

## Legislative Assembly of Alberta

Title: **Thursday, October 27, 1994**

1:30 p.m.

Date: 94/10/27

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

Our divine Father, as we conclude for this week our work in this Assembly, we renew our thanks and ask that we may continue our work under Your guidance.

Amen.

head: **Presenting Petitions**

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise today to present a petition signed by over 800 residents of Edmonton-Avonmore, Edmonton-Mill Woods, Edmonton-Ellerslie, Clover Bar-Fort Saskatchewan, Sherwood Park, and Leduc urging and petitioning this Assembly to please have the government "maintain the Grey Nuns hospital in Mill Woods as a full-service, active [treatment] hospital and continue to serve" the residents of southeast Edmonton and surrounding area.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I rise today to present a petition signed by nearly 700 people from throughout Alberta who are asking that the Grey Nuns hospital maintain an active care hospital in the southeast Edmonton area.

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

DR. MASSEY: Thank you, Mr. Speaker. I beg leave to present a petition on behalf of over 700 residents of southeast Edmonton asking that the Grey Nuns hospital remain an active treatment hospital.

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

MR. DICKSON: Thank you, Mr. Speaker. I seek your leave to table a petition from 60 residents of Claresholm and Stavely, Alberta, urging the government

to ensure that no hospital beds are closed in South Western Alberta by an unelected Regional Health Authority without adequate consultation with residents.

head: **Reading and Receiving Petitions**

MR. SPEAKER: The hon. Member for Vegreville-Viking.

MR. STELMACH: Thank you, Mr. Speaker. I seek your permission in having the petition that I presented to the House yesterday, October 26, read, please.

CLERK:

We, the undersigned residents of Alberta petition the Legislative Assembly to urge the Government of Alberta not to permit, in any way, the sale of alcoholic beverages in grocery stores.

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

MS CARLSON: Thank you, Mr. Speaker. I would ask that the petition I presented on May 24 with regard to keeping the Grey Nuns hospital open as an active care hospital now be read and received.

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.

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

MR. LANGEVIN: Thank you, Mr. Speaker. I would request that the petition that I tabled in this Assembly on October 20 be now read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to consider making sexual orientation a part of the Individual's Rights Protection Act (IRPA).

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

DR. NICOL: Thanks, Mr. Speaker. I request that the petition I submitted on May 26 concerning the Children's hospital in Calgary now be read and received.

Thank you.

CLERK:

We the undersigned petition the Legislative Assembly of Alberta to urge the Government to maintain the existing Alberta Children's Hospital in Calgary as a full service, active hospital which will continue to serve the children of southern Alberta.

head: **Introduction of Bills**

### Bill 57

#### Delegated Administration Act

MRS. BLACK: Mr. Speaker, I request leave to introduce Bill 57, the Delegated Administration Act, on behalf of the hon. Minister of Labour. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

Mr. Speaker, Bill 57 is enabling legislation only. It allows but does not compel any government department to pursue an alternative method of service delivery in which departments delegate, after consultation with users, the administration of a program or a service to an arm's-length organization. Such an organization would still be under the direct regulatory control of the government with clear reporting, review, and audit accountability.

[Leave granted; Bill 57 read a first time]

head: **Tabling Returns and Reports**

MR. SPEAKER: The hon. minister of science and research.

MRS. MIROSH: Thank you, Mr. Speaker. I would like to file four copies of a contract for the special advisor to the minister of the Alberta Opportunity Company, alleged tutor to the AOC minister as outlined in public accounts. The 1992 contract was

signed by the then minister of Economic Development and Tourism, Mr. Peter Elzinga.

MR. TRYNCHY: Mr. Speaker, I'd like to file with the Legislature the response to the Auditor General's report.

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

MR. LUND: Thank you, Mr. Speaker. I'm pleased to table with the Assembly this afternoon the annual report of the Department of Environmental Protection for the period April 1, 1992, to March 31, 1993. If members want their personal copy, they can contact my office.

Also, Mr. Speaker, I'm pleased to table four copies of the annual report of the Alberta Environmental Protection surface reclamation fund for the period April 1, 1992, to March 31, 1993. If members want their personal copy, they can contact my office.

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

MR. GERMAIN: Thank you very much, Mr. Speaker. I would like to table in the Assembly this afternoon four copies of a summary of patronage appointments that are buried within the Department of Economic Development and Tourism and an extra copy for the courtesy of the Premier to assist him in answering my question following later today in question period.

head: **Introduction of Guests**

MR. ROSTAD: Mr. Speaker, it's my privilege today to introduce to you and through you to the Assembly 29 visitors from Sifton school in Camrose. The school's located in Camrose, but it's a catchment area for the county surrounding Camrose. They're grade 6 students accompanied by their teacher Mrs. Monica Luciuk. They're seated in the members' gallery. I'd ask that they rise and receive the warm welcome of the Assembly.

MR. SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. I'd like to introduce a person that's sitting in your gallery that was a member of the government way back in the 1960s. Really his light didn't shine until he moved into the opposition, although he came this close to being Premier of Alberta. So that's something for everybody to remember over there. He ran for the leadership of the Social Credit Party. He also was the representative for Clover Bar-Fort Saskatchewan. He now lives in my constituency, not because he thinks he's getting any better representation; it's just that no matter where he moved, he had to be under a Liberal. I'd ask Walter Buck to stand.

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

MR. WOLOSHYN: Thank you, Mr. Speaker. I'm very privileged today to introduce 45 visitors from Stony Plain. They are from the Forest Green elementary school, and it's one of the county of Parkland's finest schools. They're here to observe our Legislature in action. The students are accompanied by their two teachers, Len Switzer and Dianne Lukey, as well as six parent helpers: May Fuchs, Myrna Lowe, Cheryl Schultz, Jean Shaul, Howard Hardstaff, and Minnie Despas. I'd ask them to all rise in both galleries and receive the warm welcome of the Assembly.

1:40

MR. SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Speaker. It's my privilege today to introduce to you and to members of the Assembly a wonderful group of grade 6 students from Brookwood elementary school and their teacher Tina Hayes, and Jill Duncan. I would ask you to please rise and receive the warm welcome of this Assembly.

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

DR. PERCY: Thank you, Mr. Speaker. I would like to introduce to you and through you to members of the Assembly, sitting in the public gallery, Anne Hughes and her parents, who are visiting from Fredericton, New Brunswick, John and Marian Hughes. I would like them to rise and receive the warm welcome of the House.

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

MS CALAHASEN: Thank you, Mr. Speaker. It gives me great pleasure today to introduce to you and members of the Assembly an active supporter and president of Spruce Point Park, Mr. Bob Hill. He hails from Kinuso, Alberta, approximately 250 kilometres north of Edmonton. He's sitting in the members' gallery, and I'd ask that he stand and receive the warm welcome of the Assembly.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I'd like to introduce through you to the Assembly a constituent of mine, Doug Creamer, who is with Creamer's petroleum consulting services. Doug is very involved in our community and volunteers extensively. Doug, I'd ask you to rise and receive this warm welcome.

MR. KIRKLAND: Mr. Speaker, it's my pleasure this afternoon on behalf of the hon. Member for Edmonton-Strathcona to introduce a group of 28 grade 6 students visiting the Legislature to watch the action, and believe me, they will see it. They are accompanied by their teacher Madame Pawlychka, and I ask the Assembly to give a very warm welcome to McKernan school this afternoon.

head: **Oral Question Period**

#### **Energy and Utilities Board Appointment**

MR. SPEAKER: The hon. Leader of the Opposition.

MRS. HEWES: Thank you, Mr. Speaker. I'm tabling today an April 25, 1994, letter to the Premier from a former member of the Public Utilities Board emphasizing the importance of an open selection process and the need for an impartial chair for the Alberta Energy and Utilities Board.

Mr. Speaker, the Premier promised openness. Yes, a selection committee was appointed, and the ad set out the qualifications required. Now the promises are broken, and the process has been compromised. My first question is to the Premier. So that we may all understand what has transpired, Mr. Premier, will you

now table the report of your selection committee which was created to find a chair for the Alberta Energy and Utilities Board?

MR. KLEIN: Well, Mr. Speaker, I wasn't directly involved in the process by the selection committee, so I don't know if indeed there is a report to be tabled in the Legislature. Let me find out, first of all: is there a report, and were there written and very specified criteria for the selection process? Let me find all of that out before we file anything, because there might not indeed be anything to file.

MRS. HEWES: Mr. Speaker, the Premier has indicated in this House that no satisfactory candidate could be found, so surely there has to be a report.

Mr. Speaker, my supplementary question is to the Premier. Mr. Premier, can you tell us: when did that selection committee interview the former Deputy Premier for the job?

MR. KLEIN: That interview did not take place, Mr. Speaker.

MRS. HEWES: Mr. Speaker, then perhaps I can ask the Premier this question. Did the selection committee – Hartley, Mooney, McNichol, Dixon, et al – recommend the appointment of the former Deputy Premier at any time to you?

MR. KLEIN: No, Mr. Speaker.

MR. DINNING: Read my lips.

MR. GERMAIN: Another politician, Mr. Speaker, asking us to read his lips.

Last week, Mr. Speaker, the Premier made a deal with the previous Deputy Premier: a job for a resignation. Now he inherits a department that is rife with patronage appointments in the government. My question to the Premier today is this: what steps will you be taking to remove and excise all of those patronage appointments out of that department of Economic Development and Tourism now that you're in charge?

MR. KLEIN: Mr. Speaker, there will be an ongoing review of the operations of the department. I can tell you one contract that will not be renewed, and it expires I believe at the end of the month, and that is John Oldring's contract.

I take exception to these being patronage appointments per se. You know, there's an assumption that because someone is a Conservative or someone supports the Conservative Party they ought not to be hired under any circumstances. I would challenge the hon. member, the hon. leadership contender, the person who purports to be a fiscal Conservative, to produce a supplementary list of all the Liberals who are employed in ED and T.

MR. GERMAIN: Well, I don't know about that department, but I cut my little constituency budget by 20 percent, Mr. Premier. Did you do that? [interjections]

MR. SPEAKER: Order. [interjections] Order.  
Supplemental question, without preamble.

MR. GERMAIN: Thank you. Mr. Premier, tell us this then: why would you subject the taxpayers of Alberta to a government induced by-election by forcing a resignation in exchange for a patronage appointment?

MR. KLEIN: Well, there are some assumptions here. The last time I looked, the appointment had not been made, and the hon. Member for Barrhead-Westlock is still a sitting member of this Legislature, Mr. Speaker.

MR. GERMAIN: Tell us, then, Mr. Premier, what your fallback deal is, if you can't make this political appointment, to get the resignation of the member?

MR. KLEIN: Well, Mr. Speaker, I haven't even contemplated a fallback deal.

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

### Highway Construction

MR. CHADI: Thank you. Good to see you all.

Mr. Speaker, yesterday the minister of transportation tabled the 42 highway projects which were supposedly priority one in his department. He said that he followed them to a T. T for Trynchy, I presume. However, he failed to table the nine projects that he personally approved and fast-tracked. Well, now the secret's out. I note that the minister has now belatedly released the other nine projects, and better late than never. My question is to the Minister of Transportation and Utilities. When you tabled the department priority list yesterday, why did you purposely leave out the nine projects that were your personal priorities?

MR. TRYNCHY: Mr. Speaker, when I tabled the 42 projects, they were all my priorities, the total, 42. I guess the innuendo was that I was being political. [interjection] Well, let's have a look at it. If I am being political, then why did I allow grants to the city of Edmonton for \$27 million, to the city of Lethbridge for \$2.5 million, to St. Albert for \$1.6 million, to Sherwood Park for \$1.6 million, to Fort McMurray for over half a million dollars, to Leduc for \$400,000, to Spruce Grove for \$400,000, to Fort Saskatchewan for \$450,000, to Wetaskiwin for \$353,000? None of those are in my constituency.

1:50

MR. CHADI: They don't call him Pavement Pete for nothing, I can tell you.

Mr. Speaker, my question again to the minister: on what basis did you move your personal pet projects, especially the two or three in your own riding, to the front of the line and circumvent the department's own priority-setting process?

MR. TRYNCHY: Mr. Speaker, you know, that's just nonsense. The department reviews with myself highway projects over the course of the year, and over that course of the year some projects were moved ahead and some were not. When you take a look at the total budget in highway transportation funding of over \$329 million, I think I did really poorly for myself as a constituent of Whitecourt-Ste. Anne.

MR. CHADI: Mr. Speaker, my final supplemental is to the Premier. Mr. Premier, given that the minister tried to hide \$106 million in committed projects, which were revealed in the Auditor General's report, will you now oblige the minister's request to follow in the footsteps of the former Deputy Premier and turf him out the door too?

MR. KLEIN: If I turfed out all the people the Liberals want turfed out, I would have no one left, Mr. Speaker. That's obviously what the people of Alberta don't want; they want to keep this team in place.

Mr. Speaker, you can't hide these things. You can't hide these things. That's why we have an Auditor General. That's why we have public accounts. That's why we have three-year business plans: to outline these things for Albertans to know what indeed is coming. If there are deficiencies and the Auditor General finds those deficiencies, we have agreed to work with the Auditor General to correct those deficiencies, and that's exactly what the minister is going to do.

MR. SPEAKER: The hon. Member for Red Deer-South.

#### **Polio Treatment Program**

MR. DOERKSEN: Thank you, Mr. Speaker. In the 1950s there was a terrible polio epidemic in this province. A gentleman from Red Deer with whom I talked recently continues to experience the effects later in his life. My understanding is that the province set up a special ward for polio patients at the University of Alberta hospital and promised that the program would remain there. My question to the Minister of Health is: is the special polio program still in place?

MRS. McCLELLAN: Mr. Speaker, there was a polio program set up in the province, and it was set up specifically to provide long-term institutional care for polio victims. Responsibility for that program was with the University of Alberta hospitals, and that responsibility was transferred to the Good Samaritan on July 11 of this year. The program is very much still in place in the province.

MR. DOERKSEN: Would the minister tell us whether it is funded by the government?

MRS. McCLELLAN: Yes, Mr. Speaker, it is funded by government, but it is funded actually in a partnership. This year about \$1.6 million was expended on that program, and the funding for that was split between the University hospital and the Good Samaritan because of the transfer, but it is funded by the Alberta government.

MR. DOERKSEN: Will the minister confirm for Albertans that we will ensure this program continues to exist?

MRS. McCLELLAN: Yes, Mr. Speaker, I can guarantee that the program will exist as long as the program is needed. In fact, the program will be enhanced I believe greatly because of the good efforts of the Good Samaritan Society. They are building a new facility located near the Grey Nuns specifically designed to meet the needs of long-term patients. So I think we should acknowledge the very good work that they are doing in that regard.

MR. SPEAKER: The hon. Member for Leduc.

#### **Child Welfare**

MR. KIRKLAND: Thank you, Mr. Speaker. My question this afternoon is to the Minister of Family and Social Services. The minister continues to hide behind the Lazanik review of child welfare and continues to do nothing, as shameful and obscene stories of department neglect put children in Alberta at risk. For

six years the Department of Family and Social Services continued to allow a little girl overnight access to her grandmother and her present spouse, who have both been convicted of sexually assaulting children. In spite of the department's documentation and the minister's claim that this did not happen, we have information to the contrary. My first question to the minister is: is this life of hellish sexual abuse an indication of your government's low standards or a case of outright incompetence?

MR. CARDINAL: First of all, the child welfare issue is a very complicated and a very sensitive issue, and we are very, very serious in dealing with the issue in a positive manner. I have indicated to this Assembly before that we do have a major concern. That is why in the next three years, Mr. Speaker, we're spending close to half a billion dollars on services to children.

In this particular case the particular individual - I cannot disclose the name in this House. There was only one supervised visit done by an agency in Calgary. This happened back in 1990, and I understand that the visit was not very long. I will continue to investigate this matter to see if I do have all the information. As far as I know, from all the information that's been provided by my department officials, everything was done above board and done properly, Mr. Speaker.

