: **Motions for Returns**

MR. GOGO: Mr. Speaker, I would likewise move that the motions for returns on today's Order Paper stand and retain their places.

MR. SPEAKER: Order please, hon. members. I know it's the custom to go wandering out after question period, but it's also an obligation to keep track of what's happening in the House.

Swearing under one's breath is not also part of the decorum of this House, hon. member.

[Motion carried]

head: **Motions Other than Government Motions**

Administration of Justice

201. Moved by Mr. Day:

Be it resolved that the Legislative Assembly urge the government to establish a committee of Alberta citizens charged with the mandate of examining possible reforms to specific legislation regulating the provincial justice system, including but not limited to the control of young offenders, parole and sentencing procedures, and the complexity and costs of the system.

MR. SPEAKER: Red Deer-North.

MR. DAY: Thank you, Mr. Speaker. I'd like to begin first by just reading the motion so that those members who may not have it memorized yet will understand what exactly we're dealing with.

Right off, Mr. Speaker, I'd like to address the question of why a committee, because often when you even suggest a committee, you can get moans and groans and various amounts of derision. Committees have been unfortunately characterized, but maybe with some good reason, as a group of the unwilling appointed by the unfit to do what is probably unnecessary. For that reason whenever you talk about a committee, there is often a sense of reluctance to proceed at all in that direction. But there is a time for a committee, I believe, when it's involving Albertans, when it's involving the citizens of this province from various walks of life, and that's what I envision on this committee: not a committee made up of elected people, not a committee entirely made up of the legal community or the judicial community but in fact a committee of Albertans from a variety of walks of life. I'd like to show in the next few moments some of the concerns that they would deal with, and I base those concerns on remarks that have come to me over the last several months from citizens in general.

There is a large degree of concern out there in our society – not just in Alberta society, Canadian society – concerns with the justice system. I believe that citizens of this province need to see that they can address the concerns among themselves, bring those concerns to the legislators, and actually have the legislators then go to work on their behalf. That's why a committee of Albertans from all walks of life is needed. This isn't something to be usurped or controlled by the legislative branch. I believe that sometimes MLAs can be accused of just advancing their own concerns on an issue. The particular concerns I'm bringing forward have come to me, as I've said, from a wide variety and large numbers of Albertans, but in fairness I don't think it should be myself or any other one legislator saying, "Let's deal with these concerns." Let's affirm and confirm if these concerns are being sensed and expressed by Albertans. Let them do that and then bring them to us so that we can deal with it.

I'm not talking about an expensive committee. I'm not talking about something that would take a long period of time. As a matter of fact, there are some models that could be followed. Some time ago we saw here in this province a Lieutenant Governor's conference on the family. What happened was 500 delegates from across the province got together at that conference for a couple of days and were able to come up with an agenda for action on issues related to the family. To me, that's the type of committee that I would see happening. Whether it would be five people or 55 people or 500 people from all walks of life in Alberta, there's enough identified concern out there that I believe a group of citizens – if I can use the words "constituent assembly" in a very broad way – could actually sit down and readily identify a number of areas that they want looked at in terms of our justice system. I don't think that would be an insurmountable or formidable task. That's what I envision. Not a very expensive committee traveling around the province for months and months and coming out with a report but in fact a group of responsible Albertans getting together and analyzing these issues and then asking the Legislature to deal with them: that's what I see happening.

3:40

[Mr. Deputy Speaker in the Chair]

I'd like to make it plain also that the Albertans that I talk to certainly endorse a principle in our society which talks about being innocent until proven guilty, and that principle is something that we must support at all times. I don't want to see any diminishing of that as we look at a number of concerns which I'll raise. I also would like to say that I do support the appeal process and in fact the whole due process of law. We're not asking that that type of system and those very principles on which our freedom stands be abrogated in any way.

What I do want to address, though, is the concern that a lot of Albertans have of what happens to a person once they have been determined to be guilty. I want to emphasize that: once they have been determined to be guilty. There's frustration out there in society. We can roll our eyes as some of the opposition members do and moan and groan and say that it's not there, but there's a large concern out there that in fact too many times and in too many instances we have situations where criminals – and we're talking here mainly about serious repeat offenders and especially in the area of violent crime. Those are mainly what Albertans are talking about here. Too many times it's the proverbial slap on the wrist approach, and too many times the concern seems to be concentrated on the perpetrator of the crime and not the same level of concern on the victim or in fact society itself being protected from the perpetrator. It's because of these frustrations that I'm proposing this motion. I'm very concerned. When citizens appear to be losing faith in the system, I think we as legislators have to react to that and have to respond to that. Otherwise, we can face a very unhealthy environment.

So we're looking at possible reforms to these specific areas of legislation and regulation that I've already talked about but not that it should be limited to the areas that I've enunciated. I think there are lots of areas that citizens are bringing forward in terms of our justice system that they would want looked at.

I'd like to bring to the attention of the members some specific concerns that have been brought to me. I could list these types of examples. I could go on for quite a period of time, but as you know, we don't have unlimited time, Mr. Speaker, in the House, so I'll choose just to zero in on a few that some people might say

would seem to sensationalize the concern, but in fact these types of examples are all too common. I'll only cite a few.

We have the situation here in Edmonton. Citizens of Edmonton expressed great concern about a situation here where a man had dragged a woman into a washroom down here in the LRT area, bashed her head against the wall more than once, propped her unconscious body up in the toilet area of that particular area, tied her own panty hose around her neck, resulting in her strangulation. Now, some members might be uncomfortable as they hear these actual accounts. These things happen here in our province. The man said in court that he wasn't really trying to kill her. The reason he wrapped these items around her neck was just to keep her upright so her body wouldn't be found. Because of that statement the court decided, well, he didn't really want to kill her, so the charge was reduced to manslaughter instead of murder. In other words, that person will be out on the streets far earlier than he would have been had it been a murder charge.

We're all unfortunately too familiar with Mary Shafer's death: stabbed 36 times in the back. Again the charge was lowered to a lesser charge than murder because it was determined by the court that the man was in a state of automatism. "The poor fellow; he didn't want to murder her. Let's reduce the charge, and let's have this poor individual out on the streets sooner than actually he should be."

We have the situation of the man who struck his wife eight times in the head with an axe because she wouldn't cook and clean in the traditions of the country which they had come from. Again the courts ruled that, well, this murder wasn't planned or deliberate, so again the charges were reduced. This man will be released earlier than he should be, and this is in spite of trial testimony from the children, who said that the father had attacked the mother with a baseball bat on previous occasions, even tried to run her down with the car. But again it was determined that: "Well, he didn't really want to kill her. It was just, unfortunately, the axe striking her in the head eight times that did kill her, but it wasn't really his intent." So the charge was reduced.

These areas are not just confined to the adult area. Unfortunately, we have the situation where two teenagers were charged with the beating of a Falconridge woman, beating her with a baseball bat. They had come into the house at night, found their way in there. They were charged with attempted murder, aggravated sexual assault, breaking and entering, and also face additional charges of conspiring to murder and sexually assault four other women, all the women being known to the particular teenagers. The appeal to have this put into the adult court where they would be put in custody for a significant period of time was turned down. "No, these poor little fellows; you know, we really shouldn't be too tough on them." So they will be out on the streets in a very short period of time after an absolutely horrendous crime and charged in four similar other areas. [interjections] You know, I'm amazed at the reaction of the opposition that they would make light of the severity of this type of murderous assault on women, that they could sit there and think that these are light things to be smirked at and laughed at. It's horrendous.

Point of Order

Criticizing Members

MR. McINNIS: Point of order.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Jasper Place is rising on a point of order.

