

Legislative Assembly of Alberta

Title: **Tuesday, May 12, 1992**

2:30 p.m.

Date: 92/05/12

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy.

As Members of this Legislative Assembly we rededicate ourselves to the valued traditions of parliamentary democracy as a means of serving our province and our country.

Amen.

head: **Reading and Receiving Petitions**

MR. SPEAKER: The Member for West Yellowhead.

MR. DOYLE: Thank you, Mr. Speaker. I tabled a petition yesterday on behalf of the concerned citizens of Peers and area. Could we have that read today?

CLERK:

To the Legislative Assembly of Alberta:

Now that Special Condition 12 is removed, contrary to the support of the majority of residents of Peers and area, we the undersigned urge you to assign the timber quotas to the bidder who will maintain manufacturing jobs in Peers and create the most economic benefits for our community.

head: **Tabling Returns and Reports**

MR. GETTY: Mr. Speaker, I'd like to file four copies of a letter which I recently wrote to the chairman of the Members' Services Committee regarding the assessment of members' remuneration and allowances.

MR. ADAIR: Mr. Speaker, I'm pleased to file four copies of the news releases and brochures that deal with the official opening ceremonies of the Trans Canada Yellowhead Highway 16 that begin tomorrow. In the morning we'll be traveling from Lloydminster to Jasper. The highway twinning was actually completed last fall, and the ceremonies will be in the next couple of days. We have provided copies for every member of the Assembly.

MR. SPEAKER: The Minister of the Environment.

MR. KLEIN: Thank you, Mr. Speaker. It gives me pleasure today to table with the Assembly the Surface Reclamation Fund annual report.

head: **Introduction of Special Guests**

MR. FJORBOTTEN: Mr. Speaker, it's my pleasure today to introduce to you and through you to members of the Assembly Mr. Jim Corlett of Portland, Oregon, who is the executive director of the Western States Legislative Forestry Task Force. The task force is made up of legislators from five western states and Alberta and British Columbia. Mr. Corlett is visiting Alberta and touring some of our fine forest industries. He's seated in the members' gallery, and I'd like him to rise and receive the warm welcome of the members of the Assembly.

MR. SCHUMACHER: Mr. Speaker, the Alberta legislative intern program started in the fall of 1974. The purpose of this program is to provide university graduates with an opportunity to experience firsthand the functioning of Alberta's parliament and at the same time to provide members with exceptionally competent assistance in research and in work for constituents. Petro-Canada and Canadian Airlines International have donated money and airfare to enhance the travel portion of the program, which includes visiting the Northwest Territories, Quebec, and the House of Commons. Seated in your gallery today, Mr. Speaker, are this year's legislative interns: Jason Foster, Laurie MacKay, Greg Moffatt, and Mark Patton. Judy Wish, director of public affairs, products division, Petro-Canada, and Dennis Erickson, manager of community relations for Canadian Airlines are also present. I would ask them to rise and receive the cordial welcome of the Assembly.

MR. GOGO: Mr. Speaker, I'm very pleased today to introduce two people from the constituency of Lethbridge-West. The first one, Dr. Ernest Mardon, taught English at the University of Lethbridge for some 13 years. However, he's probably noted more for the five publications he's published over the years with regard to Alberta politics. With him is his son Austin Mardon, who many members will recall received a senatorial medal from the U.S. Senate for his long, arduous trip by foot to Antarctica. They're seated in the public gallery, and I'd ask both Mardons to rise and receive a welcome from this Assembly.

MR. SPEAKER: Round 2.

MR. GOGO: Thank you, sir. I have a second group. Alberta is well served by the boards of governors of our 27 board-governed institutions, and today we have representation from perhaps the finest undergraduate liberal arts institution in Canada. We have with us the chairman of the board of governors of Lethbridge University, Mr David Hughes, and along with him is the president of the U of L, Dr. Howard Tennant, as well as the first vice-president, academic, Dr. Seamus O'Shea. They also are seated in the public gallery, and I'd ask them to rise and be welcomed by the House.

MR. SPEAKER: The Minister of Career Development and Employment.

MR. WEISS: Thank you, Mr. Speaker. It's a pleasure today to introduce to you and through you to members of the Assembly two distinguished visitors from the city of Fort McMurray. The first, no stranger to the Assembly, is Her Worship Mayor Betty Collicott, and the second, accompanying her, is our new city manager, Mr. Glen Lavbevestein. The city of Fort McMurray is the largest urban centre located in the far north as well as the home of the tar sands. They're seated in the first row of the members' gallery. I would ask that they rise and receive the cordial welcome of the Assembly.

MR. SPEAKER: Edmonton-Calder.

MS MJOLSNESS: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and to members of the Assembly 42 students from St. Lucy school located in the constituency of Edmonton-Calder. They are accompanied by their teachers Mrs. Denise Zubko and Dale Dvorack. This school is very proud of the fact that they are the 53rd school in Canada to achieve the green school designation with the SEEDS Foundation. Some of them

are sitting in the members' gallery and some, in the public gallery. I would ask that they rise and receive a warm welcome from the Assembly.

MR. McFARLAND: Mr. Speaker, I'm happy to introduce to you and through you to members of the Assembly the director of the Alberta Cattle Commission who is with us here today from the constituency of Little Bow. Although Mr. Glenn Logan, in the members' gallery, is probably here on official business, I would like to remind him that we had snow here in Edmonton today and down home it's still blowing dirt. I remind you to please try to take some moisture back with you to the farmers in parched southern Alberta. Would you please rise and receive the welcome from the Assembly.

2:40

MR. SPEAKER: West Yellowhead, followed by Stony Plain.

MR. DOYLE: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the Members of the Legislative Assembly 53 fine students from Vanier community Catholic school in Edson in the beautiful riding of West Yellowhead, as most members will see as they travel to the opening of the Yellowhead. Teachers present are Miss Domney and Mr. John Campbell. Parents are Mrs. Hierath, Mrs. Conolly, Mrs. Gauchier, Mrs. McGonigle, Mrs. Gray, Mrs. Parker, Mrs. Delorme, and Mrs. Ludwig. I'll ask them to stand and receive the warm welcome of the Legislative Assembly.

MR. SPEAKER: Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. I'm very pleased to introduce to you and through you to the members of the Assembly 24 grade 8 students from Woodhaven school in the city of Spruce Grove, which is located within the Stony Plain constituency. They are accompanied by three teachers: Mr. Paul Watson, Mr. Rick Letendre, and Mr. Rudy Arcilla. They are seated in the members' gallery, and I'd ask them to rise and receive the warm welcome of the Assembly.

head: **Oral Question Period**

MR. SPEAKER: The Leader of the Opposition.

Rural Economy

MR. MARTIN: Yes, Mr. Speaker. This government has failed Alberta in many ways: poor fiscal management, patronage run rampant, and a lack of priorities, but perhaps the worst failure is what has happened in rural Alberta since 1986. The Premier tells us that he loves rural Alberta. He has a lot less to love since he came to power. The recently released 1991 census shows a consistent pattern of rural depopulation. Some 60 percent of our rural municipalities lost population, and over two-thirds of Alberta's villages lost people. Eighty-eight percent of the population growth was in the two census divisions containing metro Edmonton and metro Calgary. That's the legacy of the government. My question to the Premier is this: how does the Premier justify these very disturbing statistics showing much of Alberta in deep trouble?

MR. GETTY: Mr. Speaker, the hon. member is right that there has been a move from rural areas to urban areas, and it's been going on for decades now. We are trying to the best of our ability to work to make sure that opportunities are provided all across the

province, not just in the larger urban areas. I think that when you consider this government's commitment to agriculture, to our smaller communities, to provide transportation infrastructure, to continue to try and decentralize the government's operations, and to help to build rural Alberta and our smaller communities, we have in this province the healthiest of rural areas in western Canada.

MR. MARTIN: Mr. Speaker, that's rhetoric.

To the Premier. The stats show the problem for what it is: ID 19 in the Peace country, population down 14.9 percent; county of Minburn, down 10.4 percent; county of Two Hills, down 10.1 percent. It's right across the province, in most parts of the province. It's a tragedy of immense proportions. Rather than the rhetoric about loving and all the other things, what specific initiatives is the Premier prepared to announce to turn this around? Otherwise, everybody will live in Calgary and Edmonton.

MR. GETTY: Mr. Speaker, as I said when I answered the hon. member's first question, there has been a shift from rural to urban areas, but in this province we have been working hard to prevent that in anywhere near the proportions that it has been in other provinces.

I point out to the hon. member our 2 and a half billion dollar farm credit stability program, our policy of paving secondary highways, our policy of decentralization. We recently appointed a minister responsible for rural development. We are helping to provide opportunities throughout our smaller communities. We have helped, through the Minister of Economic Development and Trade, with the support for economic development officers in communities all across our province.

This is not something that's easy to accomplish, because it's a fact of life all across our country. We're going to keep working at it, Mr. Speaker. Frankly, I think that as we see greater and greater breakthroughs in technology and you no longer need to live in larger and larger communities or work together in large buildings, you will find that the attractions of the Alberta countryside become so persuasive that you will find people starting to move from the larger urban areas, where there is crime and traffic and other problems, once again recognizing the attractions of the smaller communities.

MR. MARTIN: I have no argument with that, but when you're going to clear-cut all of northern Alberta, that's not exactly doing it, Mr. Speaker. The Premier alludes to the farm credit stability program. Yes, it was a good program that we announced first and tried to push forward. Now you've cut back on it. Having extra cabinet ministers is not really solving the problem.

Let me give a specific to the Premier. Instead of ad hoc loans to failing companies, would the Premier look at some new programs, specifically the community bonds program that's had some success in Saskatchewan?

MR. GETTY: Mr. Speaker, it's right; we have discussed community bonds initiatives, discussed them with other western Premiers at times, and perhaps it may even come up at our Western Premiers' Conference that we'll be having this week. That program has not worked without problems. So the minister responsible for rural development is looking to see whether we can bring that initiative to our province but do it in a way that we can deliver it as effectively as possible.

I point out to the hon. Leader of the Opposition that these are not ad hoc programs that the government has been promoting in rural Alberta and our smaller communities. These are programs

of decentralization, diversification, opportunities so that our young people will be able to stay in their own homes with their families and be able to build their communities. Certainly our support for projects around this province is another perfect example of that.

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

MR. MARTIN: Mr. Speaker, when I was talking to the Premier, I was talking about the ad hoc loans to failing companies that his minister over there has handed out, over billions.

Bench Insurance Agencies Ltd.

MR. MARTIN: This rural exodus should come as no surprise when you look at the government's record on issues which affect it, like the Bench Insurance fiasco. On May 8 the minister of economic development told the Assembly that he would inquire as to the amount of money outstanding on the Alberta Opportunity Company loan to Bench Insurance. Now, I believe the minister has said privately that AOC was owed some \$17,000 when Bench was closed down. To the minister of economic development: for the record, will the minister now confirm for the House that in fact Bench Insurance still owes the government roughly \$17,000 of the \$80,000 AOC loan?

MR. ELZINGA: Mr. Speaker, I indicated to the hon. member who put the question to me some days ago – and I responded to him on that same day by way of a note – that, yes, there was still an outstanding balance of \$17,000 on a \$80,000 loan that was advanced in 1987.

MR. SPEAKER: Supplementary.

MR. MARTIN: Thank you, Mr. Speaker. Well, that means, then, that we seem to have a situation where some \$63,000 collected fraudulently from policyholders was used to repay the loan from taxpayers. That means, frankly, that the government is holding the proceeds of a fraud. My question to the minister of economic development is: will the minister now undertake to have AOC investigate the possibility of returning this money to the policyholders?

MR. ELZINGA: Mr. Speaker, not for one moment do I agree with the assumption of the leader of the New Democratic Party. He suggests that there has been some illegality. Until we have had that ruling from the courts, I think it's a very unfair assumption on the part of the leader of the New Democratic Party, but we also recognize that unfair assumptions are not uncommon to the hon. member.

2:50

MR. MARTIN: This minister better talk to that minister about what went on, Mr. Speaker, instead of him standing up doing that. That's a shameful performance. It's a very serious matter with a lot of farmers burned.

We know that \$2.2 million was taken . . . [interjection] Well, the Treasurer's got lots of money and a big mouth. Maybe he can put it over there. Mr. Speaker, \$2.2 million was taken from the pockets of some 400 rural Albertans by Bench Insurance. This government basically has done nothing to this point, maybe offered its sympathies; I appreciate that from the minister. But they still are trying to evade responsibility for regulating these kinds of companies. To the minister of consumer affairs: will the minister undertake to establish a compensation fund for the victims

of Bench and ensure that the minister of economic development and AOC put some money they collected from Bench right into this file? It's not a funny matter.

MR. ANDERSON: Mr. Speaker, the Leader of the Opposition is entirely inaccurate with respect to his statement that the government has done nothing. In fact, the government, upon finding out about potential breaches in the law, acted as swiftly and as completely as possible, and I'm happy to give the hon. leader the chronology of events that have transpired.

I should inform the leader that as of last week the court has frozen all of the assets of the individual in question with this affair and has appointed an investigator. That investigator will report this Friday, and at that point those individuals who have claims against the company of Bench may begin to file with the court or, if the court appoints a receiver, will have to be in a position to then apply to that receiver.

I would state once more, Mr. Speaker, that there are 16,000 agents in this province. The vast majority, like the vast majority of Albertans, act legally and responsibly. However, there are instances in which the law is broken, and in those instances we move as quickly as possible to make sure the law is upheld and to safeguard the dollars for the individuals involved, as we have in this case.

Community Recreation/Cultural Grants

MR. DECORE: Mr. Speaker, a program already exists in Alberta which allows the government to curry political favour from Albertans. The minister of lotteries has become the master keeper of that boondoggle. Now a leaked document shows the establishment of the Alberta recreation/cultural grant program, a grant program that will attempt to curry even more favour from Albertans, buy more votes. The program establishes conditions where previously conditions didn't exist. My question is to the Premier. Why is the Premier imposing conditions on local government that will allow for vote buying by the Getty government?