We are continuing to reform the child welfare system, and a report will be finalized in the next month and released towards the end of November in fact laying out a plan as to how we're going to deal with the issue of children's services. In this Assembly back in February of 1993 I asked for input from the opposition Liberals to participate in the design of this new packet. I haven't heard from them yet. They have an opportunity within the next month to have input in the final design of how child welfare issues will be dealt with in Alberta.

MR. SPEAKER: Supplemental question.

MR. KIRKLAND: Thank you. I'm encouraged that the hon. minister indicates that this situation is being reviewed. I'd ask the hon. minister if he'll take it a step further and commit to an independent review of this particular situation.

MR. CARDINAL: Mr. Speaker, as I say, I have already launched the investigation of this process to make sure that the issue was dealt with to the best of our ability at the time. When that review is completed within the next few days and reported back to me, I'll be able to answer the member's question more accurately.

MR. KIRKLAND: Mr. Speaker, it's the ability that I'm concerned about here.

I'll repeat the question one more time so the minister understands it, and I'll keep it in simple terms. Will you commit to an independent investigation of this particular situation, Mr. Minister?

MR. CARDINAL: Mr. Speaker, I will not at this time commit to an independent investigation until I know and our colleagues know that there is something wrong with the system.

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

2:00

#### **School Violence**

MRS. FRITZ: Thank you, Mr. Speaker. My question today is for the Minister of Education and focuses on the issue of school safety. I understand that recently the second forum on school

violence was held and that we had educators and police come forward with initiatives to assist in dealing with school violence. My question deals with the area of metal detectors and video cameras, which I understand other jurisdictions are presently using. Mr. Minister, what is your view of these measures?

MR. JONSON: Mr. Speaker, I view the purpose of this conference and the topic that the hon. member raises as being very, very basic, a basic support to education in this province. A safe and secure environment is essential for the students that want to work and want to learn in the schools of this province. Therefore, with respect to metal detectors and devices of that type, if the local community, the school board, the school staff believe that that is essential to maintaining that safe and secure environment, then that measure should be put into place. I think it is a very extreme or difficult measure to reach a decision on, but the bottom line is that we need a safe and secure environment in the schools of this province, and if in their judgment that has to be done, then it should be done.

MR. SPEAKER: Supplemental question.

MRS. FRITZ: Thank you, Mr. Speaker. My supplemental deals also with the same issue in regards to zero tolerance, the policy being put in place by their jurisdictions. I'd like to ask: what is your view of zero tolerance?

MR. JONSON: Mr. Speaker, one of the themes, one of the recommendations that came forward at this conference was that what is really important in terms of student conduct is that there be clear direction, that it be consistently enforced, that the policy be developed with full parental and community involvement, and that is where I would put my priority. If at the local level the impact of a zero tolerance policy is desirable in the view of the people that are dealing with that school and with that student population, that are looking after their welfare educationally speaking, then that could very well work in this province.

MR. SPEAKER: Final supplemental.

MRS. FRITZ: Thank you, Mr. Speaker. My supplemental is to the Minister of Justice. Given your views yesterday that parents may have to take responsibility for the violent acts of their children, I'm asking how you would include those measures in regards to school violence?

MR. SPEAKER: The hon. Minister of Justice.

MR. EVANS: Well, thank you, Mr. Speaker. There's nothing in the Young Offenders Act currently and there's nothing that I've seen in the draft amendments to the Young Offenders Act, federal legislation, that deals with encouraging and enforcing parental responsibility when a young offender has been charged and convicted. However, I think it is something that the federal government should be looking at, and I will give the Liberal colleagues across the way some credit for the report that they tabled in the House yesterday, which suggested that in fact there should be more responsibility enforced upon the parents, whether it be with community service or just getting on top of the issue with respect to a young offender who's been charged and convicted. I would hope that they would contact their federal

counterparts in Ottawa and try to push them in that direction, because I think it's a proper thing to do.

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

### Campsite Closures

MR. LANGEVIN: Thank you, Mr. Speaker. This summer Alberta parks announced that they were going to close or privatize 88 campsites in rural Alberta. Local municipalities were to have the option to acquire these sites, and if not, the sites would be closed, dismantled, and the land would be reclaimed. This was announced as a two-year project with specific timetables for each location. My question today is to the minister responsible for parks. Why did the department dismantle sites this year that were scheduled for next year without first advising elected officials or local people of the change?

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

MR. LUND: Thank you, Mr. Speaker. I want to thank the hon. member for asking me this question. I was starting to feel left out. Ever since last Friday the sun has been shining, the weather's been beautiful, and no matter where you go in this province, it's just gorgeous. The only conclusion I could come to is that everybody over there felt that the environment was totally under control.

Mr. Speaker, as it relates to the shutting down of campsites, I have investigated now two or three of these, and I've asked my officials to go beyond just talking to the municipalities and to talk to community groups in the communities that may be interested in taking over and operating these campsites.

MR. LANGEVIN: Again to the same minister: where did the department find the money to close these sites ahead of time, when in some cases the cost is four times the yearly operation cost?

MR. SPEAKER: The hon. minister.

MR. LUND: Thank you, Mr. Speaker. The hon. member makes a very good point, and certainly I hope in the future that we will be able to work more closely with the communities and make sure this sort of thing doesn't happen.

MR. LANGEVIN: My last question again to the same minister: why would a site like Bellis be closed when it did not even fit the criteria set out by Alberta parks?

MR. SPEAKER: The hon. minister.

MR. LUND: Thanks, Mr. Speaker. The campsite at Bellis is one that was drawn to my attention, and if people out there feel that they were short changed, I apologize, and we certainly hope that this sort of thing won't happen in the future.

MR. SPEAKER: The hon. Member for Calgary-Mountain View.

### Chelation Therapy

MR. HLADY: Thank you, Mr. Speaker. My question is to the Minister of Health. Madam Minister, many Albertans believe that EDTA chelation therapy is the only effective way to deal with their coronary artery disease. Why is the provincial government

restricting its use in the province, while it is being used in other jurisdictions?

MRS. McCLELLAN: The province is not restricting the use of chelation therapy. It is used as an accepted treatment in this province for the removal of heavy metals. It is, however, not a recognized treatment for coronary artery disease. Mr. Speaker, this is not the province's doing. The drug, EDTA, is not licensed by Health Canada, and for use in this province it must be licensed by Health Canada. So its use has to apply.

It also, Mr. Speaker, has not been accepted by the College of Physicians and Surgeons in this province as an accepted treatment for coronary artery disease. I think we still believe that we should depend on the medical community, on the expertise from that community to ensure that only scientifically proven treatments are utilized. We do need scientific evidence that chelation therapy works. I think that's very important, but the first thing I urge all who had presentations made on this is to make sure that the people are aware that it is Health Canada that has the responsibility for licensing the drug for use in that treatment.

MR. HLADY: Madam Minister, why is the College of Physicians and Surgeons trying to close down the chelation clinics presently operating?

MRS. McCLELLAN: I would expect that that question would be better put to the college. However, I will say that the college has a responsibility for administering the Medical Profession Act, and this Act is designed to protect the public by ensuring at least minimum standards. So, Mr. Speaker, I would say that that question would be better put to the college, because I do not have evidence or knowledge to answer that particular specific.

MR. HLADY: Will the minister commit to doing a scientific study that meets the standards of the College of Physicians and Surgeons so that we can have a specific answer to this question and problem?

MRS. McCLELLAN: Mr. Speaker, this certainly is being pursued quite actively, and I would remind hon. members of a motion that was brought forward by my colleague the Member for Olds-Didsbury that was widely debated in this House and passed, supporting this government exploring the possibility of researching chelation. This is a difficulty because a lot of the information that we have on this is anecdotal and testimonial, so we need some scientific information.

I have discussed this matter with the College of Physicians and Surgeons, and they have met and will be discussing this further with the University of Alberta. I believe we will be able to embark upon a research study into the use of this therapy in this province some time in the near future, Mr. Speaker.

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

## 2:10 International Volunteerism Conference

MR. SAPERS: Thank you, Mr. Speaker. Maybe the \$16,000 the minister is about to spend on her trip to Tokyo could be used to study chelation therapy instead. Sixteen thousand dollars may not seem like very much to this minister, but it's sure significant to a child waiting for a hospital bed or a senior that's on a home care waiting list. To dismiss concerns about the misuse of this money by stating that it's lottery and not tax dollars misses the

point. To the Minister of Health: will the minister cancel her freshly made travel plans and stay at home to take care of business?

MRS. McCLELLAN: Mr. Speaker, first of all, this is not a freshly made plan. I released a news release yesterday that fully outlines the itinerary and the budget of some \$16,000 for a mission to Japan.

One of the most important aspects of Alberta society is volunteerism, and I was very honoured last spring when the international world conference invited this minister, on behalf of the province of Alberta, to represent Alberta at that conference, to take part in the opening ceremonies as well as to make a presentation at that conference. There will be 64 countries participating and some 500 to 600 delegates at that. Mr. Speaker, I will be very proud to attend that conference on behalf of Alberta volunteers and share with the rest of the world the story of volunteerism of which I am so very proud in this province. I have had considerable experience: for 12 years worked as the only staff person in a volunteer organization that brought adult education to rural Alberta.

Also, I would remind hon. members that we can learn from others, and I expect to bring back a great deal of knowledge from other countries as to how we can enhance and assist our very valuable volunteers in this province.

MR. SPEAKER: Supplemental question.

MR. COLLINGWOOD: We're going to need lots of volunteers in hospitals.

MR. SAPERS: Volunteer minister of economic development.

Mr. Premier, if the Premier is too busy to go to Japan, what makes him think that in the midst of Alberta's health care crisis, the Minister of Health has time on her hands?

MR. KLEIN: Well, there is no health care crisis, Mr. Speaker. There is a very significant reorganization taking place. I know why these people would be disappointed with the reorganization: because it flies in the face of their socialist policy, and that is to pour more and more and more money into government and the administration of government. These people are saying right now that they object to the breaking down of some 200 separate health jurisdictions and consolidating these into 70, because it flies in the face of their socialist policy of building more and more bureaucracy. [interjections]

MR. SAPERS: Mr. Speaker. Unbelievable.

MR. SPEAKER: Final supplemental.

MR. SAPERS: Something is flying in the face of common sense for sure. [interjections]

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

MR. SAPERS: Madam Minister, aren't you just a little bit concerned that this is just the Premier's way of telling you that you've been fired? I mean, after all, the last minister to leave the country came back to a pink slip. [interjections]

MR. SPEAKER: The hon. Member for Grande Prairie-Wapiti.

MR. JACQUES: Thank you, Mr. Speaker. It's very interesting to note the preceding question in terms of the issue and particularly in view of the reporting that has been given. I think it's fair to say that some people in our constituencies and in my constituency were astounded when they saw the press release. They certainly weren't outraged, but they were astounded. My question is to the Minister of Health. Given the background that has been provided, could you please explain in more detail how those funds are being provided in terms of sourcing the cost of this trip?

MRS. McCLELLAN: Mr. Speaker, the cost of the mission is being borne by the Wild Rose Foundation, which is funded through lottery dollars. I will be participating in this, and the initial impetus for this trip was for the international conference. That is how the funds are being expended: through Wild Rose Foundation, through lottery dollars.

### School Board Amalgamation

MR. VAN BINSBERGEN: Mr. Speaker, a year ago this government urged Alberta school boards to merge, and in good faith, in very good faith, local school boards spent time and energy and resources, and by September they had whittled themselves down to 71 boards from 141. Then the minister decided that 71 was still too many, and he's forced 14 more mergers. He even has appointed the trustees to these new boards, all against the wishes of the populace. My question is to the Minister of Education. Why wasn't he satisfied with the more or less voluntary mergers? Is he going to get rid of all boards and trustees?

MR. JONSON: Mr. Speaker, many months ago we made clear that as part of the government's overall plan to reduce administrative expenditure, to rationalize the school system, to improve governance, to share resources among the great amount of expertise out there among school jurisdictions, we were going to reduce the numbers of school boards in this province to 60. There was a target of 60. It was clear. We communicated that early in the whole process. We provided the services of an implementation team and the services of Alberta Education staff. The message was clear, and we have achieved that goal.

MR. VAN BINSBERGEN: But you had to use force to do it, and that's regrettable.

Mr. Speaker, my next question is to the Minister of Education as well. Given that many of these boards who were forced to merge had already restructured themselves with great expense, why is the minister forcing them to spend more time and more money which could have gone to the kids?

MR. JONSON: Mr. Speaker, I have to respond to the member's preamble since he made one to his supplementary. We made clear to school boards that after August 31 of 1994, if the goal of 60 had not been reached, we would move to meet that goal, and that is what we have done in the past number of weeks. In terms of restructuring that boards may have been working on, I commend them for that if they were involved in that, but it was clear to them that there would have to be some changes, some further amalgamations and regionalizations to achieve the very worthwhile goals that we have as a provincial government.

2:20

MR. VAN BINSBERGEN: Mr. Speaker, I'd like to ask the minister this then. He used force for those 14 mergers. Now,

why did he have to even dictate which trustees were going to sit on the new boards? That's an insult.

MR. JONSON: Mr. Speaker, if you are going to establish a different school board, a different configuration for the future than the existing school board, there have to be some members on it. There was ample opportunity – and I emphasize this over and over again, and the hon. members across the way know this full well – for voluntary amalgamation and regionalization to take place. Criteria were established, suggestions were made about configurations, and we followed through on the amalgamation/regionalization proposals. We had to act after August 31. We said we were going to do so and we did.

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

### Young Offenders

MRS. ABDURAHMAN: Thank you, Mr. Speaker. The government's task force on the Young Offenders Act is restricted to dealing with the federal law, over which this government has no control. Let me quote the executive summary of the task force discussion guide: Ralph Klein initiated a consultation process . . . [interjections]

### Speaker's Ruling Referring to a Member by Name

MR. SPEAKER: Order please. [interjections] Order please. We had a little discussion of this matter of naming people in the Assembly. When people get named in the Assembly, it usually means they're rejected if they are named by the Speaker. It's not up to the hon. member to be naming people. We have a Premier who is well recognized in our Chamber. Please refer to him by his position, not by his name, hon. member.

MRS. ABDURAHMAN: I apologize, Mr. Speaker. It was a direct quote I was using.

### Young Offenders (continued)

MRS. ABDURAHMAN: The Premier initiated a consultation process which allows Albertans the opportunity to express their opinions about the [federal] Young Offenders Act and make suggestions for change.

With the information gathered . . . the Government of Alberta will provide the federal government with recommendations. To the Minister of Justice. Mr. Minister, you've responded favourably to two of the recommendations in the Official Opposition report Taking Responsibility. Will you now commit to take immediate action on the numerous recommendations where clearly this government has jurisdiction?

MR. EVANS: Well, firstly, Mr. Speaker, I'd like to compliment the hon. member opposite for the work that she and the other members of the Liberal caucus did on this important issue. The young offenders legislation is extremely important, and the amendments to that legislation are extremely important. That's why the Premier established an MLA task force of government MLAs during the summer.

Now, to be clear, hon. member, as I understand it, the Premier's mandate to that committee was to seek Albertans' input into the proposed amendments to the legislation, but it was

expansive enough instruction to of course take into account the various communications and the various comments that came from Albertans as that MLA task force went around the province. We don't have that report back yet; it's very close to coming back. When it is public, I will be reviewing it. I'll be reviewing the report from the Liberal opposition. I'll be comparing the two, because it is interesting that both committees went out and spoke to Albertans and presumably took input from the same range of Albertans. We will then be moving forward with recommendations that are Alberta-based recommendations for the amendment of this federal legislation.

MRS. ABDURAHMAN: Mr. Speaker, to the Premier. Mr. Premier, the Official Opposition's caucus youth justice panel consultation process cost Albertans the modest sum of \$10,941.34. Will you as Premier make a commitment to release the cost of the government's task force report on the federal Young Offenders Act, over which you have no jurisdiction?

MR. KLEIN: I have no problem making that public, Mr. Speaker, but there's a vast difference between being the government, which they will never know, and being the opposition.

