

Legislative Assembly of Alberta

Title: **Thursday, February 4, 1993**

2:30 p.m.

Date: 93/02/04

[Mr. Speaker in the Chair]

MR. SPEAKER: After our opening prayer I wonder if members would remain standing for a moment as we remember one of our former members who died.

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 both our province and our country.

Amen.

Andrew Little passed away on February 2 of this year. Mr. Little represented the constituency of Calgary-McCall for the Progressive Conservative Party. He was first elected in the March 26, 1975, general election, was re-elected in the '79 general election, and served this House until 1982. While serving as a member of the Assembly, he was chairman of the Alberta Human Tissue Procurement Task Force and Alberta's Occupational Health and Safety Council.

Let us pause for a moment of silent prayer.

Rest eternal grant unto him, O Lord, and let light perpetual shine upon him.

Amen.

head: **Presenting Petitions**

MR. SPEAKER: The Member for Clover Bar.

MR. GESELL: Thank you, Mr. Speaker. I'd like today to present a petition on behalf of 50 residents of Clover Bar who have expressed support for the Hon. Dianne Mirosh, Minister of Community Development, in her position on the Human Rights Commission. The original and required copies have been forwarded to the Clerk.

head: **Introduction of Bills**

MR. SPEAKER: The Member for Vegreville.

Bill 347

Hail and Crop Insurance Amendment Act, 1993

MR. FOX: Thank you, Mr. Speaker. I request leave to introduce Bill 347, the Hail and Crop Insurance Amendment Act, 1993.

Mr. Speaker, this Bill, if passed, would require the Hail and Crop Insurance Corporation to pay farmers interest on unpaid claims at the rate and from the date fixed by the corporation after which they charge farmers interest.

[Leave granted; Bill 347 read a first time]

head: **Introduction of Special Guests**

MR. SPEAKER: The Member for Edmonton-Jasper Place, followed by Edmonton-Beverly.

MR. McINNIS: Thank you, Mr. Speaker. I would like to introduce three Albertans who are visiting the Legislative

Assembly today in pursuit of their interests in community forestry and public involvement in forestry issues. They are Mr. Harlan Light, who's president of the Smith Environmental Association; Diana Keith, who's president of The Voice of the Valley; and Mr. Howard Fix, who's a farmer from the Rochester-Jarvie area. They're in the public gallery, and I wish the members would give them their usual warm welcome.

MR. SPEAKER: Edmonton-Beverly.

MR. EWASIUK: Thank you, Mr. Speaker. It's a privilege for me today to introduce to you and to members of the Assembly 29 visitors from Sifton school in the Edmonton-Beverly constituency. They are accompanied by teachers and parents, and they're sitting in the public gallery. I'd ask them to rise and receive the welcome of the Assembly.

MR. SPEAKER: Redwater-Andrew.

MR. ZARUSKY: Thank you, Mr. Speaker. It's a pleasure for me to introduce to you and to the Assembly a student of Redwater school, Miss Caroline Pasay. She's earning three credits through the work experience program curriculum in the Redwater school, and she's doing this by working in my Legislature, constituency, and secretariat offices. She's seated in the members' gallery, and I'd like her to rise and receive the warm welcome of the Assembly.

head: **Oral Question Period**

Public Accounts Committee

MR. MARTIN: Mr. Speaker, yesterday this government again showed it hasn't changed a bit even though it's supposed to be under new management. It now talks about being open, but when it comes to allowing all the members of Public Accounts to do their job, the Conservative majority on that committee refused to allow it to happen, and they tied it up in procedural wrangling. Now, the Deputy Premier last Thursday quoted the Auditor General's report where he says that Public Accounts should look into it. He said, and I quote, "That's a fine recommendation." Then he went on to quote the Premier, who said that there will be "a clear basis for the Public Accounts Committee to consider the reasons for actual results deviating from budget." Great talk, Mr. Speaker. My question, then, to the Deputy Premier: has he been able to ascertain why the Conservative majority on Public Accounts didn't follow the directions of the Deputy Premier and the Premier and allow a full investigation into the NovAtel fiasco?

MR. KOWALSKI: Mr. Speaker, the Public Accounts Committee is a committee of the Legislative Assembly, and it's chaired by an hon. member who happens to be a member of the Official Opposition, of the NDP. There seems to be various degrees of interpretation with respect to what happened in the standing committee of the Legislative Assembly yesterday. The little that I know that did transpire in Public Accounts yesterday is that individual Members of this Legislative Assembly exercised their prerogative to co-operate, at least government members did. I am told that a fair degree of haggling with respect to process and procedure occurred between the chairman of the Public Accounts Committee and various members of the Official Opposition and that in fact it turned out to be a very, very strange event.

To my knowledge, there's no government member who has any intent to do otherwise than to follow through on the direction given by the Legislative Assembly the other day in a motion for

it and to keep with the spirit exercised by the Premier in responding to recommendation 4 in the Report of the Auditor General on NovAtel Communications Ltd., Mr. Speaker.

MR. MARTIN: I've been a chairman of Public Accounts, and if the Conservative majority doesn't want to do anything, they don't do anything. That's the problem. They turned down everything that made sense if we were going to get into this in a serious way.

Let me quote from the Auditor General, Mr. Speaker, to talk about Public Accounts. He says, and I quote:

The lesson from NovAtel, for members of the Legislature, is that it is costly to not allow the Public Accounts Committee to do the job for which it was created.

I could go on. What he's saying is that Public Accounts doesn't do the job in the province. My question to the Deputy Premier: because of that and following from what the Auditor General talked about, will the Deputy Premier order – and I say the word “order” – the Conservative members to co-operate with the opposition so all members of Public Accounts, in the nonpartisan way that the Auditor General talks about, can delve into what went wrong with NovAtel so we never lose this type of money again?

MR. KOWALSKI: Mr. Speaker, let me make it very clear at the outset that the Legislative Assembly has directed the Public Accounts Committee to do a certain thing, and the government was supportive of that. It is most definitely not the intent of the Government House Leader to direct or order. There is a responsibility that individual members have to the Legislature. In the same way, I would not ask the Leader of the Opposition to order his members to become co-operative with their own chairman in the Public Accounts Committee. It would seem to me that there's an individual responsibility on hon. members to understand that they do have a responsibility to the people of Alberta. There's a wish of the Legislative Assembly to have a process conducted, and I think that in the spirit and the harmony of what the overall objectives of the Legislative Assembly are, they should have another meeting of the Public Accounts Committee. The chairman should be a little stronger with some of his own members. In fact, they should deal with the agenda before them.

2:40

MR. MARTIN: Same old government: hide, hide, hide. It's not Public Accounts; it's Puppet Accounts.

Let me quote from the Auditor General. He says:

I hope that there will be a change of attitude in Alberta, which will result in a nonpartisan effort to change the operation of the Public Accounts Committee.

This committee can't do the job it's paid to do, Mr. Speaker. That's the reality. My question is to the Deputy Premier. By the answer, then, I think what we have to come to is this: what does this government have to hide in the NovAtel affair that it won't allow the Public Accounts Committee to do its job? What are they trying to hide?

MR. KOWALSKI: Mr. Speaker, there's absolutely nothing that anybody wants to hide. I've had the privilege in recent years of being a chairman of a standing committee of the Legislative Assembly, and I found that by working in harmony with all members of the committee, in fact great progress was made.

Now, it's also a fact, Mr. Speaker, that the Leader of the Opposition appoints the chairman of the Public Accounts Committee. If the chairman and the members that do come from the Official Opposition in fact cannot work in harmony with the determination and the resolve that's required to do what the Legislative Assembly has directed them to do, then perhaps the

Leader of the Opposition should look in a mirror and ask himself the question: is there a better person within his caucus who might be able to serve as the chairman of that committee to make sure that the business of that particular committee is undertaken?

That committee can sit 365 days of the year, Mr. Speaker, if they choose to sit. There is a responsibility of this standing committee. I daresay it's quite remarkable that twice now in the last number of days appeals have come from members of the Official Opposition asking the Government House Leader to tell the committee what to do. This is a new tradition in the British parliamentary model that is quite staggering to me.

Health Care System

MR. MARTIN: Mr. Speaker, yesterday I mentioned that Albertans began to feel the real effect of this government's mismanagement on the NovAtels, which we can't look into, on MPI, on Myrias, and on GSR. Now the health care workers and patients are going to feel the brunt of it. As we mentioned yesterday, 101 people laid off. I really think what is happening is that the hospital boards have been told that they're going to get zero instead of the 2.5 percent that they were promised, so this is the beginning of it. I want to give the minister a chance to change this then. My first question to the minister is simply this: will she indicate to the Assembly how much health care is going to get in the next year so that they can begin to budget? Are they going to live up to their promise of 2.5 percent, or are they going to get zero?

MRS. McCLELLAN: Mr. Speaker, it has been made very clear that there has been no announcement on major grants, and Health is included.

MR. MARTIN: Open government under new management.

Mr. Speaker, let's look at the results of this. [interjections] Ordinarily it came out in the first part of January, for those backbenchers that don't understand how it works. What we really are seeing, and I looked at the Caritas resource management, is that highly skilled workers are being laid off so that lower skilled and lower paid workers can take their places. What is happening there with this announcement, to the minister, is 78 less registered nurses, 76 less licensed practical nurses, but 74 more nurse's attendants. Now, this is the government's idea of the new economy for Alberta. My question is simply this: how can this minister justify allowing the health care system to put patient care at risk by allowing highly skilled health care workers to be replaced by lower skilled health care workers?

MRS. McCLELLAN: Mr. Speaker, I did table in the House yesterday with the Caritas group's permission the plan for a reorganization, a reallocation of health care services in their responsibility. I'd remind the hon. member that I also discussed the reorganization, and I'm not going to go through this again. Less institutionalization of patients, quality of life for our patients, quality of care: those things are very important.

The thing that the hon. member seems to have a real difficulty with is that things can change, and they can change for the better in health care, and they are changing across all of Canada. The British Columbia government introduced some very sweeping changes in health care, which saw a significant reduction in hospital beds anticipated. We are moving to community care, to a different way of dealing with health care, which is a positive for the patients. I think that our primary responsibility should be to the patient, and that is what I will continue to support. I also have confidence in the Caritas group and others to look after the health

care needs in their community, and that is what that group is doing, I think, in a very responsible fashion. They've laid it out with their staff. They have a plan over an extended length of time.

MR. MARTIN: Mr. Speaker, I'm glad she brought up B.C. They have a labour adjustment program as part of theirs, and they have a plan, unlike this government that just lays people off and then puts patients at risk. A very big difference, to the minister.

Let's look at this massive, fair plan that she's talking about and wonder about the morale of the employees that are there right now. I notice that the WCB says that work leave for stress is up 30 percent in the hospitals. This surely isn't going to help, Mr. Speaker. Here's what's happening. We were told on February 8 that licensed practical nurses are being laid off and then rehired, if they want, as nursing attendants for \$2 an hour less. You call this a plan? My question to the minister is simply this: how can she justify this totally unfair process when dealing with very valued employees of this department?

MRS. McCLELLAN: Mr. Speaker, yesterday I gave the House the commitment of this government to health care in the 1993 budget: \$4.3 billion, a very significant contribution, I think, to health care in this province. I also suggested that I am a strong believer in the people delivering the health care having the best plan for serving the health needs of their community, and I support them very much in doing that. There will be change in the way health is delivered. It can be positive. I think that if we all put our minds to the best interests of the people who are receiving that care and have some faith in the people who are delivering that care, we would be well advised.

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

Drayton Valley School Board

MR. DECORE: Thank you, Mr. Speaker. School trustees in Drayton Valley recently delivered on their promise to voters and downsized their administration, much in the same way as the provincial government is talking about doing. Understandably, some people in the Drayton Valley area are unhappy, and apparently some of those people have come to the Minister of Education to complain. I'm told that the minister ordered the trustees to his office, and I'm further told that he delivered an ultimatum to those trustees: either ask for an inquiry from the Ministry of Education or face the possibility of being booted out of office. My first question to the minister is this. Trustees were clear on this issue when they campaigned, Mr. Minister. Those trustees got a mandate from parents in the area. I'd like the minister to tell Albertans why he's meddling in that mandate.

2:50

MR. JONSON: Mr. Speaker, the Twin Rivers school division area has been the source of many phone calls, many letters, petitions, and verbal representation directly to the Member of the Legislative Assembly for that area. There have been a number of issues and possible problems identified in that particular division. I have consulted with the Edmonton regional office of Alberta Education, which is in charge of that particular area, and as a result of considering what I regarded as a serious situation where there was a certain number of very important issues that had to be resolved, I invited the members of the board of education of the Twin Rivers school division to meet with me. I outlined my concerns

very directly, and I did recommend to them that they should request an inquiry into the circumstances in that division. This inquiry could clear the air, make recommendations of a constructive nature, and improve the situation.

MR. DECORE: Mr. Speaker, that certainly isn't the impression that the school trustees have of the way they felt they were dealt with by the minister.

The minister talks about a petition. The school trustees, Mr. Speaker, say that they asked for a copy of the petition. They asked to see the petition, and the minister refused to allow them to see it. My question is this: why is the minister engaging in bully-boy tactics with elected representatives? Why?

