

Legislative Assembly of Alberta

Title: **Wednesday, March 30, 1994** 1:30 p.m.
Date: 94/03/30
[Mr. Speaker in the Chair]

head: Prayers

MR. SPEAKER: Let us pray.

O Lord, we give thanks for the bounty of our province: our land, our resources, and our people.

We pledge ourselves to act as good stewards on behalf of all Albertans.

Amen.

head: Presenting Petitions

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

MR. MITCHELL: Thank you, Mr. Speaker. I have still many, many more names signed to the petition calling for "the government to maintain the Misericordia Hospital as a Full-Service, Active" treatment hospital which would continue "to serve Edmonton and surrounding area."

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

MS HANSON: Thank you, Mr. Speaker. I am pleased to present a petition from 570 Albertans urging the government to ensure that families, disabled Albertans, and those unable to work "have adequate food, shelter and educational opportunities" by reinstating the cuts to social assistance and consulting broadly with clients, labour, and professionals.

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

MR. SEKULIC: Thank you, Mr. Speaker. I would like to present a petition signed by 225 Albertans from the city of Calgary. These individuals are petitioning the Legislature to pursue a single registration requirement for the postadoption registry.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I beg leave to introduce a petition with 420 signatures from concerned individuals that the government please maintain the Grey Nuns Hospital in Mill Woods as an full service, active treatment hospital. That will take our total somewhere well over 30,000 signatures so far.

MR. N. TAYLOR: Mr. Speaker, I beg leave to present a petition from 301 citizens of the Redwater area petitioning the Legislature to urge the Government not to alter the level of support for all benefits for Alberta's seniors until seniors have been consulted and have agreed to any revisions.

head: Reading and Receiving Petitions

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

MR. HENRY: Thank you, Mr. Speaker. I would ask that the petition I tabled in this House on March 14 urging the government to reconsider its plan for restructuring education be now read and received.

CLERK:

We, the undersigned residents of Alberta petition the Legislative Assembly to urge the Government of Alberta not to implement the plan to restructure the educational system in Alberta, as proposed by the Minister of Education.

We also request the Assembly to urge the Government of Alberta to ensure that every Albertan will have the opportunity for input and involvement in future plans to restructure the educational system in Alberta.

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

MR. DICKSON: Thank you, Mr. Speaker. I am asking that the petition I had introduced on March 10 dealing with seniors' benefits be read and received at this point.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to alter funding arrangements for Alberta's Seniors Lodges and Seniors Subsidized Apartments until Seniors have been consulted and have agreed to any revisions to funding arrangements.

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

MR. SAPERS: Thank you, Mr. Speaker. I ask that the petition I tabled on the 21st of March urging the government to fully fund a complete program of early childhood services now be read and received.

CLERK:

We, the undersigned residents of Alberta, petition the Legislative assembly to urge the Government to continue funding kindergarten at the current level, allowing each and every child in Alberta the opportunity to receive 400 hours of kindergarten instruction, without placing undue financial stress on Alberta families by the imposition of user fees.

head: Notices of Motions

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

MR. LUND: Thank you, Mr. Speaker. I wish to give oral notice that it is my intention to introduce the following Bill tomorrow: Bill 20, Regional Health Authorities Act.

MR. MITCHELL: Mr. Speaker, I'd like to give you notice that I would like to pursue a point of order under Standing Order 7(5) at the end of question period today.

head: Tabling Returns and Reports

MR. KLEIN: Mr. Speaker, I'm pleased to file with the House four copies of documents signed by the employees of the Northridge group of companies in Calgary urging the government to stay on course to balance the budget.

MR. DINNING: Mr. Speaker, I'm filing with the Assembly today the annual report of the department of Treasury for the year ended March 31, '93.

MR. ROSTAD: Mr. Speaker, I'd like to file with the House four copies of the transmittal letter to the Attorney General in Saskatchewan relating to Opron.

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

MR. SMITH: Thank you, Mr. Speaker. I wish to file with this House an annual report from the College of Chiropractors of Alberta.

head: Introduction of Guests

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

MR. GERMAIN: Thank you very much, Mr. Speaker. This is an important day for me because these will be the first guests that I introduce in this Assembly since joining this Assembly on June 15. Lest you think I have no friends, I only remind the Assembly that the road is rough from Fort McMurray to Edmonton. Fort McMurray is the youngest city in Alberta. The mayor is also the youngest mayor in Canada. I would like to introduce three people. Mayor Guy Boutilier from Fort McMurray was here yesterday making a presentation to the government. With him is Alderman Bill Gendreau from the city of Fort McMurray, who can teach many lessons on political longevity. He has 20 years in municipal politics. They are joined by the city manager, Glen Laubenstein. I wonder if those three gentlemen seated in the visitors' gallery could rise and receive the warm welcome of this Assembly.

MR. BRASSARD: Mr. Speaker, it gives me a great deal of pleasure to introduce to you and through you to the members of this Assembly Mr. and Mrs. Gordon Vincent of the municipal district of Rocky View. Gordon is here attending the AMD and C convention. I wonder if they'd stand and receive the warm welcome of this Assembly.

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. It's my privilege and my pleasure this afternoon to introduce to you and through you to the Assembly another long-standing municipal politician and a longtime friend: Ken Kobly, the mayor of Beaumont. He is accompanied this afternoon by his son Patrick and his daughter Megan, and I would ask them to rise and receive the warm welcome of the Assembly.

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

MR. WICKMAN: Thank you, Mr. Speaker. I'd like to introduce to you and through you to Members of the Legislative Assembly on behalf of the Member for Edmonton-Strathcona a gentleman from the riding of Edmonton-Strathcona: George Reith. I had the opportunity to serve on a development appeal board with Mr. Reith, and we made many fine decisions together. If you would give him the warm welcome of the House as he stands.

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

MR. SEKULIC: Thank you, Mr. Speaker. It is my pleasure and my privilege to introduce to you and through you to the Assembly three very special guests. Doreen and Glyn Percy are here today to support husband, father, and MLA representing Edmonton-Whitemud, the hon. Dr. Mike Percy. In addition, Doreen's mother, Doris Warren, is here visiting sunny Alberta from her home province of Prince Edward Island. They are seated in the public gallery, and I would ask them rise and accept the traditional warm welcome of this Assembly.

head: Oral Question Period

1:40 Millar Western Pulp Ltd.

MR. DECORE: Mr. Speaker, yesterday this House had a demonstration of the lack of openness and accountability of the Klein government when both the Deputy Premier and the Treasurer refused to accept the fact that the Auditor General had written down Millar Western by some \$46 million in the statements of the province. By the year 2004 principal and interest on this particular loan will total more than half a billion dollars. Alberta taxpayers know what happened with NovAtel when the government did not properly look after the interest of the taxpayer. Mr. Premier, explain why your government refuses to accept the Auditor General's write-down on Millar Western.

MR. DINNING: Mr. Speaker, that is unmitigated garbage. The member across the way knows full well that this government accepted the Financial Review Commission's recommendation to write down where concessionary loans have been given. Immediately upon receipt of the Financial Review Commission's recommendations that's exactly what we did. That's why when we put together the 1992-93 report of the Alberta heritage savings trust fund, we disclosed in there, we disclosed in the budget on September 8 exactly what we had done. It says on page 52 and page 53 of the heritage savings trust fund report, the notes prepared not by the Auditor General but by the Controller, by the government, and by the Treasury Department – if I may; it's quite a lengthy note – that:

the loan is repayable on or before October 31, 2004 by annual participation payments. The payments equalling 80% . . . of the company's available cash flow will commence when certain bank loans of the company are repaid. All participation payments are to be applied firstly to principal repayment, and secondly to payment of interest at a rate of 10% compounded annually. Any accrued and unpaid interest at maturity will continue to bear interest until repaid in full. Income from the loan will be recognized to the extent that interest is received.

We have spelled out in the notes to this financial statement all of the information that is available on Millar Western, just as the Auditor General has recommended, just as the Financial Review Commission has recommended, and we will continue to comply with that advice that has been given to us in earnest.

MR. DECORE: Mr. Speaker, unmitigated garbage, as the Treasurer called it, is the same kind of language that opposition members heard when the government wasn't doing their job on NovAtel. You lost \$700 million.

Mr. Speaker, I ask the Premier: tell Albertans what mechanisms you've put into place to monitor and watch this situation so that it doesn't become another NovAtel.

MR. KLEIN: It's quite simple, Mr. Speaker. Certainly one of the recommendations of the Auditor General in his report of 1993 was to put in place mechanisms to provide a system of accountability back to government. We have accepted without exception that recommendation.

MR. DECORE: No. The question was: what are you going to do and what is your government going to do, Mr. Premier, to ensure that you step in at the right time to ensure that there isn't a half a billion dollar loss to the taxpayer?

MR. KLEIN: Well, Mr. Speaker, first of all, we have said quite clearly that we're going to get out of the business of being in business. In other words, the cabinet is no longer going to sit

around the cabinet table and make these decisions relative to loans and loan guarantees and grants. Secondly, we said that we would put in a mechanism not only to provide that the holders of these loans be accountable back to government but systems to monitor these loans and certainly to make sure that the assets and the money that we have loaned out is protected on behalf of the taxpayers.

Catholic School System

MR. DECORE: Mr. Speaker, the Klein government has forced Catholics . . .

MR. DINNING: Read it, Laurence.

MR. DECORE: Just wait, Mr. Treasurer. It's coming. You'll have lots of time to answer if you want.

MR. SPEAKER: Order please. The Chair would ask the hon. Provincial Treasurer to cease and desist.

MR. DECORE: This one's not even in your bailiwick, Mr. Treasurer.

Mr. Speaker, the Klein government has forced Catholics to organize to protect their constitutional rights to administer and control their own educational system. The Deputy Minister of Education of the Klein government is running around telling Catholic administrators that government-appointed superintendents will always ensure government compliance. On the second battleground the Klein government intends to deny Catholics their proper share of school taxes. Mr. Premier, calm the fears of Catholics in Alberta and confirm that after much pressure you and your government will allow Catholic boards to choose their own superintendents.

MR. KLEIN: Well, Mr. Speaker, his preamble alluded to one thing, and then he asked an entirely different question. I was getting all geared up to the question of taxes. I'll ask the hon. Minister of Education to supplement. We have said consistently that we have a destination to reach, and I'm sure that the Liberals would agree that it's the right destination, and that destination is a balanced budget. It's a destination of economic growth and prosperity.

MR. HENRY: Well, we wouldn't do it on the backs of children.

MR. KLEIN: Well, if you don't agree with that destination, then stand up and tell the folks. We agree with that destination, and we have said consistently, Mr. Speaker, that if we can reach that destination and there's a detour along the way – in other words, if it's easier to pass through the mountains rather than around the mountains, then we will take that pass. We will listen to people, and we will react, but we will reach that destination.

MR. JONSON: May I supplement, Mr. Speaker?

MR. SPEAKER: The hon. Minister of Education.

MR. JONSON: Yes. Mr. Speaker, I am somewhat amazed by the question in that from day one of the announcement of our business plan, number one, the Catholic school boards of this province, the public school boards of this province would make the recommendation; in other words, they would choose the superintendent from the list that would be established. That's

clear. Secondly, I think this should be clarified as well, and that is, from day one of the announcement of our business plan the assurance was given – and we've been very consistent on this – that the superintendent chosen would be a Catholic, someone who is able to preserve the spiritual and ethical nature of the Catholic school system. That has been out there all the time very clearly.

MR. DECORE: Mr. Minister, from day one this has been confusing, and you've been confused. I want an answer, Mr. Minister, not about recommendations. Are the Catholic school boards going to be able to choose their own superintendent? Yes or no?

MR. JONSON: Mr. Speaker, the answer is yes. It has been yes since the 18th of January, and I think that that should be very clear in this Assembly, because it's been clear to people outside of this Assembly.

1:50

MR. DECORE: That's doublespeak, Mr. Minister.

Mr. Premier, will you assure Catholics that the rights they constitutionally acquired in 1901, the added rights they acquired in the courts in 1976, the rights they acquired in this House in 1988, all pertaining to their right of taxation, will be left entirely intact?

MR. KLEIN: Mr. Speaker, the hon. Minister of Education has indicated time and time again that all the constitutional rights that have been afforded Catholics relative to the operation of their schools will be respected and protected.

Workers' Compensation Board

MR. BENIUK: Mr. Speaker, last week a judge found that a provincial department acted in a deceitful and fraudulent manner. The Court of Appeal has ruled that the Workers' Compensation Board succumbed to a clear and harmful error in cutting off the benefits of an injured worker. Albertans have repeatedly told the minister, as has the Horowitz report, that the WCB claims process works against injured workers. To the minister responsible: how much of the reduction of \$200 million in unfunded liability achieved this year is due to injured workers being denied their legitimate rights to benefits?

MR. DAY: First of all, a point of order on the reference to another department and using the word "deceitful."

Secondly, in response to the question: not one cent.

MR. BENIUK: Mr. Speaker, why did the minister consent to WCB bureaucrats doing file reviews of appeals and then deny injured workers the right to appear before the claim services review committee?

MR. DAY: Nobody is ever denied that right, Mr. Speaker.

MR. BENIUK: In compliance with not being able to respond, I'll simply go with the question. Mr. Minister, as you are telling injured workers that they have to go to the courts for real justice . . .

SOME HON. MEMBERS: Question. Question.

MR. BENIUK: I'll start over again. Mr. Minister, are you telling injured workers that they have to go to the courts for real justice since they can't get it at the WCB?

MR. DAY: Mr. Speaker, last year there were about 33,000 claims filed. All claims get settled except about 3 percent. About 3 percent go on to an appeal. That's not a perfect record, but 97 percent being settled without going to that final step is not a bad record. Sometimes there are cases which unfortunately are very difficult. The case being referred to by the member in a very oblique and a very misleading fashion has to do with a court ruling that the WCB Appeals Commission needed to consider a certain piece of information and sent that back to them for consideration. They are actually in the process of doing that, and while they are doing that, the individual involved is receiving a full allotment to carry him over until that time. Nobody is denied their rights at WCB. As a matter of fact, two-thirds of all claims are settled. That's from the time of injury to a cheque being sent within 20 days. Add about 11 days onto that and you get close to 80 percent of all claims being settled. It's not a perfect operation. There isn't one in the public or the private sector. But they're doing not badly. They are open to change, and we appreciate honest input to that, not misleading input like we've heard today.

MR. SPEAKER: The hon. Member for Calgary-Fish Creek.

Education Restructuring

MRS. FORSYTH: Yes. Thank you, Mr. Speaker. My constituents are calling voicing concerns that it has been indicated through the restructuring that we will be returning to basic education. Could the Minister of Education indicate what the definition of basic education is?

MR. JONSON: Mr. Speaker, in the business plan we have presented, it is clear that in terms of basic education there are two very important components. First of all, it is recognized that there is a core of essential skills and understanding centring around language arts, mathematics, science, and social studies that we must give priority to. We must make sure that the standards are met there for all students in this province and that the students have the opportunity to achieve to their maximum in those areas. But it's also clear that in the definition of basic education there are a number of other important learning expectations which have reference to the fine arts, to physical education, to computer and technology studies, and that whole package is very much part of the modern concept into the future of basic education.

MR. SPEAKER: Supplemental question.

MRS. FORSYTH: Yes. Thank you. Children are currently registering for junior high and high . . .

SOME HON. MEMBERS: Question. Question.

MRS. FORSYTH: The children are registering, and they're concerned about options such as band . . .

MR. SPEAKER: Order please. The Chair will remind the hon. member that for supplemental questions there are to be no preambles.

MRS. FORSYTH: Thank you, Mr. Speaker. Will the options in junior high and high school like hunters ed, band be available in September?

MR. JONSON: Mr. Speaker, with respect to the scope of the program that is offered by any particular school jurisdiction or

school, that is a decision to be made at the local level. Certainly, though, there is a place for optional programs. They will continue. They are part of meeting the overall diploma requirements that are part of our definition of basic education. While I would certainly state that school boards and schools will have to make careful decisions in terms of what their priorities are and what the priorities of their students and their school communities are, there will certainly be a breadth of programs for the students of this province.

MRS. FORSYTH: Will the programs be available if parents choose to pay for them?

MR. JONSON: Mr. Speaker, if I could use an example, the hon. member referred to hunter training. The regulations, the policy are quite clear, and that is that if that particular topic of hunter training is part of the optional section of a physical education course, no, there would not be fees charged for that instruction. However, if I use the example of, say, driver education, where sometimes part of the course is offered through direct instruction in the school and a driver training school is involved in offering the in-car component, there could be a charge for the in-car instruction, just as there could be a charge for extraordinary materials and so on.

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

Engine Rebuilders Ltd.

MS LEIBOVICI: Thank you, Mr. Speaker. The strike at Engine Rebuilders has turned violent, and negotiations are at a standstill. The mediation process is obviously not working, and both the Premier and the Minister of Labour have a moral obligation to ensure that this strike does not become a repetition of Gainers and Zeidler. Now, my question to the Minister of Labour is: will he give us assurances that instead of privatizing and weakening the mediation process, he will look at legislation to strengthen mediation services within his department?