MRS. ABDURAHMAN: Mr. Speaker, my final supplementary is to the Premier. Will you admit that you were wrong to boycott our consultation on this important public safety issue and now commit your government . . . [interjections]

MR. SPEAKER: Order.

MRS. ABDURAHMAN: Mr. Premier, will you admit that you were wrong to boycott our consultation on this important public safety issue and now commit your government to involve all members of this House in taking responsibility?

MR. KLEIN: Mr. Speaker, I don't recall being invited to attend personally. I don't recall being invited. Maybe it came through, you know, along with the piles and piles of junk mail we get from the Liberals, but if you're not invited, how do you boycott? If you're not invited, how do you boycott? I personally was not invited to attend. I can tell you that our process under the leadership of the hon. Member for Calgary-Fish Creek was wide open to anyone. All Albertans, even Liberals, were invited to participate. As the hon. Justice minister said, this report tabled yesterday by the Liberal opposition will be taken into consideration when all the findings are brought together.

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

### **Regional Planning Commissions**

MR. WHITE: Thank you, Mr. Speaker. Today I'm tabling four copies of a letter from the chairman of the Calgary Regional Planning Commission explaining that unless transitional funding is provided, the commission will have to, and I quote, "reduce or curtail services to our client municipalities," including municipal subdivision services, by October 28, 1994. That's tomorrow. Regional planning commissions, which approve most rural subdivisions and hence are necessary for any development, will not be replaced until March 31, 1995. Because of this minister's cut first and ask questions later approach, the current regional planning commissions are about to run out of money before the

replacement date. To the Minister of Municipal Affairs: given that the planning commissions' budgets are cut simultaneously . . .

SOME HON. MEMBERS: Question. Question.

MR. SPEAKER: Order. [interjections] Order.

MR. WHITE: Yeah, yeah. Okay. Given that . . . [interjections] This is the question again, for those that didn't listen the first time. Given that the municipal planning commissions' budgets are cut simultaneously with the requirement that they are to replace and to reduce their staff, with numerous packages for former employees, how does the minister expect the regional planning commissions to operate until the end of the mandate you've mandated, sir?

DR. WEST: Mr. Speaker, just as they have in any other year. They're still in the middle of a budget. I hope they haven't spent it early.

MR. WHITE: While the minister's obviously unaware that there is transition funding in order to wind up the operations, is the minister willing now to provide that funding? Or is he looking for them to just completely shut down early?

DR. WEST: Mr. Speaker, the planning commissions had been forewarned of the transition in the structural plans. A year to a year and a half ago there were rumblings, plus the three-year plans were tabled, and we reiterated it when we put the extra year on here recently and have done the three-year plans again.

As far as the transition funding and that goes, they have had ample time to discuss it with all the municipalities that are in the different planning commissions, and I'm signing daily the transfer of the subdivision authority to the municipalities, who by agreement with many of the other municipalities are going to provide those services. So the future planning service commissions in many areas are taking place as I stand here, so I don't understand the context of the question.

**2:30**

MR. WHITE: Mr. Speaker, does the minister realize that without some of these transition funds for a great number of the regional planning commissions in fact municipal subdivision authority will cease to exist in those areas, and therefore so will development?

DR. WEST: That's just absolutely not true, Mr. Speaker. If you were out and about in this province in the last year, you'd understand that many of the municipalities are continuing to fund their service commission or the planning commission by requisition locally and that many are starting to make agreements within their own existing service areas to continue subdivision and buying those services or contracting as they need. If you don't have a lot that's ever going to be subdivided in 1995, then you don't need those services. So you must look at the various areas in the province, and where planning and development is taking place and where subdivision is happening, those services will be provided in the future. Guaranteed.

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

### **Special Waste Treatment Centre**

DR. PERCY: Thank you, Mr. Speaker. The new minister of environment has been handed the proverbial hot potato, and that is the Alberta Special Waste Management Corporation. This is an



obscene joint venture agreement where a private-sector firm receives a guaranteed rate of return and a loan guarantee and bears absolutely no risk. My questions are to the minister of environment. Can you tell this House exactly how much equity Bovar has put into the Swan Hills waste management facility? Equity, not bank financed debt. How much private-sector money is at risk? This is all taxpayer money.

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

MR. LUND: Thank you, Mr. Speaker. Of course as the hon. member knows, I was just appointed to this position, and I'm trying to get up to speed on all of these agreements that are in place. I must also remind the hon. member that there is a board in place that is looking after these sorts of things, but I will attempt to find out exactly the extent of the private money.

DR. PERCY: Mr. Speaker, speaking of toxic waste and the board, the Auditor General has pointed out very clearly serious deficiencies with regards to the operation of that board in public accounts. In light of the Acting Auditor General's statement that in fact there was an error or an omission on the part of the board to fully outline the contingent obligation for the loan guarantee, will you agree that that board and the CEO ought to be fired?

MR. SPEAKER: The hon. minister.

MR. LUND: Well, thank you, Mr. Speaker. It is true that the Auditor General made that observation, and it is true that in fact the loan guarantee was not stated in the accounts as a liability. The hon. member likes to blame the board for it. If in fact that is the case, I want the Assembly to know that the board is made up of eight people and currently there are two vacancies on the board. I would commit to the hon. leader of the Liberal opposition that if she would by November 12 – and that should be an easy date to remember because all of you folks will be standing by your phones waiting for a call from the maritimes on who your new leader is. If she gives me three names, I will make sure that one of those is appointed.

DR. PERCY: Well, Mr. Speaker, my final supplemental is to the minister of environment. Will you commit, Mr. Minister, to tabling in this House the exact amount of the equity that Bovar has put into this Special Waste Management? Not debt financed. Will you commit to the actual dollar value of equity put into the operation by the private-sector company?

MR. SPEAKER: The hon. minister.

MR. LUND: Thank you, Mr. Speaker. Perhaps the hon. member has a little problem hearing. I thought I made it very clear that I was going to be looking into that whole situation of the amount of private money that was in the project.

head: **Members' Statements**

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

#### **Small Business Week**

MR. SMITH: Thank you, Mr. Speaker. It gives me great pleasure as a former small businessman and representative of a number of small businesses in Calgary to recognize Small

Business Week. Albertans increased the size of the economy by 6 percent last year. It's the highest rate of growth in Canada. Albertan's now live in a province that generates almost \$70 billion per year, and over 92 percent of our work force are in fact employed. Our exports are now over \$20 billion and represent a third of our economy. We're fast becoming an exporting province.

Mr. Speaker, 90 percent of Alberta businesses are considered small businesses. Small business is the future of the new Alberta economy. Alberta has the second highest number of self-employed people per capita in Canada. Of the over 24,000 jobs which were created in Alberta between April and June of this year, 98 percent were from firms with less than 50 employees. One of the greatest impacts of small business is the creation of employment. Small business accounts for approximately 45 percent of all employment in Alberta and generates over 70 percent of all our jobs in our province.

Home-based businesses are also an area of rapid growth, Mr. Speaker. Between 1987 and 1991 52 percent of all business ventures started in the province were started as home businesses. Home-based businesses are important. It is estimated that a full- or part-time home-based business operates in one of every seven Alberta households.

It is very clear, Mr. Speaker, that small business is very big business in Alberta, and the government of Alberta is committed to creating an environment where the private sector can do what it does best: create employment, create wealth, and create opportunities for Albertans.

#### **Lottery Funds**

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

MR. WICKMAN: Thank you, Mr. Speaker. This afternoon I'm going to take my couple of minutes to talk about one of my favourite topics: lottery revenues. Over the past six years we've seen a lot happen with lottery funds. Many issues have been raised. We'll all remember of course the briefcases. We'll remember the trip to Japan by one of the members from Red Deer along with some other volunteers. We'll remember throughout the province the placing of all these huge signs courtesy of the ex-minister responsible, the objection we made to the cheque-signing presentations that were always done without us being informed. In fact, we were blanked out of the process. We'll recall the veto powers that MLAs had on the government side when it came to approving applications for CFEP, and we'll also remember the allocations that those members were given specifically, unlike the opposition members.

Mr. Speaker, there is no question that in the past the lottery revenue was used as a slush fund. It was a personal power pot for that particular minister. But optimistically – and I'm an optimistic person – with the minister that is now responsible for lotteries I see some very, very positive hope; I see some light at the end of the tunnel. I'm going to give him some advice, three points. One, distribute those dollars fairly, equitably; treat all Members of the Legislative Assembly the same. Secondly, in the three-year plan don't forget the social services, the arts groups, the cultural groups, the wildlife groups, and so on and so forth. They do contribute to the life-styles of Alberta; they make us a better place. Lastly, in B.C. laundering of bad money, dirty money is becoming very common through the Sport Select program. I'm going to send this over to the other side so the minister can take a look at what's happening there.

Thank you.

MR. SPEAKER: The hon. Member for Taber-Warner.

## 2:40 North American Free Trade Agreement

MR. HIERATH: Thank you, Mr. Speaker. This afternoon I would like to talk about CANAMEX, an exciting new transportation initiative which will promote trade opportunities for Alberta industry and reduce costs for Alberta consumers. The North American free trade agreement has created many opportunities for north-south trade. Historically Canada and the United States have favoured east-west trading systems, which have not been effective or economical for Alberta. Let me assure my colleagues that this does not mean building new roads. Rather, with minimal upgrading we will be using our existing highways for safe and effective use of combination trucks.

When we first started our review of trade corridors into the United States, we found many differences between our regulations, equipment, and highway construction standards. Consequences of these barriers include higher shipping costs for our products, which reduce competitive advantage in other markets, higher manufacturing costs for some of our manufacturers, and higher costs for our consumers.

I am pleased that Alberta is very close to finalizing the CANAMEX agreement with Montana, Idaho, Utah, Nevada, Arizona, and California to establish a trade corridor along Interstate 15. The agreement will accomplish the following. It will improve the north-south route by establishing a single authorization permit for travel along the route. It will allow more efficient tractor trailer configurations which are currently used in Alberta to be used in the U.S. and Mexico along Interstate 15. It will reduce red tape for truckers and simplify administration for each jurisdiction. It will increase shipping efficiency by 15 to 20 percent, with potential savings to industry, shippers, and consumers in hundreds of millions of dollars.

I am proud of the progress we are making concerning CANAMEX and the many benefits that will accrue to Albertans as a result.

## head: Projected Government Business

MR. SPEAKER: Acting Opposition House Leader, the government business question.

MRS. HEWES: Mr. Speaker, may I ask what the agenda is for next week?

MR. SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. As hon. members would be aware, we're moving along quite well with the government list of Bills that we have on the Order Paper. Next week we will be continuing through Monday, Tuesday, Wednesday, and Thursday working on second reading, moving from there to Committee of the Whole, and from there to third reading, if we are so lucky. I hope that we will make progress next week, as we have this week.

## head: Orders of the Day

### head: Government Bills and Orders head: Second Reading

#### Bill 52 Child Welfare Amendment Act, 1994

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

MR. SEVERTSON: Thank you, Mr. Speaker. Today I would like to say a few words about Bill 52, the Child Welfare Amendment Act, 1994. This Bill basically contains five amendments dealing with adoption information and the other four dealing with private adoptions. The amendment that provides for increased access of information has stemmed from a private member's Bill which I tabled in the House last fall, Bill 208, that passed second reading. But more importantly it came from the general public's increased interest in the triad of birth parents, adoptive parents, and adoptees for the requirement of more information about their biological families and siblings, where their roots stem from. There are many Albertans who will say that we did not go far enough in this piece of legislation, and there'll also be a few that say that we should have left things the way they are.

What we have in this Bill today is the opportunity for adult adoptees to register with Family and Social Services to require information on their birth parents. They'll be required to go to a licensed search agency. Upon that information gathered by a licensed agency and if contact is made, there'll be provision for the birth parents to put a veto in or conduct a contact with their children. Also, this amendment will deal with the adoptees from 1966 to 1985. They'll be put on the same level playing field as all others in the area of allowing their surname to be given on their records. In that period of time, those adopted do not have that access.

Another important aspect of this is that I believe through time changes will be made. The minister has promised an annual review to see if what we put forward is working and if we can open it up further.

Mr. Speaker, the four other proposed amendments deal with private adoptions. The first amendment deals with limiting adoption placement by unlicensed intermediaries. At present unlicensed people such as doctors, lawyers, and other private individuals can arrange for private placement of a child for adoption. The intent of this change is to prevent potential social and legal problems such as a birth father not being notified of adoption. This Bill recommends with some exceptions that unlicensed people no longer can handle adoption placements. The exceptions will accommodate the occasional and reasonable involvement of individuals such as clergy and/or a family member. This will better protect the children, the birth parents, and the adoptive parents.

The second amendment deals with family adoptions. Currently Family and Social Services is responsible for completing a home assessment report and filing court documents for families who are adopting children related to them. Under this amendment the costly home assessment report will no longer be required in a case of children being adopted by relatives unless there is a request by the court. Also, the department currently responsible for processing the court documents in these adoptions will be transferred to the adopting family. The Department of Family and Social Services will develop a self-help kit to enable the adopting families to manage this process on their own. This will result in an estimated savings of some \$42,000 for the government, and the cost to adopting families will be minimal. The end result is that it will make it easier for children to be adopted by relatives and greatly decrease government involvement in these families and adoptions.

The third amendment would result in private adoptions being handled by licensed agencies. In private adoptions Family and Social Services is currently responsible for completing the home assessment report and filing for adoption petitions. This Bill

recommends that the handling of court documents and home assessment reports for private adoptions will be done by licensed adoption agencies. These agencies would be authorized to charge their clients a fee for completing home assessment reports and filing court documents. This is in keeping with the government's commitment to deregulation and will save approximately \$140,000 annually. As a result of this change, parents will have greater choice as to who performs this service and when it is completed. This change will significantly shorten the waiting period for adoptive parents involved in private adoptions.

The last amendment in this Bill will establish a temporary guardianship between birth parents and adoptive parents. As it now stands, many adoptive parents go to court and get legal guardianship orders when they have a child placed with them prior to the adoption. This terminates all the rights of the birth parents, including the right to consent to adoption. This change to the legislation will allow automatic temporary guardianship between birth parents and adoptive parents. The shared or joint guardianship would be in effect once the birth parent has signed the consent to adoption and until the adoption is finalized. Such a legislative change will mean greater protection to both the birth parents and the adoptive parents during the adoption process. It will protect the right of the birth parents to be involved in the adoption proceedings, and it will protect the adoptive parents by giving them the interim legal status they need to protect the care of the child placed with them prior to the adoption being finalized.

Mr. Speaker, that's just a brief overview of Bill 52, and I look forward to discussion in this Legislature. Thank you.

**2:50**

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

**MS HANSON:** Thank you, Mr. Speaker. As the Member for Innisfail-Sylvan Lake said, this Bill is cleaning up a number of things that have needed to be addressed in adoptions for a long time. He listed the different areas that are being changed, and there are two ongoing problems with the current legislation that are primarily being addressed. It's access to adoption records and improving the adoption process in a general sense.

Currently Alberta has a passive registry system where a person has to register their name in order to seek information or contact with their birth relatives, and a match is only made if both the parent and the adoptee have registered. In essence, the person who files with the adoption registrar could languish now for several years before a match is ever made because there is no attempt by the office to seek out the other party, and this has been one of the things that adoptees have really been concerned about. The onus is on the individuals to file, and what that means to anyone searching for information is that they are restricted to a very limited amount of information.

Medical information that they get is very basic, sometimes no more than chicken pox or mumps. Very seldom is there information listed about whether there was a history of breast cancer or aneurysm or heart conditions, the kinds of things that we now know people need to have a history on. Medical restrictions are placed because it's feared that this could be identifying information.

Adult adoptees tell us that their request for information often stems from a simple need to know, a need to know medical background or a need to know how their child is or how their parents are. It's not necessarily that people want to have contact always. It's simply having the information that those who are not

adopted take for granted, something as simple as accessing your long birth certificate, knowing the location of your birth and the medical histories.