MR. GETTY: We aren't, Mr. Speaker.

MR. DECORE: Well, I'm not surprised that the Premier refuses to answer that question. I'm not surprised that he gave the phony baloney answer that he did.

Mr. Speaker, in the past the Premier has been a very strong advocate of saying that money should be given to municipalities on an unconditional grant basis. I'd like to know why the Premier is establishing this program. One of the conditions in that program calls for a minister to approve of any operational grant over \$5,000. Why impose these conditions on local governments?

MR. GETTY: First of all, Mr. Speaker, I have to tell the hon. leader of the Liberal Party that if he's going to ask a question, he has to listen to the answer. I felt that my first answer told him that we were not doing the things he was accusing us of. The Minister of Culture and Multiculturalism, I'm sure, would like to give him even more details.

MR. MAIN: Mr. Speaker, the minister of rec and parks, I'm sure, will want to supplement this as well. This is an important issue. The Member for Edmonton-Glengarry is making a wild assumption based on a news release from his colleague for Edmonton-Whitemud that in fact a decision has been made. They have released a list of proposals and suggestions. I, too, can draw up

a list of suggestions for the Liberal leader. We will discuss sometime in the future the recreation/cultural grant program, but any decision made on what that program will look like has not anywhere near been made.

Let me read from a submission from the city of Edmonton. This is the city of Edmonton suggesting to me as an Edmonton MLA what the program should look like. I'm quoting now, and I'm more than pleased to file this with the Assembly:

In the past, both the Municipality and community groups have felt that the province of Alberta did not get sufficient credit for this particular grant program.

I quote further:

It is intended that cooperative work would be undertaken to ensure that the provincial body gets the recognition it deserves.

This comes under the signature of Jan Reimer, and I expect . . .

MR. SPEAKER: Thank you.

Final question.

MR. DECORE: The document shows that the minister was part of the approval process of all these conditions that were set up.

Mr. Speaker, we've had government moneys go to laundromats. This new program calls for moneys to be given to private entrepreneurs. I want the minister's assurance that the government will stay out of the marketplace and not give more moneys to laundromats or blah, blah, blah, whatever. Stay out of the marketplace.

MR. MAIN: Mr. Speaker, the leader of the Liberal Party tells his convention that he's ready to be the Premier of Alberta. He doesn't even know how government decisions are made, and he's standing up here saying that we've done this. There is a draft proposal that has not even come to government for discussion yet. It is a proposal from someone's typewriter, and that member calls it a decision. He calls that a decision. Perhaps his caucus makes decisions that way, but we do not. When a decision is made on the CRC program, the entire cabinet will be involved in the decision, our caucus will be, and we will take information such as that presented by the city of Edmonton into consideration. When the final decision is made, it will be announced by the government, not in the fashion as described by the Member for Edmonton-Glengarry.

MR. SPEAKER: Calgary-Fish Creek.

Western Premiers' Conference

MR. PAYNE: Thank you, Mr. Speaker. The Premier in his response to the Leader of the Official Opposition's first question today made reference to the upcoming Western Premiers' Conference. I'd like to follow up on that, if I could, with the Premier. Given the serious economic challenges facing all four western provinces currently and the continuing and critical need for Senate reform and the continuing problem of western alienation, the upcoming Western Premiers' Conference, I submit, is certainly very timely. I'm wondering if the Premier would be in a position to advise the Assembly as to the agenda matters that he and his western counterparts will be addressing at Williams Lake later this week?

MR. GETTY: Mr. Speaker, the Western Premiers' Conference commences tomorrow. This conference, as members would probably know, is hosted on an annual basis by moving from one of the western provinces to the other. Now this conference will be hosted by the province of British Columbia. It's unique in one

way in that it starts tomorrow and runs on Thursday at 108 Mile Ranch near Williams Lake, B.C., while on Friday it will conclude with a day of meetings in Vancouver. So it is going to operate from two locations in British Columbia.

3:00

It is a timely meeting because two of the Premiers are new, and one of the important things, as I've found in the past, is to establish a good personal relationship amongst the western Premiers so that we can work co-operatively on those matters that are not just western problems but making sure that national issues have a strong western influence brought on them as well.

The agenda subjects are chosen broadly so that we can talk about a variety of matters. The number one item is the economy. Number two is the matter of trade, and the third is the general subject of western co-operation. Now, under those broad subjects we'll be able to talk of course about diversification, agriculture, transportation, full provincial participation in trade matters, and making sure that we work together in western Canada. So I'm looking forward to this meeting with a great deal of anticipation.

MR. PAYNE: Well, Mr. Speaker, it's apparent from the Premier's comprehensive response that the western Premiers will have a lot on their collective plate.

However, there may be some of our constituents who will question the relevance of the western Premiers' deliberations to the here-and-now needs of Albertans. Can the Premier outline to the members this afternoon what subject areas or concerns will be given the highest priority by himself and the Alberta delegation?

MR. GETTY: Yes, Mr. Speaker. I might point out also to the hon. member and to the Legislature that such important national issues as free trade, Senate reform, lower interest rates, and a rebalancing of the Canadian dollar are all issues that are now being pursued or have been adopted in Canada that have come from western Premiers' conferences.

Our efforts this year, Mr. Speaker, are in a way timely with our discussions on constitutional change, because Alberta will be seeking to continue its efforts to avoid duplication and overlap between federal and provincial governments. Duplication and overlap of services and dollars can only lead to inefficient expenditure of public moneys. So we will be hoping to continue the momentum of being able to establish responsibilities that each government should fulfill and then making sure that the financial resources go with those responsibilities so that we can do the job.

As well, Mr. Speaker, as I said earlier, a priority will be, with two new Premiers, to establish a close working relationship between the four western Premiers and, of course, the whole matter of trade and perhaps co-operative efforts, where together we can share some trade initiatives beyond our borders and reduce the cost to the people we represent.

As I said earlier, Mr. Speaker, I think we should have a productive conference, and I'm looking forward to it.

MR. SPEAKER: Edmonton-Belmont, followed by Calgary-McKnight.

Teachers' Strike in Battle River

MR. SIGURDSON: Thank you, Mr. Speaker. The Minister of Labour has often stated her preference for the collective bargaining process to take its course without any political interference. Her position is one that is respected and supported by working Albertans who on occasion find that they may be involved in an

industrial dispute. Between August 1, 1991, and April 6 of this year the Battle River school board and the teachers spent all of one hour and 34 minutes at the negotiation table. I understand that as of about an hour or so ago today the talks that the minister had instructed the two sides to have broke down. My question: is the minister satisfied that the board has bargained in good faith on this particular matter?

MS McCOY: Mr. Speaker, I think what we need to do is distinguish between quantity and quality of bargaining. As for quantity, in this particular dispute certainly I was of the opinion that much more bargaining needed to be done, which is why I've insisted that the parties go back to the table and I provided special mediation in the form of our special representative, Mr. Albertini, and so forth.

On a point of fact, my information as of an hour or so ago was that Mr. Albertini was going back into a meeting with the two bargaining teams. I may be interpreting my message differently from the one the hon. member got, but I understood there was still some discussion going on. Certainly Mr. Albertini is well aware of the urgency of the matter, and if there is no significant progress, I think he will not delay to put recommended terms of settlement before the two parties.

Now, as for quality of bargaining, I have certainly received no information that would indicate to me that there is any possible interpretation of bad-faith bargaining. In any event, it is not a determination that the Minister of Labour would make. That is a matter for the Labour Relations Board to handle. As I understand it, no party has brought that kind of application before the board as of this date, but certainly if anybody has any concerns in that regard, I would urge them to take them to the Labour Relations Board, who would ordinarily and properly handle the complaint.

MR. SPEAKER: Supplementary.

MR. SIGURDSON: Thank you, Mr. Speaker. Again to the Minister of Labour. Elected officials at all levels of government have a certain philosophical or ideological bent that we take with us whenever we go into any kind of meetings. We shouldn't lose sight of the fact, though, that we have constituents to represent. The chairman of the Battle River school division is also the Reform Party candidate in Wetaskiwin. Given the antiunion bias of the Reform Party, is the minister satisfied that the chairman of the board is acting in the best interests of his current constituents, or is there a future political agenda being played out at the expense of students?

MS McCOY: Mr. Speaker, the hon. member is asking me to speculate about something I know nothing about. It would not be appropriate for me nor do I have any information about the political affiliation or aspirations in the context of which he is speaking.

MR. SPEAKER: Calgary-McKnight.

MRS. GAGNON: Thank you, Mr. Speaker. In this year's budget the Provincial Treasurer included a statement that some recent teachers' settlements were too high. My question is to the Premier. Is that why this government is refusing to take the impartial path of legislating binding arbitration in Battle River, hoping that if you let the two sides drag this out, the settlements will be lower?

MR. GETTY: Well, Mr. Speaker, I can't just recall at the moment the actual words from the Provincial Treasurer's speech. Let me

say to the hon. member – and I would expect that she would support this, as well – that we have responsibility by management and responsibility by labour to bargain in good faith. It is their responsibility. Whenever these negotiations get into difficulty, the Minister of Labour provides assistance with mediation and is prepared to help with arbitration, but let's always remind ourselves that the responsibility is, in this case, with the elected school boards and the teachers' union and that we should, to the greatest extent possible, try and leave the responsibility with them because they need to fulfill it in a way that best represents the people who put them there.

MRS. GAGNON: Mr. Speaker, my second question is also to the Premier. Even if the strike is settled quickly because the terms of the settlement are agreed to, grade 12 students tell us that this year is already a write-off. I'm wondering if the Premier would commit his government to giving special assistance to these young people so they can complete this year.

MR. GETTY: Mr. Speaker, just responding again to the hon. member's original question, I'm sure she did not want to mislead the House about what the Provincial Treasurer said, so if I could quote for her, "A few school boards have agreed to wage increases far above inflation." That was the statement the Provincial Treasurer made.

3:10

With regards to the children in our schools, I receive a report every day on the teachers' strike, and there's no question that the key concern for me and my government is the future and education of our young people. Mr. Speaker, when it appears that this third party, innocent party in this case, the students, are being damaged and an emergency exists, then of course the government would fulfill its responsibility.

I again want to urge members that when you have a strike, yes, there are tensions, and tempers and emotions get stressed, but I think it's important that we allow these negotiations to go on and reach a solution.

Coal Mine Safety

MR. BRADLEY: Mr. Speaker, my question is to the minister responsible for Occupational Health and Safety in light of the recent coal mining tragedy in Nova Scotia. I'm sure all members of the Assembly and all Albertans offer their heartfelt sympathy and condolences to the families, relatives, friends in the community affected. My constituency has suffered many coal mining accidents in the past, including Canada's worst coal mining accident, in 1914 in Hillcrest. In fact, we were touched by this recent accident also, and our thoughts are with the people of Pictou county. In view of the tragedy and concerns expressed over safety in underground coal mines, would the minister advise the Assembly how regularly Alberta coal mines are inspected?

MR. TRYNCHY: Mr. Speaker, it's indeed a sad day, and I wish to convey on behalf of myself and this government our condolences and sympathy to those people in Grande Cache that have lost family and friends.

I might add that we have at Grande Cache the only underground mine in Alberta. The compliance with our legislation is working, and in many cases the compliance with the legislation exceeds our requirements. I would also like to add that we do a regular monthly inspection at the mine, and this inspection is comprised of the employer and the employees working together. Hopefully

they will keep on top of it, and we will not have the kind of disaster we have in Nova Scotia.

MR. BRADLEY: Supplementary, Mr. Speaker. To the minister: would the minister give consideration, in light of this tragedy, to reviewing and improving Alberta's underground mining safety regulations?

MR. TRYNCHY: Mr. Speaker, since the regulations were transferred from the Minister of Energy to Occupational Health and Safety, there have been a number of meetings between labour and business. Until now they haven't been able to work out their differences, but I understand that just recently labour and business got together and they will be presenting changes to the legislation in regard to underground mining in the province of Alberta. I would encourage them to work as quickly as possible and to get those regulations to us so we can implement them for the safety of all those workers in Grande Cache.

MR. SPEAKER: Edmonton-Jasper Place.

Environmental Protection and Enhancement Act

MR. McINNIS: Thank you, Mr. Speaker. At public hearings throughout the province Albertans said that the aspect of the proposed environmental legislation that they found to be the most disturbing was the wide variety of discretionary powers that the cabinet and the minister retained under the legislation. Comments were made. According to the task force report, the government simply wants the flexibility to appear stringent while remaining lax. Now, it's been two drafts since the public expressed their view that politicians should be accountable and follow rules, but the legislation remains unchanged in this crucial respect. The cabinet ministers can exempt classes of projects. There's no explicit environmental consideration, no duty to enforce standards. I would like to ask the Minister of the Environment why he would create public expectations and spend what I am told is in excess of a million dollars on a hearing process if the government is not prepared to move on these, the most disturbing aspects of the legislation according to Albertans.

MR. KLEIN: Mr. Speaker, I would like to point out to the hon. member that through the public consultation process 85 percent of the recommendations that were made to the Evans review panel were indeed accepted by this government, 85 percent. For this member to question the input of Albertans I think is an insult to these people who worked very, very hard to contribute to this Bill.

MR. McINNIS: We just heard from another minister that it's not quantity but quality that matters. It's exactly that public input. You've got ministers all over here who ignore the public every day. The question is: why does he spend a million dollars and have public hearings? He can ignore Albertans without going to all that trouble.

MR. KLEIN: You know, here's the gentleman who says that we don't consult, that we don't talk to the people. So we go out and we talk to literally thousands of Albertans. We accept their input as good, honest input, but as a government we have a responsibility to sort out those recommendations that we're willing to accept and those that we're willing to reject. What I'm telling this hon. member is that we accepted 85 percent of those recommendations.