MR. DAY: Mr. Speaker, the mediation services that are offered are very extensive. Trained and experienced people with proven records sit in mediations. As a matter of fact, in this particular dispute a mediator has been available to both sides, and when both sides want to sit down and work with the mediator on this, we're there to do that.

2:00

MS LEIBOVICI: My second question is to the Premier. Will the Premier now step in to ensure that violence on the picket line does not become the standard in this province, as the minister has already indicated that he's not getting involved?

MR. KLEIN: Well, Mr. Speaker, I take exception to the statement that violence is standard or common on picket lines. This is a very unusual case. Certainly there has been some violence at some time on picket lines, but it is not generally the way strikes are conducted. The hon. Minister of Labour has indicated that mediation services are available, that the services of his department are available, and I would encourage both sides to take advantage of the opportunities offered by the minister.

MS LEIBOVICI: My third question is to the Minister of Labour. As the mediation process didn't work in this particular case,

would the minister show some leadership and set up a disputes inquiry board?

MR. DAY: Mr. Speaker, that's always a possibility and one that will not be overlooked. It is important to realize that we're talking about two parties here that are trying to work out an agreement between themselves. Every time somebody says "boo" doesn't mean we have to jump. These people have to work together for long periods of time, and forcing a decision upon them is not productive.

I would also say that the members opposite here are talking about violence. The record of work stoppages in this province is the best record in Canada, and that's a message that we continually send out. We also say that in no way do we condone violence. I understand that the scenes viewed on television, especially the one where there was a woman involved with a vehicle, again a situation where that woman does not work there – whenever you have people coming from other areas and getting involved in a local dispute, often the real hopes and wishes of the local people get overlooked and overtaken by the ambitions of those who are not from the area. So I would ask that cool heads prevail and that people work together, and I believe we can see this resolved.

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

Special Places 2000

MR. COUTTS: Thank you, Mr. Speaker. Many calls have come to both my constituency and Legislature offices regarding the proposed Special Places 2000. The concern continued this past weekend as I met personally with constituents in Crowsnest Pass, Claresholm, and Granum. These concerned Albertans contend that the report recommends restricting access to almost 30 percent of the province including the entire Eastern Slopes for off-highway vehicles and other recreational uses. My question to the Minister of Environmental Protection: does the special places advisory committee report advocate closing off the Eastern Slopes to off-highway vehicles and other recreational uses?

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

MR. EVANS: Thank you very much, Mr. Speaker. The Special Places 2000 initiative is a joint initiative of Environmental Protection and Economic Development and Tourism. This is a long-term analysis of special places in this province that began with a draft policy statement back in 1992. There is certainly a misinterpretation of what the policy states and what the advisory committee, that was chaired by the hon. Member for Innisfail-Sylvan Lake, presented to government. Certainly there is no intention whatsoever of dedicating 25 or 30 percent of the land base in the province of Alberta to special places.

What we do want to achieve through special places is that the six natural regions and subregions that we have in this province are protected, that representative examples are protected for all time. I think that's an initiative that would see favour with all Albertans. We want to make sure that future generations have the ability to see these regions and subregions throughout time and in various parts of our province. What we will ensure, Mr. Speaker, is that if the policy which is now being reviewed is implemented, we will move from there to an analysis of the areas that are already protected in this province, some 8 or 9 percent of the land base in this province already protected, see what areas are deficient, and then look for answers to the areas that could be designated in a consultative approach with Albertans in the future.

MR. SPEAKER: Supplemental question.

MR. COUTTS: Thank you, Mr. Speaker. With that assurance, then, will individual Albertans as well as interested groups and industry have the opportunity to comment on the proposed policy?

MR. EVANS: Well, certainly. As I mentioned, Mr. Speaker, the public has had input into this process since 1992, when the draft policy was prepared. The advisory committee went out in really two rounds of open houses with focus groups, has then tabled a report. The report has been out for a 60-day review period that ends on the 8th, I think it is, of April of this year. Thereafter the Deputy Premier and myself will be bringing the recommendations forward to our standing policy committee on natural resources and sustainable development. We want to have continuing input, and certainly if the policy is implemented, we will try to identify areas around the province that we can designate with co-operation and with the consensus of Albertans. So really this public input is going to be a continuing part of this process of Special Places 2000.

MR. COUTTS: Final supplemental, Mr. Speaker. What will happen with the advisory committee's report now?

MR. EVANS: In a word, the report will be analyzed. There will be a review process through our standing policy committee. A recommendation from that committee will go to cabinet, and if cabinet sees fit to authorize the policy as amendments are made throughout this public input process, it will be endorsed as government policy. Then we will go out and make sure that we live up to the policy mandate, which is to protect those six natural regions and 19 subregions in this province by dedicating representative sustainable units that, again, by the advisory committee's estimate would amount to another 3 to 5 percent of the land base in the province of Alberta.

Hospital Boards

MR. MITCHELL: It's hard to know what's worse, Mr. Speaker: the fact that the regional health planning council in Calgary can't seem to make any decisions or the Premier's recent statement that he will step in and close Calgary hospitals all by himself. In fact, he says right here: I have to be quite frank with you; I think that the decision is going to be our decision. Who are we to believe: the Premier, who wants to step in and do it himself, or the Minister of Health, who continuously says that the planning process in Calgary is well advanced and well under control?

MR. KLEIN: Well, if that question is to me, Mr. Speaker, this hon. member sure has a very, very imaginative way of taking a statement and completely turning it around. To say that it ultimately might be this government's decision is the truth, but to interpret that statement as saying that I am going to personally go down to the city of Calgary and say to those hospitals, "You're closed, you're closed, you're closed, and you stay open" is utter and absolute nonsense, and he knows it. We are awaiting the report of the Calgary regional health planning committee. The minister will give it very serious consideration, and at some point some action will have to be taken on those recommendations.

MR. MITCHELL: I wonder whether the Premier could give us some indication as to why he will stand in the Legislature today and say that he's not going to be making specific decisions about which hospitals are going to be closed, when he said very, very

explicitly that he doesn't think the Grace hospital is going to remain open, that it may be that those services will be determined to be somewhere else.

MR. KLEIN: Mr. Speaker, as you know the firm of Price Waterhouse, I believe, submitted a report to the Calgary regional health planning commission. It presented, and I think publicly, a number of options. The minister has put in place a facilitator to look at those options, to bring the health planning group together to encourage them to make some recommendations to the minister. Now, in those options there are comments relative to the closure of certain hospitals. Certainly the Grace is one of those that has been mentioned, and so have others, but it is really going to be up to the local planning group to decide on the basis of local needs what indeed represents priority in terms of health care for Calgarians.

2:10

MR. MITCHELL: What kind of confidence does the Premier communicate to the regional planning council process and the people involved in it in Calgary when he stands up in front of the public and states . . .

Speaker's Ruling Brevity

MR. SPEAKER: Order. [interjections] Order. [interjections] Hon. member, of course it's a type of question, but supplemental questions are to be of a certain kind: very precise and concise. Can the hon. member craft it in that light?

Hospital Boards (continued)

MR. MITCHELL: Mr. Speaker, why would the Premier suggest that he has confidence in the regional planning council process when on the other hand he states very, very publicly that he thinks they can't even figure out how to determine where radiology should be placed in Calgary hospitals?

MR. KLEIN: Mr. Speaker, this is all part of the planning process. There are numerous alternatives. What we're trying to do is to go about this the honest way. We're involving the administrators and the chairmen of the various hospital boards, going about it and really examining where there are areas of overlap and duplication and how we can make the service much more efficient. I say this and emphasize this: it is the honest way. We're involving the people who are closest to the situation. Now, if you want a good example of the dishonest way, Mr. Speaker, then you have to go back to February 14, when this member circulated a poster with his picture on it, of course, advising all of the communities and the school kids, putting these posters into the schools, saying: will you please join me at a rally to protest the closure of the . . .

MR. SPEAKER: Order. [interjections] Order. [interjections] Order. Maybe we can get back to question period.
The hon. Member for Cypress-Medicine Hat.

Arts Funding

DR. L. TAYLOR: Thank you, Mr. Speaker. My questions are to the hon. Deputy Premier. Constituents have raised a concern regarding an advertisement for a show featuring information or actual demonstrations of and chances to try out cross-dressing, body piercing, tattooing, S and M, computerized gender alterations, and so much more. As this show has been partially funded

by the government, these constituents feel that this is an inappropriate use of public funding. In these days of declining resources, what is the justification for taxpayer dollars going to a project like this?

MR. KOWALSKI: Mr. Speaker, there is no justification of the utilization of taxpayers' dollars for this kind of program. What this Assembly does through the estimates of the Alberta lottery fund is allocate dollars to a number of foundations throughout the province. There's one foundation called the Alberta Foundation for the Arts, and they will receive an annual allocation of \$16.104 million for the fiscal year 1994-95. It then puts itself in a position through a board of directors to receive applications from theatre groups and artistic groups throughout the province of Alberta. It weighs and adjudicates those applications, and it does make awards for the production of certain artistic endeavours in the province of Alberta.

Mr. Speaker, we've had this type of question in the Legislature before, and I certainly don't want to come across as being a type of censor or anything like that because I'm a strong advocate, as this government is a very strong advocate, for the need to enhance and promote artistic endeavours in this province. The vast, vast majority of people who are involved in the production and the delivery of programs, whether it's the Citadel Theatre in Edmonton or the Jubilee auditoriums in Edmonton or Calgary, are viewed to be totally acceptable. Every now and then there is a program that does cause a lot of questions. This is one that causes me a lot of questions, and I intend on taking some action with respect to this matter.

DR. L. TAYLOR: Can the government place restrictions on the utilization of funds to various arts groups as we do on CFEP funds?

MR. KOWALSKI: Well, it's not my intent to have all of these applications that would come forward from an artistic group in the province of Alberta come to this minister, nor would it be the intent of my colleague the Minister of Community Development to do the same thing. We do have a board that does administer the arts allocations called the Alberta Foundation for the Arts, Mr. Speaker. I intend on writing a letter to the chairman of that particular foundation. I intend on pointing out to him that there are many people in the province of Alberta who do not approve of funding for artistic endeavours, again being subjective, if that can be the terminology to describe the type of program that the hon. member is raising. I do not believe it's in anybody's interest, certainly not the public interest, that these kinds of programs be funded. What I want to be very careful about saying, though, is that at the same time the vast, vast, vast majority of artistic endeavours are supported by the people of Alberta.

DR. L. TAYLOR: Is the minister willing to withdraw funding from projects such as this in the future?

MR. KOWALSKI: The key thing that has to happen in here is that we have to get the information from the Foundation for the Arts as to why they have done that, Mr. Speaker. If their response back to me is not a satisfactory one, then in the next allocation of lottery dollars I will simply reduce the amount of money they've awarded for this particular theatre production from the allocation that this foundation will receive.

MR. SPEAKER: The hon. Member for Edmonton-Mill Woods.

Advanced Education Access

DR. MASSEY: Thank you, Mr. Speaker. The draft white paper Access through Innovation would be better titled Access by Accident. After wasting half a million tax dollars on roundtables, the minister really has no idea how many students can or will be served by the system. To the Minister of Advanced Education and Career Development: how will hikes to tuition fees, tougher loan regulations, and cost recovery programs open college and university doors to students?

MR. ADY: Mr. Speaker, I'm surprised that the hon. member across the way would categorize the work that has been done by Albertans across this province, stakeholders and other interested people, to bring forward the information that has been focused into this draft white paper as an accident. I'm not sure that they're going to look very fondly on what he's called their hard work and days that they spent in roundtables. Certainly, we need to be clear that this draft white paper is a focus of what we heard, and it's there to open up debate and discussion on the things that we heard and the conclusions we've drawn from that in order to set a direction for the restructuring of the postsecondary education system in the province. I believe the people who worked on it so hard did a very good job.

MR. SPEAKER: Supplemental question.

DR. MASSEY: Thank you, Mr. Speaker. What did taxpayers get for the half million dollars of roundtable discussions?

MR. ADY: Well, Mr. Speaker, the intent of the roundtables and the expenditure was to bring together the ideas of the stakeholders and the people of Alberta in a manner that would let us set a new direction, and this is what that paper sets out to do. Certainly there are some controversial things within the draft white paper. They're there for discussion. They're there for us to move forward on after the consultation is finished and let us prepare a final draft white paper in the summer of this year.

2:20

DR. MASSEY: My question, Mr. Speaker, is: why, then, does the draft paper pose exactly the same questions as those posed at the roundtables?

MR. ADY: Well, Mr. Speaker, the draft white paper is a paper that focuses the very things that were discussed in the original paper. There was a wide variety of issues put on the table during the draft white paper. Now they're focused, and a direction is being set from there. As far as access and as far as what this will do, certainly we know that we cannot go on doing the same old things the same old way, the way the Liberals would have us do. We have set a new direction. We have to do things in a different way to be in accordance with the growing number of students who want to access our programs and the limited number of funds and resources that are there to do it.

MR. SPEAKER: The hon. Member for Wainwright.

Hospital Funding

MR. FISCHER: Thank you, Mr. Speaker. My question is to the Minister of Health. There has been a lot of concern from the hospital boards across the province on what will happen to the reserve funds after regionalization. Many of these boards have no debt and have been very thrifty in the management of their funds

as well as finding innovative ways to raise further dollars for specialty needs, and in some cases plans are under way to invest these funds in their specialty needs for the community. Would the minister indicate whether these reserve funds will be allowed to be used in the community from which they came?

MRS. McCLELLAN: Well, Mr. Speaker, it's understandable that hospital boards and others would be concerned about the disposition of their surplus or reserve funds. I would again have to caution that there are two types of reserve funds. One type is what we would term discretionary, and they'd be raised in their communities by specific fund-raising. They could be from private donations, revenues from volunteer groups. There are also funds that are raised by perhaps capturing interest on provincial grant moneys. I am corresponding with the hospital boards. I have discussed this at the Alberta Healthcare Association to ask their advice on it. Certainly I would expect boards to be mindful that if they raised funds for a specific purpose, then they should not be looking at using those for any other purpose without clarifying that with the people who donated for that purpose, but I would see that discretionary funds that are raised by boards in their community for a community purpose would be used in that way.

MR. FISCHER: Given that the boards are not allowed to spend more than \$10,000 of their reserve funds without the minister's approval, will the minister give authorization to these boards?

MRS. McCLELLAN: Mr. Speaker, first of all, any call on surplus or discretionary funds is to service a deficit if an institution should have one. That is first of all. Certainly if any board requests the minister's permission for expenditures, I would review the reason for that request very carefully with them and act appropriately.

MR. SPEAKER: Final supplemental?

MR. FISCHER: That's fine. Thank you.

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

Freedom of Information Legislation

MR. DICKSON: Thank you, Mr. Speaker. In 1993 with Bill 61 and then with Bill 1 the Premier attempted to persuade Albertans that that was freedom of information, but Albertans weren't fooled. They saw those pathetic attempts for what they really were: tools to suppress the truth and hide information. Now, the Premier has promised that the third time he'll do better. Let's put it to the test. My question is to the Premier. Will this government guarantee that when public safety is at risk or there is a serious question in terms of an environmental or health hazard, that information will be shared with Albertans in every case?

MR. KLEIN: Mr. Speaker, I gave indication that the Bill will be coming up this week, which means it will be tabled tomorrow, and there will be ample opportunity for the hon. member to debate all aspects of the Bill or where he thinks the Bill is deficient, to propose amendments and to have those amendments debated. I can tell the hon. member that we certainly gave serious consideration to the input provided by the public through the public consultation process and certainly gave serious consideration to the recommendations of the all-party committee. I would like to use the words of the Justice minister, who has indicated that this Bill will be probably a notch better than other similar Bills across the country.

MR. DICKSON: Well, Mr. Speaker, serious consideration doesn't sound like adopting.

My supplementary question I'll put to the Minister of Justice then, sir. Will this minister ensure that records cannot be kept secret by the government unless the government can demonstrate that some harm would result. In this regard, political embarrassment to the cabinet or friends of the government would not qualify. I'm interested in a response from the minister to that.

MR. ROSTAD: Mr. Speaker, basic to any freedom of information Act is the concept that all information a government has is frankly the taxpayers' information, and they have a right to that. There are always a few exceptions where there are documents working towards a policy or where there's a third-party business interest, which are standard exclusionary clauses. As the Premier alluded, I am quite certain that the hon. member and the Assembly will be very pleasantly surprised with the Bill that's introduced tomorrow.

MR. DICKSON: Well, then, I'd go back to the Minister of Justice and ask that minister: can he assure Albertans today that the secrecy surrounding Treasury Board confidences will soon be a relic of the past?

MR. ROSTAD: Mr. Speaker, I guess the definition of secrecy can be in the eye of the beholder. What I can assure is that information that is not required from a well-qualified, well-based confidence will in fact be available for all people.

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

Registry Services

MRS. BURGNER: Thank you, Mr. Speaker. A few months ago we dealt with the issue of privatization of registry offices and dealt with a number of questions regarding security and safety of materials and information. However, one of the concerns we have is that the past practice of the registry offices when they were operated by the government allowed for transactions to be taken care of over the phone using a credit card for payment. This was very convenient for businesses in their ongoing daily activity. But it has been brought to my attention that some of these offices have not maintained that practice and that businesses are having to endure unnecessary inconvenience to access this information. My question to the Minister of Municipal Affairs: did the minister set up specific guidelines regarding the use of credit cards for payments in the privatization of registry transactions?