I'll just read a short quote from Margaret McDonald Lawrence. It was a quote to the American Adoption Congress in Washington about, oh, 15 years ago, I guess. This woman said: the adoptee's claim of his right to his own true identity rests on the fact that the loss of that identity in history represents a real personal injury; one's biological history is as much part of the essential self as the limbs and senses, and to be deprived of knowledge of one's origins and ancestry is to be maimed as surely as to be deprived of limbs or sight. She goes on for quite a while. When I read that, it gave me a different perspective on being adopted, because I've always had a sense of where I came from and a sense of extended family. I have talked with quite a number of people who have been looking for parents for a long time or parents looking for children, and I'm beginning to understand how very deep this goes. I'm very pleased to see that the government has started to change this legislation.

Another really important aspect of this legislation is the attempt to shut down the pipeline of unscrupulous baby brokers, most notably the lawyers in Beverly Hills, California, who were placing American babies for adoption in Alberta. Because of our lax legislation which fails to recognize the rights of the biological father or the failure to determine if there is a court order placed by other members of the birth family for custody, there have recently been five American fathers who have seen their child placed for adoption in Alberta despite their heroic and very expensive legal efforts to stop it. I've been in touch on a regular basis with two of those people, one man from Louisiana and another one from somewhere in the northwest. They feel so strongly about it. The mother of the child did not stay in contact with them, disappeared without warning. They registered the fact that they were looking with every state in the United States and every province in Canada at great expense, but Alberta didn't check it. I don't know whether we don't have a registry or whether we just don't check before an out-of-country adoption is done. We have made some strides in this. I think this legislation needs to go a little further. We've been very vocal in calling for the new legislation to stop baby brokering.

One very well-publicized trial last year, known to everyone as the baby M case, was where the birth mother was from Mississippi, placed her baby through a private adoption agency in Alberta with the aid of a California lawyer. The birth father also from Mississippi tried to have the adoption blocked but was unsuccessful and was unaware of the Alberta adoption until guardianship was in place prior to the adoption proceedings, and it was too late then for him to place guardianship. Following the private placement, the natural father attempted to attain custody of the baby but was denied because the bonding had already occurred between the adopting parents and the baby, and his appeal to the Alberta courts was unsuccessful.

Aside from ignoring the rights of the biological father, the baby M case also highlighted a number of glaring holes in our adoption legislation. There's no system in place to determine if there is a responsible birth father who may have already placed an application for adoption in a U.S. jurisdiction. The birth father receives no notification until the application for adoption has been made in the courts. At that point it becomes very expensive and a very length ordeal to turn the wheels of justice around, and there is no assessment – this is a bad one – of suitability for adopting parents prior to placement. No assessment has been done until after the

child is placed, and that is between eight months and a year. It's a fact at that point because the child has bonded, and it would take pretty severe conditions for the adoption to be overturned, I would imagine, if it is even possible.

The Bill attempts to correct this baby brokering situation by the following statement, and with some exceptions it works okay: limiting the practice of adoption placements by unlicensed intermediaries. With some exceptions the amendments will no longer allow unlicensed people to be involved in adoption placements. They'll be reviewed on a case-by-case basis and would accommodate occasional placements of individuals by individuals such as the clergy.

This Bill is trying to simplify the family adoption process. The amendments will no longer request a home assessment report to be filed when the adoption is occurring allowing a relative to adopt the child with minimal government involvement. It's proposed that this amendment will make it simpler for grandparents, uncles, aunts, great-uncles, great-aunts to proceed with a family adoption, and as the member mentioned, a self-help kit will be available.

The Bill transfers responsibility for private adoptions to licensed agencies. Currently Family and Social Services is responsible for handling the home assessment reports and the court documents for private adoption. The amendments will allow adoptive parents to obtain the services they require from a licensed adoption agency, and it's expected that this will shorten the time lines for adoption and give adoptive parents greater control over the process.

Another point, a fourth point, is that they will establish shared guardianship between the birth parent and adoptive parents. Currently a birth parent has up to 10 days to revoke their consent after signing, but normally adoptive parents get a guardianship order until the adoption is finalized, and this often terminates the right of the birth parent. Even though they should have the 10 days, once the adoptive parents get the guardianship order, which doesn't have to be a joint guardianship, then that cuts the birth parent out of the loop. Now there will be joint guardianships so that there is that time allowance. Under the proposed amendment the new legislation will allow for automatic interim joint guardianship between birth parents and adoptive parents which would have effect after the parent has signed the consent and until the adoption is finalized, and then the joint adoption terminates. The legislation will ensure that birth parents are involved in the adoption proceedings while providing adoptive parents the interim legal status they need to care for the child.

**3:00**

Our support for these amendments is qualified and almost reluctant because in both cases, accessing records and cleaning up the private adoption process, we believe that we've fallen far short of the target, and these amendments do not reflect what Albertans or our caucus have been telling us. The first thing that comes to mind reading through the amendments is how far the government has strayed from their two earlier attempts to bring in a new system of access. We question why they have gone from promoting an open system to one that imposes restrictions on birth parents. Birth parents are not allowed to register to search for their child.

We were pleased last spring when Bill 208 passed unanimously in second reading. This is almost unheard of for a private Bill. It reflected the recognition of the Assembly that the changes in the area of adoption records really need to be done. At that time, the minister intervened during second reading and called for a series of public hearings to be held to survey the wishes of all Albertans affected by the adoption process. The mandate of the public

hearings was clearly, in our understanding, to give further analysis and comment on Bill 208, which promoted an open adoption system, and also to look at the systems currently in place in New Zealand and New South Wales, both of which have open systems but have different veto provisions. New South Wales has a veto on contact, and New Zealand has a veto on information.

This was the mandate of the public hearings, and this is what Albertans wanted and asked for and were asked to comment on. No other system was put before them for discussion. Twenty-one meetings were held. A steering committee was then struck to gather and analyze the findings from the thousand or so, slightly over a thousand I believe, Albertans who took part. A report was made and sent to the minister, and we understand that the overwhelming consensus from the public hearings was that almost 88 percent of those who made a submission asked for an open record system. They also called for Bill 208 to proceed on to third reading.

After the report had gone to the Minister of Family and Social Services, members of the department went back to the steering committee and asked for a second report to be developed, this time analyzing the active registry system, something that was beyond the mandate of the public hearing committee. At that point, three members resigned in frustration feeling that the report they had prepared was not what the government wanted to hear. At that time, they wrote their own report stating that it was a carbon copy of the original report which had been sent to the minister. This report very clearly outlines the public hearing process and the results garnered from Albertans.

Some of the more notable statistics were that 95 percent of adult adoptees supported the disclosure of all identifying information on their files, and 85 percent of birth parents, represented largely by birth mothers, strongly supported the release of identifying information, but issues of loss and grieving along with the need to know that their adult children were all right were prevalent among these submissions. Seventy-five percent of adoptive parents also supported open records. They stated that they wanted their adult children to have their identifying information if so desired. In fact, most of them felt it was their right. In light of these findings, it is curious that the department ended up drafting amendments that run contrary to what Albertans told them.

We should slam the government for ignoring their own public hearing process. It makes you wonder if you're only interested in hearing from Albertans when it suits you. Both Parent Finders and the open adoption records in Alberta organization support the above view, and evidence from B.C., which is interesting, which also has an active registry system like the one being proposed, is that the system is expensive and extremely slow. The program is only three years old in B.C., but it's already two years behind in filling requests, and the open system in Ontario is eight years behind in filling their requests. It will undoubtedly be difficult to implement and to make work properly.

In regard to private adoptions, the second group of amendments that deal with private adoptions do not shut down the baby brokering pipeline adequately. Lawyers who have worked extensively on baby M cases tell us that in some ways these amendments are more draconian than the original Act. While they state that overall we need to praise the government for taking steps, the feeling is that these amendments may fail in their attempts. In general, there's disappointment that nowhere do these amendments speak to the duty of the courts or the players in the adoption process to make inquiries about the father. The rights of the biological father just continue to be an afterthought

as far as the legal process is concerned, and in direct placement adoptions there's no mention of screening and home assessments to be done prior to the child's placement in the home, which I'm sure would still need to be there.

We hope for the establishment of some kind of clearinghouse such as an interested person's registry so that affected parties could apply for information or file their concerns, et cetera, regarding adoption, so that it would be easier to hear from the public and also easier for them to get information, even if they weren't birth parents or adoptees. This would apply not just to the biological father, but it would also be a help to native groups. For example, in a situation where the mother is running to elude the courts in her home jurisdiction, it would allow other affected members to file with the registry any documents or information regarding their attempts to gain custody. This would be of interest to reserves, families, fathers, and families of fathers. At the same time, this registry could notify the birth father that an adoption is under way.

The message we've heard from the legal community is that these amendments prove that the government has not yet got the message; that is, they don't know the lengths that some couples and unscrupulous intermediaries will go to in order to get babies for adoption.

There are attempts to restrict the adoptions in this Bill of out-of-country babies by claiming the child has to be a Canadian citizen or has to have been lawfully admitted to Canada. Yet there appear to be no attempts to check or to screen whether or not the orders have been placed for custody at the baby's birth. So in essence there has been no duty placed on the director to see if the child has been lawfully admitted or if there are no other outstanding orders against the baby, which is the problem often with out-of-country babies.

[Mr. Deputy Speaker in the Chair]

The sections speaking to automatic joint guardianship will allow a birth parent to bestow joint guardianship with an adoptive parent without having to go to the courts. While the government argues that this legislation would ensure that birth parents are involved in the adoption proceedings while at the same giving the adoptive parents legal status, we envision cases where this would not be in the best interests of the child. For example, we've seen situations in the past where an American mother is trying to avoid a custody battle with the birth father. She comes to Alberta and confers upon an adopting parent joint guardianship without having to go to court and without a home screening study. This just carries on. That's as far as it goes. They get the baby. We see situations where you could have a 14-year-old child as birth mother conferring the baby on a couple of her choice without any background check at all. The amendment's making a dangerous assumption that the mother is always going to seek the best interests of the child, and certainly I'm sure that generally happens but not in all cases. We feel there should be an adjudicator involved to assess whether this action is in fact in the best interests.

**3:10**

For those unscrupulous adoptions that have occurred, this amendment provides a cheap way of dedicating status without ever having to go to court. In other situations we've just described, the 14-year-old birth mother who wants to remove herself from the situation as quickly as possible could confer joint guardianship status on an adoptive couple and then simply disappear. In terms of authority, joint guardianship gives 99 percent of what an adoption order would state without ever going one step further and

adopting outright. I think a better alternative is to have created an interim caregiver status that would be reviewable by the court. This would be done, then, in the best interests of the child, and the child could be placed temporarily by the birth mother but not permanently.

One of the overwhelming points made to us is that these amendments run contrary to the very mandate of the Act, which is to maintain the best interests of the child. The attempts to outlaw intermediaries . . . [Ms Hanson's speaking time expired]

Thank you very much.

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

MR. CARDINAL: Thank you, Mr. Speaker. As minister responsible for the department I want to make a few notes in support of Bill 52. This area to me is a very sensitive and complicated issue. It's an area that I've been involved in personally and know how sensitive it is and how carefully it must be handled as we go. Bill 52 of course allows that to happen. We're starting very carefully and have the opportunity in a year to review it again, see if we are doing what all the interested parties want. In four years we will again do a complete review and maybe go to the public again at that time to see if the legislative changes that were put in place are the right changes.

I'd just like to touch briefly on my personal involvement in this particular issue. My wife was adopted, and I have at this time two teenaged children. Of course, my wife has filed also to try and find her mother. One of the biggest concerns we have – and I'm sure a lot of people are in the same situation out there – is the health history of the children. It is critical, I think, at this time that that information is accessible by the public that is interested.

The Child Welfare Amendment Act addresses some changes that I think are necessary. Again it may require in the future that we make changes. If the process we put into place for some reason does not address all the issues that need to be addressed out there, we will for sure give assurance that the changes will be brought forward.

With that, I encourage you to support these changes. I believe they at this time reflect the needs of Albertans, and they balance at this time again, I say, which is important, the rights of all people involved in the adoption process.

Thank you.

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

MR. DICKSON: Thanks very much, Mr. Speaker. I'll follow up on what the minister has just said. He talks about this as being a sensitive and a complicated issue, and it is both. He talks about the government starting in a careful fashion. I guess this is where I start feeling some disquiet, and I'm uncomfortable when I hear the minister talk in this fashion because statutes are there presumably to solve a mischief. Why do we create laws at all? We create laws because there's some kind of a problem in our community. The legislation is a vehicle. It's a means. It's a solution to solve a problem. There may be a number of problems identified that Bill 52 is targeted at. Clearly, people wanted simplified family adoption processes, and I think Bill 52 to a large extent achieves that, and that's a positive.

One of the other mischiefs that presumably Bill 52 was intended to address was adult adoption and making some changes there to

respond to what I submit is a very strong demand for change, and we've seen the government move in that respect as well. But what we're dealing with here and what I want to spend most of my time focusing on is a response to the baby boy M case and needs and problems that have been identified in this province, ways that we don't manage adoption very well. It's critically important because the impact on children – and that's what Bill 52 is all about or ought to be all about – is enormous. If you make a mistake with a child in the process of an adoption, a placement, a monitoring of a placement, the results not only to that child but to the bigger community can be enormous.

So from that sort of perspective, I look at Bill 52 and I think of the baby boy M case, and I make this initial observation. Here we have a case where Mr. Justice Mason of the Alberta Court of Queen's Bench came out and did something Queen's Bench judges don't do very often. He said that this requires immediate action. He said that the problems that were apparent in the baby boy M case are so serious and caused him such concern that he admonished us as legislators, admonished the government to move and to move with dispatch. Well, here we are now well into virtually the tail end of 1994, long after Mr. Justice Mason flagged his concern, and now we see the Bill coming in.

[Mr. Speaker in the Chair]

I wonder how many children in this province have been processed through the adoption mill in Alberta. How many children have come through the California pipeline to be put up for adoption in this province while the government dithered over which direction they were moving in? I recall specifically questioning this minister at the special Committee of Supply that dealt with the estimates for the Department of Family and Social Services. I remember asking the minister then. This is long after Mr. Justice Mason had given the strongest possible signal to the government to act and act immediately. The response then was: we're still looking at this; we're still studying it. Now we have Bill 52 put forward in the most tentative fashion I can ever imagine a piece of government legislation coming forward. We have the minister saying: well, we want to move slowly; we're going to be checking this in a period of months; we're continuing to review it.

You know, this isn't a real complicated problem, Mr. Speaker. The consequences are serious, but I think that well-intentioned people in this province – adoptive parents, people who work in adoption registries, people in the minister's department – can sit down and craft solutions that don't take years and years and years. I expect a more positive kind of leadership than what we're seeing in Bill 52.

To get back to the baby boy M case. I took from Mr. Justice Mason's dicta three key areas that required reform, and once again I'm trying to identify for myself the mischief and then to apply Bill 52 and see whether it measures up. The first mischief with respect to the baby boy M case was that we have no registry system in this province, in fact not a registry system in Canada where a birth parent can check to find out if you have a mother not married to the birth father who is anxious to put the child up for adoption and in effect cut the birth father out of the process. This is still the haven. This is still the place on this continent where people come to do that.

One of the solutions that would help to put the brakes on that kind of abuse would be to have a registry system: a registry system where a birth father – for example, in the case of baby

boy M – can check in one place and find out if the child that he's the parent of is the subject of an adoption process in this jurisdiction. One place to look. When you look at the incredible efforts that the father had to go through with baby boy M – hiring private detectives in about six different states, hiring lawyers in four different states, trying to find out where this child was – you think: wouldn't it be fairer, wouldn't it just make elementary common sense that there be a single registry. If there can't be a national registry, we could certainly show leadership by creating a provincial registry and doing that immediately. So I think that's important.

