

Legislative Assembly of Alberta

Title: **Wednesday, October 27, 1993**

1:30 p.m.

Date: 93/10/27

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

Our Father, we confidently ask for Your strength and encouragement in our service of You through our service of others.

We ask for Your gift of wisdom to guide us in making good laws and good decisions for the present and the future of Alberta. Amen.

head: **Introduction of Visitors**

MR. TRYNCHY: Mr. Speaker and members of the Assembly, I have the privilege today to introduce to you Her Excellency Bernardine do Rego, ambassador of the republic of Benin, and Mr. Dale Simmons, honorary consul for Benin in Calgary. Also with her is Giovanni De Maria. She is here on her first trip to Alberta. I was honoured to host a luncheon today with them, and we discussed how we can strengthen our ties and promote and increase our trade between the two countries. They're seated in your gallery, Mr. Speaker, and they're standing. Let's give them a warm Alberta welcome.

head: **Presenting Petitions**

MR. SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I beg leave to introduce today two petitions, sir. The first is signed by 1,886 Albertans. The undersigned petition the Legislative Assembly "to oppose the round-up, auction or slaughter of all wild horses in [the province of] Alberta."

Further, Mr. Speaker, a petition signed by 2,218 Albertans. Again the undersigned petition the Legislative Assembly "to oppose the proposed round-up, auction and slaughter of the wild horses in the National Wildlife Area on CFB Suffield."

Thank you, Mr. Speaker.

head: **Introduction of Bills**

Bill 18 Industrial Wages Security Act Repeal Act

MR. DAY: Mr. Speaker, I request leave to introduce a Bill being Bill 18, the Industrial Wages Security Act Repeal Act.

In a reflection of our initiative to deal with redundant legislation, Mr. Speaker, this Bill will effectively repeal an existing Act. All the provisions of this Act are presently accommodated in other legislation or under the Employment Standards Code.

[Leave granted; Bill 18 read a first time]

MR. SPEAKER: The hon. Member for Rocky Mountain House.

Bill 258 Tobacco Control Act

MR. LUND: Thank you, Mr. Speaker. I beg leave to introduce Bill 258, the Tobacco Control Act.

Mr. Speaker, since the use of tobacco has been shown to be a real health hazard, this Bill will help restrict the access to tobacco and tobacco products, particularly for minors.

[Leave granted; Bill 258 read a first time]

head: **Tabling Returns and Reports**

MR. SPEAKER: The hon. Minister of Environmental Protection.

MR. EVANS: Thank you very much, Mr. Speaker. I'm pleased today to table four copies of the responses to written questions 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 201, as well as responses to motions for returns 165 and 166.

MR. ADY: Mr. Speaker, I beg leave to table the prescribed number of annual reports for Medicine Hat College for the year 1991-92.

head: **Introduction of Guests**

MR. SPEAKER: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to Members of the Legislative Assembly a very, very special young lady in grade 9 at Thorsby junior high taking a health class project called job shadow. That means you have to shadow one particular individual. Now, she's chosen to shadow a colleague of mine who incidentally handed me a note which requested that I describe her as the brilliant and gorgeous aunt and godmother of Shannon MacGregor, that colleague of mine being the Member for Spruce Grove-Sturgeon-St. Albert, Colleen Soetaert. So would Shannon stand up and receive the warm welcome of this House.

MR. SPEAKER: The hon. Member for Rocky Mountain House.

MR. LUND: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and to members of this Legislative Assembly the executive director of Action on Smoking and Health, Les Hagen. I would ask Les to now rise and receive the warm welcome of the Assembly.

MR. ADY: Mr. Speaker, it is with great pleasure that I would like to introduce to you and through you to the Assembly the 1993 Rutherford scholars. The Rutherford scholars are the top 10 graduating students from grade 12 in our province. We have 12 Rutherford scholars this year, because three students tied for 10th place. Their marks range from 96.8 to 99.4 percent. To honour the outstanding academic achievement of these young Albertans, I hosted the students and their families to a luncheon with their MLAs today.

These are very impressive and intelligent students, Mr. Speaker, and with your indulgence I would like to ask each of them to stand as I call their names. They're seated in either of the two galleries: Michael Lucas from John Diefenbaker school in Calgary; Daniel MacQueen from Victoria composite in Edmonton; Jason Parks from Fort McMurray composite in Fort McMurray; Michael Segal from Old Scona academic in Edmonton; Stephen Smith from Raymond senior high school in Raymond, Alberta; Ryan Wada from Western Canada high school in Calgary; and, finally, Joanna Wilson from Harry Ainlay in Edmonton. Some of the students had to leave and go back to write examinations or are away at other universities. I would like to recognize them as

Natasha Broemling, also part of the 12 recipients, Michael Hawkes, James Quan, Samuel Sia, and Thomas Wei.

Thank you, Mr. Speaker.

MR. TRYNCHY: Mr. Speaker, it's my honour today to introduce to you and to the members of the Assembly some 51 grade 6 students from the Elmer Elson elementary school in Mayerthorpe, in my constituency. They're here today with parents and teachers Jacqui Kezar, Darla Masterson, Roy Barker, Carolyn Leclercq, Marie Lyster, Diane Nasland, and Charlene Hagman. I'll be meeting with them in a little while. They're seated in the members' gallery. I would ask them to rise and receive the warm welcome of this Assembly.

1:40

MR. KIRKLAND: Mr. Speaker, it's my pleasure this afternoon to introduce to you and to the Assembly a grade 12 student in Leduc Michael Laveck. Michael resides in Leduc. Michael is very active in the Leduc/Nisku Economic Development Authority as a student, which is an anomaly. He's to be commended for that. I think Michael Laveck also had the opportunity to spend time with the hon. Premier last year. I wish all would give him a warm welcome to the Assembly this afternoon.

MR. SPEAKER: The hon. Member for Calgary-Varsity.

MR. SMITH: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the Assembly two dedicated, hardworking women that are a great testimony to the fact that Calgary and Edmonton can live in co-operative coexistence through the good graces of the Calgary-Varsity constituency, those two women being, one, a small businesswoman from Calgary, Alberta, Mrs. Barbara Arnau, and from Edmonton a dedicated civil servant by the name of Linda Hood. I ask you to give them the warm welcome of this Assembly.

Thank you.

MR. SPEAKER: The hon. Member for Edmonton-Mayfield.

MR. WHITE: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members of this Assembly 44 students from Youngstown elementary school along with two of their teachers today Mrs. Marlyn and Mrs. Kuss and five parents and drivers that have come along with them: Mrs. Backewich, Mrs. Almost, Mrs. Malik, Mrs. Balgobin, and Mrs. Robinson. If they'd please rise and receive the warm welcome of this House.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm delighted to introduce to you and through you a person who is very dedicated, very committed to serving the residents of Avonmore along with myself. She makes life bearable for me at times in this job. I'm delighted she took a few minutes out today to join us, with the office staff otherwise being there to provide for her services in her absence. She is Miss Dawn McIntyre. I'd ask her to rise and receive our warm welcome. Thanks.

MR. CARDINAL: Mr. Speaker, I'd like to introduce to you and through you to the Assembly a longtime friend of mine who works tirelessly in northern Alberta. He comes from the community of Calling Lake, which is my community also. Mr. John Jacobs is present here today. He's the president of the Calling Lake

Community Association. I'd like John to rise and get the traditional warm welcome of the Assembly.

MR. STELMACH: Mr. Speaker, it's with great pleasure that I wish to introduce to you and through you to the members of this Assembly a small businessman from the home of the pysanka, the Easter egg in Vegreville: Mr. Darren Stollings. He's seated in the public gallery, and I ask the House to give him a warm welcome.

head:

Oral Question Period

Education Funding

MR. DECORE: Mr. Speaker, thousands and thousands of students from junior high schools and from high schools in Calgary are marching in the streets of Calgary today. Those students are afraid of the government cutbacks in education. Those students are afraid for their futures, and quite incredibly the Premier is blaming Alberta teachers for all of that. Mr. Premier, the fury of Albertans is starting. The fury of Albertans is now in the streets. I ask today, Mr. Premier, that you commit yourself, as this party has committed itself, to give more resources to education rather than taking those resources away.

MR. KLEIN: I'm astounded. I'm astounded that as a responsible Leader of the Opposition he would make such outrageous, unfounded, silly, stupid statements.

MR. SPEAKER: Order.

MR. KLEIN: I apologize. They weren't stupid. They were just thoughtless; they were without any thought whatsoever.

Mr. Speaker, as a matter of fact, this government has increased funding to education, and he knows that. He knows full well that we're carrying out a process of public consultation through the roundtables to find better and more effective and more efficient ways of doing things. We are not putting anything on the backs of teachers, and certainly we are not putting anything on the backs of students. We are saying: what is the school system there for? Is the school system there for teachers and the administration, or is it there for the kids? We believe it's there for the kids.

MR. DECORE: Mr. Speaker, I see reason for the Premier to be out of control and lacking control because his government has mismanaged. [interjections]

Mr. Speaker, I'm appalled. Albertans have to be appalled that the Premier of Alberta is blaming teachers. My question to the Premier is this. [interjections] Listen up. [interjections] Listen up. [interjections]

Speaker's Ruling Preambles

MR. SPEAKER: Order. [interjections] Order. Order. The Chair would remind hon. members that this is the first question. Save some of your energy to spread over the 50 minutes.

The hon. Leader of the Opposition is to be reminded that supplemental questions don't have preambles.

First supplemental.

Education Funding

(continued)

MR. DECORE: I'd like the Premier to tell Albertans: does he really believe that students are somehow robots or are brainwashed

by the teachers of Alberta? Is that what you're saying, Mr. Premier?

MR. KLEIN: Mr. Speaker, I believe most teachers are responsible professionals. I'm going to pass on to the hon. member and to the Alberta public a story that my little grandchild brought home; all right? Just the other day she said to my wife, "Grandma, why is Grandpa cutting physical education, and why is he cutting art programs, and why is he destroying my education?" My wife said, "Where did you get that from, Chelta?" She said, "I got it from my teacher."

Yesterday my daughter who is in continuing education heard from her teacher that the students should sign a petition and participate in a rally this Saturday because I was the meanest you-know-what that ever walked the face of the earth. This was her first day or second day in that class, I understand, and my daughter stood up and said, "Wait a minute; you're talking about my dad here," to which the teacher immediately apologized. So there is something going on in the classrooms, Mr. Speaker. [interjections]

Speaker's Ruling Seeking Opinions

MR. SPEAKER: Order. [interjections] Order please. The Assembly has just witnessed an answer to a question seeking an opinion. The question was technically out of order, and it led to an answer that really was not a response. It had factual information but not about government responsibility.

The hon. Leader of the Opposition for his final supplemental on this main question, seeking factual information about government operations and not opinions.

Education Funding (continued)

MR. DECORE: Mr. Speaker, I would like to ask the Premier whether he is prepared to stay under the dome and do something for a change, do something for Alberta students.

MR. KLEIN: Mr. Speaker, what we are doing is we're trying to rationalize the whole education system, and I have to repeat: it is not our intention to put this on the backs of the students. We are asking straightforward, honest questions through a series of roundtables. This government is not inciting riots. We are not inciting demonstrations. We're asking reasonable questions, and we're inviting teachers and administrators and students and parents to participate with us in a reasonable fashion to find collectively and co-operatively a solution to our financial problems without impairing or hampering the quality of a very, very fine education system.

1:50

MR. DECORE: Mr. Speaker, students are in the streets of Alberta. They're in the streets of Alberta because the Premier's workbook for roundtable discussions is a sham. The Premier's manipulative control of roundtable discussions denies Albertans the right to express themselves properly, and it insults Albertans. The Premier's threats - and they are threats - to take away kindergarten, to take away sporting activity, to take away special programs at schools undermines Alberta education. The Premier is destroying Alberta's economic future. He's destroying it. [interjections]

Speaker's Ruling Preambles

MR. SPEAKER: Order please. [interjections] Order. [interjections] Order please. Hon. member, that is not a proper preamble.

The Chair finds it very interesting what the question will be following that speech. A preamble is not to be a speech. We're getting into too many minispeeches introducing questions.

MR. DECORE: Mr. Speaker, you asked me to stay with facts, and I have stayed with facts.

MR. SPEAKER: Hon. Leader of the Opposition, the Chair is sorry there was a misunderstanding. The purpose of question period is to obtain facts. It isn't the purpose of question period for the questioner to state the facts.

Education Funding (continued)

MR. DECORE: Mr. Speaker, as students are in the streets of Calgary, will the Premier commit to taking personal control over this education crisis?

MR. KLEIN: Well, Mr. Speaker, first of all, it is not an educational crisis. We are going through a process to try and find some solutions in a very co-operative way. We did not ask the students to go out on the streets. We have given no indication that we are going to cut student programs. We said that there might be adjustments here, that there might be adjustments there; what do you as parents, teachers, administrators, and students think is important to you? Are those reasonable questions to ask? I think they're reasonable questions to ask.

Mr. Speaker, he talks about students out in the streets and so on. I see the top students in this province sitting in the gallery today, and they have been rightfully recognized for doing what good students do, and that is learn.

MR. DECORE: Is the Premier saying that the 10,000 that are in the streets in Calgary now are bad students? Is that what he's saying? Are they bad?

MR. KLEIN: No, Mr. Speaker. What I'm saying is that their time would be much more productively spent if they were back in the classrooms. As a matter of fact, the hon. minister is going to call a quick exam, so get back there.

MR. DECORE: I'd like to ask the Premier why he thinks this is a big joke. This is no joke. This is no joke. Will the Premier do something about the students that are in the streets of Alberta?

MR. KLEIN: Mr. Speaker, you talk about someone losing control and talk about something being a sham. I think this little bit of theatrics is a little bit of a sham.

Mr. Speaker, again, I would appeal to the students to go back to school, participate with us. I would ask the students above all: don't listen to these guys over here; I'll tell you that. I would ask them to go back to school, participate with the hon. minister in the series of roundtables, sit down and reasonably discuss these issues, help us find solutions to get us out of our fiscal problem and to help us balance the budget, and at the same time find new and better and more effective and efficient ways to deliver quality education. That's what I ask, and that's what I appeal to students to do. Don't listen, students, to this kind of fear mongering from the Liberals.

MR. HENRY: Mr. Speaker, this is a Premier who says he listens; this is a Premier who says he cares. Yet he's missed the complete point. The reason the students are out on the streets in Calgary is

because this government is hell-bent on reducing the education budget with a sham of consultation. [interjections]

MR. SPEAKER: Order. [interjections] Order. Perhaps we could proceed in a more calm and detached manner.

The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you, Mr. Speaker, but I find it difficult to be detached when education is being put on the line in this province.

Let's lay out the consultation process: invitational meet, two roundtables with invitations only, no broadcasting. We asked if Access or cable TV could broadcast so that Albertans could know. We asked if the Premier or the Minister of Education would have public meetings. This is happening because there are people on the streets, there are people on the phone lines, there are people writing letters to me and to members of our caucus because they don't think they're being heard. My question to the Premier is: will the Premier now listen to all the pleas and please have meetings across this province, public forums where anybody can come so they can tell the Premier what they think about education and why they need to preserve it in this province?

MR. KLEIN: I'll gladly have the hon. Minister of Education respond, Mr. Speaker, because I think that the process we have put in place is right. It is responsible, and it is reasonable. But I would ask the Liberals: are they in favour of this kind of action, these demonstrations? It sounds like they're sort of whipping it up.

MR. JONSON: Mr. Speaker, first of all, I would like to indicate that I do not condone students being out of class. I think there are much more constructive ways in which to make their views known. Secondly, my responsibility as a former teacher and school administrator was to be in the schools providing classes to students. Thirdly, as a parent I wanted and I took it as my responsibility to make sure my students were in school. This is where the priorities of our side of the House certainly are, and I think they should be the priorities over there as well.

Now, in terms of the reference to the consultation process, Alberta Education was first out of the gate in terms of a consultation process which began over a year ago with our fiscal realities meetings all across the province. They were well known, and they were reported on, and the report was distributed to everybody that wanted one in this province.

MR. ADY: And well attended.

MR. JONSON: Yes, they were well attended.

Secondly, we've had a series of regional meetings across the province. Over 700 people attended those meetings, Mr. Speaker. We have now had the major roundtables in Edmonton and Calgary, where there was a broad cross section of people attending, including students.

I have also indicated in this House prior to this time that following the roundtables, following the compilation of all the data that has come into us from the local meetings that are being held, the over 27,000 workbooks that have been distributed, we will be sitting down and looking at a further long-term consultation process.

MR. HENRY: I don't know where these workbooks are being distributed, because I'm inundated with calls from people who

can't get them, parent groups who can't get these workbooks. It's all behind closed doors.

