

## Legislative Assembly of Alberta

Title: **Wednesday, April 13, 1994** 1:30 p.m.  
Date: 94/04/13  
[Mr. Speaker in the Chair]

### head: Prayers

MR. SPEAKER: Let us pray.

Our Father, we thank You for Your abundant blessings to our province and ourselves.

We ask You to ensure to us Your guidance and the will to follow it.

Amen.

### head: Presenting Petitions

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. It is with some pleasure and also with some regret that I present another series of petitions from residents of Edmonton-Avonmore and surrounding districts, specifically 1,508 signatures to add to the 35,000-odd we've already presented asking and urging this government to please maintain the Grey Nuns hospital in Mill Woods as a full active treatment, acute care hospital. That's in addition to the 15,000 people who marched last week.

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

MRS. HEWES: Thank you, Mr. Speaker. I beg leave to present a petition from Edmonton citizens urging the government to maintain the Misericordia Hospital as a Full-Service, Active Hospital and continue to serve the West-end of Edmonton and surrounding area.

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

MS HANSON: Thank you, Mr. Speaker. I'm pleased to present a petition from 57 Edmonton seniors urging the Government not to alter funding arrangements for Alberta's Seniors Lodges and . . . Subsidized Apartments until Seniors have been consulted and have agreed to any revisions.

### head: Reading and Receiving Petitions

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

DR. MASSEY: Thank you, Mr. Speaker. I would ask that the petition I presented on March 29 asking that the Grey Nuns hospital in Mill Woods remain an active treatment hospital now be read and received by the Assembly.

CLERK:

We the undersigned petition the Legislative Assembly of Alberta to urge the Government to maintain the Grey Nuns Hospital in Mill Woods as a Full-Service, Active Hospital and continue to serve the south-east end of Edmonton and surrounding area.

### head: Tabling Returns and Reports

MR. SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. I'm pleased to table the 1992-93 annual report for Alberta Agriculture, Food and Rural Development.

I'd also at this time like to table the 1993 annual report for the office of the Farmers' Advocate of Alberta.

MR. JONSON: Mr. Speaker, on March 31, 1994, the hon. Member for Edmonton-Centre requested a specific list of non-profit literacy organizations and overseas development organizations that were offered books free of charge from the Learning Resources Distributing Centre. It is my pleasure to table six copies of a document listing 15 organizations that received books free of charge.

Mr. Speaker, it is my pleasure to table documents in response to Motion 172.

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

MS HANSON: Thank you, Mr. Speaker. I'm pleased to present 18 letters from residents all over Alberta who are opposing the decision to transfer family and community services funding to Municipal Affairs.

MR. SPEAKER: Hon. members, pursuant to section 27 of the Ombudsman Act I am pleased to table with the Assembly the 27th annual report of the Alberta Ombudsman. This report covers the activities of the office of the Ombudsman for the calendar year 1993. A copy of the report was distributed to Members of the Legislative Assembly earlier today.

### head: Introduction of Guests

MR. SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. As I announced in the Legislature on Monday, National Soil Conservation Week runs from April 10 to April 16. Today it gives me great pleasure to introduce to the Legislative Assembly the winners of the national soil conservation poster competition. All of the winners of this competition were from the county of Wheatland in your constituency of Drumheller, Mr. Speaker. The county of Wheatland Agriculture Service Board deserves recognition for their tremendous efforts in raising public awareness of soil conservation. Fellow members, please join with me in welcoming Mark Janzen, the contest winner, his parents, Christine and Bob Janzen, and his grandfather Bob Janzen from Strathmore; Becky Roper and her sister Monica Roper from Rockyford; Erin Cammaert and her mother, Diane Cammaert, from Rockyford; Russ Muenchrath, assistant agricultural fieldman from the county of Wheatland; David Kenney, chairman of the agricultural service board for the county of Wheatland; Andy Wierenga, director, Alberta Conservation Tillage Society. Would they please all rise and receive the recognition of this House.

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

MR. DALLA-LONGA: Thank you, Mr. Speaker. I'd like to introduce to you and to members of the Assembly today Mr. Bob Young. Mr. Young is a constituent of Calgary-West and is passing through Edmonton. I'd like to ask him to rise and receive the warm welcome of the Assembly.

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce to you and through you to the rest of

the Assembly 10 visitors from the Leduc Community Living Association. They're accompanied this afternoon by Ms Darlene Bayley, Ms Sheila Galloway, and Mrs. Gert Stein. The Community Living Association provides a very active and needed role in the community of Leduc, and I would ask them to rise and receive the warm welcome of the House this afternoon.

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

MS CARLSON: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to the Members of the Legislative Assembly 34 concerned residents of Mill Woods. These residents are students at Pollard Meadows school, and they are accompanied today by their teachers Mr. Don Geake and Mrs. Daryl Springer. They are seated in the members' gallery, and I ask that they rise now and receive the traditional warm welcome of this House.

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

MR. SMITH: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to this House a member of the CBC board, a noted communicator throughout Alberta, and indeed a former employer of our Premier. I'd ask Mr. Thompson MacDonald to rise and receive the warm applause of the House.

MR. HIERATH: Mr. Speaker, I am pleased to introduce to you and to members of the Assembly two special guests seated in your gallery today. They are our Ombudsman, Harley Johnson, and his assistant, Dixie Watson. I would ask that they rise and receive the warm welcome of this Assembly.

MR. SPEAKER: Before proceeding, could we have unanimous consent to revert to tablings?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.  
The hon. the Premier.

**head:            Tabling Returns and Reports**  
*(reversion)*

MR. KLEIN: Thank you, and I apologize, Mr. Speaker. I was busy doing something else.

I have two tablings today, Mr. Speaker. One tabling is a letter that I have sent to the hon. Member for St. Albert to clarify a matter that was raised in the Legislature. It was a matter of an allegation that I had canceled an appointment without notifying the individual involved, and I would like to table the letter of clarification.

I have the pleasure to table with the Legislative Assembly the 1993 annual report of the personnel administration office.

Thank you, sir.

**head:            Oral Question Period**

**1:40            Children's Hospital**

MR. DECORE: Mr. Speaker, children from all over southern Alberta go to a first-class children's hospital in the city of Calgary. In fact, the last time I visited that hospital, I was overcome by the special treatment they give children who suffer from cancer. Now on the basis of poor planning and poor consultation the Klein government is about to shut that state-of-

the-art hospital down. Mr. Premier, how can you even consider shutting down a state-of-the-art hospital that serves the children of southern Alberta?

MR. KLEIN: Mr. Speaker, I've had the opportunity also of visiting the Children's hospital on many, many occasions. As a matter of fact, I'm a lifetime member of the swimming club that they have at the Children's hospital, and I participated in many programs as the mayor of Calgary at that particular hospital. I take great exception to the remarks of the hon. leader of the Liberal opposition that this was done without any planning. As a matter of fact, there's been almost 10 years of planning relative to the rationalization and the regionalization and programs to eliminate overlapping and duplication in the city of Calgary. These reports have all now been brought together, and some recommendations have been made to the chairmen of the various hospital boards. As I understand it now, the minister will await their comments before making any decisions whatsoever.

MR. DECORE: Well, Mr. Speaker, it's even stronger in the fact that the Premier has visited that hospital.

Will he tell Albertans and will he tell southern Albertans in particular that it doesn't matter what the Hyndman report says; that hospital will not be shut down for young people in Alberta?

MR. KLEIN: Mr. Speaker, the hon. leader of the Liberal opposition neither hears nor reads very well. There is no intention of shutting down the Children's hospital. There is a proposal to move the Children's hospital to a stand-alone site adjacent to the Foothills hospital to bring those kids closer to the services that they need. Right now via ambulance almost every day many, many children are being sent to the Foothills hospital. The rationale is to bring these children closer to the services they so desperately need.

MR. DECORE: Mr. Premier, programs and people are being moved. How can you make a wishy-washy case and still tell us that that hospital is going to continue when it will not?

MR. SPEAKER: Order. That is clearly asking for an opinion.

MR. KLEIN: Mr. Speaker, the Liberals might be talking about bricks and mortar, but we're talking about health care and services.

MR. DECORE: The sad part, Mr. Premier, is that the children . . .

MR. SPEAKER: Second main question.

**Hospital Services in Calgary**

MR. DECORE: Mr. Speaker, every major city in North America has a full-service, acute care hospital in its inner-city community, in its core community. There are good reasons for that. The reasons are that there are people in those inner cities that need that kind of special institution. Now the government insofar as Calgary is concerned, insofar as the Hyndman report is concerned will remove all of those inner-city hospitals. My question is to the Premier. What will the many seniors, the working poor, the unemployed, the single moms do now that these inner-city hospitals have been removed from the downtown core in Calgary?

MR. KLEIN: Mr. Speaker, the hon. member's statements are so terribly misleading. First of all, the report is not the government's report. The report basically was prepared by those

involved in health care services in the city of Calgary. The report was prepared by those involved in delivering health care services in Alberta. Mr. Hyndman was sent in as a facilitator to bring all those comments together and to give some finality, I guess, and to bring the various recommendations to a conclusion. That report will now go to the chairmen, they will have the opportunity to comment on it, and their comments will be given very serious consideration by the minister.

MR. DECORE: Mr. Speaker, the Premier has already put a tax on seniors. Why burden seniors even more by forcing them to go out of those inner-city communities to suburban hospitals?

MR. KLEIN: Mr. Speaker, there is absolutely nothing in any report that makes any kind of suggestion of that nature. There is no suggestion of that nature whatsoever. That is just utter and absolute poppycock.

MR. DECORE: Mr. Speaker, the Hyndman report says that it will shut down inner-city hospitals. What, Mr. Premier, will happen to the 118,000 patients that were looked after in emergency sites in those hospitals? How are they going to be looked after?

MR. KLEIN: Mr. Speaker, I can only say again that the report will go to the various chairmen and administrators of the hospital jurisdictions in Calgary. They will offer their advice and provide their input and offer their suggestions to the minister, and the minister will take that information under consideration.

We're talking about the same thing that the hon. leader of the Liberal Party was talking about prior to the election. He talked in very eloquent terms about rationalization, about regionalization, about overlapping and duplication of services. Mr. Speaker, he did, and he spoke very eloquently on these issues. He even talked about having to close down hospitals if necessary both in the country and in the city. Is he reversing his position totally now?

#### Private Health Services

MR. MITCHELL: Talking about flip-flops, yesterday the Premier agreed with the Deputy Premier that private hospitals and clinics should be allowed to expand in Alberta. The physician MLA for Bow Valley, on the other hand, stood up in public and urged caution in allowing private health care to expand without full study of its impact on the public system. My question is to the chairman of the health planning steering committee. Could the chairman please give us some of the details about his concern that this government will be moving to expand private, commercialized hospitals in this province without proper study and consideration?

MR. SPEAKER: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. One of the things that I have come to appreciate about the health care system over the last six months is the complexities and intricacies of it. I think in any decision that is made in the health care system, it has to be looked at extremely carefully from all points of view. Our job in government is to provide health care to the people of Alberta, and we have to ensure that that is our only job in health care and that is the most important thing we do. I think any move towards any type of health care in Alberta has to be done with caution, and I say that to myself every morning when I get up. I think it has to be done essentially with caution, which is what I stated.

1:50

MR. MITCHELL: It's reassuring to know, Mr. Speaker, that he doesn't just say it to himself; he also says it to the Premier and with good reason.

Could the Premier please tell us what evidence, what studies he can table in this Legislature today to support his very clearly articulated position that he wants to expand commercial private hospitals and clinics in this province?

MR. KLEIN: Mr. Speaker, this member is an absolute master at taking things out of context and twisting things around and turning them upside down. [interjections] Well, you can tell who controls the caucus.

I never said that I wanted this to happen. What I said is that if it doesn't violate the Canada Health Act, if it does not undermine our obligation to deliver essential health services, then I can see no law to prevent this from happening. As a matter of fact, it is happening now in a number of cases. I would remind the Official Opposition that they in fact supported one of these private operations. The hon. Member for Calgary-North West in fact sponsored a Bill to enhance the operations of the Gimbel eye clinic. That was done last year.

MR. MITCHELL: Whether or not the Premier wants it, does the Premier not understand that by imposing massive hospital cuts on places like Calgary without any vestige of a plan, he is literally forcing the system to more commercial, more private hospitals and clinics? He's making it happen.

MR. KLEIN: Mr. Speaker, that is absolute nonsense. Our commitment is to provide quality health care at a cost that all Albertans can afford. Relative to private medicine, which by the way is supported by the hon. Leader of the Official Opposition, I will have the hon. minister supplement as to what is now taking place with respect to private health care in this province.

MRS. McCLELLAN: Mr. Speaker, we have consistently involved the private sector in health care in this province, and I think it has in a large way contributed to the very high quality system we do have. Every physician's office is indeed a private clinic in this province. We have pharmacy agreements. We contract home care. We have private operators that operate our long-term care facilities and I might say very well.

Mr. Speaker, on the fact that there has been no planning done in Calgary, I have to make a very brief comment. I would like to say to help the House that there was the final report on Calgary emergency services done in 1989, the emergency services study of the Advisory Committee on the Utilization of Medical Services in 1989, the cardiovascular services report, the consolidation of pediatric services in southern Alberta Calgary area advisory council study in 1987. There was the Price Waterhouse report that was very extensive just a few months ago, and today the Hyndman report.

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

#### Professional Responsibility for Health Care

MRS. BURGNER: Thank you, Mr. Speaker. I'd like to take this opportunity to move from speculation in health care to some specifics which are a serious concern. [some applause] Thank you. Ladies and gentlemen, health care restructuring continues to

create a great deal of uncertainty within our communities and indeed within our hospitals. Recently it was brought to my attention that a shift of nurses working in an ICU actually signed waivers. Now, these nurses were anxious about their legal responsibilities. They provide the best possible care. However, because of bumping, they were not able to feel comfortable that they were giving adequate care to their patients. My question to the Minister of Labour is this: what type of waiver would be available for nurses to sign in such a situation?

MR. DAY: Mr. Speaker, along with a number of opportunities that are being created with the restructuring, there also are some significant challenges. Every collective agreement in every facility allows for a provision of bumping. That's something that has been asked for in this case by the nurses. If bumping is to occur, it's very clear in those collective agreements that there has to be either adequate training provided to the person moving into the new spot or there has to be adequate experience. If that doesn't happen, there is a professional responsibility committee that is tied in with each collective agreement where those types of issues can then be brought to a union/management committee for some clarification. If there's no agreement at any of those levels, then it goes automatically to the board of trustees. There's no specifically recognized waiver form within the collective agreement itself.

MR. SPEAKER: Supplemental.

MRS. BURGNER: Thank you, Mr. Speaker. My supplemental question is: who legally has the responsibility for the patients when nurses sign such a waiver?

MR. DAY: Patient care is clearly the goal in all of these collective agreements, and responsibility goes to the care provider. Nurses are very clear in terms of being responsible, and should they feel that someone has moved into their area, again, who they do not feel is qualified, there is a very clear process that's laid out for them through their professional responsibility committee and then a union/management committee. If they feel there's any difficulty or problem with that, it automatically goes through that process.

MRS. BURGNER: Thank you.

Mr. Speaker, my final supplemental is: does the Department of Labour recognize all labour agreements wherein a clause such as bumping could impede the authority of a local board to provide the care for which they are responsible?

MR. DAY: Actually those agreements, Mr. Speaker, point to the board of trustees as being the final arbiter. So we recognize very clearly that responsibility is at the local level, and it is with the board of trustees.

### Health Services Restructuring

MR. SAPERS: Mr. Speaker, direct payments to people so they can buy health care services will kill our health care system as we know it. The expansion of commercial health will result in the end of public administration and all of the efficiencies that flow from it. Could the Premier please explain exactly how the voucher system contemplated in Bill 20 will work and not violate the Canada Health Act?

MR. KLEIN: Mr. Speaker, I'll have the hon. Minister of Health answer.