3:20

The second mischief I think that was identified in the baby boy M case, both at the Court of Queen's Bench level and then at the Court of Appeal level, was the fact that the Domestic Relations Act simply hasn't kept up with the times. Section 47 of the Domestic Relations Act has the presumption in terms of joint guardianship. Joint guardianship is defined in really the narrowest terms. If section 47 of the Domestic Relations Act were amended, you would be able to, in a very effective way, avoid the kind of abuse and problem that we saw in the baby boy M case. There's no proposal by the minister or by the Member for Innisfail-Sylvan Lake to address section 47 of the Domestic Relations Act. That is perhaps one of the biggest problems in this whole area of the California pipeline: unscrupulous operators being involved in placing babies for large sums of money. If we want to put an end to that, we should be addressing section 47 and making an amendment to that presumption of joint custody.

The third problem – and I think it's been identified well by the Member for Edmonton-Highlands-Beverly – is this business of ensuring a child is not put in a placement for eight months or 12 months before there's an assessment done. What we've seen in the court cases that have dealt with this is: if a child has been placed with prospective adoptive parents for eight months, 12 months, we shouldn't be surprised if the court says with the benefit of psychological evidence, expert evidence, that the child has bonded with the parents in this placement. The courts are loath then – and I think quite rightly so – to uproot the child where there's been a bonding and move the child somewhere else. Well, the way you get around this is simply to ensure that there has to be an assessment either before the placement or within days of the placement. It is, I think, as straightforward as that, Mr. Speaker.

So just to sum up, then, the three things that I take from the baby boy M decision and the reasoning of Mr. Justice Mason. We need a national registry to deal with these kinds of cases, and until we achieve that on some co-operative approach, we need a provincial registry. Secondly, we have to ensure that there will be no placement until a proper assessment has been done. The third thing, then, is that there should be an amendment to Section 47 of the Domestic Relations Act. None of those three solutions are anywhere that I can find in Bill 52, and if I've misread it or simply have missed it, I hope before we finish debate on second reading on this Bill, before it comes to a vote on principle, somebody's going to correct me, but I can't find it in my review of Bill 52.

I think there is some concern that we're going to make it difficult by requiring only licensed operators to be involved in private adoption, and I understand that concern, and I've heard it. It's been put to me by people involved with unlicensed agencies. But it seems to me that what we're trying to achieve is the greatest good for the greatest number of children, and think that

you start off with that premise that only licensed operators should be involved and exceptions should be narrow.

One of the other things, as I think of it, that we haven't dealt with in this Bill that's been dealt with in Ontario, Mr. Speaker, is the question of fees that can be charged. What we've seen in the baby boy M case and as part of the California pipeline are fees as much as \$15,000, \$20,000, \$30,000. Now, that causes me a great deal of concern. Why? Well, what you're dealing with for the most part with these adoptions is young, vulnerable birth mothers. In some cases they've just given birth, or in some cases they're in their last trimester and are soon about to. But often these are people who are under enormous stress, enormous pressure. What you also have are prospective adoptive parents, often people who've been waiting years and years to adopt a child, and they feel a lot of anxiety. This is a context or a climate in which a shrewd operator can make an awful lot of money.

It seems to me that we might want to consider what's happened in Ontario, where they've addressed that in a very up-front and honest way and said: "We're afraid. We just think that the potential for abuse when you allow \$25,000 and \$30,000 fees to be paid for private adoptions is too much. There's the potential for abuse that as a civilized community we're not prepared to tolerate." It seems to me that that's something we should be looking at in this province. Once again I look in Bill 52. Is there anything here that talks about some control over that, some way of stopping that kind of trade in babies? I don't see it.

Once again these are not very original concerns, Mr. Speaker. They're concerns that have been raised, and we have a whole succession of court cases that make Alberta – I'm embarrassed to be part of a province that is seen as an easy place to place babies. If you're trying to dodge a birth parent, if you want to make some big bucks, Alberta's the place to come because we sanction it by our inertia. We sanction it by our not so benign neglect.

Here we have an opportunity with Bill 52 to take this thing back to the table to address the real mischief that goes on with the trade in babies in this province. Bill 52 is a timid and tentative acknowledgement of the problem, but it gets us a scant distance to resolution. I guess, as I said before, I'm uncomfortable when the minister comes in and in a sort of apologetic tone puts it forward and says: we're not sure this is right, the solution; we're going to be reviewing it and checking it. I'm looking for some bolder action. I'm looking for some stronger initiative, because after the Act is in place, this is the man who's going to be giving instruction to enforce it, and if the minister is tentative, lukewarm, unsure of where he's going, then that does not augur well for tough enforcement, tough protection, and a very aggressive stance to stop the trade in babies.

I think those are my chief concerns. Maybe we'll get a chance, and I'm certainly going to talk to the member privately and suggest some amendments to legislation. I think that we can take this Bill and it may be possible that this thing can be recrafted in a form that it really solves those three evils I mentioned, the mischief I talked of. If he's willing to do that, then I think we can take this kind of concern and we can really do a job for those children and a job for the adoptive parents in this province. I think, Mr. Speaker, we should accept nothing less.

Thanks very much.

MR. SPEAKER: The hon. Acting Leader of the Opposition.

MRS. HEWES: Thank you, Mr. Speaker. I have a few comments to add to those of my colleagues on this particular Bill.

The minister has very correctly stated that this is a sensitive issue, and certainly I've spoken on it before. Over 40 years ago my husband and I adopted a baby boy, and I look at this and look at where we are and it occurs to me that plus ça change, plus ça la même chose. We're still very much in the same position as we were in those days 40 years ago.

3:30

Mr. Speaker, I do know that there are a number of adoptive parents in this House, and I think we bring a somewhat different perspective to this whole issue. Our adoption occurred back in the days of when Charlie Hill was the director of adoptions for the province. Charlie Hill got into trouble, if you'll recall, when Charlotte Whitton was imported from Ontario by the IODE to discover whether or not there were babies being sent to the United States for adoption, some sort of reverse of what we see happening now but, yes, baby brokering. In any event, Mr. Hill ran a very tight operation and there was very little information provided to adoptive parents in those days.

Mr. Speaker, I have to say that I've talked with many people over the years about this issue, and they vary. As recently as last week I had a family person speak to me regarding this Bill who was totally opposed to opening the records and to an open registry, and I've had people speak to me over the years that are exactly the reverse, that want everything open and available to any party that expresses interest.

So the minister is right. It is sensitive, and we have to approach it carefully. I think this Bill that is before us now unfortunately lacks some of the things that the consultation process said could and should be there. I'm relieved in many ways to hear the minister say that he's going to implement a review process, because I think that's absolutely essential, that we look at our experience over the period of a few months and see what needs to be changed. I understand he's open to that idea and to that notion.

Mr. Speaker, the first Bill in the House was some years ago in regard to opening up the business of adoptions. Then last year we had Bill 208, and astonishingly that was supported by all of the House. Second reading of that Bill gained our support. We believe it was a good Bill, well thought out, well presented, and that it could in fact serve Albertans. This Bill that's before us today is sort of a truncated form of that, and that's somewhat puzzling not only to me but to those groups that submitted in good faith to the consultation process and believed that their ideas would in fact be incorporated in the new Bill. That's not exactly what has happened here. The Bill that we have before us is, as the Member for Calgary-Buffalo indicated, somewhat timid. It doesn't go as far or as deeply into the issues that were suggested to it through the consultation process.

Mr. Speaker, when I think about my own personal experience and what I would want to see in an adoption Bill, I have to think: what would have made it easier for me, what would have made it easier for my son, and what would have made it easier for his birth mother? I look at this Bill and say: would I be any better off today than I was 40 years ago and in those intervening years when my son talked with me about the process? I'm afraid the answer is no, not a great deal better off, if at all.

Mr. Speaker, my son had the need to know, and from time to time in his growing-up years he expressed that. He needed to know whether his birth mother had loved him, whether she had wanted to give him up, what the circumstances of his birth were. Although we had often talked about it, he didn't institute any attempt to find her until he was well in his late 20s. In fact, I think he was in his 30s when he did. It would have been helpful,

I think, if he could have registered his name and said, "I would like to know." But if he had, nothing happens unless his birth mother simultaneously or at some point in time also registers her name and says, "I would like to know where he is." If he registers his name, even today within this Bill, nothing happens. She isn't notified that somebody someplace wants to know. That doesn't occur, and if it doesn't occur, then the process is more or less useless.

What would have happened for me? Well, it would have been helpful to me to have information about the background of his health and his family's health. That was not there then, and it isn't there now in any substantive fashion. Childhood diseases are mentioned, but for instance should there be a tragic disorder such as Huntington's chorea in the family, I believe that should be available to the individual, because the onset of that disorder doesn't occur until middle years and by that time reproduction may have occurred perpetuating a very tragic disorder. I can't find that out. I'm not told that. So I haven't the opportunity as an adoptive parent to give that information to my son. I believe that's wrong. I think that information should be available to adoptive parents. I don't think this would inhibit adoption. I think it perhaps would enhance it. That's the kind of record about health care that I think would have made it easier for me.

What about his birth mother? Well, she doesn't know. Nobody tells her that he's looking for her. Unless she takes the initiative and says, "I'm looking for this person," it doesn't occur, and even then the chances of it happening are slim. Will this Bill have advanced that? The answer is no.

What about grandparents or other interested family members? What if the adopted child comes from a native or Metis background? Is it not important that his other family members have an opportunity to register their concern and their wish to know, their need to know? I think it is, and I think this Bill fails in dealing with those kinds of issues, Mr. Speaker.

To be sure, the Bill I think attempts a more balanced approach in dealing with the notion of brokering of babies, and that's important to do, but it still is not clear in my mind whether or not in a registry it would be open as to approach from either the birth parent, the other interested parties, or the adopted child.

Mr. Speaker, I'm concerned about one or two things of particular note in the Bill. The idea is contained here that with these amendments a home assessment doesn't need to be done when the adoption is occurring with a relative of the child, and I think that's wrong. I think that assessment needs to occur under any circumstances. It is stated in the Bill that a self-help kit would be made available. That's unsatisfactory as far as I'm concerned. I think often we find circumstances where grandparents or other relatives are prepared to adopt and care for children who are left as orphans or whose parents cannot manage them, but I believe under those circumstances that the same assessment should take place. I think nothing less than that is adequate to protect a child.

Limiting the practice of adoption placements by unlicensed agencies. That's been discussed by my colleagues.

**3:40**

Mr. Speaker, I do know of some very excellent voluntary support organizations, and I would hate to see these organizations discouraged from continuing their very important work, but it seems to me that for the actual business of placement and assessment and monitoring of the family situation, we have to have licensed operations.

Speaking to the licensed operations, however, I find the Bill defective in dealing with some attempt to control and manage

costs. Otherwise adoption is only open and available to those who have considerable means. I think leaving that open ended invites through the commercial operation some baby buying. That could happen, and I think that is rarely in the best interests of the child.

Mr. Speaker, there's no information as yet as to the standards of how a home assessment would be done by a licensed agency. What does that licence consist of? Who conducts such a home assessment to make sure that it is an appropriate placement? What are the personnel requirements of that agency? What kind of counseling or follow-up is available to the adoptive parents and child? In my view, having been there, this is one of the most important and significant parts of the adoption process, yet it is totally absent from this Bill.

As an adoptive parent no one was there to offer counseling or assistance or support to me. No one was there at the point at which my son's birth mother was in fact located, which brought about great fear and consternation in me and other members of my family. That's not available. If we are going to license and commercialize agencies, privatize agencies to conduct private adoptions, then I submit that these things must in fact be built in or else we abdicate our responsibility in this government.

I'm concerned that a great deal of the motivation in this Bill is for the province to get out of the business of adoptions. While I believe that licensed agencies, if there are proper standards and proper methods of evaluating, can in fact perform the function, unless that is built in, I think the province's motivation is much too obvious and is not appropriate to the needs of children in this province.

Mr. Speaker, it's unfortunate that we haven't seen the Lazanik report. I don't know how that individual has dealt with this subject. It would be useful to me and I'm sure to other members of this House if his view had been sought. Certainly Mr. Bernd Walter, who was the former Children's Advocate, made a comprehensive report and dealt carefully with this subject, and I believe we should have information from Mr. Lazanik. His report seems to have gotten held up some place in the minister's office, but I think that person's assessment of this Bill should be here before us, and I'll ask the minister if he can provide that to us before we get to our committee discussion, when we will have some amendments to put before this House for their information and I hope acceptance.

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

**MR. BRASSARD:** Thank you, Mr. Speaker. There's no question that this is a very many-sided issue and is going to require compromise, sensitivity, and a whole lot of other things. I would like to thank the Member for Edmonton-Gold Bar for sharing so much of her personal experience with this Assembly, because it is a sensitive discussion.

Mr. Speaker, by increasing access to adoption information, this government is really taking a positive action that balances the needs of all those involved. It's not a cop-out by any stretch of the imagination. Many Albertans indeed are asking for increased access to adoption information. We've already heard that others are concerned that giving people open access to adoption may infringe upon the rights of those who wish to remain unidentified, and that's understandable.

[Mr. Deputy Speaker in the Chair]

We believe that an adoptee search system is the best way of ensuring a compromise for all interested parties. An adult adoptee could initiate a search through an agency which is



licensed for adoption searches. If the person being searched for is found, they can agree to a reunion or they can sign a veto declining contact and prohibiting the release of identifying information. The veto would then be filed with the postadoptive registry.

The government will assist with the cost for a search for Albertans facing long-term low income, such as AISH recipients. The postadoption registry would continue to offer its current services at no cost to applicants. This amendment that is being proposed carefully considers both sides of the adoption question. It addresses the desire to know expressed by some adoptees, and it honours the right to privacy felt by some adoptive and birth parents.

Access to adoptee information is a very personal issue. This compromise respects the rights and concerns of all those involved with these issues. Accordingly, Mr. Speaker, on behalf of my colleague from Innisfail-Sylvan Lake I move second reading of Bill 52.

[Motion carried; Bill 52 read a second time]

**Bill 45**  
**Alberta Health Care Insurance**  
**Amendment Act, 1994 (No. 2)**

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

MR. BRASSARD: Thank you, Mr. Speaker. It is my privilege to bring forward Bill 45, the Alberta Health Care Insurance Amendment Act, 1994 (No. 2).

As I described in the first reading on Monday, this Bill addresses three issues. Two of those issues are technical in nature relating to the pharmaceutical sector of the industry. The proposed legislation clarifies the definition of pharmaceutical goods and services provided by Blue Cross, and it provides for release of information to the council of Alberta Pharmaceutical Association for purposes of practitioner investigations.

It is the third issue, Mr. Speaker, relating to the confidential disclosure of health information that I wish to address at greater length today. Our current legislation governing disclosure of individually identified information seriously hampers the administration of the health system, and it impedes or even prevents research that is essential to meet the health goals that are set out in the business plan for Alberta Health.

Let me just give you one example of the kinds of barriers that legitimate researchers are running into as a result of the current legislation that's in place. A researcher from the University of Calgary is undertaking a clinical and sociological study of the relationship between silicone gel breast implants and connective tissue disorders. Approximately 9,000 women who received breast implants in Alberta between 1979 and 1986 have been invited to participate in this project along with 7,500 more women who underwent surgical procedures other than breast implants during the same period. The study is the first of its kind in North America, and Alberta was chosen as the location for the study because of the quality of the historical records held by Alberta Health. The researcher has received approximately \$622,000 from the Medical Research Council and an additional \$62,000 from the plastic surgeon's association of America.

Phases 1 and 2 of this study are now complete. For phase 3 the researcher has asked for anonymous individual diagnostic records for the participating women. Ordinarily, this type of request could be accommodated under the existing authority because individuals are not being identified. However, in this case the

researcher might be able to identify the women based on information he has already obtained. Under the current legislation Alberta Health therefore cannot release the data needed to proceed with this study.

**3:50**

Protecting individual privacy remains the overriding concern in any policy on disclosing identifiable information, but there is a balance that we have always tried to strike between privacy and the value to all Albertans in the use of information for legitimate purposes. That balance needs to be restored to enable Alberta Health to adjust to changes in the administration of the health system and to demands for research to provide an objective basis for decision-making.

