

## Legislative Assembly of Alberta

Title: **Thursday, November 3, 1994**

1:30 p.m.

Date: 94/11/03

[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.

Please be seated.

head: **Presenting Petitions**

MR. VAN BINSBERGEN: Mr. Speaker, with your permission I'd like to present a petition which the Minister of Education was kind enough to pass on to me. It is signed by 15 constituents of mine, and they're asking that the Legislative Assembly purge literature in our schools of any negative references to any religion.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to present a petition signed by 56 residents of Alberta asking the government to reconsider its plans to reduce seniors' benefits.

head: **Reading and Receiving Petitions**

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

MRS. SOETAERT: Thank you, Mr. Speaker. I request that the petition I presented regarding the Sturgeon general hospital please be read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region and to allow the Sturgeon General Hospital to serve its customers from the City of St. Albert, the MD of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac St. Anne, Parkland and Westlock.

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission I would like to have the petition which I tabled in this Assembly on October 18 regarding the future of the Grey Nuns hospital in southeast Edmonton now 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 southeast end of Edmonton and surrounding area.

head: **Tabling Returns and Reports**

MRS. MIROSH: Mr. Speaker, on behalf of the Minister of Labour I am pleased to file four copies of a letter from the Alberta Pharmaceutical Association announcing Pharmacy

Awareness Week, November 1 to November 7. The pharmacists have played a significant role with the public, and I think this is an important event.

Thank you.

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

MR. PASZKOWSKI: Thank you, Mr. Speaker. I'm pleased to file four copies of a report on my recent trade mission to Russia and to Poland.

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

MS CARLSON: Thank you, Mr. Speaker. I wish to table two resolutions today. The first is from the Ekota School Parent Advisory Committee with the following resolution:

We the Ekota School PAC urge the Legislature of the Province of Alberta to amend the Alberta School Act to mandate the right of access to fully funded kindergarten programming to a minimum of 400 hours per child per school year.

The second is from the Meyokumin School Local Advisory Committee with the following resolution:

We the Meyokumin LAC urge the Legislature of the Province of Alberta to amend the Alberta School Act to mandate the right of access to fully funded kindergarten programming to a minimum of 400 hours per child per school year.

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

MR. SEKULIC: Thank you, Mr. Speaker. On behalf of Debbie Hart, the president, and the Northmount Parent Association I would like to table four copies of this document containing the resolution which reads:

We, the Northmount Parent Association urge the Legislature of the Province of Alberta to amend the Alberta School Act to mandate the right of access to fully funded Kindergarten programming to a minimum of 400 hours per child per school year.

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

MS HANSON: Thank you, Mr. Speaker. I rise today to table four copies of This Could Happen, a document prepared by the Alberta Liberal caucus that indicates the impact which Bill 57 could have on Alberta social services.

head: **Introduction of Guests**

MR. SPEAKER: The hon. Minister of Advanced Education and Career Development.

MR. ADY: Thank you, Mr. Speaker. It is with pleasure that I introduce to you and through you to members of the Assembly recipients of the 1994 Rutherford scholars award. This program recognizes the top 10 students graduating from grade 12 solely on the basis of diploma examination results, with averages ranging from 97 percent to 98.8 percent. This year we have 12 recipients because of tied scores. I had the pleasure with other members of the Assembly today to host a luncheon with the recipients and their families, who are seated in the gallery. I would ask that the recipients please stand as I call their names and remain standing until I've finished the list.

The top academic achievers are: from Calgary, Sacha Agrawal from Western Canada high; Victoria Beck, Western Canada high; Jason Garred, Queen Elizabeth; Christopher Prusinkiewicz, St. Mary's; and from Edmonton, Roberta Radovanovic from Ross Sheppard; Lance Doherty from Harry Ainlay; David Ritter from Old Scona; Ronnie Cheung, Archbishop MacDonald; and from Fort McMurray, Gabriel Ting from Westwood; and from Spruce Grove, Candace Brooks from Spruce Grove high school. Two recipients not able to join us today are Rebecca Sparkes and Christopher Thompson. I ask all members to give these students a warm welcome. They are standing in both galleries.

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

DR. PERCY: Thank you, Mr. Speaker. To you and through you to the members of the Legislature I would like to welcome 26 members of the grade 6 class from Brookside school, including my son, and their teacher Ms Jacqui Goon and the parents accompanying them: Mrs. Susan Hagg, Mrs. Mary Ann Morrison, and Mrs. Jean Tredget. I'd ask them to stand and receive the warm welcome of the Assembly. They're in the public gallery.

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

MR. SEVERTSON: Thank you, Mr. Speaker. It's a pleasure for me to introduce to you today and through you to members of the Assembly two classes containing 51 students from the C.P. Blakely school in Sylvan Lake. They're accompanied by their teachers Mr. Yee and Mr. Yard, parents Mrs. Kopitoski, Mrs. Way, Mrs. Herback, Mrs. Desaulniers, Mrs. Henderson, and Mrs. Topley. They are seated in the members' gallery, and I'd them to rise to receive the warm welcome of the Assembly.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. It is indeed a pleasure for me to rise and introduce to you and through you 10 students from the English Language Professionals Inc. school seniors 3 class. They are accompanied by their instructor, and they are seated in the visitors' gallery. I would like to ask them to rise at this time and receive the very warm welcome of this House.

1:40

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

MR. WOLOSZYN: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the other members of the Assembly two constituents of mine from Clymont in the Stony Plain constituency, who are here today to compare question period to what they see on TV. I'd like to ask Bruce and Pam Best to rise and receive the warm welcome of the Assembly.

head:

### Oral Question Period

#### Delegated Administration Act

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

MRS. HEWES: Thank you, Mr. Speaker. Bill 57 is not consistent with parliamentary democracy. In fact, it replaces democracy with government by decree and corporation. The government has no mandate for this, and it's an abuse of the trust

that Albertans have placed in their government. Albertans want to know what this government is up to. My questions are to the Acting Premier. Will the government now table Bill 57 until we have had a full public discussion with town hall meetings, forums, full consultations with stakeholders and the public?

MRS. McCLELLAN: Mr. Speaker, the Bill is before the Assembly, and it will be debated in this Assembly in due course.

MRS. HEWES: Mr. Speaker, other situations – young offenders, school board amalgamation – are important enough, but this isn't important enough? That's not a reasonable answer.

Mr. Speaker, we have seen this government bring in closure time and time again to shut off debate on important issues. My question to the Acting Premier is: will the Acting Premier give assurance that you will not invoke closure on Bill 57?

MRS. McCLELLAN: I think what can be assured to this Assembly is that there will be an opportunity for full participation of members of this Assembly to debate this Bill. Mr. Speaker, I would leave it to your guidance and wisdom as to discussion of this Bill, which is really enabling legislation, and as to whether we should get into a debate during question period on the content of the Bill. If you so direct, I would be happy to oblige.

MRS. HEWES: It's enabling dismantling of the government, Mr. Speaker.

Mr. Speaker, if we're not going to be sure that we won't have closure, will the minister, then, agree to a provincewide radio debate tomorrow morning on this issue to let Albertans know what the government is really doing to them?

MRS. McCLELLAN: Mr. Speaker, there will be an opportunity for very wide debate on this Bill, which is customary, I might say, and historical in our Legislative Assembly: to have full debate on Bills that are before this Assembly. I would look forward to the opposition attending that debate and participating in it.

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

DR. PERCY: Thank you, Mr. Speaker. There are four criteria that we use in assessing legislation. Does it ensure ministerial accountability? Is it consistent with parliamentary tradition? Does it make for a more responsive and cost-effective government? Does it allow for legislative scrutiny? Bill 57 fails on all counts. What's more remarkable is that this Bill is completely and utterly inconsistent with the accountability framework set out by the Auditor General. My first question is to the Acting Premier. How does this Bill, Bill 57, conform with any accountability framework when under section 15 of this Bill the government is not legally responsible for any negligent actions of an administrative authority set up by this government that could harm Albertans? Is that your definition of accountability?

MRS. McCLELLAN: Again, Mr. Speaker, I look to your guidance as to whether we should debate section 15 of this Bill in question period, but I rather suspect you would prefer that we don't.

Mr. Speaker, this government has committed to bring forward progressive legislation. We have brought forward a piece of legislation, and the opposition will have every opportunity in

second reading, in committee, in third reading to discuss this Bill, and I for one certainly look forward to seeing their arguments put.

MR. SPEAKER: Supplemental question.

DR. PERCY: Thank you, Mr. Speaker. A classic example of why this is called question period and not answer period.

My question is to the Acting Premier. How does this Bill conform with any accountability framework when under section 4 of this legislation any program or service can be delegated to the private sector on the basis of only one public meeting?

MRS. McCLELLAN: Again, I do believe that the opportunity to debate section 4 of this Bill will occur on the floor of this Assembly, and it will occur in due course. The hon. member will have the opportunity to bring forth his arguments, and the minister and other members will have an opportunity to counter those arguments. So, Mr. Speaker, I look forward to that debate.

DR. PERCY: Well, as I work and explain the Bill clause by clause to the government and they're unwilling to reply, let me conclude with my supplemental, Mr. Speaker. How does this Bill conform with any sensible accountability framework when under section 11 of this Bill the Auditor General cannot even investigate the financial affairs of any administrative authority set up by this government unless the minister says so? Is that accountability? Is that husbanding the taxpayer dollars?