MRS. McCLELLAN: Mr. Speaker, I would certainly hope that the debate on this Bill, which began last night or early this morning, will give us an opportunity to answer some of the questions the hon. member has, because he clearly does not understand the present health system. This is enabling legislation, and it indeed allows what is occurring today. It offers an opportunity for people to purchase items through some of our programs that we have in place. It is called things like self-managed care. Now, this minister and this government believe that in many cases people are quite capable of handling those purchases and those decisions and indeed can probably have better access to what they want rather than having a cumbersome system where they have to submit a bill to us after they purchase something, keeping in mind that that could take maybe 30 days for turnaround. I think this is very positive, and that is why it is presently occurring, and that it is why it is in the enabling legislation.

I encourage the hon. member to stick around during the debate on this Bill and to listen very carefully to how health care services are delivered in this province.

2:00

MR. SAPERS: In spite of how the minister tries to dress it up, will the Premier please admit that this is just a clever way to shift the tax burden out of the left pocket of the taxpayer to the right pocket of the taxpayer? Because all this is going to do is lower the budget of Alberta Health, but it's not going to lower . . .

MR. SPEAKER: Order. The question has been asked. [interjection] Order.

MRS. McCLELLAN: Mr. Speaker, I have to repeat again: the legislation is enabling what occurs today. I am sorry that the hon. member makes up his mind what he's going to ask in the first question, the second question, and the third question and cannot respond differently. We allow it today. The enabling legislation will allow this to occur. If he wishes to debate the validity of offering people that service, I look forward to hearing his answer. I believe and this caucus believes that people are capable of making those purchases rather than being subjected to an administrative structure that is unfair to them fiscally and I think somewhat inconsiderate.

MR. SAPERS: Will the Premier admit to Albertans that this enabling legislation does nothing more than force Albertans to buy private health insurance to pay for the same level of care they currently get?

MR. KLEIN: No, I make absolutely no such admission, but if the minister wants to supplement, go ahead.

MRS. McCLELLAN: Mr. Speaker, the hon. member clearly knows that for insured services in fact they must be covered under the Health Care Insurance Act, and he understands that. I think it is really unfair to put this type of idea out there when it is in no way possible. In fact, in many of our insured services that we have today, that we provide, you have to use the portion that we allow, if it's a capped service, before you can even utilize private insurance. We have made it clear that we are committed to a quality health system, that we are committed to restructuring it to ensure that it meets the needs of our citizens today and into the future, and that we are firmly committed to the Canada Health Act.

MR. SPEAKER: The hon. Member for Lesser Slave Lake.

### Cancer Research

MS CALAHASEN: Thank you, Mr. Speaker. A very important discovery related to a possible cancer cure could be very near and available in the future. I'm positive many of us have had friends or close family members who have suffered from the devastating effects of cancer. I know I am one of those people who lost a mother to this horrible disease, one of the greatest losses to our family. My question is to the Minister of Economic Development and Tourism. Could you please explain further this discovery, which is at the University of Alberta?

MR. KOWALSKI: Mr. Speaker, earlier this week an international science magazine called *Science*, a well respected journal, carried an article, an announcement by Dr. Susan Rosenberg, a researcher in biochemistry who operates out of the University of Alberta but works for the Alberta Heritage Foundation for Medical Research. The article indicated that in fact she had discovered new information on how genes are mutated in cells that don't normally divide. Now, that may not sound like much, I guess, in terms of just talking about it that way, but essentially what the discovery does is it challenges conventional and current thinking about cell mutation and how cancer may begin. It's viewed in the scientific and medical community as a very significant breakthrough that has occurred here in the province of Alberta.

MR. SPEAKER: Supplemental question.

MS CALAHASEN: Thank you, Mr. Speaker. This being such important research, could the minister indicate what funding has been made available for this possibility to occur?

MR. KOWALSKI: Well, Mr. Speaker, in 1980 this Assembly created by law the Alberta Heritage Foundation for Medical Research, funded under the dollars of the Alberta heritage savings trust fund. Originally \$300 million were taken out of the Alberta heritage savings trust fund, and over the years a very distinguished group of people, an international group of people, receive applications from researchers to have them work in the province of Alberta. In essence the interest off the fund is used for annual allocations for research, and then a few extra dollars are put in to enhance the fund. The fund in 1994 has a value of some \$625 million in terms of current market value.

Importantly with it, that and the recognition of the thousands of scientific projects and the thousands of scientists that have worked in Alberta since 1980 in essence have earned Alberta the place of being one of the top 10 medical research centres in all of North America. When you consider that there are nearly 300 million people in North America and only 2.6 million in Alberta, to be viewed as one of the top 10 is very significant for the province of Alberta.

MR. SPEAKER: Final supplemental.

MS CALAHASEN: Thank you. My supplementary is to the Minister of Health. Can the Minister of Health give us an indication of what impact this research will have on the health system?

MRS. McCLELLAN: Certainly.

MR. N. TAYLOR: That should be good for half an hour. [interjections]

MRS. McCLELLAN: The hon. members across the way may find cancer research humorous. I do not. It is one of the leading causes of treatment as well as death in our country, and it is probably the fastest growing disease. In that view, Mr. Speaker, research is very important. Probably it is the foundation for finding a cure for cancer. In fact, the cures that we do have for certain cancers have come through research. I would remind hon. members of the breakthroughs that have been made in leukemia in children, certainly in many cases cures and certainly extended life. Because we do believe it is so important, we also fund cancer research through the heritage savings trust fund in this province. I think that proves and shows our commitment to cancer research and our real concern for the devastation that this disease is causing.

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

### Sexual Orientation

MR. DICKSON: Thank you, Mr. Speaker. Our Court of Queen's Bench has now determined that some portions of the Individual's Rights Protection Act violate the Canadian Charter of Rights and Freedoms. The law in this province is equity and equality, not special rights for anyone. As a result, not surprisingly the court has declared that sexual orientation must be read into our Individual's Rights Protection Act. My question is to the hon. Premier. Will the government proceed now without delay to amend the Individual's Rights Protection Act and include sexual orientation?

MR. KLEIN: As I understand it, Mr. Speaker, the hon. judge held in abeyance, I believe, that judgment pending the opportunity to prepare an appeal. Now, I don't know if that's going to happen or not, but certainly the Justice department will be looking very carefully at the judgment, and in due course, in fairly short order I would think, the Justice minister will bring to our caucus a recommendation as to the course of action that should be taken.

MR. SPEAKER: Supplemental question.

MR. DICKSON: Thank you, Mr. Speaker. I'd put my supplementary question to the hon. Minister of Labour, and I'd ask him what steps he will take immediately to ensure that employers and small businesses in Alberta understand what their legal responsibilities are.

MR. DAY: I guess his fingers were in his ears, Mr. Speaker, when the previous answer was just given. The whole matter is sitting right now at the Department of Justice. That question is totally presumptuous and totally hypothetical, typical of that lawyer.

MR. SPEAKER: Final supplemental.

MR. DICKSON: Thank you, Mr. Speaker. I put my final supplemental back to the hon. Premier and ask: will he confirm that Alberta will not invoke the notwithstanding clause to duck its responsibility to be fair and provide equal treatment to all Albertans?

MR. KLEIN: I would remind the hon. member that this was the first jurisdiction in Canada to bring in human rights legislation in the Individual's Rights Protection Act. We're firm believers in equality and justice for all. Relative to the legality and the legal aspects of this particular case, as I said before, this is now under

consideration by the Justice department, and in due course the minister will be bringing forward a recommendation as to the course of action we should take.

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

### Hospital Services

MRS. LAING: Thank you, Mr. Speaker. My question is for the Minister of Health. Madam Minister, as there are two hospitals in Calgary-Bow, the Foothills and the Grace, many of my constituents are concerned about the closures that are proposed for the city of Calgary. Can the minister tell this Assembly why any hospital beds need to close in Alberta?

2:10

MRS. McCLELLAN: Mr. Speaker, the hon. member has brought forward the very basis of the need for rationalization of services and of institutional beds in this province and indeed in our major centres. We have more beds in an active treatment sense than we need. That really is a positive story, because what it says is that because of advanced technologies, because of new drug therapies, because of people being able to have day surgery, we no longer have to keep people in an acute care setting as long as we did. But with that comes the challenge of rationalization and of downsizing. Of course that is the very exercise that the groups in Calgary and Edmonton that we're focusing on in recent weeks have been undergoing, and they are ensuring that they have the number of beds required to provide those services.

MR. SPEAKER: Supplemental question.

MRS. LAING: Thank you, Mr. Speaker. Again to the Minister of Health: can the minister tell this Assembly if there is any research that backs these kinds of moves?

MRS. McCLELLAN: Yes, Mr. Speaker, indeed there is. Virtually every health policy expert has enunciated this, that we have to downsize. I would mention a study done in 1993 by the Saskatchewan Health Services Utilization and Research Commission that found that we could reduce hospital stays and treatments. The B.C. royal commission on health care very recently produced such a study, and certainly the *New England Journal of Medicine* has also. This is not something that is occurring simply in Alberta. It is occurring in every province in Canada because the technology is available. [interjections] Alberta is, I think, in a leadership role in this activity. [interjections]

MR. SPEAKER: Final supplemental.

MRS. LAING: Thank you, Mr. Speaker. I hope the audience will be a little more polite.

As hospitals are such an important part of the communities, is it necessary to really close the hospitals, as they have such an important role in the communities that they serve?

MRS. McCLELLAN: Mr. Speaker, throughout the discussions that we've held with people from across this province, including the two major centres, the focus has been on accessibility, provision of appropriate service in the appropriate place at the appropriate time by the appropriate provider. I think we all have to think less about institutions, more about health and how we deliver it. Yes, it's a big change for all of us to think of health being delivered perhaps not in an institutional setting, but that is today and it is the future. I'm very sorry, but I am also very

understanding as to why the members opposite have such a lack of understanding of the health system: they simply don't listen.

MR. SPEAKER: The hon. Member for Lac La Biche-St. Paul. [applause]

MR. LANGEVIN: Thank you, Mr. Speaker. I didn't realize I had such a large caucus.

### Budget Impact on Rural Areas

MR. LANGEVIN: Mr. Speaker, the government's plan to balance the budget is affecting all of rural Alberta and especially small rural communities. Granted that most rural Albertans are very supportive of the three-year plans, but in certain cases if rural hospitals and schools in remote areas are closed, it will require patients and students to travel two to three hours to another facility. My question today is to the Minister of Health. I would like to ask the minister: will the funding that will be made available to new regional boards include additional funds to operate certain remote area hospitals which would otherwise have to be closed?

MRS. McCLELLAN: Well, Mr. Speaker, the regional health authorities, when they are put in place, will have the responsibility for delivering health services to an area. Certainly I believe that the people who will be appointed to those boards will have that knowledge to make those decisions in the correct way. I have consistently said that I believe that the people in the communities are in the best position to understand their needs and to understand how to deliver those services and to provide the information to us as to the budgetary amounts that are required to provide those services.

Mr. Speaker, we have not talked about closing or opening hospitals, rural or urban, at this point. We have talked about the changing roles, and I'm sure the hon. member has seen in his own communities where what people think of as acute care hospitals today have a very much broader role, where they are like community health centres. The public health services may be delivered there. The dentist in fact may be there. The doctor may have his clinic there, long-term care and acute.

MR. SPEAKER: Supplemental question.

MR. LANGEVIN: Thank you, Mr. Speaker. My second question is to the minister responsible for education. Along the same lines, will the Department of Education have special funds available for special cases in rural Alberta to keep some smaller schools open?

MR. JONSON: Mr. Speaker, as part of our fiscal framework in terms of full provincial funding, certainly two very important factors to be considered in that funding formula will be the factors of sparsity and distance in terms of the sparsely populated rural areas of the province with small student populations.

MR. SPEAKER: Final supplemental?

MR. LANGEVIN: That's it.

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

### French Immersion Programs

MR. SMITH: Thank you, Mr. Speaker. Constituents of mine have their children attending Banff Trail, a French immersion school. There are speculation and rumours regarding the

provincial commitment to French immersion education. Will the Minister of Education outline the funding available from the province for French immersion education?

MR. JONSON: Mr. Speaker, the province of Alberta is part of an agreement with the federal government whereby approximately \$9 million is available specifically for topping up or adding to regular school funding and to provide for French immersion programs. That is, as I said, a cost-shared program, with the province paying approximately 52 percent and the federal government 48 percent. That program is continuing. Grants are provided to school boards across the province, and certainly the two school boards in Calgary get those grants. My memory indicates that it's about 2 and a half million dollars, I think, that goes to the Calgary public school board in terms of overall language grants.

MR. SPEAKER: Supplemental question.

MR. SMITH: Thank you, Mr. Speaker. Under the three-year business plan, how will this funding continue to be delivered and at what levels?

MR. JONSON: Mr. Speaker, this particular area of funding will continue to be provided to school boards across the province. It is their decision – and I would like to emphasize that – as to the extent to which they offer French immersion programs. The funding program is certainly in place, and there is a recently signed agreement, in fact, a renewed agreement with the federal government to that effect.

MR. SMITH: Will the minister, Mr. Speaker, assure this House that French immersion will continue to be available as a choice alternative for education for the parents and students of Alberta?

MR. JONSON: Mr. Speaker, I do have to emphasize that the offering or not offering of French immersion or other optional programs is a responsibility of school boards, one of their many responsibilities, but in terms of the overall continuation of funding for French immersion, that agreement is in place for the foreseeable future.

MR. SPEAKER: The hon. Member for Edmonton-Roper. [some applause]

MR. CHADI: Easy on the applause, guys. Calm it down.

## 2:20 Public Accounts Committee

MR. CHADI: Mr. Speaker, the government says that the Auditor General undertook a full and complete investigation of the taxpayers' loss in Gainers, but the report on Gainers stated, and I quote, "The terms of reference for this special duty did not require an explanation of the reasons for the loss." The restricted terms of reference were set by the Premier. My question is to the chairman of the Standing Committee on Public Accounts. Will the chairman explain to Albertans why the Public Accounts Committee has not undertaken a complete investigation of the reasons for this obscene \$209 million loss?

MR. SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. Albertans have to understand that the hands of the Public Accounts are tied, and it's because they do not have a mandate to undertake that kind

of investigation. The government as yet has not implemented the Auditor General's recommendations. They haven't implemented the Canadian Council of Public Accounts Committees' recommendations for Public Accounts. There have been attempts by members of the Public Accounts Committee to implement these recommendations through notices of motions on two occasions. Unfortunately, I have to say that government Conservative members voted those recommendations down.

Albertans must understand, Mr. Speaker, that the primary function of any legislator . . .

SOME HON. MEMBERS: Speech. Speech.

MR. SPEAKER: Perhaps the hon. member will have an opportunity in the supplemental.

Supplemental question.

MR. CHADI: Thank you very much, Mr. Speaker. She'd make a great minister.

Mr. Speaker, could the chairman tell us whether other public accounts committees in Canada have a mandate to investigate such losses that were incurred in Gainers and in NovAtel, et cetera?

MRS. ABDURAHMAN: Mr. Speaker . . .

MRS. McCLELLAN: Yes or no.

MRS. ABDURAHMAN: Yes, indeed, they do have a mandate. In a survey across Canada in 1991, 10 out of 12 public accounts committees have a mandate to call people before them under oath and also the ability to call senior public servants before them. One has to ask the question: why is one of the two that do not have that power . . . [interjections]

MR. SPEAKER: Final supplemental?

The hon. Member for Calgary-Cross. [interjections] Order please. The hon. members cannot hear their names when they're recognized.

## Hospital Services in Calgary (continued)

MRS. FRITZ: Thank you, Mr. Speaker. Although I've not seen the Hyndman report, there are many rumours and my constituents are concerned. Calgary-Cross is a young community that uses obstetrics more than any other region in Calgary. As consumers of these services my constituents need and use the obstetrical unit currently located at the Peter Lougheed centre. My question is to the Minister of Health. Will the obstetrical unit remain serving constituents of Calgary-Cross at the Peter Lougheed centre?