DR. WEST: Mr. Speaker, there are certain elements indeed within privatization that don't need an explanation, and one of them is the process that each individual business does to collect their funds, to provide service, to keep their customers happy. We did not specify whether or not they had to use credit cards in collecting their funds. So the answer is no.

MR. SPEAKER: Supplemental question.

MRS. BURGNER: Mr. Speaker, thank you. Again to the minister: will you consider setting standards of this nature?

DR. WEST: Mr. Speaker, you know, I'll go back and review and perhaps indicate to the various businesses that there has been some concern voiced, but I can't see where I'm going to get inside the doors of all these private businesses, 228 of them, and step in and assert any action which would be common sense in any business.

MR. SPEAKER: Final supplemental?

The hon. Member for Lac La Biche-St. Paul.

2:30

Timber Exports

MR. LANGEVIN: Thank you, Mr. Speaker. Every day thousands and thousands of Alberta logs are being exported to B.C. Private lands are depleted of timber which is needed to sustain sawmills in Alberta in the future. B.C. has a process to review the export of logs from that province. My question is to the minister responsible for forestry. When will the minister implement legislation to control the process by which we export logs from Alberta rather than leaving it to the discretion of municipal governments, as he indicated a couple of weeks ago?

MR. EVANS: Well, for clarification, Mr. Speaker, I didn't suggest that we leave everything to municipal governments but rather that if municipal governments are concerned about this – and I've heard those concerns expressed in a number of parts of our province – they have the ability by bylaw to put forward controls over how logs can be taken off lands in their jurisdiction, particularly when those lands are private lands.

Now, the issue that the hon. member has brought up is a serious issue. It's a serious issue in the sense that there are a number of logs leaving this province. The volumes are very substantial, and they may be even more substantial next year. What we have to do is maintain a system in this province that is not creating an unlevel playing field for our industry relative to those who are operating in the province of Alberta. We are trying to do that in a reasonable way. We're working with the Alberta Forest Products Association in this province. We're trying to ensure that soil contamination and soil degradation is not an issue for us in this province. We're trying to ensure that proper harvesting techniques are used so that there is not a loss of the integrity of our water bodies and spawning grounds. We will continue to look at this very carefully and as well, Mr. Speaker, to monitor the flow of logs outside of this province with the help of my colleague the Minister of Transportation and Utilities to ensure that only those logs that come from freehold land are leaving this province.

MR. SPEAKER: Supplemental question.

MR. LANGEVIN: Thank you, Mr. Speaker. Again to the minister responsible for forestry: is the minister prepared to review the annual allowable cut for operators on Crown land to ensure that small operators are not put out of business?

MR. EVANS: Well, it's not directly related to the initial question, but obviously we work very closely with the Alberta Forest Products Association, small- and medium-sized operators in this province, whether they are sawlog operators, coniferous operators, or deciduous operators. These are the people that created the forest industry in this province. They are the pioneers. We will continue to work very diligently with them, because I believe that their contribution to the economy of this province is substantial, and I want to ensure that they do have a future in this province.

MR. LANGEVIN: My last question, again to the same minister: why would we allow forestry jobs to be exported to B.C.?

MR. EVANS: In point of fact, Mr. Speaker, I think one of the things that we've done recently, increasing the stumpage dues for sawlogs in this province to a rate that is quite comparable with the prices that are being paid for private logs, is going to be an

incentive for more and more of our businesses in the province of Alberta to bid competitively for sawlogs. We have a situation now where there is a shortfall of logs in the province of British Columbia. That encourages those companies to come into this province and to bid very excessive prices for the opportunity to take those logs out of this province. We have not had that problem with short supply in this province, but certainly now we have more of a level playing field when it comes to the price of private land logs and Crown logs. I think that will be an incentive for our industry in this province to become more and more aggressive in the marketing that they are doing on private lands. They're also recognizing that in point of fact over the long term those logs leaving this province do create a drain on potential jobs in the future for Albertans. I know that will be in itself an incentive for them to become more and more aggressive.

MR. SPEAKER: Order please. The time for question period has expired.

The hon. Member for Edmonton-McClung has indicated he wishes to raise a point of order.

Point of Order

Projected Government Business

MR. MITCHELL: Thank you, Mr. Speaker. This will be my first of two points of order. I rise under Standing Order 7(5), which, of course, lays out a process whereby the Government House Leader each Thursday afternoon indicates to the Legislature what exactly the agenda for the Legislature session of the following week will be. When that rule was established last session, it was fully understood that there would be times when business projected on a Thursday afternoon might encounter some obstacles by the following week and that changes could be made. We are not arguing in any way, shape, or form that changes shouldn't be made, but I would like to raise for the Legislature's consideration and the consideration of the Government House Leader that we would ask for the courtesy of greater warning, greater notice with respect to these changes.

Last Thursday we were told that Community Development would be considered for estimates this evening. Yesterday afternoon we began to get wind through staff members that we might instead be bringing back the five departments that were designated under the designated supply subcommittee rule. That means a great deal of restructuring and reorganizing of our caucus and our caucus members. People have commitments to their constituents, they have commitments elsewhere, so they have to reorganize to be here. It is fact that the House leader sometimes has to change departments because his ministers are not able to attend an evening session or an afternoon session to which they had originally committed themselves. In acknowledging that that is the case – and we do – that that happens sometimes, we're simply asking that the other side acknowledge that we, too, have scheduling problems that have to be dealt with. We would simply ask, out of courtesy and out of the interests of co-operation in this House, that we be given greater notice. We are more than happy to accommodate to make this House run as smoothly as possible.

A second issue that has arisen recently is the manner in which Bills are raised for debate some evenings and some afternoons. We are given, legitimately, a list of Bills: 2, 4, 5, 6, 11, 12, 14, for example. We are told and we understand that we will proceed through those Bills at any given moment that that type of government business arises in the House. We can be prepared for that, that we will proceed in succession. What is happening is that we're jumping from one Bill to another and over several Bills because again the appropriate cabinet minister isn't available.

Well, if they have trouble being available, Mr. Speaker, that is something that is common to all members in this House. We need some time in advance simply to schedule ourselves so we can be sure that we have the proper critics in the Legislature at the proper time. We're not asking for anything that we're not expecting to give to cabinet ministers or other members of this House. We're simply asking for the courtesy of some kind of forewarning so that we can react, so that we can prepare, so that we can reschedule, and so that we can make this Legislature work as smoothly as possible. I think every member in this Legislature understands that if that can occur, then the kind of tension that can arise sometimes in debates, as we've all experienced, can be mitigated, and in fact we can facilitate the work of this Legislative Assembly.

MR. DAY: A couple of different matters have been raised there. I guess I'm optimistic about the ongoing work in the Assembly between the parties because I hear the Opposition House Leader saying that they are more than happy to accommodate, and we're saying that we are more than happy to accommodate. So we're more than a happy group to accommodate each other, and I think we can make some progress.

I think the record will show clearly in terms of projected business and how we do project that business. I don't know what I could do to be more clear. I'll reference *Hansard* of March 24, last Thursday, when I projected government business. It was quite clear even down to saying that Government Motion 16 would be coming up and then Bill 1 in second reading. Then I was very clear in saying:

Again, if there's time, we will proceed to Committee of the Whole and third readings if possible, when time allows. That'll actually be followed in subsequent days and evenings, but we will look . . .

And I'm very clear here.

. . . at those Bills which appear on the Order Paper in Committee of the Whole.

I just don't know how much clearer I can be on that.

2:40

Then on the issue of allegedly jumping around, I think members opposite, if they are surveyed and polled, will attest to the fact that if not every evening virtually every evening I indeed consult with them in terms of who is the leader for that particular night, depending on who's there, and then in fact which ones you do want to see go ahead. Last night was a good case and example. The Opposition House Leader just mentioned that they try and make accommodation for our ministers that may not be here. In fact, we had a Bill that was to be looked at. The Minister of Energy was not here, yet I was still saying, "We'll do that one." But I heard from members opposite that the Member for Redwater, who had an amendment on that, was not here. Therefore, I said, "All right; we'll accommodate that; no problem," and we moved on. Before we moved on to Bills 12 and 13 last night, I also gave notice, which actually isn't required, but we, too, are more than happy to accommodate. I also gave notice that: "Okay; we won't do 5; we won't do 6. We'll go to 12 and 13. Those people are here and will address it."

So I can say, Mr. Speaker, that we are here to work and to get a job done. There have been other nights, actually, where we haven't moved ahead on certain Bills because their particular critic was not present. So there is no attempt whatsoever to mislead or to not lay out the correct order. Standing Orders is very clear. It says that these Bills can "be called in such sequence as the Government may think fit." It's very clear on that, yet in spite of that we are trying to achieve this accommodation.

In terms of being told last week that Community Development would be up for tonight, it is still up for tonight. Before that we

will be dealing with the subcommittees on Committee of Supply. Standing Orders is very clear there also, under 57(5) which says:

When a subcommittee has completed its consideration of any portion of the estimates referred to it, the chairman of that subcommittee shall so report to the Committee of Supply.

This is the now common practice set by precedent and agreed on in the House.

I can only say that we will try and accommodate and even accommodate other members' absence, but the first priority is the House. Standing Order 10 is very clear on that: "Every member is bound to attend the service of the Assembly unless notification has been given." I know members opposite follow through with the accepted notification to yourself, Mr. Speaker, but we're here to work. We're here to get a job done. I will try to continue to be more than happy to accommodate, but it will be within the parameters that I've laid out.

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

MR. WICKMAN: Yes, Mr. Speaker. I'd like to make one comment on one aspect that the minister talks about, and I don't think he portrays it fairly, quite frankly. He talks in terms of the five departments that are being called back, yet Community Development is on tonight. Well, the procedural rules are such that of the five departments that are recalled tonight, each is given a maximum of 40 minutes. The minister speaks for 20, and then the caucus speaks for 20. Five times 40 is 200 minutes. That's over three hours. The House starts at 8. That would mean it could go till after 11. Is the minister saying that it's reasonable that we're then going to carry on and do Community Development? Mr. Speaker, that is not making sense.

The other point is that yesterday we were notified of this change. There being two critics in most areas means that up to 10 members of this caucus were told yesterday that the plans were changed. For the minister's benefit: we do have scheduling as well, and that type of altering creates real hardship. It's very inconsiderate, and it doesn't have to be done that way.

MR. DAY: I need to address that, Mr. Speaker. First of all, if anybody cares to ask my colleagues, they are also somewhat, not upset with me, but I would say they are concerned. It was yesterday, as a matter of fact, as we looked at our agenda – and we had to get moving – that the Government House Leader informed them that these subcommittee reports were coming. In fact, ministers who are present had to cancel certain appointments, had to reschedule, and had to tell certain groups they wouldn't be there, because House business is number one, and they're here to get the job done and to accommodate. Community Development has already been called, is going to be called again.

I might suggest that the precedent that has been set and was clearly set last year was 10 minutes on each side as far as those subcommittee reports, which would make for approximately an hour and a half. Even if it is three hours, it is not without precedent for this Assembly to work and do the work of the people of Alberta until 12 o'clock, until 1 in the morning. We're here to get the job done, and we're here to go to work.

MR. MITCHELL: Mr. Speaker, the fact is that it's 40 minutes: 20 for them and 20 for us. I think the House leader should be clear about that.

He should demonstrate some humility in standing up here and suggesting that not only is he not giving us any warning, but he's not giving his own caucus any warning.

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. I don't want to get into a long, protracted debate on this particular issue, but just to bring to the hon. House leader's attention that certainly in the last session we had a very firm and clear mandate and agenda each time we moved into this House. That worked very well for all members of this House. We worked in a spirit of co-operation. He suggested that in fact he would like to continue that. The Bill that we dealt with last night and that was somewhat upsetting, that we stood up and debated at length, was really an innocuous Bill, and had we been given adequate and proper notice, we would have clearly accommodated him. But it appears from this particular side . . . [interjections]

MR. DAY: That is fascinating.

MR. KIRKLAND: It is fascinating when you speak of co-operation and have difficulty understanding that, Mr. Speaker, and I can understand why they're a little confused by that. The point is that everybody in this House has busy lives. We try to accommodate and make it as clean and simple and as nonintrusive as we possibly can. It can be done. To simplify it and give everyone ample opportunity to plan their time and their day would go a long way to capturing the co-operation the hon. minister suggests he'd like to work with. [interjections]

MR. SPEAKER: Order please. The Chair has given all hon. members the utmost latitude in ventilating their points of view on this very difficult question, but the Chair feels somewhat constrained by the fact that what we've been discussing here relates to what happens in the Committee of Supply, which really is not under the direct control of the Chair, by any means, or really the Assembly unless the Assembly passed some specific motion to try to control the activities of the Committee of Supply. Nevertheless, this period in our day is available for hon. members to raise matters that are under their skin, to some extent. The Chair is sure that all hon. members are going to try to work hard to make sure that the business of our province is going to be conducted in the best possible way.

Just for the record in case there's any confusion, though, the Chair understood that there was an agreement in the committee last session that it would be 40 minutes allowed for the reporting of each designated subcommittee. Beyond that, the Chair is really not prepared to say very much except for this on the projected order of business statement on Thursday: the Chair feels that it at least is going to have to be bound by that announcement as far as the rule against anticipation is concerned unless there's some substantial notice ahead of time that there is going to be a change of business, or else it's going to be very difficult to deal with the matter in question period.

All the Chair really can say now with regard to the point at hand is that it wishes the Committee of Supply good luck on the ordering of its business.

The hon. Opposition House Leader.

Point of Order Parliamentary Language

MR. MITCHELL: Thank you, Mr. Speaker. I rise under *Beauchesne* 489, which refers to words that have been determined to be unparliamentary under the rules of our Legislature and others. The word I'm referring to is the one used earlier today by the Premier of the province, which was "dishonest." Suggesting that my efforts to advertise a legitimate town hall meeting that gave constituents, the electorate, members of the community of the west end of Edmonton, the opportunity to voice their concerns

and their ideas, their input about what was going to happen to their community hospital, the Misericordia – to suggest that that is dishonest is to say a great deal about how far the Premier has come from his campaign slogan that he listens and he cares.

2:50

The fact of the matter is, Mr. Speaker, that I am fully entitled to advertise a town hall meeting within my constituency, and that is exactly what I did. That town hall meeting was to deal with the Misericordia hospital, to give people a chance to talk about what they wanted for that Misericordia hospital. There is absolutely, fundamentally nothing dishonest about that. Not only is it unparliamentary for him to use that word, but it is categorically wrong for him to use that word. If the Premier would understand for one moment how intensely the people of communities, like the people of my community, feel about their community hospitals, he would be much, much more inclined to care and to listen than he would be to dismiss out of hand the legitimate and honest concerns that these people have for their community hospital.

I believe, Mr. Speaker, that it is incumbent upon the Premier to apologize to me, to apologize to the members of this Legislature, and to apologize to the people who live in the west end of Edmonton, who have every right to have the kind of community town hall meeting on an issue of fundamental importance to them, the kind of meeting that this government refuses to hold.

MR. DAY: Well, first of all, Mr. Speaker, on the technical point of order. The member opposite knows full well that *Beauchesne* 490 in fact says that "Since 1958, it has been ruled parliamentary to use the following expressions," and among those is the word "dishonest." It has been ruled that it is parliamentary; it's fine to say that. I think the member – well, I can't avow motives, but whether he knew that or not, there's obviously an opportunity for him to talk about a process that he's been using: splattering posters all around the place saying a hospital is going to be closed that there has been no indication is going to be closed. So he's created this straw man, and he's going to try and look like a hero when in fact it never closes. So if any process is dishonest, I would suggest the process that the member opposite has been using is dishonest because there's been no suggestion that that hospital is going to close, and he's running around saying: keep it open. When it stays open, he'll apparently try and look like the hero for keeping it open. [interjections]

MR. SPEAKER: Order. [interjections] Order. Order please. The Chair would like to bring this disagreement to an end for the moment. As has been pointed out, there are two, 489 and 490 of *Beauchesne*, and "dishonest" appears in both. That just is an example of a situation where it depends on the way in which the word has been used. The Chair would like the opportunity to review this whole matter, because the Chair isn't clear what exactly was said during question period and the context in which the word was used. Also, the hon. the Premier is not present. So the Chair will review the Blues. If there's further argument required or further action to be taken, the Chair will advise tomorrow.

Point of Order Reflections on the Judiciary

MR. SPEAKER: The hon. Government House Leader had a point of order as well?

MR. DAY: Yes, Mr. Speaker. I don't want to weary you or other members of the Assembly with the point of order; I'll try and be brief. The Member for Edmonton-Norwood prefaced his

questions in question period today with something that I see to be very serious. First of all, when you look at Standing Order 23, there are a number of references there that will address what I'm talking about. Basically, what he did was take something that didn't have anything to do with the question at hand and, more important and serious than that, he attributed certain words to a member of the judiciary. In fact, those words were never spoken by that particular judge.

Mr. Speaker, the division between obviously the judiciary and the legislative and executive arms of government is so serious, as you would know full well, that an MLA cannot even telephone or talk to a member of the judiciary about a particular case. Here we have an incidence where the Member for Edmonton-Norwood wrongly attributed words to a judge which in fact that judge never spoke, and I think that member has to be taken to account for that.