MRS. McCLELLAN: Again, I don't believe you would wish me to debate that section of the Bill. We will certainly be prepared to answer the questions and to enlighten the hon. member and other hon. members opposite as to what those sections have. Mr. Speaker, I can only say again that the government members look forward to the debate on this Bill and to participating in the debate and, as I say, to enlightening the hon. members opposite.

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

### Highway Construction

MR. BRUSEKER: Thank you, Mr. Speaker. Last week the minister of transportation tabled a list of 42 highway projects approved for 1993 construction. The list addresses a total of 42 out of a complete total of 256 projects. My first question to the minister of transportation is this. Mr. Minister, you've given us one-sixth of the projects. When will you table the list of the other five-sixths of the projects approved for 1993?

MR. TRYNCHY: Mr. Speaker, I believe that I will be able to provide each member with a complete list of the work done in their constituency very, very shortly.

MR. BRUSEKER: Well, my supplemental question. On the list that the minister tabled, the total that he provides is \$79.4 million, yet when you add up the figures, it's only \$77.1 million. My question to the minister is: what did you do with the other \$2.3 million?

MR. TRYNCHY: Mr. Speaker, if the hon. member is so good with figures and he has good research, maybe he can tell me.

MR. BRUSEKER: I guess that's why we've got a \$33 billion debt in this province.

Mr. Speaker, my final supplementary. Since \$2.3 million are unaccounted for on the list of 42 projects, how many millions of dollars did he lose on the other 214 projects that we haven't had tabled in the House yet?

MR. TRYNCHY: Mr. Speaker, the hon. member is just so far off base, and it's unfortunate that the highway critic for the Liberal Party knows so little about highway construction and how it runs.

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

AN HON. MEMBER: Are you outraged?

### Drunkenness as Courtroom Defence

MR. JACQUES: Thank you, Mr. Speaker. It is the outrage of the week.

Albertans and Canadians and my constituents and your constituents were absolutely shocked by the events of September 30 with regard to the ruling by the Supreme Court of Canada, and that concerns the issue of using drunkenness as a successful defence for violent criminal acts. Mr. Speaker, we were assured by the legal community at that time that the interpretation of that by the lower courts would be very narrow, that it would indeed be nothing but a trickle-down effect. We have seen otherwise in this province. It's a bloody - excuse me - waterfall impact. I have a question for the Minister of Justice and Attorney General. What specific recommendations have you passed on to the federal Minister of Justice that will amend federal legislation to stop the use of this ridiculous defence for criminal acts involving violence?

AN HON. MEMBER: A good question.

MR. SPEAKER: The hon. Minister of Justice.

1:50

MR. EVANS: Thank you, Mr. Speaker, and it is in fact a good question. There are very serious concerns by ministers of justice throughout Canada about the impact of the Supreme Court of Canada decision. I think all of us as reasonable, right-thinking human beings feel that people should be responsible for their actions. The Supreme Court of Canada has come to the conclusion that extreme drunkenness is a defence for offences that require a mental element. I am currently preparing a letter to the federal Minister of Justice recommending that we as justice ministers analyze this decision very carefully and consider whether there are legislative changes that could be made to the Criminal Code to ensure that individuals who break the law and who negatively impact on other law-abiding citizens in this country are not allowed to get off the hook on a technicality.

MR. JACQUES: Then, Mr. Minister, as the Minister of Justice for this province are there specific actions that you can take in the province of Alberta that would help to mitigate this situation until such time as the federal legislation is amended?

MR. EVANS: Well, Mr. Speaker, the Supreme Court of Canada decision was dealing with a matter of the Criminal Code, which is federal legislation. We in the province are responsible for the administration of justice, administration of the Criminal Code and other federal pieces of legislation. It is a long and valued tradition in this country that the judiciary is independent of the executive wing of government, and I certainly cannot in any way,

shape, or form attempt to influence the interpretation of the laws of this land by the judiciary. But certainly we can look at ways, along with our federal counterpart and with the help of other justice ministers throughout this country, of closing the books on this situation if in fact it is allowing those that should be found guilty to get off the hook on a technicality, and we'll continue to do that.

MR. SPEAKER: Final supplemental.

MR. JACQUES: Thank you, Mr. Speaker. My last question, then, to the minister is: in your capacity as the chief law enforcement officer for this province are there specific actions that you can take or will be taking involving the laying of charges or with regard to the gathering of evidence that would attempt in some way to mitigate this defence from being used successfully again?

MR. EVANS: Well, certainly, Mr. Speaker, it is the responsibility of prosecutors and law enforcement officers in Alberta to analyze the law as it stands and to prepare their cases recognizing that law, recognizing the arguments that they have available to them to try to distinguish a general rule on specific circumstances in the cases that they are marshaling before the courts or in fact in circumstances that they are dealing with on the street. I have every confidence that our law enforcement officers and our prosecutors will judiciously consider the implications of the Supreme Court of Canada decision, as they do with all court decisions, and will take the appropriate and legal steps to ensure compliance but to ensure as well that they are serving the law-abiding citizens of this province and this country to the best of their ability.

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

MRS. SOETAERT: Thank you, Mr. Speaker. Two days ago I spoke in this House about the dangers of allowing extreme drunkenness as a defence for criminal behaviour. Yesterday the Department of Justice decided to appeal the recent acquittal of a Leduc man who successfully used this defence, but in announcing the appeal, the Minister of Justice, a former Crown prosecutor, commented to the press on the evidence before the court. He has now jeopardized the appeal. My first question is to the Minister of Justice. Mr. Minister, did you not realize that by commenting about the evidence before the court, you jeopardized the appeal?

MR. EVANS: That's a very serious charge, Mr. Speaker, and I take it very seriously. I pointed out to the press yesterday that I could in no way, shape, or form discuss the issue before the courts in the Blair decision. What I explained to the media were the grounds for appeal in the appeal notice. That is public. There is absolutely nothing else that I can discuss with the media or otherwise with respect to that case because – you are absolutely correct, hon. member – to do so would be to jeopardize the appeal process.

MRS. SOETAERT: Mr. Speaker, my supplementary to the minister. You commented that the judge may have erred and that there was evidence on the mental state of the accused. When will this government realize that the judiciary in Alberta must be independent?

MR. EVANS: Mr. Speaker, I'm taking these questions from the hon. member very seriously, and I'm going to answer accord-

ingly. What I explained to the media yesterday were the terms in the grounds for appeal – and this is a filed document – specifically "that the learned trial judge erred in law in receiving and applying the opinion evidence of Dr. Rueben A. Lang." I was explaining to the media what is in the appeal notice. Again, this is a notice of appeal. I made no comment on the provisions in that notice of appeal. I was merely describing what was in the notice of appeal, which is public record.

MRS. SOETAERT: Mr. Speaker, my final supplemental to the Minister of Justice: what are you going to do to restore the faith in the independence of the judicial process? This government continues to meddle where they don't belong.

MR. EVANS: Mr. Speaker, this is a very important matter, and I think Albertans want to be very clear about this. Were I to have made any comments at all on the case, that would have been improper, and I was very clear in pointing that out to the media. What I did was advise the media, as I have advised members of the Assembly today, what is in the notice of appeal that has been filed. This is public information. We must as the Crown identify grounds for appeal in the notice of appeal that is filed at court. That is precisely what I have indicated. It is from the notice of appeal filed on behalf of the Crown by our Crown prosecutors.

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

#### Social Services Caseloads

MR. STELMACH: Thank you, Mr. Speaker. My question today is to the Minister of Family and Social Services. I understand that in January 1993, less than two years ago, the welfare caseload was nearly 100,000. What impact, Mr. Minister, has your welfare reform had on the caseload to date?

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

MR. CARDINAL: Yes, Mr. Speaker. Eighteen months ago the welfare caseload in Alberta was over 96,000 cases, which is equivalent to around 180,000 individuals. With the major welfare reforms put in place in the last 18 months, we've seen a drop in the caseload, and it's a drop of 48 percent down to 50,000 cases, an annualized saving of around \$300 million for the taxpayers.

2:00

MR. STELMACH: Mr. Speaker, this is a significant reduction in caseload. What kind of impact does this have on things like the Canada assistance plan?

MR. CARDINAL: Mr. Speaker, under the Canada assistance plan, of course, some of the programs under my department are cost shared by the federal government. As we move forward with budget reductions and streamlining the operations of the department, we will see a decrease in the need for cost-sharing dollars under that particular program. In fact, this year we estimate that there will be \$150 million less required from the federal government with these new reforms.

MR. SPEAKER: Final supplemental.

MR. STELMACH: Thank you. What impact has this reduction in caseload had on Albertans?

MR. CARDINAL: Mr. Speaker, the program I believe generally is well received by Albertans. There are three phases of the reforms. One is to get the healthy young people back into the workforce, and that's been very successful. The second phase of the reforms is of course reshaping the child welfare issue, which is a large budget item and a very complicated and sensitive issue. The third one is another very complicated and sensitive issue, and that's persons with disabilities.