MR. JONSON: Mr. Speaker, as Minister of Education I have overall responsibility for the welfare of students within the school systems of this province. The hon. member of the Liberal Party has mentioned a number of phrases, such as "booted out," which were never mentioned at that meeting. I think that I am exercising my responsibility as Minister of Education for the good of that particular school system. I'd like to emphasize that this investigation, if it goes forward in the form that I suggested, can be a very positive exercise and can resolve the issues that have been raised.

MR. DECORE: Mr. Speaker, clearly, the trustees are offended. Clearly, the trustees feel that they are being given an ultimatum. Clearly, the trustees feel that they are going to be booted out if they don't comply and lie down to your demands. Mr. Minister, I'd like you to take a suggestion, and that is to go to Drayton Valley, meet with all of the people, and solve this matter in a polite way and solve it in a way where there's no confrontation. Will you do that, Mr. Minister?

MR. JONSON: Mr. Speaker, the hon. Member for Edmonton-Glengarry should know that the preferable way of dealing with a complex problem such as this is to have an independent investigation. On other issues he would not be suggesting a minister go and investigate; he would be calling for an independent investigation. This is what was recommended to the board.

Dinosaur Project

MR. MAIN: Mr. Speaker, I have been hearing occasional radio and television spots produced by some of my former and current media employers with regard to an upcoming palaeontological show. I want to ask a question of the Minister of Community Development, not in my capacity as a former minister checking up on a current minister but as an Edmonton MLA wanting to make sure that things come off correctly here. I'm concerned about the dinosaur show. I recall that we have large dollar commitments to this, and I want to find out not from the sponsors on the corporate side, who seem to be doing their job, but what the minister of the department or the government is doing to make sure that this event's a success for Edmonton.

MRS. MIROSH: Mr. Speaker, this is a major show and a major commitment by this government to the tune of over \$8 million. I'd like to just express to the House that the government members for Edmonton have been very supportive of this project. As the Member for Edmonton-Park Allen has indicated – and I'd like to commend him for the work that he has done; as a matter of fact, all members of the Assembly should be promoting this project. It is occurring in Edmonton. It's supposed to be the greatest show unearthed.

MS BARRETT: May 14.

MRS. MIROSH: May 14 to July 25. All of you here should be supporting this show. I, too, am concerned about the lack of media attention to this. To date, I am told that we're committed to sending 120,000 students to the show and that there are 70,000 tickets that have been sold between the provinces of Alberta and B.C.

MR. MAIN: Mr. Speaker, I thank the minister for the commercial, but we've got big money invested in this, and I want to know what she's going to do to make sure we see some kind of a return. [interjections]

MRS. MIROSH: The members opposite don't like to hear good news, Mr. Speaker.

The Ex Terra Foundation has indicated that this show will have a return and that they are committed to repaying all government grants. The show will continue over a five- to eight-year period and plans to travel across Canada, the United States, and of course to China.

MR. SPEAKER: Edmonton-Belmont, followed by Edmonton-Meadowlark.

Zeidler Labour Dispute

MR. SIGURDSON: Thank you, Mr. Speaker. Alberta's labour laws are the worst in the country. While some jurisdictions are working toward greater protection for workers' rights, Alberta workers are losing their rights, and this government, quite frankly, doesn't care. A case in point is the revelation this morning that individuals who are not members of a union were allowed to have their vote counted in a decertification of the union. Would the Minister of Labour agree that it is now time to change the Labour Relations Code so that only those people who hold union membership at the time of a strike are allowed to vote on the matter of decertification?

MR. DAY: In fact, Mr. Speaker, there's no glaring revelation here. There was a labour board ruling a number of days ago actually saying who would be allowed to vote in a vote to decertify the union at Zeidler's. Now, there are different components of that, and this was very clearly laid out. First of all, those people who had crossed the picket line and had been working there for a number of years, the union members who had crossed the picket line, should be allowed to vote. That was one group that was allowed to vote. [interjection] Yes, they had crossed the picket line, and they were working.

Then there was also a group who were designated part of the unit because they were indeed replacing workers who had quit, left, and in a few cases in fact had died. They would be allowed to have the vote. Part of the working group within Zeidler's, Mr. Speaker, was not allowed to take part in the vote. Because there were still 40 strikers outside who were going to be allowed to be part of that vote, 40 inside the plant were not going to be able to have the vote. That was simply the breakdown. It's no revelation.

Now, some of the element is now before the Court of Appeal, which I can't comment on as it's being adjudicated. But that's in fact the breakdown.

MR. SIGURDSON: Mr. Speaker, when workers exercise their democratic right to walk a picket line, they watch every single day as scabs cross the picket line to take their jobs.

Speaker's Ruling Parliamentary Language

MR. SPEAKER: Forgive me, hon. member. [interjection] Hon. member, take your place. You know well enough that you've been called to order for the use of that term before. You will not use it here. [interjection] Order. It's been ruled out of order in this House, and it's still out of order. [interjections] Order please. [interjections] Hon. Member for Edmonton-Belmont, if your caucus keeps heckling, you will lose the rest of your question.

Edmonton-Belmont on a supplementary.

MR. SIGURDSON: Mr. Speaker, I thought you might rise on that, sir. I've got a photocopy of the *Oxford Dictionary*, 7th edition, page . . .

MR. SPEAKER: Hon. member, take your place. [interjection] Take your place, hon. member.

Edmonton-Meadowlark. [interjections] Order please. [interjections] Order. [interjections] Order. [interjections] Take your place. [interjections] Park yourself, please. [interjections] Sit down, hon. member. Thank you for the theatrics.

REV. ROBERTS: It's not theatrics; it's injustice. [interjections]

MR. SIGURDSON: Theatrics? What a crock. You call this theatrics? You ought to be ashamed. The whole bloody works ought to be ashamed.

MR. SPEAKER: Thank you, hon. member, for that exchange. Edmonton-Meadowlark. [interjections]

3:00 Mortgage Properties Inc.

MR. MITCHELL: Mr. Speaker, last year the former president of MPI wrote an extensive and well-documented account of conflict of interest on the board of MPI. The former president coincidentally is no longer employed at MPI. The author of a secret internal investigation apparently made into those allegations has been promoted to the board. To the Minister of Municipal Affairs: what kind of confidence can we have in this investigation when it was done internally, in secret, and when the government is afraid to release it?

DR. WEST: Mr. Speaker, there were certain allegations that came up in reference to the operation of MPI by a former employee. That was investigated by the minister of the day. They could not confirm any content to the allegations but did take steps to look into the operation of MPI and did so by strengthening the conflict of interest policy at that time. They looked at the role of the board of directors and the management of MPI and clarified them. They did a review of the financial controls. Monthly reporting by MPI to Alberta Mortgage and Housing was instituted at that time, and they also asked MPI to look at controls on their legal fees and other administrative costs.

MR. MITCHELL: These actions would suggest, Mr. Speaker, that in fact the department actually found something that was worth acting on, in which case it would behoove the ministry to release the report so the public can see what in fact was found. Why has the minister not yet released any kind of report on this investigation? Is it because an official one wasn't properly or really even done, or is it because its findings are far too embarrassing for this government?

DR. WEST: Mr. Speaker, there were two questions there. The answer to the last question is no.

MR. SPEAKER: Smoky River, followed by Edmonton-Jasper Place.

Hunting Regulation

MR. PASZKOWSKI: Thank you, Mr. Speaker. My question is to the Minister of Environmental Protection. I've recently had a series of calls from guides and outfitters in the Smoky River constituency regarding the establishment of firm dates for the 1993 hunting season for moose, elk, and deer. The guides and outfitters book their hunting season a year or two in advance, so to them this is a very important issue. Can the minister provide the guides and outfitters with some firm establishment of dates at this time?

MR. EVANS: Mr. Speaker, to the hon. member, I appreciate the concerns of his constituents. Recently there's been really a pretty substantial disagreement arise between fish and game associations and outfitters and guides in northern Alberta and a number of wildlife animal units. There has been a concern as to the quantity, particularly of moose, both bulls and cows, which are available for the hunt. Now, allocations to outfitters and guides of course are based on the availability of the resource. So what we have done in the department, hon. member, is ask for an inventory of the animals which are up in those wildlife management units to ensure that we do have the kind of resource that will enable us to assure those outfitters and guides a reasonable hunt for their customers, because it is very important to your northern economy. I expect really that we will have the results of that inventory in the next couple of days, and I will be looking at it very carefully and announcing the season as soon as I can thereafter.

MR. PASZKOWSKI: A supplementary to my first question. To the minister: will there be exceptions for those guides and outfitters who booked their clientele a year or two ago?

MR. EVANS: Mr. Speaker, as the hon. member is aware and certainly other members of the House are aware, allocations are based on the availability of the resource, the sustainability of the resource. So it is extremely important that we recognize that. I think all of the outfitters and guides in Alberta are well aware of it as well. They want to be sure that they are able to continue with their business on a yearly basis. That's why it's so important that we have inventories. That's why it's so important that we know what we can allocate. Hon. member, presuming that we have the available resource, we will certainly say, "Yes, you will have that hunt," but we can't guarantee it. It's not the hunt that is of paramount importance; it's the availability of the resource, the animals in the north.

MR. SPEAKER: Edmonton-Jasper Place.

Forest Management

MR. McINNIS: Thank you. Mr. Speaker, in the past few days I've learned that the Minister of Environmental Protection has finally agreed and ordered that Alberta-Pacific Forest Industries, Al-Pac, must conduct a community involvement program before any of their annual operating plans or detailed harvesting plans are approved. I would like to believe this is a step forward, in line with the announcement by the industry yesterday that they support ongoing public consultation. It seems that everybody supports the rhetoric of community forestry now, but I would like to ask the

minister to explain something which has troubled the entire forest industry development up to this date. Will he explain what system, mediation or arbitration, he has put in place to resolve issues between the community and the forest industry so that those are taken account of and dealt with before logging's done and not simply ignored.

MR. EVANS: Thank you, hon. member. As the hon. member is aware, there is an advisory committee of interested parties, people who are directly affected by the Al-Pac FMA, who have been meeting on a regular basis since 1989 or 1990. I stand to be corrected on the dates, hon. member. That committee has been really quite concerned about allocations. They really want to be sure that they have full input into all of the issues surrounding the FMA.

What I'm doing, hon. member, because I think that's very important – that public input has to be complete public input, and this is consistent with the recommendation from Dr. Bruce Dancik's expert panel that we must have more effective public input. So we are going around the province. We're going to be communicating with the forest industry and others to develop as broad as possible a public input process. That's what's been recommended by the folks who are on that advisory committee for Al-Pac, and I think it's a very positive recommendation that they've given us.

MR. McINNIS: Well, Mr. Speaker, perhaps a specific example would cut through the long-winded explanation. The Big Bend area between Slave Lake and Athabasca is scheduled for logging this winter pursuant to a final harvesting plan which was delivered to the department last October. In view of the fact that there is widespread public concern in the local area about Al-Pac's logging and in view of the fact that there is an integrated resource planning process under way, I wonder if the minister has decided to honour a request delivered to his office on Tuesday by residents of the Big Bend area that the Big Bend logging show be suspended until the community involvement process is complete.

MR. EVANS: Well, thank you, hon. member, for bringing that to the attention of the House. As you mentioned, that request came on Tuesday. I've certainly not the expertise to look at that matter myself and come up with that kind of conclusion. I've asked that the matter be looked at carefully. I'm waiting for a response from my staff. I will look at that response, and then I will get back to those folks as soon as I can.

MR. SPEAKER: Vegreville, followed by Westlock-Sturgeon.

3:10

Ethanol

MR. FOX: Thank you, Mr. Speaker. Over the last seven years as agriculture spokesperson for the New Democrats I've stood in my place time and time again trying to convince this government of the benefits to agriculture, the environment, and rural economic development of a grain-based ethanol industry. It's like talking to a wall. Today, in spite of all the claims of this government that ethanol is an industry that's going nowhere, it's continuing to thrive and develop in other provinces. In Weyburn, Saskatchewan, today a new, very exciting announcement: an integrated ethanol plant, producing ethanol and human grade food products as a sideline, is being built in that town in southern Saskatchewan using Alberta entrepreneurial expertise in energy. TDI Projects from Edmonton and Bellringer Resources of Calgary have to go to Saskatchewan to do the job. I'd just like to ask the minister of

agriculture when he and his government colleagues are going to wake up, recognize the benefits of an ethanol industry to rural Alberta, and do something constructive.

MR. ISLEY: Mr. Speaker, let me say at the outset that this government is not anti ethanol. Let me say that I'm very pleased if Alberta-based engineers are involved in developing ethanol projects in other jurisdictions. Let me also state very clearly that we have a 9 cent a litre incentive that is available to the industry, but at this point in time, with probably four active proponents looking at the industry, none of them feel that it will go without a direct government subsidy. All of the other plants that we're aware of in Canada, in the U.S.A. are getting direct subsidies over and above the tax relief on fuel. It would appear, in discussing it with groups, that the subsidy level appears to be moving down over the years, and there may be a point in time when this industry makes sense without direct government involvement.

MR. FOX: Mr. Speaker, farmers, their families, and the communities they support in Alberta would be much happier if those jobs were being created in this province using grain grown by producers in this province. I wish the minister would understand that.

He mentions projects. There are proponents in places like Two Hills, Vegreville, Sexsmith, Provost, people that are anxious to do something, but they're not getting any co-operation from the government. I wonder if the minister of agriculture would agree to meet with his colleagues from Saskatchewan, Manitoba, and British Columbia to make sure that the incentive programs in our province are at least equal to those in other provinces so that when an industry develops, it has as much chance to develop here.