MR. MITCHELL: I certainly appreciate the House leader's concern that we keep the judiciary separate from the political wing, the legislative wing of our government. He knows very well, as does each of us, that that is a very important division. The reference that was made by the Member for Edmonton-Norwood is simply a reference taken from a written ruling by a justice, Justice Feehan, of the Alberta courts. If you read that ruling, those words are used. He is simply quoting those words for the benefit of the members of this Legislature. I think that rather than being indignant about it, the House leader should be very, very concerned that his government would be described in that way.

MR. SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. The House leader on the opposite side is missing the point entirely. The hon. Member for Edmonton-Norwood stands up and purports to give a preamble to a question that he's asking to the Minister of Labour by making reference to a reason for judgment – I mean, the decision has not even been filed by the court of this province – as if it is an indictment of this government. That's utter nonsense and certainly is in contravention of Standing Order 23. [interjections]

MR. SPEAKER: Order please. Well, the Chair will review the record on the preamble to the hon. Member for Edmonton-Norwood's question and report further tomorrow.

head: **Orders of the Day**

head: **Written Questions**

MR. SPEAKER: The hon. Government House Leader.

MR. DAY: Okay. Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places except for written questions 178, 179, and 185.

[Motion carried]

Hydrocarbon Contaminated Soils

Q178. Mr. Collingwood asked the government the following question:

With respect to the solvent extraction process for remediating hydrocarbon contaminated soils described on page 9 of the 1991-92 Alberta environment annual report, what was the cost of this project to the government, the

termination date of the project, which sites has the process been applied to in Alberta, and to what effect?

MR. SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. I've reviewed question 178 presented by the hon. Member for Sherwood Park, and I must say that I'm very pleased to have an opportunity to detail this project, which really deals with the development of a solvent extraction process for remediating hydrocarbon contaminated soils. This is a very good example of where the federal government and the provincial governments can do things on a cost-effective and very proactive basis by sharing research and development capabilities, do so in a way to deal with a practical and, quite frankly, a serious matter from a practical point of view in the province of Alberta dealing with contaminated soils.

I am on behalf of the government very pleased to advise that we will accept that question, and I'm going to be providing that information to the member.

[Question accepted]

Environmental Protection Staff

Q179. Mr. Collingwood asked the government the following question:

What was the average number of staff, full-time equivalents, employed by Alberta environment for each fiscal year from April 1, 1988, to March 31, 1993, in the investigations branch, the compliance branch, the air quality branch, the water quality branch, and the ground-water protection branch, and approximately how many staff will be employed in each of these branches after the implementation of budget cuts announced on February 24, 1994?

MR. SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thanks again, Mr. Speaker. I circulated an amendment to question 179. The way that it has been drafted by the hon. member opposite, it talks about an estimate of what numbers of staff will be employed after February 24, 1994. I'm very reluctant to give that kind of information. I don't think that advances the kind of serious questioning that the hon. member is suggesting.

Moved by Mr. Evans that Written Question 179 be amended by striking out "April 1, 1988, to March 31, 1993," and "and approximately how many staff will be employed in each of these branches after the implementation of budget cuts announced on February 24, 1994," and substituting "April 1, 1988, to March 31, 1994."

Clearly, we do have those figures readily available. Of course, as we move through this process of downsizing and move through the process as well of trying to deal with those issues that Albertans tell us are most important in terms of enforcement, we must be flexible. There may very well be some changes in terms of the numbers of staff that we will be dedicating to the various branches of our department, whether it be compliance investigations, water quality, et cetera. So again I'm very reluctant to make a guess. I don't think that's an appropriate thing to do, but I would undertake certainly to keep the member abreast of how those numbers are changing, if they do change during this year, and to justify any change of focus that we may have. I can assure the member that that will be based on good science and a need to react to emerging issues and emerging situations in this province.

So I would respectfully move the amendment to Question 179.

3:00

MR. SPEAKER: The hon. Member for Sherwood Park on the motion to amend.

MR. COLLINGWOOD: On the motion to amend. Thank you, Mr. Speaker. The purpose of the question as it was written was to essentially get an understanding of the impact that the budget of this year would have on the staff and the full-time equivalents in departments. It primarily dealt with investigation compliance and enforcement. So it was really an intent to understand how the budget would affect those essential and important areas within the department.

Mr. Speaker, the minister has agreed to provide information to March 31, 1994, when originally the motion had asked for that information up to March 31, 1993. So in essence he's assisting in that regard by providing that updated information. Indeed, we will be hopeful that we will get the information as we go into the next year.

I suppose I can also preface my comments by saying today, on the eve of the introduction of new freedom of information legislation, that a lot of information that we on this side of the House have to ask for in written questions and motions for returns will hopefully some day very, very soon become redundant, and the charade of written questions and motions for returns will end, and we'll be able to move to a much more productive and efficient process.

So I do in fact, Mr. Speaker, accept the amendment as put forward by the minister and look forward to his comments on that.

[Question as amended accepted]

Nonsaline Groundwater Extraction

Q185. Mr. Vasseur asked the government the following question: How many permits or licences were issued between April 1, 1991, and March 31, 1992, and between April 1, 1992, and March 31, 1993, for the extraction of nonsaline groundwater for use by industrial facilities and the oil and gas industry, and what was the total volume extracted in each category?

MR. SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. In keeping with this government's dedication to providing information, we would move to accept this question.

MR. SPEAKER: The hon. Member for Bonnyville?

MR. VASSEUR: Yes. Thank you, Mr. Speaker. I want to thank the minister for providing that information. I don't know if the situation is just a localized issue, but the permits on groundwater are certainly an issue that's been around for some 15 years in the northeast part of the province.

This whole issue started in the late '70s with the ERCB hearings on the Cold Lake Esso Resources application. Since then there have been extensive studies done. There was a study done by the environment commission in '81, I believe, with recommendations coming out in 1985 to look at the issue of water applications for the industrial use of groundwater. The recommendation in '85 was to proceed with a water pipeline from the North Saskatchewan River. Unfortunately, the economy or the price of oil dropped, and that wasn't done. Again, the issue didn't die, and the local people, because of the drought in that area and the

pressure on the fresh water, required government to come back and revisit the issue.

I believe that in '92 the Premier, who was the minister of the environment at that time, established a task force in the local area. This time instead of the department making the study, they used a local task force made up of the local municipal jurisdiction, the business community, the farmers: all the stakeholders in the area. The recommendations from that present task force came out in January of this year, and again the recommendations are for the water line to be built from the North Saskatchewan River as a resolve to the water problem in the northeast. Now, we're not talking about just a small amount of water that the oil companies use out there. I don't have the exact figures in front of me, but I know that the application that one of the companies has in that area uses approximately eight to 10 times the amount of water that the town of Bonnyville does. So it's quite an amount of water. At the present time, the application is for groundwater.

I want to thank the minister for providing that information. Hopefully we'll see some adjustment later on in the Act on this issue.

MR. EVANS: I just want to acknowledge for the hon. member that I am well aware of the issue in Cold Lake. We've had the task force report. We've heard from industry. We continue to hear from others who are really very keen on building a privately run utility in that area. We're looking at all of the angles, and I expect we will have a decision in the very near future.

[Question accepted]

head: Motions for Returns

MR. DAY: Mr. Speaker, I move that the motions for returns appearing on today's Order Paper stand and return their places except for motions 181, 182, 183, 184, and 186.

[Motion carried]

Bioremediation Project

M181. Mr. Collingwood moved that an order of the Assembly do issue for a return showing a copy of the results of the pilot bioremediation help end landfill pollution, HELP, project conducted at an orphan wood preservative site as described but not identified at page 19 of the 1991-92 annual report of Alberta environment.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. The motion for a return here talks about a program known as the help end landfill pollution program, also known as the HELP program. Specifically, the request is for information arising from the annual report of Alberta environment for the year 1991-92 and, as indicated on the Order Paper, specifically page 19 where the information about a pilot bioremediation program under the HELP project is described.

What we're looking for on this motion for a return is to get a copy of the results of that bioremediation program so that we can understand better how that program is working, the success of that program, whether or not the program will continue in the future. I hope the minister is in a position to be able to provide that information to us and to all Albertans.

MR. SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. I'm pleased that the hon. member opposite took the time to review the 1991-92 annual report of the department. I can indicate to him that we expect to have substantial results from this pilot program, which is actually Peerless Wood Preservers south of Calgary near High River, sometime during the month of April, and accordingly we'll provide him with that information as soon as we have it.

[Motion carried]

3:10 School Taxes

M182. Mr. Van Binsbergen moved that an order of the Assembly do issue for a return showing copies of all legal opinions concerning the right of the Catholic separate school board system to be self-governing and to raise taxes, obtained by the government between the dates February 1, 1993, and February 1, 1994, and of all correspondence concerning said legal opinions.

MR. SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I moved that Motion 182 standing under my name be adopted because, obviously, I think it's a good motion, but there are three good reasons, I think, why we're asking for this particular information, why we should have this.

First of all, the taxpayers have paid for it. I think that's ultimately the best reason we can find. Second, this government has spoken freely and easily about being open, and they have pronounced themselves in favour of increasing openness. Of course this is going to be demonstrated by the much anticipated freedom of information Act. I ask that in the spirit of this openness that is now upon us, they provide us with this information. The third reason is that seeing these opinions might in fact cause potential litigants to draw back from the abyss and decide not to go to court, unless of course these opinions aren't worth the paper they're written on.

Those are my reasons. I ask that this motion be carried. Thank you.

MR. DAY: Mr. Speaker, I'm glad that the member opposite recognizes the government's spirit of openness and co-operation. However, it's the position of the minister in question and the government that unfortunately this particular motion asked for legal opinions that were obtained on a solicitor/client basis, and therefore I'm sure that if the member opposite talks to his own colleagues in the legal profession – the solicitor/client basis is something that has to be acknowledged, and it does come within the judicially recognized area of a privileged communication.

So on that basis the government needs to reject Motion 182.

MR. HENRY: Mr. Speaker, I can't believe that the government isn't willing to provide this information. Earlier today we saw the Attorney General, the Justice Minister, indicate that information should be available because it was paid for by taxpayers' dollars. I would put to the Government House Leader that indeed if he wants to refer to the solicitor/client relationship, the client here is the guy who pays the bill, which is the taxpayer, who has a right to see this information.

Mr. Speaker, in a very short time we're going to see what decisions the government has made with regard to the protection from erosion of Catholic school supporters' rights in our province. I can tell you that certainly several school boards and other

interested groups and individuals in the Catholic community have received various legal opinions. Our caucus has received a legal opinion, which has been released to various individuals and groups around the province.

I want to express my dismay and my very profound disappointment. Tomorrow when the government stands up and says that it's going to tell Catholic taxpayers in this province that in order for them to ensure their constitutional rights, they are going to have to give up access to undeclared tax revenue or potential access to other revenue that had been guaranteed to them in 1901, 1976, and again in 1988. When that happens, Catholic taxpayers and all taxpayers in this province should have the right to know on what basis the government has made these decisions. As my hon. colleague from West Yellowhead has said, if we were to be able to put information on the table for all to see, then a learned examination of that evidence could be done before we end up in prolonged or protracted litigation. I am convinced that what the government will do tomorrow in the School Act is do what their legal counsel has defined as the absolute minimum necessary to guarantee Catholic school supporters their rights in this province.

There is going to be some question, there will be some debate around the province as to whether the provisions that the government allows indeed satisfy the constitutional and historic rights that have been given to Catholics in this province. Given that we're talking about some fine lines here and some legal interpretations, surely to goodness people in this province who have worked tirelessly for years, for decades, Mr. Speaker, in support of providing a good quality Catholic education for their children should have the right to see the legal opinions, that were paid for by taxpayers' dollars, that will be leading to the steady erosion of their rights so that they can see indeed if the government is on solid legal ground or not.

Every individual in this province who is associated with this government who is either of the Catholic faith or who has a belief that once you enshrine rights, once you provide rights in legislation or in the Constitution or otherwise – every one of those people who believe this should vote for this motion to ensure that individual rights are protected. Mr. Speaker, I want to tell you that one of the strongest proponents of ensuring Catholic rights in this province in my community, who came to speak to me, is a rabbi, obviously of the Jewish faith. He gave me a poem that most people here know about. The bottom line is that once any government in our country is allowed to unilaterally and arbitrarily take away individual and collective rights in our province, then the obvious question is: who's next? Is the government going to come and take away union rights next, the right to collective bargaining? Is the government going to come and take away individual rights of women, individual rights of children? We all know that this government doesn't believe children should have rights, because this government is on record as refusing to endorse the UN convention on the rights of the child. Let's be very, very clear about that.

Mr. Speaker, I would urge all members to support this motion and to stop hiding behind some thinly veiled arguments presented by the Government House Leader.

MRS. HEWES: Mr. Speaker, I just want to reinforce some of the comments that have been made by the Member for Edmonton-Centre and the Member for West Yellowhead. I see this as an abuse of power of the government. Certainly the deputy House leader has indicated that, yes, they have the right to refuse the information. Perhaps after tomorrow and the debate on the legislation something may change; one hopes so. They've given

no logical, rational reason as to why. We've heard none whatsoever. My question is: why should the taxpayer pay twice?

Perhaps the reason that the information is not forthcoming is that in fact it does not reinforce. That's the only thing, member, that I can assume: that the information in the legal opinion does not reinforce the action of the government, that the government is acting in opposition. Now, if that's what the information contains, Mr. Speaker, I can see why the government would want to hide it. Why would they want to reveal something that is contrary to what they're doing? Now, maybe that's it. Maybe the legal opinion says, "Government, you can't do this," in which case the government is squirreling it away. They don't want to share that with the Catholic school boards. They don't want to share it because it does not indicate that they should be taking this abrupt action to take power away from an institution of our province that has been legitimate, respected, elected, and has been in existence for centuries. Why would the government want to remove the power of Catholic school systems in Alberta?

3:20

There's no question that this government is intent on restructuring education in Alberta, and part of that is to take taxing power away from school boards and from municipalities in regard to education. It's also to take away the responsibility of school boards to elect their highest executive officer, their superintendent. We heard the minister this afternoon in answer to questions say: oh, they still can recommend. Mr. Speaker, all of us know that it means that in fact that superintendent will be responsible to the Department of Education and will have to answer to the Department of Education as the employer.

Mr. Speaker, I believe that a great deal of energy is going to be wasted. We could be into some very long and expensive and costly litigation, unnecessary litigation that can occur here. If in fact this government has nothing to hide, then why would they not give to the taxpayers and the Catholic school system the same opinion and let them use it as well? My only assumption is that there's something in the legal advice the government has had that does not reinforce the ideas that the government is putting forward in the restructuring of education. I think this is an abuse of power.

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

MRS. BURGNER: Thank you, Mr. Speaker. The hon. member for Clover Bar . . . No. Clover Bar? Where are you from?

MRS. HEWES: Gold Bar.

MRS. BURGNER: Gold Bar. Thank you. Excuse me.

The hon. Member for Edmonton-Gold Bar made an extremely fundamental statement about cost to taxpayers. She indicated that there was a concern that taxpayers would have an inordinate bill to pay because of this process. The question I want to put forward is: why should the taxpayer have to pay at all? The reason I raise that question is that this motion is built on an assumption. It's not built on fact. Quite frankly, until we see legislation, the legal opinion would be a waste of money. I would suspect that anyone who works in the legal profession who has an opportunity to make an assumption or an opinion for a client – in this case the taxpayer – would probably say to his or her client, "Why don't we see what they propose, and then we'll talk?"

Now, I'd like to put a few things on the table for discussion here, because we might as well start it now. We're going to be in it for a while, and I have no problem rolling up my sleeves and getting the debate on the table.

In the Speech from the Throne on February 10, the Premier spoke on the issues of education with a special notation: "to provide education to students in accordance with Canadian constitutional [rights.]" I have a commitment, that I have shared with my constituents, that that statement means exactly what it says.

Now let's talk about the proposal that's in front of us. In this motion there is the assumption, in the first place, that the legislation carries with it a constitutional concern, but until we see the legislation, that concern has to be addressed after the fact. I want to also talk about the fact of what happened in 1988 when they reviewed the School Act, which is something that I'm familiar with. There was a great deal of discussion once the Bill was tabled and went through committee and various amendments. So my question to the Assembly is: what would be the purpose of spending dollars on legal opinions in advance of the legislation, in advance of the debate that takes place here? I have assurances from my colleagues that I share discussions with that there is a commitment to resolve this issue. This issue goes way, way back. It has a lot to do with equity. It has a lot to do with the educational responsibilities of this government.

It's interesting that a motion of this nature would come forward and there's still nothing mentioned in there about the education of our children. We're worried about the lawyers and we're worried about the tax implications and we're worried about our legal opinions, but in education reform the fundamental thing that's going on is providing quality education to our children, and that does seem to be missing from the motion.