As we move forward with these changes, Mr. Speaker, what we have done is that when we put the young people back into the workforce, it allowed us to move dollars into the high-needs areas. In the past year alone we managed to move \$100 million to the high-needs areas, and it was always our original plan to do that. In fact, last year we had over 12,000 students attending various forms of training programs and moved \$65 million to students finance for grants and loans. We spent money in job-creation programs. We increased school fee allowance. We increased the personal needs supplement. We provided a thousand dollar additional allowance for people moving from institutions such as Michener into the community. I feel this program is working well. It's on target, and I believe it's supported number one by the clientele.

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

#### Disabled Persons' Programs

MS HANSON: Thank you, Mr. Speaker. The government's latest target appears to be persons with disabilities. We have just learned that the Department of Family and Social Services intends to shut the Vocational Training Centre in Edmonton's west end, a centre that provides needed day programming to approximately 100 disabled adults. My question is to the Minister of Family and Social Services. Mr. Minister, how can you go on and on in the House about the needy and your commitment to the needy, as you put it, and at the same time shut down a worthwhile and necessary program for persons with disabilities?

MR. CARDINAL: Mr. Speaker, I wish this member would be more specific with her questions. I have a large budget. I have over 350 agencies that I fund. For persons with disabilities there's over a \$400 million budget, so it is not a small project. When questions are asked, the member should be more specific. Or is it something like her new latest press release, This Could Happen?

MR. SPEAKER: The hon. member, supplemental.

MS HANSON: Thank you. Mr. Minister, there is one vocational centre in west Edmonton. I suggest that you go back to your department and find out what's happening.

If the department does intend to close the centre, with or without your knowledge, tell us how group homes will cope if their residents have no day program and are simply warehoused in their group homes with no stimulation other than a television set? This would take us back to the dark ages.

MR. CARDINAL: Mr. Speaker, this again is a This Could Happen issue. I know the project you're talking about, because in the past year I personally visited that project not once but twice. I toured it for one reason: to see how well that project works and to see as we move forward with reforming the welfare system, moving dollars to the high-needs areas, how we may

improve the services we provide to persons. There is no indication at this time anywhere that this facility is being closed. We are reviewing all the services, over \$400 million worth in my department, to provide a better service for the client and the parent.

MS HANSON: Mr. Minister, okay. A general question then: will you guarantee that you will not close any centre until there are alternatives in place and full consideration is given to long-term effects that you would have on disabled clients?

MR. CARDINAL: Mr. Speaker, I will guarantee nothing. What I will guarantee . . . [interjections] Listen. What I will guarantee is that when we are done, we'll provide a much better service for the client.

MR. SPEAKER: The hon. Member for Peace River.

#### Syncrude Expansion

MR. FRIEDEL: Thank you, Mr. Speaker. My question is to the hon. Minister of Energy. Recently there was an announcement that appears to imply that there is about to be a significant expansion to the Syncrude project in Fort McMurray. Since the province is a partner in this consortium, I'm wondering, Madam Minister, what this might mean in the way of our obligation to participate in any additional financial commitment.

MRS. BLACK: Mr. Speaker, just for clarification, I believe the hon. member is referring to an approval of an application by Syncrude to the Energy Resources Conservation Board that came out this summer after extensive hearings. What that approval did was allow for an expansion of the production coming out of Syncrude, an extension of the lease to the year 2025. It also reviewed reclamation processes and procedures for the future. Basically that allowed for the regulatory framework, but actual expansion would be a discussion that the partners would have to have as things progressed. That, I believe, has not taken place as yet.

MR. SPEAKER: Supplemental question.

MR. FRIEDEL: Yes, Mr. Speaker. To the same minister. The province has a long-term and a fairly significant investment in the Syncrude project, and I'm wondering, Madam Minister: has the return to Alberta been somewhat proportionate to our investment? [interjections]

MRS. BLACK: Mr. Speaker, hon. members on the other side may not think this is significant, but clearly the oil sands are the future for Alberta. We do know today, for the benefit of Westlock, that we have over 300 billion barrels of . . .

AN HON. MEMBER: Redwater.

MRS. BLACK: I'm sorry. Redwater. Sorry.

SOME HON. MEMBERS: Come on over, Ken. Come on over.

MRS. BLACK: You can't have him; we've got him. [interjections]

MR. SPEAKER: Order please. The hon. minister wishes to reply to the supplemental?

MRS. BLACK: Yes, Mr. Speaker, I do.

Clearly, Syncrude has provided along with Suncor the future for Alberta. As I say, we have, that we know of today, over 300 billion barrels of crude oil sitting in our backyard that is being developed, and Syncrude alone contributes to 12 percent of Canada's crude oil supplies. Clearly, that's as an equity position. We've also as a royalty owner received over a billion dollars in royalties from the project. In addition, one of the things that I think has been amazing and a wonderful experience for all of us is the employment opportunities that have been found in that sector of the province. So I think the benefits are there, Mr. Speaker, and we can be very proud of what has happened up in our oil sands.

MR. SPEAKER: Final supplemental.

MR. FRIEDEL: Yes. Once more to the same minister. Now that we've accomplished our objective of developing the heavy oil industry, are we still actively pursuing our efforts to dispose of our interest in Syncrude to the private sector?

2:10

MRS. BLACK: Well, Mr. Speaker, last year we divested some of our interest in Syncrude, and there's been no secret as to the government's agenda to get out of business and let business get on with business. Clearly, if a proposal came forward that met the market evaluation of the project, we would consider that proposal.

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

#### Dinosaur Provincial Park

MR. COLLINGWOOD: Thank you, Mr. Speaker. An area within Dinosaur provincial park is so special that it has been designated as a world heritage site by the World Heritage Committee, but because of pressure for gas exploration in this area the government decided to redraw the boundaries of the world heritage site. With protection of the heritage site now out of the way as a problem, the Energy Resources Conservation Board approved last week without hearings licences for gas exploration within Dinosaur provincial park but now conveniently outside the newly drawn boundaries of the world heritage site. My first question to the Minister of Environmental Protection: why would the minister allow a world heritage site to be altered without public consultation to make sure that gas exploration could go ahead at this location?

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

MR. LUND: Well, thank you, Mr. Speaker. I guess that since the millions of dollars they spend on research doesn't seem to come up with the facts, maybe I'll have to set the hon. member straight on the facts. He said something about no public consultation. Well, in fact to start with the world conservation union of the United Nations, Alberta Culture, Alberta Energy, the federal government, local land owners, the Special Areas Board, the irrigation districts were all consulted. The interesting thing about this is that in fact there was an expansion of some 2,123 hectares. Then there was an adjustment in the boundaries that took out some 423 hectares for a net gain of 1,700 hectares. That is what actually happened at this site.

MR. SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. It is as I said: it was done to allow exploration.

My second question to the Minister of Environmental Protection: given that the assistant deputy minister of parks admits in a letter of October 26, 1994, which I am now tabling four copies of, that there has been "excessive surface disturbance" at a well site within Dinosaur provincial park, what steps will the minister take to protect lands inside our provincial parks from this kind of abuse?

MR. LUND: Mr. Speaker, the situation that occurred was that the well site was inside the park and, incidentally, done with a minimal amount of damage. There was an error made. The Special Areas Board did approve the road, and it turned out that 90 feet of that road fell within the park. The park officials were not consulted. In the best laid plans sometimes there's a glitch. Everyone is human. The fact is that the energy company has gone in, they have restored any damage that was done, and the long-term effect is very minimal.

MR. COLLINGWOOD: Mr. Speaker, my final supplemental to the same minister: if your government is not willing to stand up for and protect a world heritage site, what area of Alberta is safe from industrial activity?

MR. LUND: Well, Mr. Speaker, it's extremely unfortunate that the hon. member is being so reckless with the facts, because this well site is not within the world heritage site. [interjections]

MR. SPEAKER: Order. The hon. Minister of Energy wishes to augment?

MRS. BLACK: I believe I must, Mr. Speaker, as an application was before the Energy Resources Conservation Board. I hope that the hon. member was not asking the government to overrule a board ruling just because he didn't happen to agree with it, because that is not what a quasi-judicial board does. Clearly, the ruling on this . . . [interjections]

MR. SPEAKER: Order.

The hon. Member for Lethbridge-West.

#### Interprovincial Trade

MR. DUNFORD: Thank you, Mr. Speaker. [interjections]

MR. SPEAKER: Order. The hon. Member for Lethbridge-West has been recognized, hon. members. [interjections] Order.

MR. DUNFORD: In July our Premier joined with his counterparts across Canada in signing the Canadian agreement on internal trade. A great deal was made about the agreement at the time, but little has been heard about it since. My question is to the Minister of Federal and Intergovernmental Affairs. Could this minister tell us what the status of this agreement is?

MR. ROSTAD: Well, Mr. Speaker, the member is correct that last July the Premiers and Prime Minister did in fact sign an agreement, a protocol. However, this does not come into effect until July 1 of 1995. Between now and then there are continuing negotiations in the energy chapter and the chapter relating to the MASH sector, or the municipalities, academic institutions, schools, hospitals. There's also the need to set up a trade

secretariat before we can get the agreement implemented as well. Everything looks like it's going to still reach fruition by July 1 of '95.

MR. SPEAKER: Supplemental question.