MR. ISLEY: Mr. Speaker, this minister is not adverse to meeting with anyone. I've had numerous meetings with my colleagues from the other provinces on a variety of issues, not this one to any degree.

Let me point out to the hon. member that the integrated plant that he talks about has to have grain coming in the back door. There's an ethanol production unit, and any of them that are achieving viability have a feedlot going out the front door. Now, you can create with less investment virtually just as many jobs if you bring in the feedlot, which many of our producers have done. They've done extremely well at them without direct government programs. I will not build an industry based upon a subsidy.

MR. SPEAKER: Westlock-Sturgeon.

Lamb Processors' Co-op Ltd.

MR. TAYLOR: Mr. Speaker, this government sold Lambco, the only lamb slaughter and processing facility in Alberta, in 1991 with a one and a half million dollar interest free loan for 15 years. That's a subsidy of about \$150,000 a year under today's market conditions. The Lambco people have recently built a large feeder lot which is operating in competition with quite a number of free enterprise, nonsubsidized Alberta lamb feeder lots. Will the minister assure Albertans that none of the money that this government provided in subsidies for lamb processing has leaked over and is now operating a feeder lot in competition with free enterprise?

MR. ISLEY: Mr. Speaker, I'll be reviewing the hon. member's notes in *Hansard*, because I'm not sure that he's got an accurate handle on what the financing deal was when Lambco was

privatized. I can't clearly remember it; it's been quite some time since we achieved that privatization.

One of the weaknesses that the hon. member should know existed in the lamb production industry in this province prior to the privatization was the need of a continuous flow of product into the plant to the consumer so that you could market Alberta lamb on an ongoing, year-round basis. In order to do that, you've got to get a feedlot industry in between the producers of the lambs, the primary producers, and the feedlot to flatten out the flow. We have some private-sector feedlots. Lambco I understand has moved in that direction as well. To the best of my knowledge in the communication I'm getting from lamb producers in the province, that is something that pleases them very much.

MR. TAYLOR: Mr. Speaker, it's rather shocking to learn that the minister does not know where the subsidies go that he's paid out. I understand that he cannot remember the exact amount, but surely they should be policing where government grants and government money are going so it isn't being used to try to harm our private enterprise sector. Would I then get an assurance from the minister that he will check into it, and if indeed he finds that money is going from the processing facility over to feedlots in competition with other feedlots, he will order it stopped?

MR. ISLEY: Mr. Speaker, I will certainly review the deal that I announced when we privatized Lambco and share the accurate facts with the hon. Member for Westlock-Sturgeon. I would ask the hon. member, if he's getting any feedback from the lamb industry in this province that they're not satisfied with the way Lambco is being operated, he should recall that we kept some types of golden shares in there to provide leverage so that the only federally inspected lamb plant in western Canada continues to serve Alberta and western Canadian producers.

MR. SPEAKER: Grande Prairie, followed by Edmonton-Highlands.

Crystal Park School

DR. ELLIOTT: Thank you, Mr. Speaker. To the Minister of Education. Crystal Park school in Grande Prairie is known both nationally and internationally for its excellent work being done with both regular students and those with special needs, many of whom require frequent health care services. The flaw in the system is the inability of the school board to access health care dollars for these special health care needs. Now, I'm asking the minister to update the Grande Prairie constituency on the progress in resolving this dilemma.

MR. JONSON: Mr. Speaker, considerable progress has been made over the last number of years in terms of dealing with better education for students with special needs. The hon. member is certainly quite correct in that Crystal Park school is a fine example of the best possible programs that can be put in place in the province at the present time.

Now, at the present time, Crystal Park, via the Grande Prairie public school board, receives the special education block grant per pupil and the high-needs grant for high concentrations of special-needs students. That amounts to a substantial amount of money. However, as I understand the issue that is building, it is an issue of providing adequate care and therefore funding for medically fragile students who need health-related care. This is a situation that certainly needs to be looked at. The government has established an interdepartmental deputies committee to look at co-

ordination of services of this type. I hope that it will soon be making progress on the topic and that the issue the hon. member raises can be addressed.

DR. ELLIOTT: Supplementary, Mr. Speaker. With reference to the committee, has this committee planned on meeting with officials in Grande Prairie, or will they be planning on convening with the officials?

MR. JONSON: Mr. Speaker, I think that certainly this committee would be well advised to meet with one of a number of places in the province where they have this type of problem and in other places where they're dealing with the co-ordination issue. I don't know if the committee would be going to Grande Prairie in particular, but I plan to go to Grande Prairie in the near future.

3:20

Home Care

MS BARRETT: Mr. Speaker, the new Health minister keeps talking about big changes in the health care field. They're going to move towards community care, which means more home care, which they won't fund adequately. Well, I have a case that is so bizarre you won't believe it. I won't read her name. A 37-year-old quadriplegic woman whose husband is paid the grand sum of \$268 a month to look after her is being told by the department that she has to go to external sources for home care to look after her. Now, that is going to come to \$3,800 a month, which is \$800 higher than the ceiling for home care and puts an incredible burden on the local health unit. My question to the minister, who I know has got this letter, written October 30: is the minister going to insist that the local health unit spend all that money to look after this quadriplegic woman, or is she going to allow, in this case, her husband to continue to look after her for such a small amount of money?

MRS. McCLELLAN: Well, Mr. Speaker, I think it would be a little bit inappropriate of me to discuss an issue that the member is reading off a letter that may or may not be in my office as of that date.

On the issue of home care, I explained it, I think, fairly fully in the House yesterday. There was just under a 10 percent increase in home care spending in this province in the 1992-93 budget. Overall in the last few years it has increased substantially. We have a process in place where we have a single point of entry, an assessment in the community. Certainly we've moved to supports for people under the age of 65 in home care, which I think is very positive. If the member would care to share the information, I would prefer to discuss this patient's difficulties outside the Legislature.

MS BARRETT: Mr. Speaker, I talked to the woman last night, and she has a reply from the hon. minister, the current minister, so I know the minister has read this letter. She's also signed a reply saying that the government doesn't know.

My point is this, Mr. Speaker. We've got a home care crisis. Hospital beds are closing, and people can't get home care. When is the minister going to get the government to announce an additional infusion of funding for home care so we don't get people staying in hospitals instead, which is more costly, and we don't get stupidities like spending thousands of dollars on home care instead of hundreds of dollars for a patient?

MRS. McCLELLAN: Again, Mr. Speaker, the member is asking me to comment on a letter that she has in her hand that I do not,

and I think it would be highly inappropriate and irresponsible of this minister to comment on that.

Point of Order Reflections on a Member

MR. SPEAKER: A point of order was raised during question period. The Member for Calgary-Forest Lawn on a purported point of order citing the appropriate citation.

MR. PASHAK: Thank you, Mr. Speaker. I rise under section 23(h), (i), and (j) of our Standing Orders. For the benefit of members I'd just briefly read the citation. It says that

a member will be called to order by Mr. Speaker if that member . . .

(h) makes allegations against another member;

(i) imputes false or unavowed motives to another member;

and more particularly in this case

(j) uses abusive or insulting language of a nature likely to create disorder.

Earlier in question period, Mr. Speaker, the Deputy Premier I believe said – and I haven't had an opportunity to scan the Blues as of yet, but he did imply that the Chair of the Public Accounts Committee was incompetent, not able to do his job properly, and on the basis of that assertion I would ask that the Deputy Premier either withdraw those remarks or provide some supporting evidence.

Mr. Speaker, I'd just like to say – and I don't want to say this defensively but just by way of explanation – that the meeting of the Public Accounts Committee which occurred yesterday was a particularly difficult meeting to chair. First of all, it's always difficult for a member of an opposition party to chair a committee that has a majority of people who belong to another and sometimes an antagonistic group that are present at a meeting. I mean, that's the nature of opposition parties: to engage sometimes in dispute. Generally speaking, I would like to say that I've had the full co-operation of the majority of members on that committee over the seven years that I've chaired that committee, and never once has a single member of that committee had to appeal a decision that I've made to the Assembly or bring me to account.

I do try to keep politics out of the proceedings of the Public Accounts Committee as much as I'm possibly able to do that, but yesterday it was very clear that members of all parties came into that meeting with, I would suggest, political agendas. I anticipated that, and I asked for the support of the Legislature through Parliamentary Counsel being with me, and with every single ruling, even though I basically know what the rules of procedure are, I asked him to confirm them. To my knowledge there wasn't a single ruling that he did not agree with. So by casting aspersions on me, Mr. Speaker, I think the Deputy Premier is also casting aspersions on the Legislative Assembly itself and its processes. I refer that matter to you for your judgment.

MR. KOWALSKI: Mr. Speaker, quite a remarkable point of order. The hon. member has admitted that he hasn't had a chance to review the Blues. Well, I certainly will have to point out that this order just came up, and I would really welcome the opportunity to review the Blues with respect to this. I don't recall using the word "incompetent." I might just point out that I have checked *Beauchesne*, though, and the use of the word "incompetent" is not ruled out in *Beauchesne*, but as I said, I don't recall having said this.

Mr. Speaker, if a minister of the Crown got up every day and tried to rationalize what happened in a previous meeting, it would be quite a remarkable performance. I do notice this matter was brought to the House by the Leader of the Opposition.

Mr. Speaker, I'd be happy to review the Blues, as I'm sure the member himself wants to review the Blues, because he put forward this point of order not really sure in his mind. I don't know how you can rule on a point of order, Mr. Speaker, if the person who is advancing the point of order is not sure if there is a point of order. I certainly haven't had a chance to review the Blues to see if there is one. So if we had some time to deal with this tomorrow, it would be helpful.

MR. SPEAKER: Point well taken. The Blues will be referred to not only by both members involved but also by the Chair. If the issue is not dealt with tomorrow, it will be dealt with on Monday, as the Speaker does not intend to be in the House for all of question period tomorrow so that I might attend upon the funeral of one of our previous members.

The Chair would also like to point out for the consideration of all members of the House *Beauchesne* 760(3), where this part appears: "Committees are and must remain masters of their own procedure." Indeed, matters that occur in committee are to be dealt with in committee. Until such time as there is a report from the committee to the House, it is not the business of the House to be dealing with those issues. That's a long-standing parliamentary tradition in this country.

Speaker's Ruling Parliamentary Language

MR. SPEAKER: Now, with respect to another incident that occurred during question period, the Chair would point out that in parliamentary tradition in this province on a consistent basis the Chair has ruled that the phrase "scabs" is unparliamentary in this Legislature. This occurred on August 15, 1989. At that time it was drawn to the attention of the Member for Edmonton-Kingsway. On May 1, 1990, it was drawn to the attention of the Member for Edmonton-Centre, and on May 4, 1990, it was drawn to the attention again of the Member for Edmonton-Kingsway.

The Member for Edmonton-Belmont in the course of his comments mentioned that he knew full well that this Chair was going to rule against him, and that is indeed trying to lead on the House, and also then persisted in not coming to order when the Chair attempted to bring the member to order. The member also refused to take his place when the Speaker was standing, and that continued, and then we had other events transpire.

The Chair will beg the indulgence of the House as I read from *Beauchesne* two sections which will now apply:

192. Because the suspension of a Member sometimes is seen as an extension of the political issue which has led to the disorder, rather than the more important duty of Members to respect the decisions of the Speaker, from time to time Speakers have resorted to other methods to discharge their duty to maintain order in the House. On several occasions Speakers have refused to hear Members who have, in the opinion of the Chair, exceeded the bounds of orderly conduct.

193. The Speaker has stated that when unparliamentary language has been used, and when a Member has refused to comply with the request of the Chair to withdraw the offending words, naming and suspending a Member is no discipline whatever.

In such cases Members who have breached the rules and who have refused to restore themselves to the grace of the House will not be recognized by the Speaker. A member so treated has subsequently apologized to the Speaker and to the House.

The Chair invokes that. While the Member for Edmonton-Belmont may attend upon the House, he will not be recognized by the Chair or any occupant of the Chair until such time as he rises in the House with prior notice to the Speaker, withdraws the offending phrase, and apologizes to this House.

One other item of business will now have to be held because it dealt with a Bill which the Member for Edmonton-Belmont had sponsored; therefore, that decision will not be made until next Tuesday.

head: **Orders of the Day**

3:30

head: **Written Questions**

MR. DAY: Mr. Speaker, I move that written questions on today's Order Paper do stand and retain their places.

[Motion carried]

head: **Motions for Returns**

MR. DAY: Mr. Speaker, I move that the motions for returns on today's Order Paper stand and retain their places with the exception of the following, which would be motions for returns 375, 380, 381, and 382.

[Motion carried]

Mine Inspection Reports

375. Mr. Gibeault moved that an order of the Assembly do issue for a return showing all mine inspection reports carried out by the department of occupational health and safety from the 1988 to 1991 calendar years inclusive respecting the Grande Cache, Cardinal River, and Star-Key coal mines.

MR. GIBEAULT: Mr. Speaker, after almost a year of nonresponse from the government in asking for this information, I hope that today we might get it. Just to remind the members after such a long delay, the reason we asked for this information was: members may recall a mining disaster last year in the Westray Mine in Nova Scotia. Of course it was the concern of members of the New Democratic caucus in any event. We wanted to ensure that such a disaster would not be possible to happen in Alberta. We wanted to make sure that every possible effort was being made in terms of health and safety reports, procedures, what have you, to make sure that we had safe mining practices in the province of Alberta. It's an important industry in our province, an important contribution to the economy in this province. Many Albertans earn their livelihoods in the mining industry. It's very important that miners, their families, and the people of Alberta have confidence that the best and most complete safety programs are in place to ensure that we do not have such a horrible disaster as occurred at the Westray Mine in Nova Scotia. Even though it's a year late, I'm looking forward to a positive reply from the minister.