My question to the minister. The minister thinks these students would be better back in the classroom. Could he please try to understand and maybe explain to us what led them to get out on the streets there? Why are they on the streets protesting cuts to education?

Speaker's Ruling Seeking Opinions

MR. SPEAKER: Order please. Order. That question is out of order. It's asking for an opinion.

Second supplemental.

2:00

Education Funding (continued)

MR. HENRY: Well, then, I'd like to ask the Minister of Education why he doesn't respond to the pleas that were made at the roundtable last weekend and be the education advocate in his caucus instead of the person leading the way to cutting education.

MR. JONSON: Mr. Speaker, I have spent over 24 years in the schools of this province. I am well experienced in education, and I have always been an advocate for education. I was the president of the Alberta Teachers' Association. I spent 11 years on the executive council of that organization. I have served on committees and a whole series of other activities as part of this government. I have always been an advocate for education in this province. I am certainly concerned about the future of education in the province, its effective and efficient operation, quality over quantity, and I am working to do that right now and will continue to do so.

Timber Harvesting

MR. FRIEDEL: Mr. Speaker, my question is to the Minister of Environmental Protection. I wouldn't want to suggest that this government should interfere with the rights of property owners to pursue free enterprise ventures, but I am concerned that there is some unsightly mess that is occurring in some instances of indiscriminate, if you like, stretching of these rights. Mr. Minister, is there anything that could be done to protect against the environmental and visual impact of removing timber from marginal agricultural land where the landowner is only interested in immediate profit from the sale of the timber but has no intention of either reforestation or putting the land to agricultural use or otherwise cleaning up this unsightly residue?

MR. SPEAKER: The hon. Minister of Environmental Protection.

MR. EVANS: Thank you very much, Mr. Speaker. I would say as an introduction to this topic that land ownership does not give an individual the right to indiscriminately, as the member talked about, damage soil or water. There are a number of pieces of legislation in the province and federally that deal with this issue. We have the Soil Conservation Act, that requires the landowner to be responsible for soil erosion. We have the Public Lands Act, that talks about water bodies and streams and identifies the bed and shore as a Crown resource. We have the Water Resources Act and the Fisheries Act, both of which are premised on the presumption that we have to protect our water bodies, and both of those Acts in some manner or other, specifically the Fisheries Act, deal with both private and public lands.

MR. FRIEDEL: To the minister: are there any regulations that would control the negative visual impact of what I call the indiscriminate harvesting that I just referred to along, say, public roads and in particular the primary highways in the province?

MR. SPEAKER: The hon. minister.

MR. EVANS: Thank you, Mr. Speaker. Certainly on public lands, if we have a forest operation, we have timber rules. I think what the hon. member is getting at is: do these apply on private land? The regulations don't apply, but we have a number of mechanisms that we are using through the Canada/Alberta partnership with private woodlot operations to try to educate landowners to the importance of sustainable harvesting practices. We have the Alberta Forest Products Association with their Forest Care analogy, the strategy that they have brought forward that they are trying to encourage everyone to take very responsible forestry practices regardless of whether they're landowners or whether we're talking about the industry itself dealing on public lands. These are a number of initiatives which are intended to increase public awareness of the importance of sustainable harvesting principles, whether they be public lands or private.

MR. SPEAKER: Final supplemental.

MR. FRIEDEL: Yes, Mr. Speaker. Would the minister be aware: are there any responsibilities that local municipalities might have in this regard?

MR. EVANS: Well, I think there is an opportunity, Mr. Speaker, through land use bylaws that municipalities could make amendments and talk about long-term changes to the land use. I think harvesting of timber off private lands could be included in that. If the changes were made in the land use bylaw, then I think development permits could and would be required of property owners. I think that is one way we may address this problem.

MR. SPEAKER: The hon. Member for St. Albert.

Liquor Sales

MR. BRACKO: Thank you, Mr. Speaker. To the Minister of Municipal Affairs: why does this minister continue to refuse to release the names of persons getting liquor store licences until the plaques are on the wall?

DR. WEST: Mr. Speaker, there's a process going on that's been time honoured in business in Canada and other places in the world. It's called the enterprise of business: the real estate business, the purchase, and those people that want to do it with confidence that those they are dealing with keep certain things private until their business is open and operational. That has been honoured also with other institutions such as banks, accounting firms, real estate agencies, and this government.

MR. SPEAKER: Supplemental question.

MR. BRACKO: Thank you, Mr. Speaker. Does the information that Don Mazankowski may be getting six stores have anything to do with the lack of disclosure?

MR. SPEAKER: Is there a further supplemental question?

MR. BRACKO: Speechless.

To the same minister: with all the requirements put in place, how can this government issue licences to individuals whose identity is not known to this government?

DR. WEST: Mr. Speaker, there are other types of operations that have been used in our system, totally legal, and that is where a numbered company or some person makes bids on behalf of other operations. That's fully legal and fully able to be documented in a process.

I just want to say one thing. The types of things that I see going on in this Assembly, the questions that I've seen, especially the one just before, in the type of innuendos, is a disgrace, an absolute disgrace to this country.

MR. SPEAKER: Order please. [interjections] Order please. Those kind of comments should be properly made under a point of order.

The hon. Member for Calgary-Fish Creek.

Advanced Education Boards

MRS. FRITZ: Yes. My question is to the minister of advanced education. I don't know if it's safe, but I'm going to go with it anyhow. It may be time that we moved from our current system, which has an individual board for each of our 27 postsecondary institutions, to a new system of two boards, one for our universities and one for our colleges and technical institutions. Has the minister considered this?

MR. ADY: Well, Mr. Speaker, as the hon. member knows, we are endeavouring to find ways to restructure our postsecondary system and improve access in the context of our fiscal realities of the province. I've heard this proposal before. It's one of many proposals that have come out of our public consultations. As a matter of fact, last week one of the hon. members, the hon. Member for Cypress-Medicine Hat, suggested that there be one board for every institution. So we certainly do have a broad spectrum of ideas on how universities and colleges should be governed.

MR. SPEAKER: Supplemental question.

MRS. FRITZ: Thank you, Mr. Speaker. What is the cost saving on a proposal such as this?

2:10

MR. ADY: Well, to be frank, Mr. Speaker, the cost of our boards is very minimal. I think all members should understand that the cost of our university boards is practically nothing because those positions are filled by volunteers. There is not a per diem that flows through to a member of our university boards. We have representation on there from the public; we have representation from the faculty association; the president of the university sits on that board: all free of charge, no charge. So let's keep this in perspective when we start talking about costs by reducing the number of boards.

Where our costs may be impacted is that they're driven by the duplication and the overlap in the delivery of our programs. We have a very elaborate system, an extensive system, too, for adult learning, and it costs billions of dollars to sustain it. We have to find ways to rationalize the overall system, and we perhaps shouldn't be putting so much emphasis on worrying about the small per diem that a board member might get.

MR. SPEAKER: Final supplemental.

MRS. FORSYTH: Yes. Thank you, Mr. Speaker. If the true costs of the system are found in the duplication and the overlap of the delivery and administration of our programs, is the minister considering superboards as a tool to find and implement their efficiencies?

MR. ADY: Mr. Speaker, that's one option, but it's one of many that hopefully are there, and I'm sure there are others. I certainly don't intend to make up my mind until we have finished our public consultation process. I'm confident that we're going to receive many, many good suggestions on how we can better deliver our postsecondary education system within the fiscal realities that we have in our province today.

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

Alberta Intermodal Services Limited

DR. PERCY: Thank you, Mr. Speaker. Alberta taxpayers may end up paying nearly \$2 million in fees and commissions to brokers and agents once the saga of Syncrude, North West Trust, and Gainers is complete. The Treasurer is clearly on record as saying that only the private sector is capable of selling large assets, yet we still have the sale of Alberta Intermodal, which is apparently being handled in-house in the Department of Economic Development and Tourism. My question is to the Minister of Economic Development and Tourism. Since the Provincial Treasurer has tabled before the House all the documents related to the sale of the 5 percent share in Syncrude to Murphy Oil, will the Minister of Economic Development and Tourism commit to tabling those documents in this House once the sale is completed?

MR. KOWALSKI: Mr. Speaker, perhaps I can even do a bit better than that. Maybe I could just give to the House today some of the events associated with this, which would probably arrive at the same thing.

It should be remembered that Alberta Intermodal Services was established by the government of Alberta in January of 1986, and of course its purpose was to enhance exports from the province of Alberta through the container system between Alberta and Vancouver. Some \$32.3 million has been invested over those years. We always said, though, that it was our intention to privatize AIS when it became profitable and self-supporting. That process began in the last several years, and we announced it publicly in December of 1990.

In May of 1991 67 interested purchasers showed up with formal sales packages that were delivered to us. In June of 1991 a process of negotiations began with a management group with respect to that internally, and in October of 1991 negotiations continued. In March of 1993 we began liquidating some of the assets, including selling the rolling stock to CGTX Montreal for some \$7.6 million, which was some \$500,000 over book value. We're into the final process now of wrapping up the agreement, and within a matter of several weeks from now we will have concluded that. When the conclusion is there, I'll be very, very happy to give the final details with respect to the final conclusion.

DR. PERCY: My supplemental is to the minister. To whom did AIS pay \$77,000 in fees last year for the so-called privatization study, and is that company still receiving fees in regards to the sale?

MR. KOWALSKI: I'll be happy to get back to the hon. member with respect to the answer as to whom that was done last year. I was not the minister last year. My information and understanding is that there are no dollars being allocated to anyone this year.

MR. SPEAKER: Final supplemental.

DR. PERCY: Thank you, Mr. Speaker. To the minister again: when you talk of making a profit on the sale, do you mean that CP or other entities buying this are going to give you collectively \$49.3 million? Because that's what the \$32 million would have earned had it just been earning 8 percent in the bank since '87. So let's talk about real profit, just not . . .

MR. SPEAKER: Order.

MR. KOWALSKI: Mr. Speaker, I suppose that's one way that one could evaluate it, but there's another way as well that one could evaluate it. We could write into the benefits to the province of Alberta the fact that in 1986 AIS transported approximately 15,000 intermodal containers. There were lots of jobs in Alberta associated with those 15,000. That volume had increased in 1989 to some 35,000. Of course there were significantly more jobs associated with that, plus tax that they would pay to the people of Alberta. In 1991 that volume went up to 48,000 containers. In 1992 it went up to 252,000 containers.

MR. DINNING: Say that again.

MR. KOWALSKI: Two hundred and fifty-two thousand.

We believe as well, Mr. Speaker, that Alberta shippers have enjoyed a cumulative transportation cost/benefit of some \$140 million. So let's put all that into the equation to really point out the net benefit to Alberta entrepreneurs, Alberta workers, and Alberta transporters and in fact to the general revenue fund of the province of Alberta.

MR. SPEAKER: The hon. Member for Medicine Hat.

School Board Amalgamation

MR. RENNER: Thank you, Mr. Speaker. Bill 8 allows for the voluntary amalgamation of school boards. While efficiencies and cost savings in certain circumstances are obvious, some members of the teaching profession have concerns about amalgamation as it relates to the collective agreements they have with their respective boards. My question is to the Minister of Education. Will the collective agreements that the ATA has in place with existing boards automatically apply to the newly formed boards?

MR. JONSON: Mr. Speaker, certainly this is an area of question and concern, but it is very clear in the School Act currently under, I believe, section 213 that all resident students transferred to the new regional school jurisdiction, all teachers transferred to the new regional school jurisdiction, and collective agreements remain in force until their expiry date with the new regional jurisdiction. In addition, at the expiry point of those collective agreements, a new collective agreement would be negotiated.

MR. RENNER: Can the minister assure the members of this House that the new school board would not use this process to lower their costs by moving out higher end, more experienced teachers and hiring less experienced teachers at a lower point on the salary grid?

MR. JONSON: Mr. Speaker, there's one other item that I should have added – I'm sorry – with respect to the first question, and that is that in the new common collective agreement that would be negotiated, there is precedent in Labour Relations Board decisions that it would be likely that the model for that new collective agreement would be that of the previous collective agreement which involved the largest number of teachers within the new region.

With respect to hiring practices, the provisions that are currently in place with respect to individual teacher contracts would remain in place. There would be nothing involved in the regionalization of school boards that would impact upon the hiring practices and the measures that are available to school boards and teachers in this regard.

MR. RENNER: Can the minister advise of any assistance, either financial or otherwise, that he or his department might be able to give to the amalgamating boards to ensure the process goes smoothly and equitably?

MR. JONSON: Mr. Speaker, I think the point that has to be remembered here is that in addition to the paramount concern – and that is that the amalgamation of school boards lead to the maintenance or, we think, the significant increase in the quality and scope of programs being able to be offered – another criteria is that it would lead to cost efficiencies. I think that is the incentive that is there for the amalgamation of school boards and for aiding and being applied to the process of bringing the jurisdictions together.

MR. SPEAKER: The hon. Member for Edmonton-McClung.

2:20

Health Care System

MR. MITCHELL: Thank you, Mr. Speaker. The Minister of Health earlier this week announced that she is setting up a team of experts to implement health reform proposals that emerge from the health care roundtables. We all know of course that these roundtables have no way of deciding anything and, in fact, at best can only make suggestions. I wonder whether the Minister of Health could tell us what process she has in place to determine which of the suggestions coming out of these roundtables will be implemented and acted upon and which of them won't.

MRS. McCLELLAN: First of all, Mr. Speaker, it was October 4 when the Minister of Health advised Albertans that we would be at the conclusion of the roundtable process putting in place a team of people to work on implementation of many of the recommendations that are received from the roundtable. So it was October 4. The roundtables conclude this weekend in Medicine Hat, Friday night, with a full public presentation, where we expect hundreds of people to participate, and again in a workshop on Saturday morning. When the minister responsible for the roundtable process compiles her summary documents of all the recommendations of the roundtable, we will proceed to deal with them in an orderly fashion.

MR. MITCHELL: That's exactly the nub of my question, Mr. Speaker: the "orderly fashion." I wonder whether the minister could give us some detail of what exactly this orderly fashion will be for deciding upon which suggestions will be acted upon and which suggestions won't be acted upon.

MRS. McCLELLAN: Mr. Speaker, first of all, the roundtable process has not concluded, and we do not have a complete

summary of all the recommendations. However, I think the hon. member would appreciate that there is an orderly fashion that one can proceed in. It would be expected that there are recommendations that can be acted on in the short term, there will be recommendations that will require a longer term, and it's indicative that there could be some of the recommendations that come forth that will require further work. That will be laid out in an orderly fashion, and when the summary document is ready and we've had an opportunity to peruse it, that will be the nature of implementation.

MR. MITCHELL: The minister also warned earlier that some hospitals might be closed. I wonder whether she could tell the House what role this special group of experts will play in determining which hospitals will be closed or whether hospitals will be closed at all.

MRS. McCLELLAN: Mr. Speaker, I don't recall making a statement that said that some hospitals might close. In fact I think what I have said is that it is not appropriate at this time to talk about closure. Indeed, we have put a freeze on capital building at this time till we have an opportunity to review health needs after the roundtable process. We are very committed to community-based decision-making. The people of this province have told us that they want to be involved in the planning of the future health system to serve their needs. We are going to maintain that commitment, and we're going to work very closely with the communities.

Mr. Speaker, I had an opportunity to speak at a conference yesterday of some 500 to 600 members of rural hospital boards from across this province. That was the indication to me in the some 45 minutes I spent in a question period with them: they want to be involved. They are quite appreciative of the fact that this minister or this government has not designed a plan and imposed it upon them and, in fact, are committed to being the architects of the plan that will deliver health care services in their communities in this province.

MR. SPEAKER: The hon. Member for Calgary-Varsity.

Education Policy

MR. SMITH: Thank you, Mr. Speaker. If I can just concentrate on students in education for a minute rather than politics in education, is there anything the Minister of Education can do to ensure regular attendance in school without disruption to those students who wish to continue their learning?

MR. JONSON: Mr. Speaker, attendance is required for students ages six to 16 under the School Act. We have provisions in there for establishing an attendance board to deal with particularly difficult cases of individual attendance. On the more broad basis we have as a direction to school boards that they have in place an attendance policy which both promotes and requires regular attendance in the schools of the province. We expect them to have in place a procedure to deal with nonattendance and sanctions to be applied where necessary.

MR. SPEAKER: Supplemental question.

MR. SMITH: Thank you, Mr. Speaker. Students have attended our roundtables, and I'd like to ask the Minister of Education: what has the department done to ensure that students are receiving accurate information about this education review process?

MR. JONSON: Well, certainly, Mr. Speaker, the very essence, the very most important thing both in dealing with issues with respect to future education planning and in dealing with education itself is that students be provided with accurate information on all topics.