MR. SPEAKER: Edmonton-Gold Bar.

Social Assistance Policy

MRS. HEWES: Thank you, Mr. Speaker. The Minister of Family and Social Services last week stated that Alberta welfare families may not get to keep a new federal child benefit coming into effect next year. A review of that benefit shows that families totally dependent on social assistance won't be receiving any more money under the new program than they are currently getting. My questions are to the Premier. Will the Premier guarantee that social assistance families in Alberta won't be getting any less than they're receiving when the federal program begins in January; that is, that their family allowances won't be clawed back?

MR. GETTY: Mr. Speaker, my hon. friend has raised a matter that she says the Minister of Family and Social Services dealt with last week, so I would like to discuss the matter with him and have him respond to her.

MRS. HEWES: Mr. Speaker, I know the minister spoke to it in the House, but we didn't get any answers, and we need to know how this fits in with the Premier's family grid. The best case scenario would give some working families a maximum increase of \$9.62 a week. Will the Premier really allow the minister to claw that back?

MR. GETTY: Again, Mr. Speaker, if my hon. friend recalls what I just said to her first question, I will discuss the matter with the minister and have him respond to her.

Yellowhead Highway

MR. GESELL: To the Minister of Transportation and Utilities. The Yellowhead twinning ceremony, which commences tomorrow, celebrates a major accomplishment, the realization of a promise that the Alberta government made in 1981. What is the total commitment of resources required for this significant project? [interjections]

MR. ADAIR: Mr. Speaker, I heard a noise over there. I've got to just say something back. On December 4 of 1989 someone opposite said: they won't build it; it can't be done by 1991. If you want more of it, I'll read it.

Mr. Speaker, the cost to date of the Yellowhead is \$336 million, and there are additional moneys, probably in the range of about \$60 million, that will be used to final lift a portion of that road as well as to begin, and only to begin, the costs of some of the overpasses that will have to be put in over the next 10 to 15 years.

MR. GESELL: Mr. Speaker, how does this project benefit Albertans economically, socially, and from a safety point of view?

MR. ADAIR: Mr. Speaker, one of the concerns of the citizens of this province and of many of the tourists that were traveling what I'll call old Highway 16 was a concern for safety. I think it was erroneously dubbed Death Highway some time ago, and as a result of that, a great deal of work and planning went into putting a safe crossing in place across the province of Alberta as part of the Yellowhead system that starts in Winnipeg and ends in both Prince George and Vancouver. Incidentally, we are the first province to complete the twinning from basically one side to the other. I say "basically" because it is two lanes wide from Lloydminster to just west of Hinton and then narrows down to the park boundaries, so there is a bit of a funneling-in process. One of the concerns we've got for the future is: what kind of planning will be done by the federal parks people as to the day of twinning that particular

section? We hope they'll do the planning now and not wait until it's needed.

3:20

MR. SPEAKER: Edmonton-Strathcona.

Furnace Safety

MR. CHIVERS: Thank you, Mr. Speaker. My questions are for the Minister of Labour. Given the fact that \$7 million worth of taxpayers' money was used to finance the manufacture of Flamemaster furnaces, the fact that Horizon Village has now had to replace 50 percent of its furnaces due to heat exchangers which leak carbon monoxide gas and given the general responsibility of the government to ensure public safety, will the minister advise the Assembly as to the number of Flamemaster furnaces with the problem heat exchanger sold in the province of Alberta?

MS McCOY: Mr. Speaker, I don't have the exact number with me, but I can certainly try to get that information for the hon. member.

It has been brought to my attention that I had said in this House not long ago that there had been no reported defects in Alberta related to Flamemaster furnaces, and I was wrong about that. So let me see what I can do here to clarify the record. There have been reported defects with Flamemaster. The second fact is that there are far more Flamemaster furnaces than any other single manufactured variety of furnace in Alberta. The third fact is, as I am advised, that in terms of reported defects, the percentage among all of the Flamemaster furnaces is not significantly different from the reported defects on all furnaces of another manufacturer.

So what you can make of all of that is that, I think, as we've been saying over and over again through various media outlets and through all the inspectors and through the suppliers of all of these furnaces, one, if you have a Flamemaster furnace, do make sure that it's checked; two, if you don't have a Flamemaster furnace, do be sure that it's checked because all furnaces should be checked on an annual basis. They are all subject to wear and tear, and the proper and appropriate maintenance program by the owners is to have regular checks from their safety inspectors.

MR. CHIVERS: Mr. Speaker, it's not enough to tell Albertans to check their furnaces. The point is that private industry would be expected to give individual notification to the owners. My question is: will the Minister of Labour advise the Assembly whether or not she will take steps to ensure that the owners of the defective furnaces are individually notified of the problem?

MS McCOY: Mr. Speaker, let me say also that the design and manufacturing criteria are something that the Canadian Gas Association sets standards for and then enforces. They in fact are testing the design of the Flamemaster again, having given it a clear bill of health, to be perfectly sure or as sure as anybody can be. The Department of Labour is responsible to ensure that furnaces at the moment of installation are properly hooked up.

Now, as to notice to individuals, I have a long list of notifications that we have done. We issued a safety bulletin to gas suppliers and inspectors. We advised them of all of the information that we had at hand. We distributed a safety bulletin to all media outlets in the province, including radio and television stations and daily and weekly newspapers. Again we gave the facts as we have them. We've done interviews with media outlets across the province, and in response to our safety bulletins numerous radio stations, television stations, and newspapers have

publicized the importance of regular inspection and maintenance. From that coverage we've received literally dozens and dozens and dozens of inquiries from homeowners, so our sense is that indeed the message is getting out there. Certainly I welcome this opportunity as well, for all of those in the House and through the media outlet of question period, to get the message out quite certainly.

MR. SPEAKER: Thank you.
Edmonton-Kingsway.

Free Trade

MR. McEACHERN: Thank you, Mr. Speaker. I have here a document released by the Canadian Manufacturers' Association, Alberta division, which says that we have lost 5,000 jobs in the last two years in the manufacturing sector in this province. Given that the job losses in Alberta's manufacturing sector stand in stark contrast to job gains in manufacturing in the early 1980s, can this government, the Minister of Economic Development and Trade in particular, explain why they continue defending the trade deal that Brian Mulroney signed with the United States and also advocate expanding it to Mexico?

MR. ELZINGA: Mr. Speaker, if one examines the information that has been tabulated as it relates to our involvement with the free trade deal that has been put together and looks at our trade in 1988 before the free trade deal was initiated, Alberta exported some \$9.1 billion worth of goods and commodities to the U.S. In 1991 we exported some \$11.7 billion worth of goods and services, an increase of some 28 percent. We all recognize that the U.S. is one of our most important trading partners and also our most accessible market, and we want to make sure that our Alberta producers continue to have access to those in excess of some 200 million people so that we can continue to expand within the province of Alberta.

MR. McEACHERN: I might point out that manufacturing in the east lost over 325,000 jobs in these last two years as well, so clearly manufacturing is in a lot of trouble right across the country because of the free trade deal.

The report says that Alberta's manufacturing shipments dropped by 2 and a half percent in 1991 over 1990. Now, while the shipment for some manufactured products, such as pulp and paper, went up, nonetheless other sectors, like food, beverages, textiles, and machinery, were all down, in some cases substantially. Now, given the minister's obvious failure and this government's ad hoc policy to funding money losers in this province, why won't the minister submit his department's suggestion of a risk sharing fund to public scrutiny, particularly at the Toward 2000 Together debate in Calgary coming up at the end of the month?

MR. ELZINGA: Mr. Speaker, firstly, let me indicate to the hon. member that we look forward to discussing a broad range of topics at the conference, which the Premier is going to be chairing, because we want to receive the valuable input from all sectors of our society as it relates to the economic strengths of the province of Alberta.

Secondly, the hon. member neglects to take into account a number of very important parts as they relate to our manufacturing strategy. We are in a North American/worldwide recession. This has an impact. We were also concerned as it related to interest rates. We were also concerned as it related to the dollar exchange value. They all interplay, and we are delighted that the dollar is

leveling out and interest rates are going down. More importantly, one only has to look at the budget that was introduced by this government whereby we saw a reduction as it relates to the manufacturing and processing taxation levels by 1 percent so that we can have greater competitive stature within this province. This is an area that we're going to pursue so that we can continue to provide jobs – jobs, jobs, jobs – for Albertans.

MR. WEISS: Very briefly, just to refute some of the gobbledygook that was expounded by the hon. member. It should be pointed out that out of some 200,000 job losses in the nation, Alberta is only the second province to show a net gain of 14,600 last year. [interjections]

MR. SPEAKER: Order. [interjections] Order. [interjections] Take your place. [interjections] Order. Excuse me, hon. member, watch your language as well. [interjections] Excuse me.

Privilege Libel against a Member

MR. SPEAKER: Purported point of privilege. The Minister of Public Works, Supply and Services, I believe, has a comment to make about a word yesterday.

MR. KOWALSKI: Mr. Speaker, having had a chance to peruse the Blues, as *Hansard* still was not published, there was an inadvertent use of a word that was in the Blues. So I sent a letter to you earlier today with a copy to the Government House Leader and a copy to the Member for Westlock-Sturgeon. I would like this in *Hansard*, and I would just like to read the letter.*

Dear Mr. Speaker:

The Blues of May 11, 1992, document name: 12-325, contains an inadvertent use of a word by me. During the statement that I made on a point of privilege, line 48 contains the word "could". This sentence, as is intended, should have read, "this M.L.A. has never told anyone that they "must" drop off their resumes to his constituency office." The word "must" was in the text that I read from. I would be pleased to provide a copy of my notes upon such a request.

3:30

MR. SPEAKER: Thank you. Westlock-Sturgeon listened to the comments yesterday and has been properly notified. The Chair would point out that the copy of the letter the Chair received yesterday did indicate that delivery had been made to the Member for Westlock-Sturgeon earlier in the day; however, the House leader for the Liberal Party contacted me after question period and informed me that the notice did not arrive until 2:30. The Chair has to point out that by Standing Order 15 the notice be given two hours before the commencement of the day – two hours' notice for the Speaker and then, if practicable, to the member that's involved in the matter of the dispute. Nevertheless, we held the matter over to today, so the Chair now recognizes Westlock-Sturgeon.

MR. TAYLOR: Thank you, Mr. Speaker. Sorry; I've got laryngitis. For a politician with laryngitis to try to protect himself is a little dangerous. It sounds like a Gilbert and Sullivan opera. I'm sure if I run out of gas halfway through, I'll give the rest of it to you and you just might read it to the House.

First of all, I deny that I breached any of the privileges of the House or the hon. Member for Barrhead, for the following reasons. First, let's take *Erskine May*, 21st edition, page 69. Clearly under the paragraph "What Constitutes Privilege" it lists only the following as privileges of the members of the House. They are

"freedom from arrest" and "freedom of speech" or anything that affects "the effective discharge of the collective functions of the House." Surely nothing I said in going after the hon. member would qualify under that.

Let's move to another definition, our own order book, 15.1: "A breach of the rights of the Assembly or any member constitutes a question of privilege." I don't see how I've breached the right of the Member for Barrhead or the House there.

Lastly, *Beauchesne*, sixth edition, page 11, clearly states under paragraph 24: "The privileges of Parliament are rights which are 'absolutely necessary for the . . . execution of its powers'." I don't know how I in any way, shape, or form stopped the Member for Barrhead or the House executing their powers. That probably is enough on its own just as far as the question of privilege.

They made other charges about me making unusual statements. I don't know whether to go into that or not, Mr. Speaker. It's rather intriguing that it was only after a weekend of large-scale revulsion of the minister's practices, admitted in that question period, that changed the minister's attitude of Thursday to one of Monday when he said suddenly that he was being accused of many things. This is the same minister that was proud to admit the imputations and references I was making during question period and say in fact that he was willing to refer it to the Ethics Commissioner. Why would any minister or anybody who disagreed with statements of the questioner want to refer the thing to an Ethics Commissioner? I mean, an Ethics Commissioner decides what is right and wrong, not what is true and false. Surely the minister knows that.

I'm going to ask a number of questions. The first one you may recall by perusing the Blues, Mr. Speaker: false accusations. I asked the minister: "Will he confirm that he is now acting as an employment agency for the ticket printers?" As the minister is wont to do, much like a horse I used to have, he put his tail up over his back and raced off in the opposite direction and never did answer the question. He talked about the virtues of moving the plant to Barrhead. It had nothing to do with the question.

As you know, that day I was allowed three. I remarked on the fact that he didn't answer, and the second question was:

Would he go this far: the only reason he is asking that people drop . . . résumés at his office is to make sure that they have the right political connections and the right political work background before he'll let them go on and get a job?

Surely if that was wrong, all he had to say was no. Instead he got very huffed up and puffed up and described bringing things to Barrhead and how important he was to the commerce of the town and so on. It was quite a long, disjointed rejoinder. It was broken up often with laughter and you getting up and stopping him, Mr. Speaker, from time to time. Either stopping him or stopping the laughter: I don't know which. I can't tell from reading the Blues.

Then we go on. The third question was whether or not he was willing to refer this practice to an Ethics Commissioner. He said of course. Well, why would anybody want to refer a legal question or a wrong question or an imputation to an Ethics Commissioner? It doesn't make sense. So obviously, of course, something has happened over the weekend to make him decide that it is no longer a question of ethics here; it's a question of whether or not he's been accused.

Now, I would like to conclude, Mr. Speaker, by saying that certainly there's an ancient rule of the House that you have to take a member at his word. If he has now changed his mind from what he was bragging about last week, I have to accept his word and expect that last week's statements must have been uttered in a state of confusion. Likewise, I submit that if he changes his mind

*see page 812, right col., para. 1, lines 7 and 8

again in the future, next week, and goes back to the original, I'll accept it again. I have always got to accept it as true.