MR. DAY: Mr. Speaker, I share the member opposite's concerns for safety in the workplace. It's a priority of this government and this minister. I don't know about a year's delay. I've only been responsible for this for a few days here in the House, and I'm happy to accept this.

MR. SPEAKER: Thank you.

Call for the question?

HON. MEMBERS: Question.

[Motion carried]

Stabilization Ponds

380. Mr. Doyle moved that an order of the Assembly do issue for a return showing a map and list of addresses detailing the location of every single-cell wastewater stabilization pond which is drained into Alberta waterways and licensed to operate in Alberta pursuant to section 4 of the Clean Water Act as of January 25, 1993.

MR. DOYLE: Mr. Speaker, I've been notified that the minister would like some amendments made, and I have that paper before me. I preferred to know exactly how much wastewater is flowing from every single-cell stabilization pond within the province and into Alberta waters. Unfortunately the minister has not agreed to give me that, but I will accept the amendments he made. I understand there are more than municipalities putting their wastewater from their stabilization ponds into Alberta waterways.

MR. SPEAKER: Thank you.

Hon. minister, with respect to amendments, I gather.

MR. EVANS: Thank you, Mr. Speaker. When I took a look at the motion for a return from the member, I felt that it was appropriate to try to respond as quickly as possible to his motion for a return, but I did have some difficulty with the wording of his motion. Accordingly, I have circulated an amendment to the Chair and to other hon. members in the House. Actually a couple of amendments, sir. They are intended to more particularize the question that is being asked by the hon. member opposite. I believe they are self-explanatory, and I appreciate the hon. member's comments that he is prepared to allow the amendments and will be satisfied with the motion for a return as amended.

MR. SPEAKER: Hon. minister, would you be kind enough to read them to the House, please?

MR. EVANS: I would certainly do so, sir. The amendments that I am suggesting would be firstly to delete the words "a map and list of addresses" and to substitute the words "the most recent list of communities served and legal land description"; to strike out the word "every," which is in the phrase "detailing the location of every single-cell wastewater stabilization pond"; and also to strike out the words "pond which is drained into Alberta waterways and licensed to operate . . . [under] section 4 of the Clean Water Act as of January 25, 1993," and substituting therefor "ponds which are drained into Alberta waterways and licensed to operate in Alberta."

MR. SPEAKER: This is the amendment.
West Yellowhead.

MR. DOYLE: Mr. Speaker, some information is better than no information. I accept the amendments.

HON. MEMBERS: Question.

MR. SPEAKER: There's a call for the question on the amendment which is taken as omnibus.

[Motion on amendment carried]

MR. SPEAKER: Now, the motion as amended. The call for the question?

HON. MEMBERS: Question.

[Motion as amended carried]

Stabilization Ponds

381. Mr. Doyle moved that an order of the Assembly do issue for a return showing a breakdown of the number of litres discharged into Alberta waterways from single-cell wastewater stabilization ponds licensed to operate in Alberta pursuant to section 4 of the Clean Water Act for the calendar years 1986, 1987, 1988, 1989, 1990, 1991, and 1992.

MR. SPEAKER: Hon. Minister of Environmental Protection.

MR. EVANS: Thank you, Mr. Speaker. Again, I would like to make amendments to the motion as presented by the hon. member. The amendments that I would suggest: by deleting the words "number of litres" in the phrase "a breakdown of the number of litres discharged into Alberta waterways" and adding instead the words "approximate volume in cubic metres" and also by deleting the words "calendar years 1986, 1987, 1988, 1989, 1990, 1991, and 1992" and substituting the words "calendar year 1991 only."

MR. SPEAKER: Hon. member.

MR. DOYLE: Thank you, Mr. Speaker. I accept amendment (a) on my Motion 381 striking out the words the minister brought forward. I do have some problems with (b). I will accept them. I asked for the amount of water that was going from the lagoons to the river in 1986, 1987, 1988, 1989, 1990, 1991, and 1992. It's understandable that the results perhaps would not be in for 1992, but I would take that I could just multiply the amount of wastewater going in our waterways by the 1991 count.

MR. SPEAKER: Thank you.

Is there a call for the question on the amendment?

HON. MEMBERS: Question.

[Motion on amendment carried]

MR. SPEAKER: Is there a call for the question on Motion for a Return 381 as amended?

HON. MEMBERS: Question.

[Motion as amended carried]

3:40 Stabilization Ponds

382. Mr. Doyle moved that an order of the Assembly do issue for a return showing a breakdown of the number of litres estimated to be discharged into Alberta waterways from single-cell wastewater stabilization ponds licensed to operate in Alberta pursuant to section 4 of the Clean Water Act for the calendar years 1993 and 1994.

MR. DOYLE: Mr. Speaker, I understand the minister also has an amendment to Motion 382.

MR. SPEAKER: Minister.

MR. EVANS: Thank you, Mr. Speaker. I would propose an amendment to omit the words "the number of litres" in the phrase

“a breakdown of the number of litres estimated to be discharged” and substituting for those words “the approximate volume in cubic metres.” This is reflective of the information that we can provide to the hon. member at this time.

MR. DOYLE: Mr. Speaker, I understand that this is the way Environment would monitor wastewater going into our waterways. I can make the calculations. I would hope that they would make something more than an approximate estimate, though, and know exactly how much effluent is going into our waterways in Alberta.

MR. SPEAKER: Call for the question?

HON. MEMBERS: Question.

[Motion on amendment carried]

MR. SPEAKER: Is there a call for the question on the motion for a return as amended?

HON. MEMBERS: Question.

[Motion as amended carried]

head: **Motions Other than Government Motions**

Emergency Telephone Service

225. Moved by Mr. Moore:

Be it resolved that the Legislative Assembly urge the government to establish a provincewide enhanced 911 telephone service.

MR. MOORE: Mr. Speaker, I rise with pleasure to speak in support of Motion 225. Now, just to give a little background. When I say provincewide, people here in Edmonton may wonder why we say provincewide because they've had it for years and it's just part of their life: an emergency communication system. In Alberta only Edmonton, Calgary, Lethbridge, Red Deer, Medicine Hat, Fort McMurray, and Strathcona county have that 911 service.

[Mr. Deputy Speaker in the Chair]

We all know that there are 2.4 million people in Alberta spread over some 661,000 square kilometres, and there are a lot of people in that area that haven't the benefit of a 911 service. For those that may come from some of those areas outside of these fortunate areas that have it, just to say what 911 is: it's an emergency service that anyone can dial, and it covers fire, police, ambulance, those types of things, and gets an immediate response. In the areas not covered by 911, they have to ring the whole seven-digit number.

Now, in case of an emergency, Mr. Speaker, I think we all know that your mind just isn't focused and to suddenly think of the number to call causes a lot of problems, and it may cause quite a time frame before you get emergency response. In fact, a lot of times in an emergency, a fire or an accident, you can't even remember your own number let alone an emergency number, but 911 is so fixed and so easy to follow that that comes automatically. If we had it universally here, we could put it into our school system so the youngsters right through become knowledgeable of that 911 service. Whenever there's an emergency, they could phone it and receive help.

“Enhanced” 911 service: that's the key word in the motion. Enhanced means that when they ring the 911 service, the location

of that call is automatically identified, whether you're on Highway 2 – there's an accident and you call from a pay phone there. Emergency response people know where you're at. If you're in a city and you don't know the address – you're trying to think of the address; you're in shock – it doesn't matter. The 911 operator with an enhanced service can identify that spot and be able to direct the emergency help to that area.

Now, this isn't the first time I've had this motion before the House, but we've come a long ways. We're moving along. The government has taken note, and the government is concerned, but it's been a slow process. I can look back when we first started bringing this forward. A lot of people said that it was a tremendous cost, that there's too much cost involved to bring that across. It probably was at that time, because it was a few years back. We didn't have the technology to do it, but we have it today, and it's not as costly as first looked at.

Just to bring you up to where we're at. The government began the process in 1989 to really take a serious look at going provincewide with a 911 service. They contracted Investiture Management Ltd. of Calgary to look at the need for the coverage and exactly what the feelings of the people across the province were. That was the initial move to looking at going provincewide. I'll just read what the study found. First of all, they found that most Albertans not covered by 911 do not know the phone numbers to call for fire or police assistance.

Secondly, they found out

that most Albertans don't know whether they are covered by 911 or not, whether at home or travelling.

And another point:

That people in this province would rather dial 911 than a seven-digit emergency number.

That's only common sense. I don't think we needed a consulting firm to find that out.

The one very important point that they brought out in their study, Mr. Speaker, was

that the majority of Albertans are willing to pay 90 cents per month or less to be covered by the 911 service.

They were willing to pay for it, and that is a point in its favour. People were not objecting to pay. They saw the value of it, and they were willing to pay.

Now, the government followed up this report which is very favourable to 911. It showed that Albertans wanted it. They followed up with a team of involved people to further look at what the costs were and things such as that. Now, they involved the police, the municipal associations, the counties, the people that are already involved in the 911 service so that they could have their input. I'm pleased to say that the results from this group will hopefully be coming back to government, and it's very timely right now. We hope that would come back by the end of this month. From that I hope we take the next step: to begin the implementation process.

The question always comes up when you do that, though, when it's in a time of restraint like we are in now: who's going to pay for it? Now, the present 911 people are paying it through their municipal taxes. They're happy with that, and I think they probably would like to continue it. The other part of the province that is not covered and would come in under a provincewide program would have to decide whether they want it on their telephone bill, whether they wanted it in their taxes. That's all a process that would have to come about on how to pay it. Going back to the report, the original study said that Albertans are willing to pay for it. I don't think it matters how we do it. Whether they pay it on their telephone bill, through their taxes, or whatever, they're prepared to do it. It's a very, very necessary service to have.

When you talk to the ambulance and police, one of the most annoying things for ambulance and police is to get an emergency call and they respond to the wrong location, and it happens on a larger percentage than we like to think. You've seen the fire trucks go down the street, and all of a sudden they're coming back. You see the police go sailing out somewhere, and they're running into the wrong residence, and the ambulance the same way. That's why we need the enhanced product. It immediately locates where that is, and then there is no chance of an error in dispatching those vehicles there.

This is a service that all Albertans should have. It's essential to our lives and our homes, and I think the time to move is now inasmuch as the process has now advanced to where we have the people involved coming back with a report by the end of the month.

3:50

I would like to see this Legislature say, "Let's go." I know what the results are going to be. I haven't seen them, but I know what they're going to say: let's proceed. But they're going to need direction from government to move. Hopefully I'll have the support of this Legislature for this motion, and that will put a lot of weight to us proceeding to the next step to implementation to those areas that don't have a 911 service. It's long overdue; we deserve it. I'm sure they could use it right out in West Yellowhead too. He's shaking his head.

So, Mr. Speaker, I ask everyone in the House to support this, and let's give it another step forward.

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

MR. WICKMAN: Thank you, Mr. Speaker. I first must commend the Member for Lacombe. He's on a bit of a hot roll. He's brought two really, really worthy motions to the House, to the Legislative Assembly this week. I'm sure, just as the other motion was supported by all Members of this Legislative Assembly, that this one will also.

When we look at 911 – the principle, the concept, the implementation – we do have it in the urban areas. We do have it in the various cities. We have it in the county of Strathcona as well as the larger cities and some of the smaller cities, but it is time to give serious consideration to move ahead. I think there has been increased awareness created by television. The program that's called 911, I think, highlights the benefits of having access to 911. As time goes by, there's going to be more and more demand to have 911 implemented.

It's estimated that when callers don't know the current number that they want to call – the fire department, the police department, the hospital, whatever – it takes them from one to three-and-a-half minutes longer to find that number than it would to simply dial 911. The 911 number is easy for children to remember. For a child to attempt to remember how to get ahold of a doctor, a fire department, a police department, and so on and so forth can be very, very difficult. There is no question that the majority of Albertans would like to see 911 in the rural areas as well.

Now, there is a problem, and that problem of course is funding. It has to be explored, because it's not a question of government saying, "Well, it's just like we provided every Albertan with single line telephones that we can enter into a costly joint venture like this." I think a concept has to be developed that is basically a user-fee principle but possibly on a universal basis. In other words, the cost of 911 could be covered on a universal basis, where all telephone users throughout the province share in the

cost of providing that service, even those that are presently getting 911 in the urban areas. It's – what do you call it? – equalization, like we do with some of the other utilities to a degree to reduce the cost to make it feasible so others can share this as well.

The other option which some may favour would be that those that already have 911 should not have to share in that expense of extending it to areas that don't presently have it. The difficulty with that is that the areas that don't presently have it – it would be much more costly to implement than those that presently do. It may in fact make it prohibitive.

Nevertheless, the Liberal caucus does support this particular motion. We think it falls in line with what we call rationalization of the health care system, where we try to rationalize the health care system, get a bigger bang for the buck. We all know that any measure of prevention can go a long, long way to resolving more complicated long-term health problems that may arise. Even though I do expect that all members of the House will support this motion, I don't expect that we're going to see a 911 system in place tomorrow, next week, or the month after. I think what this motion does, though, is form a catalyst to create that awareness to create that demand. It starts to put the whole concept in place. Eventually we will see it expanded more and more till it will cover all of Alberta.