Now, Mr. Speaker, with respect to the roundtables, the workbook has been provided as a base for discussion on the issues that need to be discussed. The information in there is accurate. The alternatives, the information that's provided has been well received, and it's a good base from which to work in terms of discussing and learning about the issues facing us.

MR. SMITH: How have and how will students input into the education review process from their individual perspectives?

MR. JONSON: Mr. Speaker, as I've indicated in this House, the students of the province were represented at the roundtables. Student leaders, in fact, from many of the schools in Edmonton and Calgary were represented at the roundtables. In addition, the workbook is available to anyone in the province who wishes to access it. It should be discussed widely. We have urged that. Students, I am sure, are welcome at the local meetings that are being held around the province and will be able to go there and express their views and become part of the process. Also, I welcome their individual response, as I've said, through the workbook process.

MR. SPEAKER: The hon. Member for Edmonton-Beverly-Belmont.

Home Care

MR. YANKOWSKY: Thank you, Mr. Speaker. The \$3,000 cap on home care programs for seniors not only fails to meet their needs but ends up costing far more money than it saves. To the hon. minister responsible for seniors: how can you justify keeping the \$3,000 cap in place, which forces seniors who would prefer to live at home into more expensive institutional care?

MR. MAR: Mr. Speaker, we're greatly concerned in government about the issues that affect seniors, and we're doing our very best to look at all programs, including home care. If you examine our home care programs and the programs that we have for seniors in general in this province, you'll find that they rank very favourably with any other jurisdiction in this country.

MR. SPEAKER: Supplemental question.

MR. YANKOWSKY: Thank you, Mr. Speaker. Does the minister know how many seniors who are currently living in seniors' homes could be living comfortably at home with lower cost, assisted living programs?

MR. MAR: Mr. Speaker, with respect to home care expenditures, it is a program that benefits 53,286 clients in 1992-93 for a total of \$70.3 million. [interjections]

MR. SPEAKER: Final supplemental. [interjections] Order. Order.

The hon. Member for Edmonton-Beverly-Belmont for a final supplemental, if his caucus will let him enunciate it.

MR. YANKOWSKY: Thank you, Mr. Speaker. Why has your department failed to realize that it could reduce the need for

expensive long-term care beds by encouraging the establishment of enhanced independent living programs?

MR. MAR: Mr. Speaker, again, there are many programs that affect seniors in this province. Our department is doing its very best to co-ordinate with health care and with other departments that have programs responsible for seniors. Of course, it's a question of balancing various different needs with respect to long-term care and home care programs.

I understand that the Minister of Health wishes to supplement that answer.

2:30

MRS. McCLELLAN: I will be very brief, but I do think it's important that the hon. member recognize that we have introduced in this province a single point of entry for our seniors into home care, into long-term accommodation. A report was delivered by the hon. Member for Calgary-Glenmore on long-term care, and the government's response to those direct recommendations was the single point of entry. There is a very close liaison between the home care team in public health and the facilities. I should also say that we've had some considerable success in being able to discharge people from long-term care back into their homes because of programs that have made it possible for them to live independently again, through therapy and others. So I think it's important to remember that the single point of entry system is there, and it is there for that very reason.

MR. SPEAKER: The hon. Member for Wainwright.

Registry Services

MR. FISCHER: Thank you, Mr. Speaker. My question is to the Minister of Municipal Affairs regarding the privatization of the registry services. Some rural communities with smaller populations see the privatization as total elimination of this service because of the low volume of business and because of the cap that is put on the fee that they can charge. Why do we not let the open market determine the fee and remove the cap?

DR. WEST: Mr. Speaker, that's a good question, but the answer has to reflect the history of the motor vehicle offices in rural Alberta or those outlying the ones that are just coming on stream now in the last nine cities. The history of that was that they used to be in the Treasury Branch offices. Then we decided to privatize them and put them out into many small offices, either mixed with insurance or real estate or stand-alones. In that process many of them were given exclusive rights to that area or that town in that there was one outlet put in each of these towns. At that time a fee was set. It originally was \$2 for the transaction, and then they were allowed to charge an extra dollar. During this privatization mode where the registries are being set up, we increased it again another 25 percent. They can get up to \$4. We capped it at \$4.

Until we take away the 'megopoly' - and that's what it is for some of the larger centres. The small centres, the small villages and that: yes, it's difficult, because there just isn't the volume. But there are some very large areas in the province, some up to 35,000 people, that only have one office. If you take the cap off and do not allow other offices to open up, you've in essence created a monopoly with unlimited cap at the top for them to charge. I'll take that as a matter of notice that if the policy has to change, we will have to open it up to allow competition so that if you don't cap the charge, then indeed the market forces can play. In a 'megopoly' there aren't market forces unless you cap the fee. [interjections]

MR. SPEAKER: Order. [interjections] Order please. Could there be a lessening of noise so the Chair can hear the hon. member?

MR. FISCHER: Regarding the volume of business relating to the sale of licence plates, why do we have a duplication of services by allowing consumers to receive their licence plates through the mail when our rural agencies need the volume to be economically viable?

DR. WEST: The mail-in service was started several years ago especially to address the problems in the cities where the volume that came at certain times of the year couldn't be handled by the stores in the city. The lineups were unbelievable. So many of the mail-ins come out of the cities where people work during the days. The offices aren't open, and they didn't have time to get to that type of service. That is not so evident out in some of the rural areas. At the present time the mail-in service will continue, and we will have to look at that service in the future.

In certain areas of the province where the volume is so low, whether there's mail-in or isn't, I don't think there will ever be a time when those small businesses don't struggle with the income that they can get from certain services.

MR. SPEAKER: Final supplemental?

The time for question period has expired.

MR. MITCHELL: No points of order?

MR. SPEAKER: No.

head: **Orders of the Day**

head: **Written Questions**

MR. DAY: Mr. Speaker, I move that the written question appearing on today's Order Paper stand and retain its place.

[Motion carried]

MR. SPEAKER: Might we revert to Introduction of Guests? All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried.

The hon. Member for St. Albert.

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

MR. BRACKO: Thank you, Mr. Speaker. It is a privilege to introduce to you and through you 24 students from one of St. Albert's finest schools, Leo Nickerson. They are here with their teacher Ross Newton and four adult supervisors: Mrs. DuBois, Mrs. Wilson-Birks, Mrs. Van Dongen, Mrs. Hansen. They are in the public gallery. I'd ask that they rise and receive the warm welcome of the Assembly.

head: **Motions for Returns**
Municipal Affairs Assets

M209. Mr. Wickman moved that an order of the Assembly do issue for a return showing a consolidated list of the remaining assets, as of July 31, 1993, held by Municipal

Affairs Sales Ltd. and any private-sector firms which have entered into contracts with the government to dispose of these assets, specifying the asset name or legal description, the book value of each asset, and the provision for loss established for each asset.

DR. WEST: Mr. Speaker, I stand and reject Motion 209.

MR. WICKMAN: Mr. Speaker, it doesn't surprise me that the minister would stand up and reject the motion. When we look at the basis of the motion, it's very, very straightforward. It's simply asking for a consolidated list of the remaining assets held by Municipal Affairs Sales and to determine what contracts have been entered into with private sectors to dispose of the assets and to give us an indication of the legal description, the book value, and the provisional loss for each of the assets. There can be a great number of assets in there worth a great deal of money, and the book value can be written down considerably. It could mean a tremendous loss in terms of taxpayers' dollars. It could mean a tremendous blow to Albertans. For the minister to stand up and say that he rejects it, without any explanation as to saying that there's good cause to reject it, that there's a reason why this information can't be provided, I don't understand it.

We talk about freedom of information legislation. We're going through a process right now. At times I wonder what for. I don't see any intent on the part of government members to be serious about releasing information, about respecting that Albertans have the right to obtain certain types of information. To just simply stand up in the House and say I reject it is wrong. It's an irresponsible act in terms of Albertans, the taxpayers. It's done in a fairly arrogant tone, like: I don't care; it's none of their business.

Thank you, Mr. Speaker.

[Motion lost]

Highway Signage

M211. Mr. Kirkland moved that an order of the Assembly do issue for a return showing any studies or plans prepared by or for the Department of Transportation and Utilities between January 1, 1990, and August 31, 1993, which deal with any changes to the current primary highway signage format.

MRS. BLACK: Mr. Speaker, on behalf of the Minister of Transportation and Utilities we accept the motion. I'd like to file four copies of the answers today.

[Motion carried]

2:40 Rental Housing Units

M212. Mr. Bracko moved that an order of the Assembly do issue for a return showing

- (1) the number of surplus rental housing units held by the government at August 31, 1993,
- (2) the number of rental units, if any, the government plans to sell in the year ending December 31, 1993, and
- (3) the long-term time frame, if any, for the sale of any remaining rental units not sold by December 31, 1993.

MR. SPEAKER: The hon. Minister of Municipal Affairs.

DR. WEST: Thank you, Mr. Speaker. I would like to accept Motion 212, and I'd like to file the answer today also.

[Motion carried]

Exposed Bed and Shore Management Strategy

M214. Mr. Collingwood moved that an order of the Assembly do issue for a return showing any studies pertaining to the management strategy for exposed beds and shores in the northeast and northwest regions of Alberta completed since 1990.

MR. DAY: Mr. Speaker, the government in its usual style of being open and accountable willingly accepts this motion.

[Motion carried]

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

Bill 208

Child Welfare Amendment Act, 1993 (No. 3)

MR. SPEAKER: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. It gives me great pleasure to rise today to speak in support of Bill 208, to amend the Child Welfare Act. This Bill is one that's very close to my heart. It came about as a result of concerns from constituents. They are trying to find out more information about adoptions they were involved in. One of these people was an adoptee. Even though he is well over the age of 50, the Alberta government thought it fit to deny him any identifying information that would help him find either his real name or surviving family members. Since this constituent is over 50, the time he has to find his parents may be very limited. The law as it now stands may be sufficient to ensure that he never finds or meets his birth parents. The second constituent was a birth mother, also well above the age of majority, who had given up a child some years ago and simply wanted to know where it was and if it was all right.

As a Member of the Legislative Assembly I can often help constituents who come needing help dealing with the provincial government. In these cases, however, I've found that the problem was that our laws governing adoption records in Alberta were outdated and restrictive. Currently in this province very limited information about adoption is available through the postadoption registry operated by Family and Social Services. Adult adoptees, birth parents, adult birth siblings, and other relatives who are searching for family members can register their names if they wish contact. This system is known as a passive registry. Only Alberta, Nova Scotia, and Yukon rely on this type of system. Other provinces in Canada utilize either an active or semiactive registry where searches and contact services are offered to adult adoptees.

The two provinces at the forefront in Canada are British Columbia and Ontario, both of whom utilize a complete active registry. These active registries mirror some of the extremely progressive active registry systems in countries such as New South Wales, Australia; England; New Zealand; and Scotland. These countries have helped set the cutting edge example for adoption record legislation for the rest of the world to follow. At this time, however, Albertans touched by adoption, including the constituents who contacted my office, have to contend with our passive registry

system. I found myself last spring wanting to draft and introduce a private member's Bill that would open up the information to help adoptees, birth parents, and their families find one another.

Mr. Speaker, if my Bill was to truly propose effective and meaningful change, it would be necessary to use the expertise of people for whom adoption has truly been part of their lives. I contacted and met with representatives of Parent Finders organization for the first time in April of this year, and it was the beginning of a very productive relationship. Parent Finders is a support service for adoptees and birth parents. They provide counseling and advice for people who are searching for or who have found their families. They have over 800 active members across Alberta and over 10,000 names on their registry. Although they are the largest group of their kind in the province, there are a number of other groups across Alberta helping adoptees and birth parents looking for family members and offering counseling services. The TriAd group, standing for truth in adoption, is another such group. These groups provide a valuable service to adoptees and their families. They also offer a vast pool of expertise on how laws governing adoptions which are most sensitive to the needs of the people affected should be made.

It is this expertise I wished to tap when I contacted Parent Finders last April. We met, and they presented a proposal for opening adoption records which I found very effective and very responsive to the needs of everybody involved. That proposal formed the heart of the Bill I introduced last spring, Bill 365. Mr. Speaker, immediately after the June 15 provincial election I wanted to get the ball rolling for another Bill to be introduced and hopefully debated in this session. I received numerous correspondence in support of the goals outlined in Bill 365. In fact, I received correspondence from the United Kingdom, New Zealand, and all parts of Canada. I also had the idea about circulating a petition in support of the Bill. Parent Finders, TriAd, and a number of other groups and interested members of the public worked very hard through July and August and distributed petitions and collected signatures. Ultimately, 11,000 signatures were collected in support of Bill 365, and I was proud to have the opportunity to present them before this Assembly on September 21. That same day the Hon. Mike Cardinal, Minister of Family and Social Services, made a ministerial statement.

Speaker's Ruling

Referring to a Member by Name

MR. SPEAKER: Order please, hon. member. The Chair hesitates to rise again, but the Chair has made numerous observations that we do not use names in this Assembly. We use either the constituency or the portfolio.

MR. SEVERTSON: Sorry, Mr. Speaker.

Debate Continued

MR. SEVERTSON: The minister made a ministerial statement. He announced that the department would begin holding public hearings around the province to hear submissions on how adoption records could be opened. This is what adoptees, birth parents, and their families have been waiting to hear for many years. Mr. Speaker, I'm proud to have been part of it. These meetings are already under way, and when they are completed, a steering committee will tabulate the results and make recommendations to the minister. I look forward to seeing the results of these hearings. I hope they'll give us a strong mandate for change, and I hope the goals encompassed in Bill 208 will be in keeping with that mandate.

Mr. Speaker, Bill 208 has three simple components. The first is to make available original long-form birth certificates to adoptees and adoptive parents of minors or disabled adults. It also provides for access to all identifying background information for adoptees, adoptive parents, minor children or disabled adults, birth parents and relatives of adoptees. This information includes social and medical histories. This will basically give adoptees access to all information concerning them that the government has on its files with limits which I'll discuss later.

One important point that should be noted is that this information only becomes available when adoptees in question have reached the age of 18. In this way, information is only accessible for people who are old enough to have the emotional maturity to deal with implications of searching for family members. At the same time, adoptive parents can access the information on behalf of minors if they feel it's appropriate.

2:50

The second component of Bill 208 is that it enables the government to operate a search and contact service on behalf of the adoptees, birth parents, or their families. In this way, people who are searching can contract the government to search out family members and set up a contact for a fee. Ideally, this service would be combined with access to counseling to ensure that there is minimal disruption to families as a result of a reunion.

One feature of the Bill is that it emphasizes keeping the services cost efficient. Bill 208 states that the cost of all services, from providing identifying information to conducting searches, is to be recovered from the fees charged to people accessing the service. In addition, the Bill enables the government to contract the search and contact service out to private agents and groups. These are difficult financial times, and I find it encouraging that the goals of this Bill could be implemented at minimum cost to the taxpayers.

Mr. Speaker, the final component of the Bill is one that's central to the success or failure of our postadoption system. There is going to be much talk in the near future about ways to open adoption information to people in the way that guarantees protection for those people who do not want contact. I'm sure that no one here wants the government to violate the sacred promise it made to people putting children up for adoption that their privacy would be protected. Many people put children up for adoption under circumstances when the pressure and stress they were subject to was extreme. At the same time, many adopted children may not desire contact with their birth families. The need of these people for privacy has to be balanced with those people who want open records if our system is to be successful.

With that in mind, Bill 208 proposes to establish an information veto registry. People who do not wish to be contacted can get in touch with the registry and place a veto on their file. Once the veto has been placed on a file, no identifying information about that person can be released. People who have placed such a veto can also remove it at any time. I feel that this is one way to ensure privacy to the people who need it. There are many areas that need to be filled in on the information veto registry before it comes into effect. How we would advertise the assistance of the registry is one. After all, people who have been involved in adoption in Alberta are spread around the world.

Another issue is what we should do when one member of a birth family places a veto while another member of that family wishes contact; for instance, if a birth mother wants to remain unidentified while the birth siblings want contact. After all, if you identify one member of the family, by implication you identify the whole family. These are questions for which there are no easy answers,

but I feel that just by discussing them, we are taking a brave step forward from the limitation of our present system.

There are also many different ways to administrate the veto. I feel that once a person places a veto on a file, no identifying information should be released. Many members of Parent Finders feel that the identifying information should still be given out if a veto is on the file but the person should be advised that the subject has placed a veto and does not want to be contacted. Of course, there are other people who feel that the best way to protect privacy is to leave everything the way it is. There are a number of different opinions on how to ensure privacy when opening adoption records, and the veto registry outlined in this Bill is just one solution. This is why I'm so pleased that these public hearings are being conducted. Any new law governing adoptions will have a serious effect upon the lives of many people, and they have a right to be consulted on what the law should say. That is the approach I took when I first drafted this Bill, and I'm pleased to see that is the approach that this government is taking with public hearings.