MRS. McCLELLAN: Mr. Speaker, there have been no decisions made on any relocation or in fact where services would be. The Hyndman report that deals with the Calgary services certainly does not suggest any reduction in services, although in some cases it does suggest a relocation of that service, but there is no reduction of programs or services. So I think, indeed, the important thing for the hon. member's constituents to understand is that those services will be available for them in the city of Calgary.

MR. SPEAKER: Supplemental question.

MRS. FRITZ: Thank you, Mr. Speaker. What is the vision for the urgent care centre at the Peter Lougheed? Will it remain, and will the hours of service be increased?

MRS. McCLELLAN: Again, Mr. Speaker, there have not been any decisions made. This is a report that has been given to the acute care planning group. I am waiting to hear a response from each of the individual groups in Calgary. At the time I came into the House, I did not have all of those reports. It is my intention by reviewing the ones that I have received – in fact I have asked the boards to meet with me next week to discuss their comments in respect to the report and the process that we should go into.

MR. SPEAKER: Final supplemental.

MRS. FRITZ: Thank you, Mr. Speaker. Just finally to the minister: will the pediatric services that are currently located at the Peter Lougheed centre remain?

MRS. McCLELLAN: I have to repeat, Mr. Speaker, that there have been no final decisions obviously made on any change to services. I think the important thing to remember is again that the programs will remain available for the citizens not only of Calgary but of southern Alberta, and in some cases some of those services are provided for the entire population of this province. There is nothing in the Hyndman report that I saw that suggested any change in programs, perhaps in location.

MR. SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

**Public Accounts Committee**  
(continued)

MRS. ABDURAHMAN: Mr. Speaker, we've had NovAtels; we've had Gainers; we've had MagCans and riverboats. On March 28 the Premier stated in referring to the Auditor General's examination into Gainers – and I quote from *Hansard*, "I think that is a reflection of this government's attitude towards being open and being honest and being straightforward." I wish to ask the Premier: could you tell Albertans what has changed in the role of Public Accounts since the Getty era?

MR. KLEIN: I would be very happy to talk about how the role of Public Accounts has changed, Mr. Speaker. It was changed significantly because of the input of the Liberal opposition. As you remember, there was an agreement. The two House leaders had agreement on how the Public Accounts Committee should be restructured. Never before was there an opportunity for Public Accounts to designate a department, to have members of the opposition question in detail the ministers and their officials relative to the operations of their departments.

AN HON. MEMBER: You've got the wrong committee.

MR. KLEIN: She's talking about Public Accounts. [interjections] No, I do not have the wrong committee. Mr. Speaker, the hon. Deputy Premier and his officials were before the committee today.

MR. DINNING: Mr. Speaker, the members across the way were asking about Public Accounts and the province's annual publication of the public accounts of this province. Within five days of this Premier becoming the Premier in late 1992, the public accounts for 1991-92 were released at the earliest time they've ever been released in the history of this province. Then last year on September 30, 1993, we released the public accounts under the leadership of Premier Klein earlier than we had ever done before in the history of this province. Furthermore, we've accepted the recommendations of the Financial Review Commission, the recommendations of the Auditor General, such that today the

Institute of Chartered Accountants of this province is calling our public financial disclosure the lead standard-maker in this country.

2:30

MRS. ABDURAHMAN: Mr. Speaker, my supplementary question is to the Premier. When will you implement the Auditor General's recommendations and the Canadian Council of Public Accounts' recommendations, allowing Public Accounts to do their job?

MR. KLEIN: Mr. Speaker, the one recommendation of the Auditor General that we rejected, the one recommendation out of, I believe, 39 – or were there 37? – only one recommendation, and I get asked this question. What recommendation was rejected? The recommendation that was rejected was the ability of the Legislature or a legislative committee to call forward on their own the managers and the administrators of various government departments. There was good reason to reject that recommendation, the reasoning being that ministers are ultimately responsible for the operation of their departments and should be answerable.

MR. SPEAKER: The Minister of Labour wishes to augment?

MR. DAY: Yes, Mr. Speaker. I have the honour of chairing the Select Special Committee on Parliamentary Reform, which is actively looking at positive changes to this particular committee. As a matter of fact, it's already been approved here in the Assembly on the suggestion from members from the opposite party: an actual change in the composition of the committee itself. That request was brought to the committee, and we actually took the opposition's request and made a change to the actual composition of that committee itself.

MRS. ABDURAHMAN: Mr. Speaker, to the Premier: what steps will you take to guarantee that the past fiscal irresponsibility and lack of accountability does not take place again? Stop the stalling.

MR. KLEIN: Mr. Speaker, at the outset I said that we would bring to this government a new tone and a new style and there would be a spirit of openness and accountability and honesty. We have done some things that are absolutely phenomenal in government circles today: three-year business plans where people have a clear vision of where we're going; the Provincial Treasurer reporting to Albertans quarterly on all the finances and wealth, the financial well-being of the province; a complete disclosure and tabling of all the documents that we can possibly table save for those documents that are required for ongoing litigation. This is in fact the most open, honest, and accountable government in Canada. [interjections]

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

Might there be consent in the Assembly to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.  
The hon. Member for Little Bow.

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

MR. McFARLAND: Thank you. It's a great honour, I believe – I can't see them – to introduce to you and through you, Mr. Speaker, 37 students, two teachers, and eight moms and dads and



helpers from Hazel Cameron elementary school in Vulcan, Alberta. These students have traveled 300 miles, or nearly so, today and probably spent about five hours in a bus to come up to visit their Legislature and see their government and their Premier – and, I hope, not to learn how to behave in the classroom, when they watch the antics of the members opposite. I want to thank their entire group for making the long trip to come up and visit us, and I would now ask that they rise and receive the warm traditional welcome of the Assembly.

MR. DAY: Mr. Speaker, it's often said of young people that they are tomorrow's leaders. However, I'm happy to introduce three young men who in fact are today's leaders in Alberta, and they are sitting in the members' gallery. They are Mr. Craig Watt, president of the Progressive Conservative Youth Association of Alberta; Mr. Cam Porter, president of what may well be the largest, definitely the most potent political party on a university campus, the U of A PC Club; and a member of both those organizations, Mr. Jeff Paruk. I'd ask that they would stand and receive the warm welcome of the Assembly.

**head: Orders of the Day**

**head: Written Questions**

MRS. BLACK: Mr. Speaker, I move that the written questions appearing on today's Order Paper stand and retain their positions.

[Motion carried]

**head: Motions for Returns**

MRS. BLACK: Mr. Speaker, I move that the motions for returns appearing on today's Order Paper do stand and retain their places, with the exception of Motion for a Return 187.

[Motion carried]

#### **Export Loan Guarantee Program**

M187. Mr. Bruseker moved that an order of the Assembly do issue for a return showing the breakdown of the write-offs, by recipient, for the export loan guarantee program, \$9.96 million, authorized under section 27 of the Financial Administration Act, as contained in the 1992-93 public accounts, volume 2, statement 5.1.

MR. BRUSEKER: Mr. Speaker, this motion for a return asks for information about the export loan guarantee program under the Department of Economic Development and Tourism and asks for information regarding losses incurred under that program.

MR. KOWALSKI: Mr. Speaker, dealing with Motion for a Return 187, it is not dissimilar to Question 174, which was dealt with by this Assembly on March 23, 1994. Perhaps I could refer all members of the Assembly to *Hansard* pages 817 and beyond in which reasoning was given for the position taken by the government with respect to this written question and now today this motion for a return. I'd also draw to the attention of all members of the Assembly statement 5.1 in public accounts 1992-93 for additional information with respect to this.

The reasons that I gave in dealing with Written Question 174, in rejecting that question, are exactly the same that I will give today in dealing with Motion for a Return 187. Unfortunately,

we're not in a position to be able to accommodate the request put forward by the opposition.

DR. PERCY: I speak in favour of the motion, Mr. Speaker. It's very clear that this is exactly why we need a strong freedom of information Bill. Unfortunately, even under this Bill it appears very likely that the government would continue to reject such requests. I think that when the government is involved in the market sector, where there are losses that appear, taxpayers and certainly members of this Legislature have a perfect right to know exactly to whom we made guarantees and the circumstances under which we in fact had to pay up. Given the magnitude of the request here for information, \$9.96 million, I think it really flies in the face of what we just heard in question period about openness and accountability. This is public money that has been lost. We have a right to know which firms in fact were backstopped, under what circumstances the losses emerged.

We can do two things with that information. First of all, we can learn from it and make sure it doesn't happen again and see what features of the program made it likely that we were to incur such costs. The second reason is that taxpayers have every right to know how their money is spent, where their money is spent, and to assign accountability. By rejecting this request, by ensuring that requests such as this would not fall under the purview of freedom of information, they continue to sweep under the carpet the legitimate concerns of Albertans as to how their money is going to be spent or has been spent.

Thank you, Mr. Speaker.

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

MR. CHADI: Thank you very much, Mr. Speaker. I find it very disturbing that time and time again when we get up in the Legislature and ask for different information, particularly information with respect to loans that have not been paid back to the government, loans that the government had given out and hadn't received anything back and indeed had to write them off, that is never, ever, ever given to us. That information is never given to us.

**2:40**

One has to only ask why. When somebody stands up in the Legislature, an elected member of this Assembly, somebody who represents a constituency no different than the constituency the Minister of Economic Development and Tourism and trade represents, no different than a constituency the Provincial Treasurer would represent – why is it that when somebody on this side of the House gets up and asks for a piece of information for their constituents, it's not readily available to them; it's not given to them? Why is it that the constituents of the Minister of Economic Development and Tourism and trade have the right to that information or the constituents for any member within the Conservative ranks have that information? Why is it that they can have it and members on this side of the House can't get it? My constituents can't get it, and I think that's wrong.

What's wrong about it is the fact that there's an export loan guarantee program out there that no one knows anything about. It's almost like a little secret lending institution. It guarantees money to different corporations out there. What they do is they export their products. We don't know if this is a sham. We don't have a clue whether or not it's a legitimate deal. If it is a legitimate deal, Mr. Speaker, I challenge the government to bring forth the information. Otherwise, we have no alternative but to expect that it is a sham. So unless that information has come

forward, I can't have any other understanding than the fact that it's something that the government is trying to hide.

There's \$9.9 million, \$10 million. Here we go again: another attempt to hide \$10 million from the taxpayers, the people that it is rightfully owed to. We don't have that information, Mr. Speaker. My constituents don't have that information. Albertans don't have that information because the government decides it doesn't want to put out that information because it's got something to hide. Well, it's high time that we start to realize that you can't get away with it anymore. There are people on this side of the House and Albertans all over the province that are going to start saying: "Come on, guys; put that information on the table. Let's see where you blew our money. We want to know that it wasn't in fact you guys that took that money, your own corporations that are out there doing this sort of thing, exporting merchandise to all parts of the world." Perhaps they're hiding it because they have members within their own organizations somewhere, their constituencies that they've showed – what's the word I'm looking for? – a little special interest to. Because of that they're afraid now to pull that information and bring it forward. If that isn't the case, then bring it out. If it is the case, then you might as well keep it hidden.

Thank you very much.

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

MRS. HEWES: Thank you, Mr. Speaker. I speak briefly in favour of this motion. If there's one question that my constituents ask and ask continuously, it's, "Where did the money go?" That question happens all the time. It doesn't seem to matter what kind of a meeting you're at, whether it's on health care or education or municipal affairs, the question always arises, "Where did the money go?" I don't have an answer to that.

You know, when I think about it, most Albertans have never seen the kind of money we're talking about here. They've never had a chance at this kind of money. The central issue here is: whose money is it? Whose money are we talking about here? The government would have us believe that it's the government's money. This money was collected through taxes, through fees – heaven only knows we've got lots more fees this time around – through royalties, through other methods, but this money came from taxpayers, ratepayers, right across this province. Mr. Speaker, it's our money. If our money has been spent in a profligate way, I need to know about it. If it's been spent in a way that has benefited Albertans, I certainly am told about it, and I'm told about it in spades. Now, what's to hold up the government from telling me where money has been lost? What's the problem here? If the money has been well spent, I think the government should be proud of it. If there have been mistakes made and these have been corrected, I don't think the government has anything to be afraid of. I expect the government has taken some risks that may have benefited Albertans in the long run. Certainly I think they're quite prepared to talk to us about that. When the government hides information, people get very suspicious. They get very, very cynical and suspicious. That's the question that gets asked: "Where did my money go? Please tell me."

Mr. Speaker, this isn't fair. This is money that belongs to Albertans. It doesn't belong to the government. Albertans have a right to know every day where the money went. Not a year and a half from now, not 15 years from now: they have a right to know today. I ask the government. What's to be afraid of? What's the hesitation here? Are there names that shouldn't be named? Have there been mistakes made that need to be hidden?

Unless this kind of information is forthcoming, I can only believe that the government has something to hide.

MR. GERMAIN: I want to join this debate because of the historic sensitivity of recent government initiatives to open the door, throw open the doors and let a breath of fresh air come into the Legislative Assembly and the manner in which the government does its business.

I won't be debating whose money it is. We all know whose money it is. It's the taxpayers' money. By golly, some of it belonged to those pensioners who paid taxes and now are getting their pensions chopped. Some of it belongs to the parents of the kindergarten students who now must dig into their pocket for extra care. Some of it, by golly, might even belong to businessmen in this province who paid corporate taxes, came to this province and invested and built an infrastructure here in the belief that there was a financially responsible, fiscally conservative Conservative government in power. Well, we've seen that that's a myth, Mr. Speaker. We have seen a government that has gone into debt at a faster per capita rate than any other government in this country. Albertans, rightly so, want to ask why. They want to know, as my fellow associate has indicated, where the money went. Would we have had to cut so deeply if the money were more judiciously spent? We all know the old adage that if you do not learn from history, it will repeat itself.

One of the functions of an opposition party is to be constructive in its criticism of government initiatives: which programs work, which programs give you good bang for the buck, and which programs fail. You know, every day when I travel through Alberta, people are surprised that I can't just walk into the Provincial Treasurer's office and say, "Hi, Jim."

MR. DINNING: You can do that.

MR. GERMAIN: "Show me the losses on Gainers. Show me the legal opinion on Catholic schools. Show me why we have to do this and why we have to do that. Show me where." Indeed, if they'd put their mind to it, they might be surprised when I tell them that I can't say: "Hi, Jim. Show me the write-offs by recipient for the export loan guarantee program, \$9.96 million authorized under section 27 of the Financial Administration Act." The Treasurer says, "You can." Well, God bless him. I hope that in a few minutes he will stand up – stand up – and confirm to the entire country that I can indeed get this information by voting for the release of this information. It is not an unreasonable request. It is not a complicated bit of data. It does not require a lot of value-added generation. The information is readily available. Just pop it up, and lay it on the Table.

The Minister of Municipal Affairs in his infinite wisdom says that we waste time sometimes in the Legislative Assembly. Well, we could have saved this 35 minutes by the Treasurer simply standing up and saying, "You betcha; here's the info." I hope that shortly that's the way the vote will go.

Thank you, Mr. Speaker.

2:50

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

MR. WICKMAN: Thank you, Mr. Speaker. I'm going to echo a few thoughts on Motion 187.

MR. DAY: You usually do.

MR. WICKMAN: Thank you, hon. minister. I appreciate hearing that very much.

Mr. Speaker, recently myself and the hon. members for Edmonton-Strathcona and Edmonton-Whitemud jointly held a town hall meeting attended by dozens upon dozens of angry constituents, not angry at the three MLAs that were there but angry at government. They repeatedly asked us: where is the information on Gainers; where is the information on NovAtel; where is the information on Principal trust; where is the information on that riverboat? They went on and on. They could not believe that they could not simply pick up a phone or write and get the information or that we as MLAs elected to represent them could not access that information for them. They were astounded. They couldn't believe it. They asked us repeatedly. I recall that one gentleman got up, and he had some calculations. By his figures: NovAtel, \$683 million, I believe. He talked in terms of the riverboat. He had all of these stats, and he rounded it off to something like \$2.8 billion roughly that he had figured out was missing.