I think it's important that this Legislative Assembly show its support, show its commitment to the Member for Lacombe. He has brought forward a very worthy motion. It would benefit all Albertans. We could in fact talk it out till 4:30 and nothing happens with the motion; it simply dies on the Order Paper. I don't want to see that happen. I would like to see the opportunity of the motion being voted on today.

So in view of that, I'm going to keep my comments short. I'm going to conclude on that note and again commend the Member for Lacombe for bringing forward a very, very good motion.

MR. DEPUTY SPEAKER: West Yellowhead.

MR. DOYLE: Thank you, Mr. Speaker. I stand in support of the motion on behalf of the Official Opposition New Democrats. The motion brought forward by the Member for Lacombe is something that rural Alberta has needed for years. It's been of great benefit to the cities that have it in place and to all the urban municipalities who use it.

I see also the benefit, Mr. Speaker, for others like myself who travel some 65,000 to 100,000 kilometres a year on Alberta highways if the 911 number could also be tied in for mobile use. There are more and more mobiles on the highways as we travel today. I would hope that 911 would be extended to those airwaves. The fibre-optic system for underground telephones is established in many parts of rural Alberta, and I don't believe it would be much more than a chip in some places to put this service into place.

The member did mention that it was 90 cents per month. I would doubt that any urban Albertan would mind putting in the extra 90 cents a month to help out their fellow neighbours. As we look from Manyberries to Fort Chipewyan and beyond, Mr. Speaker, it's important that all Albertans have the same service, if we can possibly give it to them.

The 911 number many times, as I said earlier, could be used on a mobile phone. I have come across more than one accident on the highway and more than one incident that could have more quickly been reported had I had a 911 number and in some cases, in fact, perhaps could have saved the highways from having unsafe situations.

So, Mr. Speaker, on behalf of the Official Opposition I would like to compliment the Member for Lacombe for bringing this motion forward, and we will support it.

MR. DEPUTY SPEAKER: The hon. Member for Clover Bar.

MR. GESELL: Thank you, Mr. Speaker. I'd like to make my comments very brief, because I support the motion by the hon. Member for Lacombe and I do wish that we vote on this particular motion today, Motion 225, and pass it. I believe this service is critical and essential, particularly so where seconds count, and that is usually the case in emergencies.

Everyone, I believe, knows about 911. That is perhaps because of the television coverage and some of the shows and the media coverage that exists. But everyone does not know that they do not have 911 service, and they do not know the number that they should call in case of an emergency. Now, Mr. Speaker, it's been mentioned here in the House that Edmonton, Calgary, some of the major centres, and even Strathcona has 911 service. In my constituency, Clover Bar, there are portions of that area, even in the county of Strathcona, under the Tofield exchange that do not have that service. The people in that area believe they have 911, so in an emergency they do in fact call that number rather than the number they should call, and there are some delays that are then associated with that.

4:00

Mr. Speaker, the point has been made that the service is in particular necessary for, perhaps, children, who remember that call, 911, and can actually dial that. In the case of fire, police, ambulance, paramedic, or essential medical services it is just critical to have that service.

Strathcona I think was the last municipality that implemented the 911 system. That was, I think, approved in council in '87-88. I've made the effort and actually gone and seen how that system operates. There are a number of advantages. The enhanced system not only provides the number and location of the call where it is originating, but it also records and recalls that number in case there is a hang-up when the call comes in or so on. It also provides some side benefits because of some of the technology that is in place. Sometimes there are disputes that arise as a result of an emergency. The recording that occurs throughout that emergency, that on-going monitoring that occurs with the enhanced system, sometimes resolves those disputes because you've got a taped record of what actually occurred at the scene of that emergency.

Mr. Speaker, there is a strategy that should be put in place for all of the people in this province to access that 911 service, not just the major centres and small portions of Clover Bar but also for the Tofield exchange that is part of the county of Strathcona and also the city of Fort Saskatchewan, who are actively talking right now to implement that system. I think the system once it is supported here in the House can be implemented with a strategy that might be developed provincially, and it might be operated on a regional basis.

One final comment I'd like to make in support of the 911 service as has been outlined here is that there is access by cellular phones but in those areas where the service exists, not outside of that. It can be effectively used, Mr. Speaker, to draw attention to traffic problems that are out there; drunk drivers, for instance. Most people now, not everyone, have cellular phones in their cars, and it can help abate a problem that may be out there with impaired driving and so on. So it has tremendous benefits and few disadvantages.

I've circulated in a newsletter in my constituency that this motion would be debated in the House. I've had not a single negative response to this proposal, but I've had a number of letters in support, and I've had some submissions by community associations in support. I would urge all members to support this particular motion.

Thank you.

MR. DEPUTY SPEAKER: Is the Assembly ready for the question?

HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: All those in favour of Motion 225 as moved by the hon. Member for Lacombe, please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Those opposed, say no. The motion carries unanimously.

Research and Development Initiatives

228. Moved by Mr. McEachern:

Be it resolved that the Legislative Assembly urge the government to establish a more fair and predictable climate for research and development activities in Alberta by eliminating the practice of cabinet providing millions of taxpayer dollars to fund specific companies on an ad hoc basis; conducting a thorough public review of existing provincially funded research programs to ensure their effectiveness; improving the public accountability of provincially funded agencies, e.g., Alberta Research Council, Laser Institute, Microelectronics Test Centre, and Alberta Oil Sands Technology and Research Authority; making research and development efforts less susceptible to changing government fiscal priorities through the provision of multi-year funding; working hard to ensure that this province receives a more equitable share of federal government research and development activities; and improving co-ordination between provincial and federal research and development efforts.

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

MR. McEACHERN: Thank you, Mr. Speaker. The motion in some ways speaks pretty much for itself, but I want to start with the last point and then go back to the first point, and we'll see how the time goes for adding in some other points about the in-between ones.

One of the things that seems to have evolved in Alberta I think is a legacy hung over from the Peter Lougheed era. During that time Alberta had a lot of money. It seemed that the Alberta government wanted to show its independence from Ottawa, so we didn't access federal funds in many different areas when other provinces did and, in fact, sort of took a pride in that. As long as we were stacking up a heritage trust fund and having extra money to put away, it was pretty hard to argue that federal funds shouldn't go somewhat disproportionately, I guess, to the Atlantic provinces or other parts of the country. That situation changed dramatically when the Getty government was elected. Shortly after, in the early part of 1986, the boom in the oil industry busted, and we were down to \$8 U.S. a barrel of oil. We lost 3 and a half billion dollars in oil revenues that year and have still

not recovered. We're still running a structural deficit of some \$2 billion to 2 and a half billion dollars. Really the Getty government should have moved to do this, and I guess I'm asking this supposedly new government to take a look at the idea of going back to the federal government and looking at their programs and saying, "What funds are you making available on a national basis for various research and development programs?" and see that Alberta gets its share.

Now, I know we have western diversification, so we've had something from the feds in that regard, but in terms of research we don't have any of the national research facilities here in Alberta. They are located pretty well across the rest of the country, but there's nothing here in Alberta. A year or two ago I attended a dinner where the feds came and offered to set up a research institute here, something in the area of geriatric research. We have aging populations in this country. They felt that that was one of the missing links in their research facilities and that Alberta, partly because of the medical research we do through the heritage trust fund, has a lot of expertise in the health care area. I think they thought that it would be sort of a natural. Now, I think it met with a lukewarm reception from the Alberta government, because certainly nothing has been pursued in that area as far as I'm aware. I would like to know from the government if they are intending to talk to the feds about that and maybe move ahead with that kind of a research institute or perhaps some other. If they have some other plans or programs to approach the federal government with that they think would make more sense, then they should do that and make it public and ask for the help of all members of the Assembly and the population of Alberta to do that.

I think just getting one institute here is not the total concern though. I think it's really important that Alberta take a look at what it's doing in its own research facilities – as you can see by the list here, there are quite a number of them – and also ask the feds to take a look at what they're doing and what other provinces are planning and try to develop gradually a national research and development strategy for this country so that we're not wasting efforts and duplicating the same things in two or three different places, yet building off of each other and complementing each other in a way that helps to put Canada on the leading edge of technological development at least in those areas where we have a good base: in our resource industries, for example, the oil and gas industries, but also in telecommunications and electronics. Canada has a pretty good base in that area, and it might be surprising what we could do.

As a complement to this, I think they should also consider what we might do in Canada about capital financing for the development part of some of the inventions. This country is not lacking in skilled scientists and people who invent and come up with new ideas. Too often we see those ideas being taken up by other countries and the main benefits of the production of a particular product that was invented here in this country going to some other country or jurisdiction. You know, I don't know to what extent we can mitigate that, but we certainly should be looking at that. So that's one of the points I wanted to get to.

4:10

I want to go back to the first point and spend a few minutes there. Of course, that would help to develop the "fair and predictable climate for research and development," because certainly the research and development institutes in this province have been quite well supported by the Alberta government. I'm not sure that the government has done a good job of looking at the longer term and making sure that there was some continuity and that the research institutes in this province could develop longer

range plans. Because they're dependent on a year-by-year basis, that's exactly how much funding they're going to get. Sometimes when it's election time the funds roll in to the research institutes, and when it's not election time, sometimes they get cut back more and that sort of thing. I think the government has to try to get away from that cyclical kind of financing of our research institutes.

You'll notice that I go on to say that one of the ways of doing this is

by eliminating the practice of cabinet providing millions of taxpayer dollars to fund specific companies on an ad hoc basis.

I want to take a few minutes on that because there are some important philosophical differences, I think, between the three parties in this House on this point.

The Alberta government's reaction to the incredible drop in revenues in 1986 was to say: well, if our traditional industries of oil and gas and agriculture are going to be greatly depressed, then we need to diversify the economy, so we've got to get into business and start enhancing the chance of businesses to create jobs in this province. Well, that's a reasonable proposal, a reasonable idea that the government might start making some money available to try to do that. How you do that and the consequences of your actions I don't think were very well thought out.

I think one of the problems we've had is that too many departments were allowed to make decisions about who should get money and who shouldn't, and too often the money was targeted right straight out of a minister's office, in a sense, straight to a company. There were about six or seven of the economic portfolios where the minister was allowed to give out a certain amount of money with only Treasury Board approval, which didn't require any kind of public statement or order in council that would normally be made public. That should be stopped of course. I don't think any of the departments should be handing out money that isn't announced publicly immediately. The government has done quite a bit of that each year from the various departments. I think there's been a limit of 1 and a half million dollars on some departments and \$3 million on others, so that's not where most of the money was lost.

Often the support from a particular minister to a particular company was done through order in council, which meant, then, that the full cabinet did take a look at it and did approve it, but not very often could you expect the cabinet, I don't think, to have time to do the homework to say to this minister, "Are you sure your people have done their homework adequately to be sure that this is a good investment for the taxpayers of the province of Alberta?" Consequently, too many loans were given out that turned bad. Partly that was because the economy has been depressed for a few years, although quite frankly it wasn't particularly depressed in '87 and '88. In spite of the fact that the oil industry was depressed, quite a few other businesses did fairly well, and in fact 1988 was quite a growth year for the province of Alberta. The trouble started more in '89 as the free trade deal kicked in and the economy in eastern Canada went down the tubes. That had an effect on Alberta. The high interest rate policy of the federal government turned the economy in this province and put all of Canada eventually into this depression that we're hardly out of yet, that we're struggling to get out of now.

So I think the conclusion that pretty well everybody in Alberta has come to is that ministers shouldn't be handing money out of their offices to specific companies to try to create jobs in the province. I only have to cite MagCan and Myrias and GSR. We've been through a lot of the specifics on those, so I'm not going to spend a lot of time reiterating them and saying what a

mistake they were. NovAtel was perhaps the biggest mistake. The more recent one that's come up in the last few days is Alberta Mortgage and Housing Corporation.

Just a quick little aside here. I'd like to say that a lot of the losses in the Alberta Mortgage and Housing Corporation were not the losses on the social housing side, low-cost housing for seniors and for people that needed help. Those losses I think we were all prepared for, because you'd see that as almost like a grant from the department to pay for a program to help people. A lot of people consider that sort of welfare and interfering in the marketplace, but the real welfare in the Alberta Mortgage and Housing portfolio was a lot of the speculation in properties and mortgages that is now being paid down, and that has been the bigger boondoggle in total dollars, over \$800 million, and hence greater actually than the NovAtel thing. That's in a little bit different category. That comes out of the '78 to '81 boom period in the real estate industry and the excesses of the Lougheed years. The actual paydown of those losses started back as far as 1982 and carried on right through the '80s, so it's over 10 years that that has accumulated. It's not in the same category as the NovAtel one, which is one that this government did where they jumped into putting a lot of money into cellular phone systems in the United States. I'm not going to dwell for a long time on the NovAtel thing either but just to point out that the problem has been ministers in an ad hoc manner deciding that this particular company should get X number of dollars, in some cases many millions of dollars or even hundreds of millions of dollars.

I think the government has made one other mistake in terms of trying to diversify the economy, having looked at the experience of the years when almost all our oil development was done by foreign corporations. In the boom period the oil industry grew to such an extent and there was so much money around that lots of small Canadian companies started also. As soon as things tightened up, then the major companies swallowed all the little companies, and we've been in really hard times in the oil industry ever since.