Mr. Speaker, our society is constantly changing, and so is the concept of what makes a person complete. We are finding that many people need a sense of where they came from and what their birth families are like in order for them to feel truly complete. It must be very difficult for them to form a complete image of themselves when your entire family history is a mystery to you. Psychologists and sociologists tell us that the inability to form a complete identity can make it very difficult for people to cope with everyday pressures of life. I feel and many others feel as well that the benefits of clearing up these mysteries and letting people know themselves would far outweigh the negative results. I have heard and read stories of many people who have been involved in reunions that turned out badly. In every case they said that they were still glad they went ahead and met their birth families because they needed to know the truth in order to go on living.

In conclusion, Mr. Speaker, I think it's time that this knowledge was reflected in the laws of this province. Bill 208 proposes to open adoption records to adult adoptees, birth parents, and their families while protecting the privacy of people who wish to remain anonymous. It was drafted with the input of people from across this province affected by adoption. I feel that when the public hearings are concluded, Albertans will be requesting legislation along the same lines. For these reasons, I urge the Assembly to pass second reading of Bill 208.

MR. SPEAKER: The hon. Member for Edmonton-Manning.

MR. SEKULIC: Thank you, Mr. Speaker and members. I rise to speak in support of Bill 208, the Child Welfare Amendment Act. I think it's an excellent initiative, and I hope this sort of thing continues. I am pleased to see that this Bill has finally reached second reading, and I look forward to a positive debate.

I will start by indicating that I have sponsored a very similar Bill. My Bill is 224. However, given that Bill 208 is first on the Order Paper, I'm requesting that members of the Assembly support Bill 208 and in doing so recognize that amendments as put forward by Albertans must be considered prior to the Bill's third reading.

Bill 208 has the potential after the related public hearings are completed and the resulting input is compiled to better the lives of many Albertans. This Bill is in principle sound. Similarly, the public hearing process by which affected and interested Albertans may voice their views appears sound and well intentioned. For this I would like to congratulate and thank the Member for

Innisfail-Sylvan Lake, the Minister of Family and Social Services, and, particularly, Parent Finders organization and all of its members. It is through the hard work and diligence of this organization that this issue has been brought to the floor of the Legislature. I would suggest that we do not disappoint the group of 11,000 Albertans who have petitioned the opening of adoption records in Alberta. Consequently, I urge all members of the Assembly to ensure that this Bill goes to third reading.

Mr. Speaker, I was encouraged to hear the Minister of Family and Social Services' statement regarding the public consultation on the postadoption registry which is to include 21 public meetings to be held throughout the province. I am pleased that the minister has also permitted for and welcomed written submissions to ensure that all Albertans have an opportunity to provide their views on the proposed changes. These written submissions must be received prior to December 10, 1993, and I would still encourage that those that go through *Hansard* or are somehow made aware of this debate provide their submissions. This process should enable Albertans to participate in the development of the very best possible postadoption search services.

Mr. Speaker, I'm also encouraged to see that systems developed and operating in other jurisdictions are being given consideration based on their merits. This approach will ensure that we learn from the experience of those jurisdictions which have taken the lead in this area.

3:00

Mr. Speaker, I believe the government must take the role of enabling Albertans to exercise their rights to pursue information about themselves while maintaining the rights of all individuals to privacy. Although in the past confidentiality of adoption records has been both promoted and maintained with the belief that it maximizes the interests and needs of all parties to an adoption, we are now much more aware of the benefits of open adoption records and postadoption search services which take into consideration both the desires and the rights of all parties. It is obvious that the guiding principles and amendments to this Bill must come from the submissions of Albertans, both from the public hearings and those put in writing.

Mr. Speaker, Alberta has registered more than 72,000 adoptions. Adoptees and birth parents have filed over 18,000 applications with the province's passive registry which links birth parents and their children if they both happen to register. To date our office has fielded hundreds of calls and received as many letters from Albertans wanting changes made to the way adoption records are accessed. In fact, the Liberal caucus has raised these concerns with the government for the past several years, asking them to introduce the needed amendments. At this time the only criticism I have questions why Albertans had to wait so long given that the demand and the need have been glaringly obvious for many years.

The need for this legislation is rooted in our basic civil rights. Each individual in society should be able to access information on their natural heritage. By denying such a basic right, the state creates potential medical problems and even exposes those affected to the risk of unwittingly committing incest. Sealed records have been viewed as an affront to human dignity. In a recent freedom of information session in Calgary, Mr. Speaker, the panel of which I am a member was told by an adoptee of her experience, which I feel helps to better understand this issue. This woman was the mother of elementary school age children who brought home some of their assignments from school and asked for her assistance in completing them. The assignment simply was to fill in the family tree. The children were learning about family, and that is really what this Bill in principle speaks to. Adoptees were not party to

the adoption agreement in most child adoptions, yet they do suffer the consequences, which in effect isolate them from their own birth.

Cases being made against the opening of adoption records point to failed reunions and on that basis suggest that the process is somehow flawed. However, the results of research regarding adoption reunions clearly indicate that the chances for emotional growth, healing, and resolution are much greater than the chances for emotional upheaval. Even when there is disruption, the reunion has positive consequences in the sense that people are forced to deal with reality rather than the fantasy of what might be.

Mr. Speaker, it is also worth mentioning that open adoption records are in keeping with the United Nations convention on the rights of the child, a convention that the Alberta government as recently as last week refused to ratify. Article 7 of the convention endorses the right to one's name, that every child is registered immediately after birth and has a right to a name, a nationality, and knowledge of who his or her parents are. Article 8 ensures:

Respect the right of the child to preserve his or her identity, including nationality, name and family relations . . . without unlawful interference.

If a child is deprived of some or all of those elements of identity, states will have a responsibility to provide the necessary help and protection to re-establish them. This will safeguard children whose family ties have been arbitrarily severed and whose identity papers have been deliberately falsified. So although the government continues its refusal to ratify the convention as a whole, this Bill at least indicates a willingness to adopt some of the convention's key articles.

Mr. Speaker, many countries have opened their adoption records, and as the hon. member earlier mentioned, New Zealand is one of them. New Zealand has perhaps the best contemporary history of any country implementing major adoption reform. It is appropriate that the Minister of Family and Social Services has also referred to the New Zealand legislation as a positive example of what can happen when adoption records are opened. The law reform movement in New Zealand achieved major social and legal changes towards adoption and opening adoption records. The magnitude of their changes has resulted in 50 percent of the New Zealand adult adoptees obtaining their identifying birth information. Out of 8,000 adult adoption reunions that have taken place since 1985 in New Zealand, the following results have been reported: 80 percent received a positive response, 10 percent were received with uncertainty, and the remaining 10 percent received rejections. Of the 10 percent that were rejected, one-half received acceptance within a year or two after the initial request.

The New Zealand adult adoption information act of 1985 is considered as one of the single most important events regarding adoption practice in this generation. Although I acknowledge that this Bill is a positive and much needed progressive step, which is long overdue, I would like to qualify that if it is to be successful, amendments recommended by way of public hearings will have to be addressed and may need to be incorporated within Bill 208.

Some of the areas which I feel require further public input and that I think are areas of potential concern for many of those people that will be affected by this legislation are – and I've numbered them: number one, the individual's right to access information about their own history will be a topic area; secondly, the protection of privacy of those individuals who may not wish to be reunited, and in this area the Bill speaks that those who don't wish contact must place a veto on file. I've had a number of calls expressing a concern with that, that if they do not wish contact and if they're not aware of this Bill, they may be inadvertently

contacted. Thirdly, the unquestioned release of nonidentifying information pertaining to one's birth parents in all cases for which there is a request; fourthly, the mechanics or the logistics of the registry and contact veto system; fifthly, the issue of what components would be contracted to a private agency or group; sixth and finally, the issue of cost and whether exceptions would be made to the financially disadvantaged. I'm not sure that cost recovery, although it's preferred in most cases, would be possible in all cases, and I wouldn't think it appropriate to deny someone access to their family history based on their financial positioning.

Many of the answers to the concerns I've listed here should and I anticipate will come from Albertans who participate in the process through the public hearings or send in written submissions to the Minister of Family and Social Services. One concern which has been put to me frequently is one on the contact veto system, and once again I have to stress that we must ensure that only those who want to take part in a reunion are contacted, and for the others, their wishes for privacy must be respected. Respect for privacy and the right to information must be balanced as the parties involved deem appropriate. Secrecy has been a fundamental cornerstone of our adoption system for many years despite research and the experience of countless other jurisdictions who have helped dispel this myth that adoptions have to involve a clean break between parents and child. To discover one's history with an unpleasant reality is often easier to cope with than is the connection to a nothingness. You can come to terms with the known, but it is very hard to come to terms with the unknown.

Mr. Speaker, this Bill is long overdue. It is time to listen to Albertans and pass these much needed amendments in principle.

Thank you, Mr. Speaker.

MR. PHAM: Mr. Speaker, it is a pleasure to rise today before the House and have the opportunity to speak to Bill 208. The adoption issue arouses very strong emotions in everyone it touches. It can unlock feelings of uncertainty, rejection, fear, and regret that many of us would like to forget, but there are many Albertans who cannot forget. Birth parents, adoptees, and their families have to carry the weight of having a piece of their history missing. For many adoptees not knowing where they came from makes it seem as though a part of themselves is missing. It is not just that their medical and social information is incomplete, but not ever having met their parents or a biological relative makes it difficult for many adoptees to feel as if they even know themselves. Birth parents carry a similar burden. They must cope with the guilt of having surrendered a child that they love very much into the hands of strangers. At the same time, they cope every day with wondering how that child is doing, if it is healthy and happy. These parents, too, have a piece of themselves missing. Life is hard for all of us to deal with at times, but it can become even more so for people who lack an idea of who they are or where they come from. It is more so for people who had to surrender a child a long time ago and have wondered ever since what became of them. Many of these people have to know more if they are to live full and complete lives. They have to know who their parents and family were and what they were like, or they have to know how the child that they gave up a long time ago is doing.

3:10

Alberta Family and Social Services currently has in place a postadoption registry in which parents, adoptees, and relatives of adoptees can register their names if they wish to make contact. If related parties register, the postadoption registry will contact each party and arrange a reunion. It is known as a passive registry system, and Nova Scotia is the only other province in Canada that

offers such a service. Most other jurisdictions in Canada offer active or semiactive registries offering a search service for adoptees and their parents wishing to make contact. Although there are problems being experienced with some of the systems in other provinces, I feel that this government has to take a step forward and look at what is being done elsewhere.

There have been more than 70,000 adoptions in Alberta. If we consider that each of those adoptions involved birth parents, an adoptee, and an adoptee family, the number of people affected by adoption is staggering, and they won't change, Mr. Speaker.

The Member for Innisfail-Sylvan Lake has been working very hard with the Parent Finders organization in the formation of this Bill. They and the TriAd group are the two largest adoptee/birth parent organizations in Alberta, but no large community in this province is without one or two groups of adoptees and birth parents helping each other. These groups offer counseling and support for people who are searching for their families. Many of these people have been searching for 20 years or more. That is a long time to go without contact with a family member.

These people have been sending a message to this Assembly. They feel that they are adults and they are entitled to information about themselves and their families. They are saying that they are sick of not knowing who they are. They want the truth. They want adoption records to be open so they can continue searching for their families and get on with living their lives. Their message was clear when the Member for Innisfail-Sylvan Lake tabled a petition in this Assembly with over 11,000 names on it. This petition asked that adoption records be open in accordance with Bill 365, the basis for Bill 208. These people came from all across Alberta and from across Canada. Their message was clear: open the records now.

Bill 208 goes a long way in doing just that. It proposes to make all identifying information open to adult adoptees, birth parents, and relatives who are searching. Adoptee parents of minor children may also receive this information. One important requirement in the process is that this information is only available once an adoptee has reached the age of 18 unless an adoptee parent requests it on behalf of a minor. This way we can ensure that adoptees are emotionally ready to deal with knowledge about a circumstance of the adoption. It also means that no birth parent can institute a search until an adoptee reaches the age of 18.

Bill 208 enables the government to establish a search and contact service. This means that an adoptee, birth parent, or relative could contract this service to search out and contact relatives on their behalf. Initial contact would be carried out by trained staff. Searches have proven to be an expensive and costly service when other jurisdictions have tried it. Bill 208 will get around that obstacle by stating that the fees for each service would be set so as to cover all of the costs. It also allows the government to contract this service out to the private sector. This would help to ensure that opening adoption records and helping people find each other would not place any more financial strain upon taxpayers during these difficult times.

I feel that this proposal is very responsive to the needs of adoptees and birth parents who wish to search. It enables people to know about themselves and their history and offers a service to seek out relatives and contact them in a sensitive manner. It makes information available only after an adoptee reaches the age of 18. Bill 208 covers the needs of people who need to know more very well.

This brings us to the sticking point. How can we protect those people who do not wish to be contacted, who want to put the whole thing behind them and forget? Rarely is a child put up for adoption under ideal circumstances. Birth parents are often young

enough to be children themselves. When a pregnancy occurs, they can be placed under extraordinary stress by everyone around them. Thirty years ago a pregnancy out of wedlock was a terrible shame for a family. It was common for pregnant girls to be shipped away to a distant relative until the baby was delivered and put up for adoption. That kind of shame is a tremendous burden for a young woman to bear. Some pregnancies are the result of incest or rape. This adds even more pain and guilt to an already difficult situation. It is not surprising that some birth parents would wish to leave the experience behind them, forget and get on with their lives, and that is their right. It is the same for adoptees. Many of them have been raised by loving adoptive families. They have been given a home, a sense of place, a good upbringing, and a loving atmosphere. Often they wish to keep their loyalties to those families and not dig up the past. They may make a personal decision to close the book on their past and to not seek contact with their birth parents, and that is their right as well.

When parents made the courageous decision to give up their children for adoption, they were promised by the government that their identity would be protected. Adult adoptees who don't want to be contacted have entrusted this government with the responsibility to protect their identities. Whatever this government chooses to do, I feel that those promises have to be kept and these people have to be protected if they choose. Any form of our legislation will have to bear that in mind if it is to be successful. It must open up secrets to adults who want to get a grip on their past while promising confidentiality to those who want to leave the past behind and move on.

I think Bill 208 walks that middle ground very well. It lays the groundwork for a contact/veto registry, where anyone who doesn't wish to be contacted may place a veto on their file. Once a veto has been placed on a person's file, no identifying information will be released by the government from that file. That will not prevent anyone from searching on their own, which is their own personal right, but it will ensure that the government does not release any information against someone's wishes.

3:20

I am sure that there is a wide range of opinions on how to best administer this contact/veto system. One major concern is how the government could advertise it and ensure that everyone will have the opportunity to place a veto on their file if they so choose. There are a lot of questions that will have to be answered. I hope that this government will be able to arrive at a system that will continue to protect the privacy of people who do not wish to be contacted. How will such a system be maintained? It is a system that has not really been tried to such an extent before. Would we keep everything on computer? How would we prevent leaks to the public on such a sensitive matter? These are just a few of the questions that need to be answered as we make changes to the current legislation.

We will need to refine the process by which we determine who can get information and who cannot. Rarely are there only two parties involved in the reunion: a parent and an adoptee. There are families on both sides whose needs have to be taken into account. Many adoptees not only have birth parents out there; they also have siblings. Sometimes a parent would not wish to be contacted, while a sibling could be open to a reunion. If the government identifies one member of the birth family, it identifies the entire family. As the Bill is written, if one party in the birth family placed a veto, the information is closed. That will respect their right to privacy, but at the same time other members of the birth family who want contact have a right to know their family.

It is one case where the rights of two parties clash, and that is something we will have to discuss in depth as we rewrite the law.

[Mr. Deputy Speaker in the Chair]

That is why I feel that these public hearings are such a good idea. They will enable everyone touched by adoption to give a clear idea of how they want the records to be kept. It is my hope that they will give us a clear direction on how to open adoption records in a way that could be sensitive to everyone's needs. I eagerly look forward to the outcome of these hearings, and I hope that everyone whose life has been touched by adoption will take the time to make a submission with their views.

In the meantime, I think Bill 208 provides an excellent framework from which Albertans can work. It could enable many adoptees and birth parents to finally come to grips with their past. It will also respect the rights of others who choose to leave it in the past. I think with refinements this Bill would be an excellent means of reforming adoption information in this province, and for those reasons I urge this Assembly to pass second reading of Bill 208.

Thank you, Mr. Speaker.

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

MRS. HEWES: Thank you, Mr. Speaker. I'm pleased today to rise to speak in support of Bill 208. I thank the member for bringing it forward. I think it is a good Bill. I hope that we can see this Bill through to third reading. I would like to see it as part of the legislation of this province.