MR. CHADI: Remember the transportation minister had made it over \$2 billion.

MR. WICKMAN: Yes. Well, the transportation minister said: what's \$2 billion? That's the way he said it. He said: what's \$2 billion? Like, where's the money, eh? Where's the money?

Yesterday, Mr. Speaker, in this House the minister responsible for Municipal Affairs stood up and talked about the proposed freedom of information Bill, and he made some unusual references to it and how in some province some prisoner had burnt up \$200,000 of government money trying to access information. A prisoner: he was using that as rationale why these types of Bills in his opinion always don't work. But what he failed to mention: he failed to address motions like 187. How many millions of dollars might this information pertain to? How many millions of dollars could this government have saved, could the public have saved had all the information that should have been made available been made available?

Mr. Speaker, this is just another example of another one on top of a pile that continues to grow. The public is left in the dark as to the details. I believe they're going to continue to be left in the dark unless when we deal with Bill 18, the government may see the light and listen to this side of the House and anticipate some of the good amendments that will be forthcoming to ensure that Albertans get the information they're entitled to to prevent these types of things from happening. So this motion without hesitation should be approved.

MR. SPEAKER: Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I, also, do want to stand and speak in favour of the motion. I've said before that our process in the Legislature on written questions and motions for returns is a bit of a ludicrous charade and exercise to have to go through. If we did have proper freedom of information in this province, we would probably cut down the Order Paper significantly because that information would be available to us. We wouldn't have to go through this ridiculous process of asking the government for information that belongs to the taxpayers of Alberta.

It's interesting, Mr. Speaker, the range that this government demonstrates, because on the one hand when the Deputy Premier picks winners, he's quite prepared to stand up in this Legislature and crow like a small boy in green tights in never land. He's very happy to do that. He beats on his chest, tells everyone how wonderful the government is, when he picks all the winners.

Now that he picks the losers, he has to head for cover, dive for cover: no comment, can't provide the information, secrets galore.

It's ridiculous, Mr. Speaker, that this government has the audacity to go through this charade and this process of telling the world how wonderful it is, spending taxpayers' dollars, and then blowing billions of dollars and they have no comment. The fact of the matter is that this information – to echo the comments of the hon. Member for Edmonton-Gold Bar: this is not the government's money; this is not the government's building; this belongs to the taxpayers of the province of Alberta. Who got the money? The question is simple. How did you blow the money? The question is simple.

You know, Mr. Speaker, there's a notion of adverse inference. You know, when you go and you duck for cover and you sit quietly and you zipper your mouth and you don't say a word, someone can say, "Gee, you know, they really do have something to hide." So of course when you do that, when you show the world that you have something to hide, well, then that certainly allows everyone the opportunity to speculate, to question, to guess what happened. Terrible management. I can say that because nobody's going to stand up on the other side and say: "No, you're absolutely wrong about that. We did deal fairly and equitably. We did deal in a businesslike manner with these funds, and because of certain circumstances these situations arose." But no, no, no. You sit quietly, not a word, nothing about how this comes about.

Mr. Speaker, we have to get over this. We have to show Albertans, we have to demonstrate to the electorate of this province that all members in this Legislature can overcome this ridiculous charade, that that information will be made available to all Albertans so that they can determine whether or not their government acted prudently, properly, and in a businesslike manner and that they can be held accountable. That's what this is all about, because it's about taxpayers' money.

Mr. Speaker, we must support this motion, as we should all motions that come forward from this side of the House for this kind of information.

Thank you.

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

MR. BRACKO: Thank you, Mr. Speaker. I guess I rise to speak to this motion. I am very privileged to have probably the most groups of any MLA come to visit us here in the Legislative Assembly. I always make sure I go back and visit them in the classroom or wherever they may be. You know, the grade 6 classes never used to ask questions, but they've become more sophisticated, asking in-depth questions because of their concern. At one time they trusted the government. They thought the government made the right decisions most of the time. They didn't expect them to be perfect; no one does. They expected them to look after their future, and we see what has happened.

They're asking: "Why do you we have that \$35 billion debt? Why can't my younger brother and sister go to kindergarten full-time instead of half-time?" They're asking a multitude of questions that you wouldn't think they were capable of or shouldn't even have to be interested in at that age but much advanced because of the concern for what has happened to the economy of this province and the tax dollars that their parents and grandparents and great-grandparents paid. They want answers to this. I tell them: make sure you go and demand the answers from this government to what has happened to our money, as Motion 187 requests. They want this information. They want all the information that deals with this so that, first of all, the same

mistake won't be made again, so we can learn from our past mistakes, so their future can be better.

Moving on, I was at a seniors' meeting, two or three of them already, in St. Albert. They're very concerned. They want to know what has happened to the heritage fund. They want to know what has happened to the NovAtels and why we got in that situation. They're concerned because they'd made a plan. They have a fixed income, a stable income, and all of a sudden this has been taken away from them. They do not trust the government anymore. They would like to; they wanted to. They trusted the government for too long. They realize that now they're paying for their own lack of making sure that everything the government did was watched carefully, which it has to be from now on. You look at the many single females that have come to me who have taken early retirement. They planned very carefully how much their payments would be so they could work through and live in their own homes. Now because of the cuts to the seniors' pension, they're being forced to move out of their homes, to sell their homes, which they don't want to do, where they maybe have lived for 40, 50, 60 years, and have to find other arrangements.

3:00

Mr. Speaker, every person I've met and talked to – and I do this continuously in St. Albert and across this province – wants to know. They want answers to information, freedom of information, the legislation that is being brought forward, so they have answers. They want to know what has happened, and they don't want this to happen again. They're demanding it both of us as members of the opposition, to make sure we get this information, to go and ask the government for it, and also the government, to have the honour, the integrity, and the goodwill to provide it. It's a very easy thing to do, to provide. We ask the government to be honourable and come forward with this information.

Thank you.

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

MR. BRUSEKER: Yes. Thank you, Mr. Speaker. I do indeed want to make a few comments in closing debate on Motion for a Return 187. This motion for a return talks about write-offs that have been incurred by the export loan guarantee program. In this particular fiscal year that we're talking about, the 1992-93 fiscal year, the write-offs are \$9.96 million.

Now, Mr. Speaker, one of the things that the government says first of all is that they want to get out of the business of being in business. Of course we know that that's not entirely true because we see in another section where the government is continuing to make loans under the loan guarantee program.

Now, the Deputy Premier, in rejecting Motion for a Return 187, in his answer referred to an earlier question which indeed I had on the Order Paper that was rejected. He said he was rejecting it for the same kinds of reasons, and he was also good enough to provide me with the page reference. So I referred back to *Hansard* to see what reasons he gave at that time, on March 23 of this year. When I look at the reasons Mr. Kowalski gave – I'm reading from *Hansard* here. Sorry; the Deputy Premier gave. My apologies, Mr. Speaker. The only response given there is, "and the government unfortunately must reject the question." That's all that's in there. That's from page 817 in *Hansard*. So I couldn't find any particular reason for the rejection of Question 174, which talks about how much money was given.

MR. KOWALSKI: That's on page 818.

MR. BRUSEKER: Page 818, the minister says.

Well, Mr. Speaker, when I looked at the two pages that deal with the export loan guarantee – and of course that's what this particular motion for a return talks about – one of them deals with the amount of money written off. That's statement 5.1: \$9,959,660. That's a fair chunk of money, and I think it's incumbent upon the government to tell us where that money has gone. The interesting thing is that when you look a little bit further on to statement 5.6, that deals with how much money has been given in the same fiscal year, the amount of money given is \$12,435,573, in public accounts.

Now, if you do a little quick arithmetic, what that tells you is that they gave out \$12 million in one year, and in exactly the same year they wrote off \$9 million. Now, the government always says how effective and how efficient and how good these programs are, but a little quick arithmetic tells you that if you give out 12 and you write off nine of it, you've just written off 75 percent of the amount of money you just gave out that year. So when you look at those figures and you say: you know, if we're making loans and loan guarantees and we end up writing off 75 percent of the amount that is loaned in one year – we're writing off that amount of money – it begs the question of why on earth we would continue with this kind of a program that has that horrendous a rate of loss. If you're losing 75 percent, there has to be an awfully good justification as to why it is you're making that kind of a loan guarantee in the first place under the export loan guarantee program.

So what I'm asking for here again in Motion for a Return 187 – it doesn't say: tell us what securities we've got. It doesn't say: tell us the terms of repayment, any of those kinds of things. It says: tell us who, and tell us how much. That's really what the question asks for.

Again, Mr. Speaker, when we are giving out \$12 million and losing \$9 million of that – and I'm admittedly rounding off the figures here for ease of calculation – it is absolutely incredible to believe that the government would continue with this kind of a program. So we're asking for openness. We're asking for accountability. We're asking for the detail behind who or, for that matter, what firm or firms are getting this money, because the purpose of the export loan guarantee program of course is to increase trade. Well, what kind of measure do we have that shows that this program is effective? Clearly, the effectiveness is not shown by the rate of return, because from the public accounts that the Treasurer tabled in the House it looks like the losses on this program are 75 percent of the amount loaned. Clearly that's not the effective measure. There's got to be something else. So we need to know who it is that the money is being loaned to. Are we getting an increase in the balance of trade between Alberta and other provinces or Alberta and other nations, other states in the United States of America, offshore? Where is the money going? Is there any kind of a measure?

You know what, Mr. Speaker? I would be willing to bet that there's no measure or no indication at all that we're getting any kind of value for the money we're investing in this particular program, because the bottom line is that we've asked from this side of the House before for value-for-money audits on our foreign offices. The amount is declining now, but it used to be we were spending \$10 million, and I'd say, "How much value are we getting for the \$10 million?" Couldn't tell us.

You know, Mr. Speaker, I have the privilege of serving on a committee called the Pacific Northwest Economic Region committee. I had a meeting one time with a representative from Idaho, and they've got some foreign offices. I said: "You've got some foreign offices, and you guys spend substantially less for

your offices than we do for ours. Do you have any kind of an evaluation mechanism? You guys are spending \$150,000, admittedly that's U.S. dollars, on an office in Tokyo. We spend \$4 million on our Tokyo office. Do you have any idea what you're getting for your \$150,000?" He said: "Oh, yeah, we can clearly identify. We can show how much trade we bring in. We show how much business has been created, and we know exactly what value we're getting for our \$150,000." Here in the province of Alberta we're spending \$4 million on a foreign office, and we have no indication, no measure, no evaluation, no justification for why we've got that, no objective measure. So what I'm asking for in this one, this particular Motion for a Return 187 - I'm saying: you've lost almost \$10 million out of the \$12 million you've given out this year.

When you look at the total program - this is the other thing that's really appalling. So I can understand that, you know, the hon. Treasurer might stand up and say, "Well, gee, that was just one year, and it's really not all that bad." When you look at the total loans given out under the export loan guarantee program, total loans, the total amount - and I'm quoting now again from public accounts:

The statement summarizes the amounts of all guarantees and indemnities given by the Crown and Provincial corporations during the year ended March 31, 1993,

and the total amount is \$27.2 million. So even if you factor in - okay; you say \$12 million was only the one year. It's a 30 percent loss. They've written off in one year 30 percent of the amount that has ever been given under this export loan guarantee program. Now, that's a 30 percent loss rate. If you go to a bank and the banks have a 30 percent loss rate, the banks would be very quickly starting to call in some of those loans and getting the assets back and saying, you know, let's have a fire sale of some of these businesses that are going under.

We need to know and Albertans have got a right to know why it is and who it is that is being served by a program that obviously has no clearly effective measure, that has a loss in one year of 75 percent of the amount loaned in that year. There is an obligation and even a commitment, I would say, from the Premier and the entire government on that side for freedom of information, to provide that information to Albertans.

I urge all Members of the Legislative Assembly to support Motion for a Return 187.

MR. SPEAKER: Order please. The debate was closed by the hon. mover of the motion.

The hon. Member for Calgary-North West has proposed Motion for a Return 187. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: The motion fails. Call in the members.

[Several members rose calling for a division. The division bell was rung at 3:10 p.m.]

[Ten minutes having elapsed, the Assembly divided]

3:20

For the motion:

Abdurahman	Germain	Sekulic
Beniuk	Hanson	Soetaert

Bracko	Henry	Taylor, N.
Bruseker	Hewes	Van Binsbergen
Collingwood	Kirkland	Vasseur
Dalla-Longa	Leibovici	White
Decore	Massey	Wickman
Dickson	Percy	Zwozdesky

Against the motion:

Ady	Forsyth	McClellan
Amery	Friedel	McFarland
Black	Fritz	Oberg
Brassard	Gordon	Paszowski
Burgener	Haley	Pham
Cardinal	Havelock	Renner
Clegg	Hierath	Rostad
Coutts	Hlady	Smith
Day	Jacques	Sohal
Dinning	Jonson	Stelmach
Doerksen	Kowalski	Taylor, L.
Dunford	Laing	Thurber
Evans	Magnus	Trynchy
Fischer	Mar	

Totals: For - 24 Against - 41

[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 April 13: Mr. Amery speaking]

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

MR. AMERY: Thank you, Mr. Speaker. I'd like to start again where I left off yesterday when I began to speak about maintenance enforcement as it relates to the Bill before us, namely Bill 208, and I would like to reaffirm my stand against this Bill.

The maintenance enforcement program was a major step in restoring this confidence. Alberta's program was established after careful scrutiny of existing programs in other jurisdictions in Canada and in other countries. The director of the maintenance enforcement program has given access to both federal and provincial information data banks for the purpose of locating noncompliant individuals who do not meet court orders. Through such measures . . .

**Point of Order  
Relevance**

MR. DICKSON: A point of order.

MR. SPEAKER: The Member for Calgary-Buffalo is rising on a point of order.

MR. DICKSON: Thank you, Mr. Speaker. I rise under the authority of *Beauchesne* 459. What we have is a specific Bill that deals with a proposed amendment to the Child Welfare Act. What we've heard from this particular member the other day and again today is extensive touting of his Bill yet to be introduced, which deals with enforcement of maintenance orders. Now, that's totally outside the scope of this Bill, which focuses on child

welfare. Now, I can't think of anything that has less relevance to the matter at hand. I think there are many speakers that wish to speak specifically and in a focused fashion to the important issues and defects in the Child Welfare Act. I begrudge the time that's spent; it can be better spent. When that Bill comes forward, we'll talk about that different and collateral issue.

MR. DAY: On the point referred to in *Beauchesne*, I can't think of a member who is less qualified to stand up and try and restrict somebody on the point of view of being relevant, Mr. Speaker. I would suggest that if he would sit longer than the 30 seconds or so that the member here has taken up to speak, he would probably see the tie-in that the member is very clearly bringing into this.

MR. SPEAKER: The Chair would ask the hon. member to try to make his comments as relevant as possible to the Bill.

MR. AMERY: Mr. Speaker, my comments are relative to child welfare, the Bill that we are debating right now, and maintenance enforcement as it relates to the Bill, as I stated at the beginning of my speech. I would like to continue, if the hon. members would allow me to do so.

MR. SPEAKER: Well, try to connect it to the Bill.

#### Debate Continued

MR. AMERY: Mr. Speaker, since the program's inception more than \$300 million has been collected on behalf of the government for custodial parents. Since the establishment of Alberta programs, many other provincial and territorial governments based theirs directly on Alberta's model or borrowed directly from it. Moreover, I am pleased to see that this has resulted in fewer claims by single parents for social assistance. This has resulted in substantial savings for the Department of Family and Social Services. This means that the minister can put those previously committed dollars on the programs where needs are truly high. However, I feel the greatest impact of the program is that more Albertans have their dignity and pride restored, knowing that they do not have to knock on the door of government to ask for financial assistance.

I am pleased to see that an impressive 82 percent of maintenance enforcement accounts are paid in full. While I realize collection of the other 18 percent . . . [interjections] Mr. Speaker, I am trying to . . . [interjections]

#### Speaker's Ruling Relevance

MR. SPEAKER: Order please. The Chair recognizes that the hon. member is trying to express the point of view that financial assistance to children has something to do with their welfare, but the Chair would urge the hon. member to perhaps mention this Bill and some of the provisions of this Bill every two or three minutes or so so that we know that we're still on that subject.