Now, you would think that with that experience behind them, the Alberta government would have looked at diversifying the economy into the forestry industry a little bit differently. We're not against the diversification of our economy to try to find another industry that we could have some success with and to replace some of the lost jobs in the oil industry and in the agricultural industry, which is also suffering in this province. I'm not sorry that the government decided to turn to the forestry industry, but I am sorry about the way they decided to do it. They obviously went out and tried to entice major companies from around the world to come here and gave them sweetheart deals to come in and take over huge tracts of land in Alberta and gave them almost total control over how they would go about running their FMAs. It just seems to me that to take our forests and pulp them and sell them off as pulp is not a great idea.

I will say that when the government first started to do this, it helped them to get re-elected all right, because they claimed they were going to create a lot of jobs. It helped them to win the '89 election. In the spring of '89 when we met in this House, I told them that they were moving into an industry that was fast heading toward having a glut of pulp on the market and that they might not get the dollars out of it they thought they were going to get. The last couple of years have proved that to be right. I'm not claiming that it was my idea. I mean, I read it in the papers. All you had to do was read the papers and find out what's going on in the world to know that there was a great possibility of that.

So here we were giving away vast tracts of our lands and giving loan guarantees to AI-Pac and that sort thing to create a few

construction jobs and to set up an industry that is very, very marginal in its profits. It would seem to me that we should have slowed down a bit and stopped to think through what a variety of things we could do with our forests: industries on a much smaller scale, like lumbering and maybe a furniture industry and maybe making sure that we don't clear cut our forests so that people would still like to fish and hunt and have recreational facilities throughout the northern parts of Alberta. We could have had a whole different approach that would have looked to the environment instead of polluting our rivers as much as these mills are going to do. It could have been the start of the new era that we're obviously going to have to move into if this planet is to survive ecologically and with the incredible population we have on it. The need for jobs is much greater and much more important than the profits of a few corporations mowing down our forests and turning the forests into pulp and selling the pulp cheap. The industry of the world is already glutted in that area, so it doesn't seem to me that the government really learned very much in terms of its way of developing the economy.

4:20

Just going back for a moment to the idea that the government should not have been handing out money on an ad hoc basis to individual companies, well, that's true. I think all Albertans now accept and acknowledge that, although the government has made some more recently than what they would like to admit to. I'm thinking of a few loans that were made over the last year or two. I don't think, at the same time, that all of us have concluded that the government should never make funds available to business at all – except the Liberals have just concluded that. I'm not sure that the government has yet, and I would be interested to see the government's economic plans of the future to see what they're saying.

What we on this side of the House have been saying is that if there is a role for government to play – and there obviously is as a facilitator and as one that helps to keep the communications across the country together on research and development, like I've just been talking about earlier. There's obviously that facilitator role on the part of the government. The government also has to look to its infrastructures and its taxation system and all those things in order to keep business viable and competitive with the neighbouring states and all that sort of stuff. It could just be that our economy is not going to flourish or even survive on any kind of an acceptable level if we leave small business in this province totally to the whims of the market.

I think that we need to look very seriously at things like the Alberta Opportunity Company and decide whether we need it or not. If the commercial banks and the trust companies of this province aren't willing to make enough capital available to small companies trying to get started, if their terms are such that small businesses in this province can't flourish, then it could just be that the Alberta government has to take the Alberta Opportunity Company and expand it. Now, it could be that we might find out that there are enough funds available and that we could shut the Alberta Opportunity Company down. It tends to lose about \$20 million a year. It's about a \$150 million portfolio; it's varied \$10 million up and down from that over the last 10 years or so. That's an important question.

One of the things that really disappointed me about the Toward 2000 Together process was that the government did not make the information available in a fairly short and readable form about how Alberta Opportunity Company has made out nor how Vencap has made out nor how the export loan guarantee program has made out or what happened to the Alberta stock savings plan or

all those different projects, the small business equity corporations program as well, the small business term assistance plan: a whole variety of programs that this government has brought in over the last six or seven years to try to help the economy of this province. None of the facts on those particular companies were made available in a systematic and detailed way for the participants in the Toward 2000 Together process. Surely that is exactly what we should have been doing.

It's all very well to have a long theoretical discussion around and around and around about the role of government and the role of the private sector and talk a lot of theory and start over again every time you have a new meeting, which is what has been going on and on and on ad nauseam. It's a long way from the government putting its own programs on the record, really getting specific, and saying: "Here's what's happened so far. Should we continue these programs? Should we cut them off? Should we start again? Should we do something different?" Until that has been done in some detail, I don't know how the Liberal Party can conclude, for example, that absolutely no tax dollars should go to any business in this province ever again.

Now, I would like to also know the position of the so-called new government as well. We know what the Getty government said they would do. They said: we're going to put some money in. They put a lot of money in, and it was a disaster. The disasters were the ad hoc investments, not the program investments. Now, the Alberta stock savings program probably was a failure. We've not seen the results of it. If it had been a success, I am sure the Treasurer would have released all the rest of the figures. He gave us the first year and a half figures of the three-year program and then stopped giving us any figures. We haven't heard of it since, so I assume it was a failure, but I'd like to know why and how it could have been done differently or if it was a good idea to do at all. I mean, Quebec is still going with theirs and having some success, I gather. It may be questionable; some people don't like it. It's something that could have been looked at, but we don't have the figures or the facts. Now, if this government is going to be so open and honest, then it not only should make those facts available but should be prepared to discuss what kind of program we should have. Should we have programs at all? If so, which ones should be enhanced and which ones should be changed?

Vencap. One of the things that's really disappointing about it is that the government put up \$200 million to start the Vencap company, and now Vencap is going around claiming that it's a private-sector company and that its got a \$200 million loan from the government. Quite frankly, it would not exist. I also saw an error in a statement the other day. Somebody said that there was \$200 million of government money and \$44 million of private capital. Well, I'm not sure it's private capital; \$4 million was private capital. The 26,000 shareholders that bought into Vencap put up \$4 million. I think they're now down to some 20,000 private shareholders. They've had their 15 percent every year, but the Alberta government, the heritage trust fund, has got back half of the profits supposedly. That's been down to around 1 percent one year, 2.8 percent a couple of years ago. It usually averaged around 4 or 4 and a half percent. Now the private shareholders are claiming that this is a private venture capital company and they have a loan from the government. They would not have existed if the government hadn't set them up. I guess I'd like to know who appointed the chairperson and whether that chairperson enjoys his position as a result of this government's decisions or not. I mean, is this government in control of this company, or is it not? I don't care whether you mean arm's length or how close you want to control or monitor it. I'm not worrying about that, particularly in a fine detail. Just in a broad sense, is this a

government agency or isn't it? It obviously has mostly government money.

So, Mr. Speaker, we do need a full discussion of how our research and development institutes can become the most effective possible, have a certain amount of stability, and develop a sense of purpose and direction; how they can co-ordinate themselves with other provinces and the federal government to benefit this country as a whole. The Alberta government needs to sort out on what basis, if any, it is prepared to put money into the Alberta economy. I realize that first, before it starts putting money into the economy and after the mess they've made in the last six or eight years, perhaps any government, including a New Democratic government, would be very, very prudent in the first year or two about putting government money into anything, because the population is so fed up with the mess that's been made. In any case, once the government has got its house in order and, for instance, made sure that it is acting as that co-ordinator and facilitator in working with other provinces and the federal government in all areas including the high-tech areas – in fact, there's some interesting thing the federal is proposing, some kind of a computer network right across this country that I think Alberta could buy into and that would make a certain amount of sense.

MR. DEPUTY SPEAKER: Order please, hon. member. The Chair sincerely regrets to interrupt the hon. member but is required by Standing Order 8(3) to advise that the time for this order of business has concluded, and we must move on to the next.

head: **Public Bills and Orders Other than
Government Bills and Orders**
head:
head: **Second Reading**

**4:30 Bill 216
Children's Access Rights Enforcement Act**

MR. DEPUTY SPEAKER: The hon. Member for Lethbridge-West.

MR. GOGO: Thank you very much, Mr. Speaker. I'm indeed pleased at the opportunity of presenting to this House for second reading Bill 216, Children's Access Rights Enforcement Act.

It will be five years ago come June when I presented Bill 211, which was a very similar Bill on this matter, to this Assembly. I recall vividly that the Member for Calgary-Shaw and I believe the member at that time for Banff-Cochrane spoke in support of it, and here we are again, Mr. Speaker. For those that say that government moves not only in mysterious ways but slowly, I guess in many ways this is proof of that.

Mr. Speaker, I'm somewhat reminded of something I heard recently about the definition of a politician: it's someone who shakes your hand before the election and has you shaking your head after the election. I say that because when I look back five, six, seven years ago, the number of people within the constituency of Lethbridge-West who came to see me and then following that with Bill 211, the number of groups around Alberta who came to see me about this whole question of access, clearly left me with the impression that surely there's a role for government to deal with this whole question of children and children's rights in dealing and seeing and being able to have access to their parents.

[Mr. Main in the Chair]

How vividly I remember parts of that debate where, as I stated at that time, in this province, the great province of Alberta, in

those days if you got a parking ticket in the city of Edmonton and didn't pay the parking ticket, you were served with a summons, and if you didn't respond to the summons, then a judge would sign a warrant, and some glorious afternoon, when the policemen didn't have much else to do and you were perhaps entertaining friends in your home or marrying off your daughter, a member in uniform would arrive and cart you off to jail because you were in contempt in not answering that warrant. At the same time, Mr. Speaker, we had some thousands of parents in this province – as a matter of fact, a study just recently done, I believe in some way in response to Bill 211, by the Canadian research institute for the family tells us the following about Alberta alone. It says, and I quote, that here in Alberta 302,000 adult parents have a direct experience with child access, and that there are some 528,000 Albertans, which would include grandparents – I see on the Order Paper Motion 248, where the hon. Member for Redwater-Andrew is trying to get access for the grandparents who in many cases are the closest people to those children. I would hope that the House would look favourably upon Motion 248 when it comes up. I raise that because it's not an everyday issue for most people.

I want to relate to hon. members some of the experiences I had with the parents. It wasn't a question of whether it was right or wrong. It was a question that we as Canadians in the parliamentary process look to the court system as the final arbiter in our system of democracy. The Supreme Court of Canada: all governments will concede that once they've ruled, it becomes in fact law, even though their role is to interpret law. Here we are in the highest court in this province, the people who make laws. We made those laws and judges ruled on those laws, yet we flaunt them every day, Mr. Speaker, because in many of these cases the court has made an order. People are in contempt of that order because they don't comply, and what happens? Nothing is done.

I have constituents, as I'm sure other members have constituents. One classic example: Lethbridge, Alberta, a divorce action; under the Divorce Act Queen's Bench granted access rights. In 98 percent of the cases in this province the mother is the sole custodian and receives sole custody, unlike California and other jurisdictions. The mother moved to Edmonton with a promise that the mother would comply with the words "reasonable access as granted by the court." That father came here, Mr. Speaker, untold times on a Saturday to visit that child only to find the mother not here, the child not here. What were the options? Hon. members are aware of the options, if you have the money. That father spent over \$40,000 through court actions to have the Queen's Bench order enforced, and what happened? Nothing. That father became penniless because of our system of making laws in this province which guarantees laws will be enforced, and they were laughed at. I daresay if that same person was in Edmonton and got a parking ticket and ignored it, he ultimately would have ended up in jail. How ridiculous can it be, and yet that's the way it appears to be.

I recall the arguments at that time from various people. I recall the groups I met with and how dedicated they were: the merge group for children's and parents' equality, the cape group, Fathers Alberta Shared Parenting Association, the Canadian Council for Family Rights. I haven't met anybody who disagrees with what we want to do, and yet we don't do it. We don't enforce the orders of the court. People stand in contempt and nothing happens because arguments are then made: "Oh, you can't put the mother in jail" – I won't argue with that – or "You can't fine the mother because the parent or the child will suffer." They make all these specious arguments.

The fact of the matter is that there are thousands of fathers out there around Alberta who followed our system of making laws and had faith in our court system who end up that until the child is 18,

there is no way they get to have access to their children in spite of the order of the court. That's the issue before us today, Mr. Speaker. That's what Bill 216 is. It's a way of enforcing the order of the court. We're not asking for anything new; we're simply saying as legislators who make laws that those laws should be enforced.

Certain members I'm sure will remember a famous case here in Alberta in Queen's Bench. It was the Tremblay case. It was a landmark decision here in the capital city of Edmonton in 1987, where Madam Justice Trussler reversed a court order which had given custody to a mother and then gave custody to the father. It's interesting, Mr. Speaker, if one were to read her judgment. I quote:

I start with the premise that a parent has the right to see his or her children and is only to be deprived of that right to it if he or she has abused or neglected the children.

There's much more to the ruling. That's the operative part.

Well, what happens to that fundamental right when the court has ordered reasonable access? And we'll all take exception to the word "reasonable." I don't know what they mean, but when it's stated specifically "on Saturday morning" or "alternate Saturday mornings between the hours of 9 and 12," that's very specific. When that noncustodial parent shows up, invariably the father, not having access not through sickness but by deliberately having the custodial parent taking that child away, then surely, Mr. Speaker, I submit to you, it's time that we pass legislation which applies to the courts in this province to enforce those court orders. That's what Bill 216 is all about, the Children's Access Rights Enforcement Act, the operative part being "enforcement."