Mr. Speaker, the Children's Advocate in the recent report has commented on adoption. He says, and I quote from page 176, "A guarantee of closed adoption is in this day and age preposterous and unrealistic." The advocate then went on to state further in the report, quote:

It has been one of the most personally moving and exhilarating experiences of this Review process to discover that all members of the adoptive triad have joined and are speaking with a unified, enlightened and eloquent voice in favour of more humane and open access to adoption information.

I think the days of secrecy around this process are thankfully over. I'm glad to see that happening. It reflects what's happening in the rest of the nation and the world.

Mr. Speaker, I too want to thank Parent Finders for the initiatives they have taken to help bring this Bill forward. I personally have been associated with the organization through a surrogate granddaughter who thankfully was reunited with her natural father through the diligent efforts of Parent Finders. I know the care they use in working with and counseling people who are eager to find a parent or a relative. I'm glad they have worked with the member to introduce this legislation, and I expect we can anticipate their support in encouraging people to come out to the public hearings, which I'm also pleased to see are to be part of this process.

Mr. Speaker, I would anticipate that through the public hearings we will learn many of the things that need to be in our regulations that would accompany this Act that would speak to and re-enforce some of the concerns expressed by the Member for Calgary-Montrose. Of course, there needs to be protection of privacy written in. There needs to be the capacity for the veto, and this is contained in the Act, but I think the public hearings will reveal to us many of the things that we need to know about how that can occur to give people the protection they need.

The Member for Edmonton-Manning has spoken eloquently to the need for open records, why we need these adoption records opened. I won't repeat his comments, but I think we also need to acknowledge that open adoption records are in keeping with the United Nations convention on the rights of the child. To my sorrow last week we did not pass the Bill that would have enshrined this convention within the Alberta legislative process. I'm sorry about that. I hope that will happen sometime in the future. That convention clearly spells out these same principles. Article 7 endorses the right to one's name, that every child is registered immediately after birth and has the right to a name, a nationality, and knowledge of who his or her parents are. Article 8, Mr. Speaker, ensures:

Respect the right of the child to preserve his or her identity, including nationality, name and family relations . . . without unlawful interference.

If a child is deprived of some or all of those elements of identity, signatory states will have a responsibility to provide the necessary help and protection to re-establish them. This will safeguard again children whose family ties have been arbitrarily severed and whose identity papers have been deliberately falsified. I believe the legislation reinforces that section of the convention. I would hope that members of the government would want to adopt certainly parts of that convention, if not all of it.

Mr. Speaker, having said that, I agree with the Member for Calgary-Montrose. Adoptions rarely happen within perfect or ideal or happy circumstances. In fact, they are often to the contrary. So there are risks when one goes along with the notion of finding one's birth parents. There are risks involved. I would anticipate that in the public hearings and in the ensuing regulations we will build in some of the necessary supports and understanding of what those risks might be so that people are protected and are helped to understand that in fact they may find some things that they really didn't want to know. The Member for Calgary-Montrose has enunciated some of those as well. Perhaps one finds out that the birth mother does not lead a life-style that is acceptable or one that is contrary to the values of the adoptee, a painful kind of situation. There's a lot of case documentation, Mr. Speaker, that gives us the kind of information that people have found out about their birth parents often in very difficult or strained circumstances, perhaps criminal circumstances, that the adoptee really didn't want to know yet had that innate desire that "I must find out; the unknown cannot really harm me as the known has."

3:30

Mr. Speaker, one example where adoption occurred as a result of pregnancy through incest. One adoptee has commented:

I had fantasized that this might be how it happened, but that was the worst of my fantasies, and I didn't expect it to come true. I didn't know what was true, and when we met, things were pretty tense. Then we shared exactly what had happened and shared our hurts and fears. It was one of my birth mother's fears that one day I would find her and ask her. Now that traumatic time had come. Somehow in the sharing of our deep personal grief feelings, we built up a relationship. We now understand each other on an issue that no one seems to understand.*

So while there are risks, I believe that the benefits and the potentials greatly outweigh those risks.

I can give, Mr. Speaker, from personal experience a very positive example. Over 40 years ago my angel husband and I adopted a baby boy. He is now a very fine man, a very fine gentleman with a family of his own. He's a very good son and a good father. He grew up knowing that he was adopted, as did his siblings who were natural born, and from time to time would ask

about how he would find out and expressed some concerns about wanting to know more about his beginnings. We always reassured him about helping him. He did not pursue it until after he was married, in fact. Then with some difficulty and some considerable research on his part he was able to find his birth mother. It was not an easy time for him. He was not sure in many ways why he wanted to know, but he just had that desire for many years. Who is she? What is she like? Why did she not want me, or did she want me? Those fears were expressed many times. Who was my father? So he was able to find his mother, and thankfully that story ended very happily for him and for me and for his adopted father, because he found a fine person and he found some stepbrothers and stepsisters and he found that the reasons that she had given him up for adoption were those that we had anticipated. Her life at that time had not been such that she was in a position to keep him, and she felt the best thing was that he should be adopted.

Mr. Speaker, it was also a time of great comfort and joy to that birth mother, and she expressed that very clearly. She had often wondered what had become of him, what kind of family he had ended up with. So it was with great relief and joy for both of them that they found one another. I am happy to report that I am his mother and he is my son, and that's never been a question between us.

So there are very positive examples throughout this province. I believe, Mr. Speaker, that this piece of legislation will make that come true for those people who desire, who need to know, as long as we build in those other understandings of what the risks are, that it will make it come true, maintaining the potential for privacy and for the veto for those for whom it is simply too painful but making it possible for the others to find out about their beginnings.

Mr. Speaker, in conclusion I just want to end with a quote from a summary of the findings from Arthur Scrosky's research and book *The Adoption Triangle*, where he describes the need for this kind of Bill to allow adoptees to get access to their records. I quote:

Questions were asked and answered, spoken and unspoken. Feelings were exchanged. Most important to the majority of adoptees was the knowledge that there were reasons that impelled the birth parent to decide on relinquishment. The whys that plague adoptees were rated and the "who am I like?" frustration solved. Not all questions were answered, nor were all problems resolved. But almost all adoptees expressed feelings of relief, of new beginnings that were free of the unknown.*

Mr. Speaker, I urge members to support this Bill. I look forward to discussing it further in committee with the member, and I thank him again for presenting it. I would hope that the government would take this and make it a government Bill.

MR. DEPUTY SPEAKER: The hon. Minister of Family and Social Services.

MR. CARDINAL: Thank you, Mr. Speaker. As minister responsible for this area I would just like to also make a few comments on Bill 208. As most of you are aware I think, I recently announced to this House that a representative from my department will be conducting broad-based public meetings on how we share adoption information. This is in response, of course, to many requests from individual Albertans involved in postadoption search and reunion and to Bill 208 introduced by the Member for Innisfail-Sylvan Lake.

Bill 208 raises several issues around adoption information. I'd like to address the key one, the issue of access to identifying

*These quotes could not be verified at the time of publication.

information. Currently, the Child Welfare Act prohibits the postadoption registry from releasing information that would identify a birth parent to an adult adoptee or vice versa unless both parties have contacted the registry and asked to be identified. Obviously, this leaves a great deal of chance for the two of ever coming together.

Many adult adoptees and birth parents have expressed their frustration to me about not being able to find out where they came from or what happened to a child they relinquished many years ago. Their need to know must be recognized and responded to in a proper way. I have also heard from adult adoptees and birth parents who wish to remain unidentified. They see the secrecy and anonymity of the traditional adoption process as a guarantee of their fundamental right to privacy. Their right must also be respected. The central issue addressed by Bill 208 is to help those who have a need to know and, at the same time, protect those who wish to retain their right to privacy.

Other jurisdictions, of course, such as the governments of New Zealand and New South Wales, have addressed this issue with great success by opening their adoption registry. This is also what Bill 208 is proposing. An open postadoption registry could release identifying information to an adoptee, a birth parent, or a sibling of an adoptee or an adoptive parent. For those who don't wish to be identified, it would be their responsibility to notify the registry and have their veto put on the record. This would prohibit the release of any identifying information concerning them.

Many applicants to the registry are seeking information for medical reasons; we must also be sensitive to their needs. One way to do this would be to offer an option to those who register a contact veto. This would allow for the release of updated, nonidentifying medical information to an applicant even if there is a contact veto on file. Mr. Speaker, this issue affects my family directly because my wife was adopted, and today, because of the existing system we have in place, I don't really know, on my wife's side, the medical history of my children. They are at the age now that they would like to know that, and it's important for me and my wife also to have at least the medical information if nothing else.

3:40

Our public meetings will of course consist of 20 different locations throughout the province, Mr. Speaker. The first one was in Grande Prairie on October 7, and the process wraps up in Fort McMurray on November 29. The postadoption registry will also accept written submissions until December 10, '93.

In closing, I would like to indicate that I look forward to hearing what Albertans have to say about this very, very important and sensitive issue. I know that together we will create a new system that can respond to those who need to know and protect those who also have that right to privacy and possibly at the same time provide the necessary medical information for those who require that.

Thank you very much.

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

MR. SAPERS: Thank you, Mr. Speaker. It's a pleasure to be able to stand in the Assembly and speak in favour of Bill 208. I'd like to add my congratulations to the Member for Innisfail-Sylvan Lake for bringing this Bill forward and also to my colleague for Edmonton-Manning for bringing similar legislation forward to this Legislature.

For far too long, Mr. Speaker, secrecy has been a wrong-minded cornerstone of our adoption system, and certainly the New Zealand experience and the experience of several other places have told us that we need a break from that particular legacy.

Now, I'd like to add to this debate from my own experience of sorts. I've received many, many calls from constituents regarding the need to open up adoption records. Their stories are compelling. They speak of the need for medical history, much as the Minister of Family and Social Services has just done. They desire to find the missing pieces of their family history puzzle, and they crave the dignity of knowledge that can come only from discovering the truth about their birth parents.

This Bill and the other private member's Bill put forward would speak to this long-overdue need. Now, I think it would be in order, Mr. Speaker, if this Bill were to become a government Bill, and I would like to see this become legislation for this province quickly. Bill 208 is of course consistent with the Liberal philosophy concerning the rights of children and families. All individuals desire to be part of their own heritage. Now, there is no excuse for denying Albertans this opportunity by keeping adoption records sealed. Every child has a name, a nationality, and a history. Their heritage should be celebrated and shared. Of course, this can't be done by adoptees unless their records are made available to them.

I've had the opportunity to travel to many centres in Alberta as part of the all-party panel studying freedom of information. Now, this has provided a chance to hear from several Albertans regarding their concerns about access to information and privacy, including their desires on how personal information should be protected and the kind of information that they think should be, firstly, widely shared and then that which should be made available on a more guarded basis. Several Albertans have come forward talking about access to adoption records. They've come to the panel hearing specifically to make representations in that regard. These people are concerned that they don't have the access that they need. They do not voice concerns about privacy; they voice concerns about access. Now, I believe that Bill 208, perhaps with some minor amendments, properly balances privacy and access needs. I'm convinced that the individuals need to know. Indeed, their right to know about their own history is the paramount issue in this matter. Albertans need adoption records opened, and I believe this is the right thing to do.

I urge all members to support this Bill.

MR. DEPUTY SPEAKER: Calgary-Cross.

MRS. FRITZ: Thank you, Mr. Speaker. I rise as well to speak in support of Bill 208. I'd like to sincerely thank the hon. Member for Edmonton-Gold Bar as well as the Minister of Family and Social Services for sharing with this Assembly some very real personal family history that assists in highlighting the reasons why this Bill is before us. I believe that this Bill is a sincere effort to address a very serious issue, and I believe the Bill is well thought out.

I, too, think that opening adoption records is an idea whose time has come in Alberta. Other provinces seem to be far ahead of us in terms of making their adoption records more open and helping adoptees and birth parents search for their families. Our society is steadily moving towards an understanding of the real needs that people have in their lives. In addition to food, shelter, and companionship, Mr. Speaker, they also need a sense of who they are and where they came from. Many adoptees cannot take this feeling for granted. Even though they have been raised by caring, attentive families, many adoptees feel incomplete without

knowledge of their birth parents and their birth families. Many adoptive parents are beginning to understand that their family need not be threatened just because an adoptee may wish to search for members of their birth family. As long as an adoptee is old enough and mature enough to deal with whatever consequences a reunion may have, they should be allowed to chose whether they wish to search for their birth family or not.

At the same time, Mr. Speaker, we have to empathize with any birth parents who have the courage to surrender a child for adoption. Anyone who has ever had a child knows that a parent/child relationship could never simply end at that point of surrender. It means a lifetime of worry, wondering if you did the right thing by surrendering that child, how that child is doing, and if he or she is being well cared for. Bill 208 enables people who have been involved in adoption to deal with those mysteries and know the truth about their birth families. It enables adoptees and adoptive parents on behalf of minor children to access their original, unamended birth certificates. It provides access to identifying information for adoptees, birth parents, and other relatives who are searching.

I empathize with people who wish to retain their privacy and not be contacted. Adoption is a difficult and painful process, and everyone has to heal in their own way. Experience in other jurisdictions tells us that we could expect less than 5 percent of all affected adoptees and birth parents to place a veto on their files. I agree that there will be far more people waiting to use the information in their files to make contact with relatives than there will be people placing vetoes on those files. At the same time, Mr. Speaker, those rights have to be protected, and I feel that the provision in Bill 208 for contact veto registry would be sufficient to guarantee privacy for people who wish to remain anonymous. I agree that there are a lot of questions to be answered about how this law could be administered before Bill 208 could become a reality, questions especially about how we would administer the veto. I feel that the answers to many of these questions will be given to us during the public meetings that are currently being held. This Bill was drawn up with the input of adoptees and birth parents, and it is only fair that we consult with them on how to further improve adoption records legislation.

I would like to congratulate the hon. Minister of Family and Social Services for taking the very progressive step of announcing these public meetings, and I would also like to thank the Member for Innisfail-Sylvan Lake for the hard work in bringing the issue of adoption to the forefront in the past few months. Bill 208 may not answer all the questions, but I think it is an excellent and well-thought-out first step towards meaningful reform of the way adoption records are maintained in this province. I look forward to hearing the results of the public meetings, and I think they will wind up validating the aims of Bill 208. For these reasons, I support this Bill.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Medicine Hat.

MR. RENNERT: Thank you, Mr. Speaker. I would like to take a few minutes to address Bill 208. I, too, am pleased to support Bill 208. A good deal has been said this afternoon, and I don't want to cover a lot of ground that's already been covered.

I would like to relate some experiences that I've had. Mr. Speaker, I come from a sheltered background, you might call it. I have a traditional family – a mother and a father who have been married for 40 years – and I really didn't have the exposure to the whole area that we've been discussing this afternoon until I got involved in this job, in politics.

3:50

I was invited to attend a meeting of the Medicine Hat adoption TriAd. This is a wonderful group. It gave me an insight into this whole process that I never had an opportunity to see before. Now, for anyone who doesn't know what the TriAd involves, this is a group of volunteers that get together on a regular basis. It consists of adoptees, birth parents, and adoptive parents. They all discuss as a group all of the concerns that they have. Of course, one of the prime concerns for this group is the opening up of adoption information. If nothing else came clear to me in those couple of sessions that I've had – I've actually met with that group three times now – I gained an insight into how important it is for all the members of the TriAd to have this information open to them.

We often focus on the adoptees, and we often say that it's so important that adoptees have this information. We've discussed it a number of times this afternoon: that they have information regarding health records, that they have information regarding their heritage and everything else. But there are two other groups inside that TriAd, and they feel just as strongly, certainly the people that I was dealing with. We have birth parents who gave up their children for adoption and who have not forgotten the impact that that had on their lives. They are in many cases most interested in learning about their children, how they were able to mature, and in getting a chance to meet their offspring.

Then we also have the adoptive parents, and sometimes they get forgotten in this conversation too. These are the parents who raised this child from an infant. This child is now an adult and starting to ask a few questions. The questions that they're asking have nothing to do with whether or not their adoptive parents did a good job of raising them. They have to do with questions that most people like myself take for granted. Who are my grandparents? Who are my great-great-grandparents? What is my background? They are supportive. They are very supportive and very proud of the children that they raised as their own, but they, too, appreciate the need for these children to have the experience of knowing where they came from and what their background is. Certainly the people in this group that I talked with have absolutely no impression that because someone is asking for this information it is in any way a reflection or a denial of the fact that their parents are the ones who raised them. None of them are denying that. They just want to know a little bit more about their background.