MR. McINNIS: He is trying to make a case for why his committee is going to solve these problems. He's not entitled to cast aspersions upon the opposition members who were in fact listening intently for him to present an argument amid these police detective stories.

Debate Continued

MR. DAY: Well, I'm glad that's on record: the reference to police detective stories. I know the families of these people who have been murderously assaulted will find those comments very interesting. For someone who has so much concern about the environment, how about the people in the environment around you?

I'd like to also go on and say that yes, these are horrendous, but these are not just one or two or three incidents that happened in a 10-year period in our province or in our country. These happen all too commonly, Mr. Speaker, and Albertans are saying they need to be dealt with. This isn't just in the areas of crime resulting in death, but apparent inconsistencies. Recently a man was sentenced to seven years in jail because he stole \$6,000. I don't have a problem with that. But very recently we just had another situation where a man who had misled some 67,000 investors who had entrusted him with hundreds of millions of dollars in fact didn't go to jail at all. It's these inconsistencies that are bothering people. There may be reasons for some of these, but there are so many of these examples that Albertans are saying: "What's going on? We as average Albertans would like to address these concerns." It's these that create the basis for the frustration that's being routinely experienced by Albertans. That's why I'm calling for the establishment of a committee to take a look at these problems. Again, the committee would not be made up of lawyers, judges, and court officials, but it would be made up of citizens from a variety of walks of life.

I've referred briefly to the young offenders situation, and I realize that there are elements of the Young Offenders Act which are federal. Yes, there are, but we as a provincial government need to influence and bring our concerns to bear on the federal counterparts. We need to deal with that. That Young Offenders Act is imposed upon all provinces. We can deal with it. In spite of the federal limits there are certain jurisdictions regarding young offenders that we can deal with regarding programs for young offenders, regarding the care of young offenders.

Once again, in this particular area there's great cause for concern. Dealing with children even under 12 years old has become a frustrating and growing concern for Calgary police. We read about that; we have reports about that. In Calgary alone they've identified 250 to 300 children under 12 as being involved in the types of offences that need to be dealt with by police, and those are the minor offences. We know too well the story published here in Edmonton just a few years ago in October 1988: a 14-year-old babysitter brutally beating to death a two-year-old. Again, that person charged under the Young Offenders Act is, unfortunately, probably on the streets today. Not a good message to be sending out there, Mr. Speaker.

3:50

The youths who spend time in the present juvenile detention centres themselves say that it's far too lenient. As a matter of fact, it's a farce. Interviews with the kids who are in these centres have been done and published. The kids laugh at the centres; they think it's a big joke.

In 1990-91, 1,826 youths were charged with assault. That was an increase of over 40 percent from 1986 to 1987. In 1988 there were 486 youth crimes. This is just in Calgary. In 1990 the

number of violent crimes was 871. That's an increase of 79 percent. These young criminals have been interviewed, and they have said:

You have the Calgary Young Offender Centre now. You have carpet on the floor. The staff let you do anything you want. You know where you are at? You are at the Holiday Inn!

These are quotes from the residents of these centres. According to the youth alternative program, which is a nonprofit organization helping youth in trouble, the consensus on the Calgary Young Offender Centre is that this is more like a day care than a prison and hardly a deterrent to young offenders. Here is one young criminal's quoted confession.

If you had it more like a concentration camp, that would probably do some good. If you play . . . hardball, they are not going to come back.

That was the quote of a young offender.

I want to make something plain here, Mr. Speaker. This is not an attack on the people who staff these centres and these particular facilities. The people who are working there are operating as best they can under a certain mandate, under a certain philosophy that they've been handed, a philosophy which I would like to suggest many Albertans say does not work. We've been told by the Canadian Centre for Justice Statistics, and this report was March 5, 1992, that our province is the most lenient when it comes to jailing young offenders. The most lenient.

Now, I won't take a lot of time talking about what many citizens say is one way to approach that problem, and that would be to remove the young offenders from these urban centres, put them in a forestry or agriculturally located closed custody situation, give them a program based on educational upgrading, something that's labour intensive where they could learn a skill, possibly a preapprentice program of some kind, work on a project that they would see through to completion, develop their self-esteem, show them there are some people in society who care enough about them to want to do what's right for them. It's interesting that when I raised that last year, it was met with considerable derision from the members of the opposition, and editorial comment around the province actually was not that supportive of my remarks though I had a flood of hundreds of phone calls, letters, people stopping me saying that this is the approach to take. That's from teachers, an Olympic coach called, people who work in the system. I see just recently that the federal Justice minister, Kim Campbell, says she's seriously looking at setting up what she calls work camps for young offenders. What a revelation. I'm not calling it a work camp; I'm calling it a self-improvement camp. By applying those types of things, we have that leeway. We can do that. Albertans are asking.

I want to just emphasize, too – because you know when you talk about it like this that there'll be an opposition member getting up somewhere saying, "You think that's the answer to the whole problem." No, I don't. This is a multifaceted problem. This is one of a number of approaches that are being presented and raised as concerns in terms of dealing with serious repeat young offenders. It's only one of a number of approaches. It's interesting to see how other jurisdictions, when they deal more significantly and directly with the criminal element, what that does in terms of repeat offences. For instance, in Singapore the criminals very clearly get the picture because that country's government has implemented strict new laws. These are just some examples. Drug addicts are sent to treatment centres; small-time pushers are sent to prison; major drug traffickers are sentenced to death. The quote from the director of Singapore's Ministry of Home Affairs says:

They understood these were not only harsh . . . laws, but also that the police meant to carry them out. It is only this combination that works.

I'm talking about serious, violence-related criminals here. I'm not talking about other situations necessarily. It's interesting that Singapore hasn't needed to increase the size of its police force in 27 years. There hadn't been a bank robbery in Singapore for years. In 1991 they had one armed robbery. There's something about what you have to face there if indeed you are apprehended that seems to be a pretty good deterrent.

You know, this is going to be called draconian, this is going to be called all kinds of things, but I'm suggesting that there are ways in which we can better address these problems. We should give Albertans the chance to address them and then we can move on with them.

We see concerns about the parole system. These are raised constantly. It's a very sobering statistic to see that in one 10-year period 130 innocent Canadians were murdered at the hands of previous murderers who were then out on either early release, parole, or some form of release mechanism: 130 innocent Canadians dead at the hands of previous offenders. So quite rightly people are saying, "What about the parole process?" They've got concerns about it. I don't think we have to do a knee-jerk reaction and say we can't talk about that. I think we do need to talk about it. There's a problem when we have some elements of the federal government ensuring that prisoners have the right to vote. That reflects an attitude where there's been more concentration put on the rights of criminals and prisoners than there is on citizens'.

It may be interesting for Albertans to know that in 1988 the tax-funded Legal Aid Society spent nearly \$2 million defending about 5,000 young offenders. What is really alarming about that statistic is that that's a tenfold increase from 1984. A tenfold increase: these are the types of things that are causing a concern for Albertans. We talk about and hear about the appeal process. We obviously believe in the principle of appeal. It's an absolute foundation to our freedom. But I certainly agree when concerns are brought to me about how the appeal process can be dragged out with so many complexities and technicalities that we have in Calgary now a ruling that too many cases have taken too long and hundreds of cases are dropped because they took too long. They should not take that long. We need to look at what can be done to speed up that process.