Mr. Speaker, I then refer hon. members to the Bill before them, and part of this is a concession to the hon. Member for Edmonton-Avonmore. On page 1, 56.1(1) says: "A person in whose favour an order has been made" – not a man, not a woman, but a person; that was the concession remembering the debate in '88 – "for access to a child at specific times on specific days and who claims that a person in whose favour an order . . ." There's some legal talk there, Mr. Speaker, as drafted by the Legislative Counsel, but it requires the following, and I think this is important. It requires the respondent to give the applicant – i.e., the noncustodial parent that the court refers to in terms of access – "compensatory access." It's a bit like interest at a bank or a fee with a lawyer or whatever you want to call it: if you don't pay now, you're going to pay later. It requires that respondent to make good within 12 months that time that was denied.

4:40

Secondly, Mr. Speaker, it requires "the respondent to reimburse the applicant." Other members have constituents with this problem. The MLA for Lethbridge-West had that problem because my constituent had to travel to Edmonton, incur cost. So this Bill requires that there be reimbursement to the applicant "for any reasonable expenses actually incurred as a result of wrongful denial of access"; i.e., hotel bills, traveling costs, and so on.

It also requires the respondent – this is the custodial parent who's at fault in denying access – "to give security for the performance of any obligation imposed by the order." A big issue at that time, and I agree, Mr. Speaker, is the whole question of mediation: in spite of the court order if there appears to be a resolution to the problem that could be achieved by mediation. Edmonton should be proud of putting in that pilot project whereby they convinced the province of Alberta to have it throughout the system. But it's costly. It's costly because solicitors don't work for nothing. It makes provision here whereby that cost would be shared between the two, and in cases of need the state had a role

to play. Whether it's legal aid I don't know, but the state would have a role to play, to assist.

I think the important part of all this, Mr. Speaker, is: how do you get it going? This section on page 2 applies to that. An application shall be heard by a court with 10 days. It must be launched within 30 days of the denial but within 10 days. Surely we can set up a special organization just to deal with these access orders.

"The application shall be determined on the basis of" not written briefs, not legalese, but oral arguments, unless the court prescribes otherwise. I think it's important where a judge can sit and hear reasons for denial of access. If the reason for that denial is justified - i.e., the respondent, the custodial parent, has justifiable reasons for fear of abuse of the child, perhaps sexual abuse of the child . . . Often we see, and I'm not proud of this, Mr. Speaker, that sexual abuse of the child is never mentioned until someone takes action about the failure of implementing an access order. I'm sure hon. members are aware of that. If the child is sick, that's a reasonable ground for not seeing the child. That's all spelled out in the Bill. It applies to both the Provincial Court Act and the Domestic Relations Act.

Mr. Speaker, I think we have spent adequate time in this province - and I can only refer to my time of involvement, which probably is seven, eight, or nine years; certainly the last five since this Bill was first brought before this House - to attract the attention of the tens of thousands of people involved. I submit, sir, to members of this House that it's time we acted. Because what's happened in the interim? We have seen, for example, the incidence of divorce, marital breakup, for want of a better term, increase dramatically. That has left, guesstimated five years ago, some 600,000 children at risk in this country in terms of access. We've had, in terms of alternatives, utter frustration here in Alberta. In Canada alone 700,000 children were abducted last year because parents, generally fathers, were frustrated because they couldn't get access. In Alberta alone, where we're 10 percent of the population, we had 165 abduction cases, and that's five years ago. Of those 90 percent are a direct result of denial of access.

I believe, Mr. Speaker, that hon. members as the legitimate legislators of laws in this province have an obligation not only to those noncustodial parents but to the children who are the future citizens of this great province. I think not only do we have the challenge but we have an opportunity. I don't disagree for a moment with the federal legislation about divorce whereby the interest of the child is considered, and so on. I don't deny any of that. I've simply said: whereby the wisdom of the court has decreed in a judgment that access will be granted, it's incumbent upon us as lawmakers to ensure that the enforcement of those court orders takes place.

Mr. Speaker, I request the support of hon. members for second reading of Bill 216 so we get onto the road of seeing that these noncustodial parents have equal opportunity - and we hear that day after day after day - and that their children have equal opportunity whereby they can grow up in a healthy relationship with either one or both of their parents to become better citizens of this great province.

Thank you, Mr. Speaker.

MR. ACTING DEPUTY SPEAKER: The hon. Member for Edmonton-Avonmore.

MS M. LAING: Thank you, Mr. Speaker. Once again I rise to speak to this issue, as I did in 1987. I must say that this Bill is an improvement over that one, but I still can't support it.

Mr. Speaker, before addressing this particular Bill, I would just draw to the attention of the hon. member the more than 10,000 fathers in this province who are in arrears on court mandated child support payments. They are not in jail. We have found solutions to dealing with that problem other than putting them in jail, so I would suggest that his suggestion that custodial parents denying access are the only people that can flaunt the law without penalty is incorrect.

Mr. Speaker, I would suggest that this legislation is flawed in significant ways, but a more serious difficulty is the underlying assumption that the strong arm of the law and the courts can solve problems that occur in interpersonal relationships, in human relationships, that another layer of law be imposed on a framework of laws that are not working to everyone's satisfaction. It is to have a law to enforce the law in spite of the fact that the present sanctions of disobeying the law in this question are in place. So we have proposed legislation to say we are serious about legislation that is in existence at the present time and in which we already say we are serious.

The danger in this piece of legislation is that it will be seen to solve a problem that cries out for other solutions. Human relationships are too complicated, too complex, and too subject to change for the rigid framework of the law to address. Human relationship problems, even if they may have a legal dimension, require a solution that addresses the variables of human experience and motivation. To do otherwise is to risk and, in far too many cases, to do harm.

In proposing this legislation, the member detracts from the possibility of other solutions that address the complex issues raised by the questions of custody and access. Therefore, at the outset, I must say I reject this piece of legislation because it deals with a human problem through inhuman methods. But there are other reasons for rejecting this piece of legislation.

Mr. Speaker, I believe that this legislation could force custodial parents to contravene the Child Welfare Act. The Child Welfare Act holds that a child is in need of protection if, one, "the guardian of the child is unable or unwilling to protect the child from physical injury or sexual abuse," and two, "the guardian of the child is unable or unwilling to protect the child from emotional injury."

4:50

Mr. Speaker, this Act holds that a denial of access is wrongful unless it is justified by a serious and legitimate reason such as . . .

(a) the respondent had reasonable grounds for believing there would be a substantial risk of serious physical or emotional harm to the child if the right of access were exercised.

What does "substantial risk" mean, for goodness' sake? What does "serious physical or emotional harm" mean? What parent will knowingly send a child into a situation in which there is a risk of harm? How would child welfare react to a custodial parent if that parent, out of fear of this legislation, failed to act in what was a right and responsible manner and the child was harmed? What kind of legislation requires a parent to send a child into a situation of risk of harm? Is harm not always serious? Is a person who sends a child into a situation of risk culpable if that child is harmed? What about the child? How are the child's interests and needs for a nurturing and caring environment met? How is the child served by being forced into conditions of risk whether that harm occurs or not, whether it is judged serious or not? What is this member thinking about: the needs and well-being of children or the needs of a vocal lobby group?

Other reasons for denial of access such as children's illness or the noncustodial parent's obvious impairment due to drug or alcohol abuse are not listed here.

Mr. Speaker, research indicates that the vast majority of people seeking custody are mothers and that the vast majority of persons seeking access are fathers. In cases where both fathers and mothers seek access, fathers obtain access in 60 percent of the cases. Nevertheless, the vast majority of custodial parents are mothers. This Bill fails to address the economic disparity or disadvantage experienced by custodial mothers. Indeed, 60 percent of families headed by a single-parent mother live below, in many cases far below, the poverty line. This Bill calls for economic sanctions against custodial parents if access is denied or if there is a threat of denial. This is simply beyond the means of most custodial mothers.

Mr. Speaker, this Bill requires the appointment of a mediator in an attempt to settle disputes. Such a requirement fails to address the very real fear of serious physical harm felt by many custodial parents because they are forced into a confrontation with the noncustodial parent who in the past may have been violent, a fear that has on occasion been shared by mediators but a fear that may force custodial parents into situations of risk and coercion because they may lose their children if they don't enter such situations. We are all too often confronted with tragic results from our society's failure to recognize that risk to women and children and our society's failure to protect them. Through forced mediation a fearful custodial parent who opposes or resists mediation may be condemned as unco-operative and lose custody of her children, or his children if that may be the case.

This Bill has a section which shows its clear bias against the custodial parent. This section prohibits harassment of the applicant – that is, the noncustodial parent and the applicant's children – but makes no mention of the potential harassment of the respondent; that is, the custodial parent and the respondent's children. Indeed, there is no prohibition of repeated appeals to the courts to challenge court decisions or court actions about access. Mr. Speaker, legislation should incorporate a broad understanding of an issue: to address the rights and needs of all people affected by it instead of ignoring the needs and rights of a total group that is party to the issues being addressed. This legislation is wrong because it is the wrong approach to a painful human dilemma. In addition, even if the legislation was an appropriate solution, this piece of legislation is biased and disadvantages one of the parties to the dispute and puts at risk the safety and well-being of another group; that is, of children.

This is not to deny that there is a problem in access enforcement. We've repeatedly dealt with some form of legislation to address this issue in this House. We've been lobbied, and we have had to deal with individual cases: fearful or angry custodial parents as well as angry or hurt noncustodial parents or grandparents. Certainly we've had our share of them.

Mr. Speaker, we have debated this issue in this Chamber a number of times. More recently I brought forward a motion to establish a task force to look into this issue and to seek solutions. The motion was opposed by the members opposite because they feel this Bill is sufficient to the task. In addition, members opposite have opposed accepting input from workers and shelters who work with mothers who fear for the safety of their children and who are at great risk under this Bill. The members opposite respond positively to lobby groups who demand punitive measures against custodial parents yet oppose measures that would improve the status of women in our society, measures like pay equity, provision of child care, and reproductive choice.

Many groups of concerned women and men oppose this legislation because it fails to address the serious issue of violence against women and children and the impact on children of witnessing violence, which, by the way, the Child Welfare Act holds as a form of child abuse. Canadian courts are beginning to rule that assault of a spouse or children is a variable that needs to be considered in determining issues of custody and access, but we have lots of access orders and custody orders that were made before this was a variable in those considerations. More recently we have the results of the study by the Canadian Research Institute for Law and the Family on access to children following parental breakdown in Alberta, the study that the hon. member across the way reported on.

There were some interesting results that this member did not talk about. He talked about numbers, but he didn't talk about the results. Some of the results include: most noncustodial parents are not denied access by either the courts or the custodial parent; almost all custodial parents believe that their children should have more visits with the noncustodial parent; more custodial parents than noncustodial parents were in favour of maintaining extended family relationships. We're always hearing about custodial parents being against the maintenance of these relationships, yet this study shows the exact opposite to be true. One-third of custodial and noncustodial parents felt that noncustodial parents were not visiting as much as they would have liked. Seventy-four percent of custodial parents felt their experience with access ranged from relaxed, informal or difficult but manageable, whereas only 48 percent of noncustodial parents felt that. Nineteen percent of custodial and 45 percent of noncustodial parents felt that access experience was difficult and strained.

The conclusion drawn by the researchers, however, was:

The negative feelings expressed by non-custodial parents may be attributed to . . . loss of control over their relationship with the child(ren).

Not about whether or not they had access or didn't get to visit when they wanted to, but about the loss of control. Mr. Speaker, this is what divorce is about.

The researchers further say that this loss of control may also explain the noncustodial parents' negative views towards the legal system. Difficulties that were expressed tended most to revolve around the time and length of visit; denial of access was rare. Reasons for this difficulty – that is, for the denial of access and missed visits – varied depending on who was reporting them, whether it was the custodial or noncustodial parent. In most cases it was illness or being away on holidays. I think the hon. member maybe should have told his noncustodial father friend to have phoned ahead. It might have helped.

5:00

Mr. Speaker, much of what we hear about this issue from noncustodial parents reflects the anger over the loss of control over the relationship, over the relationship with the children and/or the custodial parent. This is not to say that there is no malicious denial, but this is by far a greater exception than we have been given to believe and is a far greater exception than the rule.

The so-called parents' rights groups too often are fueled by anger at loss of control over the relationships these people have experienced, yet this is the nature of divorce. That is, the relationship is changed, and a person that in the time of the marriage may have had control over not only the spouse but the children loses that absolute control. Sometimes the need for that control is the reason for the divorce. This problem, this loss of control, cannot be addressed by legislation, although the call for

this return of control of the custodial parent and children to the noncustodial parent is at the heart of this legislation.

Then we have to say: where are the interests of the children in all of this? Further litigation, further conflict, further involvement in an adversarial process that creates winners and losers in parents creates children as losers all the time. In some cases these children we could call, under the Child Welfare Act, as further victimized and abused. We know that what really harms children in times of divorce is the conflict between the parents. This kind of legislation can only exacerbate and prolong that conflict. It cannot address it because it is a conflict of wills and of feelings and of emotion, and the law has no power in that realm.

Mr. Speaker, we must find solutions that deal with the real reasons for the difficulties: counseling and mediation for parents in which there has been no history of violence, because violence against the spouse or the children makes it quite a different matter. These services must be free, because the majority of custodial parents do not have access to the resources to pay for these services. I daresay, in the end, counseling and mediation would be a lot cheaper for the province, the government, the taxpayers than the costly court systems that we have in place. In the end, we'll save many of our children from ongoing pain and suffering. They will have less stressful and painful childhoods. I think that's what we're talking about.