The Freedom of Information and Protection of Privacy Act specifically provides for release of identifiable information for research and administrative purposes under very strict guidelines. Bill 45 sets out authority and guidelines for the release of information routinely collected by the Alberta health care insurance plan. It moves our policy on health information in a direction that is consistent with our own freedom of information Act and with legislation currently existing in other provinces.

The information concerned includes basic personal data on people registered with the insurance plan. It also includes diagnostic codes and services provided as reported by practitioners. Registration data would be released on a selective and confidential basis to bona fide researchers and to health service administrators. Access would be as required for the administration of the health care insurance plan and to co-ordinate the delivery of health services between Alberta Health and other health care administrative bodies. The Act also provides authority to release diagnostic and service data to researchers in support of specific approved projects.

I'd like to emphasize one thing to all members of this Assembly, Mr. Speaker, and to all Albertans for that matter: releasing information does not mean making it public. Identifiable data would be released only to specified administrative bodies and for specific research projects approved by the minister. Researchers would have to demonstrate that access to identifiable data is absolutely necessary to the success of a given project. Anyone granted access to information from the health care insurance plan would be bound by the same oath of confidentiality as the people who administer the plan. A researcher who revealed the name of a registrant from confidential data could be fined up to \$10,000. Researchers would not be allowed to use registration data to contact anyone directly without their prior consent given to Alberta Health. A researcher wishing to contact any registrant must first satisfy the Minister of Health that direct contact is necessary for the research project. Alberta Health would then contact the registrant to ask if he or she agrees to be contacted.

Anyone who considers this Bill will see that it represents a responsible balance between the right to privacy and the public interest in legitimate research and that it provides reasonable restrictions and safeguards on the use of any information that can be identified with an individual Albertan. Bill 45, Mr. Speaker, updates existing legislation in several respects that are essential to continued progress in a wide range of health reform initiatives.

I look forward to continued debate on this Bill, Mr. Speaker.

MR. DEPUTY SPEAKER: Thank you.

The hon. Member for Edmonton-Glengarry.

MR. DECORE: Thank you, Mr. Speaker. It's the same issue that I wish to address in this Act to amend the Alberta Health Care Insurance Act, spoken to by the hon. Member for Olds-Didsbury.

I might first, for the record, note an irony in the presentation made by the hon. member, the irony being that the Liberal opposition on four separate occasions in this Assembly presented freedom of information legislation. That freedom of information legislation included the principle that citizens were entitled to obtain information and the second principle that certain safeguards had to be put into place to ensure that people's privacy was maintained. The irony is that the hon. member was the government spokesman that spoke against the freedom of information legislation that I presented on behalf of the Liberal caucus, saying that we didn't need that kind of legislation, that a member of the Legislature need only come to the Legislature and put a question in question period or a motion for a return or a written question and an answer would be given. I'd like to remind the hon. member of that interesting irony.

Now, let's deal with this issue of disclosure. Mr. Speaker, the freedom of information Act that the hon. Member for Olds-Didsbury is now trumpeting – I spoke about the two principles – has a whole section dealing with the privacy of individuals. Section 40 of the freedom of information Act that we passed in this Assembly has a very specific section that says:

A public body may disclose personal information for a research purpose, including statistical research, only if

- (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form or the research purpose has been approved by the Commissioner,
- (b) any record linkage is not harmful to the individuals the information is about and the benefits to be derived from the record linkage are clearly in the public interest,
- (c) the head of the public body has approved conditions relating to the following:
  - (i) security and confidentiality,
  - (ii) the removal or destruction of individual identifiers at the earliest reasonable time, and
  - (iii) the prohibition of any subsequent use or disclosure of the information in individually identifiable form without the express authorization of that public body.

Now, what we have in this legislation, the legislation that's being brought forward by the hon. Member for Olds-Didsbury, is first in section (5.1) the statement that

the Minister or a person authorized by the Minister . . .

That could be a deputy minister. It could be an assistant deputy minister. It could be a director. I guess it could be anybody. I have difficulty with that.

. . . for the purpose of bona fide health related research, any information obtained under this Act or the Health Insurance Premiums Act other than . . .

And it sets out the names of individuals, et cetera. Then (5.2):

The Minister or a person authorized by the Minister may disclose, for the purpose of bona fide health related research, any information obtained under this Act or the Health Insurance Premiums Act, including the names of individuals to whom the information relates, if the Minister or authorized person is satisfied that the person conducting the research will not reveal or make identifiable the name of any individual to whom the information relates without the consent of the individual.

[Mr. Clegg in the Chair]

This really opens it up. First of all, it isn't the minister; it could be anybody that goes looking for that information. I would like to suggest, Mr. Speaker, that when a person in authority comes to visit a citizen of Alberta who doesn't know the niceties of the legal system or Acts or Bills or whatever, there's a certain coercion, a certain heavy influence that's brought by that person

in authority coming for information. That's why you need to protect the citizen. That's why the freedom of information Act included this reference to have it sent to a commissioner to make sure that the commissioner is satisfied that there is no coercion, that the proper system is in place, and most of all that security and confidentiality policy or detail has been worked out.

4:00

Now, why would the hon. member want to change the legislation that he himself ironically later on agreed to in this Assembly? That is, legislation that says: yes, you can have information, but you've got to be careful. You first of all have to satisfy the commissioner that this is bona fide research. There are a lot of quacks out there, and I don't think you can just come along and convince some person that I need this research and get it without more. I think you've got to be able to go to a commissioner who has the responsibility of looking after the public interest and say: Madam Commissioner, Mr. Commissioner, here's what I want to do. The argument will be made, listened to, and a decision will be made. Then the obligation on the commissioner is to ensure that safeguards are put into place, that there isn't linkage back, that there isn't any possible way that somebody's going to get hurt in this system. I don't know why the hon. member, who changed his spots like a leopard, from not believing in freedom of information to now believing in freedom of information, wants to now throw it out the window completely in terms of that protection that he himself agreed to when he voted for the freedom of information legislation.

I repeat: when we're dealing with people's health care records, when we're dealing with sensitive documentation that relates to Albertans, I think we've got to be really careful. We've got to be careful about who we're giving that information to. Is it a bona fide researcher? Is it an agency that should have that information? That was contemplated in the freedom of information legislation, dealt with, and accepted by this House. Now the hon. member wants us to throw it all out, open it up completely, and give anything that anybody wants, as long as that person is able to convince the minister or the person designated, without any kinds of safeguards being put into place.

I sit down and I ask the hon. member to answer those questions for the opposition: why haven't you dealt with that particular issue, and why are you throwing away the protection of the freedom of information legislation?

Thank you, Mr. Speaker.

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

MR. BRACKO: Thank you, Mr. Speaker. I want to thank the member for bringing forward this Bill. In looking at the Bill, section 2 allows changes to the regulations to allow the release of medical information associated with individuals. This is now possible because of the recent change to give every Albertan his or her unique Alberta health care number which will remain with them throughout the rest of their lives.

Moving on, looking at section 3, it expands the circumstances under which the minister may disclose information about individuals. This Bill allows information to be disclosed

for the purpose of the administration of this Act or the Health Insurance Premiums Act, the regulations under those Acts, the federal Act or any program that receives funds directly or indirectly from the Department of Health.

The minister was not previously allowed to release this information to other programs. Now this has allowed the transfer of

information to the Alberta seniors' benefit program and to regional health authorities. Information may also be disclosed for bona fide medical research. Individuals will be given the opportunity to participate or not. Information may be released to the Alberta Pharmaceutical Association to use in investigating complaints about a member.

Now, Mr. Speaker, as we look at this Bill, we see that we have to be very cautious of who gets the information, and there has to be security on it. Otherwise, this information in the hands of the wrong people can be dangerous. Yesterday we heard the Member for Calgary-Montrose talking about our smoking Bill. He said that we are moving into a police state, when all we're trying to do is save millions of dollars through preventative health. We also had the Member for Little Bow talk about our Bill and describe it as Orwell's *1984* and also the Member for Peace River giving us some gestures from Nazi Germany.

Ladies and gentlemen, as we look at this, we have to be mighty careful. We know there's a need for outcome measures in health and also for medical information to be used in research to improve and increase the ability to treat health problems and disease. But we also know that we have to safeguard the privacy of every individual in our province. What we will be proposing to do in the next stage of this Bill, in Committee of the Whole, is to move legislation from the freedom of information Act to add additional protection to this Bill. We would ask that the government members support this legislation so that individuals' rights are protected, so they're not abused or misused.

Section 4 again talks about Alberta Health providing the essential services and nonessential services provided through Blue Cross and private insurance. Now, this becomes a debate and a concern for all Albertans: what is essential; what is nonessential? We see that eye exams are threatened to be taken away as essential services. For many people, especially seniors, these are essential, very important. We see physical therapy being removed next spring as nonessential. Again, we should know ahead of time what are essential, what are not. List it out. If we don't, then what were once essential services become nonessential and moved to private health insurance. Maybe a heart operation will become nonessential if there are no safeguards on it.

This of course will lead to a two-tiered system, and this is something we want to fight. Every Albertan deserves essential health wherever you are. We've seen the results of people who haven't had access to this in the past, and we want to make sure we don't move towards the American system, where they do have the two-tiered health care system: those that can afford it are healthier, live longer; those that cannot exit their existence here quicker.

So with that, we'd ask the Members of the Legislative Assembly to support the amendment we'll be bringing in in the next stage.

Thank you.

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

DR. MASSEY: Thank you, Mr. Speaker. I'd like to preface my specific comments to the legislation with a couple of remarks. First of all, the whole area of research. I was encouraged with the Premier's appointment of a cabinet minister who has as her major responsibility looking after research in the province. I think it's a good move and a move that will serve us well.

I recall, when we were discussing the heritage savings trust fund last session, asking some questions about government

research: how much research was being funded in various departments, and was there any effort to co-ordinate that research on the part of the government? The answer at that time was no, that departments pretty well manage their own research and there isn't an attempt to bring that together. So I would assume that one of the things that the new minister will be doing will be bringing together the various research efforts that the government is funding and making some sense out of it and giving us some sense of priority.

So with that as a background, I'm going to focus on the part of this legislation that allows researchers to contact individuals for health care research, and I'd like to do that within the context of how this fits into the whole research and development thrust in the province. I think for years we've recognized the need for base research in industries such as petroleum and forestry and agriculture, the industries that are basic to the economy of the province. There's been little quarrel with that kind of research, and it has really not raised the kinds of issues that this legislation tries to address. But there has been a shift in research, a shift towards knowledge-intensive sectors such as health care, and the kind of research that's done in health care can be somewhat different from that that's been carried on previously in the province.

#### 4:10

The health care research is really carried on in four forums. One, it's carried on in hospitals, where remedies for disease and disabilities are developed and treatments are tested. The second major forum is at universities, and university health care research is usually focused on physiological and biochemical bases of health and disease prevention and cure. The third health care research area is in industry, and that has been primarily with the new pharmaceutical and medical devices gaining the attention of researchers. The fourth major area in terms of health care research has been in our federal laboratories, where standards have been set for food, for our water supply, for pesticides, for air quality, for radiation-emitting health devices, and attention is given to looking at chronic and infectious disease prevention and cure. So those four major forums are where most of our health care research takes place. It's a very expensive area to fund. The national health sciences last year – it's estimated that over \$775 million was spent on health care research alone. So it's an area that's growing. It's going to be increasingly important in our own province.

In terms of the assessment of how our province is doing, in 1988 the OECD made a report, and I'd like to just quote a couple of paragraphs, because they tried to assess how well we were doing. They stated: while the knowledge-intensive sectors are gradually taking the place of natural resource based sectors as the dynamo for growth in the west, the global effort in research and development is still modest. They followed that with: the western provinces' gross expenditures in research and development, measured as a percentage of the gross domestic product, are inferior to Canada's average and other OECD countries, and the R and D investment related to total investment appears also weak compared to Canada as a whole. So the judgment of OECD is that the western provinces, our province in particular, could do much better in terms of financing and our efforts in the research and development area. So we need to do better.

I think what the legislation does, as minor as it may seem to outsiders, is it opens the door to researchers in health care related industries, and I think that's extremely important. If you look at the life of a researcher – and it's particularly a medical researcher – gaining entry, gaining subjects is basic to the whole operation, as mechanical as that may seem, and anything that will make that task easier I think is worthy of consideration. Having had some

experience myself in trying to get people to agree to take part in research projects, I have some sympathy with what this Bill tries to address. But because of the area, because it is health care, it is extremely sensitive, and identifying subjects can be a very sensitive issue.

I think it's underscored if you look at some of the projects that were funded by the national health research and development program in 1990 and 1991. They funded 757 projects. One of their initiatives was the national AIDS program, and a second project was the national drug strategy initiative that they had undertaken. So health care researchers are often dealing in areas where were the subjects to be publicly identified, it could potentially cause them great harm or embarrassment at the least.

So it's something we have to be really careful about in the Bill in terms of being sensitive to those subjects and protecting them, and I think the previous speaker indicated some concern about the measures in the Bill that protected those subjects. So I would hope that we would be able to bring forward some amendments that would address that concern but certainly amendments that would be in sympathy with the Bill and allow the kind of research that it envisions being undertaken occurring and done more easily.

Thank you very much, Mr. Speaker.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. Some comments with respect to Bill 45, in many ways echoing some comments of previous speakers with respect to the real key issues arising from this Bill, which deal with the disclosure of information and the other essence of the Bill, which is ostensibly a greater understanding or definition of what constitutes services under a Blue Cross agreement.

Mr. Speaker, section 4 of the Bill is the particular section that does clarify what goods and services may be provided under the Blue Cross agreement. While it may accomplish the intent within the Bill and while I would not object to a provision in a Bill that would help to clarify and give greater understanding of what the essence of the provision should be, I might want to just remind Albertans that as we make these kinds of changes in the context of the restructuring of the health care system, it can easily lead to the conclusion that this allows or facilitates for a much greater entry, a much greater push, facilitates in a much better way the possibility of moving into a two-tiered health care system, where we then decide what constitutes basic services and what is then covered under Blue Cross or perhaps other similar types of health care insurance. So I think we have to remind Albertans that while the government says this is the intent of the change – it is to clear up misunderstandings – there's no question it's going to open the door for much greater debate at some later time in this Assembly as we see the government changing the definition of what constitutes basic health services or perhaps at least feels under some pressure to do so.

There is a provision under section 4 that I'd like to ask the sponsor of the Bill if he would comment on, and that is that once the government passes this Bill, which they will, subsection (1) is deemed to have come into force on January 1, 1991. Well, that's interesting. There is probably nothing more offensive than retroactive legislation to clear up something that the government screwed up before. So I would like to ask the sponsor of the Bill if he could give us some indication as to why that particular section has to be included. What error did the government make? What is it that it's trying to clear up, to do, to accomplish that it

has to go back to 1991? Whether or not there are any lawsuits that are involved, those sorts of issues. Because again, as I say, Mr. Speaker, it is one thing for a Legislative Assembly and a government to introduce legislation to make for a better governance of the province of Alberta; it's quite another to make that legislation retroactive. It deserves a full and open explanation with accountability for why that's required.

#### 4:20

The amendments with respect to the pharmaceutical profession I certainly have no difficulty with. Those changes are acceptable. It's an important step forward. We have just seen yesterday the Pharmaceutical Profession Act proclaimed in force. My understanding, Mr. Speaker, is that that particular Act goes back to 1988. The government has taken six years to draft the regulations, and they have just now been proclaimed in force. So at least the Pharmaceutical Association can get on with its business now, finally, having been held in limbo for six years. This will obviously again assist them in making sure that Albertans are best served by the Pharmaceutical Association in the dispensing of pharmaceuticals to Albertans who require them.

The issue that has been raised and debated most as we debate second reading of Bill 45 is the issue of disclosure of information for what is considered bona fide research. It's interesting to note that in the Alberta Health Information Bulletin of October 24, 1994, point 3 says that the Bill

sets out guidelines for release of information from the Alberta Health Care Insurance Plan for administrative and research purposes, which are consistent with the provisions of the Freedom of Information and Protection of Privacy Act. The proposed policy is consistent with those in other provinces.