I think the most important thing that is in this Bill – and what I'm very happy to see in this Bill, and I congratulate the Member for Innisfail-Sylvan Lake for putting it into the Bill – is the veto rights. I think that we have to preserve the privacy of individuals. There can be any number of reasons why someone may want to put the veto provision into an adoption, and I think we have to acknowledge the rights of an individual to do so. It creates a situation where if someone is searching for his parents at this point in time, without a Bill like this, oftentimes through Parent Finders and a number of other organizations, they can locate their parents. If the Bill were in place, and they realized once they got into the process that for whatever reason their birth parents or anyone in the triangle put this veto provision in place, even that would give them some information. It would make it very clear to them that for whatever reason, they don't need to pursue their search any further. Pursuing a search, looking for something when you may or may not be successful is very frustrating. Even if the veto were there and someone ran up against the veto, at least that would answer part of their questions. That would at least tell them that their search has ended. Some people go on for years and years on this search, and it's so frustrating and so nonproductive for them.

So I think the veto is appreciated not only by the people who have the power to put the veto in place but even by the people who are going through the channels and looking to find their records, run into that veto. I think even they will be thankful that that veto is there.

Mr. Speaker, I am, quite frankly, surprised that it took so long for a Bill such as this to come before this Legislature. In my conversations with this group I indicated to them that all of the input I am getting as an elected official is very positive. Everyone that talks to me talks about opening up the records. We hear the discussions here this afternoon; there is no opposition to a Bill of this kind. I wonder and I wondered aloud to the group: where is this opposition? Why has it taken so long? Why has this been a subject that could not be addressed for so many years? For that reason I think it's very important that the public hearing process take place. Obviously, somewhere along the line there must be some reasons – and hopefully those reasons will come out during this public hearing process – why it's taken so long for some kind of legislation such as this to be discussed in this building.

I look forward to the public hearing process. I think it's become very evident that that public hearing process is welcomed and needs to take place. I as an elected official who has had absolutely no background and no experience in the area of adoptions have to wonder: why is it that this took so long to get onto the records, yet no one seems to be opposed to it? I feel that it's important that we have both sides of the issue discussed in a public hearing process so that when we as elected officials have to make a decision on this, we're not making the decision based on a very one-sided story. If there is no other side to the story, Mr. Speaker, I would be certainly more than willing to lend my unmitigated support to this Bill, but I would like to hear from both sides of the story.

I didn't want to speak for terribly long on this Bill this afternoon. There was some information that I wanted to express to the House. With that, Mr. Speaker, I would encourage the House to support this Bill at second reading.

Thank you for giving me an opportunity to speak to this Bill.

MR. DEPUTY SPEAKER: Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. It's with great pleasure that I rise to address Bill 208. I think Bill 208 is a very well written Bill, and I commend the hon. member for bringing it forward to the Legislature.

[Mr. Clegg in the Chair]

I would like to speak a little bit on the circumstances that are often involved in adoptions. They are not pleasant circumstances, as the member across the way alluded to initially. It is one of the toughest decisions possible for a mother to give up her child for adoption. I have seen the agony that has taken place in making that decision. The decision is made at a point in time, and circumstances do change. I have seen unwed mothers that have given up their child and gone into a very stable relationship later on at a more mature point in their life. They then come back and are wondering what exactly happened to this child. What is the future of this child? What is this child now doing? Do they have any grandchildren? Simple questions like that which really should be answered, Mr. Speaker. Up till now there have been a lot of roadblocks that have taken place, that have been thrown in the way by government bureaucracy and government legislation. I think that this Bill successfully addresses this and is certainly a positive step forward.

Mr. Speaker, I just returned from Slave Lake, where I talked to a lot of native people. One of the comments that came out was the problem where native people were taken into the cities and out of their families, out of their biological families. I think that is a real concern. They are trying to trace back their roots and again are running into the same roadblocks that we find in the adoption process. The native culture is extremely important to them, and the family is an extremely important part of it. I see this Bill as a Bill that is going to aid the reuniting of the native family. It was a very eye-opening experience up there, and it was one that I was extremely glad I went on.

I also have several relatives that are adopted who are looking for their biological parents. It is a process that is extremely important.

Again, basically, as everyone has said, it is an extremely good Bill, and I would urge everyone in the Legislature to vote yes on this Bill. I commend the hon. member for bringing it forward.

Thank you.

4:00

MR. ACTING DEPUTY SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I, too, wish to go on record as being supportive of this Bill. I have a number of reasons for doing so. A long-time acquaintance of mine spoke to me and asked me to support any initiative on opening up the postadoption registry and then went on to relate to me her story of giving up a baby, of going to British Columbia during the latter months of her pregnancy to give birth to this baby, and the joy she had after 30-some years of marriage – having told her husband from the very beginning of their relationship that she did have a child out there somewhere – that the child did seek her out. It would not have been possible in Alberta under our present regulations but was possible through British Columbia – the joy she had in meeting them and, of course, her own children now knowing their mother's story and that they have another sibling, another sister, in their family. I assured her that I would support this. I have a couple of grandchildren who are adopted. We treasure them very much but understand that someday they may wish to find out about their birth mother.

I did have a number of constituents who, because the hon. Member for Innisfail-Sylvan Lake brought this Bill forward, approached me and said they hoped I would support it. I had a very moving letter from a woman who told me about the circumstances but didn't tell me the number of years ago it occurred. She found herself pregnant and chose to take the baby to term and give it up for adoption. She now has a new life and is absolutely terrified that she might be rediscovered. She wrote this letter, and I was really moved by it. She didn't sign the end of it, so I just know I have one terrified constituent who doesn't want her life ruined. As long as there are those kinds of provisions which there appear to be, I think this is most worthwhile. So I welcome the day in Alberta when we have an open postadoption registry, one that has an adequate safeguard to protect those birth mothers and fathers who have made a new life for themselves but one that is open enough that it will permit medical histories to go forward without any veto.

Again, I appreciate the comments from Edmonton-Gold Bar and Innisfail-Sylvan Lake, Bow Valley, Calgary-Cross, and many others. I think they were good comments, and I would support this Bill.

Thank you.

MR. ACTING DEPUTY SPEAKER: Thank you.

The hon. Member for Rocky Mountain House.

MR. LUND: Thank you, Mr. Speaker. I, too, want to congratulate the hon. Member for Innisfail-Sylvan Lake for bringing forward this Bill. I was quite shocked when I learned about the Act as it currently exists, the fact that two biologically related people that want to get to know one another are unable to do so in Alberta. So I certainly want to congratulate the member and hope all members in the House will support it.

[Mr. Deputy Speaker in the Chair]

I am somewhat similar to the hon. Member for Medicine Hat. I have not had a lot of exposure to this very delicate situation as it relates in the community. While we do have some folks in our family – not close family – that are adopted, it never did occur to me that there was a major problem. It wasn't until I got involved and then learned about the difficulty out there. As the hon. Member for Edmonton-Glenora mentioned about the access to information panel currently touring the province, we are hearing from a number of people that wonder how this is going to relate to the adoption registry, very anxious that there be some provisions that would open it up. Also, of course, some concern was just expressed by the hon. Member for Highwood that there does have to be this line where there can be some protection for whatever reason. It's really none of our business what those reasons might be. If someone simply does not want to have their record opened, we must respect that. Certainly this Bill does that.

I think this Bill identifies that we're talking about adults. Certainly when someone comes of age and you have two groups of people that are of age and want to be able to find out about one another, those provisions should be there. This Bill handles that very well.

Coming back to the veto, I believe there's going to have to be some work done on it. Currently we probably could find some conflicts within families, and there could be some problems there.

I want to congratulate the Minister of Family and Social Services on conducting hearings throughout the province. I hope that during those hearings we will find the anomalies we will have to address. Of course, I would be anxious that we don't proceed beyond second reading with this Bill at this time until that information is available to us and we can make appropriate amendments and make sure that when we do this, we do it right.

With those few comments, I want to urge all members of the House to support this Bill in second reading.

MR. DEPUTY SPEAKER: Wainwright.

MR. FISCHER: Thank you, Mr. Speaker. I just want to congratulate the member on bringing this forward. Some of the members mentioned where the opposition might be on this. I know I've listened to a lot of members speak about young people. Certainly it's difficult for a mother to give her baby up for adoption, and many of them would like to follow it through afterwards.

I think there's one word of caution I could mention. I know that the Bill addresses the fact that two parties would have an opportunity to either reject it or go ahead with getting together. I do know of an occasion where they got together afterwards. Certainly, depending on whether it's a big community or a small community, after the families identify one another, sometimes even after a child is 18 years old, there is a fair bit of family interference and rejection. One group had brought that child up and treated it like their own for 18 years, and now somebody else comes along all of a sudden to claim that child, not taking them home with them but, I guess, within the community laying that claim. I know there are some sensitive feelings about that, and

I'm not sure this would be addressed. I would hope that during public hearings there will be people that have had a lot of experience not only in the earlier part of their life but in their life afterwards. Certainly it can turn somebody's life right upside down sometimes.

I'm certainly not against the Bill. I think it's time we made some steps to open up that part of our system. So I would support the Bill and look forward to the hearings.

Thank you.

4:10

MR. DEPUTY SPEAKER: In summation, Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. First of all, I'd like to thank all members of the House on both sides. I will thank not just for myself but for all the families that are involved in the adoption triangle. They've been a long time waiting for this, and it's a positive step forward if we get approval for passing Bill 208.

There were a number of valuable points expressed today in discussion. The Member for Edmonton-Manning made some valuable points that I think we should take into consideration. One point I'd want to make: I totally agree with everybody that has mentioned that we have to wait until the public hearings are finished and they report back to the minister. I think getting approval for second reading of the Bill at this time sends a positive message to Albertans that the government and this Legislature are ready to make changes.

Also, I'd like to thank the minister for conducting hearings throughout the province in response to Bill 208. I think there will be valuable information. I want to mention that I received a number from people from, as I said, all across the province and country supporting the opening of adoption records, but I also received a few from very concerned people, some from birth mothers that have kept that secret and they're married and have a family. I share that concern with them. I also had some adoptees come to me who don't want interference. They felt a little more reassured when I told them about the veto. I think what we have to look at if we bring this back at committee stage are the regulations for the veto so we do have that protection for people that really have concerns. I look forward to that debate when it comes in committee.

Again, thank you for all the support. I'd like to call for the vote on second reading of Bill 208.

MR. DEPUTY SPEAKER: The vote has been called. All those in favour of second reading of Bill 208, Child Welfare Amendment Act, 1993 (No. 3), as proposed by the hon. Member for Innisfail-Sylvan Lake, please say aye.

HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no. Carried, it would appear unanimously, for the record.

[Motion carried; Bill 208 read a second time]

head: **Public Bills and Orders Other than**
head: **Government Bills and Orders**
head: **Committee of the Whole**

[Mr. Tannas in the Chair]

MR. CHAIRMAN: Order. I would call the committee to order.

Bill 204
Stray Animals Amendment Act, 1993

MR. CHAIRMAN: Any comments, amendments, et cetera? Olds-Didsbury.

MR. BRASSARD: Thank you, Mr. Chairman. I do have an amendment in response to a number of issues that were raised subsequent to second reading. As I mentioned, there were a number of issues raised. Some of them certainly were emotional. This is a very emotional issue, and that can be borne out by the petition filed in this House today by the Member for Sherwood Park, signed by over 4,000 people who were concerned about what happens to the horses in this area. We also had some concerns identified by the Member for Rocky Mountain House as to how we would handle native horses, so we've tried to address that. The Member for Sherwood Park and the Minister of Environmental Protection both identified the need for a licensing component to this Bill. We talked also about how to ensure protection and still control where and how we would handle the capture of horses if such capture was required. This is an issue that is near and dear to my heart and those in my constituency, because last year alone they collected over 80 horses in our area. In fact, they've been averaging 20 to 80 horses per year in this area.

Mr. Chairman, I have distributed to all members a copy of the amendment I am proposing, and I would ask that it be considered.

MR. CHAIRMAN: The hon. Member for Olds-Didsbury has provided the table with copies. Has everyone now received a copy? It's in the process, so perhaps we'll wait a moment. It's my understanding these were distributed earlier in the day, so if you haven't got one, look on your neighbour's desk.

Do you wish to say anything further, Olds-Didsbury?

MR. BRASSARD: Mr. Chairman, I would call the question on the amendment.

MR. CHAIRMAN: Okay.
Lac La Biche-St. Paul.

MR. LANGEVIN: Mr. Chairman, it is my pleasure today to rise to speak on Bill 204, the Stray Animals Amendment Act, 1993, especially on the amendment that was distributed earlier today, which is a House amendment to the Act. I think it's just great that we're able to do this today, because this is history in our Legislature. I think it's the first time a private member's Bill is being discussed or debated in the Legislature. [interjection] No? I had the impression that most Bills that came into the Legislature were from cabinet ministers. It's great that we have a private member's Bill here today that we're able to discuss in Committee of the Whole.

I have some concern about the amendment as proposed. I personally agree with all the items except 8.1. The rest of them I think satisfy most of the people in the Liberal opposition. If you look at item 8.1, "The minister responsible for the administration of the Public Lands Act," it's not clear if this could be the Minister of Environmental Protection.

MR. DAY: You're actually right.

MR. CHAIRMAN: Hon. member, the rule of the House normally is that we speak through the Chair, and you're properly admonished for that.

MR. DAY: Okay.

MR. LANGEVIN: Mr. Chairman, I accept this. I made a statement that this was probably the first time a private member's Bill was being discussed in the House. I was told that was wrong, but now I'm told that's right. So like I said, we're making history today, and it's good because it's possible for members of the opposition here and members not in cabinet on the government side to bring forward their own Bills and have them debated and possibly passed. I think it gives a chance to all hon. members, in cabinet or outside cabinet, to contribute to legislation in this province, and I would like to congratulate the hon. Member for Olds-Didsbury for bringing this Bill forward.

I think there has been a concern in our province for many, many years over feral horses. It has been a problem and a concern for Albertans. This is not new, because when settlers came to this province at the turn of the century, there were many herds of wild horses in Saskatchewan, Alberta, and British Columbia. With the settlers opening the land and pushing forward, these stray animals were pushed into inaccessible or unsettled areas of the province. Today they're mostly in the foothills of Alberta. Some efforts have been made in the past to manage or to control these feral horses in Alberta. They became quite evident in the middle 1950s. Early in the century horses were from time to time captured and used as workhorses or possibly sold for profit, but in 1956 the Eastern Rocky Forest Conservation Board, then responsible for the Rocky/Clearwater and Bow/Crow forests, instituted a policy of removing feral horses with the stated intent of complete extermination. This authority was given by letters of authority to settlers and farmers. Also, there was an attempt to hire some American horse chasers to reduce the herd or eliminate the herd. All these practices did not work, because we still have a fair number of feral horses and still have a problem dealing with protecting them in Alberta. A policy change was put in place in 1973 which resulted in phasing out these letters of authority, and the last permit expired in 1974.

4:20

At this time there's really nothing in place to protect or look after the problem we have in Alberta. This is why the hon. member put forward Bill 204, to try and cope with the problem. It's too bad that it took so long - it's been a problem for many years - and that the Department of Environmental Protection didn't go after this to try and resolve it. I still believe it would have been better if it had fallen under the control of the department of the environment instead of agriculture. That's why I raised the question before on the minister responsible under 8.1. I would like some answers on that. Is this the Minister of Environmental Protection or the minister of agriculture, or could it be a shared stewardship arrangement between the two departments? Further down in the amendments, we're talking about inspectors and/or forest officers who are involved in implementing or enforcing this Act, and these inspectors and forest officers report directly to the minister of the environment. I would like some clarification. I would definitely support that it be spelled out that it is the minister of the environment.

The second part of 8.1(1). I have some problems with that because it does not give protection. I believe under this Act we could see the total elimination of wild horses, because it's under the minister's authority to issue permits to get rid of or eliminate some horses to protect or to maintain the ranges, the forage, the soil, reforestation, wildlife habitat, and other resources. If there's a problem in some places or there may be seen to be a problem, the minister could at his own discretion issue a permit possibly for

the total elimination of all the wild horses. There's a feeling in Alberta, an emotional feeling, that people would like to protect these wild horses. I don't see any problem in reducing the herd from time to time if they are a burden on the environment or the range they live on, but I see a problem if it's left open for total elimination. I think there's no safeguard here; it just says that for these reasons the horses could be removed. I am afraid that does not give the protection to wild horses or feral horses that most Albertans would like to see.

Those are the comments I have at this time. We will have some other speakers, Mr. Chairman, from our side later.

Thank you.

MR. CHAIRMAN: The hon. Member for Rocky Mountain House.

MR. LUND: Thank you, Mr. Chairman. I just want to get on the record that I totally support these amendments. They answer all the concerns that I have heard and that certainly I had. The amendments allow the Minister of Environmental Protection to designate an area where a permit will be required. I wholeheartedly support that. That means, of course, that the whole country is not covered under that blanket designation, so that alleviates the problem I had relative to the native population being able to go and gather up their horses, which are not branded and sometimes have been out there for a number of years. A lot of people think they're wild, but they're really not.