I would like for my colleagues to get a sense of process here. Notwithstanding their urgency of rushing off to lawyers and getting opinions, there's a process that should be involved. The government has announced in response to their major responsibility, which is the education of the children in this province, a funding model. That's what it is: a funding model. They have heard of the concerns of the constitutional rights of separate school boards, but we're talking about a funding model. I think it behooves any board who has concerns about their constitutional rights, when they see this funding model as it will be developed in legislation, to take it back to their parents and to their communities and even to their administration, because there are implications both financial and also in terms of what educational opportunities go to these students. Quite frankly, on the day before the legislation is tabled, to be advocating running off to lawyers – the responsibilities of school boards is not to find time with lawyers but to go back to their parents with the legislation and talk about what the impact of this legislation has on their ability to provide quality education to their children.

Ladies and gentlemen, at the end of that kind of discussion there may be boards who feel that they have a concern that requires court action, but quite frankly, the thing to do at that point is to come back with the process. We have a Bill tabled, we have a committee, we have second reading, we have amendments: we have all sorts of opportunities that the taxpayers pay for right here in this Assembly, and it's more appropriate to use the legal forum that exists within the Legislature, and which, may I add, has been successful on behalf of the concerns of the constitutional rights of our separate school boards in the past, and there is no reason to believe it won't occur again.

MR. HENRY: You sold out, Jocelyn.

MRS. BURGNER: I have not sold out. I take exception to that comment.

MR. SPEAKER: The hon. member should try to keep the proceedings of this Assembly on a rational basis and should not be hurling insults at other members.

MRS. BURGNER: My responsibility is to represent all my constituents, and I think it's important that the context of my comments be regarded in that light. I do believe in and I'm fundamentally supporting the legislative process.

I have spoken with both boards in Calgary, and I have urged them to review the legislation when it's proposed along with the recommendations that enhance the quality of education in this province and to take that complete package to their parents and have their parents talk about the implication on the education of the students in their community. At that time, in discussion with government if they feel there is a problem that needs to be further addressed, this is where you do it.

So this motion asking for an opinion on an issue that has not been formalized – I doubt very much that a lawyer would give you an appropriate one because of the fact that the legislation has not been tabled, and I don't know how you can get an opinion that would have the validity of the Supreme Court of Canada based on a funding proposal. This motion responds to a knee-jerk reaction, not to fact. It is in response to a great deal of public pressure, not public discussion. Quite frankly, when it goes through the province and we talk to the various boards about what equity means – equity is not just a constitutional right. Equity means providing quality education to the students of Alberta, which is the mandate and the responsibility of this Assembly. I have no problem whatsoever with a proposal that allows us to get appropriate education dollars to our students.

Mr. Speaker, I will not be supporting this motion.

3:30

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

MR. CHADI: Thank you very much, Mr. Speaker. I find it disturbing listening to the Member for Calgary-Currie when the Member for Calgary-Currie says something to the effect that this motion is asking for an opinion, and she implied that the opinion that this motion is asking for is an opinion from the government. That isn't the case here. What this motion is merely asking for is a legal opinion that had been obtained by the government, by this Legislative Assembly. The government has obtained legal opinions regarding the right of the Catholic separate school board system to be self-governing and to raise their own taxes if they so choose.

Now, this government received those legal opinions. We heard the Government House Leader speak about solicitor/client confidentiality and the fact that we can't release them because any lawyer will tell you that there is such a rule. Well, there is such a rule, Mr. Speaker, but quite clearly the client in this case is us. We the government, we the people are the ones that are the clients, and I can tell you that we are here now and have received certain opinions from lawyers, and we've paid for those lawyers fees. I'm quite sure we have. I wonder if perhaps maybe we can't release them now because we haven't paid for them yet. If that's the case, then the government should come clean and say so.

As it stands, I know that members opposite know that these legal opinions were obtained, because the educational system is taking on a whole new dimension. We're moving into areas that have never been entered into before. These legal opinions have to be gotten and received prior to making these moves and steps. I know for certain that the Liberal opposition received its own

legal opinion. And you know what, Mr. Speaker? We've released some of that to several school trustees around the province. We've let them know the legal opinions as we've received them.

Now, as you know, if you ask 20 economists about what'll happen to the value of the Canadian dollar, you'll get 20 different opinions. Now, if you ask a lawyer about certain opinions, perhaps maybe 20 lawyers, you may get 20 different opinions there as well.

MR. BRUSEKER: Twenty-five.

MR. CHADI: I stand corrected. I was told that if you asked 20 lawyers, you may get 25 different opinions.

Now, Mr. Speaker, quite clearly we would like to be able to have a look at the legal opinions that we've received and that we've undoubtedly paid for with taxpayers' dollars. I believe we have a right to see them, I think Albertans have a right to see them, and it's unfair to arbitrarily withhold this information. It doesn't seem right at all. To hide behind client/solicitor confidentiality, I mean, that's the sickest thing I've heard in a long time. That's incredible to suggest that.

So, Mr. Speaker, I would hope that hon. members would consider this strongly. This is not a joke any longer. Come on. You have only your constituents to answer for. I know the hon. Member for Calgary-Currie mentioned that she was taken aback by a certain comment that was made in jest. Her responsibility is for her constituents. I quite agree with her. I can tell you that the members on this side of the House have their responsibilities to their constituents, but we take it a step further. Our responsibilities go to our electorate, the entire province of Alberta, and not only our constituents. That's what we have to look at. We look at the overall picture. I would hope that message sinks in just a step further.

With those comments, Mr. Speaker, I will now allow other hon. members. Thank you.

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

Point of Order

Application of Supreme Court Ruling

MR. BENIUK: Thank you. Mr. Speaker, I turn to you for guidance. There is a very important issue here, and I am blessed by the fact that I am not a lawyer. [interjections] I've come to the conclusion that if I never rose, the Member for Cypress-Medicine Hat wouldn't have an opportunity to do certain things.

Mr. Speaker, there is the following situation. The federal government – and this is on the issue and the precedent – refused to release opinion polls. That went to the Supreme Court, I believe. Correct me if I'm wrong. The Supreme Court ordered those opinion polls dealing with the referendum to be released, based on the fact – and I look to you for guidance and correction on this if I misunderstand the situation – that the taxpayers of Canada paid for those opinion polls, and therefore the government was required to release them. Of course, they released them after the referendum, but nonetheless a precedent was established. Now, your rulings in this House are not done in a void. They're not done in isolation. They are based on what other jurisdictions have done in similar cases, both in Ottawa and London and in other parts where the parliamentary system prevails.

So the question here, which I turn to you for guidance, is: does the government of Alberta have the right not to release documents that the taxpayers have paid for even though the federal government was required to do the same? Now, this isn't a legal

opinion I'm seeking. This is precedent. If this had appeared before the House of Commons, would the Speaker there have been required – have been required – to order the government to release those documents, or would the Speaker have not said a word and been silent and let the government possibly get away with not having released those documents after the case had already been established, that if taxpayers' money is used to pay for a report, it should be released? I have to stress this: I am not seeking a legal opinion; I am seeking what you would do as a Speaker, what the Speaker in Ottawa would do when a situation like this arises after a precedent had been established.

MR. SPEAKER: It sounds to the Chair as if the hon. Member for Edmonton-Norwood has actually asked a point of order, and the Chair would respond as follows with regard to the citation that the hon. member has referred to as far as the legal case concerning the public opinion poll. The Chair's recollection of that case before the Supreme Court of Canada was that there was an application made under the freedom of information Act of the federal government for that information. The government refused, so the government was taken to court, and the Supreme Court ended up saying that the government of Canada had to release that information under its freedom of information legislation. While there may be some similarity between public opinion polls and legal opinions, the Chair is under the view that the federal government freedom of information legislation does exempt legal opinions. Therefore, the Speaker of the House of Commons would probably say that there was no way of compelling the government to release legal opinions that had been obtained in the course of its business.

3:40

Debate Continued

MR. BENIUK: Thank you very much for enlightening me on this, Mr. Speaker. Can I just impose upon you for some extra enlightenment? If the freedom of information Act, promised to be presented tomorrow, had been presented – okay? – would . . .

Point of Order Relevance

MR. EVANS: A point of order.

MR. SPEAKER: The hon. Deputy Government House Leader is rising on a point of order.

MR. EVANS: Mr. Speaker, I'm rising on a point of order under relevance. We must get on with the motions for returns in front of this House. I think it's all well and good that Edmonton-Norwood wants to improve his knowledge of the workings of this House, but quite frankly the rest of us would like to get on with government business and give the opportunity to the other side of this House to deal with the motions they have before us. I would ask for your ruling on this, sir.

MR. SPEAKER: The ruling on the hon. member's question would be that the Chair is in no better position to know what the contents of the proposed legislation are than the hon. member is. We'll just have to await events which will unfold as they should, probably tomorrow.

Debate Continued

MR. BENIUK: Thank you, Mr. Speaker. I will continue with my comments, and I will assume, as I'm sure most members on this side will, that the timing of Motion 182 being possibly rejected or recommended for rejection by the government side has

a strong bearing on the fact that tomorrow the freedom of information Act may be tabled.

It is very important, Mr. Speaker, for the people of this province to know what they are paying for. Here we have tax dollars being used for opinions which then will impact on legislation. They will impact on whether our school systems are totally changed. The Catholic school system is quite concerned. I believe the people from every corner of this province have a right to know what is contained in those legal opinions, especially since we all know that the Catholic school board I believe from Calgary plans to go to the Supreme Court. This would certainly reduce some cost if they knew exactly what opinions the government had received on this issue.

The fundamental issue is that if taxpayers are paying for something, they should get the goods. If the Conservative Party is paying for it, fine. They can keep it as a confidential document. But the taxpayers have paid for this, and therefore the taxpayers should be allowed to see what is in the legal opinion or any other document that they have paid for. Surely if a person pays for something, he cannot be excluded from having a chance to look at it and see what their money has been used for. Therefore, Mr. Speaker, I would very strongly urge all members in this House to support this motion as taxpayers. I mean, it's your money that paid for this. Surely, just because you belong to a particular party doesn't exclude you . . .

[Mrs. McClellan entered the Chamber]

SOME HON. MEMBERS: Shirley. Shirley.

MR. BENIUK: What can I say? The timing.

Mr. Speaker, I would urge all members to support the release of this information and to vote in favour of Motion 182.

MR. SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I, too, would like to make a few comments about Motion for a Return 182. During the election campaign there was considerable debate about the financial state of the province of Alberta. I think, generally speaking, Albertans did voice the opinion that they were also similarly concerned about the financial state of the province of Alberta and said: do something about it. Now, the government has proceeded along that path, and that's not the thrust of this particular motion, but the thrust of the motion does deal with how we travel that path and in fact does this impact upon where we're going.

Copies of legal opinions that are referred to in here – it says "obtained by." Past tense. So one of the issues that was raised by members opposite was that this would require additional cost by the government to produce these. Well, as I read the motion for a return and the Deputy Government House Leader has said that indeed these opinions have been – past tense – obtained by the government, the cost would be walking them down to the nearest photocopier and producing a photocopy at 5 or 10 cents a page, whatever the going rate is nowadays, and sending it over to the Member for West Yellowhead. If it's 10 cents a page and if there are 20 pages, the cost would be \$2.

DR. PERCY: And I'd pay it.

MR. BRUSEKER: I would submit to the Deputy Government House Leader that we've already had one offer from the Member for Edmonton-Whitemud. I'd be prepared to pay the 2 bucks if

they're concerned about the cost of making a photocopy of that particular opinion.

Now, Mr. Speaker, the issue at hand regarding the right of Catholic separate school boards, plural, to raise taxes is an issue that is of considerable concern to Catholic taxpayers, and in fact there has been considerable concern raised at meetings which I have attended, and I know the Member for Calgary-Currie has attended at least one that we've attended together. Considerable concern was expressed by the 4,000 to 5,000 people who were personally in attendance at a meeting regarding this particular issue.

Mr. Speaker, the legislation referred to doesn't have anything to do with this particular motion for a return. What the concern is, why this motion for a return in fact has been put on the Order Paper is because of statements made by the Premier, because of statements made by the Minister of Education regarding what is likely going to happen with respect to this entire issue. In fact, I as a member of the Legislature representing Calgary-North West constituency have tabled numerous petitions with literally thousands of signatures on them expressing concerns about the restructuring of education and also in the changing as proposed, at least from an idea standpoint, regarding the change in terms of collection of taxes.

Now, Mr. Speaker, these statements have been made by the Premier, by the Minister of Education, and indeed by other members opposite. So what we're after here is: what is the background that suggests that this is in fact the right way to go? I guess on a broader issue also is the issue of: why is the government doing this at all? It has nothing whatsoever to do with balancing the deficit. Whether it's right or wrong is one issue, which is the legal opinion issue, but then again there's the broader issue of why bother doing this at all. The government has indeed a mandate to work towards the reduction and ultimate elimination of the deficit. Changing the collection of taxes in fact will do nothing to reduce that deficit. It simply changes who's got the power and who's got the control, who in fact is in charge.

Mr. Speaker, if this were a new idea, if this were a revelation, I suppose I could understand why the members opposite would say: gee, we always follow the rules, and everything's hunky dory in the province of Alberta. But in fact we know that's not the case. That's why we've been pushing for and finally, I guess, we'll soon see a piece of freedom of information legislation that will be tabled and I hope at some point passed, and I say I hope, because I'm not sure of course what's in that Bill yet.

I want to take you back to another issue and the reason we're asking for this information now, before in fact the legislation comes into the House. I want to take you back to the 22nd Legislature, Mr. Speaker, where I know you've had some considerable experience, and recall that what is happening right now is that the government has a case before the courts that says: "Gee, we've passed a piece of legislation, and we really don't know if it's legal. Will you check into it?" That, of course, is the issue of electoral boundaries. We had spent literally, again, hundreds of thousands of dollars to go out and consult with Albertans, and the government rammed through a piece of legislation that ultimately led to the defeat of that legislation, because the five-member commission couldn't agree with the report, sent it back again. Now it's gone to the Court of Appeal for what's called a reference, and I understand that process to mean that the court will then look at whether or not the legislation that has been passed by this government is in fact legal.

3:50

So what we are trying to do, being fiscally responsible, trying to offer good suggestions to the government, is we're saying that

we'd like to see the legal opinion before we have a piece of legislation come into the House. So it's actually very timely that we're dealing with this motion for a return before the Bill has in fact been tabled in the House. It's very timely to have this motion for a return dealt with now at day 29, before the Bill comes before the House so that in fact the legislation can then be properly drafted before we go through the time-consuming process of first, second, third readings, committee stage, all of which indeed may take hours if not days of debate in this Legislature. What we're saying is: if we're dealing with a piece of legislation that is so potentially contentious, let's put this issue to bed before the Bill even comes into the House. It's simply the prudent thing to do, and we are putting forth a logical, reasonable request for the information paid for by Alberta taxpayers. We're saying: let's make sure that whenever we debate that piece of legislation, we're dealing with it on firm ground so that we don't have to then take this Bill, that I understand is to be introduced tomorrow, through another stage, another reference, and another Court of Appeal to deal with the issue of the constitutional right of Catholic separate school boards to be self-governing and to raise taxes.

From that standpoint, I am in a complete quandary as to why the government would not want to be on solid, firm ground. Having made a blunder with the boundaries issue, I would think they would want to be very careful in not having to go back to the Court of Appeal again and spend more taxpayer money again. I would think they would want to be careful, make sure they're on solid, firm ground ahead of time, convince not only the members on this side of the House that they are on firm legal ground but in fact convince all Albertans that they are on firm legal ground. Quite frankly, Mr. Speaker, right now I don't believe Albertans are persuaded that they are on firm legal ground, if indeed they follow through on the proposals that have been put forward by the Premier and by the Minister of Education. That's why this information is not only a request of this side of the House but in fact is a request by thousands of Albertans to say, "What the heck are you guys doing?" I hope all members will support this motion for a return.

Thank you.

MR. SPEAKER: The hon. Member for Stony Plain.

MR. WOLOSHTYN: Thank you, Mr. Speaker. I was not going to enter into the debate because I thought that anybody who read that motion would see very quickly that it's a frivolous motion. It has no substance, and in fact the House leader gave it dignity by even saying why we would reject it. From that particular issue I've been keeping notes on where the comments came from. They quite frankly had very, very little, if anything, to do with getting the information to be used for heaven knows what.

To begin with, Edmonton-Centre went off on a tirade about this government and basically made some statements that were, shall we say, very, very void of any kind of substance with respect to our treatment of children. What that has to do with asking for a motion for a return is – I guess we can stretch the limits of debate, and they certainly do it across the way.

The Member for Calgary-North West on the one hand doesn't want to comment on freedom of information because it's going to be introduced tomorrow and then goes on to say how he needs this legal opinion, that somehow he feels has got some great substance to it, in order to debate the education Bill before it's even introduced. He goes on to explain to us in great detail how somehow by having this opinion, it would enhance the level of debate. Well, quite frankly, Mr. Speaker, there's only one person from the opposition who had some substance in debate, and that

was the Member for Edmonton-Centre on Bill 5 of last sitting, where he in fact ended up debating and had the Bill amended to reflect some aspects in it. He brought some good points, and we on this side listened, and the Bill was amended. It's rather unfortunate, however, that he lost all his credibility with such suddenness last night when he chose to brand everything with a branding iron instead of just approving the legislation and letting us get on with it.

MR. HENRY: A point of order, Mr. Speaker.

MR. SPEAKER: Well, the Chair will ask the hon. Member for Stony Plain to deal with the motion before the Assembly this afternoon and not review other aspects of the business of the Assembly on prior occasions.