Well, Mr. Speaker, having heard the debate from the hon. Member for Edmonton-Glengarry and his reference specifically to the Freedom of Information and Protection of Privacy Act, it doesn't sound like these provisions in this particular Bill are at all consistent with the provisions of that piece of legislation. In fact, having had the freedom of information legislation passed by this Assembly, although not yet proclaimed, it seems to me that it would make a lot more sense. Rather than going through a circuitous route of trying to convince Albertans that they're almost the same or they're consistent, why not just simply allow the Freedom of Information and Protection of Privacy Act to prevail so that researchers who want to get that kind of information can simply look to that legislation, follow the provisions of that legislation, and work through that legislation to get the information?

I'm having some difficulty understanding why we need a second set of rules for the disclosure of medical information that is not consistent with the Freedom of Information and Protection of Privacy Act simply to accommodate a very small sector of the Alberta research community so that they can access information for particular projects. Mr. Speaker, I am not convinced by the arguments from the hon. Member for Olds-Didsbury that they've run into some obstacles and so to accommodate them in those obstacles we'll bring in legislation that fundamentally alters how personal, private information can be disclosed.

[Mr. Herard in the Chair]

Mr. Speaker, there are admittedly some provisions in the legislation for an offence for disclosing that information improperly, but as my colleague for Edmonton-Glengarry says: there isn't the same number of checks and balances for the disclosure

and the release of this information under this legislation as there is in the freedom of information and protection of privacy legislation. Because we are talking about sensitive, confidential information, we need to know that all of the steps that should be gone through are gone through.

I recall the hon. Member for Olds-Didsbury, in his opening remarks sponsoring the Bill, talking about a balance, a balance between information that's necessary and protecting the privacy of the individual. I think we saw that. I think the work that this Legislature and Legislatures before ours did on coming to terms with the freedom of information Bill, now a piece of legislation, does deal with the balance between the protection of privacy and the freedom of information. That was the whole essence of what that debate was all about, and we came to a conclusion that a balance had in fact been struck. Having struck that balance, I see little point in proceeding with a further debate on another mechanism and another process and another procedure that calls back into question the issue of whether or not a balance has indeed been struck on the release of information and the protection of privacy. We have it all there. It's all in place now, and we need not come forward with further legislation to deal with this issue, while the other issues can indeed be debated and moved forward through the legislation, specifically with respect to the Pharmaceutical Association changes and redefining or clarifying the purpose and the use of Blue Cross and the Blue Cross agreements.

Mr. Speaker, because the Bill does attempt to reopen the debate on something that has been thought through very carefully by this Legislature and because there has been public concern raised about the disclosure of information in this fashion and because there has been a call for some consultation with professionals in the field before this proceeds, I think it is important for the government to take those concerns seriously, to at least consult with the professionals and researchers involved and determine whether or not or why not the existing mechanisms and provisions that will come into play once the freedom of information legislation actually comes into force will not work in the circumstances. If the government can come back into this Legislature and give a clear and decisive reason why those mechanisms can't work, then perhaps we can reopen the debate on disclosing information while balancing the protection of private information.

Mr. Speaker, I think until that happens, it would be improper for us to proceed with Bill 45. We encourage the government to think about the use of the existing mechanisms that we've got, to stand down on its approach this way to accommodate the research community, recognizing the comments of my hon. colleague from Edmonton-Mill Woods, having had firsthand experience with some of the difficulties in research. While those are recognized, we are not saying – I'm not saying – that we prevent moving forward in this direction. I'm simply saying that we need to explore whether or not existing mechanisms will work without having to reinvent the wheel.

So, Mr. Speaker, with those comments, I would encourage hon. members to not reopen a debate on a debate that we've already had and, on the basis of the disclosure of information provisions contained in the Bill, that they vote against the Bill in second reading.

Thank you.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I rise to speak against Bill 45, and I do not do that lightly. I certainly acknowledge the importance of research, whether it be in the

province of Alberta or in Canada or somewhere else in the world. The reason that I speak against this Bill has certainly been addressed by many of my colleagues, and the Member for Edmonton-Glengarry focused the issue in my mind when he spoke concisely with regards to the Freedom of Information and Protection of Privacy Act. I would have felt that indeed this whole subject of the right to privacy in the release of information had been dealt adequately with in that Bill.

The reason that I have difficulty with Bill 45 when it comes to the whole area of research once again comes back to a code of ethics and the whole aspect of delegation. One has to ask: why is this government not satisfied with their own legislation when it comes to the Freedom of Information and Protection of Privacy Act?

#### 4:30

I want to bring to the attention of the House – and I believe that through experience or example you can demonstrate a concern more concisely. It'll be over five years ago when we had a little granddaughter born here in the city of Edmonton in the Royal Alex hospital, and she got off to a very difficult start. What resulted in the neonatal unit was my daughter being asked to sign a release form, which, if I recall, was over two pages long in fairly small print, asking her to sign so that our second youngest granddaughter would be put on this research project. She came to her mother and father and said, "Mom, Dad, what do you recommend we do?" We said, "Well, the first thing: have you read it?" She said no, she hadn't read it. So we took some time to read this document that was signing a release for this child to be put on this research project, and the bottom line was that the pharmaceutical people, the pharmacist was the only person that was going to know whether indeed this infant was going to be put on the placebo or be given the treatment that was deemed necessary for the respiratory problem that my daughter's daughter had. So we asked through the neonatal unit if we could speak to the neonatal pediatrician, and we were told that the neonatal pediatrician was very busy and the likelihood of us being able to speak to that gentleman was very slim. We decided that in the best interests of everyone we needed to speak to the professional that was asking for this release to be signed.

If we had not had the patience to stay the course – we had to wait for over an hour before we met with that neonatal pediatrician – we indeed would probably have made the wrong decision. So what happened was that we met with the neonatal pediatrician and he was absolutely taken aback that we would question why we had to sign this document. It was like, you know, what right had you to ask the question. After we had discussed this issue with him for an extensive period of time, the family came to the conclusion it was not in the best interests of this infant to be part of this research project. Indeed, if this child suffered from what the pediatricians were saying and needed all the intensive care that the child was getting, why would you not ensure that the child got the treatment?

Mr. Speaker, the Minister of Health is looking puzzled, and what's this got to do with research?

MRS. McCLELLAN: I'm trying to hear the relevance.

MRS. ABDURAHMAN: The relevance is that when you are giving professionals through Bill 45 the right to the release of information for research, the extension of that is that when you are in a health care setting, research is going on all the time. The document that this daughter was being asked to sign was a

research project. My point, Mr. Speaker, is that we owe it to Albertans to ensure that their right to privacy is protected, that there's full disclosure, and that when any Albertan is part of a research project, they should be fully aware of it. I would suggest that the way we see things being conducted is not necessarily the case, that too often we take the short route. I honestly believe that this Bill, the Freedom of Information and Protection of Privacy Act, is a much better piece of legislation than Bill 45.

The other aspect – I'm going to tie the two together here, and I think it's open for interpretation – is when we're looking at 4(1): "Section 37 is amended by adding the following," subsection (1.1). We start looking at: "that are not basic health services." Then we start to ask the question: what is the definition of our basic health services? I get very apprehensive, because indeed we're beginning to see some of the results of this government's fiscal policy in the way they're making cuts within health care. I'll give an example, Mr. Speaker. In the whole area of autoimmune diseases they have a prognosis that indeed is not positive to say the least, and many of the people who have autoimmune diseases need substantive support systems. Just recently one of our leading rheumatoidologists was telling me that people who are suffering from rheumatoid arthritis are not getting the support services they used to get. Indeed, that ends up creating not only difficulties for that individual to continue living hopefully as functional a life as they possibly can and as independently as they possibly can; it flies in the face of your wellness delivery system. Because if someone has rheumatoid arthritis, the "basic health services" suddenly clearly defines that they're not going to get the support services.

Mr. Speaker, it's no different than the member I believe from Red Deer who asked the question at question period about people who were suffering from the effects of childhood polio. We know now that forty years later you can have ongoing complications from that disease. What we're saying through Bill 45 is that this is indeed one more blow to our health care system, clearly a two-tiered health care system evolving.

[Mr. Clegg in the Chair]

I would say, Mr. Speaker, that the government has to come clean and share with Albertans what it is you're saying is a basic health care system. I'd use some other examples. Within the whole area of autoimmune diseases, whether it's scleroderma, whether it's Wegener's granulomatosis, there are certain things even today that aren't covered by health care. Now, who's going to define what diseases or what illnesses should get a hundred percent treatment or support systems? Who's going to do that? Who's going to play God? In essence, that's what's happening. The bottom line is that with a lot of these diseases that people have acquired through no fault of their own, there aren't even adequate support systems there today, and those are being cut into.

Now, I would like to tie Bill 45 to Bill 46. I'm going to ask this question, Mr. Speaker, because I'd like to hear the government address it. We're talking about basic health care, and it would appear that we're probably going definitely on the route to a two-tiered health care system. Then in Bill 46 we're talking about the ability of the government to sue and collect health care costs when it's deemed that it's the individual who has created the health care cost. I'd like to ask the question: if indeed the environment can be shown to have created a health care related problem, is indeed this government going to go after the body that created the environmental problem for reimbursing of the health

care costs? We know that in cancer there is a direct relationship to certain elements within our environment. I'll use some more examples. We also know that where you pollute your ground level water, you can tie that back to having created a health care disease or illness. Is this government going to go after it? Quite frankly, they're talking out of both sides of their mouths. We'll use smoking for example. They stand up self-righteously, won't support the Bill, yet we all know that smoking causes illness.

MR. DINNING: It's typical Liberalism. It's socialism.

MRS. ABDURAHMAN: So I once again would say: how are you going to define basic health care services? And when you get to Bill 46 and you're going to start to go into the courts to claim financial retribution for the taxpayers, are we going to go after the tobacco companies?

4:40

AN HON. MEMBER: Oh, absolutely.

MRS. ABDURAHMAN: I'm assuming that's exactly what you're saying from that side of the House. You know, Mr. Speaker, they can't have it both ways, and that's what we're hearing every day.

MR. DINNING: You can't have it any way, Muriel.

MRS. ABDURAHMAN: You know, Mr. Speaker, if anybody created socialism in the province of Alberta, it was the Provincial Treasurer. He sat there and he allowed hospitals all over the province to be built. He allowed a sickness system to evolve. [interjections]

#### Speaker's Ruling Decorum

MR. ACTING SPEAKER: Order. Hon. members, we don't want a circus in here, so from both sides of the House we don't need yelling back and forth. I'm very capable of sitting here and letting everybody have their turn.

So, hon. member, would you please continue?

MR. DINNING: No. Ring the bell. Get the clock . . .

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I'm sure when certain members on the other side of the House behave as clocks or become rowdy, you will fulfill your obligations.

#### Debate Continued

MRS. ABDURAHMAN: I think it's important that Albertans are aware of what Bill 45 and indeed Bill 46 have the potential to do to this province. I would suggest that an all-party committee that worked extremely hard – and while it's not a hundred percent there, it's certainly well on the way to being there. The Freedom of Information and Protection of Privacy Act certainly takes care of one section of the amendments through Bill 45.

The other area, Mr. Speaker. I challenge this government to come clean and tell us: what is basic health care? What is it you're going to cover? I would suggest that they don't know even today, yet that's the route we're going. I honestly believe that if you don't know what basic health care is going to be, how can you develop a meaningful business plan? How can you budget to meet the needs of Albertans' health?

Mr. Speaker, with those comments, I will now give the satisfaction to the Provincial Treasurer of sitting down.

Thank you.

MRS. McCLELLAN: Mr. Speaker, I'd just like to make a few comments on the Bill. I've listened to a few of the comments that have been made, and I am struggling in some cases to find out where the person or persons who are speaking found any of these items in this Bill. However, I do understand that perhaps there's being some leniency, because I thought in second reading we were going to speak strictly to the principle of this Bill, but we have gotten into how many hospitals we have in the province and a number of other things.

Mr. Speaker, one thing I am puzzled about. I've heard a lot about the importance of the confidentiality of a person's private medical history. I've heard that. I have seen, over the course of the last months, more examples of persons' medical history being bared in this Legislature by that opposition than I would have ever thought possible. Now, where is the caring about that in those cases?

Mr. Speaker, I would like to read a section of this Bill, and I would like the members opposite to listen to this section. If they could go to page 2, section (5.1).

The Minister or a person authorized by the Minister may disclose, for the purpose of bona fide health related research, any information obtained under this Act or the Health Insurance Premiums Act other than

- (a) the names of individuals to whom the information relates, or
- (b) information that would enable the person who is conducting the research to identify the names of those individuals.

Now, if the hon. members would just check that section particularly, they would know that the names and the identities of persons are very carefully protected. I take this piece of legislation very seriously, hon. members, because I think I have protected and I do not believe I have discussed any person's medical history, nor would I want to as minister of the Crown. I take that very seriously.

#### Point of Order

#### Allegations against a Member

MR. ACTING SPEAKER: On a point of order?

MRS. ABDURAHMAN: Yes, on a point of order, and I cite 23(h), making allegations against another member. Mr. Speaker, I clearly heard the Minister of Health infer – and I want to clear it up right now – that confidential information regarding Albertans' health has been released. I wish to know if that reference was made to me, and I'd wish her to cite the instance.

MRS. McCLELLAN: No, it wasn't, hon. member, and I will withdraw the comment if it was offensive to you. However, I just did listen to a discussion in your speech.

I don't believe I said confidential information, Mr. Speaker. I am withdrawing the remark if indeed I erred. However, the discussion of persons has occurred in this House and on a number of occasions. But if the hon. member will allow, I will withdraw the comment and apologize.

MR. ACTING SPEAKER: On the point of order, I didn't hear the Minister of Health refer to any specific member. However, the hon. Minister of Health has said that if the hon. minister did say anything, she apologizes, so I guess that will clear up the point of order.

#### Debate Continued

MRS. McCLELLAN: Sometimes I suppose we get a little carried away in this debate, but I take this very seriously. I do want to

draw your attention, hon. members – and I know the hon. Member for Edmonton-Mill Woods spoke on research, and that's a very, very important area. I know it's important to the hon. member as well, but I think if the hon. member reads this section, he would understand clearly that the protection of the individual is there. It would only be under certain circumstances and very necessary types of circumstances that this information would ever be used, and it could only be done under the auspices of permission from the minister. There is an area in there, if you go down to section (5.3), where any person who would receive information has to have an oath of confidentiality and is guilty of an offence if they should break that.

I would remind the hon. members that there are a number of very serious medical diseases that we're struggling with, and in many cases you cannot collect this information strictly from a hospital. Unfortunately, we don't have at this point a methodology of collecting data as good as we can have. Alberta has been a leader with Health Canada to develop the health information management system, where we can indeed collect our information and utilize it in a better way. But this is in no way meant to include any individual's identity for those purposes. That's why that section is so strong. I think the hon. Member for Edmonton-Mill Woods knows that I have a very, very strong commitment to research. I also have a very strong commitment to my responsibilities as minister, and these sections were written certainly with that in mind. This is an important area.

I don't believe that the freedom of information Act does cover the areas well enough that are defined in this area. That's why this is done differently. We have a number of programs, and if you go to the first section of this Act, it is strictly on registration information, which is like a name, an address, a phone number. If Health Canada were to institute a program in Alberta, we would be able to, through this, share information on strictly registration on that program. If another department of government were to put in a program that was related in that way, you could utilize that information for the auspices of that program. That is the way that would be utilized, and I think it's quite clear that it's for programs, governments, other departments. It's quite narrow, and it is certainly our intention to keep it quite narrow in those areas. This is an important piece of legislation because the information collection that we have and the ability to utilize it is important to us.

#### 4:50

I just want to say one more time on the research area, which I know is an area of concern: please read that section again. Please understand that that would not in any way commit any person in this province to a research project, because all of this would be after the fact if there was information gleaned, and no names or identities of individuals are given in any way. I think if you read the "other than," it will comfort your mind on that, and if you think of it as that this is not to talk somebody into a research project but is to utilize information that we could have that would be particularly important to research.