MR. DUNFORD: Thank you, Mr. Speaker. When the agreement was signed, there were a number of people who criticized the agreement for not doing enough. My question to the same minister is: will this agreement achieve anything concrete for Alberta, or is it just smoke and mirrors?

MR. ROSTAD: Well, Mr. Speaker, even at the time of the signing there was lots of discussion that it wasn't perfect. It certainly wasn't, but I think that from Alberta's perspective there were probably three main achievements, the first being that there's a rules-oriented procedure in it so that we do have some predictability and stability in how we deal with particular instances. There's also quite broad and comprehensive coverage. It covers all the 11 sectors, I guess, of the Canadian economy, every type of government, including Crown corporations and the MASH sector, although that's still to be finalized in negotiation. Probably the main one is that there's a dispute settlement mechanism that is part of the agreement so that if in fact there is a challenge, there is a very clear mechanism by which that dispute is handled.

I think it'd be fair to say that there are some obvious shortcomings. I think there are too many exclusions in the agreement. I think the legitimate objective clause leaves a little to be desired in terms of the definition of what that is. Probably what I would call very significant is that there's no provision for damages for private corporations if in fact they take an action against a government, and I think that has to be corrected.

MR. SPEAKER: Final supplemental.

MR. DUNFORD: Thank you, Mr. Speaker. The minister mentioned a good job done by our negotiators. This brings me to the final question, which is: will Alberta's chief negotiator, Jim Horsman, continue to be involved in this agreement and, if so, at what cost to the Alberta taxpayer?

MR. ROSTAD: Mr. Speaker, no. Mr. Horsman, who was the chief negotiator, I think, as the hon. member said, did an excellent job as chief negotiator, but his contract expired in September of '94, and he won't be involved in further movements as this proceeds.

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

2:20

### Loan Guarantees

MR. SEKULIC: Thank you, Mr. Speaker. Although Albertans have spoken out clearly against loan guarantees, it took this government only eight days after the 1993 provincial election to break its promise and give a \$100 million loan guarantee to its friends at Bovar. The track record of this government clearly shows that it is addicted to gambling with taxpayers' money, an addiction which has to date added well over \$2 billion to the provincial debt. To the Minister of Municipal Affairs: why is this government institutionalizing broken promises on loan guarantees by even considering a \$20 million loan guarantee for a racetrack?

DR. WEST: Mr. Speaker, the media yesterday approached me with the same type of innuendo, and I said: I don't have a clue

what you're talking about. Nobody has approached us; nobody has said a word about it. I don't know where you're getting your information, maybe through somebody that's floating balloons. We have no intention of addressing this at all.

MR. SPEAKER: Supplemental question.

MR. SEKULIC: Thank you, Mr. Speaker. My supplemental is to the same minister. Mr. Minister, will you then commit that this government is ending all loan guarantees, that there will be no more loan guarantees, none, zero?

DR. WEST: Mr. Speaker, you know, a question like that on this floor after the debates we've had over the last period of time is totally redundant. Are you saying no more student loans?

MR. SPEAKER: Final supplemental.

MR. SEKULIC: Thank you, Mr. Speaker. I'll rephrase the question. [interjections]

MR. SPEAKER: Final supplemental.

MR. SEKULIC: Okay. My final supplemental. If loan guarantees are to continue, which ones will be considered and which ones will be put on the table and which ones are not going to be considered?

DR. WEST: Mr. Speaker, that's a pretty broad question. Maybe they should put it on the Order Paper under a motion.

MR. SPEAKER: One could also say that it could be hypothetical. The hon. Member for Lesser Slave Lake.

### Young Offenders

MS CALAHASEN: Thank you, Mr. Speaker. A number of my elderly constituents have called me regarding repeated incidents of youths harassing them and throwing rocks at their houses. These elderly people are too afraid to deal with these hooligans because they get rocks thrown at them also. Even when the RCMP are called, they rarely respond to the concerns. My question is to the Minister of Justice. What can the Department of Justice do to ensure that the protection of these people from these hooligans occurs and that the police will respond or become even more proactive in their efforts?

MR. SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. If the hon. member would supply me with some details, I would certainly bring her concerns to the attention of the RCMP here in the province and have a discussion with them.

MS CALAHASEN: Again to the Minister of Justice: would the advent of a provincial police force provide us with a more direct way of ensuring that police work with communities in a provincewide manner to address this type of vandalism and harassment, be something we can consider?

MR. EVANS: Mr. Speaker, first of all I want to state very clearly that I have the greatest respect for the job that the Royal Canadian Mounted Police do throughout this province. [applause]

They have served the province of Alberta and its people with integrity and with diligence and with extreme competence.

The hon. member may be aware that my predecessor was looking at the pros and cons of a provincial police force. That's something that has been discussed. However, I'll wait for that report. It's very important, Mr. Speaker, that we all recognize – and by the pounding on the desks, I think it is well accepted – the kind of job that the RCMP do in this province. It is beyond reproach.

MS CALAHASEN: Mr. Speaker, if we can't get them to move, then will the minister direct his department to work with the regional groups to examine ways to empower communities to deal with the problem directly?

MR. EVANS: Well, we are talking about young offenders here, Mr. Speaker, and under the Young Offenders Act there is an opportunity for communities to come together and form youth justice committees. They can then get involved in the administration of justice with respect to young offenders, can get involved in alternate methods of serving their penalties once they have been accused and convicted of a crime, can get involved in the bigger issue of: how do we ensure that youth in Alberta are proactive members of the community? I would certainly encourage the hon. member to talk with her communities and find out whether they are aware of the youth justice committee opportunity and try to encourage them to get involved.

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

### Kindergarten Programs

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. This government has managed in a very short time to give Alberta the dubious distinction of ranking dead last in Canada in public funding per student for kindergarten programs. This province now spends \$595 per ECS student per year, while the next lowest, Saskatchewan, that rich Saskatchewan, spends almost three times as much, and B.C. five times as much. My question is to the Minister of Education. Can the minister explain why the other provinces spend at least three times more than Alberta on kindergarten students?

MR. JONSON: First of all, Mr. Speaker, for the third time in the last two days the hon. members across the way I think are quoting inaccurate statistics in terms of the amount of money per student spent on kindergarten. What the hon. member is referring to and picking out is the basic \$595 grant per student – I should not assign motives – but perhaps just forgetting the millions of dollars spent on the program unit grants, the \$1.7 million in the PEP grant, the mild and moderate, and all the other moneys available here. So our dollar amount is considerably above \$595 per student.

The other thing is, as I've said before, that we have made a determination as a government to provide funding for a 200-hour program, which we believe is adequate preparation for grade 1, and, secondly, we have acknowledged all the way through that there is a need to target money to our high-needs preschool students, and we have continued those grants, Mr. Speaker. So we do have a direction. We are spending above that \$595 per student.

MR. SPEAKER: Supplemental question.

MR. VAN BINSBERGEN: Yes, Mr. Speaker. These amounts that I have from our scant research budget, by the way, are comparing basic amounts per student that the public funds are providing.

Now, if I may ask the minister: is he intimating that these other provinces are placing too high a priority on kindergarten programs?

MR. JONSON: I am not commenting on the funding of other provinces. I'm indicating, however, that we have set out a program of support for early childhood services in this province. The important point here, Mr. Speaker, is that we have determined that we are providing adequate funding for our high-needs preschool students. We are providing an adequate funding level for 200 hours of early childhood services instruction, and that is where we stand on the ECS issue as a government.

Just for the edification of the members across the way, I would like to run down the list of a few amounts of money which have somehow missed the attention of the hon. members across the way in the questions that they ask us and the introduction to them. [interjections] With respect to the program unit grants, which I referred to earlier, for the 1994-95 fiscal year, \$18,391,000, Mr. Speaker, not an insignificant amount of money, not part of the figure quoted by the hon. Member for West Yellowhead earlier. [interjections] There seems to be some concern about wanting to receive all this information, so I will sit down. They don't seem to want the information when they can receive it.

2:30

MR. VAN BINSBERGEN: Mr. Speaker, whichever way you slice it, we place far less of an emphasis on kindergarten programs. Since the government is always talking about a level playing field, why don't our children deserve the same chance as those in other provinces?

MR. JONSON: Mr. Speaker, I think it is very, very important to indicate that one of the primary initiatives of the government is to provide a funding system in the province which is fair and equitable across this province. We have responded to the need for equity in funding all the school jurisdictions in this province, and I would not want anyone to get the impression that we are not going in that particular direction.

With respect to the particular topic of early childhood services, Mr. Speaker, another of our initiatives: we are proposing to allow jurisdictions through some flexibility on ECS funding to decide what the priority and what the needs are in their community. So we are putting a priority on fair and equitable funding for students in the province, and I hope the hon. member across the way would acknowledge that. I think he agrees.

MR. SPEAKER: Order please. The time for question period has expired, but various ministers have indicated to the Chair that they wish to augment or answer questions that were asked yesterday in their absence. The first would be the hon. Minister of Agriculture, Food and Rural Development, and the second would be the Minister of Health. Now the Minister of Family and Social Services has indicated he wishes to augment. Is that to the very last question?

MR. CARDINAL: The very last one.

MR. SPEAKER: Then we'll start with the Minister of Family and Social Services.