Point of Order Clarification

MR. HENRY: Mr. Speaker, with respect, sir, my point of order was not on the relevance issue specifically, although I do thank you for that ruling. I don't know where the hon. member has been for the last few days, in never-never land, but I don't recall having spoken on the brand amendment Act. Frankly, he also indicated that some amendments I made to Bill 5 in the last session were indeed accepted by the government. He must have been in never-never land, because I don't recall having made any amendments to Bill 5.

Thank you.

MR. WOLOSHTYN: Mr. Speaker, my apologies to Edmonton-Whitemud because I called him Edmonton-Centre. I will try my very hardest not to ever let that happen again. My sincerest of apologies to Edmonton-Whitemud. That's an error that's totally unforgivable on my part. I'm truly sorry. I'm just at a loss for words. I don't know how I could ever have done that.

Debate Continued

MR. WOLOSHTYN: Mr. Speaker, I was following comments that were made on this motion from across the floor. Now, I fail to see, quite frankly, how this information would have anything relevant to do with the Bill that has not been introduced yet. There have been legal opinions, I'm sure, by all the people who have been frightened by irresponsible comments from members of the opposition, and we alluded to some of those earlier with respect to the false rumours going around hospitals and petitions to keep hospitals open that haven't even been closed.

Now we have all sorts of allegations that somehow the Catholic school boards are going to lose rights. I don't know where that's coming from. Perhaps when the legislation comes before this House, Mr. Speaker, the hon. members will debate something other than presenting last year's *Hansard* and rereading it. Perhaps they will be able to show us where there is an error in the legislation, if there is. As this government's record shows – and Edmonton-Whitemud can attest to it – when they do have a valid point, we are open and willing to adjust. There's no problem whatsoever. I know from my experience when I was on the other side that the Minister of Energy adjusted Bill 11 when I and the then Member for Three Hills debated it, and we did have the legislation amended. So, yes, I have been on that side.

The point that I'm making, Mr. Speaker, is that if they got their head out of the party bucket and put it in the Legislature and did what they're paid to do and debated the legislation before them, we would have much more meaningful activity in here. If they filibustered and gave some basis to the filibuster, it would be in

fact more interesting. If on a motion for a return they wanted information that was relevant to something other than the weak excuse that somebody has indeed the right to know, then perhaps we could . . .

Point of Order Relevance

MR. GERMAIN: A point of order, Mr. Speaker.

MR. SPEAKER: The hon. Member for Fort McMurray's rising on a point of order.

MR. GERMAIN: Thank you, sir. We hardly need lectures on parliamentary procedure, especially with respect to the member speaking. My point of order is that this debate is not relevant to this motion that's before the Assembly.

MR. WOLOSHYN: His views as usual are out in never-never land, so I expect him to be wrong once more, Mr. Speaker. The citation that he wanted was *Beauchesne* 459. Remember that one, hon. member. Just stand up and say it and use it for anything you wish.

Debate Continued

MR. WOLOSHYN: Mr. Speaker, in conclusion, I would like to state for the record that the minister and this government have had extensive consultation with the stakeholders, including the people who represent the Roman Catholic interests in education. These people for the most part have been very supportive. They understand where we are going, and they are responsible folk who know that what we are doing is going to be for the betterment for education in this province.

4:00

Mr. Speaker, I would like to say that to respond to this frivolous motion for a return for an opinion between February of '93 and February of '94 and all correspondence concerning the said opinion would do no good to anyone. It would certainly not shed any more light on it, because I'm sure there are a sufficient number of legal opinions around. In conclusion, we have a court system because we usually have differing legal opinions, and somehow or other a court will then decide which one is the correct one.

On that note, Mr. Speaker, and in view of the fact that this is an unfounded request for a motion for a return, I would encourage my colleagues to resoundingly reject it.

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

DR. PERCY: Mr. Speaker, thank you. With regards to the comments of the hon. Member for Stony Plain I think it in fact smacks of the paternalism we expect of former socialists, or current socialists on the other side, a willingness to decide what's right for individuals. We on this side of the House believe we have a good sense of what is appropriate, what is right. We certainly think this legal opinion is paid for by Alberta taxpayers. It certainly is germane to the issue of the Bill coming forward tomorrow.

Two points should be made. We've already heard about Opron and the court dispute that has gone on for almost a decade that has cost this province who knows how much money. We're aware of the court dispute in St. Paul, where there was a \$15,000 fine levied. It was disputed in the courts, and the legal fees amounted to over a million dollars. Here we're looking at an accident that

we can prevent. If in fact the legal opinion says very clearly that the government is playing a game of chicken with the Catholic school boards, then we have the right to know, and that would allow us to judge the Bill in the overall context. If on the other hand the legal opinion says that the government's well within its rights, that certainly will frame the debate much more clearly.

So I think with respect to facilitating the debate, with respect to focusing the debate, and with respect to the fact that this is and should be public information available to Catholic school boards, all members on that side of the House, not just the cabinet, members on this side of the House – it would be very, very inexpensive for the government to turn that legal opinion over. All of us on this side of the House will chip in and ensure that there is in fact no cost to the government of providing us with that legal opinion. That is a promise I think I can make on behalf of this caucus. We will pay the costs of xeroxing that opinion and distributing it to the Catholic school boards and distributing it to this caucus. It's gratis. It's part of our duty, Mr. Speaker.

That'll conclude my comments. Thank you.

MR. SPEAKER: The hon. Member for West Yellowhead, to conclude debate.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I didn't realize that this simple request would generate so many emotional responses. I'd like to reply to some of them, if I may, as part of my summation here.

First of all, the Member for Stony Plain deemed this motion to be frivolous and devoid of substance. Now, I may recognize the member's expertise in the area of frivolity, as evidenced by his miraculous conversion on the road to Stony Plain last year, but I don't think that move indicates much substance actually. Therefore, I don't accept that expertise as a matter of substance.

I'd like to say to several of the other members here who have said that this particular legal opinion is either not important or it doesn't exist or it shouldn't matter in view of pending legislation – I think Cypress Hills across the way came out with that of course, as usual. Mr. Speaker, if that particular legal opinion does not really matter at all, then what is the objection to releasing it to the taxpayers who paid for it? On every score I say: release it if it isn't important; release it if it doesn't matter.

Calgary-Currie also talked about the quality of education a great deal. Mr. Speaker, maybe I've been remiss. Maybe I should have mentioned every cut that this government is applying to education. Maybe I should have mentioned the structural changes and so on. But I wanted to stick to the subject at hand specifically: a very simple legal opinion which rests in the bowels of this government somewhere. We would like to see it. The Premier says it exists. He has said that he has seen it. I'd just like to see it. Simple.

So really I can only conclude, Mr. Speaker, that this government is not really committed to openness. They talk about it, but they do not walk it, and I challenge all the members on the other side to for once vote for openness.

Thank you, Mr. Speaker.

[Motion lost]

Education Roundtable Workbook

M183. Mr. Van Binsbergen moved that an order of the Assembly do issue for a return showing a copy of all reports and statistical analyses prepared by the Department of Education concerning those written responses to the Education

roundtable workbook Meeting the Challenge which were received by the Minister of Education.

MR. VAN BINSBERGEN: I'll make it very quick here, Mr. Speaker. I attended two of the official government-sponsored roundtable discussions, one in Calgary and one in Edmonton, and I attended a host of unofficial ones organized by school boards and school councils and teachers and parents, you name it. No one person at any of these conferences or discussions advocated the revolutionary changes that this government is contemplating; namely, the one of taking over 1 and a quarter billion dollars of local taxation which used to go to the schools, nor the appointment of superintendents by Alberta Ed. That seems to be somewhat up in the air at the moment. We hear one day yes, the next day no. Then we hear that the government is going to allow a shortlist from which the boards may select a superintendent, and the next day it's the other way around. So we don't really know where it's at, and quite frankly I don't think the government knows where it's at right now. Finally, the introduction of charter schools as the third structural change, and I think we know that there was only one person in the whole province who advocated that, and he happened to come from Red Deer.

So quite frankly, Mr. Speaker, we'd like to know where the minister found these particular recommendations that he is now going to put into legislation. We do know that very little planning has gone into these changes that are being contemplated because of the fact that they change on a daily basis. We would like to see the basis for the decisions that through the minister the government is contemplating. That's the simple reason for this.

Thank you very much, Mr. Speaker.

MR. EVANS: Well, despite the fact that the hon. member opposite said he was going to be brief and he wasn't quite as brief as I would have liked him to be, Mr. Speaker, I'm going to be brief.

On behalf of our government and in keeping with our commitment to open and accountable government, we accept Motion for a Return 183.

[Motion carried]

Federal/Provincial Overlap and Duplication

M184. Moved by Mr. Henry on behalf of Mr. Chadi that an order of the Assembly do issue for a return showing copies of internal working documents or reports prepared by or on behalf of the government between January 1, 1993, to March 3, 1994, pertaining to the removal of federal/provincial overlap and duplication.

MR. EVANS: Again, Mr. Speaker, in keeping with this government's commitment to open and accountable government, we accept Motion for a Return 184.

MR. CHADI: I want to say a few words. I just wanted to congratulate the government on allowing us that information.

Thank you very much.

[Motion carried]

Agriculture Runoff

M186. Mr. Collingwood moved that an order of the Assembly do issue for a return showing copies of any documentation that supports the assertion that agriculture runoff contrib-

utes to two-thirds of the impairments in rivers and about half of the impairments in lakes in Alberta.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. This motion for a return arose from a statement made by the Minister of Environmental Protection that talked about sources of pollution. We're intrigued with it, and we look forward to seeing copies of the documents supporting that assertion.

4:10

MR. SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you very much, Mr. Speaker. It is interesting when you make comments at public gatherings, as I did at the Alberta Irrigation Projects Association annual meeting in Lethbridge last November, that sometimes they're misinterpreted. I believe in all honesty that the hon. member has heard from someone who was in attendance there and came to the conclusion that I was referring to Alberta when I made a general statement about irrigation and its impacts on water, lakes, water courses generally.

I do have, Mr. Speaker, a copy of my speech, and I just want to read out what I did say for the record: it has been documented that agricultural runoff contributes two-thirds of the impairments in rivers and about one-half in lakes. Now, there was no reference to Alberta. This was a general statement. I got the statement in reading a *National Geographic* special edition that dealt with water. It was a reference back to a comment from an American official, an Environmental Protection Agency official. I'll read in the entire quote, because I think it's relevant to this debate: to me, they are symbolic of agricultural runoff, which an EPA official said recently contributes to about two-thirds of the impairment in rivers, about one-half in lakes, and about one-quarter in estuaries. So that's the context in which I took that comment.

If the hon. member had had the ability to review my speech in detail, I used that comment as a generic comment and then went on to talk about the very responsible position that our agriculture industry has taken in this province and continues to take. I was talking about, Mr. Speaker, the whole concept of regulation, overregulation, which we are often criticized for in this government or any government for that matter, and the fact that I am committed to self-regulation wherever that is appropriate. The comment that I then went on to make was that we would continue to work with our agriculture industry in Alberta and allow them to a very significant degree to self-regulate, because they have been very responsible stewards of the land. I think if the hon. member had a copy of that speech, he would have read on and seen that comment and would not have then put that motion for a return on the Order Paper.

I would just encourage the hon. member, because we have a reasonably good relationship, that whenever he does have an issue that comes before him to please bring it to my attention. We can probably avoid some more paper flow in the House. Heaven knows, we have enough issues to deal with that those issues which could be dealt with very quickly we could deal with over the telephone or face to face. I would encourage him to continue to do that, because again I think I have proven by the number of answers I have given to written questions and motions for returns that I try to be as open as possible in this important Department of Environmental Protection.

I must, on a technicality, Mr. Speaker, reject this motion for a return because there is not such information available. I think

I've provided the hon. member with all of the information that I had at my hands in terms of preparing the speech that I gave to the Alberta Irrigation Projects Association.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. Then to close debate, there was obviously some confusion. While the minister did appear to me to have quoted correctly the information that was made available to me, it appears that the assumption had been made that the Minister of Environmental Protection for the province of Alberta was speaking about an issue that existed within the province of Alberta and not within Canada or not within the North American context. It appears that that was not in fact said and was then taken as an assumption.

Just to mention, Mr. Speaker, that the people who did contact me were quite concerned with the statement that had been made and were also wondering what documentation did exist. I understand clearly what the minister is saying, that the reference to the documentation was taken out of context and in fact there is no documentation. I recognize the awkward position that the minister is in in terms of having to reject it because it doesn't exist. We'll accept that. Perhaps procedurally we'll allow the matter to go to the vote rather than withdrawing, but I understand we're in a bit of technical difficulty here.

So with that, I'll close debate.

[Motion lost]

head: Public Bills and Orders Other than
head: Government Bills and Orders
head: Second Reading
Bill 208
Child Welfare Amendment Act, 1994

[Debate adjourned March 29: Mr. Herard speaking]

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

MR. HERARD: Thank you, Mr. Speaker. Just to summarize very briefly what I had said prior to adjournment. Albertans do not want vague legislation when it comes to the protection of their children. The philosophy that all children have the right to be free of poverty and the right to food, clothing, housing, and a standard of living that encourages the child's development is one which transcends all political lines. To suggest, as certain members from the other side seem to like to do so often, that this government is not committed to children is simply absurd.

Today, Mr. Speaker, I'd like to remind my colleagues on the other side of this House about some of the existing legislation found in the *Statutes of Alberta* which adequately protects children in this province. Each department, particularly Family and Social Services, Education, Health, Community Development, Justice and Attorney General, as well as Labour, monitors policies which raise and uphold this government's outstanding record for setting standards with respect to the protection of children.

The present Child Welfare Act is based on a set of beliefs based upon Alberta's children, families, and communities and how they relate to each other. Like the majority of Albertans, this government feels that families and the community ought to be the principle nurturers of our children. This theme is consistent with the Child Welfare Act. Parents and community are the best facilitators because they can provide the survival, security, and development needed for children. Policies which provide the least

intrusion into Alberta families are in keeping with the Act. While there is a role for government to play, it is nevertheless one of a secondary nature. I fail to see how nebulous abstractions brought forth in Bill 208 could improve upon the tangible elements in the Child Welfare Act.

Mr. Speaker, it would also appear that some hon. members of the opposition are not familiar with the Employment Standards Code. This Act explicitly sets employment standards for Alberta's young people under the age of 18. Section 75(4)(f), for instance, clearly prohibits "the employment of an individual under the age of 12." I should also add that section 75(1)(a) and (b) states that

no person shall during normal school hours

(a) employ, or

(b) permit to work on his premises

a child who is required to attend school under the School Act.

Section 75(4)(a) through (e) allows for the regulation of the types and conditions of employment a child aged 15 to 18 may undertake.

The Employment Standards Code continues in section 122(a) and (b) to state that "an employer, employee, director, officer or other person who is guilty of an offence under this Act is [to be held] liable." This means that if a corporation is involved in an infraction, a fine of up to \$10,000 may be levied, and an individual charged could face a penalty of up to \$5,000.

4:20

The School Act gives our young people access to soon to be the finest educational system in the world. While it is recognized that there is one publicly funded education system, provisions are made for public, separate, and private schools to reflect our diverse cultural heritage. Education in Alberta is available to all children regardless of their parents' socioeconomic standing. Education is seen as the great equalizer, giving all young people a head start by giving them the marketable and meaningful skills for life and for the world of work. The current reforms will further improve an already good education system.

Current legislation states that a child between the ages of six and 16 must attend school. This education system is largely paid for by the property owners and is assessed through educational mill rates. This system pays for all compulsory courses through to grade 12. The only nominal fees levied are the ones for noncompulsory courses and noncompulsory activities.

Mr. Speaker, even many members of this House from the teaching profession, like the members for Calgary-North West or West Yellowhead, will tell you that there are a variety of secondary education programs offered in the province which challenge students. These include the international baccalaureate, Francophone, as well as other special language programs, like French immersion, offered at various schools.

The School Act continues Alberta's leadership role in education. It has a clear directive to ensure that Alberta's children and young people receive an excellent education which builds upon their strengths and talents while providing them with the skills, the knowledge, and the confidence to shape their own destinies.

[Mr. Deputy Speaker in the Chair]

Albertans should also take pride in our world-class universities, community colleges, and technical schools found in every major centre in the province, which offer training for those who wish to pursue careers in the trades or professions.

Mr. Speaker, the rights, needs, and protection of children are likewise met by the Alberta Public Health Act and the Canada Health Act. All Albertans, regardless of their age, have access to

health care and basic health services. It was the conclusion of the Premier's council on the disabled that Albertans should have access to services on the basis of need, not on the basis of age or disability. This thinking is very much in keeping with world attitudes towards health care. These services need not be fragmented but universal. If the needs exist, then Albertans should have access to the appropriate health care. There's no question that our pediatric health care services are superlative. Alberta boasts one of the lowest infant mortality rates in the world.

Mr. Speaker, these are but a few of the many statutes which protect young Albertans every day. I would conclude by stating that I believe I have shown conclusively that children are ably protected in this province through its existing legislation and regular policy evaluations. This government has shown that it does care for its children. In my opinion, Bill 208 is inconsistent with the spirit of other legislation which protects children and promotes the family unit. It's for that reason that I cannot support the Bill.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I rise to support Bill 208, a very important Bill put forward by my colleague from Edmonton-Highlands-Beverly.