As an example of the expense – and I know this will upset people when we talk about this – in Charles Ng's appeal alone the Alberta legal aid was estimated at \$2 million just for that process of appeals in that one particular case. There are too many like it. We hear that people don't understand; there seems to be inconsistency with the sentencing procedures. One time it seems to be lenient; another time it seems to be excessive. I know there are stories behind these. I know many times there are other sides to the story, but you know, we do have concerns. They are raised. In Red Deer just recently we had two men convicted of brutally beating another man to the point where he was down, he was unconscious, they stripped his clothes off, they tied him up, they continued to assault him. The one gentleman who was found guilty just received a \$355 fine. You get more than that for a speeding ticket. You know, some of these inconsistencies are what is being raised. It's bothering Albertans. We hear of people getting off of serious crimes for excuses, things like sleepwalking or they were on drugs or drunk at the time. If I want to commit a murder, does that mean all I have to do is go out, get drunk, commit the murder, and then I'm going to be given a lesser sentence?

We have situations where we had one of the most notorious and formidable mass rapists here in Alberta. Now, I know he was moved out of the province. The picture of that individual – I was wrongly going to say “gentleman” – out there on the golf course when we have women whose lives are forever damaged because of what he did to them: they’re living in their private prisons in their own hearts and minds, and this individual is out on the golf course. Albertans are saying there’s something wrong. Something’s gone awry here, and we’ve got to deal with it.

We’ve heard it said that you can’t tell judges what to do; they’re independent. Well, that’s not quite true. We’ve recently known and seen that judges are being asked to take courses in terms of sensitivity not just to feminist issues, to women’s issues, and that is laudable. Anytime the public in general feels judges are missing something, they should be instructed; they should be given some instruction. They are not separate and independent from the process, and if they can be instructed on women’s issues, they can also be instructed on some of these other issues.

4:00

When a sentence is given, citizens, whenever they hear that sentence, need to divide it by six, because a person can be out on parole in one-sixth of the time. So you can hear about a horrendous, grievous assault on somebody. You can hear that the person, let’s say, got 12 years for it and say, “Good, he’s gone for 12 years,” yet you can know that there’s a possibility that in 24 months he will be out again, possibly, as statistics show, doing the same thing that he was put away for. I’m not talking about things that are just fabricated; I’m talking about problems that people have and they see in the system.

I know the opposition will say that the only reason we’re having all these problems is because of unemployment and poverty. Mr. Speaker, the studies done on this in various areas, in poor areas and rich areas, show that dollars are not the factor when it comes to criminal activity. Family stability is the greatest single factor. When you look at the component, look at crime done by people coming from so-called affluent areas or by people coming from the ghetto areas, when you look at the family structure, you see where the greatest threat and the greatest risk of involvement in crime really are. I always ask why in the '30s, when this country for 10 years was devastated economically, the social problems were negligible compared to what they are now. Let’s not just pass all this off as a problem of unemployment or resources.

Albertans are wanting something done in terms of preventative action. Yes, we have a lot of focus on that, and we need to, but this motion is asking for what happens once they’ve been found guilty. These are the types of things that Albertans are discussing and are reacting to. People really react when they see a criminal get off a crime or have the charges dropped on a so-called technicality. This particular one involved a case where a municipal clerk had been stabbed 25 times and was found slumped over in the bedroom of their newly built home. The man who was convicted of that murder six years later was set free because a Supreme Court jury found – and this was upheld – that his constitutional rights had been violated by police investigators. Because his constitutional rights were violated in the arresting process, a murderer of grotesque proportions had the charges dropped, and he walks free today. If a police officer was negligent in how someone was arrested or how some evidence was obtained, I say yes, deal with that and deal with that officer, but it shouldn’t set a person free, especially when we’re talking about someone guilty, a murderer of this type of proportion.

Mr. Speaker, these are not rare, isolated incidents. These are the types of concerns that are causing Albertans – and this is not

unique to Alberta but in fact is across Canada; the same type of thing in North America is causing citizens to lose faith in a system that is designed to protect them. When we have citizens losing faith in the legal and justice system, we’re running into large and grave problems.

I say let the citizens from all walks of life gather together in a conference-type setting. Let’s keep the professionals and the academics who are involved in the legal and justice system out of it. Let them be listeners. Why would we be afraid simply to hear from Albertans? Let them express their concerns. If they happen to agree, as I think they would, because I’m telling you what I’m hearing from Albertans, then as legislators we have no option but to fix it. If this is what Albertans are saying, let’s fix these problems. Yes, let’s definitely look in the areas of prevention; let’s look at what it means to promote family stability and keep families together. Let’s work in the area of prevention, but in these other areas, inconsistencies and others I’ve mentioned, let’s hear if Albertans confirm this. Then if they do, let’s do what I know we can do, and that is to fix the system.

Thank you, Mr. Speaker.

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

MR. CHIVERS: Mr. Speaker, it’s with some trepidation that I rise, having heard my friend’s diatribe. When I first read his resolution, which speaks in terms of establishing “a committee of Alberta citizens” – and of course that doesn’t exclude corrections officers; that doesn’t exclude superintendents of corrections; that doesn’t exclude police officers; that doesn’t exclude people who work in the young offenders system; that does not exclude social workers; that does not exclude people who deal with young offenders and who deal with crime and punishment every day of their lives: lawyers, prosecutors, or judges – I thought perhaps he was speaking of a committee that encompasses some of these individuals as well as laypeople, people who are knowledgeable about the system and knowledgeable about the problems and knowledgeable about the source of crime and the need to deal with it and to deter it. So it is with some trepidation that I rise to support the motion as it is framed and not as it was described in the diatribe of the hon. member from across the House, because the motion as it is framed speaks of establishing

a committee of Alberta citizens charged with the mandate of examining possible reforms to specific legislation regulating the provincial justice system, including but not limited to the young offender system.

[Mr. Jonson in the Chair]

To that extent, Mr. Speaker, I think Albertans would be well served by having a properly constituted committee composed of a wide cross section of people who are involved in the system and a wide cross section of laypeople. I think the interests of Albertans would be well served by that kind of committee undertaking a study on this important subject. Moreover, although it is not reflected in the resolution, the hon. member from across the House has suggested that perhaps another mechanism that might be utilized to conduct this investigation of the attitudes and opinions of Albertans might include something similar to a constituent assembly or a conference type of approach. He spoke in terms of a recent conference involving 500 persons from across Alberta. Well, I assume again that either a constituent assembly approach or a conference approach would not necessarily be excluded, and I would also support that kind of a concept. Indeed,

I would anticipate that perhaps some of the people who are aware of the problems and do know of the difficulties in the system and have a specialized knowledge would also have an opportunity to attend such a constituent assembly or such a conference. To that extent I support the motion, but I do not support the diatribe of the hon. member with respect to his rationalization for the need for the committee.

I would like to spend a few moments dealing with the young offenders system and dealing with issues of crime and punishment in general. Of course, we all know in this Assembly that there are few topics that stimulate more debate and more controversy not only in this Assembly but also in the media and the public at large than the topic of crime and punishment. It is, of course, a fact that every citizen in this society is impacted in one way or another by the issues of crime and punishment. It is an important topic, one which every generation has to deal with. Moreover, Mr. Speaker, it is particularly true that Albertans and all members of society are particularly affected by crimes involving young people, and of course that is a legitimate concern for Albertans.

It is also true that the youth justice system, as is true for the entire justice system, is in a constant state of flux and change. There are judicial decisions or changes to the law, and then, of course, there are the case-by-case adjustments that are necessary to meet changing social concepts and changing models of justice. I think it important to remember that the young offenders legislation which is such a primary focus of the discussion of the hon. member is a system that has now been in place for approximately eight or nine years. I believe it was in 1984 that the Juvenile Delinquents Act was replaced with the Young Offenders Act, and I think perhaps it is timely to have a discussion of some of the problems that are perceived to be present in the system. I agree also with the hon. member that to harmonize the Act with the requirement that the province is responsible for the administration of justice, there is a Young Offenders Act in Alberta which attempts to harmonize and attempts to deal with the provincial responsibility for the administration of justice.