I also raised a concern with some folks that have got grazing allotments for horses in the wintertime. They aren't always fortunate enough to gather up all those horses in one roundup, so that straggles over into another in two or three years, as a matter of fact. This certainly will address that problem.

The area that has been highlighted in the media, where there have been some blatant abuses of the horse population more recently: part of that is in the Rocky Mountain House constituency. I think this will certainly cover that problem.

So I want to congratulate the Member for Olds-Didsbury for bringing forth these amendments and making his Act one that certainly I would encourage all members of the Legislature to support.

MR. CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Chairman. I indicated earlier that I would support Bill 204. In essence, my comments were that there is no question that in this province we'd like to see the feral horses protected. I will support the amendments that come forth as well. In spite of saying that, I will issue a couple of cautionaries that I see in it. The reason I will support the Bill is the fact that I sat down with the hon. Member for Olds-Didsbury. I would suggest he wears the title "honourable" very well, and I have never questioned his integrity. So if he draws comfort from the Bill, I draw comfort from that.

I would draw the attention of the Assembly to 8.1. When I look at "public land" referred to in that particular clause and refer to clause 5 and also clause 8.2(1), where we refer to "an inspector or a forest officer appointed" to deal with it, it strikes me that we have a shared governance here, because it is my understanding that public land falls into the bailiwick of the agriculture department, which under normal circumstances I wouldn't have a large concern with, although when we start moving into other departments it can cause a little complication here. My concern with it falling in the agricultural area is that no one in this House is not aware of the very large and influential lobby of the Cattle Commission and the cattlemen of this province. I have a concern that if it's solely

restricted to the agricultural aspect, they in fact could exert pressure probably to sidestep or to manoeuvre around some of the clauses on page 2 such as 8 or (6) or (7). I would like to think that we are all looking to protect these feral horses and common sense would apply there. I think it's important, though, to bring to the Assembly that there is potential in this situation to succumb very much to a cattle lobby group, particularly when we're dealing with leased lands. We know leased lands are very important to their operation.

So I leave that red flag flying, though I would support the Bill. I support it, as I indicated, because the hon. Member for Olds-Didsbury is quite comfortable with that. He proposed it. I think the intent really is to protect. If we get a small bit of protection in this undertaking, then that's desirable. If it doesn't work as intended, I expect the hon. Member for Olds-Didsbury, of course, would be the first to bring forth an amendment to ensure that we close any windows that may in fact be left open.

So that would be my only concern with it, though I would stand before you and indicate that in fact it's my intention to support it and to get on with business and deal with it.

Thank you, Mr. Chairman.

MR. CHAIRMAN: In summation, Olds-Didsbury, on the amendment.

MR. BRASSARD: Thank you, Mr. Chairman. It was my intention originally to keep this Bill very simple. As a matter of fact, I should point out to the House that when we initiated all these Bills, they were brought forward primarily for discussion, as has happened in the past. It is a mark of the kind of collaboration that has been identified by the Member for Leduc and the Member for Lac La Biche-St. Paul, as a matter of fact, and also the Member for Sherwood Park, I would mention. We have all had a play or a say in what has gone on here and have responded to the new rules that have been laid down in this House enabling private Bills such as this to come forward. So the Bill did in essence go through a transition, if you will, from a discussion document to indeed a law of the land, and that's really encouraging.

4:30

I acknowledge the concern with the shared stewardship that has been pointed out by the Member for Leduc. It is one that exists now under the leasing arrangement that we have, under grazing leases, and it has worked very well. There is a shared responsibility for our public lands between the department of agriculture and the Minister of Environmental Protection, and so far it has worked out very well. I do honestly believe that these concerns can be overcome.

I guess in summation, Mr. Chairman, I would have to say that we have had a great deal of discussion on this initiative. We have talked to native bands across Alberta. We have discussed it with guides and outfitters, ranchers, the SPCA, and certainly we heard from the general public today with their petition. I think the Bill is timely, as has been pointed out. I think the amendments address the concerns that have been identified, and I would now move the amendments.

[Motion on amendment carried]

MR. CHAIRMAN: Further comments on the Bill?

HON. MEMBERS: Question.

MR. CHAIRMAN: The question has been called on the Bill itself.

[Title and preamble agreed to]

[The sections of Bill 204 as amended agreed to]

MR. BRASSARD: Mr. Chairman, I move that Bill 204 as amended now be reported.

[Motion carried]

MR. DAY: Mr. Chairman, I move that we report.

MR. CHAIRMAN: I'm sorry; my hearing is a problem. I presume that you said that the committee do now rise and report. Is that right? Good. The hon. Deputy Government House Leader has moved that the committee do now rise and report.

[Motion carried]

[Mr. Speaker in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports the following Bill with some amendments: Bill 204, Stray Animals Amendment Act, 1993. Mr. Speaker, I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. SPEAKER: Does the Assembly concur in the report?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? So ordered.
Next order of business.

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

Bill 210
Individual Property Rights Protection Act

MR. SPEAKER: The hon. Member for Calgary-Montrose.

MR. PHAM: Thank you, Mr. Speaker. I am pleased to have this opportunity to discuss Bill 210, the Individual Property Rights Protection Act.

Property rights are one of the four fundamental democratic rights, along with the rights to life, liberty, and security of the person. Our society is founded on the principle of a person's right to own and enjoy property, and this principle has shaped the development of our society. Despite their equal importance, property rights are not given the same recognition and protection in our province as are these other rights. Perhaps we assume that this right is just ours for the taking, Mr. Speaker, but it is not true. Democracy is something that has to be protected, and there are dangerous consequences to taking something so precious for granted.

The importance of property rights to a democratic society has been recognized through our history. The first documented protection of the right to property can be traced to the Magna Charta in 1215. Other major documents protecting rights and freedoms, such as the English Bill of Rights in 1689, the declara-

tion of the rights of man in 1789, the Constitution Act of 1867, and the universal declaration of human rights in 1948, all recognize the importance of property rights.

Furthermore, Mr. Speaker, property rights are conditionally guaranteed by countries all over the world, including the United States, Australia, Italy, and Germany. Given this historical precedence and recognition by other democratic nations, you would think that the importance of property rights would be properly recognized and protected in Alberta. Unfortunately, the right not to be deprived of the enjoyment of property has been increasingly overlooked and undermined in this province.

I advance Bill 210 today, Mr. Speaker, in order to emphasize the importance of property rights in our society. By recognizing that property rights should have greater protection, we can encourage a more just system of compensation by Albertans whose right to enjoy their property is denied or violated.

Section 1 of Bill 210 states:

It is hereby recognized and declared that in Alberta every person has the right not to be deprived of the enjoyment of property except by due process of law.

Here it is acknowledged that, in some circumstances and according to the due process of law, a person's property may need to be expropriated. This may be true, Mr. Speaker, but it seems that somewhere along the line individual property rights have become unfairly subordinate to the public interest. By elevating the status and legitimacy of a person's right to the enjoyment of property while acknowledging that there may be at times a need to give up that right, Bill 210 will establish more of a balance between private and public interests.

4:40

Currently in Alberta the Expropriation Act governs the expropriation of private property by governments and provides for people to be compensated when their property is taken in the name of the public interest. The Expropriation Act also requires the Land Compensation Board to regulate the procedure of expropriation and compensation. According to the Act, if an owner objects to the expropriation of his or her property, an inquiry is held to determine the merit of the expropriation. The Land Compensation Board then functions as an authority to approve or disapprove the expropriation based on the findings of the inquiry.

Another role of the Land Compensation Board is to arbitrate a case in which the appropriating authority and owner do not agree on the compensation to be paid. In these instances the board generally bases its decision on such things as market value of the land, damage attributable to disturbance, and the cost of relocating a residence or business. However, the board does not take into consideration the emotional attachment to or the historical value of certain property. In the case of a municipal or a provincial government expropriating land that has been in someone's family for generations, it doesn't seem fair not to consider the emotional and historical consequences of this loss of property. While you may be compensated for the market value of your property, this does not account for the significance of losing the land your family has farmed for years or the home that you grew up in. These are very real claims, Mr. Speaker, and we are attaching a greater legitimacy to property rights. Bill 210 would encourage these aspects to be considered in any compensation package. In this way Bill 210 would provide for a fairer mechanism for compensation when a person's property rights are denied.

Property rights may even be abused by the very institutions that have been created to protect them. There is a clause in the Expropriation Act that states that if an

expropriating authority urgently requires the land and that delay would be prejudicial to the public interest . . . expropriation [may] proceed without inquiry.

This clause gives extra protection to the public interest over the rights of individuals. Even though we would hope that government would not use this clause to abuse the property rights of individuals, there are cases of this happening.

As well, even if a government doesn't mean to infringe on an individual's property rights, this still may occur through negligence. The Canadian Real Estate Association has documented cases across Canada in which property rights have been unjustly infringed upon by governments. In Ontario, for example, an expropriation must be fair, sound, and reasonably necessary, but it is the expropriator who determines what is fair, sound, and reasonably necessary. In the case of one property owner, the home that had been in his family for three generations was expropriated by a municipal government to build a parking lot. An inquiry into the expropriation found that it was not necessary to achieve the city's objective. The government was still permitted to carry out the expropriation, though, because the supreme court of Ontario ruled that what is in the public interest is a matter to be determined by the municipal council. The individual in this case has no recourse to protect his right to enjoy his property against the government acting in the public interest. There needs to be more of a balance between individual property rights and the public interest so that the source of dispute can be settled in a fair manner.

In Alberta there was a case in which four sisters had to wait 13 years to be properly compensated for the loss of their property. The government registered a caveat against their land for possible use in the future but then did not move to actually expropriate this land for 13 years. The inquiry into this case found the situation to be unfair to the owners. In fact, their rights of ownership were totally disregarded.

A similar situation is occurring in Manitoba. The city of Winnipeg has stated that it wants certain land for a proposed street expansion but is not exactly sure when the road will be built and so has not officially expropriated the land. Meanwhile, because of the proposed road expansion, the landowners cannot build on, subdivide, or sell the land. The result is that their right to enjoy their property is being denied.

Governments are abusing their power to act in the public interest at the expense of individuals. Even in this province individuals suffer because of the priority given to public interests over private. Alberta should take the lead in ensuring people have the right to enjoy their property. Bill 210 addresses this and provides individuals with a stronger claim to their right to property.

An individual's right to the enjoyment of property must also be protected from violation by other individuals. Property crimes, including theft, break and enter, fraud, arson, and vandalism, account for over half of all Criminal Code offences in Canada. Authorities have found that next to violent crimes, crimes against property which involve an invasion of one's dwelling and privacy are probably the most traumatic experience for individuals to undergo.

Besides the emotional impact of property crimes, there is also the economic cost of these crimes to consider. Statistics from insurance companies show that in 1990 motor vehicle theft cost the Canadian public over \$300 million, and in 1991 the estimated property loss and damage from residential break and enters was more than \$400 million. Property crime is a serious problem in this country and in this province. As a government it is our responsibility to do what we can to prevent these crimes and to help the victims of these crimes when they do happen.

As far as strengthening protection for property rights, we must also instill respect for and recognition of the principle of private property. Another alarming statistic involving property crimes shows that in 1990 more than 80 percent of those charged with break and enter were between the ages of 12 and 25, and one-third of those are young offenders. The punishment for young offenders found guilty of property crimes is probation in over half the cases. Other less common dispositions include fines and community service. The least common punishment for property crimes is compensation for the victim, which was the ruling in only 4 percent of the cases in 1991 and 1992.

Our youth need to be taught the value of property and respect for the right to own and enjoy property. Bill 210 would help to achieve this by providing the legal framework so that judges have more power to hold young offenders and any other property rights offenders accountable for their actions. Offenders should be required to realize the consequences of their deeds by compensating the victims of their crimes. This could help to allay the emotional and financial costs of property crime as well.

By elevating the status and importance of the protection of property rights, Bill 210 would enable Albertans to be better compensated for violations of their right to own and enjoy property. I understand that there may be some concerns regarding this Bill, Mr. Speaker. I admit that there are ways that this Bill could be improved, and I can see where certain amendments would be in order to clarify the scope of the Bill and the way in which it would be applied. That is what this debate time is for: to share our concerns and to work together to bring forth the best legislation possible. To this end I encourage all members of this House to bring forward their constructive ideas for improving Bill 210. Regardless of the technical improvements that can be made to this Bill during the next stage of the process, I urge all members to vote with me in approving the principles of this Bill.

Bill 210, the Individual Property Rights Protection Act, will show this province's commitment to a principle that our society was founded on; that is, a person's right to own and enjoy property. Albertans deserve to have their right to enjoy property guaranteed. Bill 210 recognizes the importance of property rights in our society. This Bill allows for individuals to be better compensated in the event that their property rights are denied or violated, and it will promote greater respect for private property. We must have stronger protection of property rights in this province, and Bill 210 is the vehicle to make this happen.

Thank you, Mr. Speaker.

4:50

MR. SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Speaker. I rise today to speak against Bill 210. It's not because I question the motives or the intent of the hon. Member for Calgary-Montrose but because in fact the Bill itself is, I think, so fundamentally flawed that it can't be supported.

Now, I'd like to start my comments first of all, Mr. Speaker, by just referring to, and then quickly moving away from, some of the criminal law matters that the hon. member opposite raised. First of all, criminal law of course is a federal responsibility, not a provincial responsibility, and there's little that this Bill or any other provincial Bill about property would do to change the administration of the criminal law.

Furthermore, if the hon. member was really interested in making sure that the Young Offenders Act had the desired impact, he would be pressing his caucus and perhaps the Minister of Justice to fully implement section 4 of the Young Offenders Act, which

is the alternative measures section, which allows for things like direct victim compensation by the young offender. In fact, quite the opposite has taken place very recently. Victim/offender reconciliation programs and other alternative measure programs allowed for under section 4 have been defunded by this government, and I think that's quite shameful. I'd encourage the hon. member to look into that, and if he wants to do something meaningful about compensating victims of youth crime, he might press for that.

In addition, Mr. Speaker, there's a section of the Young Offenders Act known as section 69, which of course allows for the establishment of youth court committees. Youth court committees are groupings of citizens which can be of assistance to the court by making their wishes known to a court or to a sentencing judge. In addition, they can also help administer sentences. They can also help oversee compensation agreements and other kinds of arrangements to better service victims. So I suggest that there are existing avenues that the member could take if he was serious about dealing with youth crime.

Now, this Bill 210, the Bill before us, says that it would declare a right not to be deprived, that Albertans would not "be deprived of the enjoyment of their property except by due process of law." Right in that very sentence, Mr. Speaker, there are two major problems. Number one is that "property" itself is not defined in this Bill, and number two, "due process" is not defined in this Bill. Now, property not being defined means that it could presumably address all kinds of property – movable property and real property or real estate – but the Bill is not, of course, limited to one or the other, and that creates some confusion. The lack of the definition of due process only adds to that confusion.

Section 1 of the Bill itself is redundant since such protection already exists. It already exists as a consequence of several hundred years of common law practice in this jurisdiction and others, not to mention some considerable case law.

Section 2 is a tautology. Now, this kind of tautological reasoning is something that we try to eliminate from legislation, Mr. Speaker. You cannot currently deprive someone of the enjoyment of their property unless, of course, you were legally authorized to do so. There is a huge body of existing case law which prohibits or at the very least discourages interference with the enjoyment of property except when certain judicial or other extrajudicial procedures are being followed. For example, you cannot seize somebody else's property unless you have a statutory or perhaps a contractual right to do so. If you take property belonging to somebody else in this province or you hold property and refuse to return it to its rightful owner, the owner can apply to the court to recover. That's time honoured. Now, with real estate you cannot evict a tenant or take land without satisfying contractual, common law, or other statutory obligations. You cannot foreclose on a mortgage unless you comply with statutory and common law requirements. In essence, those property rights are already well guarded.

Presumably, if you have a contractual right to deprive somebody of the enjoyment of their property, you would effectively have the benefit of due process of law. If you give someone a mortgage on your home or on other realty and you default, how can you complain when the mortgage exercises its remedies pursuant to the terms of the mortgage or the Law of Property Act? I would suggest that the hon. Member for Calgary-Montrose take a look at some of the existing legislation to see how this would have impact and, in fact, why Bill 210 is not necessary.