Mr. Speaker, if I could, before I begin my remarks, make a few comments about the former speaker, the Member for Calgary-Egmont. I was fascinated, astonished at his comment that "Albertans do not want vague legislation like what is being proposed in Bill 208." Interesting grammar. That's on page 940 of *Hansard*. Let me assure you – and I think anybody reading the Bill will see that the legislation is anything but vague. In fact, it is very specific to the needs to amend the Child Welfare Act.

Mr. Speaker, the Member for Calgary-Egmont went on to say that the role of government is secondary to the role of the family when children are abused, and I say: well, should it be secondary when children are being abused either physically, emotionally, sexually, or psychologically? Surely the member does not mean that the public has a responsibility to step in when there are vulnerable or helpless children being abused and that family rights should be paramount in those kinds of instances. I would bring to your attention that the Member for Calgary-Egmont, I believe, as well as other members of the government and in fact some members of the Liberal caucus did not support the legislation proposed on the rights of children, and I think that was a grave oversight that we simply should put to rights.

Mr. Speaker, I would have to ask the former speaker that if, as he contends, current legislation, either in the Child Welfare Act or in the Employment Standards Code or in any other piece of government legislation, in fact adequately protects the children of Alberta, then why on earth was it necessary to do the Children's Advocate report of last year and all of the ensuing reports and studies and the previous reports and studies about child welfare in the province? If everything is fine, then certainly nothing of that nature would have been necessary. I thought his references to child labour laws and legislation were interesting: shades of Janey Canuck. In case the member doesn't understand the classical reference, Janey Canuck is a.k.a. Emily Murphy, who wrote widely just after the turn of the century about child labour laws. Fortunately, we have not endured the same kind of thing as she was writing about in the U.K. in those years.

I'm glad to see that the government along with the federal government – we're going to see some move in Brighter Futures.

Hopefully, we won't have continuous year in, year out resistance to programs such as Head Start, such as kindergarten, such as English as a Second Language.

Mr. Speaker, I am at a loss as to understand how the member can stand in his place and suggest that our legislation in Alberta is adequate. It simply flies in the face of what the Minister of Family and Social Services is doing at this time, and perhaps those two members could have a chat about it. I think the minister himself has helped us to understand that the programs are not adequate, certainly for certain high-risk groups, and that he is attempting to correct that. I suggest that these amendments are long overdue, and I'm surprised that the government has not come forward before.

The basic question is: what is public responsibility to the children of this province? Last year we had the tragic circumstances that gave rise to the minister requesting this very comprehensive document called In Need of Protection. I have a copy of it here. Mr. Speaker, my copy is getting a bit shabby and a bit worn. Granted, it is not the bound copy that came out initially, but it is one of the extra copies that our caucus was confronted with having to print and run off so that people could in fact access the information in this very important and serious document. The government declined to run more copies off and even to sell them at cost, which we have done. We still get many requests from governments across the country, Mr. Minister, for this document, because it is seen as a very important piece of information and very helpful to other provincial governments in how they are developing changes in their child welfare programs as well.

Mr. Speaker, it's well known that this was not the first analysis of child welfare that has been requested in this province, but certainly it is the most comprehensive to my knowledge. Like all of the others, seven or eight that have been attested to, it was requested in response to a set of very tragic circumstances. It does go into great depth in various chapters about how our system operates. I think it has provided us an excellent analysis and blueprint for the future about how child welfare should be adjusted to be more relevant to today's realities and to today's needs.

4:30

The minister's response to it, Mr. Speaker, was interesting. Initially, the minister didn't comment on this report. Then when it was released, it was released along with another document, and that was on services to 16 and 17 year olds. That was a study that was done by the Social Planning Council of Edmonton and had gone to the minister a year earlier. I'm not sure why they were released at the same time – one wonders about the significance of that – but like the Children's Advocate report, the 16- and 17-year-olds' study has received little response as far as action is concerned. When the minister did respond on the advocate's report, he warned that he was going to make parents more accountable and responsible for their children's care. Curiously, the minister stated that we don't need more studies, we need immediate action, but we haven't really seen much of that since that time.

Then shortly the minister did release his reforms in a document called Reshaping Child Welfare, where he further emphasized parents' responsibility. Even alarming in that document was the minister's promise to allow parents who are convicted of abusing children to keep their children at home and for the parents to remain at home instead of in jail, provided there was some kind of in-home support in place and, I understand, some commitment on the part of the parents that they wouldn't do it again. Now, I suggest, Mr. Speaker, that where we have very vulnerable people

in our society, namely our children, we simply can't allow those kinds of circumstances to occur.

Mr. Speaker, the report also established the position of a children's commissioner responsible for studying the problems in child welfare and developing a new plan. Hopefully, that in fact will lead to some action, although the Member for Calgary-Egmont clearly feels that no action is necessary, that everything is just fine.

Mr. Speaker, the interesting part of the business plan, one of the plans that came along with the budget for this year also has some things in it that I think need our attention. In the section under strategies on page 7 of the F and SS section in the business plans, it indicates:

- Reshaping Child Welfare initiatives will address four areas of practice:
 - keeping children safe
 - parental accountability
 - aboriginal services
 - strengthening community involvement.

Now, we've heard little about how that's anticipated to be translated into action. It sounds fine. The business about parental accountability I've already spoken to briefly, Mr. Speaker. Unfortunately, not all parents are in a position to be accountable for the health, well-being, and safety of their children, and in those circumstances the government, I submit, has a responsibility, the public has a responsibility for the safety of that child and to intervene.

Mr. Speaker, a few statistics about in fact what's happening in Alberta, if I can find them. There are by current reports 124,000 children in this province living in poverty. Now, I think that's an incredible statistic, that there are 124,000 children living in poverty. I don't see how in a province, in spite of our concern about our deficit and our debt, we can hold our heads up and allow that kind of circumstance to continue, because for these children the future is bleak. Their chances of surviving in school are minimal. I think we simply have to address that. I know the minister is deeply concerned about native children in the province, who in many cases are living in poor circumstances, and I believe that is one fact that the Member for Calgary-Egmont can simply not ignore.

Recently we all had a very interesting document submitted to us. It came from the city of Edmonton regarding recent cuts to social assistance benefits. They are making a number of recommendations from the city, and this is that the city express its concern over the impacts of supports for independence reductions that have caused real hardship to children and families in the province. They specifically detail a number of things that need to change. Then in this document they've got community and family services' stories of families affected by SFI cuts. To read this is to weep, because anyone sitting in this House should be embarrassed that these kinds of circumstances exist anywhere in the province. It's my understanding that the minister asked for specific cases to be brought forward to him, but people are fearful, Mr. Speaker, Mr. Minister. They are fearful of retribution; they are fearful of what's going to happen to them. I plead with the minister to look carefully at this Bill and look carefully at what his SFI cuts have done to children and to the welfare of children.

Mr. Speaker, the minister occasionally suggests that we are attempting to usurp the authority of the family, but I suggest once again to you that where children are at risk, we should not as a public force be prevented from protecting them by legislation that hangs on the least intrusive. Because that, I think, is what's happening: our very good workers in the departments are having to abide by the letter of the law that says that the least intrusive

method is the best for the child. I don't believe in this day and age that the reality we are facing of those circumstances I've mentioned and that the city of Edmonton has included in their document can be ignored. The least intrusive is not working, and children in fact are at risk. We need to accept these amendments in order to create a situation where they are safe.

Mr. Speaker, even more damaging, perhaps, and alarming in the Children's Advocate's conclusion in his report is that there is an overwhelming concern on the part of respondents, both internal and external, to the child protection system that management's single-minded preoccupation with financial matters is translating the concept of least intrusion into a systematic strategy to justify restricted access to a reduced array of services.

Now, Mr. Speaker, we have to ask ourselves then: what is driving the department here? Is it human needs? Is it children's rights? Or is it dollars? I want to believe and I want to be confident that it's children's rights, that it is not dollars that is driving our department. I will believe that if I see the minister speak in favour of these amendments.

4:40

Mr. Speaker, when members are concerned, and rightly so, about cost-effectiveness, the advocate found further that research supports that allowing the concept to reduce the already residual role of child protection delays the provision of services beyond the point of effectiveness and that that is contributing to the later admission into care of a population of extremely disturbed and damaged children. In-home support becomes a case of too little, too late. "Least intrusive" has become identified and synonymous with the least amount of service that the system can get away with, irrespective of effectiveness or appropriateness. Allowing a child welfare worker to investigate at the first possibility of abuse could save the department thousands of dollars in needed treatment, counseling, court costs, policing, and so on in the future, to say nothing about saving the child, the siblings, the family from untold tragedy and harm.

Mr. Speaker, in addition to the least intrusive, we also added in our Bill a number of important clauses, including making sure that the child's views and preferences are considered and sought out at every level of decision-making. Children of the '90s are precocious. They know a great deal more about what's going on in our communities and in our lives and in our families than the children of two or three decades ago. They need to be consulted. It is not appropriate any longer that a child is left out of decision-making about his or her life. We also insisted that the child be kept informed as they proceed through the child welfare system and that the child has "access to appropriate independent advocates" as they are deemed necessary.

We must ensure that when a child is taken from the home, it's based on the knowledge and the assumption that there is appropriate placement and treatment available to the child immediately. There is an immense trauma connected with uncertainty in a child's life, and this needs to be reduced. We all hear the tragic stories about children having to be housed in hotel rooms because placement is not available to them. We recognize too, Mr. Speaker, that once the amount of time limiting a child's placement out of the parental home has expired, the child should be returned to his or her parents unless it's identified – unless it's identified – that the steps taken for reunification have failed and the child cannot be protected from the harm or risk which made it necessary for the child to be removed in the first place.

We've added an important addition in our Bill that states, "if there are new risks present," recognizing that in some homes and families a child could be under a perpetual threat of new risks,

and what may be threatening in one month could be replaced by an entirely new but very real risk to the child.

I recognize, Mr. Speaker, that the minister has told us in our committee study of the budget that they have been moving more surely to in-home care to try to correct and reinforce good parenting and a safe home situation rather than removing the child. I respect that idea, but I believe one cannot generalize here. It simply is not an appropriate resolution, when there is abuse or neglect of a child, to leave the child in the home and put in someone either temporarily or more permanently.

Mr. Speaker, I hope to have greater opportunity to speak on this most important Bill when we are in committee stage.

MR. DEPUTY SPEAKER: The hon. Member for Olds-Didsbury.

MR. BRASSARD: Thank you, Mr. Speaker. Bill 208 focuses on the most precious resource of this province's future, our children. Children are one of the vulnerable groups of our society, and since they don't vote in elections, they are in some cases not seen as a constituency. It's because of their relative inability to defend their rights that it is appropriate for governments to support, their protectors. I'm gravely concerned about any children who are not free from any form of physical, emotional, or economic exploitation. Children are the shining light in this province's bright future. As such, they are a group which warrants the attention of all Albertans, including the government.

Today the Member for Edmonton-Highlands-Beverly has chosen to address this issue by reinventing the wheel: an attempt to change legislation, which in many respects could best be described as becoming even more intrusive. The very amendments proposed in this Bill threaten to break up the family unit and go against the province's policy of less intrusion into families. This government is committed to our children and will work diligently in order to meet and exceed their hopes for the future. This support is evident in many ways. All departments, particularly in human service areas, monitor policies and uphold this government's outstanding record of setting standards. Bill 208 violates this policy of less intrusion into Alberta families. Perhaps if separate responsibilities for families were outlined in our Constitution, then this legislation would definitely be considered *ultra vires*, as it encroaches upon parental responsibilities. While this Bill does support and purport to protect children in the name of care and compassion for children, it only tries to undermine authority of parents, the natural caregivers, and hand it over *carte blanche* to the state. Already many children have access to services like family planning counseling without the consent of their parents.

To the west of us the province of British Columbia in 1992 passed the Infants Act, legislation which gives children the right to receive health care for therapeutic, preventative, palliative, diagnostic, cosmetic, or any other health purpose. Mr. Speaker, does it not alarm members of this Assembly that evidence of authority or constructive guidance has diminished? Once upon a time, final authority did exist in the home and in the schools. Discipline was and should continue to be a part of growing up. If a parent or a teacher were to exercise the same level of discipline today, one can speculate as to whether he or she would be reported to authorities and later charged with either abuse or molestation.

Mr. Speaker, my wife and I raised four children. Perhaps it was easier then because lines of authority were clear, as were standards and morals and ethics and other benchmarks of a healthy and responsible environment for children. Kids grew up knowing their boundaries and, while not always living within them, were certainly aware of the consequences when they were breached. Tough love was not a phrase but a way of life in most

families. Responsibility to family and, conversely, to parents was a far more tangible thing than it appears to be today. Our efforts should be directed towards reinforcing those responsibilities, not eroding them.

The Child Welfare Act is the legislated authority governing the development and delivery of protective services for Alberta's children in need. Its underlying principles and values are very much in keeping with those of Albertans. There is no question that most Albertans believe that families and the community have the primary responsibility for the rearing of children. Albertans understand that families today come in all shapes and sizes. While the diversity of this province is great, one should be accepting of how others parent their children. What may work for a two-parent, middle-income family may work quite differently for one headed by a single parent. This government nevertheless believes that a family setting, not a social service agency, is the most desirable parent model for children to reach their highest potential. When this cannot be possible, then and only then can government assume this role. This is where legislation like the Child Welfare Act enters the picture. Only in very special circumstances should a person report his or her concerns to the child welfare office. I believe that virtually all parents want to be good parents. This Bill would deny willing parents the privilege to develop those traits and hone their skills.

4:50

Mr. Speaker, we live in a time of self-gratification and self-fulfillment. It's certainly not easy to be a parent today. At one time, if you were broke, you were broke. That ended most discussions surrounding impulse wants. Now there are alternatives: we have credit cards and payment plans that don't start for a year. Children grow up with a far greater level of expectation than ever before. Denial is more difficult to accept. The influence of television and movie shows often does little to support the role of parents, and all too often it is just the opposite.

Also, Mr. Speaker, people have become too dependent on government to solve their problems for them. In some cases the social safety net has become a hammock. This government should continue to re-embrace the values of individualism and encourage parents to shoulder responsibility for their actions as well as their dependants', values which represent the kind of Alberta you have always wanted for your children.

The Commissioner of Services for Children is presently developing his plan to integrate service delivery to children and their families. Indeed, his recommendations may include large-scale changes to the Child Welfare Act as well as to other relevant legislation. This type of intrusive legislation will only subvert this initiative, and I urge all members to reject this Bill.

Thank you.

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

MR. GERMAIN: Thank you very much, Mr. Deputy Speaker. There would undoubtedly be, if we took a poll today in this Legislative Assembly, clear consensus that it is the heartfelt wish of every member of this Assembly that children in the province of Alberta, and indeed in a more spiritual way children around the world, be protected to the greatest extent possible. We deal today with remedial legislation that is intended to amend a piece of government legislation that has over the years been amended several times, always to indicate and reflect changing attitudes and changing ideas about what constitutes beneficial assistance for children.

I'm flattered to be able to speak to this particular Bill today, although I often pride myself on being a frugal fiscal businessman and very interested in business issues of where the dollar goes, how far it doesn't go these days. I'm grateful for the Edmonton member's presentation of this Bill, because it allows us to reconsider some things that should be of serious and fundamental importance to all Albertans. While we may later speak in this Legislative Assembly to Bills that appear to have more heat generated about them in terms of economics and in terms of issues, we will probably not speak to more important issues than the issues presented in this particular legislation. In fact, that is very obvious, because the two members opposite whom I have listened to speak about this Bill have prefaced again and have repeated again the government's avowed responsibility to the interests of children.

Well, let's talk about that, Mr. Deputy Speaker, and develop that thought a little bit. Let's develop it in the context initially that an economist might be interested in. Every time in the province of Alberta that a child is vegetablized as a result of inappropriate and seemingly abusive care, the costs to support and raise that child through that child's lifetime reach into the millions. That is a far cry different from the costs of remedy at the first instance. It is a far cry different from trying to prevent some of the social problems we see that manifest themselves in future. I do not know that there are any studies, but I know that there are many social workers, there are many child's advocates who point out that a dollar spent on child welfare and a dollar spent on welfare rehabilitation will come back to reward those who spend it many times over in the future, because it prevents the further erosion of tax moneys looking after problems after they have been developed.

Now, I heard one of the members opposite speak about this Bill in glowing terms, but he indicated that the Bill lacked specificity, and in his view it seemed to lack some of the tightness that he would like to see. That's a surprising reflection from some of the members opposite, because many of their pieces of legislation that impose without notice penalties on financial institutions, that impose without notice penalties on oil companies and the backbone of our industry appear to lack an awful lot of specificity too. That criticism doesn't seem to be vocalized quite as loudly from the members opposite concerning their own Bills that they are able to speak to.