Thanks.

MR. SPEAKER: Is the Chair to assume that you have now accepted the hon. minister's interpretation as delivered to you and this House yesterday? Is that a yes or a no? Do I assume from the Chair that you now accept the minister's interpretation as delivered to the House yesterday?

MR. TAYLOR: Yes. I have never questioned anything the minister says is true. It's just that it changed so fast on me over the weekend that I couldn't keep up to it. Certainly if the question is that I want to refer this practice to the Ethics Commissioner, he's agreed to that.

MR. SPEAKER: To be perfectly clear, does the Member for Westlock-Sturgeon now agree that what the minister said yesterday, which was, in essence, that he did not have such a practice as was alleged by the Member for Westlock-Sturgeon in his comments on Thursday and Friday – do you now agree that his is the accurate version? That's what the Chair is trying to determine with you at the moment. [interjections] I'm trying to hear from that member.

MR. TAYLOR: Mr. Speaker, I don't understand. In the Leg. yesterday I asked questions. I accepted as truth the answers he gave last week, and I accept as truth the answers he gives this week. If they conflict with each other, that's something for the media and everybody else to worry about. As far as I'm concerned, whatever he takes I always take as truth.

MR. SPEAKER: Thank you, hon. member. The Chair believes that there was a far more gracious way to be able to handle this whole matter. Obviously, then, the Chair construes this as an apology on behalf of the Member for Westlock-Sturgeon or an acceptance of . . . [interjections] All right; thank you, hon. members. The Chair takes that groan as being nonacceptance.

The Chair would now like to hear from Westlock-Sturgeon what the Chair is supposed to believe.

MR. DECORE: You're supposed to rule on it.

MR. MITCHELL: Rule on it.

MR. FOX: Is this a prima facie case of privilege or not?

MR. SPEAKER: Thank you, hon. members. The Chair . . .

3:40

MR. TAYLOR: Mr. Speaker, the question is privilege, not whether they're statements or not. I'm saying that I have not infringed on his privilege or the House's privilege. I understand your job is to decide whether there is enough evidence to refer it to a committee on privilege. This is all I understand. I didn't understand there was any question of the veracity of statements coming in here. I always accept yours and his and anybody's statements as being true.

MR. SPEAKER: Thank you, hon. members. The Chair will take the matter under advisement and try to work through what is a very convoluted statement to the House as made by Westlock-Sturgeon.

Point of Order Tabling a Cited Document

MR. WICKMAN: I have a point of order on the floor, Mr. Speaker.

MR. SPEAKER: Do you, hon. member? Yes. Thank you. What's your point of order, please?

MR. WICKMAN: Twice I had raised it, Mr. Speaker, and I attempted to raise it at the earliest convenience. The citation is 495, "Documents Cited." Now, the Minister responsible for Culture and Multiculturalism referred to a letter that was sent to him by the mayor of the City of Edmonton, and 495(2) states: "It has been admitted that a document which has been cited ought to be laid upon the Table of the House." It goes on to say: "The same rule, however, cannot be held to apply to private letters." Well, I submit that when the mayor, acting on behalf of the city of Edmonton, sends a letter to the minister, who acts on behalf of his department, Culture and Multiculturalism, that is no longer a private letter. Once he makes reference to that letter in this Assembly, he then has an obligation to lay that letter in the House, and he did not lay it in the House before he left. So I would ask, Mr. Speaker, that you direct him to live by the procedures under *Beauchesne*.

MR. SPEAKER: Thank you, hon. member. Clerk, would you approach, please. Thank you, hon. member. The document was indeed filed.

MR. WICKMAN: Could we get copies?

MR. SPEAKER: No, it's at the Table. [interjections] Hon. member, obviously there is some confusion. After your period of experience in this House I think you're well aware of the fact that the document comes to the Table, it's given a number, it's then passed out to the Clerk's office, and that's where it's immediately available.

MR. WICKMAN: Thank you. That answered my question.

MR. SPEAKER: Might we revert to the Introduction of Special Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried. Thank you.

head: **Introduction of Special Guests**
(reversion)

MR. SPEAKER: Edmonton-Kingsway.

MR. McEACHERN: Thank you very much, Mr. Speaker. It's my privilege today to introduce to you and members of the Assembly 20 visitors from the Alberta Vocational Centre in my riding, the Winnifred Stewart campus. They are in the public gallery, and they're accompanied by Sharon Vernon. I would request that they stand and receive the warm welcome of the Assembly.

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 except for the following: written questions 359, 360, and 361.

[Motion carried]

Public Affairs Bureau

359. Mr. Wickman asked the government the following question: How is the \$528,088 allocated to Communications Planning in the 1992-93 Public Affairs Bureau going to be spent?

MR. GOGO: Mr. Speaker, the government accepts that question.

Public Affairs Bureau

360. Mr. Wickman asked the government the following question: What does the term "communications planning" appearing in the 1992-93 budget estimates for the Public Affairs Bureau mean?

MR. GOGO: Mr. Speaker, likewise the government will accept Written Question 360.

Public Affairs Bureau

361. Mr. Wickman asked the government the following question: Why is there a 393 percent increase in the budget allocation for a Public Affairs Bureau subprogram entitled Communications Planning during the fiscal year 1992-93?

MR. GOGO: Mr. Speaker, batting a thousand, the government will accept 361.

head:

Motions for Returns

MR. GOGO: Mr. Speaker, I move that the motions for returns on today's Order Paper stand and retain their places except for the following: motions for returns 189, 225, 226, 274, and 344.

[Motion carried]

Magnesium Company of Canada Ltd.

189. Mr. McEachern moved that an order of the Assembly do issue for a return showing copies of all studies, reports, and analyses on the economic viability of the High River magnesium plant prepared by external government advisers subsequent to the government's April 11, 1991, takeover of Magnesium Company of Canada Ltd.'s High River facility.

MR. ELZINGA: Mr. Speaker, recognizing the similarity of this question as to previous questions that we have responded to from the hon. Member for Edmonton-Kingsway, we will be responding in a like manner to previous questions that we have responded to.

MR. HAWKESWORTH: Mr. Speaker, I guess I'm doing the interpretation services this afternoon. I believe the minister was trying to tell the House, but he couldn't quite get the words out, that he was going to reject Motion for a Return 189 given that he's previously rejected other motions regarding the Magnesium Company of Canada. So when he says he's going to treat it "like," he couldn't quite bring himself to say no. I can understand that. It's hard for him, and he stumbles over those words. I can understand why he would, but that's really the answer.

The motion has some similarity to the other motions that have been brought forward. Other motions brought forward asked to determine what internal government reviews took place before they provided a loan guarantee to the Magnesium Company of Canada. This particular motion on the floor wants to know what was done

by external government advisers subsequent to their takeover of the Magnesium Company of Canada's High River facility in April 1991.

You know, this minister has bragged about how it's a viable facility; he had buyers on the phone from all over North America. If I could believe the comments as reported in the news media, this facility was just hot on the list for all kinds of buyers to pick it up and get it started all over again. Well, we're still waiting. We're still waiting for the government to have some control over the facility. We're still waiting for a buyer. We're still waiting to get our money back as far as the taxpayers are concerned. It would seem to me advisable that at some point in all of this – now would be as good a day as any – the government finally come clean and provide some accountability to the people of Alberta for their management, or I should rather say mismanagement, of the Magnesium Company of Canada loan guarantee.

MR. SPEAKER: Thank you.

Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I'm a little puzzled by the minister's reluctance to talk about the economic viability of this plant, because the minister in previous debates has discussed the economic viability. He's talked about things like a high dollar and has discussed that in debates. He's talked about things like high interest rates and talked about that in debates. He's talked about the fact that the government has changed their policy with respect to income tax rebates to utility companies that have pushed up the cost of electrical energy for this company, making it more economically unviable. He's talked about that in debates. Now, if all those things have been talked about in debates, I can't imagine there's much more that really needs to be discussed. I don't see any problem with providing any reports that they have, unless, of course – and here's where I think the Member for Calgary-Mountain View may be being rather generous – there might not in fact be any such reports. I think this is probably the problem. I don't know that there's anything secret here. I think the government in their total mismanagement never did an analysis, really didn't know what they were buying in the first place, don't know what they've got in their hands right now, and really don't know where to go with it. That's probably the big problem.

MR. SPEAKER: Edmonton-Kingsway, summation.

MR. McEACHERN: Thank you, Mr. Speaker. Since the minister said that this was similar to the other three motions, I've looked back at the other two motions just to make sure that they really were different. In fact, I'd anticipated he would say something like that, because he claimed the second one was similar to the first one the other day. I would suggest that the minister put on his glasses and do a little reading.

3:50

The first of the three motions, two of which we have discussed in previous sessions and the one which is before us to date, are quite, quite different. The first one, 187, was asking for copies of the audited financial statements of Magnesium Company of Canada Ltd. for the fiscal years 1990 and 1991.

Okay. We want the financial statements for the last couple of years of that company. The next one, 188, was asking for copies of all studies, reports, and analyses done by or on behalf of the government prior to deciding to provide a \$103 million loan guarantee to the Magnesium Company of Canada Ltd., including

those done on the viability of the magnesium production process employed in the High River facility.

So we were saying that the government should tell us what got them into this deal in the first place. As I recall, I suggested it was because they had an election coming in 1986 and they wanted to have some diversification they could brag about and some jobs they were creating and that they didn't do their homework to see if it was a viable operation. The minister has no studies to show that in fact it looked pretty good at the time. We have no documents at all indicating the negotiations that went on, these thorough checks that he says he always does. Did they not check with the banks, et cetera, and find out how viable this company was and see if it was worth doing or not?

The fact of the matter is, Mr. Speaker, the company backed out on them in 1986 and didn't do it, so they resurrected it again for the '89 election and finally gave them so much money that they went ahead and did it anyway even though it was not a viable project. He has never released one study to indicate that it was a viable project. I don't suppose he even did a study or had anybody else do a study. I don't know what they did do to base their decision to get into that company.

Now, however, having got in, having put \$103 million of Alberta taxpayers' dollars into the company, the company is shut down. We've now taken it over. It's costing us a million dollars a month of taxpayers' money to pay the interest on the debt. It seems to me that the government might have got somebody to come along and analyze just what kind of a pickle they have got themselves into, but so far as I can tell, the government hasn't done anything. Now, it is true that the Treasurer stood up the other day and started to tell us a little bit about the situation, but the only thing that he did was to raise the alarm that there may be some environmental concerns that we didn't know about before. It would be nice if they came clean and told us what they were.

It does seem to me that the government has some obligations to at least hire somebody that knows something about the magnesium industry to assess the situation the government now finds itself in, to see whether or not there's a possibility of resurrecting that company as a going concern or whether we're going to have to sell it off in a fire sale like we did the assets of Northern Steel and GSR and on it goes.

So really, Mr. Speaker, these questions are three entirely different questions. This is very specific to asking the minister: what have you done since you had to take over the company? Now, of course, one of his problems may be that they haven't actually been able to get their hands on control of the company yet, but it doesn't seem to me that they need to do that before they get somebody appointed to take a look into just what it is that they've got ahold of here. That they can do whether they actually have been able to legally take over the ownership of the company or not. We do know that it's on the taxpayers' back and that it is taxpayers' dollars, and, we assume, the government has some kind of legal jurisdiction here and can take control of that company at some point. Surely they're going to have to pay the bill anyway. So even if they don't ever get control of the company, the least they could do is find out exactly what kind of a hot potato they've got ahold of and how much it's going to cost the taxpayers and what direction they should go with it and how they should dispose of it and what the prospects are for it.

That's all we've asked for, Mr. Speaker, is some kind of indication of what studies they have done to analyze that situation and report back to the people of Alberta. Of course, the minister just says no and then tries to dismiss the question as being the same as the other two, which were quite different, quite frankly. I can't understand how you cannot come forth with the information for all three of those, let alone this one.

[Motion lost]

Business Finance Development

225. Mr. McEachern moved that an order of the Assembly do issue for a return showing copies of

- (1) details of the \$177,313,000 in investments, grants, loans, and loan guarantees provided to Alberta projects under "special/extraordinary proposal" specified on page 12 of the Department of Economic Development and Trade's 1989-90 annual report, including the identity of each recipient, the amount advanced, and the terms and conditions thereof, and
- (2) data requested in point (1) above for similar expenditures noted in the 1990-91 annual report.

MR. ELZINGA: Mr. Speaker, recognizing that this motion is somewhat different, let me take a little time in dealing with it. I see also that the hon. member refers to annual reports of both the years '89-90 and '90-91, and I wish to refer to the annual report of '90-91 whereby we go through a good overview of the department's activities.

In case the hon. member has not seen it, I wish to highlight a number of areas that are included on page 23 dealing with our business finance branch, which administers the financial programs that the hon. member has referred to, and to share with him that we processed some 430 applications under the market development assistance program and issued some \$481,000 in grants for market development missions. This program resulted in immediate new orders of some \$4.4 million and potential sales exceeding \$131 million. We assisted some 59 companies through the export loan guarantee program by providing an export loan guarantee for working capital on loans of some \$44 million. This assistance resulted in new export orders, Mr. Speaker, in excess of some \$355 million.

We in addition to that processed some 20,732 applications under the Alberta small business interest shielding program and issued interest rebates of some \$9.9 million to shield Alberta small businesses from the worst effects of high interest rates. Mr. Speaker, in addition to that we processed partial loan guarantees through the Alberta capital loan program. This program had a total involvement of some \$26.7 million, and these guarantees improved the availability of credit to 625 emerging and expanding small businesses for the purposes of either fixed asset acquisition or working capital improvement.