#### Debate Continued

MR. AMERY: Speaking to Bill 208, Mr. Speaker, while maintenance enforcement is an important issue, I would like to direct your attention to a couple of other specific issues facing children. Children's access rights should be promoted. There should be legislation which offers our courts a means of enforcing a noncustodial parent's rights to have access to his or her child when such access has been granted by our judicial system. Again speaking to Bill 208, I feel that enforcing access rights could offer

an excellent complement to the gains made by this government, boosting maintenance enforcement efforts.

Finally, Mr. Speaker, I would like to address the issues of grandparents' visitation rights as it relates to Bill 208. With increased rates of divorce . . .

#### Point of Order Relevance

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

MRS. HEWES: *Beauchesne* 459. Now we've had three subjects. We've had maintenance enforcement, access rights, and now grandparent access, all of which are important subjects but are not part of the content of the Bill that's under discussion here. Mr. Speaker, I beg the hon. member to stick to the subject or else give way to another member.

MR. DAY: It looks like members opposite are supporting the whole notion of closure and of cutting in on freedom of speech. There may be opportunity for them to do that.

MR. SPEAKER: The Chair would again ask the hon. member to try to be more closely related to Bill 208, which is the actual Bill before us.

MR. AMERY: Well, Mr. Speaker, I feel that maintenance enforcement and parents' visitation rights are relevant to the Bill before us.

3:30

#### Debate Continued

MR. AMERY: Mr. Speaker, I am addressing here the grandparents' visitation rights. With increased rates of divorce there has been an increasing number of cases where grandparents are denied access to their grandchildren. At present grandparents' visitation privileges are not customarily considered in custody proceedings. As well, in cases where the relationship between the grandparents and the custodial parent was poor, the grandparents in many cases are denied contact of any kind with the grandchild. I feel that it's crucial for a child to be around as many loved ones as possible, especially in our multicultural communities. These young people can gain deeper understanding of their identity.

Mr. Speaker, it should be noted that grandparents' rights are presently protected legally in jurisdictions elsewhere. In the United States grandparents' rights legislation exists in all states except the District of Columbia. North of the border Quebec is the only province which presently . . .

MR. SPEAKER: The Chair would remind the hon. member that it's really not in order to go into extreme detail on all these peripheral things that are sort of peripheral to the Bill and there should be some effort to try to speak to the Bill.

MR. AMERY: In closing, Mr. Speaker, if the opposition is truly concerned about bettering the welfare of Alberta's children, then they should act responsibly and work on those areas that require further attention to get the attention they need.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. Member for Edmonton-Highlands-Beverly to close debate on Bill 208.

MS HANSON: Thank you, Mr. Speaker. I guess I have a minute left. I wanted to say that Bill 208 was submitted because

lawyers, frontline workers, supervisors, and various advocates for children have been telling us that the present Child Welfare Act is too vague. Some of the members across the way have criticized this one for being too vague, but I submit that it goes a long way towards making it more concrete than the previous one.

Of particular concern, apparently, is the least intrusive clause. Some members I believe have misinterpreted the intent for changing that clause. The clause applies only to the method of intervention after it has been established that a child is in need of protection. That's afterwards. I'm sure that members don't suggest that the department should ignore the results of initial investigations resulting from complaints generally by teachers, day care operators, the general public, family members. We can't ignore the initial ones, because nothing is done past that unless the child is actually showing signs of abuse. The initial investigations are simply to ensure that the child is safe in its own home setting. If it's determined that the child is not safe in the current home situation, it is at that time that plans are made in a least intrusive way to correct the situation. Professionals who are involved in this say that there is need for more explicit guidelines for what action they take once the child is deemed to be not safe in its home setting.

The amendments in this Bill lay out a framework for standards and guidelines to ensure that the primary focus of decision-making is in the best interests of the child. It goes without saying that the best possible place for children to be reared is within a loving, caring family, but we must be realistic. Neglect and abuse of children does occur, and unfortunately in Alberta it's occurring more frequently all the time. It is the responsibility of the government to delegate some accountable body or bodies to ensure that children are safe, both physically and mentally.

In regard to children who end up in foster homes either because their parents have abandoned them or have voluntarily turned them over to the system for someone to look after or simply because the government has at some point stepped in, we stress the importance of permanency. I think any one of you who has known the bitterness of an 18-year-old who has been in 15 different foster homes in their short life – they reach 18 and suddenly they're on their own. When you look at those kids and understand their lack of ability to get by in the world, you'll understand the importance of stability and affection and a measure of security during their early years. If children can't get that at home, I think it's up to society to do their best that they get it someplace else. In a perfect world intervention would never or seldom be necessary, but that's not the case in Alberta today. We like to do as few interventions as possible. I certainly agree with that approach to it, but given our past record, I think it's crucial that we tighten up the Act to prevent tragedies.

I believe a move to push responsibility for child welfare down to the community could very well hold promise but only if those who direct and control community organizations hold strong qualifications in the field. Most important of all, there again needs to be standards and guidelines and clear strong measures to ensure accountability to the public. The Member for Olds-Didsbury said that people have become too dependent on the government, and sometimes that is the case. Some parents need to be educated, some parents are reluctant to take responsibility, but pulling the rug out from under kids will do nothing to help the parents. In fact, it'll diminish the chance of some of our children becoming responsible and healthy adults.

Mr. Speaker, I ask the members to set aside partisanship to vote to move this Bill on to committee, where we can have a more detailed discussion.

MR. SPEAKER: The hon. Member for Edmonton-Highlands-Beverly has moved second reading of Bill 208, Child Welfare Amendment Act, 1994. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. SPEAKER: Call in the members.

[Several members rose calling for a division. The division bell was rung at 3:37 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Henry	Sekulic
Beniuk	Hewes	Soetaert
Bracko	Kirkland	Taylor, N.
Bruseker	Langevin	Van Binsbergen
Collingwood	Leibovici	Vasseur
Decore	Massey	White
Dickson	Percy	Wickman
Germain	Sapers	Zwozdesky
Hanson		

Against the motion:

Ady	Gordon	McFarland
Amery	Haley	Oberg
Black	Havelock	Paszowski
Brassard	Hierath	Pham
Day	Hlady	Renner
Dinning	Jacques	Rostad
Doerksen	Jonson	Smith
Dunford	Kowalski	Sohal
Evans	Laing	Stelmach
Fischer	Lund	Taylor, L.
Forsyth	Magnus	Thurber
Friedel	McClellan	Trynchy
Fritz		

Totals:	For – 25	Against – 37
---------	----------	--------------

[Motion lost]

3:50

### Bill 209 Commencement of Actions Act

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

MR. GERMAIN: Thank you very much, Mr. Speaker. This Bill provides an opportunity for both sides of the House to correct a difficulty that has been perceived in some areas of the province to be ongoing for many years.

As an aside, Mr. Speaker, when one gets elected to legislative office in this province for the first time, there are a lot of new things and a lot of firsts: your maiden speech, your first motion, your first petition, the first time you introduce guests, and this Bill today gives me a particular buzz because this is the first private member's Bill that has embraced right midway down the Bill those seven letters spelling Germain. If the members of the House will indulge me, I'm going to tell them all that I'm going

to frame this Bill and maybe even get a few autographs and keep it for whatever posterity there is for me.

AN HON. MEMBER: Prosperity?

MR. GERMAIN: We've given up on prosperity now, but we're looking for other things.

MRS. BLACK: Posterior.

MR. GERMAIN: Some of that too, and I'd like to give up some of that too. The Minister of Energy knows well of what I speak when I say that of myself.

Mr. Speaker, this particular piece of legislation is delightful to present because it is also nonpartisan legislation. There is no political issue or political overtone to this particular legislation, and it deals with the manner in which people will conduct themselves in judicial proceedings in the province of Alberta. Now, you do not have to be very astute in terms of judicial matters to conclude that if there is a balance or an edge to this Bill, the edge is to preserve judicial activity and ensure judicial activity in rural Alberta. So it may be arguable that the Bill attempts to right a perceived injustice in rural Alberta, but it is more than that.

This Bill speaks to the issue of fairness in judicial proceedings, and as I develop that thought today, Mr. Speaker, I want to first of all take the members through a little bit of a quick summary of the court system in Alberta. I want to talk about the Bill details, and I also want to talk about some provincial comparatives and how this type of legislation has tracked in some of our sister provinces across Canada.

[Mr. Deputy Speaker in the Chair]

First of all, in the province of Alberta we have two court systems. We have a court system described as the Provincial Court in which the appointments to that court for judicial activity are from the province, and that's why the name Provincial Court. We also have a court structure in the province of Alberta where people go to have trials heard called the Court of Queen's Bench. Those particular judicial appointments are made by the federal government. Now, in the province of Alberta the Provincial Court is far more extensive than the Court of Queen's Bench. Virtually in every community in Alberta the face of justice is the Provincial Court of Alberta. In the Court of Queen's Bench, however, we have only 12 judicial districts, the two largest of which are Edmonton and Calgary, and it is a reality that the two largest judicial districts, Edmonton and Calgary, have attracted cases and legal work into their judicial centres that are disproportionate to the population breakdown of the province. What this means is that matters that are of concern and of interest to rural Alberta are proceeding in the judicial districts of Edmonton or Calgary and to some extent proceeding with detriment and with prejudice to individuals who reside in rural Alberta.

Now, I'm a great believer in freedom: freedom of speech, freedom of choice, freedom of elected office, freedom to conduct your business within the law however you want, and in the present Court of Queen's Bench system that we have today there is also the freedom to start your court case wherever you want. Unfortunately, members of this Assembly, a court case is not like determining who's going to have home ice for a hockey game. A court case is not like determining who's going to host the Stanley Cup or who's going to host the Grey Cup. A court case is often the last attempt by individuals to settle a dispute that they may

have without resorting to inappropriate and unlawful activity. As a result, in a court case individuals will often wish to start the court case in a place or location that is most strategic to them.

Now, I indicated to you earlier that there were two court systems in the province of Alberta. I want to tell you that the government of the province of Alberta has recognized this concern for the purpose of the Provincial Court of Alberta. You may say to yourself and some of you back there may be thinking: "Oh, well, this is a private member's Bill. It's a private member's Bill from the opposite side of the House, so why don't we just close our ears, tune out our hearing, and go back to reading or doing whatever we're doing." But I want to give credit where credit's due, because the Provincial Court of Alberta has recognized the concern to which this Bill addresses itself by passing for and on behalf of the Provincial Court a regulation that was filed as an appropriate regulation of the province of Alberta. It's regulation 329 filed in 1989.

That regulation is very interesting, because for the Provincial Court of Alberta, for the court for which this province appoints the judges and the court which is spread out across the width and breadth of Alberta, found in small centres, small villages, small towns, small cities and away from the large concentration of urban population, the government in its infinite wisdom – you probably haven't heard that phrase very often from over here – passed this particular regulation. It says:

When a matter is set for a hearing [in the Provincial Court] the clerk [of the court] shall set the hearing at the place where the Court holds regular sittings that in the opinion of the clerk is nearest to either the place where [the defendants live or where] the cause of action arose.

Now, boiling through that legal gobbledegook, the cause of action arises basically where the thing happens. If you have a motor vehicle accident up in Fort McMurray, the cause of action occurs in Fort McMurray. If you get punched in the nose while skiing down in the Crowsnest Pass and you're suing for assault or battery, the cause of action occurs in the Crowsnest Pass. So that's what the cause of action means. It's where the happening of the event occurs.

In the Provincial Court of Alberta this problem has already been rectified. So let me make clear to all members of this Assembly that this particular Bill does not speak to the Provincial Court of Alberta, but it does speak to the Court of Queen's Bench, because what happens by contrast in the Court of Queen's Bench is that the person who starts the lawsuit gets to declare where the lawsuit is going to take place.

Now, let's suppose that you had lent some money to a farmer up in Peace River – let's suppose that – and that pesky farmer was giving you some trouble and you had to take him to court.

DR. L. TAYLOR: Say "a pesky lawyer."

MR. GERMAIN: All right. Well, let's move through the facts first. You've got this little situation where you have a farmer who you've lent some money to in Peace River and the person who's lent the money to the farmer wants to choose a court to hear the case. Now, is it to that person's advantage to go to the farmer's backyard, to go to Peace River, and give the farmer a chance to come in and defend himself? Or is it to the advantage of the person who's lent the money to go down there to Lethbridge, about as far away as you can get in the province of Alberta, and then and there start your court case to deal with that farmer or the pesky lawyer or the person who you think has wronged you?

Suppose that you're in a motor vehicle accident, and you think you may have jumped the red light. The other person thinks he's maybe jumped the red light. Who's got the advantage? The



reality is that we need a set of rules. We need some system where you can determine where a court case is going to be held in this province. You shouldn't allow that one person, who just happens to be the first to race to the courthouse to start the court case, the opportunity to start the court case as far away from where the matter occurred as he or she or it, in the case of a corporation, possibly can.

4:00

So that's the issue in a plain way that this Bill seeks to address itself about. It does not seek to choose sides between the plaintiff, who starts a court case, and a defendant, who responds to a court case. It attempts to set out, before there's any dispute, some clear and concise ground rules of where the trial will be.

Now, I know that some of the members opposite and some of the members on this side come from the city of Calgary. Would it enhance the chance of the Calgary Flames to win a Stanley Cup if they could always have home ice advantage and they got to decide that? Certainly it would. Would it enhance the chance of the Calgary Stampeders to win a western conference final if they could always pick the place where the final would be held? They don't do that in professional sports. In professional sports they have a set of rules. They say that whoever finishes first in the league can choose the place. They have the predefined rules before the dispute arises. Surprisingly, we do not have that set of predetermined rules for court proceedings in Alberta.

Now, I want to express the other side of the coin, what the critics of this particular piece of legislation say and point out. What the critics of this particular legislation say is that people who are going to be doing the suing should get to tell and decide where that's going to happen. Well, unfortunately, the decision as to where you're going to do the suing can be made for reasons other than where it seems most sensible to do that. Let me give you some examples. If you have a piece of land in the province of Alberta, and you deal with a bank – if you deal with a bank in Brooks, Alberta, and they lend you some money, you run into trouble and can't make your payments, and the bank comes to take the land away from you, should that bank be able to go up to Grande Prairie to throw you out of your house? Should they be able to drive all the way past the courthouse in Lethbridge, drive all the way up to Edmonton to throw you out of your house?

Reverse the situation. Should a farmer in Grande Prairie face any risk whatsoever of losing his farm and not being able to walk right into his local courthouse in Grande Prairie and get what he has to say off his chest? Is it right and is it proper that people should have to drive past their own courthouse to go to a courthouse where the lender wishes to deal with the court case? In many of these situations, my friends, you know that the lender and the borrower are in the community where the matter arises and where the land is located, but they choose to go to court elsewhere.

Now, it was interesting, because today, my friends, we had filed the report of the Farmers' Advocate of Alberta. We had that report just filed today. As I was reading that report, skimming it rather, listening to the earlier debates, this is what the Farmers' Advocate has to say about litigation from the farm community perspective. On page 1 of that report the Farmers' Advocate says:

However, although farmers may have a legal remedy, litigation in many cases is far too expensive, too time consuming, and too mysterious and uncertain a procedure for all but a handful of farmers to pursue to a successful conclusion.

I want to suggest to you that the opportunity for an individual to be dragged out of his judicial district, out of the place where he calls home, out of his natural trading area, out of the area where

he may have a friend who is a lawyer who could help him for free or at a reduced cost – to drag that kind of individual out of that community and into another community for the purpose of litigation, my friends, is simply wrong.

Now, what this Bill does is set out some concise rules, and the rules will apply fairly to everybody else. Let's suppose that I'm on a ski trip. I go down to Banff, Alberta, one of the ski lift chairs keeps me in the ski lift for a while, I freeze my nose, and my nose is red because of it. Let's suppose those facts.