4:10

So I agree with the member opposite that perhaps it is timely to look at the legislation, look not only at the provincial legislation but look also at the federal legislation. Indeed, I'd like to point out to the member opposite that in April of 1991, I believe it was, the federal Minister of Justice appeared before a Commons committee and spoke of the intention of the federal government to introduce amendments to the Young Offenders Act to deal with issues of custody and review evidentiary matters and assessments and dispositions for youth with special needs. So I think perhaps it is timely in that context for Alberta also to be looking at these matters and to make its views known. I think it is never untimely for us to look at legislation of this critical importance with respect to discussing our own goals, with respect to reviewing the practices of the legislation, with respect to considering again the judicial procedures that are utilized in order to make effective the legislation, and also, and perhaps most importantly, to deal with what is the particular area of provincial responsibility: the question of provision of resources. I find it interesting to note that in my friend's comments never once did he address the issue of provision of resources for dealing with the problems of young offender crime in this country.

Now, the question, of course, is: how can society best respond and adequately address the needs and problems of young people as it relates to their coming into impact with the criminal law? It is abundantly clear, if my friend's expressions of opinion are shared by other Albertans, that there are many opinions with

respect to the cause of crime and particularly with respect to the cause of crime by young offenders. It is also, I submit, of paramount importance in this area for us to consider and bear in our minds the reality that there is a relationship between rehabilitation and age. Of course, that is the primary principle upon which the entirety of the young offenders system is founded, and in making the distinction between the way we treat crime as it relates to adults and the way in which we treat crime as it relates to young people, society has recognized that there is a difference between the possibilities of rehabilitation with respect to young people and the possibility of rehabilitation with respect to older people, that indeed there is a relationship between age and rehabilitative potential.

It seems to me that it's very important for us, if and when we undertake a study of the nature advocated by the member opposite, to bear in mind that principle. I for one would be very surprised to learn that Albertans do not fully endorse and support the proposition that there is a relationship between rehabilitation potential and age – I gather from the comments of my friend that he believes that they do not support the concept – that perhaps we should have an area of our law which deals with the involvement, the relationship, the conflict between young people and the law and to establish a system that deals with that social problem on the basis of attempting to rehabilitate rather than to punish, because my friend's comments, of course, are directed towards a punitive system rather than a rehabilitative system. I see him shaking his head. I'll come to some of his specific comments later on.

It's fine to speak of punishment. We all are sort of attracted by the romantic idea of getting people out into the woods and perhaps establishing the work camps that my friend opposite is speaking of: let's get the young people out into the woods; let's establish work camps. I'm not opposed to the concept of having work camps. What I'm opposed to is the concept that the only function of those work camps is to employ people, perhaps to exploit them, but not to rehabilitate them. If the purpose of such camps is to deal in a positive fashion with the problems and the reasons why young people come in conflict with the law, and if the purpose of the camps that my friend is speaking of is to deal with those problems in a meaningful way and on the basis of providing the types of counseling and the types of services and the types of rehabilitation that are necessary in order to do the job that the Young Offenders Act is designed to do, then I would agree that it's worth looking at. It is on that basis that I support his comments with respect to a study or a conference or a committee to look into these matters.

Mr. Speaker, as I said earlier, the young offenders legislation became the law of Canada on April 2, 1984. I think it not unimportant to remember that the Young Offenders Act came into force and effect in Canada after two decades of discussion and debate and controversy with respect to the very topics that my friend opposite suggests should be re-examined. That is a pretty lengthy gestation period. It can hardly be said that the young offenders legislation came into being on the basis of an impetuous decision or without effective debate, without detailed study, without the type of discussions that my friend is speaking of. There was indeed an intensive debate. There was intensive controversy. There was a great deal of extensive discussion from corner to corner, from coast to coast in this land with respect to the nature of the legislation; with respect to the purpose of the legislation; with respect to the effectiveness of the former legislation, the Juvenile Delinquents Act; with respect to the philosophy of the previous legislation; with respect to the philosophy of the Young Offenders Act; with respect to matters of procedure and matters of practice.

Mr. Speaker, at that time it was generally recognized that the Juvenile Delinquents Act had failed to deliver on its promise to control juvenile delinquency through protection of juveniles and through treatment of juveniles and through guidance of them, and it was also generally recognized at that time – and I believe it continues to be recognized – that one of the difficulties with the system of juvenile law at the time in our country was that it exacted a great sacrifice in terms of the very legal rights that my friend has been suggesting he feels so strongly about and wishes to see preserved. Now, what happened in the movement from the Juvenile Delinquents Act to the Young Offenders Act was that a change from – perhaps I can describe it as a medical model of treatment of youth crimes, a medical model of approach to conflict with the law by young people: treating them as misdirected children in need of aid, encouragement, health, and assistance, a focus which could be generally described as a “save the child behind closed doors” focus and a focus which came to be seen, and I think properly came to be seen, and characterized by the notions of arbitrariness, unfairness, denial of due process, denial of right to counsel, and a denial of right of appeal. I understand from my friend's comments earlier that he's in support of these measures, and I think he should be happy to see that they are securely enconced in the young offenders legislation. I'm very pleased to hear that he supports these principles and these concepts of law.

4:20

In any event, the change in the law was to move – and I'm pleased to see that the hon. member supports this change – to a justice model of dealing with youth in conflict with the law, a model that is designed to recognize the special vulnerability of youth with respect to conflict with the law but also one which emphasizes their need for protection and balances that need for protection with the need for protection of the public and with the judicial rights and privileges of young people.

At this point in time, Mr. Speaker, I think it's worth noting that the young offenders approach to the issue of conflict of young people with the law is a system that has been studied around the world. It is one which has received high praise in a great number of jurisdictions. It is presently being examined in many jurisdictions around the world as being a very advanced and progressive approach to this very, very difficult problem.

Now, it is true that there are problems with the Young Offenders Act; it is true that there are difficulties, that there are glitches. One of the changes between the Juvenile Delinquents Act and the Young Offenders Act was to increase the age of responsibility for criminal activity from age seven to age 12. That of course is, in a sense, an arbitrary age, because we all know that chronological age is not the only issue that should arise. That is perhaps a problem that we do need to address. We need to find a means of balancing the interests of the young offender's conflict with the law with the requirement that society be protected in certain circumstances, and perhaps having an arbitrary rule is not a simple or a useful way of dealing with that kind of a problem.

We also know that the same dimensions of arbitrariness arise with respect to the question of the minimum age for transfer to the ordinary courts, which is made age 14 by the legislation. Again that is an arbitrary age, one which has not been without its difficulty, because it is fair to note that arbitrary age limits can in themselves create problems with respect to the administration of the system and they are not always in the interests of young people.

Also, there have been suggestions with respect to the maximum custodial term being three years. Perhaps we do need to address

these areas. Perhaps we need to address a good many other areas with respect to young offenders law not only in Alberta and in our own relationship as a provincial government charged with the administration of justice but with respect to participating in the federal studies. I would urge the member to consider the possibility of linking his proposal to a study which would have a more widespread basis and would get at some of the fundamental issues and would deal with some of the fundamental realities. It is time for an intense scrutiny of the system.