MR. CARDINAL: Thank you very much, Mr. Speaker. Because dollars or a lack of dollars projected by this government was mentioned by the opposition, I'd just like to advise, because it is a very sensitive area when you're dealing with children at this level, that programs overlap from various departments. I know other departments that have budgets to deal with children. In my department alone the day care program spends generally for the same children \$65 million a year. Brighter Futures, which is a federal program with some provincial participation, has targeted over \$17.4 million in the next three years to deal with children specifically between zero and six years old. So there are a lot of programs that supplement what Education provides.

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

#### **Agriculture Financial Services Corporation**

MR. PASZKOWSKI: Thank you, Mr. Speaker. I'd like to respond to the question that was raised yesterday by the Member for Redwater. First of all, I'd like to clarify that the chairpeople of the SPCs, the special policy committees, are dealing with policy. They're not dealing with administrative matters, which was the nature of the question that was raised yesterday.

The question basically asked was regarding a supposed increase in costing of the six top executives of ADC and Alberta hail and crop. The wages paid in 1993 for those six people were \$560,119. The wages paid in 1994 for the five people that assumed the responsibility and the role for those people were \$496,087, a difference in excess of \$64,000 less in expenditure, not more. Between October '92 and '94 the two corporations were reorganized and merged. As part of the reorganization these six executive positions were reduced to five, and as I mentioned, the total savings were in excess of \$64,000. The Member for Redwater did not reflect the 5 percent that was cut back as well.

Referring to the second supplementary, as was reported in public accounts, the total remuneration to directors and staff net of retirement allowances dropped by \$2,768,860, or a 12 percent drop from '92-93. It's difficult to determine how the hon. member's mathematics or research functions, because the total reduction over the period of the three-year plan will be in excess of 20 percent. I think it's unfortunate, Mr. Speaker, that numbers are used in an advantageous manner that indeed are not properly reflected.

MR. N. TAYLOR: Mr. Speaker, I enjoyed the manipulations and the mental nip-ups the hon. minister is going through to try to justify giving a raise. When you give a raise, it does not show up in past figures. That's why it's called a raise. It's going to show up in future figures. I mean, this is what we're talking about. To find out that the hon. Member for Little Bow gets \$24,000 a year to sit on his rump and not know anything about raises.

MR. SPEAKER: Order please.

MR. N. TAYLOR: Well, this is what I found out. That's what he says he can't answer.

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

MR. N. TAYLOR: Let me go on.

#### **Speaker's Ruling**

##### **Questions to Standing Policy Committee Chairmen**

MR. SPEAKER: Order please. If the hon. member would refer to the ruling that the Chair referred to yesterday concerning the role and the function of standing policy committee chairmen in this House, he would have known the answer to that a long time ago.

MR. N. TAYLOR: Mr. Speaker, I submit that anybody who gets taxpayers' money has to answer for why they're getting it. He can't just sit there and say, "No, his eyes are blue, or his hair is brown," or whatever it is.

MR. SPEAKER: Order please. [interjections] Order please. It is a result of a ruling of the Chair in this Assembly that controls what chairmen of standing policy committees can do in this Assembly. It's not their decision.

MR. N. TAYLOR: You'll have to enlighten me, but I don't recall your ruling that standing policy committee chairmen cannot be questioned.

MR. SPEAKER: The Chair referred to that ruling yesterday. The Chair will send you another memorandum, a reminder of when that ruling was made.

MR. N. TAYLOR: Mr. Speaker, I would like to see that in writing.

#### **Agriculture Financial Services Corporation**

*(continued)*

MR. N. TAYLOR: Now, back again, this is the raise we're talking about. Then he says in the three-year plan that they will be under. But what he does not say, Mr. Speaker, is that they're going to get under by cutting the little guys, the foot soldiers. The whole plan there is a cut. The fellows at the top, in administration, in the next three years will have gained in money.

MR. SPEAKER: Order. Order please.

MR. N. TAYLOR: I'm allowed to answer this. I hope you'll keep track of the rules a little better. So therefore I think the hon. member is playing fast and loose with the figures when he reports on this.

#### **Point of Order**

##### **Supplementary Responses**

MR. SPEAKER: What is the hon. Member for Calgary-Shaw rising for?

MR. HAVELOCK: Well, Mr. Speaker, I seek some clarification. I thought that today the hon. minister is simply supplementing a question which was raised yesterday, and my understanding is that the hon. member on the other side of the House cannot then enter into a freewheeling debate on simply clarification of a question from yesterday.

MR. SPEAKER: The hon. member is quite correct. The hon. Member for Redwater should not have been making the comments he was. He could have responded by another question if there was anything new and exciting or unusual about the information

that was given, but it is not the role of the hon. Member for Redwater to make the type of response that he did.

MR. N. TAYLOR: May I respond to that point of order, Mr. Speaker?

MR. SPEAKER: That was not a point of order. No, you may not. [interjections] Order please. [interjections] It was not a point of order.

MR. N. TAYLOR: You mean anybody can interrupt anytime?

MR. SPEAKER: It was not a point of order. The hon. member was asking for some clarification, which the Chair gave. It was not a point of order, hon. member. [interjections] He asked for a point of clarification. [interjections]

We will move on, hon. member, to the hon. Minister of Health.

MR. N. TAYLOR: Point of order, Mr. Speaker.

AN HON. MEMBER: Point of clarification.

MR. N. TAYLOR: Call it clarification, if you want.

MR. SPEAKER: Order. What is your point of order and the citation, hon. member?

MR. N. TAYLOR: The point of order, Mr. Speaker, is that some years ago . . .

SOME HON. MEMBERS: Citation.

MR. N. TAYLOR: It's under rule 23 in the Standing Orders. To refresh your memory, in 1987 it was always, up until that time – and this is why I'm very familiar – that ministers could come into the House the next day and after question period make a statement in answer to the other question. But it needed unanimous consent. I withheld that unanimous consent, Mr. Speaker, as the leader of the third party at that time.

**2:40**

So we worked out a system that whenever a minister opens the floor, comes in with a supplementary answer from the day before, whoever was there also had equal time either to respond in a statement or to respond with another question. It just depended on the answer. So all we're doing for the hon. Member for Calgary-Shaw is informing him that in 1987 this was changed. The minister has the choice not to come in and say anything and therefore not give an opening to the opposition, but once the minister comes in and says something and reopens the question, that reopens an answer. The idea is roughly tit for tat or tat for tit, whatever way you want to look at it. So if he takes three minutes or four minutes, three minutes, four minutes back. So that, Mr. Speaker, is what the ruling was by Dr. Carter, who was not known to bend over backwards to help the opposition.

MR. SPEAKER: Order please. Time is rushing by. Perhaps it could be useful to all members if the Chair would refresh the Assembly's memory of what the situation was in 1987 and the rules that we've been operating under since. The Chair will do that on Monday.

The hon. Minister of Health. The hon. Minister of Agriculture, Food and Rural Development made his contribution.

MR. PASZKOWSKI: I'd like to make a point on the point of order, and that simply is that the questions were taken under advisement.

MR. SPEAKER: Order please. The Chair has ruled on the point of order, and we will proceed that way.

The hon. Minister of Health.

### **Biomedical Waste Disposal**

MRS. McCLELLAN: Mr. Speaker, there was a question in the Assembly yesterday on funding the segregating and shipping of biomedical wastes. I would like to inform the House that since 1991 Alberta Health has provided funding to hospitals to offset the cost of those initiatives. This year our funding to acute care hospitals is \$2.6 million for packaging, transportation, and any other additional costs. Alberta Public Works, Supply and Services also provides funding for capital. The way that hospital biomedical wastes are handled in this province is the envy of the country. There is a commitment by Alberta Health to continue this co-operative partnership that's been in place since 1991 to ensure that biomedical wastes continue to be handled safely and efficiently.

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

### **Point of Order Imputing Motives**

DR. OBERG: Thank you, Mr. Speaker. I'm rising on a point of order under Standing Orders 23(h) and 23(i). The hon. Member for Sherwood Park made reference to the change of boundaries at Dinosaur provincial park, which is within my constituency. He impugned motive when he stated that the boundaries were changed in order to allow drilling within the realm of Dinosaur provincial park.

The boundaries were changed under consultation with the World Heritage Site Committee in order to take into effect private lands within the world heritage site. As you know, the boundaries of Dinosaur provincial park and the world heritage site were contiguous due to the fact that they were publicly owned land. There are a lot of coulees that run into the world heritage site that are very fragile and need to be protected by it. These boundary changes were done to take into effect private lands to protect the site. It in no way had anything to do with the government wanting to expand Dinosaur provincial park or the world heritage site for drilling.

MR. SPEAKER: Order please. This is really not a point of order; it's a point the hon. member wished to make. To impugn motives, the motives must be to an individual and not to a larger group. The Chair says that it is not a point of order.

head: **Members' Statements**

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

### **Organ Donations**

MRS. FORSYTH: Thank you, Mr. Speaker. Recycling has become a very prevalent aspect of our lives. Communities, families, and individuals are all getting involved in recycling programs. It seems that now every child can tell you what the three Rs stand for.