MR. TRYNCHY: Terrible, terrible.

MR. GERMAIN: It would be terrible. I see the minister of transportation saying that would be terrible, and I'm grateful for his concern as it relates to my personal health.

Let's suppose that factual situation – and I wish not to be in any litigation on a personal basis, but I use it to illustrate. Is it fair that I boogie home all the way back up north, way up north to Fort McMurray, and then sue the ski resort up in Fort McMurray, forcing them to come all the way up to Fort McMurray? Why wouldn't I? I'd say to myself: boy, this is a heck of a disadvantage; they'll probably send me some money just because they don't want to drive to Fort McMurray. That's not right.

If I'm in Calgary and I'm involved in a motor vehicle accident in Calgary, I should expect to be able to deal with my courthouse laundry in Calgary. Likewise, if a member from Calgary is up in Grande Prairie and he's involved in some little snit or some little concern that brings him in the courts and in the law, he should be able to deal with it in Grande Prairie, and he should expect to do so. He should not expect to be able to flee back to Calgary or back to Lloydminster or back to Medicine Hat and deal with it down there.

This Bill sets out a simple proposition. Now, it takes a lot of words to do it. Legislative Counsel drafted the Bill, not me. But the Bill sets out a simple proposition, and that is: you litigate where the dirty linen arose. It's as simple as that, in summary.

We go further in this Bill. We try to mine some of the possible contentious areas. We say in this Bill – and this will be of interest to you – that parties can get together, and they can agree. So even though they're involved in a motor vehicle accident up in Peace River, if everybody wants to do the thing down in Calgary, they can do that. Nobody will interfere. This Bill is the least intrusive way that we could think of to present a Bill that would balance the playing field between two litigants in court proceedings who are in a situation where neither of them really have any reason to extend any brotherly love to their counterpart.

Now, are we pioneering new ground in this Bill? We're not. In our neighbouring province to the right of us, the province of Saskatchewan – that's to the right as you look at a map – they've already wrestled with this problem, and in about 1980 they brought forward legislation that is not a lot different. It's not completely identical, but it's not a lot different. In the province of British Columbia I understand – and let me qualify this right now. I'm not a practising lawyer in any of those other provinces, so what I know is only what I've read about them. In the province of British Columbia, as I understand it, foreclosures, in one particular, have to be commenced where the land is located. In the province of Ontario custody disputes over children must take place where the children reside. In this particular legislation we bring forward the least intrusive method to ensure that the playing field between litigants in the court is fair and level. The province has already created this fair and level playing field in the area of Provincial Court matters, and we say: let's extend that to Queen's Bench matters.

Now, let's suppose that people make a mistake. Let's suppose that somebody who wants to get involved in a court case starts their court case in the wrong area of the province. They suffer no penalty; they suffer no hardship. They suffer no pain or personal detriment by doing that other than the fact that if they are called to task on the issue, they will transfer the proceeding to the proper place. There is a procedure in here – and if I could use computer jargon. I'm not a computer expert, but I think many members of this Assembly are. I understand from my children and I understand from what little I know that they have a phrase in computerspeak that is the default setting, and that doesn't mean anything bad. As I understand it, it means how it works if you don't say something about it or if you don't do something different.

Well, the default setting in this particular piece of legislation in the province of Alberta is business as usual. The default setting is that if you are involved in any kind of court case – and I wish that on none of the members of this Assembly – you can file up your papers wherever you want. It's only if someone takes you to task or raises the issue that it gets looked at. And what's the only penalty? The matter gets transferred to where it should have been.

#### 4:10

Now, one other concern has come up, and other members will speak to it. They'll say: Well, Member for Fort McMurray, this particular piece of legislation says that the child matters, custody fights, matrimonial fights – these are some of the most vicious court proceedings, I can tell you. Any of you that have friends who have ever . . . [Mr. Germain's speaking time expired] I'll finish off my sentence, Mr. Speaker, if the Assembly will allow me one minute.

The issue of custody disputes can be very problematic when one of the spouses has been driven out of the community because of fear or intimidation. We have attempted to deal with that concern as well, and other members may speak to that concern. The manner in which it's dealt with is that the judges of the court have an overriding discretion to basically break the rules of the game when it is just and equitable to do so.

I want to thank all members of this Assembly for the quiet time they gave me today, Mr. Speaker, in a very subdued way, to allow me to present my comments on what was my first private member's Bill. I do thank you.

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

MR. RENNEN: Well, thank you, Mr. Speaker. First of all, I would like to thank the Member for Fort McMurray for presenting this important piece of legislation. I'm pleased to participate in the debate on Bill 209, and I'm pleased to speak in favour of Bill 209 this afternoon.

I think it's important that we address the problem of unequal access to the justice system for Albertans. As a matter of fact, Mr. Speaker, I have a similar motion under my name on the Order Paper that will be dealt with at a later time in this session. My motion deals primarily with foreclosure procedures, and that is what I would like to spend the majority of my time dealing with this afternoon as it relates to Bill 209.

People living outside the two major urban areas of the province have been campaigning for years to increase access to the justice system, and I am in support of this. As a Member of the Legislative Assembly from southern Alberta I'm well acquainted with the time and cost of traveling from my home to Edmonton. Because of this I can understand how inconvenient and financially unfeasible it is for people living in rural parts of the province to have to travel to Edmonton or to Calgary to attend court proceed-

ings. This can be a hindrance for all Albertans, Mr. Speaker, but particularly for people involved in foreclosure proceedings.

Bill 209 addresses this problem by proposing to allow civil actions to be held in the judicial district where the dispute arises. This will definitely benefit those who are dealing with the courts because of a foreclosure action. Under our current regulations, defendants in a foreclosure action are required to attend court proceedings in the location chosen by the plaintiff. The location chosen for these proceedings often ends up being in Calgary or Edmonton, as the major financial institutions involved in mortgage lending have their head offices located in these cities. This puts the mortgagee at a disadvantage because they then have to hire a lawyer or travel to that jurisdiction themselves to attend the court proceedings. At a time when these people are having difficulty meeting their financial obligations and making their mortgage payments, it seems unfair to require them to take the additional expense of traveling to another city or hiring a lawyer. Also, it seems that if a bank or mortgage company are willing to do business in various areas of this province, they should be willing to bring their court applications to the judicial districts there as well.

Mr. Speaker, most foreclosure actions do not actually go to trial. They are usually settled before the trial stage during the interlocutory applications. In the first application the plaintiff files a statement of claim, and the defendant is then given the opportunity to explain why mortgage payments have not been made. If there is a plausible reason for late payment, such as unemployment or illness, the judge is able to set a redemption period. This grace time is to allow the defendant a chance to make up missed payments and can be set at up to a maximum of a year in rural areas and six months in urban areas. This extra time can sometimes be the difference between losing your property or getting back on your feet again. Unfortunately, many mortgagees in default do not take advantage of the opportunity to explain their circumstances. It is difficult to hire a lawyer or travel at a time when resources are limited. Also, for many that are facing the loss of their farm or their home, the situation seems futile. They have given up hope of being able to do anything.

If these applications could be held in a judicial district within which the land is located, these people would have a better opportunity to go to their local courthouse at an appointed time to talk to a judge. If we increase the ability of defendants to participate in foreclosure proceedings, we are increasing their ability to hold on to their property. This is the most significant aspect of Bill 209, Mr. Speaker.

There is another aspect of Bill 209 that would also benefit Albertans living outside the major urban areas of the province. The changes that this Bill proposes will serve to protect the availability of court services in smaller judicial districts. Since most civil actions are commenced in the two large urban districts, there is less work in smaller centres for the visiting master in chambers. This lack may threaten the availability of the services of a master and lawyers, for that matter, to those living in rural areas. If we provide for more civil actions to be heard in the smaller districts, this will redistribute the work that has been overloaded on the urban districts and will lessen the wait for court dates in the major centres. The benefit of the change to this process outlined in Bill 209 would be twofold. Firstly, it would help to ensure that the smaller judicial districts retain the services of a master in chambers, and, secondly, it would help to improve the overall efficiency of the justice system in this province.

I do support the principle of this Bill because of the improvements it makes to proceedings for foreclosure actions. However, Mr. Speaker, there are some problems with this legislation that

should be addressed at the committee stage. By attempting to change the rules of court for all civil proceedings, the Bill becomes cumbersome, and the basic issues to be addressed get lost in the clutter. I would suggest that it may be more appropriate to focus on one issue at a time, first dealing with the procedures for foreclosure actions and then working on other types of civil actions separately.

There are also some complications in the way the Bill proposes to deal with proceedings for other civil actions, such as those under the Divorce Act and breaches of contract. The all-encompassing nature of this Bill detracts from what I consider to be its most important aspect; that is, to improve the process regulating foreclosure proceedings. Providing for actions involving foreclosures to be held in the judicial district in which the land is situated is a change that is long overdue. I wouldn't want to see the technicalities related to other parts of this Bill prevent this change from being implemented.

Bill 209 will improve access to the justice system for people living outside the two main judicial jurisdictions in the province. It will also be a great help to those people who are facing the loss of their property due to foreclosure actions. For these reasons I support the principle of this Bill, and I encourage all members to join me in voting for Bill 209 to pass second reading.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Member for Bonnyville.

MR. VASSEUR: Thank you, Mr. Speaker. You'll notice that I don't spend quite as much time in the courtrooms as my cohort from Fort McMurray. He's obviously covered the Bill quite well, but there are some other areas. He's used the example of foreclosure and the member opposite used the example of foreclosure, but there are other areas, of course, that I want to use for examples that are problematic in rural Alberta.

Basically, Bill 209 simply ensures that a civil action be started where the action has occurred and should be addressed in the judicial district closest to where the accident or where the foreclosure took place. Now, presently in Alberta most of these actions are looked after in Edmonton and in Calgary. Of the approximately 56,000 civil litigation actions taken last year, approximately 24,000 were in Edmonton and approximately the same amount in Calgary. So between the two cities, the two judicial districts of Calgary and Edmonton, 85 percent of all actions taken were in those two areas.

4:20

Now, one of the areas that I'm somewhat familiar with is when we look at construction contracts or service contracts, be it in the construction industry or in the oil and gas industry, and the small service contractor or the subcontractor is put at somewhat of a disadvantage. I'll take you into an example. When a subcontractor starts working for a general contractor, usually he goes through the process of progress billings as the contract advances. Of course, in most contracts there are some changes, some deletions, some extras or changes in the work, in the way it's done, so the original contract amount that has been negotiated and agreed upon is not necessarily the same at the end of the contract as in the beginning. Therefore, at times there are some disputes that arise between the general contractor or the owner, the gas or oil company, and the subcontractor or the service contractor. When there is a dispute like that, even with the protection of the lien Act, the small contractor is usually at a disadvantage, because when he wants to collect his money, there's a legal action that is started, and in most cases they're forced to travel the distance

between wherever the work is being executed and one of the two large jurisdictions.

Now, what happens then is that he engages a law firm to represent him. Hopefully he does that, because otherwise he'd lose everything. The next step is that he finds out what this is going to cost him. Now, if the amount left owing after the contract has progressed to this level is, let's say, \$10,000, what has happened many times is that the general contractor or the owner, once it's in the courts, will make an offer, and that offer is not nearly the amount of money that is owing. So the small contractor has a choice: he can accept the offer, or he can proceed further.

In proceeding further, he'll soon realize that the first step once he's out of his area is that you go through discovery, and the cost of discovery, if you're going to spend a day in Edmonton from an area like the Bonnyville-Cold Lake area, is going to be somewhere between \$500 to a thousand bucks per day. So when you get back from the discovery process, you realize that maybe you should have taken the offer. The big company looks at this as a business deal. He looks at it as part of the profit picture of the job. This is not everybody, but this does occur.

So what happens next is that if you pursue it a little further, usually there's a settlement out of court. Hopefully, you haven't spent more than \$2,000 or \$3,000, and maybe you should have accepted the offer of \$8,000 or whatever it may be. But the small contractor is at a disadvantage, and this is where the proposed legislation would be advantageous to the small subcontractor or surface contractor at a local level, where he'd have access to the courts at a much reduced cost than paying \$500 to a thousand dollars for legal advice and legal representation in the courts in Calgary or in Edmonton.

What is even worse than that is if it's a contract that is for the supply of labour only. In most cases it's the supply of labour and material. In many cases you can take that decision because there's the financial strength to do so. But if it's a small operator that operates out of his house or out of his half-ton, he will take that offer that has been given to him by the larger business or the owner, and unfortunately he'll be out anywhere from 50 percent of his money to whatever. He's out, but he hasn't got the financial stability to do anything but. He's recognized that the courts are going to cost him a lot of money, and he's chosen to settle on the first offer.

So again, maybe repeating some of the stuff that the Member for Fort McMurray mentioned, the proposed legislation has the flexibility to allow movement of the court action. I mean, it doesn't have to stay where it originated. If the defendant or the claimant happens to have moved for whatever reason or if both parties decide that it's best to relocate, I believe that under sections 4, 5, and 6 those provisions are in the legislation to have just that happen.

In closing, the whole issue here is one of accessibility. It allows Albertans from not only Edmonton and Calgary but Albertans from rural Alberta, from one corner of the province to the other, the same access to civil law.

Thank you very much.

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

MR. BRASSARD: Thank you, Mr. Speaker. I, too, would like to join in the debate today. While I recognize that there are certainly some good intentions behind this Bill, unfortunately there are also some problems with it. In addition, legislation may not be the proper way to proceed in changing the procedures that govern civil actions.

The purpose of Bill 209 is to ensure that trials for actions are held in the judicial district in which the dispute arises. Toward this end, the Bill sets out specific guidelines for deciding where an action shall be commenced and tried for cases concerning foreclosures, divorce settlements, torts, breaches of contract, collecting debts, enforcing judgments of court, or the removal and sale of properties seized by a sheriff.

The place where legal proceedings are to be commenced is now determined according to the rules of court. These rules are recommended by the Rules of Court Committee, which is made up of representatives from all areas of the legal system including judges, members of the Law Society, and from the Department of Justice. At the present time the rules of court provide that the party commencing a civil action is to suggest a judicial district where the trial is to be held. In the end, though, the court does have the authority to make the final decision. Because of these provisions any attempt to change the rules governing how the place of trial is decided upon should be done through the Rules of Court Committee. To go above the authority of the committee in establishing new rules is considered an infringement of judicial independence.

Justice Côté, chair of the Rules of Court Committee, has expressed his belief that this Bill represents a usurpation of the jurisdiction of the judicial branch of the government. As a matter of fact, he states:

Legislation now establishes a tripartite rules committee. If the Legislature is going to get into the business of overruling the rules committee, the committee will cease to function. Then the government and the judges will make rules and practice directions on their own, leaving the profession out of the loop. Do you really want that?

On top of all of this, it should be noted that the Rules of Court Committee is currently reviewing the issue of where court proceedings should be commenced, at least insofar as foreclosures are concerned. In light of this, Mr. Speaker, it may be particularly inappropriate for the House to proceed with the matter proposed by Bill 209 at this particular time.

As well as seriously infringing on judicial independence, Bill 209 also introduces unnecessary regulations of the court. It will remove the flexibility that the courts currently have to determine the location for proceedings that is most convenient to the parties involved.

#### 4:30

The Bill also contains a clause that states that where the parties to an action agree to commence a trial in a judicial district other than the one in which the dispute arose, they shall file a copy of their agreement with the clerk, who then shall place it on the court file. This requirement increases the administrative duties of the clerk and is an unnecessary burden on the court system.

Settlements under the Divorce Act are also included in the list of actions that shall be regulated by this Bill. Bill 209 states that when the cause of action relates to an action under the Divorce Act, the action shall be commenced and tried in the judicial district "where the parties last had their permanent residence." The problem with this part of the Bill is that the Divorce Act is federal legislation, and the federal government has exclusive jurisdiction in the area of divorce. Under federal law it is legislated that a party must reside in a province for one year prior to filing for divorce. Including actions under the Divorce Act in Bill 209 may be unconstitutional, and this should be looked into further.