One of the advantages now is that the system is open. We have a good deal more information available to us as a result of the fact that the system is open. It's a bit ironic that my friend has paraded a number of examples with respect to deficiencies with the system. The reality is that those examples could have been multiplied many times over under the previous system, but nobody ever knew about them because the system was a closed system. I think the fact that my friend is able to use these examples in urging support of his motion shows the advantages of having an open system of justice.

It is also true now that not only is the system much more open than it was previously, but there is a great deal more media attention. There is a great deal more public attention with respect to the young offenders system in Canada and certainly in Alberta. Indeed, there's been extensive media coverage with respect to the more serious offences. One of the problems, of course, is that because of that attention we tend to focus on the shortcomings of the system rather than on the strengths of the system. I think it would be wise if our committee is also instructed to examine and report back on the many, many strengths of the young offenders system as well as looking at some of the problem areas.

In any event, Mr. Speaker, whether we're speaking of young offenders or whether we're speaking of crime and punishment in the adult system, the reality is that what we must struggle to do with our laws is to fairly and properly balance the interests of the offender and the interests of society. It is also true that we should recognize that punitive measures are not always the best way of dealing with it.

One of the things that I would like to comment on is the alternative measures provisions of the young offenders legislation. I think it kind of interesting and curious that we haven't heard a lot of discussion about the slowness in the province of Alberta in becoming involved in the alternative measures program. Of course, the alternative measures program is a rehabilitative approach to the problem of young people in conflict with the law, and it provides the possibility that young people can be dealt with other than by way of judicial proceedings. That approach to the young offenders law was not – perhaps I should put it this way: was less than wholeheartedly received by the government of Alberta. It's a very useful mechanism, and I think now there's a growing recognition within the province that it is a very useful mechanism for disposing of cases other than by means of an order of the court. It is indeed a cost-efficient method of dealing with some circumstances and with some cases. I congratulate the member opposite for his concerns with respect to costs, which are reflected in the motion, and I suggest that perhaps we could make sure that we utilize the existing procedures with the greatest degree of cost effectiveness. This is certainly one area where we could do so.

Another area is that we could perhaps look at the ability as it presently exists to exercise the discretion to access alternative measures in Alberta. Perhaps we could look at the possibility of expanding to a greater number of individuals, people that could exercise that discretion, and perhaps we could make considerable cost savings with respect to charges and deal with some of the less

serious matters – and this, of course, is where the alternative measures program applies – deal with these things by way of cautions and warnings on the basis that the young offenders have accepted responsibility and the seriousness of their transgressions has been brought home to them. It seems to me that the existence of alternative measures is a way out, a way of dealing with these matters, which in a sense still carries with it an element, I think unavoidably, of arbitrariness. Perhaps in some cases it's argued lenience and in others harshness, because again this is something that is not done in the glare of public scrutiny and so consequently there are those dangers, but on balance it seems to me that it is a good and sensible approach and one that we should examine more carefully and find ways of utilizing more effectively and make greater reliance on in order to achieve the purposes of the legislation.

It's also important, I think, for us to look at the regional differences between the way in which our programs are instituted and the ways in which the programs are instituted in other jurisdictions with respect to eligibility requirements, with respect to prior offences, with respect to types of punishment or penalties. It seems to me that those are all things which would fall for examination and scrutiny under the context of the motion that is envisaged by the hon. member.

In any event, Mr. Speaker, it is a difficult task when we're dealing with concepts of crime and punishment, and it seems to me that it's very important, whether we're dealing with an adult system or a young offender system, that we have to first and paramount have in mind the need to protect society. That is an issue that I think all members in this Assembly feel very, very strongly. The ultimate question is: how best to protect society? Is the best measure for the protection of society to measure the punitive nature of our judicial system, or is it necessary for us to deal with the social problems that have given rise to the difficulties with respect to conflict with the law, be it juvenile conflict or young offender conflict or adult conflict? We have to look at the problems which give rise to conflict with the law.

4:30

I think it important to remember that recently we've had the advantage of having the Cawsey commission study with respect to aboriginal people in relation to conflict with the law, and I'm delighted that these measures, the recommendations by the Cawsey commission, are being examined by the government. Of course, they've been examined over many years by many governments. As Mr. Justice Cawsey pointed out, most of his recommendations were not new or novel. Indeed, they were simply a repetition of recommendations that had been made over the years by a great many committees that had examined the problem. But I'm pleased to hear that the government is examining these measures. With respect to young offenders and with respect to adult offenders, of course, one of the things that we have to bear in mind is the fact of the disproportionality in terms of numbers: the percentage of aboriginal peoples in society and the percentage of aboriginal peoples who have been found to be in conflict with laws of the province of Alberta and with criminal laws of Canada. I think it important for us to bear that in mind. Perhaps that could be another dimension, another focus for the study that my learned friend is urging on us.

In any event, turning to the young offenders. For example, there are areas with respect to drunken drivers that need examining and, I suspect, careful attention with respect to young offenders. There are problems with respect to teenage pregnancy. There are drug users. There are school dropouts. There are the problems of poverty and unemployment and health problems. There is a

socioeconomic context to the problems that people experience in coming into conflict with the law, and I hope that the concepts that my friend, the member opposite, is urging on the Assembly include an examination of the causes of crime and measures that can be taken in order to prevent people coming into conflict with law rather than measures simply designed to punish them when they do come in conflict with the law.

Mr. Speaker, in conclusion, as I said at the outset, it is with some trepidation, with some reservations, and with some qualifications that I do support in principle my friend's call for the establishment of perhaps not just a committee but perhaps a conference of Albertans, provided that what we're speaking of is a wide cross section of public opinion which includes opinion from some of the groups that my friend has suggested should be excluded from the committee, that the hon. member has suggested should not participate in the discussions. I assume that perhaps he was being provocative in his comments rather than suggesting seriously that there should not be judges, that there should not be lawyers, that there should not be prosecutors. Perhaps I misunderstood him, but that was what I took from it. I think perhaps my friend got carried away with his comments, and he's really not suggesting that people who have practical experience, not only people who are professionals but also laypeople that are involved in the system, not only the system of young offenders law but also the adult offenders system – I would hope that my friend, on some reflection, would be prepared to permit other Albertans who do have views to participate in this process, because of course if he is not prepared to and if the committee comes to pass in the way that he's proposed it, it will not truly reflect the viewpoints of Albertans, and I understood that to be the purpose of the resolution establishing the committee, the conference, or the constituent assembly.

Thank you, Mr. Speaker.

MR. ACTING DEPUTY SPEAKER: The Member for Drumheller.

MR. SCHUMACHER: Thank you, Mr. Speaker. Today I would like to rise in my place and support the motion of the hon. Member for Red Deer-North. I have listened to his well-researched presentation and also to the remarks by the hon. Member for Edmonton-Strathcona in response to Motion 201. I'm happy to hear that the hon. Member for Edmonton-Strathcona is supportive of this measure even though he has been drawn to that position most reluctantly. I think it just shows the strength of the argument by the hon. Member for Red Deer-North that he has been able to get the hon. Member for Edmonton-Strathcona into this position.

I've also been listening to my constituents, who really have become quite frustrated over the last number of years in the way they have seen this matter dealt with under our system. As has been expressed many times, a significant amount of their frustration is with our justice system that fails to efficiently and effectively deliver justice. That's what their frustration is. It is because of this frustration that I really wish to rise today and support this motion.

As we've heard several times, the motion urges

the government to establish a committee of Alberta citizens charged with the mandate of examining possible reforms to specific legislation regulating the provincial justice system, including but not limited to the control of young offenders, parole and sentencing procedures, and the complexity and costs of the system.