Recycling programs work to help us cut down on waste, but they also teach us how we can make the most of what we have. This year the Kidney Foundation is asking us to apply that concept of recycling on a more personal level. The Kidney Foundation of Canada has launched the Recycle Yourself campaign to promote organ donation in Alberta. The same ideas that encourage us to preserve our environment can apply to preserving another's life.

There is a critical demand for organ donation in Canada. Thousands of people across the country are in need of an organ donation. In fact, one-third of these people who are on the list for transplants will die waiting for a donor. Every day an average of seven Canadians learn that their kidneys have failed and that their survival depends on dialysis treatments or a transplant. A cost analysis shows that compared with dialysis a kidney transplant saves the health care system more than \$145,000 over 10 years. A 10 percent increase in organ donations would save nearly \$12 million to the health care system in Canada over 10 years. In addition to this, the improvement in the quality of life of a kidney patient after a successful transplant cannot be measured in mere dollars and cents.

We all have the ability to do something about this issue. Often possible organ donors are not able to contribute to the lives of others because they have not prepared for this event. The Recycle Yourself campaign is aimed at asking people to agree to become organ donors and to discuss their wishes with their families. I have committed myself as an organ donor since 1976, and I encourage all members of the Assembly to pull out their drivers' licences and health cards and sign themselves up as organ donors. The gift of life is the most important gift you'll ever have to make. Don't take your organs to heaven. Heaven knows, we need them down here.

Thank you.

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

### Government Restructuring

MS LEIBOVICI: Thank you, Mr. Speaker. This government says that their popularity is holding steady, but let's look at some concrete statistics. Thousands of public health care and education employees have or will lose their jobs. Thousands of public and health sector employees have had to take at least a 5 percent wage rollback. Employees at the Children's hospital in Calgary, for example, are being asked to take an additional wage cut of 30 percent on top of their original 5 percent. Kindergarten hours are different across the province. Seniors' benefits have been reduced. Hospitals are being closed. I wonder if these Albertans would sing the praises of this government.

Rallies and protests by concerned Albertans have had no effect. Clearly, the government is not listening to the people of Alberta while it is taking a knife to health, education, and social services. And they aren't finished cutting yet. Albertans are saying that the deficit and debt are of course of concern but that the cuts are coming too fast and just perhaps the cuts have been made without adequate planning.

Recently a grassroots organization called the Common Front was formed with local community action teams across the province. This organization is composed of parents, community groups, teachers, health care workers, seniors, and churches. These concerned Albertans will be lobbying the government to start listening and to start caring. I would urge the Premier and all MLAs to take some time to listen and to care when the Common Front comes knocking at your door.

Thank you.

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

### Indoor Soccer

MR. AMERY: Thank you, Mr. Speaker. Last week the hon. Minister of Community Development was in attendance when the Calgary Soccer Centre opened for its winter season. The Soccer Centre opened its doors for the first time in January of 1992 and became the first complex of its kind in North America. This state-of-the-art facility located in my constituency of Calgary-East has four indoor fields and four outdoor fields, and indoor boards can be removed, creating a completely covered, full-size soccer field.

2:50

Perhaps, Mr. Speaker, even more remarkable than the actual structure is the volunteer work that has gone into the development and maintenance of this centre. Volunteers are the foundation of the centre and accomplish a great deal very economically. This centre is a perfect example of what can be accomplished by the dedicated efforts of volunteers. It demonstrates the importance of volunteers in the operations of all centres.

Of the 8 and a half million dollars spent to date, approximately \$3 million was raised by the volunteer efforts of the Calgary Soccer Federation. Because interest in the centre is so high, its operation is self-supporting.

The Calgary Soccer Centre was constructed to deal with increased interest and registration. Soccer is the fastest growing amateur sport in Calgary and in North America. There are over 18,000 registered players in the various leagues of the Calgary Soccer Federation; 6,816 people play indoor soccer on 426 different teams.

Mr. Speaker, soccer is accessible to everyone. It is less expensive to play than hockey, and it is a perfect opportunity to work on co-operation and teamwork. All those people involved in the organization and development of the Calgary Soccer Centre should be proud of their achievements and their contribution to the city of Calgary.

Thank you.

head: **Projected Government Business**

MR. N. TAYLOR: Could the hon. Government House Leader let us in on what is intended for the House business next week? I know what it is: follow the Order Paper.

MR. EVANS: If he knows what it is, I'm surprised he's asking, Mr. Speaker. I'm very pleased on behalf of the government to advise the opposition that next week, since we are making, I think, relatively good progress on the legislative agenda, we will be moving forward on Monday at the time of Government Bills and Orders to second reading or Committee of the Whole or third readings. That's both in the afternoon and the evening. I would like to be more specific, but quite frankly I can't be in terms of the Bills. The Bills are on the Order Paper of course.

On Tuesday again we would be proceeding through second reading, Committee of the Whole, and third reading both in the afternoon and evening. That would apply as well on Wednesday and on Thursday, and we'll see what kind of progress we make.

Thank you.

**Point of Order**  
**Projected Government Business**

MR. DECORE: Mr. Speaker, point of order.

MR. SPEAKER: This is the time for points of order.

MR. DECORE: Standing Order 8, Mr. Speaker. When we negotiated the changes in procedure for this Assembly, the Premier and I and the leaders of the House on both sides agreed that there would be an attempt made to show exactly what would be happening each week. We're not getting that information, and I don't think it's fair to this House and to the members of this House to get that kind of a general answer. It's the same way week after week after week. I'm asking that the Speaker simply request the Government House Leader to provide us with the information and to live up to the intent of what that agreement was that the Premier and I negotiated. Let's get on with it.

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

MR. EVANS: Thank you, Mr. Speaker. It's a point well taken. The hon. Member for Edmonton-Glengarry may not be aware that the House leader for the government side and the House leader for the opposition Liberal side deal with the specifics of the day each and every morning. They do that in order to ensure that both sides of the House are well aware of what Bills are coming forward so that the critics for those Bills and others who may wish to participate in the debate can be ready to proceed.

Now, Mr. Speaker, we have a limited number of Bills on the Order Paper. I think it would be abundantly unfair to stipulate on Monday that we are going to deal with Bills 50 and 57 in second reading, then move to Committee of the Whole on, say, 41, 46, 51, 52, 53, and then indicate that if time permitted we would be going forward with 42, 43, 44, 45, 47, 48, 49, 54, 55, and 56 in third reading. That is an abysmal waste of time. We are trying to co-operate with the opposition, and it is a benefit to our members as well, because they then realize what the Bills are that we will be dealing with.

It is abundantly clear that we begin with second reading. We must proceed through second reading and move from there. We will continue to discuss these matters with the House leader from the opposition party early in the day each and every day as we sit and advise that House leader what Bills we intend to proceed with, in what order, as we have done from the beginning of this fall session, and allow that member's caucus and the government caucus to have ample opportunity to prepare so that we can deal with these Bills in a responsible and appropriate manner.

MR. N. TAYLOR: Well, I think, the hon. member describes what is occurring quite accurately. Indeed, we do check with each other in the morning, and sometimes by 9:30 or 10 o'clock we have it worked out. Unfortunately, what also happens – well, like today again I think we had one pulled off at about 12 o'clock or 1 o'clock. Then if we sit in the evening, on those days then they come in with another meeting agenda, so we're really talking about three times a day.

Really, I don't know whether we should be burdening you with this, Mr. Speaker, but we did pass that they'd say what we're going to do the following week. Well, that means the following week. What we're getting here is what we're going to do in the following three hours, and I don't think that's good enough. We wanted to go to the following week.

I'll admit that some people come from great distances, and they're staying in hotels, at – whatever it is – a hundred dollars a day or something, and if we haven't planned it right, we may be finished everything in the afternoon and there's nothing to do that

evening or very little to do that evening. But I think we're putting the cart before the horse. The government seems to say that we've got so many hours and we've got to fill them no matter what. My argument is that we've got to know what Bills we're discussing, and if we finish them early, too bad, and if we don't finish them in time, then we make adjustments. What we're doing now – when cabinet ministers have an appointment and they can't make it or something like that, I must admit, in all fairness, I take advantage too. If they say, "Well, the cabinet minister's leaving," then I say, "Well, maybe one of our critics can have the afternoon off too." But we're working into a very sloppy system that I don't think does the taxpayer any good. I think that's the really important thing. These things should be discussed, our people should be in the House, and their people should be following a calendar.

I don't know the answer, except, Mr. Speaker, to spank us both and tell us to get back into the room and tell us to come back with a solution.

MR. EVANS: I don't want to get into a continuing debate here, Mr. Speaker, but I must point out that were we to have a better understanding from the opposition about how much time was likely to be spent on Bills from their perspective, we could certainly be more precise in identifying how much time we would be spending in total with the input from government members, and we'd be in a much better position to be more specific. Being in this Assembly costs the taxpayers money, and it is time and effort for all members to be here, effort that we want to make the most effective. So when we talk about the way we are proceeding – we have 17 Bills on the Order Paper, 17 government Bills. We must be in a position to proceed with those Bills as expeditiously as debate will allow. We will try to improve this system if we can. Again, I think it would certainly help us, were the opposition able to be more precise in the day-to-day debate, in determining what matters are going to be dealt with, much more precise, if they could be, in determining how much time they would be spending on these Bills. Quite frankly, we have a difficult time trying to get a sense of what that is.