Mr. Speaker, in addition to that we administered the 294 remaining files of the 442 applications under the small business equity corporations program. Grants paid out totaled some \$56.5 million since the inception of this program. In addition to that we administered the remaining files under the small business term assistance plan, which terminated in 1987. At year-end the principal outstanding was \$215.6 million of guaranteed loans. Guaranteed claims during the fiscal year were \$2,032,034.

Mr. Speaker, in addition to that, we helped support less developed, disaster stricken countries by matching projects and provided close to \$2 million worth of funding through the Alberta Agency for International Development. The agency's contribution included the supporting of some 172 projects in 56 less developed countries and providing assistance through some 69 nongovernmental organizations participating in the program.

Mr. Speaker, we recorded also the most successful year that we have as it relates to the investment matching service of Alberta. Eighty Alberta companies became new registrants, and 102 introductions were completed between the companies and the

IMSA investors. We assisted 12 companies in identifying an equity or strategic partner, and after close consultations with management of the ventures the branch distributed each project overview to a select yet extensive network of potential investors in North America, western Europe, and the Pacific Rim.

Mr. Speaker, I just share that with you to highlight the importance of our involvement in making sure that our economy is strong. I'm delighted that the hon. member has put this question on the Order Paper so that we can reinforce the involvement of what he has highlighted as it relates to the economic well-being of our province. If we examine what has taken place in this province – and he asked questions earlier as it related to the job-creation aspect – I think it's important to put on the record again that since 1985 in excess of 120,000 jobs have been created within this province because of the involvement of the projects the hon. member mentions in his Motion for a Return 225.

You compare that to what is taking place in other parts of the country, in other parts of the world, because despite us going through a North American and worldwide recession, Alberta has created jobs within this province. In 1991 we created an additional 14,600 jobs. In our budget and again because of the involvement of projects that the hon. member has highlighted, we are suggesting that there will be an additional 15,000 jobs created in this fiscal year. I would suggest that he should compare that to what is taking place in other parts. In Ontario, for example, during 1991 they saw a loss of 167,000 jobs. On a nationwide basis we have seen the loss of some 232,000 jobs, Mr. Speaker.

4:00

Book publishing in the province of Alberta has risen some 300 percent since 1986. Value-added production of agricultural goods has doubled since the '70s, whereby now it is slightly in excess of primary agricultural production. Manufacturing and petrochemical plants across the province exceed \$3 billion today, which is a far cry from the \$500 million produced largely by one plant some 21 years ago. Alberta has fully one-half of the nation's petrochemical capacity, Mr. Speaker, again because of our desire to make sure that there is diversification within this province because of the projects we have involved ourselves in. Alberta's plastics industry does over \$300 million per year output. If we look at our chemical industry, it grew from a \$500 million industry to over a \$3 billion industry over the last number of years. Our electronics industry has grown some sixfold from \$117 million to over \$670 million between '81 and 1991. Tourism revenues have grown dramatically.

Export supports some 250,000 jobs within this province. In just over 20 years our exports have tripled, and I indicated to the hon. member earlier, too, as it relates to the importance of the free trade agreement and the importance of our involvement in the projects that the hon. member has highlighted in our two annual reports. I'm thankful to him for again highlighting the importance of our involvement in making sure that the economy is strong within the province of Alberta. Just as it relates to the exportation of goods, Mr. Speaker, we've now got nearly 2,000 Alberta companies involved in the exportation of Alberta products to some 150 countries throughout the world. The export loan guarantee program which I referred to earlier has assisted a number of those companies resulting in direct job creation in the province of Alberta.

Again, because of our involvement in projects, because of the superb leadership of our minister of forestry, pulp and paper exports nearly doubled between 1989 and 1991, from \$400 million to some \$720 million, and estimates are that the shipments are going to be in excess of \$1.2 billion by 1994. New pulp and

paper and lumber projects currently completed or under construction amount to some \$3.4 billion, and this expansion alone brings the job creation aspect to some 12,000 jobs in the province of Alberta. In addition to that, it's important that this province also follows a superb and comprehensive reforestation plan to ensure that we do have healthy forests.

Mr. Speaker, not only the programs that this hon. member has highlighted, but if you look at our support for first-time homeowners, a number of other programs that we've been involved in make sure that we do work closely with the small business community and the business sector so that we can create meaningful jobs for the residents in the province of Alberta.

I hope I've done a thorough enough job in responding to the hon. member, and since I've been so thorough in giving him a verbal presentation, I regret that we'll have to reject this motion on the Order Paper.

MR. BRUSEKER: Mr. Speaker, that was indeed a remarkable answer. It's unfortunate that it did not deal with the question, but I'm sure his constituents will be happy to receive this speech when he mails it to them after having *Hansard* print it out, because it was truly remarkable.

Mr. Speaker, the curious thing about the Minister for Economic Development and Trade is that since he has become the minister, the annual reports have changed substantially. One of the significant changes that has occurred in the annual reports is that they no longer give a financial statement. Most annual reports will list assets, expenditures, liabilities, revenues in nice columns in the middle or somewhere in their annual report. The annual report of '88-89 was the last one that did that, and the '89-90 one that the hon. member refers to in Motion for a Return 225, as well as the most recent one for '90-91, doesn't do that any longer. We don't see those facts and figures before us, and the minister gives them long, long detail.

[Mr. Jonson in the Chair]

I want to just maybe point out a few words. Maybe the minister didn't take the time to read the motion for a return, because the motion says very clearly "details of . . . investments, grants, loans, and loan guarantees." I don't think the minister read that.

I want to read a little further on down. It says: "the identity of each recipient, the amount advanced, and the terms and conditions thereof," to which the minister did not reply in his verbal presentation. Very particular, very detailed information.

What we get in the annual reports unfortunately, Mr. Speaker, are nice, warm, fuzzy kinds of statements that don't provide a lot of detail. When we do provide detail, we're told, "Well, ask it in estimates, and we'll deal with it in estimates," and when we get to estimates, we're told, "No, don't ask it in estimates; ask it in question period, because that's when we should deal with it." We go around a perpetual circle and get no responses. We've seen that kind of thing happen time and time again.

Mr. Speaker, the motion for a return is very straightforward. It says: you spent 177 million bucks; who did you give it to? I think it's incumbent upon government to provide that information, and I think all hon. members who are concerned about fiscal responsibility, as at least some government members have shown, should support this motion for a return.

MR. ACTING DEPUTY SPEAKER: The Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. You know, that minister over there sure has a tough time with the word no.

He just can't say, "No, sorry." He's got to give us a long song and dance totally off the subject just to say: oh, well, maybe people will be fooled if I just talk long enough and talk about something totally irrelevant to the matter under consideration; perhaps they won't be able to detect that I'm slithering away from dealing with the issue at hand.

What the motion for a return very specifically asks for is further specific information that appeared in an annual report for his department in the fiscal year 1989-90. They highlighted it and bragged about the fact that they provided \$177 million-plus to 11 – specifically 11; count them, Mr. Speaker: 11 – Alberta projects under some category called "special/extraordinary proposals."

All we want to know from the hon. minister is: what were those projects? Which ones were they? Which companies were they? Which investments were they? Which loan guarantees were they? Where and what? That's quite a reasonable request to make. I wonder what it is about that request that the minister can't satisfy it. If he's so proud about the success of that investment, if he's so proud about the results of those investments, if he feels so good about those loans and loan guarantees, surely he could say: "Oh, Mr. Speaker, what a wonderful success story. Let me put it on the table for everybody to see." That's what I would have expected, but no. He says: well, let me talk in vague generalities and rhetoric over here about something else totally irrelevant, and if I talk about it long enough maybe people will be fooled about what's really going on here.

This, Mr. Speaker, is information that appeared in his own annual report: \$177 million for 11 projects. Tell us what they are, Mr. Minister. That's all that the motion is asking for. Give us some idea of the terms and conditions. If you don't want to give us the terms and conditions, come in with an amendment that will simply outline more restrictive details. Maybe if he doesn't want to give us all, he could have come in with an amendment to the motion, but no, he doesn't want to deal with anything related to this little paragraph that appeared in the annual report for 1989-90.

This is really interesting, Mr. Speaker, because if this is a success story to tell the people of Alberta, you would have thought the following year they would also have highlighted the success of this particular category. But if you look at the same highlights page under business finance for the annual report of 1990-91, this matter has disappeared totally, not to be heard from, no reference made. There's no equivalent category identified in the following year's annual report, and that's the second part of the motion in front of us.

4:10

Now, here we have a minister who trumpets a program in one year; it's disappeared from view the following year. What kind of track record is that? Does that begin to explain why the minister had a hard time giving us an agreement to give information to the people and to the Legislature about the annual reports' information? The fact that it appears one year, disappears the next maybe tells us something about the fact that \$177 million has disappeared with nothing to show for it. Oh, they were full of great hopes and warm hearts. The horizon and the future looked great in 1989-90, such that they were quite happy to tell the people: oh, we've put your money into the 11 projects; this is success. My goodness, that success sure soured very quickly, because the following year there's no reference made, nothing to be heard from, all disappeared, nothing further to be said about it. Now when we ask the minister to give us some details, he says to us: oh, what a wonderful job my department's doing; don't ask us any embarrassing questions. That's really what it comes down to.

So I'm disappointed in the minister, but what's new? I'm disappointed in the fact that we can't get any information on this \$177 million, but then what's new with this government? That's about par for the course. When you ask the serious questions, when you ask the probing questions, all they have to say to you is: oh, don't worry about that; look at the wonderful job we're doing; just don't ask us to put any serious information on the table; don't ask us to give you any hard details; all we're going to give you is static about what we're doing; don't ask for the details; don't expect to get the actual amounts; don't hold us accountable for the specifics; we'll try and bamboozle you on the generalities. That's how I would summarize what the minister said this afternoon.

I'm quite disappointed, in fact, that he's unable to provide us any detail. He's unwilling to provide us any detail regarding how \$177 million of taxpayers' money seems to have disappeared overnight in one fiscal year and there's no accounting for that, no accountability for that. All we get from this minister is rhetoric and generalities in an attempt to bamboozle us. Well, quite frankly that's not good enough, Mr. Speaker, but it's about par for the course with this government and why I believe that the people of this province are not going to put up with this kind of baloney much longer.

MR. ACTING DEPUTY SPEAKER: The Member for Edmonton-Kingsway to close debate.

MR. McEACHERN: Thank you, Mr. Speaker. My colleague and the Member for Calgary-North West said a number of the things that needed to be said, but I do have a few more to add. The question, you see, is quite specific. It's asking about this \$177 million in 11 Alberta projects under the "special/extraordinary proposals." "These funds are intended primarily to aid in the diversification of the Alberta economy," according to the little write-up in the 1989-90 statement.

Now, Mr. Speaker, it doesn't seem to me that it takes a genius to understand that what we're asking for is: what were the 11 projects? How much money was involved in each case? I want to know: was one of them MagCan? Was one of them GSR? Was one of them Myrias? Was one of the them the sale of Telus? What were the 11 projects that made up this \$177 million of Alberta government money in grants, loans, and loan guarantees to diversify the economy of Alberta? A straightforward and simple question, but the minister uses it to get up and read a whole bunch of gobbledygook out of the latest annual statement. March 31, 1991, is the last annual statement we have. Good Lord, surely you could update us a little better than that on what's going on in this economy and what the department is doing so you could give us more detailed, more updated information than what you have so far.

Then you look at the 1990-91 annual report. There is the same expenditure category in one sentence, not highlighted and marked off by a point and with a whole paragraph about it like there was in the '89-90 statement. There is one reference to the same category on page 23 of the newest report. It says, "Provided \$3.5 million in support for five projects under special/extraordinary proposals," and then not another word. They go right off on something else: "In addition, the branch administered . . ." and so on; went on to talk about something else totally. No details, no indication of what that was. Now, why would you go from \$177 million one year in some particular program to \$3.5 million in another program? Why are there 11 projects in the one and five in the other? What are they? That's all we're asking.

So the minister uses the chance in his usual manner. He likes to say that we don't give the facts. We do give the facts, but he

always bridges over into something else. Whenever we talk about the ad hoc funding program, he bridges over into student loans. Whenever we talk about a specific thing like this one, then he starts talking about, oh, the 430 applications under the market development assistance program. I didn't ask about that. That was not on the order. He goes through a whole list of other things that the government did and brags a lot about a hundred and one other things and doesn't specifically deal with the information in the question asked.

Now, as to some of these other things that he said; for example, this \$481,000 in grants for market development trips. He says: "This program resulted in immediate new orders of \$4.4 million and potential sales [of] \$131 million." Now, isn't that wonderful. He puts out that \$131 million as potential sales as if it has some kind of significance. We have no idea whether any of those sales came through or not, yet he jumps all over our researcher Mr. Kolkman who put out that document the other day because in some instances of that list of about 35 companies that lost money on behalf of the government, there were four probables. He says it totally destroys the accuracy of his numbers. Of course it doesn't. The one other point he made that he was obnoxious with was he said: what on earth is he putting in the credit union losses for? Okay, take them out. I accept that. But if you take them out, we're going to make a whole new category about all the financial institutions that lost money while this government has been in power in the last 10 years. You could easily replace it with the Alberta Mortgage and Housing Corporation. The number would have been bigger and totally attributable to this government, because Alberta Mortgage and Housing was totally the responsibility of this government, not somebody else, as in the case with the credit unions.

The minister goes on to talk about the SBEC program. Well, I mean. We didn't ask about the SBEC program, but it was a lousy program and it lost us a lot of money. So far I've never seen any analysis or details from the government that would show that it really accomplished what it was meant to accomplish. We have never seen a reference to the Alberta stock savings plan in about two or three years now. People who file income tax still have to fill in a form if they ever got any tax write-off under the Alberta stock savings plan, yet this government won't even talk about it anymore. In the public accounts we're now down to zero in that category, but the government has done no analysis to explain why and how that worked.

He takes this question, a very specific question about 11 projects, to launch into bragging about a hundred and one programs with a lot of misinformation. For instance, he suggests that somehow this \$177 million created 120,000 jobs in the last - I don't know; how many years was that?