If I've learned anything in this Legislative Assembly in the short time I've been here, I've learned that the place where you tighten up the specificity of Bills, the place where you work out the rough edges in the Bill is in the committee that follows second reading. Therefore, Mr. Deputy Speaker, I hope that those members who were so enthralled by this legislation will give it its second crucial vote so that it may go on to committee stage, so that we may take and have the benefit of the cumulative wisdom of 20 years of government in this province, the cumulative wisdom of all of that government to tighten up and streamline and perhaps consolidate some of the very important issues of this Bill.

But since we now speak to principles, let me direct the hon. member's attention to some of the issues that strike me in a nonscientific overview of this particular legislation. It's interesting, as I mentioned earlier, that the member from Edmonton points out to us and reminds us all again how important an asset our children are in this province.

Now, my colleague opposite also spoke of the four children that he raised, and undoubtedly all fine children they are. I, too, know a little bit about parenting, Mr. Deputy Speaker, because despite my youthful appearance and despite the fact that I did not have a single gray hair in my head when I hit this place in August, I want to say that I, too, have raised three wonderful

children and know a little bit, I think, about parenting as well. I certainly have never had to resort to the Criminal Code or to any other historic definitions of tough love to discipline and raise three very wonderful children. I can count on one hand and on less – with three sons, I can count on less than three fingers the number of times that I've ever had to use any force whatsoever in the discipline of three very wonderful boys who grew up through the tumultuous times of late '70s and the '80s.

Now, I want to focus the members' attention on the very interesting concerns that are expressed in this Bill by pointing out to the members – and I'm sure that if the Minister of Family and Social Services speaks on this issue, he will point out and he will long recognize and he will be prepared to admit – that the present situation that exists today tips the balance unduly in favour of leaving a child in the home where in fact there is obvious concern in the home, but it doesn't fall within the narrow and very tightly defined test of interference to the least intrusive amount. That concept had a nice expression. It was a vague concept, the same criticism that's been levied about these amendments. That concept had a nice approach to it in that you'd keep families united. But when social workers say that they are powerless to remove, in their view, children from homes where there is absolutely no food, when they appear powerless to remove children from homes where it appears and there is a suspicion that the children are eating dog and cat food, where they are powerless to remove children, in their view, from homes where the child does not go to school regularly, because the parent says that the child is sick or the child stumbled and hit his collarbone on the stairs or the child was wandering around in his bedroom with the lights off and happened to bump his nose on the dresser, we really have to look at a different model, and perhaps the model proposed by the Member for Edmonton-Highlands-Beverly is an appropriate opportunity for us to try something new. There are a large number of children in our community, in our collective provincial community that in fact are going without, and they're going without their physical needs, they're going without their emotional needs, and they are also subjected to physical abuse and mismanagement.

5:00

It was never intended by the original Child Welfare Act or the proposed amendments that the state would take over looking after the children. But all members in this Assembly have to be attracted to what is a form of a child's Bill of rights that is found in this particular legislation. It is the time of redemption, because in the last session some members within this Legislative Assembly in their infinite wisdom felt that we were not yet mature enough as a province that we would enshrine into our Alberta legislation a child's Bill of rights. In this amendment to the Child Welfare Act this Legislative Assembly is given another opportunity for a sober second thought to reconsider that particular issue in a very clear-cut and very nicely defined way.

The members of this Assembly will have to be attracted to the proposition in this amendment that protects children against violence. They should read again the minister's obligations to discharge his duties under the proposed new section 2.2, which will fit right in under section 2.1. For the benefit of the members section 2.1 of the Child Welfare Act is the Children's Advocate's role and duty. Now we have a defined role and duty for the minister of family and community services, and a fine role and duty it is.

Now we look at something else. We look at the proposed amendments of the Member for Edmonton-Highlands-Belmont contained in section 3. Now, section 3, to refresh the members' memories, is the collective section where somebody who is

concerned about the well-being of a child can raise an alarm for help and attention. Now there is a new obligation that somebody who feels that an alarm should be raised should raise that alarm by both referring the matter to a director and a peace officer. In that quality of draftsmanship and quality of idea you have a situation now where there will be a check. The Provincial Treasurer is fond of saying: check against delivery. Well, now we have a check against safety, because when somebody makes a complaint to a director or to a child welfare worker, if they make a concurrent complaint to a peace officer, there will be an independent check against delivery. One of the functions: to protect the child. The other function: to root out and deal with activities that constitute criminal conduct towards children.

Now, over the last few years, Mr. Deputy Speaker, you will be aware as an individual who reads widely and who has a reputation for studying social issues that the number of incidences of social abuse to children – sexual abuse, physical abuse, psychological abuse to children – is on the increase in the courts. Is it because parents are more vicious and savage towards their children, or is it because there is more attention to these serious social concerns and more that is proper and appropriate is being done towards children?

I also want to draw members' attention to the compelling and persuasive approach taken to create an appeal board for the placement of children in temporary or permanent homes, the creation of an aboriginal board. Now, I have heard the Minister of Family and Social Services tell us in this Legislature of the abuse and of the troubling conditions that many native peoples find themselves in, and it is a credit to that member that when he tells us, he has a hard time choking back tears, which is representative to me of his emotional concern and his emotional desire to assist in the well-being of aboriginal and Metis children. Now, maybe the Member for Edmonton-Highlands-Beverly does not have the mechanics completely right here, but the minister can assist us through that in the committee stage. It seems to me that there's a certain amount of appeal to setting up aboriginal appeal boards to deal with some of these placement appeal issues that come before the Legislative Assembly.

Finally, there is a requirement in this legislation that people who sit on these appeal boards be given sensitivity training, training to the issues to become more aware of these issues. What member in this Assembly could find this odious or offensive?

So now members might say, "Well, it's going to cost us some money." I only want to go back to first principles here. Frankly and with respect to those who hold a contrary view, there seems to be a lot of money blown still within the processes of government. Obviously there must be lots of fat still in the land, because the government continues to maintain that their rate of cuts will not affect service. As a result, there must still in their own estimation be fat upon the land. Well, if we have to make an error, Mr. Deputy Speaker, and if we have to spend some money, can there be a better place to spend the money than in attempting to protect children?

I want to say and suggest to all members of this Assembly that we cannot sit back year after year, week after week, day after day, hour after hour, minute after minute and wonder whether some of these provisions, if adopted by this Assembly, would save more of the children in the future who are subject to catastrophic abuse leading to permanent physical and mental impairment and a lifetime of dependency on the state or as a result of this abuse suffer psychological difficulties which lead to social maladjustment that in turn leads to violence on the streets, the collection and the perpetuation of criminal behaviour on the streets, and a lack of education, lack of knowledge, and all of the social costs that come

with that. Surely we can look at this piece of legislation and say that it is full of good ideas. Let's adopt some of them. Let's not just stand up and say that we all like children and we all want to help children, because I accept that as a given. I'm not going to go to the minister's riding and say that he doesn't like children if by rare circumstance he votes against this piece of legislation. But if you keep saying long enough and firmly enough that you like children, then let's grab the opportunity that presents itself here, let's grab the moment of opportunity, and let's vote for children once.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Bow.

MRS. LAING: Thank you, Mr. Speaker. Today I rise in opposition to Bill 208. Bill 208 seeks to expand the mandate of the Child Welfare Act. First, I would like to stress that I do not want my opposition to the Bill to be misinterpreted as a lack of commitment to children and families of Alberta. My opposition to the Bill lies in the fact that I am committed to the children and the families of Alberta.

Mr. Speaker, while I commend the member opposite for her concern regarding the Child Welfare Act, I truly believe that Bill 208 is not in the best interests of Alberta's families. This Bill would drastically increase state control and state interference in Alberta families lives. Prior to the Child Welfare Act the issue of intrusion was not addressed by guidelines and regulations. As a result, it was often found that the government was involved in families when it was not necessary. The province had little direction on when intrusion was acceptable and when it was not.

Currently the Child Welfare Act gives the government some guidelines as to when intrusion is acceptable and justified. We have, in my opinion, achieved a good balance through the present Act, a balance which I do not believe will exist if Bill 208 comes into effect. Since the implementation of the Child Welfare Act, Alberta has always maintained a policy of least intrusion, the policy of keeping government intrusion to the lowest possible level in keeping with the best interests of both the children and the families. This is of fundamental importance to the families of Alberta. Albertans will certainly react strongly against the degree of intrusion that this Bill advocates.

5:10

We must also recognize that the province does not have the ability to take on parenting responsibilities. As has been previously stated, parents have the opportunity and the capability to be far better caregivers than does the province. This Bill would produce a distinct increase in provincial authority over the current Act and reduce parental responsibility. It is my belief that this Bill would cross the fine line between acceptable provincial authority and unacceptable intrusion and interference.

Mr. Speaker, this government has consistently demonstrated its concern for children and family autonomy. It has invariably recognized the need for the maintenance of the autonomy of the family. The formation of the Premier's Council in Support of Alberta Families exemplifies this concern. This council was put in place in order to assess and analyze the impact on Alberta families of government programs, policies, and laws. The Premier's council developed a paper entitled Directions for the Future, in which the importance of personal responsibility was stated. I quote:

The Council supports the desire of people to take initiative and responsibility in order to manage as independently as possible, within a supportive social and economic context. Programs and services

must complement, but not replace, the choices and decisions of individuals. Self-help initiatives must be encouraged and the role of family, in providing support to its members, must be enhanced.

It is therefore apparent that it is the desire of this government as well as Albertans to preserve that autonomy of American families. Bill 208 would seriously jeopardize this autonomy, which Albertans have come to appreciate.

In addition, the Child Welfare Act is based on the premise of the importance of the family unit. Section 2 of the Child Welfare Act states that "the family is the basic unit of society and its well-being should be supported and preserved." This Bill, however, does not work to support and preserve the importance of the family unit. Increasing state control and decreasing the power of individual families will not increase the strength of the family. This Bill would drastically alter section 2 of the Child Welfare Act, and this section in large part is concerned with keeping intrusion to a minimum. First, it would rewrite section 2(c), which states:

The family has the right to the least invasion of its privacy and interference with its freedom that is compatible with its own interest, the interest of the individual family members and society.

I maintain that the change in wording which this clause advocates will decrease the autonomy of the family to an unacceptable level. It is important to the families of Alberta to maintain as much independence as possible as long as it does not negatively affect the rights and the well-being of the child.

Revision of section 2(e) would also increase the level of state authority over the family, and this Bill would remove the legislation which encourages the use of less intrusive measures when at all possible. It would have the wording in section 2(e)(ii) changed from

a child should be removed from the family only when other less intrusive measures are not sufficient to [support and] protect the survival, security or development of the child

to

a child should be removed from the family only when it is necessary to protect the survival, security or development of the child.

Again, I believe that by removing the least intrusive clause, the family unit would be jeopardized by provincial interference, and provincial intrusion is only justified when it is absolutely necessary for the safety and protection of the child.

Bill 208 would also repeal certain parts of section 2(f). Section 2(f) presently states that the risks and merits of allowing the child to remain with the family should be taken into account. The repeal of this subsection will also seriously affect the autonomy of the family. This Bill reduces the consideration of keeping children with their families. The government cannot in good faith vehemently advocate the importance of the family unit in section 2(a) and then undermine the family unit by repealing certain clauses in section 2(f).

Because the government has advocated a policy of least intrusion, this legislation is not, in my opinion, consistent with the provincial commitment to Alberta families. The importance that the Alberta government has always placed on the family unit is undermined by Bill 208. The autonomy and the strength of the Alberta family need to be encouraged rather than diminished.

In addressing the well-being of children, it's imperative that we also assess the well-being of the family. Protecting our children and our families requires balancing the need for intrusion with the need for autonomy. Bill 208 does not provide this balance for the reasons that I have chosen to state today. Therefore I cannot support this Bill, and I urge other members to do the same.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. A concern for the protection of children recently became international news with the passage in the United States of the so-called Oprah Bill, a new law to protect children. Associated with entertainment mogul Oprah Winfrey, who had fought to have the legislation enacted, the Bill establishes a national data base of all indictments and convictions on child abuse and sex offence charges, violent crimes, arson, and felony drug charges. The data base can be accessed by an individual seeking information on individuals who might be trusted with children. The amendments we seek in this Bill are concerned, too, with child protection, only this time instead of an institutional focus, within the context of the family.

Most people would agree that children and youth are entitled to a safe home in which to grow and to thrive. In our society the point at which the state has the right to step in when parents fail has been and continues to be hotly debated. The parents' rights to raise their children according to their beliefs, according to family attitudes, and according to family values must be weighed against the right of a child to receive reasonable care and protection.

An American judge criticized a clause in the child protection laws of his state which excluded refusal of medical treatment for a sick child on religious grounds. The judge said: children are citizens; their right for life supersedes their parents' right to believe. This whole notion, Mr. Speaker, the notion of the child as citizen has become a topic of national debate in the United States. Hillary Clinton has been an outspoken advocate for children's rights. Unfortunately, her ideas have earned her both praise and a lot of scorn. Neoconservatives have seen fit to lampoon her in the *National Review*. The opening of a 1992 review article by Walter Olson asks: "What's the difference between a children's-rights activist and a pit bull? Answer: you might get your child back from the pit bull." As clever as this sounds . . .

Speaker's Ruling Decorum

MR. DEPUTY SPEAKER: Hon. members, it's relatively quiet in here, and the hon. Member for Edmonton-Mill Woods is talking. There continues to be a loud enough voice that we would invite those hon. members who wish to carry on a discussion to go outside the Chamber, which they are welcome to do. [interjection] Are you indicating that your light is on? [interjections] Anyway, we would like the members to take that under advisement.

The hon. Member for Edmonton-Mill Woods.

Debate Continued

DR. MASSEY: Thank you, Mr. Speaker. As clever as that may sound, it certainly doesn't have any regard for the child. Those who set out to defend the rights of children find themselves immediately enmeshed in a series of conflicts, conflicts between families and the state, conflicts between child protection agencies and families, conflicts between child protection agencies and governments, and conflicts between and among legislators.

5:20

When a couple went to Mexico and left their two young daughters home alone for nine days at Christmas, it was easy to understand why authorities intervened. Other cases are not quite so clear. When a nanny saw a mother rap her child's knuckles in the library, she called police, who followed the family to a fast-food restaurant. After the mother admitted rapping the child's knuckles, her children were put in foster care for a year. A couple was accused of abuse for not allowing their foster children to watch television after 7:30 in the evening.

Tensions between child agency workers and families were underlined by Constance Stapleton in a 1993 article entitled *Could the State Take Your Child?* Stapleton found it necessary to list the measures that parents should take to avoid having agencies remove their children. Included in her advice were gems such as never discipline your children in public; you never know how a bystander will interpret your actions and anyone can report you. Avoid taking a child to an emergency room if possible; personnel who don't know you may report an injury as abuse. Instead, see your family doctor or pediatrician. If you must go to an emergency room, ask your family doctor to meet you there.*

Mr. Speaker, bad legislation leads to bad decisions. These are examples of what might happen if legislation is not carefully crafted and enacted. Stapleton comments that the wording of many statutes is deliberately vague. Vague statutes put children and families at risk. These are examples of what may happen when child protection agencies are underfunded. Underfunding according to the 1991 National Commission on Children in the United States encourages states to place children in out-of-home care rather than to help troubled families overcome their problems and maintain custody. These are examples of what may happen when children are not kept the focus of legislation. Whimsical removal of children from their homes is an abuse of those children.

The proposed amendments attempt to prevent many of the problems that may arise. The amendments accomplish this by moving children and youth and their concerns to the centre of the legislation. They accomplish this by providing specifics upon which action can be legitimately based, specifics that talk about the child's interests by making very explicit actions individuals in authority must take when working on children's interests. For example, they must give

reasons why the child cannot be adequately protected through in-home support services including a description of previous in-home services considered, attempted and rejected.

Specifics that outline how children must be involved, and again for example:

The child's requests should be duly considered and the child should be provided with access to appropriate independent advocates who can ensure on the child's participation in the appropriate manner.

Specifics that outline how the minister must behave, and again for example, the minister must

provide affectionate, continuous stable care in the most normalized (least restrictive) appropriate setting capable of meeting the child's needs and enabling his normal growth and development.

And specifics that outline how appeal panels must be constituted, and again an example:

Among the members appointed to an Appeal Panel there shall be included the following.

It goes on to list who those members must be.

These are specific changes that are in the interests of children as citizens. I urge all members of the Assembly to support these amendments. Thank you, Mr. Speaker.

MR. SOHAL: Mr. Speaker, I would like to continue the debate, but in view of the hour I would move that we adjourn the debate.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-McCall has moved that we now adjourn debate. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

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

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: Carried.

MR. DAY: Mr. Speaker, I move we adjourn and reconvene tomorrow at 1:30 p.m. [interjections]

MR. DEPUTY SPEAKER: Had you made this motion on Friday morning, we might have given it some more credence. Presumably you were meaning that we reconvene when the committee rises and reports later on this evening.

MR. DAY: Sorry, Mr. Speaker. I was caught up in the euphoria of the debate, and I would like to suggest that what I really meant was - I'm glad you interpreted my remarks in the spirit in which they were given - that we do now adjourn and reconvene tonight in the Committee of Supply at 8 o'clock.

MR. DEPUTY SPEAKER: Right. The hon. Government House Leader has moved that we now adjourn and reconvene this evening in Committee of Supply. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

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

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: Carried.

[The Assembly adjourned at 5:27 p.m.]

*This quote could not be verified at the time of publication.