This motion recommends examining several areas of our justice system that fall within our provincial jurisdiction with a view

towards amendments. In addition, the motion states that the areas for examination are not limited to those that are listed but may include other areas where amendments may improve our system of justice.

Mr. Speaker, I would like today to suggest another institution in our society that needs to be considered for amendment in order to improve the effectiveness and the performance of our justice system. In my opinion, there is a recent event in our Canadian history that has had a detrimental effect upon the effectiveness of our judicial system and upon the governments that establish the laws of the land. That event was the passage and the institution of the Canadian Charter of Rights and Freedoms. Central to the argument for and against the Charter of Rights and Freedoms is the role of the courts in a parliamentary democracy. Who should determine the law of the land? Once a law has been established by a government after it has been fully debated and passed in a freely elected parliament, should the courts be allowed to strike it down and, as a result, remove any and all significance from the existence of that work? In other words, should our country be governed by elected officials who represent the voice of the citizens, or should it be governed by appointed judges who interpret as they see fit the laws that are placed before them? In other words, why should we elect a group of individuals when the authority given to them can be effectively stripped away by an appointed court?

In addition, the Charter of Rights and Freedoms has been guilty of allowing the justice system to supersede the parliamentary system of government in our democracy. It often seems that we are no longer governed by elected representatives of the people, but by people who have sometimes had the bravery to face the people but most were never elected. They were never chosen; therefore, they chose other methods of becoming involved in the lawmaking process. Most of them have been appointed to the courts. We can think of a great number of defeated candidates who have followed that course.

In sections 7 through 14 of the Charter, individuals are guaranteed such matters as the right of life, liberty, and security, the right to be secure against unreasonable search and seizure, the right of an accused upon arrest, the right of an accused to certain proceedings in criminal and penal matters, and the right not to be subject to cruel and unusual punishment. These are good and noble rights to guarantee, but they can also be used in a manner in which they were never intended. For example, there are other countries which have entrenched similar documents in their societies. Our neighbour, the United States, has a similar document to our Charter called the Bill of Rights. In that country as well, many have expressed frustration with their situation. It has been felt that the courts have given greater weight to the rights of an accused than to the rights of the public at large. The reality, Mr. Speaker, is frustrating many Albertans today. They have seen many cases where a violent criminal has been set free because of an argument based on the Charter of Rights and Freedoms.

4:40

As an elected representative of the people of my part of the province, it is more frustrating as I see the courts making our job less and less meaningful. The classical example which comes to all our minds is the Singh case, in which former Justice Bertha Wilson ruled that the country's previous refugee determination system did not provide refugees with their rights guaranteed under the Charter. Her ruling required refugees arriving in Canada to be given protections guaranteed by the Charter. Her decision caused massive disruptions in the refugee determination process and cost untold millions of dollars. When most of us thought that the

Charter of Rights and Freedoms was something that applied to the citizens of this country, it was interpreted to apply to people who entered the country illegally and were not citizens. It was also that same argument that was used to protect Charles Ng, who stayed in this country three or four years before being removed only last fall at a cost to Canadians and Albertans of many millions of dollars. Of course, the law had to be changed, I guess, in order for that step to be taken. Her decision caused a great deal of distress and frustration in our capital because of her interpretation of the Charter of Rights and Freedoms. A system that had successfully screened and tested refugees entering Canada was pronounced inadequate and required the government to spend much effort and a great amount of money to amend it.

Another upsetting case occurred in British Columbia last year when a man convicted of killing two women was set free, even though the British Columbia Supreme Court and the Court of Appeal for that province found the murderer was guilty. The Supreme Court of Canada ruled that the killer's constitutional rights guaranteed under the Charter had been violated, and the Supreme Court ordered the conviction overturned. When the individual was first arrested, police informed him of his rights to counsel, his rights to remain silent, and that anything he might say could be taken down and used in evidence against him in court. But when asked if he understood the warning, Mr. Evans – no relation to the hon. Member for Banff-Cochrane – said he didn't. Even though the British Columbia court system ruled that the man later acted as though he understood and had a full knowledge of what he had been told, the court said that his rights under the Charter had been violated. When I say the court, I mean the Supreme Court of Canada. I guess criminals can learn a great lesson from that case. When arrested and asked about their understanding of their rights, all they have to say is no, and the Charter will protect them.

There are other cases, including one in which a woman confessed to killing her husband and waived her right to a lawyer. The woman was later acquitted because it was found that she was too drunk to decide whether she needed a lawyer or not and therefore wasn't capable of making an informed decision. In addition, here in our province a judge would not accept a written confession by a 15-year-old that he had stolen a car. The judge defended his position on the basis that the police had failed to notify the individual of his right to legal assistance.

Mr. Speaker, in my estimation, the Charter of Rights and Freedoms is inhibiting justice in our society and limiting the effectiveness of government to in fact deliver justice in our society today. So many criminals are being excused from the law because the courts have determined they have specific rights guaranteed under the Charter. In addition, the effectiveness of government is being diminished in the courts, as the courts undermine their authority.

I support Motion 201 because I believe our justice system is in need of reform. Our government has had a successful history of listening to Albertans on the issues, and I look forward to their involvement in reforming our justice system. Mr. Speaker, we need to accept Motion 201 because we need to establish a committee that would recommend changes to make justice more fair and equitable in our province.

In conclusion, I believe that one of Albertans' complaints in regard to our justice system is with the presence of the Charter of Rights and Freedoms. Only by its removal will governments be able to work effectively on behalf of the electorate, and only through its removal will our justice system be able to operate freely and justly.

MR. ACTING DEPUTY SPEAKER: The Member for Calgary-McKnight.

MRS. GAGNON: Thank you, Mr. Speaker. I also, on behalf of my caucus, would support the concept of such a committee. It is true that there are many Albertans and many Canadians who are very concerned about what they see as the increase in the number of violent crimes and so on. I would, however, have some reservations about the committee in regard to its mandate and also its membership, the makeup of the committee. I think that the mandate would have to be extremely clear, and one would have to know if it is to deal with the federal justice system or the provincial justice system. In his comments the Member for Red Deer-North seemed to mix all of this up, federal and provincial matters.

As far as the makeup, I think that I would not agree with the member's tone or attitude about who should be on such a committee. We cannot have people who do not have enough information about the present system, who operate on the basis of myth or fear or stereotype. I think such a committee would have to include, of course, so-called ordinary people, but it would also have to include experts in the law, in prevention, in rehabilitation, in education, in psychology. It would have to include victims of crime or the relatives of victims and people who have already served time. In other words, it would have to include a very broad segment of our society to ensure that all those on the committee had knowledge and were not just trading ignorance and fear. I think such a committee could be quite productive, but that mandate and that membership would have to be thought out very clearly.

I also feel that such a committee would have to have a definite time limit so that if it came to be, it would have a life of, let's say, 18 months. There may or may not be hearings. Maybe it would be a number of conferences. I think that is all to be worked out. However, I think it would have to be time specific. Committees sometimes can cost a lot of money, and while this is a valid reason for spending money, I think it would have to be very strictly set up so that no one could be accused of just wasting the taxpayers' money.

4:50

I think also it is true that many people worry needlessly about what they perceive as an increase in crime and so on, because many experts tell us that in actual fact some of this is myth, that it is created by sensationalism and so on. Regardless, if the perception is there, I think with a committee which would look at the causes of increases in crime, the problems with the justice system, and the gaps that exist, the whole matter of how to resolve some of these issues could be addressed in that way, and recommendations could come forward which would be based on knowledge and on input from Albertans.