MR. ELZINGA: I wouldn't do that, Alex.

MR. McEACHERN: We've got \$3.2 billion out in loans, loan guarantees, and investments, and you try to claim that the \$177 million we're asking about created all the 120,000 jobs over the last few years you've been bragging about all this session. The Canadian Manufacturers' Association says we've lost 5,000 jobs in the last two years. What you do is throw out a whole baggage of nonsense and refuse to give us the simple details of the simple program that we were asking about.

You know, he went on and talked about the export loan guarantee program. Well, I wonder if he has ever checked out the number I gave him the other day whereby I said - that was from that briefing document of yours that got leaked to us back in '89 - that 46 companies out of 111 companies had not met one of

the simple requirements, quite frankly, of the criteria to get money under the export loan guarantee program, and that is that they were supposed to pay back within a year. Now, I wonder if the minister has ever checked that out. Maybe he'd better take a look at how the export loan guarantee program is working and report back to this House.

4:20

He was bragging about the pulp and paper industry. We're pulping our forests and sending them off as pulp to parent corporations so they can make profits abroad mostly, and yet this minister brags about this as if this is great diversification. It doubled in the last year I think were the words he used a little while ago. Well, according to the value of manufacturing shipments in Alberta in millions of dollars, put out by the Canadian Manufacturers' Association of Alberta, paper and allied products increased 20 percent. That's quite a lot. It was mostly pulp, and that's significant, but it isn't doubling. So why don't we get our facts straight here? Why don't we quote them straight?

Again, in my questions earlier in the House, the other minister jumped up and denied some figures that I'd given. I'm reading them right from the document here. Three hundred and twenty-five thousand manufacturing jobs have been lost in Canada in the last two years: straightforward, simple enough facts. If you take it for three years of the free trade deal, the figure is well over 400,000. In fact, the Canadian Centre for Policy Alternatives suggested that it was 461,000 jobs across Canada in the first three years of the free trade deal. Now, Alberta has increased its manufacturing to some extent, but it is still only 8 percent of our Alberta gross national product of 1991. It is still very, very tiny. The growth in the early years was quite significant percentagewise, but the starting point was so small that it really hasn't amounted to very much yet. Of course, there are some directions in the electrical industries and the computer industries, the high-tech industries that will grow and develop and that we should of course emphasize; in fact, his proposal for a risk-sharing fund is one that deserves some debate. I mean, I want to know a little bit more about it before we embark on it, but if the minister is going to keep jumping around from one program to another and bragging about them in the light of a simple question on one particular program, it's going to make it very difficult to have a rational debate about what goes on in the economy of this province.

We only quote from the government's own documents and other documents like the Canadian Manufacturers' Association, which one assumes are quite impeccable sources, so I don't understand why he's turned down this motion. All the gobbledygook that he put forward earlier is totally irrelevant and of no consequence and so convoluted that it doesn't really relate to the question asked.

[Motion lost]

Magnesium Company of Canada Ltd.

226. Mr. Hawkesworth moved that an order of the Assembly do issue for a return showing copies of

- (1) all agreements and loan guarantees between the government, Alberta Natural Gas Company Ltd., and Magnesium International (Canada) Ltd. respecting the Magnesium Company of Canada,
- (2) all studies respecting the commercial viability of the company's magnesium production technology upon which the government based its decision to offer financial assistance, and
- (3) all personal, historical, and credit investigations the government conducted respecting Magnesium Interna-

tional (Canada) Ltd., the Magnesium Company of Canada, and Mr. Dee Osborne.

MR. ELZINGA: The hon. Member for Calgary-Mountain View wanted me to give him a direct yes or no. Well, recognizing again that this motion for a return is extremely similar to 187, 188, and 189, I have no difficulty in indicating to him that we're going to reject this, as we have dealt with other ones. But let me just bridge, as the hon. Member for Edmonton-Kingsway has done, a couple of his comments, and then I'll sit down, because I'll be very short on this recognizing that we've already dealt with it.

I thank the hon. Member for Edmonton-Kingsway for recognizing that our government papers are impeccable sources. He said that, and I thank him for acknowledging that. I also thank him for his comments as they relate to individuals coming forward with some nonsense. I respect his comments as it relates to that too, because when it comes to nonsense, it's obvious that the hon. Member for Edmonton-Kingsway is a recognized expert in that area. So I will indicate to the hon. Member for Calgary-Mountain View that, as we have indicated in earlier debate on motions similar to this, our response, regretfully so, will be to reject it.

MR. ACTING DEPUTY SPEAKER: The Member for Calgary-Mountain View to close debate.

MR. HAWKESWORTH: To close debate I just want the record to show, Mr. Speaker, that here's the bottom line. We've given the hon. minister every opportunity – in fact, we've gone out of our way to give him an abundance of opportunities – to demonstrate that he and his department exercised due diligence prior to the issuing of a loan guarantee to the Magnesium Company of Canada and that subsequent to the closing of that facility they have exercised due diligence on behalf of the people of Alberta in terms of their management of that particular loan guarantee and the takeover of that facility or the lack of taking over that facility. We haven't given them just one platform. We haven't given him just one opportunity. We haven't given him just two opportunities or two platforms. We've given him three and possibly four or more. I've lost track of the exact number because we've given him so many chances. Let the record show that he has declined every opportunity provided to him, that he has declined every platform given to him to prove the effectiveness and the economy and the efficiency of his department, and that on every occasion presented to him he has declined and refused to demonstrate that. Let the record show that that is the bottom line.

Thank you.

[Motion lost]

Magnesium Company of Canada Ltd.

274. On behalf of Mr. Decore, Mrs. Hewes moved that an order of the Assembly do issue for a return showing any and all agreements, including all loan agreements, between the government, Alberta Natural Gas Company Ltd., and Magnesium International (Canada) Ltd. concerning the Magnesium Company of Canada.

MR. ELZINGA: Mr. Speaker, recognizing again that this motion is very similar to a number that we've dealt with previously, our response is going to be the same.

I should indicate to the hon. Member for Calgary-Mountain View that he has presented a real misinterpretation of the facts. The record should show that we have been very forthcoming with

the information that we have given to all Members of this Legislative Assembly. Whenever we involve ourselves in a venture, the information is given in public accounts. I recognize that it is after the fact, but I also recognize that when we do involve ourselves with companies like the Magnesium Company of Canada, we issue the information of our involvements so that it is a matter of public record. We also highlight it in a number of areas. I can go back and show the hon. member press releases that we are more than willing to highlight our involvement because we recognize the importance that this involvement does play in the strengthening of our economy.

I was going to indicate my regret that the hon. member who moved this motion was not present. I guess that's not parliamentary, so maybe I shouldn't.

MRS. HEWES: No, it isn't parliamentary. He shouldn't do that.

MR. ELZINGA: Very good. Well, I think the record will show that he didn't move it, so it would be noted.

MRS. HEWES: If he'd been here, would you have answered it?

MR. ELZINGA: I'm sure the hon. member will have an opportunity to put her questions later. I want to follow correct parliamentary procedure and address everything through the Speaker.

Mr. Speaker, let me indicate to you that recognizing that there has been a series of these questions dealing with the Magnesium Company of Canada, we will be responding in the same way, recognizing also that information has been forthcoming notwithstanding the criticisms that have been offered by the other side.

MR. HAWKESWORTH: Mr. Speaker, if I again have to interpret the hon. minister's remarks this afternoon, he has said to us just in his last remarks that he has given us a name of a company that they've been involved with, in the public accounts a dollar amount appears, and he's given us a press release. How generous he is with his information and how totally inadequate.

MR. BRUSEKER: Mr. Speaker, the comments of the Member for Calgary-Mountain View are right on the money. The hon. minister must be an excellent hockey player, because he certainly does skate extremely well around the issue.

4:30

AN HON. MEMBER: But he can't shoot worth . . .

MR. BRUSEKER: Yeah, he's kind of like certain hockey players.

But the hon. minister – I can't remember that department; it's hard to remember when you don't have a face to put a name to. However, the fact of the matter, Mr. Speaker, is that we have \$102 million on the hook here, and the minister is saying that you have all the information. Well, with all due respect to the hon. minister, if we had the information, the question would not be on the Order Paper. There is no point in asking for information that you already have.

Well, hon. minister, we do not have this information. We have asked here – the hon. leader of the Liberal Party has asked for “any and all agreements, including all loan agreements.” We're loaning out millions of dollars – millions of dollars – dollars that could be better spent on education, dollars that could be better spent on health care, dollars that could be better spent on social services. We have a plant mothballed in High River, sitting there, a very nice looking building, by the way, but doing absolutely nothing, and it's costing us a million dollars a month in interest

payments. [interjection] Mr. Speaker, she took the words right out of my mouth. It's absolutely ridiculous to make that kind of investment. We do not have this information. We want the information – that's why the question is on the Order Paper – and we expect it to come forward.

MR. ACTING DEPUTY SPEAKER: The Member for Edmonton-Gold Bar, to close debate.

MRS. HEWES: Thank you, Mr. Speaker. I'm somewhat puzzled by the minister's response about the Member for Edmonton-Glengarry, the leader of the Liberal Party, having put the motion. I'm unsure as to whether or not the minister was indicating that had the member been present in the House, he might in fact have given him the answer. I'm not sure why he even referred to it.

Mr. Speaker, I would remind the minister that this particular plant was the subject of interest in two Throne speeches since I've been in this House, was referred to with great pride and a sense of great accomplishment and promise on the part of the government, this big magnesium plant. Well, here we are; we're still waiting to get our money out of it. We not only can't get our money out of the facility; we can't get any information out of the minister about the facility, about what on earth happened here. Like many Albertans, I deplore this government's bunker mentality and the inclination to secrecy in all of their performances. They keep blathering on about being stewards of the province's resources and taxpayers' money, but there should be no hesitation whatsoever to bring this information forward so Albertans can learn the whole information about what has gone on here.

Mr. Speaker, was it all properly done? Well, if the government declines consistently to give us information, one can only reach the conclusion that there are elements in these arrangements and in the current situation that would reveal very clearly what has been suspected all along: that the government has not acted in the best interests of Albertans, that the government has thrown money away in this regard, that the government did not act prudently in the first instance in determining whether or not this was a good risk, and that the government is trying to hide this kind of information from Albertans whose money it is that they're fooling around with.

[Motion lost]

Northern Steel Inc.

344. Mr. Bruseker moved that an order of the Assembly do issue for a return showing copies of any and all agreements between the government and the major shareholders of Northern Steel Inc. from January 1, 1987, to June 12, 1989.

MR. ELZINGA: Mr. Speaker, dealing with for Motion for a Return 344, I think we all would acknowledge the similarity that it has to Motion for a Return 186 that we dealt with some days ago, and we will be dealing with it in exactly the same manner.

MR. ACTING DEPUTY SPEAKER: The Member for Calgary-North West, to conclude debate.

MR. BRUSEKER: Mr. Speaker, it seems the minister has difficulty saying no. I guess that's how we found ourselves in this problem, because he keeps writing cheques because he couldn't say no. So we've got a \$14 million loan to Northern Steel company that's worth perhaps \$6 million brand spanking new. Unfortunately, of course it wasn't brand spanking new, and now

we find ourselves owning – or I guess no longer, because we've had the sale of the assets, but we found ourselves at least in temporary ownership of Northern Steel corporation.

The agreements again, Mr. Speaker. The minister argues about some confidentiality for this corporation. We find some months after the fact that we became the owners. The minister issues a news release to say, "Oh, by the way, did I forget to mention we now own a steel corporation?" Then a little while later we find out, "Oh, by the way, this thing's going down the drain; we'd better have an asset sale." So now we've had the sale. The assets have been disposed of. There is no confidentiality agreement anymore. The corporation no longer exists. The assets have been sold. The inventory has been sold. The equipment has been sold. The land and buildings are gone. So the argument that the minister has used in the past about confidentiality injuring some person or persons is simply not true.

I guess, Mr. Speaker, you have to wonder about a government that gets into loans like Northern Steel and like the one to MagCan. You have to wonder if maybe there's a little desire of the minister to be involved in a heavy metal band. He's been involved with MagCan and likes the metal, and I think about bands like Metallica. Maybe that's what the minister goes home and listens to and says, "I've got to buy a steel company; I've got to buy a magnesium company." Well, that's the name of one band; it's called Metallica. There's another one that's a heavy metal group called Skid Row, and the way these investments are going, that's where this minister is going to take us.

But you know, Mr. Speaker, there was another old band, and it reminds me very much of this government, called the Grateful Dead. I think that's where this government is going, and I would urge all members to support this motion for a return, because there's no reason for hiding information.

[Motion lost]

head: Motions Other than Government Motions

Parental Custody and Access Task Force

211. Moved by Ms M. Laing:

Be it resolved that the Legislative Assembly urge the government to establish a task force to examine issues of parental custody and access with a mandate to make recommendations to be tabled in the Assembly, such task force to include the Children's Advocate and representatives from parental rights groups, including grandparents; the Alberta Council of Women's Shelters; the Canadian Research Institute for Law and the Family, Calgary; the department of family studies, University of Alberta; the Alberta Law Reform Institute, University of Alberta, Edmonton; and custodial and noncustodial parents, such members to be appointed in a manner ensuring gender equality.

MS M. LAING: I welcome the opportunity to bring to the floor of this Assembly Motion 211, which deals with access and custody of children.

Mr. Speaker, the subject matter of this motion often gives rise to strong feelings because it is about children and parents and grandparents. In the six years that I have been here, I have been approached, as I am sure most of the other members have been, in regard to the issue of access to children after divorce. I've spoken a number of times and have been commended and condemned for the stands that I have taken, for the concerns I have raised, and for my unwillingness to be silenced. The care of minor children must be of concern to all of us and is increasingly so as we recognize

the humanity and rights of children in law and as we are confronted with the unimaginable suffering of children in times past and recent.