Now, I would like to return to the meaning of property. The meaning of property is not constant and has held different meanings over time and in different places. As far as common

usage of the word "property" goes, property is "things." These are things in law and of course also in philosophy. Property may not always be things, but if this Bill were to become law, these things would become rights, or we'd have rights in things or about things. This current common usage of the word "property" leads us to some very confusing areas. For example, if this Bill were to become law, the distinction between property and things and rights would be blurred, and in fact mere physical possession would now therefore define property as a right. That makes no sense to me, Mr. Speaker, no sense whatsoever.

I'd like to try to explain why the lack of definition of property is so important and why it is so hard to assign rights to property that would otherwise be assigned to people. Now, I'll try to do this simply. Let's consider an ordinary Albertan, and let's call this ordinary Albertan Peter. Now, let's examine the relationship between Peter and his property. For the purposes of this example, Mr. Speaker, let's say that Peter has a car; okay? Peter and his car. Most people think of this as a clear-cut relationship between a man and his car, but the law tells us that legal relations of course cannot exist between people and cars, no matter how much Peter may like his car. Legal relations involve rights and duties and the recognition of rules and obligations. Now, such relationships can only exist between people, obviously not between people and things. Peter must use his car responsibly. He has a duty not to drive on sidewalks or at excessive speeds. The car, on the other hand, has no such social responsibility. Peter may be liable to pay for damages caused by his car, and he has a duty, of course, to his neighbours to ensure that his car does not become a nuisance. These duties in turn give Peter the right to use his car. Of course, however, the converse can never be true.

Now, as you can see, property is defined as things, and things do not have relationships and therefore have no duties imposed upon them. As a consequence, property can never have rights.

Our laws protect our rights to use and retain property. This Bill does nothing to enhance the enjoyment of property. I cannot support this Bill, and I urge other members not to as well.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. Member for Calgary-McCall.

MR. SOHAL: Thank you, Mr. Speaker. I rise today to speak in support of Bill 210, the Individual Property Rights Protection Act. I support Bill 210 because I believe that property rights are essential to the functioning of a democratic society. As such, they should be valued and protected by this government. The original and basic purpose for which government was created was to protect an individual's property. We find that governments today favour public interest over private and are not opposed to using their powers against individuals in the name of the public good.

Albertans deserve to know that they will be able to enjoy the things that they work hard for. It's time to meet our responsibility as a government to protect the property rights of individuals in this province. Bill 210 will help us to meet this responsibility. It demonstrates recognition of the importance of private property and a commitment to the principle of protecting a person's right to enjoy his or her property. This is the kind of legislation we need to ensure that what Albertans earn is theirs to keep and enjoy. What is it going to take for us to realize the importance of individual property rights and that these rights need to be protected from arbitrary government intervention? Maybe we need to look at the experience of other countries that haven't always enjoyed the right to private property to make us realize what we have got.

5:00

The whole world has been astounded by a number of recent political events but none so astounding as the fall of communism in eastern Europe and the former Soviet Union. These former communist countries are facing very difficult times now as they try to move from a tyrannical system of common ownership to a practical system of private ownership of property. The old system has been rejected. It disdains the freedom of individuals, and it has retarded economic development in these countries, leaving the economy in shambles. The people have found out the hard way that property rights are the key to development and prosperity.

There are many economic reforms under way right now in the former eastern bloc. All citizens are now free to own property, and shares of former state-owned enterprises are being offered either by sale or by a lottery system. Allowing people to have a personal stake in businesses will provide freedom, giving people security and opportunity they never had before. It will also improve the economic stability of these countries. As more people become property owners, there will be more people with an interest in defending and protecting the principles of private property. People in these countries appreciate the importance of private property. They know that any prosperous and successful society is based upon the concept. The right to private property makes possible a better life for them and for their children. They worked hard for the right to have private property, and they understand what that right can do for them.

When people in other areas of the world are working so hard to achieve the right to own and enjoy private property, it seems a shame that we in Alberta take that right for granted. We, too, are in danger of losing liberty and security if our property rights become meaningless and are not properly protected. Everybody agrees that it is important to be able to have the right to enjoy private property, but nobody thinks about what it takes to protect this right or how this right might be violated without much notice.

Sadly, Mr. Speaker, it does not take a communist regime to deny property rights. Violations of an individual's right to property occur all the time in our country, usually in the name of the public good. An example of this is the battle in Ontario between those who think there's a conflict between property rights and human rights. The Ontario Human Rights Commission has received a complaint about standard financial tests that landlords use to screen prospective tenants to ensure that the rent not exceed 30 percent of the applicant's income. The Human Rights Commission is looking into this complaint to determine if by using this test, landlords discriminate against low-income groups. Because low-income groups are primarily young people, old people, and women, the commission is concerned that the use of financial tests to screen tenants could be discrimination on the basis of age or sex.

This concern is, of course, ridiculous, and preventing landlords from using this test would be a blatant violation of private rights. By administering the financial test, landlords are simply protecting their property by weeding out tenants who would have difficulty paying the rent. If this were determined to be discriminatory, then even taking a damage deposit or taking steps to evict a tenant for nonpayment of rent would also be declared discriminatory. To attempt to guarantee this type of equality for low-income groups would be denying the property rights of landlords.

It seems that in this age of collective rights it is very easy for individual property rights to be subordinated by public interests. It is very easy to forget that property rights are the foundation of our society and must be protected as such. We must realize that property rights are human rights. Violating property rights is just

as serious as violating human rights, such as the right to life or the right to liberty. In fact, property rights are directly related to the rights to life and liberty. People who work for a living spend a good part of their life converting their efforts into property and financial security. To deprive a person of his property is in fact depriving him of that time of his life spent working to own that property. If a man cannot use and enjoy his property as he sees fit, then he's not free.

People in this province work hard for what they have. Albertans deserve the guarantee of having their property and their right to enjoy their property protected. The protection of private property is too important to just assume that it is an accepted right and that it will be automatically protected because of this. We can see how easy it is for property rights to be violated in the name of the public good, and we can see how important it is for individual property rights to be recognized and protected in our province. I ask that you accept the responsibility of fulfilling one of our primary functions as a government and support Bill 210 to protect individual property rights.

Thank you.

MR. SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you, Mr. Speaker. I recognize that there's a certain attractiveness to the commentary that a man's home is his castle, and we'll build a moat around it and as long as you can get along with the other people who live inside the moat, it will be yours for all time, and no forces of the government, no Minister of Municipal Affairs, no minister of the environment, no minister of community service, no minister of agriculture, no Minister of Energy, transportation, or no Provincial Treasurer will ever come and try to storm that moat and move inside there with you and the other inhabitants of that. That's an attractive idea, and I'm going to talk about that idea a little bit, Mr. Speaker, until somebody puts the House out of its misery by rising and asking for an adjournment this afternoon.

Before I do that, Mr. Speaker, I want to disassociate myself completely from the debate as presented by my friend on this side of the House. I want to disassociate myself from the relationship between Peter and Peter's car. I'm not going to accept any part of that debate. I do want to talk about issues relating to expropriation and the importance.

Now, this debate is a mirror image of a debate that took place on a broader scale when the national government considered the issue of the Charter of Rights and basic freedoms and information. Everybody was very quick to recognize that human qualities, the quality of not being yanked out of your home and arrested, the human quality of not having any of your personal rights infringed were very important. When they got down to considering the rights of property, Mr. Speaker, there were little bells of warning that began to go off. There were little bells that would warn people that they should be careful. [interjection] I'm sorry; may I continue, Mr. Speaker?

MR. SPEAKER: Yes, you may, if we can get a little order here. Carry on.

MR. GERMAIN: Thank you. [interjection] I'll address my debate to the Chair, Mr. Speaker. It's been considered safe here in this House doing that.

So when those little warning bells went off, it was rapidly apparent that across the country a consensus could not be reached on the enshrinement of a so-called right to property in the Charter of Rights and Freedoms. Now, is it because all of those learned

scholars did not want to own their own homes? Certainly not. Is it because they didn't want to sleep peacefully in their beds at night surrounded by that moat and holding out the minister of the environment? Certainly not. It was because, Mr. Speaker, they recognized that there was a tight chain in the property rights issue, and that chain is that when you utilize your property and how you utilize your property has an impact on other people surrounding you who are trying to utilize their property as well.

Now, the member opposite who introduced this Bill has some good ideas. He basically spent the time introducing this Bill outlining the reason for it: that Alberta's expropriation laws are unfair and that they effect hardship on Albertans. That is a laudable improvement objective for the Expropriation Act itself.

5:10

I want to go through a checklist now. I can assist the hon. member. He might be surprised to know that because expropriations come like bullets in the night through the ebb and flow of property values, there are people in this province who have bought high. We know of people who have bought land high. They thought it would go up to the sky, rising like a great big 747 never to come down to earth again. They bought high, and the prices plummeted, and they were forced to lose the land in expropriation long when they didn't have any intention to sell or be expropriated.

MR. MITCHELL: Is that what happened to NovAtel?

MR. DINNING: That's what happened to Principal Trust.

MR. SPEAKER: Order. [interjections] Order.

MR. GERMAIN: It's always tragic, Mr. Speaker, when you're trying to present a live presentation and you realize you have a live audience. It's a shock to the system.

So there's another one that the member opposite may put into his arsenal of errors and touch-up problems with the Expropriation Act. With respect to him and his laudable objective, this particular legislation is not the answer.

The example that I'd like to use is not about a boy named Peter and his car but two citizens in Alberta, one named Adam and one named Ralph. If you look at section 1 of that particular legislation:

It is . . . recognized and declared that in Alberta every person has the right not to be deprived of the enjoyment of property except by due process of law.

Does that mean that if there was an individual named Adam and there was another individual named Ralph and Ralph had a nice office, Adam could go and enjoy that office? Because it is property and Adam is not to be deprived of it other than by due process of law. Would that make sense to anybody listening to those comments? Certainly it wouldn't.

Mr. Speaker, let me talk about the issue of zoning. Zoning has come up every time individuals have talked about the entrenchment of this particular scope of fundamental property freedom. They've talked about zoning. Now, let's just look at that. Anybody that has grown up in this province knows that any time there is a farmer in agriculture in Alberta that wants to develop a pig ranching operation within several miles of adjacent farmers, there is hue and cry and concern about the real and perceived intrusions that that type of operation will have on the neighbours' quality of life. When you have a piece of property – and you live, Mr. Speaker, in a nice residential area, I'm sure – you do not enjoy your neighbour digging in tanks and putting in a brand-new service station right next to your home. On the other hand,

you don't want your other neighbour to build a 20-story skyscraper right next to your own home. You recognize that your rights of personal property have been encroached. You have traded off some of your enjoyment for the knowledge that what enjoyment you still retain you will get to enjoy. So zoning has always clashed with this concept.

Now, it is becoming increasingly of interest that some individuals conduct illegal activity on their own property. How would we handle that? Would we say that because they have surrounded it by a moat and they are inside their property conducting illegal activities, we should be powerless as a society to bring those illegal activities to a halt? We have never said that in this society, and as a result we have agreed that we will give up some of our property rights to ensure that legal and not illegal activities are conducted adjacent to us.

We also have a rapidly increasing issue in the eyes of the public, and that is the issue of environmental concerns. We have decided in this country, Mr. Speaker, that if you own beautiful property – let's say that members here are fortunate enough to have a nice lake lot against a beautiful lake. To properly enjoy that piece of property they want to punch in a sewer system so that they don't have to walk out to an outdoor privy to relieve themselves, like the hon. Member for Redwater tells me he did when he was growing up as a kid. They want indoor plumbing. We have never allowed them to push the indoor plumbing into the lake and pollute the lake. We have agreed that their right to enjoy their property will be qualified for the greater public good. We also now know that the department of environment is standing by as a watchdog agency to ensure that environmental concerns and the development of land are observed. Would we now say to people who want to take down every tree, remove every piece of gravel, uproot every piece of grass on their property, "We will not deprive you of any of those property rights, because we have enshrined them into the equivalent of the Alberta constitution or a Bill of protections and rights"?

I want to go back to the issue of expropriation. I have spent nearly 20 years in my other ego, Mr. Speaker, fighting for people's right to retain fee simple interest in land that they own against those who would take the land away from them, but I concede that if there is a major issue that affects the entire community good, you do have to expropriate from time to time. Would the entrenchment of this type of legislation and the throw-off clause, without "due process of law," prevent you from expropriating? Remember that the Expropriation Act speaks to the ability to do something. It does not guarantee the ability to do it to that piece of property which that individual holds sacred. So I could see immediately an entire battery of legal counsel developing who would specialize only in what the last five words of this paragraph mean as it relates to the concept of expropriation. Would it mean that if two people out of 20 landowners opposed an expropriation, their rights would override the other rights of the community?

I want to turn to other issues, Mr. Speaker. We talk about taking people's land away from them, and we say: okay; we've got zoning controls. We also have some legislation that is intended to protect people against their own preparedness to take risks. We are prepared to say to people: you cannot build your house, for example, on floodplains, because your two-year-old infant daughter in a crib doesn't agree maybe to live in a floodplain on the very day that a flood comes. So we have restricted the places and the locations where people can build. We have created parks and private areas and have dedicated them for all time to the people of Canada and Alberta. Would it mean that we could never again dedicate another park if it affected anybody's rights in any area?

What about, Mr. Speaker, competing rights? What about competing property rights? Those rights between a landlord who wants to go into his tenant's apartment and snoop around, fondle the clothing in his tenant's apartment to see what they have because it's his property and he wants to enjoy it – how would we referee competing property rights on the same piece of property? [interjections]

I'm getting encouraged, Mr. Speaker, to return to Peter's car, but I'm going to stick to the landlord and stick to the tenant, because I want to illustrate only two . . . [interjections]

MR. SPEAKER: Order. [interjections] Order please.

MR. GERMAIN: I'm happy to continue, Mr. Speaker, when the hon. members get it all out of their system. Now, we've talked about Peter's car. We've talked about fondling laundry. Anything else they want to get out of their system, I'm happy.

I want to also say to you, Mr. Speaker, that it would be inevitable that we would get into disputes where two competing claimants are claiming the same piece of property. For example, the Minister of Municipal Affairs is working on the privatization now of land titles operations. What happens when the land titles office makes an error? It's fine that they have a compensatory system, but what happens when you have two Albertans who each say: "Uh uh. You compensate the other fellow in cash. You give me the land. I want the land." Those problems would be irresolvable, Mr. Speaker.

5:20

AN HON. MEMBER: Why?

MR. GERMAIN: I hear the comment "why?" Because there's only one piece of land, and if two people want the same piece of land and each of them has the right not to be deprived of that piece of property, they each have equal rights to the piece of land in that context. [interjections]

Speaker's Ruling Decorum

MR. SPEAKER: Order. Order please. Hon. members, if you wish to participate in the debate, there's going to be about another 90 minutes available on this subject, 20 minutes apiece. Therefore, there's going to be a large opportunity for people to debate from their feet instead of from the sitting position.

The hon. Member for Fort McMurray.

Debate Continued

MR. GERMAIN: Thank you. You know, Mr. Speaker, one of the real risks the House faces is that at some point I'll forget where I was in my commentaries and have to return all the way back to the beginning and start all the way back at the beginning.

I'm not sure now if I mentioned zoning rights, so let me say that there has not been a person in this province that has not been concerned when somebody applies to open up a pig-rearing operation next to their home. We've heard that then.

Let me simply wrap up this exciting chapter in legislative history in Alberta, Mr. Speaker, by pointing out that the hon. member has some very valid objections as it relates to the law of expropriation. We should find the errors in the Expropriation Act and plug them there before we embark on a journey which sounds great in principle and preserves the age-old and rather Alberta type principle: let's put barbed wire around our land and keep everybody else out. I want to caution this House to be very concerned with the common community good. I say that as a free enterpriser. I say it as a property owner. I'm prepared to give up a certain amount of the way in which I will use my land to ensure that other users adjacent to me will not abuse the right of land ownership that they have in this province.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. Member for Pincher Creek-Macleod.

MR. COUTTS: Thank you, Mr. Speaker. I appreciate this chance to speak to Bill 210, but I'm getting all kinds of signals and all kinds of words of wisdom here and encouragement from other members. I also run the risk of winning an award. So it would be my hope, in view of the fact that my comments are not nearly as long as the hon. member's opposite who has just spoken, that we could maybe look at calling the time on today's debate, and I'll look for someone to bail me out into adjournment here.

MR. SPEAKER: The Chair understands that the hon. Member for Pincher Creek-Macleod has moved that debate be adjourned on Bill 210. All those in favour, please say aye.

HON. MEMBERS: Agreed.

MR. SPEAKER: Those opposed, please say no. Carried.

MR. DAY: Mr. Speaker, I do move that we return at 8 o'clock and find ourselves in Committee of Supply.

MR. SPEAKER: The hon. Deputy Government House Leader has moved that the Assembly do now adjourn until the Committee of Supply rises and reports. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried.

[The Assembly adjourned at 5:26 p.m.]