I do think also that some of the present problems are caused by a lack of will of this government and our own justice system, and I'll speak about some of the gaps in the system later on. But I would like to move on to the Young Offenders Act, which is, I think, of concern to so many of us and of special concern to myself as education critic.

It is said that violent crimes by youngsters are up 10 percent over three years Canada-wide and that rates of crime overall were totaling 70,000 last year. There is a dispute among experts as to whether this is true, especially in regard to young people, because they say so many more young people live in group homes where their bad behaviour is considered a crime. For instance, if you break a window in a group home, you are charged with a crime. If you break a window at home, your dad takes you to Canadian Tire, you buy a new window, and you put it back in together.

Many people are saying that there actually is not a real increase in instances, just an increase in reporting because of so many young people living in group homes.

Regardless of whether the numbers are overestimated or not, I think there is a problem, and we all know that the federal government has come out with a new Act. I think we know that one side of opinion in the country and in the province is that we have to get tougher and that we should use more punitive measures. Many say, for instance, that with young offenders the three-year maximum sentence is too short, that maybe the age should be brought down so you're dealing with even younger, what I would call very young, children. There's that side of opinion.

There are also many people who are looking at the causes of youth crime and saying that we could prevent so much of this if we would consider what these causes are. Some of the causes are: more dysfunctional families; a breakdown in moral values in general; the sexual, physical, and mental abuse of children; poverty; and unemployment. We cannot deny that there are many poor young people living on the streets, at least in our urban centres, and these people will commit crimes because they are hungry. They need somewhere to sleep, or they need to steal blankets or whatever in order to be warm. We cannot deny that poverty and unemployment definitely are part of the problem. Another cause, I think, is custody fights between parents who are divorced or separated, leading to children who feel abandoned, that no one really cares about them, that they're fighting over them but not in their best interests. I think we know there's an increase in drug and alcohol abuse.

Another problem is learning disabilities which go undiagnosed and untreated. Many judges have said that if you don't treat a diagnosed learning disability, that student very likely will end up in front of him in the court system some day. I think the lack of English as a Second Language in this province, especially in Calgary with Asian youth gangs, is certainly one of the causes of crime. I also think we have a sick fascination with crime, with violence, with macho models of behaviour. We see them all the time on television, in movies, and sometimes I think young people look to crime as a way of gaining peer respect. So those are all causes of an increase in crime and areas that should be looked at carefully by this type of committee.

I know that many school boards, school principals, and teachers complain that the schools are being asked to solve the problems of young offenders without being given the appropriate resources to help these young offenders. They worry about being asked to be involved in rehabilitation when in fact they have no training to do that type of rehabilitation, nor do they have the resources to do the tasks. But like it or not, schools are involved, and they are one of the few institutions left in our society that are functioning very well. I think schools must help to become part of the solution.

I really believe that we could engage in some of the solutions right now without any change in law; for instance, mediation rather than legal action. At the very first sign that a youngster is involved in criminal activity, there should be intervention at the school level involving the parent or guardian, and there should be a third party that mediates some kind of settlement so that the youngster is immediately caught up short in his behaviour and realizes that this is not acceptable. Many educators and psychologists are telling us that mediation at the very earliest sign of trouble is one of the best ways to prevent future more serious crimes.

Another matter which this government could do something about right away is the structure. It's structural. It's what is happening right now in our own court system. There are many, many delays in the court system. We hear of young offenders who go to court

– and their whole system is supposed to be quite different from the adult system, but in fact they operate very much in the same way – and something is wrong. There was no judge available, or the first hearing is stayed, so the whole thing is delayed. I've heard of students that have waited a year to find out what their punishment was going to be. If we told a youngster at home who did something quite destructive, "In a year from now I'll punish you," how does that teach anything? The delays in the court system, though, could be addressed by making more judicial appointments. That costs money, but it has a sleeper effect. If you could get rid of all of these delays in the court system, you would certainly avoid future expense later on.

[Mr. Deputy Speaker in the Chair]

I mentioned being before the courts immediately. I think this would also help to get rid of the backlog which exists not only for youngsters but also in adult court. We have done something here as it regards minor traffic offences and traffic cases, and that has been the hiring of commissioners. These are lawyers who act as commissioners. They have the cloak of authority. They are not judges. They have a limited mandate, but they can deal with problems. Maybe this hiring of commissioners is one of the ways in which we could address the backlog in the court system for our youth.

As I mentioned earlier, there are many preventative measures. I talked about some of the causes; now I'd like to look at some of the preventative measures. I do think that programs such as Head Start, all kinds of early intervention programs, be it in language, be it in learning disabilities, be it in social situations of the home, would definitely decrease the number of offences that are committed by youngsters.

I'm very disappointed that what we had hoped to see by now, which was intergovernmental co-operation – for instance, between the department of social services, of Education, and of Health – we have not seen very much of. We see the departments running for cover and addressing only their own mandate, I guess worried about protecting their own budget. But to solve some of these problems, there absolutely must be more intergovernmental, more interagency situations and co-operation.

I agree with the Member for Red Deer-North, with the possibility of youth camps as an option. I certainly would not want these to be places where there is cruelty or physical punishment of any kind, but if they were places that would reinforce the self-concept of the youngster, teach the youngster how to work, to respect authority, to respect other people, how to get along with other people, I think that is an alternative that is worthy of consideration by the committee in question.

5:00

I think also that making restitution should be one of the ways in which young people are asked to pay for their crimes, and that would be, for instance, by working off volunteer time. If a youngster steals from a teacher in a school, instead of having to be charged with that offence, they could pay back the teacher in hours of volunteering at the teacher's home, for instance. We have to look at a whole lot of alternatives before we consider sentences such as jail and so on.

I also want to talk about judges who send students back to school after they've committed a crime. When young offenders go to jail, they are quite well educated there and the programs are appropriate. But many times judges will send young people back into a regular class where a teacher does not know how to handle that student and really there are no resources, as I said earlier, to

look after the student's needs. Many experts are saying that young offenders who are not in jail should be informed of different methods of education – correspondence courses, maybe home schooling, alternative schools, and so on – so that these students are not in a mainline school, where they sometimes cause problems for other students and are not receiving the appropriate education which they need. If they are in a regular school, I think the judge must almost insist that they be given some type of tutorial assistance and that the school has the appropriate resources in order to deal with the student. Otherwise, we know very well that they'll end up in the court system again.

[Mr. Speaker in the Chair]

Section 69 of the Young Offenders Act calls for the establishment of youth justice committees, and these committees, again, don't deal with guilt or innocence, but they deal with punishment by way of retribution. We've only got three of those in Alberta, primarily in aboriginal communities, so certainly we could consider youth justice committees as a way of avoiding the more drastic measure of going into the court system.

I also want to mention briefly, as has been mentioned, the Cawsey report and the fact that an inordinate number of young native people are in our court system and in our jails. We must address so many of the concerns dealing with the education of native children and so on, because really it doesn't make any sense that so many more of them are in our court system and in our jails. One of the problems has been the fact that they haven't had the information necessary and the ability to get legal advice in the way that they should have.

Another preventative measure is the community resource officers which many, many high schools have, where the police officer works with young people, making them familiar with law, making them familiar with law enforcers, and helping them to become friends with a law enforcer. This turns the police officer into a problem solver in the student's mind rather than a law enforcer, and that's a very positive step.

There are many, many areas where we could improve the system that we have without needing any changes in laws, as a matter of fact. Just to come back to the matter of a committee, because of the myth, because of the misunderstanding, because of the fear that so many people have about a possible increase in crime and violent crime, I think such a committee is welcome. I'm concerned about its mandate, its membership. I would like to know if the Attorney General agrees with such a committee. That's a very important piece of information for people in this Legislature to know. I would like to know if moneys will be shifted later on to fill in the gaps that might be exposed by the recommendations that are made coming out of such a committee. One of the reasons why I would welcome such a committee is that the federal government has just finished work on a committee on the parole system, and it did shed a lot of light.