In the past decade we have focused on children whose parents separate through divorce and have new concerns for the well-being of these children, children of broken homes or fatherless homes, as they are called. But, historically, homes have been broken, broken by the absence of fathers for reasons of work and war and abandonment. Children have been in single-parent homes, motherless or fatherless homes, due to the death of mothers, often in childbirth, and of fathers, often in battle. I often wish our generals were as concerned about fathers not being at home because of wars as we often hear in terms of fathers not being in the home at times of divorce.

Until this century children of divorcing parents stayed with their fathers because it was held that children were the property of their fathers and, after divorce, then were not uncommonly abandoned to female relatives for care or to orphanages. In this century, under the guidance of the rule of tender years, which held that young children require the nurturance of their mothers, children were given into the care of their mothers at times of divorce if fathers did not object. However, if fathers did object, 43 percent of these fathers in fact obtained custody.

4:40

With liberalization of divorce laws and the political, social, and economic emancipation of women, we have seen an increase in the divorce rate, and the issues of custody and access touch the lives of increasing numbers of children, parents, and their grandparents. Members of this Assembly have heard much from parents and grandparents who allege that they have been wrongfully denied access. We have heard little from those parents who are allegedly responsible for this so-called wrongful denial of access.

Remedies have been proposed and debated. However, I would submit that these remedies addressed only one side, only one perspective of the issue, and that was the perspective of noncustodial parents. We have not had an opportunity to hear from custodial parents. Thus, I propose this motion so that we can be guided in our deliberations and actions by comprehensive information and analyses, and that we be guided by our concern for children, not as property to be divided up or pawns to be caught in bitter and vengeful power struggles, but for children in their humanity and their need for safety and freedom from violence and abuse, for their need for stability in home and in care, and for their need for security and loving relationships that endure over time.

The issues of custody and access are too often presented as a conflict which pits men against women or vice versa. The reality in Alberta is that in approximately 80 to 85 percent of divorces, mothers are granted custody because the issue of access is uncontested. In 50 to 70 percent of the 10 percent of cases where custody is in dispute, fathers are granted custody. Thus, the vast majority of custodial parents are mothers and the vast majority of noncustodial parents are fathers, not because of bias against fathers but because of the action or the inaction of fathers in regard to getting custody.

Two difficulties arise around access: one, the noncustodial parent fails to exercise access or exercises it in an erratic and unpredictable manner, and secondly, the custodial parent denies or obstructs access.

We have not been approached to enforce the exercising of access rights, although I've certainly heard it suggested. Therefore, the dilemma before us is the denial of access. My reading of the research indicates that for the most part, custody and access orders are followed in more or less acceptable ways. In 95 percent

of the cases where problems do occur, the dispute can be settled between the parties, with the remaining 5 percent requiring intervention by the courts. I understand that research has recently been conducted on this matter, and we may see different figures at that time. I also know that concerns have been raised about the research design and its implementation, but I have not direct knowledge of it and therefore I will not comment on it. Certainly advocates of access enforcement legislation have led us to believe that the problem of denial of access is widespread. I have seen no data to support that claim. Although much of the language of the pro-enforcement legislation lobby is gender neutral, the issues are often presented in such ways as to pit men against women and vice versa, to decry the influence of feminists and condemn their intervention in an issue which has a profound impact upon the lives of women, as it does on the lives of men and children. What is often heard in the voices of these antifeminists is a longing for times past when women's voices were not heard, when the impact of law on women's lives was not considered, when women's perspective, needs, and concerns were of no consequence to those who made the laws. I have heard much anger in those voices over the loss of control and power over women and children.

Thus, in seeking a remedy to disputes around access, we must concern ourselves with not only the experience of noncustodial parents, usually men, but the experience of custodial parents, usually women, and the experience of children and grandparents. Much has been written and spoken about gender bias in the courts; that is, bias against women in the written laws, in the interpretation and the practice of law. Thus, if we are to write and enact laws that more closely achieve an ideal of justice, we must ensure that all whose lives will be touched by this law will be heard and that their concerns will be given legitimacy. Justice in human relations is a difficult if not an impossible ideal. In matters so highly charged emotionally and that so confront and challenge traditional relations of powers, our examination must be not only of the facts but of the biases inherent in the determination of facts.

Thus, we come to the issue of denial of access. Again, two questions arise. Is there legitimate denial, arising out of care and concern for the children? Or is the denial wrongful, arising out of bitterness and anger? I would note for the record that neither gender is without bias or without the capacity for violence and abuse or the motivation for vindictiveness and retribution. However, we do know that the majority of victims who suffer injury, death, and sexual violence in the home by former partners and parents are women and that the majority of perpetrators are men. We know that the least safe place for Canadian women and children is in their homes. We know that women for the most part use violence to protect themselves and their children and to escape or end violent relationships, whereas the violence against women for the most part is used to control them and to thwart their attempts to escape. In fact, each week three Canadian women die in their attempts to escape abusive relationships. We know that in the majority of cases women have custody. Therefore, if denial of access is for reasons of retaliation and vindictiveness, for the most part it will be women involved in that wrongful denial of access, and it will be men who suffer as a result. Thus, we can see how easy it is to pit men against women in this debate, but it is in fact a human concern.

In looking at the principles that should underlie this motion and any deliberations on the issues of custody and access, I would say that there are a number of principles. One is that children have a right to be nurtured by loving parents. Secondly, children have a right to be protected from violent and abusive parents. Thirdly, children suffer more from the ongoing violence and conflict between their parents than they suffer from being separated from

one of those parents. Children often love and feel loyalty to both parents, and to be torn between these parents, to be pitted against one or both of them, is to keep open a deep wound and to continue the wounding and prevent the healing.

Finally, the courts have proven singularly ineffective in solving the conflicts over children in ways that protect children and promote healing. In addition, many proposed legal remedies too often fail to address the social, economic, and political disadvantage women have in relation to men. Moreover, divorce courts have been unable to deal with the reality of abuse which occurs in families. These courts often ignore the well-documented link between wife abuse and child abuse, although many battered women stay in the marriage until the children become targets of that abuse. There are, in fact, high correlations between wife-battering and child sexual abuse, yet battered women are loathe to raise the issue of sexual abuse because of the backlash in the courts, which results in mothers who bring forward concerns and findings of sexual abuse, whether those findings be their own or those of others, standing a 75 percent chance of losing custody of their children.

4:50

The fear of false accusation, a time-honoured defence against facing the reality of violence against women and children, is rarely weighed against the well-documented fact that a guilty perpetrator almost always, without exception, falsely denies the accusations. Because such crimes are unwitnessed, it is the child's word against those of an adult. In the context of a cultural distrust of women and children, the accusations are all too often dismissed as malicious or self-serving. Rarely is the denial of wrongdoing deemed as self-serving; it is interpreted as a demonstration of innocence.

Criminal laws and courts are inadequate to the challenge posed by child victims, and thus few perpetrators are charged, especially if the child is under the age of 12. Divorce and access and custody decisions are often founded on the outcome of criminal justice interventions, and the tests of proof beyond reasonable doubt are applied. Yet Rix Rogers, a researcher for Health and Welfare Canada, in his 1990 report recommended that the civil test based on a balance of probability is more appropriate in custody cases where sexual abuse is alleged. He further states that to rely on criminal justice outcomes and the test of beyond reasonable doubt places children at risk. I have heard some people say that our failure to hear the concerns of children and to give legitimacy to their accusations and their cries of pain means that we become the high priests of the future Mount Cashels of our nation, which are the homes where children are abused.

Present laws and remedies, including the Divorce Act's friendly parent rules and provision for contempt of court charges, already allow for enforcement of access orders. More legislation, as we have heard proposed in this Assembly, will only add another layer of court orders and may further disadvantage already disadvantaged custodial parents who have limited resources. More importantly, it will not address the root causes of custody and access disputes. It will not protect the interests of children. It will not provide for, at the very least, the cessation of conflict and, at the very best, the healing for parents and children.

In bringing forward this motion, I am reminded of a number of images. The image of a noncustodial father, with birthday gifts in hand, going to pick up his child and being told the child is gone for the weekend. We have to say: how many noncustodial parents have this experience? The image of a custodial mother who was battered during her marriage and who follows the court order to permit visitation between her ex-husband and her

children. The mother who sees the hour for the return of her children come and pass and, as the anxiety and fear mounts, sees the police car and the police officer. In the past six years, five children have died in Alberta at the hands of noncustodial fathers that have had court mandated and enforced access. We have the image of grandparents whose son died, and they then sheltered their daughter-in-law and their grandchildren until the daughter-in-law remarried. Now the new husband and father has decreed that they will have a new life and will put behind them the extended family of their father, and the grandparents are separated from deeply loved grandchildren.

Mr. Speaker, there are many more incidents and images that reflect human suffering and tragedy. It is a suffering and a tragedy that we must act to remedy and to prevent. Motion 211 would allow for an in-depth study of this issue. It would bring together a task force which would include the Children's Advocate to ensure that the interest and well-being of children are front and centre. It would also include representation from parents and grandparents. I think we must not minimize the role of grandparents, the role that grandparents have to play in the lives of children. They can provide consistency and stability and loving wisdom in times of stress and challenge and over the years of childhood.

We call for representation from the Council of Women's Shelters because we must address the issue of violence. We also call for representation from the Canadian Research Institute for Law and the Family in Calgary and the Alberta Law Reform Institute at the University of Alberta, two groups already involved in studying this issue. As well, we call for representation from custodial and noncustodial parents. We want gender equality to be ensured. This touches men's and women's lives as well as the lives of children.

[Mr. Speaker in the Chair]

The task force would be set to determine what is really going on and how we solve problems in ways that respect the rights and needs of children and of loving parents and grandparents. We cannot look for quick, easy solutions that may put children at risk, especially in quick and easy legislation that fails to address the complexity of the issue. What we require are solutions that recognize the humanity of children and the best interests of children in a society that truly cares about children. I would ask for your support.

MR. SPEAKER: The Member for Banff-Cochrane.

MR. EVANS: Thanks very much, Mr. Speaker. Quite frankly, when I first read the motion from the hon. Member for Edmonton-Avonmore, I expected that I might be able to support the motion, at least in theory. I thought perhaps after the length of time we have been debating this very important issue in this House, certainly since my election in 1989, the member was moving in a direction that would give me some solace that she was recognizing the very important issue of access and not only concentrating on the issue of custody. However, listening as intently as I have today to her presentation, I'm not so sure that she is in fact looking at this issue with an open mind.

I'm concerned about some of the phrases that she used in her presentation. She used the term "antifeminist," number one. I think that's an inflammatory statement, and certainly that does an injustice to the people who are working so diligently on behalf of children to ensure that those children have the opportunity to have access to both of their parents. She used the phrase "control and

power over women and children.” I think that again is a very unfortunate turn of phrase and again looks at this important issue, with all due respect to the member, from the wrong approach. We're not talking about an issue of control over women. We're trying to deal with this issue from the perspective of what's in the best interests of children.

5:00

She has made a point about potential sexual abuse, and later on in my presentation, Mr. Speaker, I'm going to make some specific comments about a Bill that I have been championing since 1989 that I think addresses the issue of sexual abuse or any activity that would have a harmful impact on children and clearly must be abhorred by all clear-thinking members of society.

The motion that the member has brought forward advocates establishing a task force to examine these issues of parental custody and access and supposes a mandate to make recommendations to be tabled in this Assembly. There is reference in the motion, Mr. Speaker, to the composition of the task force being such that it would include representatives from various public stakeholder groups, from universities, and from research institutes. But the motion doesn't raise any legal issues, and it fails to establish any specific parameters regarding the conduct of this task force.

I must say that I can't support the motion as it's put forward today. Basically, to encapsulate my opposition, Mr. Speaker, I must say that we've had a lot of talk about this issue. We've had a lot of opportunity to see both sides of the issue, and I do not take on faith the member's contention that only 5 percent of existing access orders are being breached. I think that is inaccurate. She has reflected that there are some new studies that may indicate other information, and I'm confident – I wish I weren't, but I am confident that when that information is available, it will prove out that there are many, many more instances of denied access without just cause than the 5 percent quoted by the hon. member.

I truly believe, Mr. Speaker, that the most effective way in which to address both access and custody is not through yet another task force. It's to deal with the issue through appropriate legislation, legislation that would enforce access enforcement. It is a sad fact that in today's very complex and fast-paced world, many, many marriages go awry and end in divorce. It's a very unhappy statistic in the province of Alberta that almost one in two marriages is finding its way into the divorce court. If it were a decision by a couple to go their separate ways and that were the end of it, that would be enough of a problem for society, but when we have children caught in the middle of these disputes, there is a tremendous emotional and psychological trauma that these kids have to face. When children are involved in a divorce settlement, custody and access issues automatically come to the forefront, and oftentimes custody goes to one of the two parents.

Now, the member has suggested that in the past and also in the present and into the future we will have a continuation of a situation where the female spouse is given custody of children. I challenge that comment. I think as women take their rightful place in the work force more and more in the future, there will be more and more instances where we will have situations of joint custody and more and more situations where we will have the ex-husband being granted an order of custody and the female spouse being given the right of access. Even beyond that, Mr. Speaker, I think we have to recognize that in a situation where an ex-husband is given access to his children, this involves or could potentially involve women who are then involved in a second relationship with that man. So to speak about this as a men's

issue versus a women's issue I don't think is reflective of where we are going in today's society.

Legislative provisions regulating access and custody fall in all divorce situations essentially under three statutes: obviously the Divorce Act, federal legislation; the Domestic Relations Act; and also our Provincial Court Act. The Provincial Court Act authorizes a court to make an order as it sees fit regarding custody and access when the parents are, in fact, living apart. Decisions made by the courts in these instances, Mr. Speaker, are made in the best interests of the child, taking into account all of the evidence that the court has before it in determining what is in the best interests of the child.