I'm not criticizing the hon. member opposite who is the House leader. I am making a statement of fact, and I appreciate that he has members who want to come in and get involved in debate. I guess one of the most realistic issues about debate is that the debate from one member may encourage another member, either on that member's opposite or on that member's same side, to get up and debate. I think we're going to work on this, but I take great concern with the implication of the hon. Member for Edmonton-Glengarry that we're trying somehow to make their life more difficult and trying to actively discourage specifics about what is going on in debate.

3:00

MR. SPEAKER: Well, the hon. Deputy Government House Leader said that these things tend to engender – we might be here all day on this question, but the Opposition House Leader did make a comment that he didn't know why we were talking about this so much today. Of course, the Chair has to point out that the content of the business question cannot be enforced by the Chair. All the order provides is that there's the right to ask the question, and it really is, as the Deputy Government House Leader and the Opposition House Leader said, a question of trying to work together to make the best use of the Assembly's time and to make it as easy as possible on all members of the Assembly to get that

work done. The Chair hopes that there will be continued good communications between both House leaders in this regard.

head: **Orders of the Day**

[On motion, the Assembly resolved itself into Committee of the Whole]

head: **Government Bills and Orders**

head: **Committee of the Whole**

[Mr. Tannas in the Chair]

MR. CHAIRMAN: I call the committee to order and keep with our usual rule of no more than one standing and talking at the same time.

**Bill 41  
Government Organization Act**

MR. CHAIRMAN: I would call for comments or amendments. The hon. Member for Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Chairman. I rise to speak to Bill 41. The issue with Bill 41 from the perspective of the opposition in general terms – and then I'm going to come to the specifics of those items we would like to amend and then bring forward a series of amendments – regards the absence of accountability in this Bill and the fact that there are going to be ministers able to delegate responsibility without being accountable and in fact the chief minister, the Premier, can change the structure of government, appoint cabinet ministers, change the designation of cabinet ministers, without coming forward to the Legislature and getting legislative approval for changes in the structure of government and the way that those services are delivered through functional departments. We view that as being an abrogation of the rights of the Legislature and think it's appropriate that that type of authority be granted by the Lieutenant Governor on the recommendation of the Legislative Assembly.

So I'm bringing forward an amendment, Mr. Chairman, that corrects this grievous wrong. I know that the amendment is being distributed. I will read out the amendment and discuss it, and then I will wait till it's distributed. The amendment reads: Section 2 is amended in subsection (1) by striking "Lieutenant Governor in Council" and substituting "Lieutenant Governor in Council, on the recommendation of the Assembly."

MR. CHAIRMAN: The Chair would indicate that we have received the amendment known as A1 to amend section 2, and it carries with it the necessary signatures. So we would invite Edmonton-Whitemud to proceed with the amendment.

DR. PERCY: Thank you, Mr. Chairman. If you look at section 2, it reads, "The Lieutenant Governor in Council may . . ." The thrust of this amendment is to in fact make this contingent upon approval by the Legislative Assembly. We feel that this is important because if you look at section 2(1):

- (a) establish departments of the Government that are to be administered by Ministers;
- (b) give names to the departments.

These are important elements that you would think are part of the structure of government, and one would like debate on what the function of those ministers is going to be, whether this is a cost-

efficient way of providing that level of government services. Heretofore we've seen the government in a sense treat the cabinet like an accordion. It expands in terms of political need to meet geographic balance or political expediency. It contracts. For example, we see the cabinet has shrunk in size, and suddenly an additional minister has been added, the minister of science and technology. One would wonder: would that have happened had this been debated fully in the Legislature? Whether or not this had been subject to debate, do we in fact need an additional minister? Do we in fact need to subdivide Economic Development and Tourism and take out the science and technology component. Is that a cost-efficient way of achieving the delivery of these types of government services, or is this a way of in a sense providing patronage or the division of political spoils among various ministers?

What this amendment does is require, then, that type of shift in the structure to be approved by the Legislative Assembly and have the merits of why the number of cabinet positions increase or decrease. I think you would find relatively little argument on this side of the House for contracting the number of ministers, because it makes eminent sense to reduce the size. But when we see the number of ministers rising and it appears to be counterproductive, not necessarily related to any notion of efficiency, leads to increased duplication – in fact, as one of my hon. colleagues had pointed out, more than duplication, quadruplication, of functions when you look at the Minister of Economic Development and Tourism, there's a minister for the Alberta Research Council, and there are parliamentary secretaries. What function do they serve? It costs additional money. The array of government services now being offered has been broadened somewhat with conflicting and overlapping jurisdictions. I think many of the issues related to this excessive duplication would have been debated in this Legislature had it been required to come before the House.

**3:10**

Now, this Bill – it's called the Government Organization Act – is aimed at consolidation. But does it allow you to consolidate in a way that's efficient and a way that is consistent with what the prerogatives of this Legislative Assembly are? We would argue it doesn't, and in a sense it really standardizes the move of this government since June 15, 1993, to engage in executive decision-making and to remove the rights and privileges of the Legislative Assembly to debate various types of issues. So although this may be viewed as consolidating what has already been tradition, we would argue that for a government that claims to be accountable and open, to in a sense preserve the status quo, as it does under this Bill – and this is eminently a status quo Bill – it in fact just consolidates and makes very clear always the implicit executive power that has been here.

There are relatively few changes in this Bill that allow for a more flexible and responsive government, and we would argue that one of the ways of making this government more responsive and more accountable is clearly to make it more responsive to the Legislature, because members of this House on the government side have always argued that they are reflecting the will of the people. If that is the issue, then this is the marketplace for ideas and this is where competing perspectives on what the public at large view as being a legitimate role for government, an appropriate role for government and the economy. This is where it ought to be debated.

What this Bill does by aggressively standardizing the status quo, as it does in certain sections, is in a sense perpetuate the type of government that we had under Premier Getty, where we ran up

loan guarantee after loan guarantee through Executive Council, where we had a government that was very large in size, where the functions of the various ministries weren't debated.

The amendment that we propose is in fact liberating, I would argue, and what it does is allow far greater public input into the process of structuring government. It allows for far greater ability for MLAs to poll their constituents and say: "Is this the size of government that you want? Do you think these types of designations for ministries make sense?" We think that even the choice of ministers should in fact be an issue that should come before the Legislature, because what we've seen heretofore with this particular government is that there has been an abdication of responsibility on the part of some ministers in accepting responsibility or ministerial accountability, and those types of issues would be debated in the Legislature were they to come forward.

So when you look at the elements of section 2 of this Government Organization Act – and even the hon. member who's bringing it forward has said: oh, this is just purely housekeeping. Some aspects of it, Mr. Chairman, are housekeeping, as I say, aggressively standardizing the status quo to make sure we know exactly what has been happening. Other elements are not, and my colleagues, I am sure, are going to be bringing up the specifics of how under the guise of housekeeping there is an array of elements that are in fact quite different and very, very compatible with the intent of Bill 57. Bills 41 and 57 in one sense are very, very integrated and very tightly co-ordinated in terms of the shift of delegation from government officials to individuals, and that is certainly the hallmark of Bill 57.

So actually what the amendment that I have proposed does – and in fact it's extraordinarily democratic in nature – is allow the Legislative Assembly to have a say in the structure of the Executive Council, but certainly it doesn't constrain the Executive Council. It allows the issues at hand to be debated. It allows the functions of those ministries to be debated. I would think, Mr. Chairman, that had the government come forward and said, "Do you think we should in fact break up the Department of Economic Development and Tourism and hive off the science and technology component and give it a mandate that's virtually identical to the mandate that the Department of Economic Development and Tourism has?" I think hon. members on both sides of the House would have said to them: "This is completely inconsistent with what our constituents want. This is completely inconsistent with what many members of the House had argued during the election campaign." They had argued for a smaller, leaner, and certainly more intelligent form of government.

I think many of the issues at debate here are properly debated in the Legislative Assembly. What this amendment does is give force to that by requiring that the "Lieutenant Governor . . . on the recommendation of the Assembly" make such changes. As it stands right now, it's on the recommendation of Executive Council. To the extent, then, for this government to stand up and say that they're in favour of change, that they're in favour of liberating government, well, we're getting into the spirit of it, and we think: let us in fact ensure that it's sufficiently liberated, and we can debate some of the very important and fundamental issues that deal with the structure of government. Certainly Executive Council is one of those areas.

If you look at other provisions of section 2, I have talked about

- (a) establish departments of the Government that are to be administered by Ministers;
- (b) give names to the departments;
- (c) designate the Ministers who are to administer the departments.

Look at section 2(2):

If the name of a department is changed, a reference to that department in any Act or regulation is to be read as a reference to the department by its new name.

That's clearly consolidation, and it's covered by the spirit of this amendment.

If a department is reorganized or disestablished, the Lieutenant Governor in Council may declare that any reference to that . . .

Those are truly housekeeping. So the intent of this amendment really pertains to sections (a), (b), and (c) of section 2.

It is the role of the Legislative Assembly to try and provide advice to the government. Again, we've argued that sober second thought could have saved certainly the previous government of Premier Getty from serious economic and financial mismanagement and this government as well.

So with those comments I will soon conclude. Thank you, Mr. Chairman.