If committees such as these are educational, if they are there to find the problems in the system and recommend ways in which to resolve these problems, if they are there also to actually have teeth and support from the Legislature so that moneys can be shifted where these moneys are needed, such a system could be beneficial. Our court systems are overloaded. There are more people in our jails than in any other country in the world proportionately. This certainly does not necessarily make our society any safer or any better, so I would welcome the committee as long as it is broad in scope and broad in membership.

Thank you.

MR. SPEAKER: The Member for Calgary-McCall.

MR. NELSON: Mr. Speaker, thank you. I, too, would like to show support for Motion 201. We've heard today various arguments. In fact, it's interesting to follow after a couple of lawyers have spoken, one very supportive, the other one supportive but certainly with some trepidation and suggesting my colleague from Red Deer-North has been discussing a lot of diatribe, but I think the member hadn't been listening too well and spoke like a part of his profession.

Mr. Speaker, a lot of people here think I don't like lawyers, but I must say that I have some very close friends that are lawyers.

MR. FOX: We don't think about you at all.

MR. SPEAKER: Order please. A proposition of that nature is not before the House.

5:10

MR. NELSON: Thank you, Mr. Speaker.

I will continue to enjoy the friendship of many of my lawyer friends. I do have some difficulty, though, with the system they work in, and that's called the justice system or, as I've referred to it on many occasions, the injustice system, of which some of my friends are a part. It's interesting to note that our system is being criticized and challenged by many walks of the community, both by the profession itself – many lawyers, many justices – and the community at large. I guess the question is: are we as legislators across this land listening? Do we care or don't we care that the public and many of the professional people are criticizing a system that is flawed? Many people think the system is basically in place to offer lawyers a fine income, and I'm sure in many instances it does offer that income.

Mr. Speaker, much discussion today has been placed on young offenders, the Young Offenders Act, paroles, sentencing procedures, the inconsistencies of all these, the complexity of the system, the cost of the system. Much discussion has taken place with regards to the area of we need to study this, we need to study that. Well, all I can say is that if we don't know what the problem is now, we'll never know.

In many cases we put the blame on the wrong people and society. I haven't heard one comment today about parenting. Not one. Parents fit into the system with these young people. When I was growing up, Mr. Speaker, sure, there were young people that got into trouble but certainly not to the same extent that they do and the numbers that do today. We were a little frightened to do some of the things that are being done today, because if we didn't behave, our parents would probably pound us or at least let us know what the situation was very clearly, and the police scared the dickens out of us, and the courts were harsher. Penalties were more appropriate. Today we've become a society of wimps. Wimps.

AN HON. MEMBER: Speak for yourself.

MR. NELSON: You're probably the biggest one.

MR. SPEAKER: Hon. member, this is a difficulty. Let's speak through the Chair. Forget about the other comments coming in here, because that's really inappropriate.

MR. NELSON: Mr. Speaker, the other area we're not consistent with is in dealing with the victims of the crimes, not only adolescent crimes but crimes in total. What about their feelings?

What about the hurt that they feel when they get mugged, wounded? The people that are raped in the street and various other things: what do you think about those people? We take them into court. We identify them. We treat them as if they were the criminal, and the criminal element is let go out the door because of some of the bleeding hearts we have in our society.

What about our civil cases? These need to be examined as to how we deal with civil cases in our justice system. I can relate to an incident. I went into a courtroom recently to watch a case, and this person did not take a lawyer with him. It was interesting to watch the scenario of this particular case. I got the impression that the judge was not happy that the individual didn't take a lawyer with him, because he certainly instructed him in no uncertain terms after he'd completed his finding to make sure he had a lawyer. It was interesting to watch the lawyer for the petitioner take 50 minutes to present a case, and then the individual representing himself wasn't able to present his case. He started to, and the judge just shut things down and tore into him. Well, I think the public is sick and tired of the old boys' club out there. Quite frankly, we have to do something about it. It's amazing how we have to go through so many courts to achieve a result, through masters in chamber, preliminary assessments, and then into a full court for a full hearing.

On the other hand, Mr. Speaker, too often we blame the inadequacies of the justice system on the courts and on the lawyers. Sometimes we as legislators have to look inward, because we develop and place these laws in the hands of these people who are there representing the justice system. Maybe as politicians we need to examine how we place these laws into their hands for them to interpret and then deal with within the system. Just maybe we should be examining the manner in which we have our system dealing with cases of civil and traffic matters. Maybe we need to deal with them with a justice of the peace or somebody of that nature, not necessarily because we want to view these cases as very simple, but they're not as complicated as many might seem, especially when we get into criminal matters.

Like the other members who have spoken here this afternoon of listening to their constituents – I haven't heard any person that has spoken this afternoon suggest they couldn't support this, because this is something that constituents were concerned about. It becomes somewhat maddening that many of their constituents feel that their concerns are either not being heard or they're being stonewalled because certain elements do not want change.

Mr. Speaker, it was interesting. I believe one member was talking about some refugee situations. I was talking to a peace officer of recent time, and I'll go back to the political thing. The person was being refused entry into Canada for various reasons, including the problem of a criminal background, and it was examined by the immigration department and by the police, and they found that they concurred in what the result was. Yet because of some political matters, the person was allowed to remain in the country. You know, I've heard it said that for many of the people that have come into this country and committed crimes and continue to commit crimes, we should in fact remove them from the country, and that may have an everlasting impact on others who wish to partake in the same type of activities.

Mr. Speaker, in the *Calgary Herald* of December 23, the Solicitor General of Alberta acknowledged – and I'm assuming that the *Herald* was reporting correctly; sometimes we question that – that the current system was not working. I think we've heard here today that the system is not working.

Mr. Speaker, considering the hour and the fact that you wish to make some comments to the House, I would beg leave to adjourn debate at this time.

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

5:20

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. The motion carries.

**Speaker's Ruling
Parliamentary Language**

MR. SPEAKER: The Chair recognizes the Member for Edmonton-Mill Woods.

MR. GIBEAULT: Thank you, Mr. Speaker. Earlier this afternoon, during question period in my supplementary question, I used some very unparliamentary language, and I would like to apologize for using that language and ask that those words be withdrawn unconditionally.

MR. SPEAKER: Thank you, hon. member.

**Point of Order
Member's Correction**

MR. SPEAKER: With regard to another item that happened in question period, the Member for Calgary-Glenmore.

MRS. MIROSH: Thank you, Mr. Speaker. After reading the Blues, I noticed that I made an error with regards to my answer on the task force for immigrants. The report will be tabled not the first part of next week but probably the first part of next month, following our budget review.*

Thank you.

MR. SPEAKER: Thank you, hon. member.
Deputy Government House Leader.

MR. ANDERSON: Mr. Speaker, I move that we call it 5:30.

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

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. The motion carries. The House stands . . . We have a slight variation, which is with respect that the House will convene tomorrow afternoon. Deputy Government House Leader, I'm sure the Assembly will allow us to go back through this wrinkle, seeing as how it's early in this sitting.

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.

MR. ANDERSON: Mr. Speaker, it is not intended that we sit this evening, but that we deal with the Speech from the Throne debate tomorrow afternoon when we reconvene at 2:30 p.m.

[At 5:21 p.m. the Assembly adjourned to Wednesday at 2:30 p.m.]

*see page 68, right col., para. 6, line 4