Under the Domestic Relations Act we have similar provisions to the Provincial Court Act insofar as the Court of Queen's Bench is authorized to make an order that it sees fit regarding the custody of the child and the right of access to that child by either parent. There are a number of considerations that the court takes into account in making that decision: firstly, the welfare of the child; secondly, the conduct of the parties; and then the wishes of the mother and father.

Under the Divorce Act access and custody orders made in the course of a divorce proceeding fall under the jurisdiction of that Act, and the provincial court doesn't have any authority to alter or vary an order granted through that divorce order. But in Alberta, Mr. Speaker, we have a couple of programs, the maintenance enforcement program and the custody mediation program, which deal with access and custody issues.

The maintenance enforcement program, begun in 1986 and administered through our Attorney General, has a goal of enforcing payment of maintenance orders issued to provide for child support and financial support as well to former spouses. There is an extensive network, Mr. Speaker, with all other provinces in Canada and 31 U.S. states, as I understand it, and 21 additional countries, which allows the program of maintenance orders forwarded to these jurisdictions to be reciprocally enforced. The program has a very successful collection rate of 61.5 percent in cases where both parents live in Alberta. The cost of administering that program – and that's an issue that comes up quite frequently when this issue is being debated – is slightly less than \$1 million per year.

On the other hand, the custody mediation program was borne out of a very successful pilot project charged with the task of providing closed mediation services to settle out-of-court custody issues. In essence, the services that are provided by the staff of the family conciliation service are at no cost to the parents. Interestingly enough, if the parties can't resolve their custody and access dispute through a closed mediation process, there's a second step, and that's known as an open assessment. This second process, the open assessment process, involves selecting an appropriate assessor. This could be a qualified social worker, a psychologist, or a psychiatrist; there are many qualified people out there in the market. During an open assessment all communications and admissions which are made to the assessor are nonconfidential, and they can be used by the assessor in preparing the custody assessment report. The report can also be used in evidence in a court of law, and in completing the report, the assessor has access to each of the parents, to the children who are involved, and to any other persons that the assessor feels should be part of this review. The assessor then uses the information to formulate recommendations concerning the custodial decision; again, Mr. Speaker, in the best interests of child.

5:10

Unfortunately, one of the frequent but difficult issues in the area of family law is noncompliance with custody and access orders by

parents, and it is the issue which Motion 211 attempts to address. The reality, sad though it is, Mr. Speaker, is that when parents are brought into court because they've failed to obey access orders, for example, they usually receive no more than a reprimand, and the time and the effort and the expense that is incurred in bringing that issue to the courts under our present system is prohibitive to virtually all of the individuals who have a court order and are seeking to enforce that order. As the situation currently exists, there's a decided lack of legislative provisions to ensure that one parent allows court-ordered access by the other.

For the past three years, as I alluded to, I've sponsored a private member's Bill, the Children's Access Rights Enforcement Act, which this year is Bill 216, to address this serious lack of legislative provision dealing specifically with access rights by noncustodial parents. I'm hopeful that Bill 216 will once again be debated in this session, Mr. Speaker, and in essence what I'm advocating is a system whereby the access rights of noncustodial parents are set on an equal footing with the rights of custodial parents in maintenance payments. Both issues are extremely important when we have a family breakdown and a divorce situation. To this end I would like to see the CARE Bill in a complementary fashion with the maintenance enforcement program that I have discussed.

If the noncustodial parent is denied access to his or her child without just cause – and I think it's important to recognize that there are instances where that access would be denied, but I'm specifically referring to instances where that denial is without just cause – the CARE Bill would allow the noncustodial parent to apply to either the family division of the Provincial Court or to the Court of Queen's Bench, depending on which court granted the access order.

There are a number of provisions that could be dealt with by the appropriate court. One, an order requiring that the custodial parent be compelled "to give security for the performance of any obligation" which has been imposed by an order of the court; an order requiring that the custodial parent give the noncustodial parent compensatory access to children for the length of time that that access has been denied without just cause. That time frame, Mr. Speaker, could be agreed upon by the parents, and if they can't agree to it, then ultimately by the court.

It could also provide for an order requiring that the custodial parent reimburse the noncustodial parent "for any reasonable expenses actually incurred as a result of the wrongful denial of access." For example, if gaining access involves traveling by bus from one part of the province to another, then reasonable compensation for the fare and that traveling would be expected. Perhaps most important, Mr. Speaker, is an order requiring that a mediator be appointed by the court to negotiate a settlement between the custodial and noncustodial parents regarding access terms if either parent makes a bona fide request for mediation. I think that's an important point, because oftentimes the warring factions, the ex-husband and -wife, can't see the forest for the trees because they're dealing with their own emotions instead of looking at the broader issue and the more important issue, the best interests of their children. If they are given the opportunity to meet with a trained professional, even if one of the parties is adamantly opposed to any discussion, adamantly opposed to any negotiation, I have faith that in a number of circumstances, and perhaps even a substantial majority of the circumstances, that trained professional might be able to get the parties to see eye to eye or certainly to minimize the issues in conflict between those parties.

What I consider, Mr. Speaker, to be an innovative aspect of the proposed legislation calls for the court to hear any of the applications for an order that I've referred to within 10 days of notice

having been served by the noncustodial parent. In addition, any application can't be made "more than 30 days after the alleged denial of access." Now, those provisions are to ensure that these issues are dealt with in a timely manner. Therefore, the likelihood of a denial of access will decrease, in my opinion. Let's be clear that denials of access won't disappear unless the parties come to an agreement. There has to be a willingness to deal with these important issues.

I'd like to point out that the CARE Bill stipulates that denial of access is or may be appropriate in a number of circumstances. Access can be denied if the custodial parent has "reasonable grounds for believing [that] a substantial risk of . . . physical or emotional harm to the child could result" if those access rights are exercised. If, Mr. Speaker, on numerous previous occasions the noncustodial parent, without reasonable notice and excuses, failed to exercise his or her rights of access, he or she may be denied access and quite appropriately should be denied access. If a noncustodial parent has failed to "satisfy written conditions concerning access that were agreed to" by both parties, then again that access can be denied.

This system, Mr. Speaker, would and could significantly improve the issues of access rights in Alberta. By amending the Domestic Relations Act and the Provincial Court Act, the requirements of the custodial and noncustodial parent would be stated explicitly, and the consequences of not adhering to access orders would likewise be explicitly set out in the statutes.

Clearly defined access enforcement could decrease the incidence of child abduction. Noncustodial parents who have their access rights flaunted by the custodial parent may be far less inclined to take the law into their own hands. It's a two-way street, Mr. Speaker. The Court has the opportunity to look at the actions and the appropriateness of the actions of both parties.

In conclusion, Mr. Speaker, Alberta doesn't need another task force. The time is now to introduce legislation that could dramatically improve the access and custody situation in Alberta.

Thank you.

MR. SPEAKER: Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I also want to thank the Member for Edmonton-Avonmore for introducing this motion, and I would hope that government members will support the motion, whether they agree with some of the positions put forward by the Member for Edmonton-Avonmore. The essence of the motion is to create a task force. I think the Member for Banff-Cochrane should keep his eye on the subject, and that's the task force, and not be drawn off by some of his disagreement with the member's statements.

Mr. Speaker, this motion fits much of what I talked about the other day in regard to the Convention on the Rights of the Child, and it also fits with much of what the government has stated relative to family life and strengthening family life in Alberta. I would hope that the Premier's council on Alberta families would take a look at this and perhaps give us their thoughts on the potential for a task force. Certainly this is a family problem, and it should fit with their mandate.

Mr. Speaker, the government so far has failed to address this tragic issue of child access. Therefore, we would support the establishment of a task force. It's obvious we seem to be at an impasse in terms of getting the legislation moved through the Assembly, and a task force made up of experts, parental groups, and so on makes good sense. It's not a new idea; it was put forward a year or more ago by Shared Parenting. They have given us good information, as has the Member for Edmonton-Avonmore, about the current statistics of divorce and access in Alberta.

Currently, the only legislation governing custody consists of the Provincial Court Act and the Domestic Relations Act. Past legislation, particularly the Bill introduced by government members, has been an attempt to strengthen the lack of enforcement in the Domestic Relations Act by providing for a court hearing, and if access is to be found wrongfully denied, several remedies were open to the court, including compensatory time, reimbursement for expenses, security for future performance, and referral for mediation.

5:20

Now, Mr. Speaker, we gave some qualified agreement to this Bill, but our support has been in principle. We've always made it clear that it's guarded support, and we have stressed that we would like to work with all members of this House to pool our resources and creativity to introduce a Bill that would address the concerns of everyone involved in this emotional issue. With that in mind, I would think a task force is in keeping with that position and a good way to go. We've had some criticisms of the government private member's Bill, particularly that it seems to promote more litigation. Our position in the Liberal caucus is that we would prefer to see something that promoted mediation and arbitration. It would be my guess that a task force would do just that. The motion, too, is in keeping with that first suggested by the Shared Parenting Association. They wanted a committee established. They had some different ideas about what the makeup of the committee would be, but essentially their objective was the same.

A few of the concerns that I believe need to be addressed by such a task force would be as follows. I think we have to be aware, Mr. Speaker, that every order of access has a potential for disagreement in it, and we must provide a procedure that would lessen rather than aggravate bitterness and controversy. We also need to recognize that resolving access disputes is one of the most difficult problems that a court has to face, and there are no easy answers. The cases are usually emotional rather than legal. The Liberals would like to see a procedure where persons with access disputes are automatically referred for mediation counseling, for mediation instead of litigation. The legal costs of pursuing a custody or access dispute are high, often leaving parties more embittered than ever with what must be an imposed solution. Our mediation would strive to have the parties involved work in planning their own terms and agree to them, because an imposed solution is no solution.

We don't endorse enforcement for enforcement's sake, because often the existing order is inappropriate, was initially a compromise arrangement later proved unworkable. It's often true that we need to be aware that the public has a very hardened attitude for defaulters of any kind, and this is reflected in the legal system. Perhaps the most creative system, Mr. Speaker, would be to move the entire procedure away from the courts. We've heard from many that the judicial system doesn't do a very good job of handling personal problems, nor can we expect it to. Further, it's difficult to know where the answers lie. Once the family relationship breaks down, anything that is left is second best. In the meantime, we believe it's incumbent upon us as legislators and the courts to lessen the bitterness to whatever extent we can.

I believe that all of us here are concerned about the rights of children and know we must keep in all of our decisions the child and the best interests of the child at the centre of our decision-making. Mr. Speaker, children are often in jeopardy in these circumstances, and the incidents, unfortunately, of such circumstances appear to be increasing. It's our intent in supporting this

motion to work to find a way to reduce any disruption that flows to the child.

I just want to speak, too, to the need for a task force to address failure to access or denial of access. Both of these things, I believe, need to be looked at because this works both ways. The custodial parent and the children have every right to expect the noncustodial parent who has court access to be responsible in fulfilling that requirement. The noncustodial must fulfill his or her requirement or the custodial parent should in fact apply for a variance. I envision a system, Mr. Speaker, that would provide for that, that would allow for the custodial parent, if the noncustodial does not appear to be fulfilling his or her responsibilities, to deal with that and to go to mediation in that sense as well.

Mr. Speaker, given the variety of opinion and contradictory studies on child access, I believe one of the fundamental obligations of the task force is to come to grips with the depth of the problem. I know we've all been inundated with calls from constituents who are noncustodial parents. It seems to me that dollars would be much better spent if we were to set up and maintain programs involving counseling, mediation for divorcing couples. At the present time we have only one, inadequately staffed conciliation service. This should also be a major function of the task force; that is, to look at the present mediation services in the country to understand what's working, how we can start to implement and strengthen the system we have.

As to issues related to violence and abusive circumstances, Mr. Speaker, one hopes that in discoveries and divorce where there is adequate mediation, these would be attended to, and if there is any evidence of continuing or early abuse, the custodial parent would move immediately for a variance. To do any less would be irresponsible.

Mr. Speaker, I want us to focus here on mediation, counseling, conciliation, and educating parents, because no parent who uses a child to pay back or punish an ex-spouse, no parent who uses a child as a pawn in an unresolved power struggle, no parent who uses a child to hang on to an ex-spouse loves that child.

Mr. Speaker, I can support this task force. Perhaps in this way this Assembly will be able to deal with this sensitive matter. The need is certainly demonstrable. Hopefully, a task force would provide a rational means to deal with it.

MR. SPEAKER: Thank you, hon. members, for appropriately dealing with the matter in the House.

The Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I rise at this late hour first of all to thank the hon. Member for Edmonton-Avonmore for bringing this important issue before the Assembly. Motion 211 deals with the matter of parental custody and access to children when the partners separate and divorce, and deals, of course, with the custody task force.

I want to make a few comments about what I think is of prime importance here: that we deal with the best interests of the child. That must be our first concern. This is not a male/female issue. To me it's an issue of family. In the vast majority of cases, Mr. Speaker, the child benefits tremendously from regular contact with both parents, even after a marital breakdown. When it is said that this type of legislation is designed to help men and is somehow against women, I wonder if such people ever considered the detrimental effects when a young girl or young boy is denied the experience of getting to know his or her dad. Study after study has revealed the importance of the father and son relationships and father and daughter relationships and, equally important, that boys

and girls have a relationship with their mothers when their father is the custodian.

I think, Mr. Speaker, there's another issue, and that is the broader definition of what is family. It's important that children be able to know their family of aunts, uncles, cousins, special family members, grandparents, parents from both sides of their biological parents. They need to know their broader family.

Mr. Speaker, I'd like to say much more, but in view of the hour I move that we adjourn debate.

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

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried.
Government House Leader.

MR. STEWART: Mr. Speaker, I move that when the members assemble this evening, they do so in Committee of Supply.

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

HON. MEMBERS: Aye.

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

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