I'm not going to discuss all of the other far-reaching ones, but I will remind hon. members one more time in this House: we have a wonderful health system in our province, and it can be better if we work together to make it better. When we talk about the Canada Health Act, I will remind every one of you in this House that if the health programs in Alberta were strictly – strictly – adhering to the principles and the tenets of the Canada Health Act, we would not have the health system that we do in this province, because it strictly relates to medically required

services. We want to talk about health, we want to talk about wellness, and we want to ensure that we meet the health needs of our citizens in a holistic way rather than simply being stuck on treatment, on illness, and on institutions. If there's a better way to ensure that our citizens are healthy, let's work together to achieve that. Certainly the way to do it is to restructure a system that is based on illness, that is based on treatment, and that does not focus on the individual. Our focus is on the individual first. Let's put the needs of our consumers first. Let's design a program and programs that meet their needs instead of having the system which we have today and trying to fit our consumers into it.

With those comments, Mr. Speaker, I will yield the floor.

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

DR. PERCY: Thank you, Mr. Speaker. At second reading it's time to assess whether you support a Bill in principle or not. In this particular Bill I guess there are principles that I do support, and it is in second reading that I would like further clarification. Let me just address what my concerns are. What I'm going to say now is related in part to the process here. Often what will occur is that opposition members and on occasion government members will pose a series of questions that go into the void and are never ever answered. It creates an atmosphere, then, in which if questions are asked, answers are not forthcoming, so it almost compels you to vote against a Bill simply because the issues haven't been addressed at any point. Even if an hon. member is not here, that person can still read *Hansard* when the person sponsoring the Bill has addressed the concerns that have been raised.

In principle I guess there are two issues here. First, with regards to the issue of research. Given that (a) we face an aging population and (b) there are certain clusters and incidences of disease and afflictions in Alberta that are specific to Alberta – there are higher incidences – I can certainly see the need for us to participate in both national research projects as well as those that are very specific to Alberta in light of unique health care issues that arise here, whether it's asthma or MS, where we have a much higher incidence than the national average.

I guess with regards, then, to the issue of research, I wasn't quite clear from the hon. minister's comments whether the minister was saying that the provisions of Bill 45 with regards to information were in fact more stringent than those in the yet to be proclaimed freedom of information Act, because that is the issue, the principle that is at stake. It would be very useful for members of this House to see exactly a concordance of how the provisions of this Bill in fact dominate those of the freedom of information Act, because I think that is of concern to many of us who, on one hand, certainly view the role of research as being fundamental to understanding – now let me again make it clear. With regards to the issue of research, to the extent that we're going to see a health care system as well that looks at outcomes, that looks at treatments and assesses an array of treatments in terms of success, I would think research is a necessary element for us to get a very clear handle on outcome-based budgeting.

So in principle I can see the need for such legislation, but again I guess my concerns about confidentiality have to be addressed. I found the arguments made by the hon. Member for Edmonton-Glengarry quite persuasive, and then the minister has said, well, notwithstanding that, the provisions here are in fact stronger. I think that's an issue that must be clarified.

The second issue is one that in a sense addresses the rapidity with which restructuring is occurring. As we see individual Bills emerge, a Bill such as this, you try and sit back and say, well, where does this fit overall in the restructuring that's occurring? Is this big or small? Is this housekeeping, or is it a major element of the restructuring? Certainly when you look at section 4, which clearly demarcates between Blue Cross and the Alberta health insurance, one wonders why that provision is there. Is it just gridlocking the link between core health care services, Alberta health insurance, and having Blue Cross clearly as an add-on, and then increasingly the definition of core health care services becoming narrower and narrower? So I think one issue that many members would like to see addressed is: what is the specific role of section 4 with regards to Blue Cross and the fact that it will not cover anything that is defined as basic health care? What is the intent of that? What inference are members to draw from that particular provision in terms of the possible emergence of a two-tiered health care system?

So for me, when I look at the principles of this, those are the two concerns that I have when I look at this Bill. Certainly when it reaches Committee of the Whole, I'll be looking for amendments, if required, that address my concerns.

With those comments, Mr. Speaker, I'll turn the floor over.

5:00

MR. ACTING SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I'm not going to spend a lot of time on the Bill. I just want to tell the Legislature that I think this Bill has some real promise to it, but I have a couple of concerns that I'd like to address.

I see this Bill basically providing us with a mechanism to allow for the access to information that's necessary if we do plan on providing a data-based analysis of our health care system. We've got to have access to some of the information that has been closed before if we want to look at programs, the kind of money shifts that have to be made to make our programs more effective. I deal with it from that perspective in terms of the research component, coming from a scientific background. I think that the only way we can deal with effective allocation of our financial resources in Alberta is by having the information available, and I think this Bill provides us with that opportunity.

My one concern with it, other than some that have already been mentioned, deals with section 5.2. I don't see why we need that section in the Bill. Section 5.1 basically provides access to information without identification of a person who is involved. Then we go to the next section, where we have a process that the minister gets involved in in dealing with authorizing a researcher to identify the names and get information from individuals involved. I think those two sections cover all possible combinations or focuses of research that I could imagine anyone wanting to see. Once you have the base data without a name attached to it, you can do all of your kind of transitory and transition type analysis that you need.

If you want to deal with health care issues as they relate to the social/cultural aspects of the population of Alberta, you do need a name, address, and location attached to it. I don't think it's right that we deal with that kind of information without having the approval of the individuals concerned. So I think this Bill would be very good if we could just delete section 5.2 in amendment when we get to committee stage and then deal with it from there on.



So on that basis, Mr. Speaker, I just would like to recommend that the Member for Olds-Didsbury look at that as a possibility when he deals with committee stage. In other words, I think this is a Bill well worth supporting.

MR. ACTING SPEAKER: The hon. Member for Olds-Didsbury to close debate.

MR. BRASSARD: Yes, Mr. Speaker. I really appreciate the comments that have come from the other side. We will take a look at some of the areas of concern, and we welcome further discussion at Committee of the Whole.

I move second reading of Bill 45.

[Motion carried; Bill 45 read a second time]

**Bill 53**  
**Social Care Facilities Licensing**  
**Amendment Act, 1994**

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

MR. CARDINAL: Thank you very much, Mr. Speaker. I'm pleased to rise and speak at second reading of Bill 53. The amendment to the Social Care Facilities Licensing Act will result in greater freedom for parents who use child care in Alberta. Parents need viable alternatives and options to child care that suit their individual needs and circumstances, both in urban and rural Alberta. This amendment responds to the needs of Alberta families and continues to protect the safety of children, as we did before. By reducing government regulations, this amendment gives parents the rights and responsibility to choose their care options for the children. Alberta continues to offer affordable and accessible child care services. Presently we have over 31,000 spaces in day care. There are also 2,800 approved day homes in the province, and they provide care for over 8,000 children. These of course will continue as they are presently.

In addition to that, Mr. Speaker, we are not the only province that has moved to allow more children before we license. Six jurisdictions out of 12 in Canada, representing over 18 million Canadians, presently either have five or six children in private babysitting prior to asking for regulations and licences. So I feel this Bill should be supported.

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

MR. WICKMAN: Thank you, Mr. Speaker. I'd like to make a few comments on Bill 53, and I would hope that the minister of family services will listen to my comments. I don't want to speak for the sake of being critical or destructive. I want to make some comments that I hope he would listen to, because one thing I do find with the minister is that I am able to sit down and talk with him and he will listen to the things I say. Although he doesn't always act upon them, he does listen and consider them.

Mr. Speaker, to the minister. First of all, we have to look very carefully at the impact of what Bill 53 does. We're talking in terms of allowing six children under the supervision of possibly one person. Now, the way the legislation is drafted, the worst case scenario is that you could have one person looking after six children that are three years of age or younger. In other words, three of them would be younger than two years of age and the

other three would be under three or could be two plus six months or two plus eight months, whatever the case may be. So you could have six very small toddlers all under the responsibility of one person with absolutely no regulations to govern as to what quality, what level of service, what level of supervision those children are going to get.

Now, there are no licensing requirements. There are no inspections. There is no way of knowing if there are situations that are not appropriate, where there may be child abuse, child neglect, whatever the case may be. It's like going back to the '60s, when my little fellow was that age and we put him in a private place because that's all there was back in those days. It was not appropriate, and we have come a long ways, but now we tend to go back.

We can talk in terms of people's choices, and certainly they could have the choice of the day home agencies that are there now or the choice of going to a private one. For a mother of limited income to put her child into one that is subsidized, if she qualifies for a subsidy, that's fine. But then you get those that are at the lower end of the middle income – in other words, just above what the limits allow – that don't qualify for a subsidy. So they have the scenario: put their child in an agency-operated day home, pay \$350 a month, or put it in a private home where maybe some person is only charging \$150 a month. But who knows what kind of service they're running? So, Mr. Speaker, for the sake of the children involved, we've got to be very, very careful. Very careful.

Now, I can recognize the government's philosophy. I'm realistic enough to realize the thrust towards deregulation and such, and in some areas it's good to deregulate. In some areas it's good to privatize and all those things, but we don't want to go to the point where we totally deregulate child care services, and that's one of my fears. Is the movement going to be amongst those parents that go into the private homes? Are those operators of private homes next to say, "Why don't we receive subsidies like those ones that are approved agencies?" Why don't the parents get a direct subsidy and then decide if they should take their child to the unsupervised place, pay \$150 a month, as opposed to the supervised place, the inspected place, the place where there's a certain level of care provided, assured for \$350 a month? In a lot of cases it'll speak for itself.

**5:10**

So, Mr. Speaker, to the minister: there is a problem. I can recognize the feedback that you get, the wishes that you're hearing from the rural members of your caucus. Certainly in rural Alberta the environment, the atmosphere, the attitudes, the life-styles are a little different. People tend to know each other a lot better. They tend to know each other on a personal basis, although the largest percentage of child care abuse does take place in the homes where there is a relationship. In other words, the child is an unsuspecting victim of a family friend, whatever the case may be. But there are a number of other factors, like the distances involved in driving to this farm or that rural spot, whatever, that tend to set it up on a different set of rules.

So we're almost into a situation where we have to satisfy in rural Alberta the wishes of those people, at the same time respecting that in urban Alberta it's a whole different ball game. One way of course to do that would be to set up a two-pronged system within the existing legislation, but I would suggest that a more appropriate way of doing it would be simply to pass enabling legislation to allow that if municipalities choose to pass a bylaw that would allow for unsupervised, for unregulated, for

unlicensed day care centres, so be it. Then that municipality would take the responsibility of doing it and suffering the consequences. At the same time, that municipality is closer to those people in that particular community and has a better understanding as to whether it's appropriate. It could very well be appropriate. This legislation could be appropriate in Calmar, Alberta, for example, but that doesn't mean to say that it's appropriate in Edmonton or Calgary.

Mr. Speaker, this government does like to pass enabling legislation. Most of the time, though, that enabling legislation is to allow their Executive Council, or their cabinet, to do all sorts of powerful things, pass new regulations and new laws and such. There is no shame, there is nothing wrong on occasion with passing enabling legislation that passes some of the responsibility on to the local government, on to the municipalities, who have a much better feel, a much better handle on what's happening in their particular community, what's good for their community, what's good for the people in their community, and in this case, what's best for the children in that community. Then those municipalities can respond directly to the wishes of the Albertans or constituents in that area. In other words, if 2,000 people in a rural riding get together, sign a petition saying to the local government, to the local council, "We want this," then fine, but if there is no desire to do it, why do it? Here the indication is that there is no desire.

I have met with the association of parents and day home operators, and they are very, very concerned. They're concerned of course with the impact on their particular facilities, but more important than that they're concerned with the impact on the well-being of the children of this province. They're being constructive. They've asked for meetings with the minister. The minister's time is booked very heavily these days. This session is not one to go a long, long way, so the minister has to look at these options.

The other option, Mr. Speaker, that the minister could look at is not giving second reading to this Bill. It is now on the Table. Allow the Bill to die and then bring it back in the spring session. Allow the winter months for some input from Albertans as to whether this is what they really want. If they do want it to a limited degree, should the age structures and such be changed to prevent the situation where you have six children under three years of age in one home under the supervision of one particular parent?

I'm looking for signals here. Mr. Speaker, on that note I'm going to conclude because there are others that want to speak.

MR. ACTING SPEAKER: The hon. Member for Edmonton-Glengarry.

MR. DECORE: Mr. Speaker, thank you. I'm rising to speak on Bill 53. When I was elected as an alderman in 1974 to serve the citizens of Edmonton, I found that I was placed on the local board of health. An issue that we had to deal with at that time was whether or not day care facilities should be licensed. So what we did was have some of the nurses and officials of the local board of health go out and examine some of the day care facilities that existed. We were astounded and we were appalled at what we found. We found that cleanliness in many of these facilities wasn't of the order that it should have been. We found that some of the people looking after children were questionable, to say the least.

We as a city then proposed to the government of that day that there be legislation put into place to regulate and to inspect and to look after these facilities. It took a long time for the government of the day to do anything, and in fact that prompted the city of

Edmonton to set up 13 separate day care centres, which I think went a long way to push the government into ensuring that inspection and regulation and visitation happened.

That was a good lesson for me. It was a good lesson because I discovered that children, who need absolute and complete protection, weren't getting it.

Now, I'm no expert in child care, so I have to look to others to see if two children are too many or four are too many or six are too many or however many are too many. So we did some research on that point and found this. For example, Mr. Speaker, the Edmonton chair of the day care society of Edmonton, Carolyn Lister, has spoken out saying that unmonitored, unlicensed babysitters should not be allowed to look after that many children. Lister claims that she was worried that some babysitters aren't skilled enough to watch half a dozen toddlers. She questions: say a babysitter is watching six kids; one of them is seriously hurt and starts bleeding; who looks after the other five? Another expert Wendy Yewman, chairman of the Alberta Association for Family Day Home Services, is also surprised at the proposed changes, again along the same reasons.

Well, Mr. Speaker, you know, it's one thing to come back in this Assembly and say, "We told you so," or "I told you so." When you're dealing with money, you can sort of get away with that. Unfortunately, moneys are lost that shouldn't be lost, but it's a lot worse when you're talking about the well-being of a child. I don't want to come back into this House and say: I told you so. I don't want the Liberal opposition to come back or the media to come back and say: we told you so, Mr. Minister. This is a hazard. The experts are saying that the protection of children, the safety of children is at stake.

MR. MAGNUS: You must come from a small family.

MR. DECORE: No, I don't come from a small family, hon. member, but I guess you must be an expert on raising six children and know all about it.

MR. MAGNUS: I have three.

MR. DECORE: You say three. You raised three. I wonder if six is a lot more. Is the progression that much greater when you get to six than three? I think it is, and that's the point I'm making. I think it's important to go to experts, and I think the suggestion made by the hon. member who spoke just moments ago that you put this aside and go to experts and see what they say, what that optimum number is. The evidence appears to indicate that it isn't six, that that's too much of an onus on one person and that you put children in jeopardy, that you put children at peril. You make it likely that somebody is going to get hurt, and you're going to pay the price, Mr. Minister, or your government is going to pay the price, but the sad part is that a child pays the price.

So, Mr. Minister, I ask you to take the suggestion that was made by the hon. member just moments ago that this matter be shelved for a time and that you have an opportunity to listen to the experts, to talk to them, to talk to air traffic controllers to see what they think about this whole business.

Mr. Speaker, you shouldn't err on this kind of an issue. If protection is the issue, then you must err on the side of making sure that everything is in place that needs to be put into place. So, Mr. Minister, I hope you take that suggestion from this side.

Thank you, sir.

*5:20*

MR. BRASSARD: Mr. Speaker, there have been a lot of comments made, and I find myself more and more disagreeing with the Member for Edmonton-Glengarry. I would like to initiate my response, but given the hour, I move that we adjourn this debate.

MR. ACTING SPEAKER: The hon. Member for Olds-Didsbury has moved that we adjourn debate. All in favour?

HON. MEMBERS: Agreed.

MR. ACTING SPEAKER: Opposed, if any? Carried.

[At 5:21 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