The biggest problem with this Bill, however, is that it really doesn't accomplish anything. There is a clause in section 3 of the Bill that allows that if

there is more than one judicial district where an action may be commenced . . . the action may be commenced and tried in any one of those judicial districts.

Where there is a dispute over which of these districts should be chosen, an application will have to be made to the court to determine the appropriate judicial district. In this way the Bill would not ensure that an action is commenced in the proper judicial district from the outset. This does nothing to change the system that we have already, Mr. Speaker, and in effect limits the usefulness of the Bill.

Section 3 also provides that if a judicial district cannot be determined according to the guidelines contained in the Bill, then "the action may be commenced and tried in any judicial district." This does not effectively address the problem of access to the justice system that the Bill is to solve. As well, it may cause increased costs and time delays while parties argue which judicial district is indeed the most appropriate.

Another point that makes this Bill neutralized is the clause that states:

A Court may order that an action be transferred to any judicial district when it is in the best interests of justice and equity to do so. "In the best interests of justice and equity" is a term that is very ambiguous, Mr. Speaker. It gives the court the power to override any decision set out in other parts of the Bill. Again, this limits any real effect the Bill could have to establish guidelines for determining the place that a civil action should indeed be commenced and tried.

Mr. Speaker, I do believe that the Member for Fort McMurray genuinely wants to see more equal access to the justice system for people who live outside of the two main judicial districts of Calgary and Edmonton, and I applaud that. It is true that the system would be improved by allowing for civil actions, such as foreclosing actions, to be held in the judicial district in which the land is situated. However, this Bill is not the best means of achieving this change. It would be more appropriate to effect this change by changing the rules of court. As I stated before, the Rules of Court Committee is in this process right now and is reviewing the procedure by which the place where foreclosure actions are commenced is chosen.

Aside from infringing on the principle of judicial independence by going above the Rules of Court Committee, Bill 209 also has many other problematic aspects. The Bill would introduce unnecessary regulations of the court, reducing the flexibility of the system. It would also cause an increased administrative burden on the courts by requiring agreements between parties to be filed. The most limiting aspect of this Bill, however, is that it really does little to change the system that currently exists. The court would still have the discretion "in the best interests of justice and equity" to choose the judicial district in which an action is to be commenced and tried. Also, if there is a dispute or if the proper district can't be determined by the clauses set out in the Bill, the action can be commenced in any judicial district, which is again decided by the courts. I do not see, Mr. Speaker, how this would do a great deal to improve access to the justice system.

All of these things prevent Bill 209 from fulfilling the purpose for which it was intended. There are better ways to ensure that all Albertans have timely and convenient access to the justice system. While I applaud the intentions and consideration given by the member opposite, I do believe this Bill needs more work before I could subscribe my support.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I rise to speak in favour of Bill 209. I, too, would indeed stand before this Assembly with pride if I was speaking to my own private member's Bill. To my colleague from Fort McMurray, I certainly can sense how he feels today speaking to his first private member's Bill, and indeed I hope that I have an opportunity to do that within this session.

Bill 209 typifies what I believe the justice system should communicate to Albertans. The words that come to my mind when I look at it are that justice has to be done according to the right principles: it has to be equitable; it has to demonstrate freedom; it has to demonstrate fairness and accessibility. Now, without Bill 209 we don't meet those principles within rural Alberta. I think it's important when we have legislation, particularly in the justice system, that there is equity, that there is fairness, that there is equality and accessibility irrespective of where you live in a province or a country. Through Bill 209 I would suggest to you, Mr. Speaker, that this would indeed happen.

I'll leave the legal arguments to my colleagues, because certainly the Member for Olds-Didsbury did raise some points, that he felt there was interference within the judiciary. I'll address that from a layman's point of view. I found it interesting that it would be suggested that a private member's Bill in the Legislative Assembly of the province of Alberta somehow is interfering with the judiciary. After all, this is the basis of your legislative system. This is the basis of your judiciary. So as a layman with no legal background I'm somewhat puzzled, and as I've indicated, I'll leave that to my colleagues with some legal training.

Now, I firmly believe, as I've stated, that it's extremely important that Albertans living outside our two major cities have the same access to judiciary, whether it be for land, matrimonial, tort, breach of contract, debt, enforcement of judgments, or removal and sale to be commenced in that judiciary district where the action rises. As I've stated, fairness must not only be seen to be done, but it must be a reality. There is no fairness in a party who takes from the community, be it High Level or Taber, when suddenly one of the parties ends up in Calgary or Edmonton because they have the fiscal ability to do it, leaving the other party at a distinct disadvantage. That's not fairness, that's not justice, because that immediately says that the person who's had that fiscal ability to go to Calgary and Edmonton has disadvantaged the other party within this legal suit.

4:40

My comments I'm going to focus towards matrimonial claims and also claims of custody and maintenance and visitation rights. These are often brought not where the family had their home but where one or more of the parties end up just before the litigation. In some cases in rural Alberta where there are limited numbers of lawyers in the community, one of the spouses will go, as I've indicated, to either Edmonton or Calgary to hire a lawyer, which is reasonable enough, but it's not reasonable when the court case takes place in Edmonton or Calgary simply because, as I've stated before, one of the parties has a lawyer there. I mean, we have to recognize that when you get into litigation, there's a lot of pain. It's not a positive time in your life, particularly if it's matrimonial or custody.

I speak as a woman, Mr. Speaker, in dealing with this issue. If it's a mother with children, what could be more horrendous than if you're living in High Level and you suddenly discover that the litigation is taking place in Edmonton and you're not in a fiscal position to be able to match what the other partner is able to do? That's why I believe that Bill 209 is certainly a step in the right direction. I'd also say that Bill 209 does it in the least

intrusive way in dealing with these issues. It's laid out in a way so that typical cases would be commenced in the judicial district, as my colleague mentioned, based on sections 3 and 4 of the Bill.

The Commencement of Actions Act is straightforward in dealing with determining place of action and application to transfer an action. For example, where custody and other matrimonial disputes occur, it will be where the family lives. Quite straightforward. One must also point out that if neither party raises the issue, the lawsuit may still be started and proceeded with anywhere in the province of Alberta. So, once again, was it fairness and equity?

It's important to point out that in the event of a commencement in the wrong judicial district, it allows the aggrieved party in either judicial district to apply under section 4, "Application to transfer an action," for a court ruling. Presently if you want to transfer a matter, you have to appear in that judicial district, and I would suggest that that's neither fair nor just to Albertans facing, once again, tight fiscal restraints. If the case is misstarted in Calgary, you'd have to go to Calgary and hire a lawyer to do so, to get the case transferred. I must also point out that it would be at the sole discretion of that court, as there are no guidelines presently in place. Bill 209 addresses that. With the guidelines in Bill 209 in place, it would result in a much fairer and just system.

I would also point out that there's a grandfathering inasmuch as the work in progress will remain unaffected by Bill 209 when this Bill becomes legislation. So, in other words, if it's within the courts right now, it certainly would not have the ability to use Bill 209 to transfer it into another jurisdiction.

I firmly believe that we can always find the negative in anything if we look for it. It was gratifying to hear the Member for Medicine Hat speak in favour of this Bill, acknowledging that possibly we'll be looking at some amendments when we get into committee stage, and I would commend that member for taking that positive approach. It would be gratifying to see the Member for Olds-Didsbury amend it, if indeed there are some areas that he feels could be amended, so it would become acceptable. I think it would do rural Albertans a great justice in creating a level playing field within the justice system.

The one thing that we must ensure in our justice system – we're seeing more and more of it. I raised it in Justice estimates, that so often the victim continues to be the victim within our judiciary. I've mentioned that whether it be car insurance, whether it be break and entry, through no fault of your own you end up paying higher premiums, and once again you're being victimized.

So, Mr. Speaker, I want to commend my colleague from Fort McMurray on Bill 209. Just in case he didn't hear my comment, I too would be proud, my colleague from Fort McMurray, in bringing forward this private member's Bill, Bill 209.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Member for Cypress-Medicine Hat.

DR. L. TAYLOR: Thank you, Mr. Speaker. I, too, wish to speak on this Bill today. I would say that I was a little disappointed, after hearing the Member for Olds-Didsbury's comments and knowing that the gentleman across that proposed the Bill is a legal eagle, that he hadn't . . .

DR. OBERG: That's beagle.

DR. L. TAYLOR: A legal beagle.

. . . taken into account some of the comments made by Olds-Didsbury. However, I do feel that most of Olds-Didsbury's

comments could hopefully – and I need to investigate this a little further – be handled at the amendment level. So I wish to speak in favour of this Bill, Mr. Speaker. I do so because I represent a largely rural area, and I believe that all Albertans – all Albertans – have a right to proper access to the legal system. Under our current system this access isn't always equal for those living in the smaller centres around the province. This is a problem that is addressed in Bill 209, and we're discussing it today.

As the Member for Fort McMurray has stated, the purpose of this Bill is to ensure that the proceedings for civil actions are commenced in the judicial district where the dispute arose. This seems to be a very basic, commonsense idea, Mr. Speaker, but unfortunately this isn't what happens now. People living in the smaller centres across the province are often forced to go to either Edmonton or Calgary in order to attend a civil proceeding. In addition to being extremely inconvenient, this is also unnecessary and costly for people from rural Alberta and the smaller centres in Alberta.

There are courtrooms in the small centres all around this province. I look at Bow Island as an example. It has a very nice, new, modern courtroom, and there are staff working in these courtrooms and judges that make periodic visits to these courtrooms. These judges travel to the different courtrooms and are available to hear cases in these rural areas. If a dispute requiring legal proceedings arises in a specific area of the province, why can we not utilize the resources in those rural areas and have the action relating to the dispute commenced in that area?

In my constituency people are concerned about this issue as it relates to foreclosure proceedings. The changes proposed by Bill 209 are especially helpful for people who unfortunately are involved in foreclosure actions and trying to hold onto either their land or house or some of their property. Albertans everywhere today are forced to make tough choices as they realize what must be done to get things back on track. The economic conditions that are affecting the province, the country, and the world are causing us as a government to take some stringent measures to rein in our spending and control our budgets. Of course, so are families and individuals.

Unfortunately, even in rural Alberta some people are losing their jobs, and some are even losing their homes or losing their farms. We shouldn't make this situation any more desperate than it is, Mr. Speaker, or any more difficult that it is already. We do this by requiring rural Albertans to travel to Calgary or Edmonton to attend these court proceedings. These people are very upset, and logically so, yet we add insult to injury by asking them to leave their local community, to go and stay in a hotel if they have no relatives in the larger community, to pay for meals in restaurants if they have no relatives in the larger community, when these are people already experiencing economic hardship. We only add to that economic hardship. People living in and around small towns in Alberta have to go to the big cities for so many services already, and this is a real disadvantage and an inconvenience for small-town and rural Albertans.

4:50

When this type of inconvenience is associated with the judicial service, it discriminates against people who are living outside the major urban areas of the province. I am sure lawyers in the large urban areas certainly wouldn't want this to change. As a service that is provided by government and a right that all Albertans are guaranteed, access to the justice system should be equally available to everyone.

I am aware that some members may disagree with certain clauses contained in Bill 209. It is very likely that there are ways

in which this Bill could be improved and clarified. The time to do that will come later. Right now we are debating the principle of the Bill, and that principle is allowing equal access to the justice system for all Albertans, not just the ones living in large jurisdictions.

I urge all members to join me in supporting Bill 209 and the principle of ensuring that Albertans can exercise their rights to not only a fair trial but to fair and equal access to the judicial system itself. Amendments can be made after we get into the next reading of this Bill which I am sure will take account of Olds-Didsbury's considerations. I'm sure they could be considered friendly amendments, as the member opposite would most likely accept these friendly amendments. I see him nodding his head in agreement, so I am sure we can do this at a later date. I encourage all members to support this Bill and get it to the next stage.

Thank you.

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

MR. DICKSON: Thank you very much, Mr. Speaker. I am pleased to rise and speak in support of Bill 209. I just say parenthetically that this may be one of the first occasions in this Chamber that I find myself voting in the same fashion as the last speaker, the Member for Cypress-Medicine Hat, so it's a different experience. I hope it's going to be a positive one.

Mr. Speaker, moving on from that, I want to address the Bill and I also want to attempt to respond as best I can to some of the concerns we've heard from members opposite. But I want to digress for a moment and share with members an experience I had some 10 or 12 years ago. I had occasion to represent a client, and the client had extensive litigation. The litigation involved a number of residences in Fort McMurray. I had the occasion to spend a week of what I'll describe as intensive litigation in the city of Fort McMurray, and my now colleague the MLA for Fort McMurray was counsel on the other side, my adversary. I think that in the course of the litigation I had with that member, the two things that impressed me – and I still remember this clearly from a decade ago – were, firstly, the clarity in his presentation, and I guess the other factor I'd been impressed with a decade ago was his persuasiveness. I think all members who listened to the hon. Member for Fort McMurray make his presentation can appreciate what I speak of when I talk about his clarity and his persuasiveness.

The Member for Cypress-Medicine Hat started to speak by saying: I represent a rural constituency, and therefore I'm speaking in support of Bill 209. Well, Mr. Speaker, I represent one of the most densely populated urban constituencies of the 83, and I also rise to speak in favour of this Bill. This is not simply an issue for rural Alberta.

[Mr. Speaker in the Chair]

Other members have said that it talks to fairness, and that fairness is something that has an impact on Albertans in urban areas as well as rural areas. Mr. Speaker knows full well that I had grown up in Drumheller, and I have some appreciation for the concerns of people in the smaller centres in this province and have some sense of the frustration they often feel. But I also want to tell you that as a practitioner in the legal profession in the city of Calgary, I found occasions where actions had been commenced in the city of Edmonton when all of the circumstances, whether it was the contract or the foreclosure or the removal and sale application – they all related. The site was in the city of Calgary;

all of the facts and the evidence would be marshalled in the city of Calgary. The only thing that was in the city of Edmonton was the lawyer. That could have been a debt action as well as a foreclosure action. I remember experiencing at the time the frustration of often dealing with people that couldn't afford to retain a lawyer in either centre. It was certainly out of the question them retaining a lawyer in the city of Calgary. To retain, then, an agent in the city of Edmonton just became unwieldy.

What I saw in my own experience was people effectively being denied access to their own court system. If there's anything that I would like to be able to contribute to in however long I'm in this Assembly, it's that I'd like to see us be more imaginative in finding more ways of making our system of justice more accessible to all Albertans, wherever they live. So I just want to make it clear that this isn't an issue that only should be of interest to rural Albertans. It's also of big interest to people that live in major urban centres.

I had intended on talking about some of the elements of the Bill that I thought were important, but I want to attempt first to respond to some of the issues that have been raised by other members in their presentations. I'd mention that I appreciated hearing the support for this particular Bill from the members for Medicine Hat and Cypress-Medicine Hat, because I recall an occasion I had, I guess in late November or early December, to hold meetings with a large number of lawyers in Medicine Hat and Lethbridge. We talked specifically about this. We talked about a number of other changes that they'd like to see in our justice system, in the delivery of justice in this province. There was a substantial interest. I remember specifically in Medicine Hat that many lawyers related stories and real experiences they had had where people had effectively been frustrated in trying to put their perspective, their point of view before the court. Why? Because they didn't have the resources to contest a foreclosure action in downtown Edmonton or Calgary, for that matter. Well, that's a concern, and I think it has to be addressed.

Now, if we look at some of the concerns that have been expressed – the Member for Medicine Hat in his usual thoughtful fashion commented on some of the positive features in the Bill but also raised a concern he had. I respect his concern that by doing not just foreclosure actions but by attempting to encompass other types of legal proceedings, it might be too cumbersome. I think he suggested that maybe we didn't have to deal with all parts of the civil judicial system now; maybe it could be focused more on foreclosure actions. I understand his concern, but I want to suggest a couple of things. Firstly, what I think Albertans want and what I think all members in this Assembly want is a simpler legal system, not a more complicated one. One of the ways we achieve simplicity is, wherever we can, to incorporate in a single statute all of the rules that apply. What we're trying to get away from is the fact that a litigant and an impecunious litigant has to run to two or three different statutes to find out which is going to prevail in that particular case. So I think what we want to do is bring together in a single statute all of the different causes of action, whether it's contract, whether it's tort, whether it's foreclosure, whether it's removal for sale.