We may need to have programs for divorcing couples, helping them through the divorce process constructively. Such programs, which I understand are being tried in the United States, would require attendance of the divorcing couple, although not together. It would aid the parents in understanding the needs of their children at the time of divorce, the impact of their behaviour on their spouses and children. I think that's the most important part of it, because I think most parents ultimately want what is best for children.

Another innovative solution has been started in Ontario, where there are supervised access centres which provide neutral, safe, and child-focused settings in which children can be with non-custodial parents and extended family members. Such centres may address the custodial parent's concern for the well-being of their children or the fear of abduction. You have trained child care workers that can observe the interactions between the noncustodial parent and the children and make factual reports back to the courts.

Mr. Speaker, we must have more creative solutions to the problem that this Bill addresses than the law and the courts can supply. We need to take into account the human concerns that we face. Children have a right to be protected, to be nurtured, and to be loved. This Bill does not address those rights, and indeed it may put some children at great risk. Therefore, I urge this Assembly to defeat this Bill.

MR. ACTING DEPUTY SPEAKER: Calgary-*Buffalo*.

MR. DICKSON: Thank you, Mr. Speaker. I rise to speak in support of the Bill. My position is one not defined by ideology but by a pragmatic concern to come up with imaginative solutions to a problem that I think all members of this Assembly recognize.

My perspective, Mr. Speaker, is coloured to some extent by my background, some 21 years practising law, most of that in the family law area, and more recently as a mediator. Like both the previous speakers I agree that there are enormous problems with children being emotionally battered in the course of conflict between their parents. There of course is a significant emotional factor if you have two people separating and each of them grieving the loss of the relationship and separation from their children.

Albertans then look to a legal system. I can say firsthand that we have a legal system which really doesn't address the problem that most people have. It doesn't provide the solutions. It doesn't provide the answers that people want. Too often the system fails not only the litigants, but it fails the children as well, Mr. Speaker. You have delays in Queen's Bench of one and a half to two years until you find an ultimate resolution, sometimes longer. When you need speedy relief in the Court of Queen's Bench, you're looking at 10 minutes on a regular chamber's morning, barely sufficient to deal with a problem of this complexity. If you're fortunate enough to have what's called a domestic special application, you may have to wait a month or a month and a half until you're able to get that time. You're looking at legal costs easily exceeding \$20,000 in a contested custody dispute. Litigation, as I think both the two previous speakers recognize, promotes conflict. It promotes conflict at a time when what is really needed is co-operation and accommodation.

I'm concerned, sir, and I'm convinced that there is no legislative solution to the bigger problem. No single Bill and no series of Bills is going to resolve the full problem. I think there is room for remedial legislation, and that's the way I view Bill 216, as remedial legislation. We need look no further than the current Divorce Act. To anyone that thinks that legislation is the answer, mention has already been made of section 16.(10) of the Divorce Act, what's frequently referred to as the friendly parent provision. While it's true that Madam Justice Trussler and the Tremblay case did some pioneering and the decision was an important one, the day-to-day reality is that section 16.(10) is a provision of the Divorce Act that simply doesn't govern. It doesn't apply in a lot of cases. It's not invoked. It's not relied on by the courts. In many respects section 16.(10) and the whole friendly parent test is cold comfort to too many people going through a divorce action.

I'm disappointed, sir. The Member for Edmonton-Avonmore moved the motion in May of 1992, I think it was, for a task force to be set up, and I understood it had been approved; it had been carried. I'm disappointed that there's been no further action on that.

AN HON. MEMBER: It was defeated.

5:10

MR. DICKSON: Oh, I'm sorry. It was defeated, Mr. Speaker.

There's no question that the kinds of issues we're talking about require something more than a single piece of remedial legislation. It requires an imaginative response that's going to touch on many different areas, and legislation is but one part of that puzzle.

I have to say that in reviewing the debate that took place with respect to that motion to set up a task force, I didn't agree with all of the analysis and comments from the Member for Edmonton-Avonmore, but I certainly agree with the thrust and certainly agree with the importance of a task force, and I think that's still required, Mr. Speaker.

I'm distressed, Mr. Speaker, that after six years of private members' Bills and debate on the same issue, we seem to have progressed no further. I'm disappointed that this matter hasn't yet made it to the government's agenda.

Much has been said already about the 1992 report from the Canadian Research Institute for Law and the Family. It's true that the report's very helpful, but I think the survey results have to be viewed cautiously. The return rate for the survey that was sent out was only 39.4 percent. You had 890 adults responding, and I know that there are conclusions in the report which are at variance with my own experience. There's a suggestion there that only one parent related concerns of a child being sexually abused by the

other parent. I can tell you, Mr. Speaker, from my own experience practising family law, that it's an issue which is raised much more frequently than that. So as useful as the institute's report is, I think it certainly warrants a great deal of additional study and more survey, but I don't think that's a reason to vote no on this Bill. I don't think that's a reason to say that we can't take any remedial action or any legislative action.

I think the positive thing about Bill 216 is, firstly, it recognizes a problem. Far too many children in Alberta are still denied the opportunity to develop a positive relationship with not just one parent but both parents. It's not just parents; there's also a question of grandparents and other family members. I guess one of my disappointments with this Bill is that it still doesn't address the role of grandparents. Having acted for grandmothers, grandfathers, and sets of grandparents, they also have a legitimate concern and a legitimate role to play in children's lives postseparation.

I think, Mr. Speaker, access problems, to the extent that they exist and are not resolved, create other problems in the whole area of family law. It means protracted litigation that otherwise perhaps could be resolved more speedily. It has a significant impact, as I've said before, on grandparents and other family relationships. It has an impact in terms of timely payment of child support. It certainly creates serious challenges for school administrators and schoolteachers on a very practical, day-to-day basis.

Now, having said that, there are certainly advantages and some very positive elements of the Bill. I also have to speak to what I consider some limitations, some shortcomings in the Bill. It deals only with matters under the Domestic Relations Act and the Provincial Court Act. That's a problem because most serious custody matters, sir, end up in Court of Queen's Bench. That's not invariable, it's not without exception, but by and large all serious matters end up in the Court of Queen's Bench. The 1992 study from the institute that's been referred to tells us that 83 of the orders, the vast majority of orders in issue, were under the Divorce Act. Now, that's a statute that isn't covered by Bill 216. Only 9.6 were dealing with the Domestic Relations Act. Only 7.4 dealt with the provincial court. So the vast majority of problems are still under the Divorce Act, and regrettably this remedial legislation doesn't begin to address that.

Sir, in 1991 Alberta had 11 percent of Canada's divorces, 11 percent. That translated in 1991 into 8,389. In approximately half of those cases we know statistically that children are involved, and that requires review of the issues of custody and access.

One of the other limitations, sir, is that it doesn't address the question of reinstating access pending mediation. As important as I think mediation is, I think there's room for a reinstatement of access in the interim, because otherwise you have a very substantial prejudice to the noncustodial parent. Section 56.1(1)(d) is problematic, sir, and I say this as a mediator myself. You can't invite a mediator to come back in and report and in effect sit in judgment on the two people participating in the mediation. The mediator compromises his neutrality and his or her effectiveness if that person is mandated to come back later and give a report and an assessment in terms of, presumably, who's co-operative and who isn't. Any mediator will, I think, do anything possible to avoid that role. They see their role as basically trying to sort out some accommodation between two antagonists.

I think that the definition is too narrow in terms of describing it, and I quote: "wrongfully denied access." Well, there's a wide range of access frustrated. It may not be outright denial, but there are all kinds of ways that access can be hindered and obstructed. It seems to me that a broader definition would be much more helpful and better address the mischief that I think is intended.

Thirty days, in section 56.1(3), is too short. Six months would be a more reasonable outside time period to bring to court issues and concerns relative to access denied. The Act, and this is a more important limitation, sir, only applies to an order for specified access. I can tell you from my own experience that that rarely happens or at least not in the majority of cases. That's confirmed by the same institute report, which indicated that only 32 percent of court orders involved specified access. In provincial court it's slightly higher, but it's still only 45.6 percent. So we're still dealing with less than half of orders which have specified terms of access. I don't see why it isn't expanded to include reasonable and generous access provisions, because a court can deal with those as well.

[Mr. Speaker in the Chair]

As I've said before, the Bill does not address the issue of grandparents. I was interested in the motion that had been brought by the Member for Redwater-Andrew, and I would have thought that this would have been an appropriate opportunity to integrate some of those legitimate concerns that grandparents have. There is also no provision in this Bill, Mr. Speaker, for variance. I think it's absolutely essential that there be such provision in it. It also doesn't address another very common problem, and that is that too many noncustodial parents don't exercise the access that's prescribed. I think that's an important matter, a matter raised by the Member for Edmonton-Avonmore, and I agree that that ought to be part of the scope of what's dealt with.

There are a host of other things that we have to do to address this problem. In Calgary the Pastoral Institute runs a program called Children of Divorce. There's a waiting list for that program of at least two months the last time I looked. We need more programs like that in this province. There have been numerous studies done that talk about what sort of access best advantages children. The Stanford child custody study and the northern California mediation centre access guidelines: there's a wealth of material available. We have to be able to access that. Hamilton, Ontario and the Manitoba conciliation services also have done a great deal of work and prepared literature and research in terms of access that's appropriate.

5:20

Much has been said in terms of the custody mediation project. Well, Mr. Speaker, the reality is that it's a good idea, a good program, but it's woefully underresourced. For the entire city of Calgary there are two mediators available through that program. As a consequence, the wait to get in there is often months. In fact, people in the program have requested at least another three mediators. Well, I expect the same situation obtains in Edmonton and in other parts of the province. That has to be addressed.

There's a need for change, sir, and there's certainly a need for reform. It's an immediate need, and it's a large need. I encourage support for the Bill not because it solves the problem – and I say again that it does not solve the problem – but I think it starts to address the problem. I guess the point where I part company with the Member for Edmonton-Avonmore is that I agree that much more has to be done, but I don't think we serve Albertans well if we say that if we can't do it perfectly, if we can't do it in a full package, we can't start chipping away at the problem. I think that's the advantage of the Bill that's before us, sir.

Thank you very much, Mr. Speaker.

MR. SPEAKER: Olds-Didsbury.

MR. BRASSARD: Thank you, Mr. Speaker. I, too, rise today to support Bill 216, because this whole question of access is becoming an increasing problem. We all know that it's a result of where society is today. We've heard the divorce statistics enumerated in this House. It's scary when I think that one-third of all marriages today break up in divorce, and in fact I've heard figures as high as 50 percent of marriages that don't last. All of this has a very significant social impact, of course, but the issue that is most directly affected is the child, the child that's involved in this conflict between two grown adults who can't seem to get along. Every province in Canada is grappling with this issue. Four provinces – Saskatchewan, Manitoba, Ontario, and Newfoundland – have attempted to bring forward legislation to put some kind of parameters around the issue and how to deal with it. Other countries – the United States, Australia, England, and so on – are looking at reforms, but it's suffice to say that nobody has a perfect solution. I'm not sure that there is one, but we have to do something. We have to do something within our guidelines, within our rules, within our regulations that will help us deal with this ongoing battle of the custodial parent and the noncustodial parent.

As we've just heard a moment ago, we're faced with long waits for court dates. That's not even an answer in itself. The crippling legal bills: we've heard about that and how that affects a parent and a family that is already undergoing tremendous financial pressures. Our current contempt legislation is also equally ineffective.

There's no question, Mr. Speaker, that the custodial parent has tremendous leverage in this whole scenario. We know that when they go to court, the court order is generally not honoured. The jail sentence or the fine seldom ever is imposed, and it usually results in some form of a verbal reprimand, and that gains nothing.

What we're dealing with here, Mr. Speaker, is an issue in conjunction with the best interests of the child. This whole access-denial question undermines the relationship between the custodial parent and the noncustodial parent, and the child is caught in between. Quite often the maintenance payments are

simply a tool that is used to deny access or enforce access or whatever, but it's certainly not a good means. By allowing access orders to fail, as I say, we fail the child. We need to deal with what is in the best interests of the individual child, and in most cases that has to come out in some form of legislation where we can bring some muscle into our decision-making.

Eighty-two percent of noncustodial parents have been denied access to their children. Of course, this sets up an ugly cycle of access/maintenance battles that I referred to. The legal system has worked to eliminate this cause and effect but really has done very little in the way of results. The courts' search for an enforcement measure other than jails or fines resulted in suspending child support payments, really exacerbating the whole problem.

In effect, Mr. Speaker, we've got a very small child being held at ransom between two parents trying to resolve their differences. We all know that this is a personal responsibility question; that's what it's all about. We recognize that, but I'd like to speak just very briefly to that as a grandparent and where they fit into all of this, because we become an unwilling and unfortunate statistic in this battle between two individuals who can't get along and who are fighting over a little child, a child that in many, many cases has become as dear to the grandparent as it has to the parent. Added to that is the emotion and the trauma that the grandparent goes through watching their own children kind of come apart and their lives come apart at the seams.

Mr. Speaker, I could go on. Much has been said and has been said very eloquently, but in light of the hour I move that we accept Bill 216. I so move, Mr. Speaker.

MR. SPEAKER: Is there a call for the question with respect to the Bill?

HON. MEMBERS: Question.

[Motion carried; Bill 216 read a second time]

[The Assembly adjourned at 5:28 p.m.]