**5:00**

It seems to me that there are compelling reasons just for a matter of convenience to integrate those, bring them together in a single statute. It may well be that in committee members will have thoughtful suggestions in terms of ways that we can fine-tune component parts of it. Let's bring all of those different kinds of legal actions together, bring them into a single statute. It will make it easier for the consumer of the service. It makes it easier

for Albertans that have to use the legal system to be able to find out where the appropriate forum is. So I say that all of those different actions should be included as, quite appropriately, they appear in Bill 209.

Now, the Member for Olds-Didsbury had some concerns. As I noted them, he specifically raised a concern – in effect I think he put it in the terms that this may be serious interference with judicial independence. I have to tell you, Mr. Speaker, that I think I caught my breath when I heard the Member for Olds-Didsbury put it in those sorts of terms. The reason I think I was so surprised is that he's a member of the government, which has been involved with seriously compromising, in my view, the independence of the judiciary by not creating an arm's-length body to fix judicial salaries and pensions. We have a judicial appointment process in this province, which as I've attempted to say and debate in Committee of Supply I think is flawed, and it means that we aren't respecting the independence of the judiciary and the appointment process as keenly and as forcefully as I'd like to see. It just seems a bit odd that that argument would be raised when we have those huge concerns in this province, that a member would be concerned that simply fixing by legislation the place where an action must be commenced, where the forum should be, is somehow interfering with judicial independence.

All members should know that the Rules of Court Committee isn't a group of judges. The Rules of Court Committee involves some representation from the bar, some representation from the bench. It does important work, but let us be clear: this is the sovereign authority in this Assembly. My colleague from Clover Bar-Fort Saskatchewan was absolutely correct in saying that this is the place where we make legislation. The judges take the legislation that is produced in good conscience after thoughtful deliberation from the Legislative Assembly, and they interpret it and they apply it. But in terms of the process within which the Rules of Court Committee works, we determine that. I just want to assure anybody who has any trepidation, any concern we may be getting into an area that's not appropriately within the mandate or the scope of what the Legislative Assembly does that there need be no fear in that respect.

I think, Mr. Speaker, that when we talk about the Rules of Court Committee, because it's not made up solely of judges, because it's simply a committee which attempts to refine the technical aspects of practice, the Rules of Court Committee should welcome a clear legislative direction in terms of where actions should be commenced. They can then proceed to deal with that in terms of whatever rule changes are required.

I think it was also suggested that the Rules of Court Committee has this particular subject as a matter of discussion now. Well, I've practised law, I think, for some 22 years, and you know it seems to me that this issue has been under consideration by the Rules of Court Committee for most of those 22 years, because I've been hearing about this issue for an exceedingly long time. It seems to me, Mr. Speaker, that if the Rules of Court Committee for whatever reason isn't able to resolve this problem in a way that ensures that all Albertans, wherever they live, have good access to their justice system, then it's clearly not only our opportunity, but it's our responsibility to exert some leadership in that respect.

If we turn to some elements of the Bill, Mr. Speaker, I'm delighted to see that in the Bill there is flexibility incorporated in section 10. Now, it's been suggested by some members that, well, this sort of undoes all of the other positive elements of the Bill because you've got this huge discretion. As the mover of this particular Bill said in introducing it, a default process is one thing, and that's important, but we have to understand that where actions are commenced in the first instance is of critical importance.

What I can tell you is: with the system as we have it now, if you're a defendant, if you're a mortgagor and an action has been commenced in the other end of the province and you want to defend it, you now have to incur the cost of retaining counsel and instructing agents to appear and make representation in that original judicial district where the action was commenced. That's the point where the problem is created. That's the point where many people don't have the resources to proceed, to be able to have their application heard. That's why it's cold comfort to those people, Mr. Speaker, to say, "Well, if you don't like where the action's being commenced, you simply make an application to change it under rule 12." The practical reality is that is no answer for many of those people. You have to have a provision such as has been incorporated in section 10 to be able to give the court a broad latitude and discretion, but the key here is where the action is going to be commenced in the first place. We now have a clear set of rules to allow that to happen.

Now, I'm also particularly appreciative that section 8 has been included, and the reason is this, Mr. Speaker. What you find is that in section 3(1)(b) there are some rules in terms of where a domestic action should be commenced. The test would be

where the parties last had their permanent residence or one of the parties has resided on a regular and habitual basis for one year prior to commencing the action.

So you have those two tests. If we didn't have section 8, we'd have a problem, because of course what happens is that it's not uncommon for a woman to flee an abusive situation, for example, in Calgary and go to stay with her parents in Lethbridge, and that's the place where she wants to commence the action. She doesn't want to have to come back to Calgary to do it. In many cases that's appropriate. I wouldn't want to see us pass a piece of legislation that would require that woman to have to come back to Calgary to commence the action, or it may be more problematic if it's a smaller centre.

So what we've got is the opportunity here that that woman would be able to commence her divorce action, seek a restraining order in whatever place she seeks haven, and if it turns out that a judge determines there's a more appropriate place to hear it, it can be moved later, but at least she's been able to start her action there. Most importantly, it wouldn't be struck out as being filed in the wrong place.

I think something that had been suggested by the Member for Olds-Didsbury was - he talked about the plaintiff's right of choice. Certainly I think that has been the practice in the past, but I think it's also important to understand that it's not an unfettered sort of right. We can legitimately impose constraints, we can impose requirements on plaintiffs, and if they're fair, if they're defensible, if they're justifiable, we shouldn't shirk from that opportunity or indeed that responsibility.

#### 5:10

I think some may argue: "Look, most of these foreclosure actions are dealt with on the basis of affidavit evidence. It's not a question of bringing witnesses in from all over the province and a large number of witnesses at that." But I think that ignores the practical reality of foreclosure actions. With foreclosure actions in particular it's still a problem in terms of getting the affidavit material assembled, getting it put together in a fashion that can be submitted to the court. It's vastly easier for that mortgagor, it's vastly easier for that defendant or respondent on the removal and sale application to be able to get the affidavit material, have it put in proper form, have the affidavit sworn if they're able to do that in their own home centre.

Now, I think one modification that I might suggest perhaps could be incorporated at the committee stage, if it gets to that point, and I certainly hope it does. We have to recognize that for some judicial districts there's more than one centre. There's more than one place where Queen's Bench holds court, and there has to be some provision, I think, to be consistent with what's been set out in the Bill. If you're in a judicial district where the Court of Queen's Bench sits in more than one place within that judicial district, then the matter should be commenced and heard at the site closest to the land in the case of foreclosure action or where the cause of action was created following the other tests set out in the section.

I just want to make one other observation. You know, in terms of accessibility, if what we were able to do would be this: if we could allow Provincial Court judges to have the powers of a master in chambers and they could be so appointed without offending the Constitution Act, what we would be able to do is have Provincial Court judges sit in some of these foreclosure actions. What that would mean is that there wouldn't be a big delay if you happened to live in a remote part of Alberta waiting for a master to come in on a circuit, which now happens maybe once every two weeks. It would mean you'd have a Provincial Court judge in a centre very close to you. You would be able to have the foreclosure action made there at minimal prejudice to the mortgagee.

Those are my submissions. Thank you very much, Mr. Speaker.

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

MR. SOHAL: Thank you, Mr. Speaker. Before I get into the debate on Bill 209, I would like to tell you, sir, how honoured and proud I feel to be a member of a caucus where its members can speak their minds. The case in point is the debate over Bill 209. Two of my esteemed colleagues spoke in favour of a Bill sponsored by a member of the opposition. I would like also to mention that although I represent an urban riding, I'm not oblivious to the concerns of rural Albertans.

Mr. Speaker, we have heard about the problems that Bill 209 will attempt to solve with respect to increasing access to the justice system. Although I agree that these problems need to be addressed, Bill 209 is not the solution. I believe the Member for Fort McMurray has intentions to improve the system, but Bill 209 is not the method to achieve this goal. Rather than ensuring equal access to the court system for all Albertans, this Bill will only contribute to increased costs and time delays in dealing with the courts.

I understand that the people living outside of the main judicial districts of Edmonton and Calgary feel that they are at a disadvantage when they have to go to these cities to attend court proceedings. This is a problem in all cases but especially in those involving mortgage foreclosures. When you are facing the loss of your home, Mr. Speaker, it usually means you really don't have a lot of extra money to spend on travel.

Despite this, I have reservations about the need for and the suitability of Bill 209 to deal with this issue. In the first place, there are already special provisions concerning civil proceedings to assist people living outside of main urban centres in the province. Secondly, there's a possibility that this Bill will have an opposite effect than is intended, making civil proceedings more complicated and inconvenient for all those involved.

It has been recognized that people living in areas outside of Edmonton and Calgary need to have proper access to the justice system. To rectify this, the rules of court have been modified to allow lawyers to make applications by telephone and for the filing



and servicing of documents to be done by fax. These provisions are not available for those in Edmonton or Calgary and are to specifically benefit the people living outside of these two areas.

The Rules of Court Committee, which sets the rules to determine where court proceedings are held, is currently reviewing this issue, particularly with respect to where foreclosure proceedings should be commenced. This is further evidence that this problem has been recognized and is being addressed. As it is the Rules of Court Committee that has the authority to set the rules to determine where civil actions are commenced and tried, it is only logical that this committee should also have the authority to make any changes necessary to these rules.

Apart from the fact that this Bill is perhaps an unnecessary and inappropriate means of dealing with the perceived problem of access to the justice system, it would also cause more problems than it will solve. Bill 209 has the potential to increase the time needed to conduct civil suits and the costs associated with these actions. Bill 209 actually makes it quite complicated to determine where a civil action should be commenced and tried. First of all, preliminary court proceedings could be necessary to clarify the meaning of the rules set out in the legislation that dictate how the proper judicial district is determined. Then, according to these rules, it must be decided which judicial district is the most appropriate. This, in fact, would be a separate proceeding to determine where the main proceedings should take place.

The Bill also states that the parties to an action may agree to commence action in a district other than what the Bill prescribes. In this case, either party still has the right to breach this contract and apply to the court to have the action transferred to another judicial district. Again this inconsistency could result in unnecessary court applications that entail endless costs and delays.

Finally, it is possible that after all these different proceedings to determine where the action should be commenced and tried, a party unhappy with the final outcome of the action could appeal and have the decision declared invalid on the technicality that it was commenced in the wrong judicial district.

You can see, Mr. Speaker, that the provisions contained in this Bill have the potential to be detrimental to the functioning and efficiency of the judicial system. More time and money could be spent in determining where the proceedings to settle the dispute should be held than would be spent on actually settling the dispute. Rather than increasing the accessibility to the justice system, this Bill would increase the costs, frustration, and inconvenience of dealing with the civil suits.

There is also the possibility that Bill 209 could result in increased costs for mortgages involved in foreclosure actions. Mortgage agreements commonly contain provisions which allow the lending institution to recover all costs from the borrower. In foreclosure proceedings this would allow financial institutions to continue to utilize legal counsel in urban centres and pass on to the borrower any extra costs for travel to the judicial district where the land is located. As well as having to pay their own costs and possibly increased costs because of extra proceedings necessary to determine the proper location of the trial, defendants in a foreclosure action may be required to cover the costs of the plaintiff too.

#### 5:20

I'm sure the member opposite did not intend to make the situation worse for Albertans living outside of Edmonton and Calgary in terms of their involvement with the judicial system. Unfortunately, though, that is what this Bill could do. I urge all members to consider these facts before they vote on Bill 209. We all want to see all Albertans have equal access to the justice system. However, Mr. Speaker, I'm not convinced that this Bill

is the right way of doing this or that it would even have this result. Instead, I foresee that this Bill would have the opposite effect than is intended by the Member for Fort McMurray. Bill 209 would complicate the procedures of civil actions, increasing the time and cost associated with these actions and making the justice system more complicated and ineffective for us all.

For these reasons I will not be supporting Bill 209, and I would encourage other members to do the same. Thank you.

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

MR. BRUSEKER: Thank you, Mr. Speaker. I rise to support Bill 209, as put forward by the Member for Fort McMurray. I guess I would like to start, first of all, just in somewhat of a response to the previous speaker, the Member for Calgary-McCall. The previous member expressed some concern that costs could in fact be increased to the litigants because there's a potential, as he read it, that cases would be dismissed because they were filed in the wrong court. Well, in fact, there is a section in the Bill that deals specifically with that. That section starts with "notwithstanding" of course, the never ending notwithstanding phrase, and says that that is precisely not going to be allowed. In other words, simply because someone filed in the wrong court is not a reason for a case to simply be dismissed.

So in response to the concern raised by the hon. Member for Calgary-McCall, with all due respect, I think he may have missed that section in the Bill that would specifically address that particular concern. If in fact that were the case, I would suggest the member opposite has a concern, but in his typical forthright and visionary sense the Member for Fort McMurray has anticipated that particular concern.

Mr. Speaker, I guess what I'd like to talk about a little bit is the reason I think the member brought this forward in the first place. When you look at statistics for 1993 for actions commenced in the Court of Queen's Bench with respect to civil actions, foreclosure actions, and divorce actions, the statistics are quite telling, I believe. Edmonton and Calgary by way of population in the province of Alberta have slightly more than 50 percent of the province's total population in those two centres. Other smaller centres and rural parts of the province make up the balance of the population, somewhere around 48, 49 percent of the total population.

When you review the locations where actions are commenced by judicial district, for example, with respect to civil actions the total number of civil actions commenced in 1993 - this is the calendar year now I'm speaking about, Mr. Speaker - was just over 56,000 around the entire province. Now, one would anticipate that with about 50 percent of the population you would expect that about 50 percent of the cases, or somewhere in that range, would be commenced in Edmonton and Calgary, but in fact of the 56,000 total commenced, 48,000 of those were commenced in the cities of Edmonton and Calgary and less than 8,000 were commenced in all of the other 10, I guess, judicial districts around the province. In other words, about an 8 to 1 variation.

It seems to me to be patently unfair to those individuals residing in those other judicial districts to have to travel to Edmonton and Calgary. The previous speaker from Calgary-McCall expressed concern that this would increase costs. Well, as the Member for Bonnyville pointed out, the travel costs in and of themselves can be significantly costly. The airbus from Edmonton to Calgary round-trip now is about \$310. If you have to do that plus stay overnight plus perhaps meals in a hotel, restaurant, or something like that, your costs can add up very quickly.

Not only do those statistics hold for civil actions, Mr. Speaker, but they also similarly apply in foreclosure actions commenced in the province of Alberta. In 1993 there was a total of just over 3,200 actions in foreclosures in the province of Alberta: 3,000 of those were in Edmonton and Calgary, and only approximately 200 of that total were in all of the other 10 jurisdictions, again nowhere near reflecting the population distribution we have in the province. Similarly, with divorce actions commenced, the ratio is about 3 to 1, 7,500 actions commenced in Edmonton and Calgary, and less than 2,500 in all of the rest of the province, for a total of about 10,000 or so.

So when you look at the list that is available, Mr. Speaker, it is very clear that there is a real move, it seems, that pushes a lot of actions into the cities of Edmonton and Calgary, and perhaps out of the cities of Edmonton and Calgary to other jurisdictions. What Bill 209 proposes, in fact, is a formula that would make the situation much more objective as opposed to subjective. I think that is something certainly we should support.

I would really like to speak more to that, but recognizing the hour, Mr. Speaker, I would request leave to adjourn debate.

MR. SPEAKER: The hon. Member for Calgary-North West has moved that debate be now adjourned on Bill 209. All those in favour, please say aye.

HON. MEMBERS: Aye.

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

MR. TRYNCHY: Mr. Speaker, I move that we call it 5:30 and that accordingly we adjourn until 8 this evening and that when we reconvene we do so in Committee of Supply to consider the estimates of Community Development.

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

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

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