### **Chairman's Ruling Speaking Order**

MR. CHAIRMAN: Before the Chair recognizes anyone, hon. members, be reminded that you can't hand off as you can in football. It comes back to the Chair, and in the give-and-take the Chair is obliged to go from one side to the other and so on. As long as there's a member willing to stand on the other side, then it'll go back and forth. Okay? We do have somebody from the other side.

The hon. Member for Calgary-Varsity.

MR. SMITH: Well, thank you, Mr. Chairman, and you're right. This is not like football, and this government does not intend to hand off responsibility in this Legislature that it has been duly elected to perform.

### **Debate Continued**

MR. SMITH: The amendment is quite interesting, Mr. Chairman. In fact, in speaking to the amendment, the member clearly – clearly – has spent much of his academic time becoming an absolute expert in economic theory and going through that forgot to take political science 200, where it clearly defines the authority vested in the government. We govern, as I am so privileged to do at this point in my life. They oppose. In fact, if you take an old parliamentarian's quote about another one, he said: there goes a sheep in sheep's clothing. Well, there goes a socialist in Liberal's clothing. What this amendment proposes to do is again overregulate, to again provide more restriction, to again provide a criticism against the government that it is not free to perform its duly elected functions, as is the mandate of the election.

With respect to speaking to the member's argument for the amendment, this government has taken more strides in a very short period of time to be indeed open and to be indeed accountable to the electorate at large, to the taxpayers, to the voters. We have for the first time in the history of this great province published a three-year business plan. That three-year business plan clearly shows to the electorate what's happening, what's coming, what's going on. It reflects the thousands of hours put together by dedicated public servants, by dedicated standing policy chairmen, who in fact spent countless hours up here, outside of their constituencies, in order to help this government concentrate on clear and important policy issues. The government has for the first time in the history of Alberta provided public disclosure of salaries. It's an ongoing process where we take one brick at a time, Mr. Chairman, and we build a full sidewalk of accountability on which the taxpayers and the voters of Alberta can walk to

this Legislature. The Assembly in itself and by definition of the parliamentary system it is clear that the final accountability rests with the government to the electorate, to the taxpayer.

3:20

Further evidence of what this government has done in terms of being able to provide its electorate and its taxpayers and indeed the citizens of this province is the publication *Seizing Opportunity*, where it clearly makes a commitment, Mr. Chairman, to create an increase in export marketing opportunities from \$19 billion to \$24 billion. It makes a commitment to provide an environment where the private sector can create 110,000 jobs.

It was quite interesting. I listened carefully to the phones this morning, ensuring that everybody in Calgary-Varsity had absolute direct access to the Legislature, to the dome. I waited. I waited patiently, Mr. Chairman, all morning to hear the calls come in to say, "I just loved your impassioned argument to the subamendment on the reasoned amendment to Bill 41." The phone has yet to ring on that specific topic.

This Bill 41 amendment put forth by the hon. Member for Edmonton-Whitemud is clearly just more evidence of the fact that they will use this Assembly to retard progress, to be absolutely unfair to the electorate. I mean, Mr. Chairman, it's very clear in this amendment that he is actually asking the government to abdicate its responsibility. That is not the purpose of this government. This government wants to stand full square in front of the electorate, in front of the taxpayer and say: "Here's where we came from. Here's what we did. Here's where we're going. We're prepared to stand to you on election day and ask for that accountability."

While we're moving along that sidewalk that I talked to you about earlier, Mr. Chairman, we will in fact be, for the first time in Canadian history, providing quarterly business reports: quarterly reports to shareholders – taxpayers, voters, citizens of Alberta – information on what their government, the government of Alberta, is doing in the proper custodial management of the public purse. This has not been done before. We're reacting. We're putting it in their frame of reference. We're putting it in generally accepted accounting principles, something that's never been done before. The reaction from that has been extremely positive from the electorate, from the citizens of Alberta. It's important that we continue responding not to what 31 members opposite are saying but in fact responding to 1.7 million voters, 2.8 million Albertans. They want to know. They want us to be directly accountable to them, and we intend to do that.

Bill 41, in fact, continues to reinforce that accountability. It continues to reflect the reality of the fact that the electorate have come to us, people who work for a living, people who look after occupational health and safety. [interjections] Give it to them.

MR. CHAIRMAN: Order. I wonder if we could just . . .

MR. SMITH: Thank you. Actually, we're doing fine right here.

MR. CHAIRMAN: Oh, good. Just you and I.

MR. SMITH: Let them pick it up as they go along.

The ability for what has now become to the opposition, who oppose while we govern, the bogeyman of delegated regulatory organizations is in fact a clear response to industry and individual's requests who say: "How can you be more accountable to me in my everyday worksite? How can you be more accountable as a government in my worksite, in my paycheque, in the

everyday walk of life?" Let me give you an example. Previous to occupying this chair beside my hon. partner here, I was involved in professions and occupations. Professions and occupations administers a great array of legislation, as the Chair knows from his competent past in professions and occupations. You know, then, Mr. Chairman, that you in fact have well over 125,000 individuals working in an environment that has a vast amount of regulation that has been changed and followed by government. Changes to those professional regulations have been made in committee rooms with specific representation by specific professions and in fact represent only corners of the entire structure.

Now, Mr. Chairman, if you were to take this model now – and of course this is a bit of a long example, but it's a very practical example, and it clearly indicates why the amendment can't be supported and is frivolous but not vexatious. Professions and occupations will have the ability under this to be directly accountable to the 125,000 professionals, and through an exchange of fees they would then be responsible for administering the legislation, providing regulation to the professions, and reporting to a board of directors made up from the government, from the public, and from the professions, clearly and openly showing financial responsibility, progress reports, business results. It would be a much more open forum than it has been traditionally.

So in fact by putting one of these delegated regulatory organizations to work with professions and occupations, one, the government can save upwards of a million dollars, which is already down from a million three during your time, Mr. Chairman. Secondly, it would provide an open, wide-encompassing forum; and thirdly, it would be more responsive and decisions would be made more quickly with greater facility and with greater benefit to the citizens of Alberta. So it's clear when you take an example like that that that this amendment just can't be supported.

The ability for individuals who are involved in occupational health and safety, pressure and boilers, the safety associations of the oil industry – these individuals are saying, and they are responding quite correctly: "We can take on more. You don't have to be big government anymore. You don't have to respond to the Liberal way of government, which is oppressive regulation which is tied up endlessly in meaningless legislature debates." No, Mr. Chairman, these people want to take on the responsibility of self-governance, and if you've ever had the privilege of being raised, as I had, in a boys' school like Notre Dame College of Wilcox, you would find the importance of peer governance. In fact, that peer governance is an even stronger level of governance than anything that a government can impose on a group of individuals. So you'll find that the DRO, the delegated regulatory organization, is nothing more than a mechanism . . .

#### Point of Order

#### Relevance

MR. CHAIRMAN: The hon. Member for Edmonton-Whitemud is rising on a point of order.

DR. PERCY: Relevance. *Beauchesne* 453.

MR. CHAIRMAN: Section 453?

DR. PERCY: Excuse me; 459

MR. CHAIRMAN: Oh, okay. Which, for the benefit of others, is relevance.

3:30

DR. PERCY: The hon. member, although making a strong argument, is speaking of something that's not relevant to the amendment at hand, which is specific to a particular section of the Bill. He will have ample opportunity when we introduce an amendment there to address the issue that he currently is addressing.

Thank you.

MR. CHAIRMAN: On the point.

MR. SMITH: Thank you very much. That issue of relevance is interesting, Mr. Chairman, because in fact, like so many of their amendments you cannot take out one specific part of this Bill, address it with some frivolous amendment without realizing: what does this thing do when it gets legs? What happens when this Bill becomes legislation and somebody comes up to you in High River and says: how does this affect me? Well, in fact, in response to being accountable to the House, I am trying to relate specific examples, but of course the high level of debate from the party opposite would indicate that practical examples have no place in this Legislature.

MR. CHAIRMAN: The Chair would reflect that we have an interesting Bill before us. There is the general admonition to stay relevant to the Bill or stay relevant to the amendment. One of the awkward things is that at the commencement of the debate on this particular Bill we had before us an amendment. So if one presupposes that some people had done some homework and had their speeches somewhat crafted before coming in, the admonition at best, then, is to try and make whatever they have relevant to the amendment, not knowing what the amendment was going to be beforehand. What I would do is agree somewhat with the Member for Edmonton-Whitemud. There were moments when I wondered whether or not you were drifting away from the amendment; however, you would then come back. Let's hope that when you do come back to the amendment, as we are asking you to do, you stay as closely to it as you can.

#### Debate Continued

MR. SMITH: Well, thank you, Mr. Chairman. In fact, when government steers and the private sector rows, it is so difficult from a conceptual standpoint to address totally in specifics something that says: striking "Lieutenant Governor in Council" and substituting "Lieutenant Governor in Council, on the recommendation of the Assembly." Another clear reason why I just can't support this amendment. I'm trying to use all my persuasive powers to let other members of this House know that there's very little basis for support of this amendment.

In fact, section 2, if I may, Mr. Chairman, provides for the creation of new departments or the changing of the names of existing departments. Presently legislation is required to establish new departments, legislation through due process through this House. Departments are established or disestablished or names of departments are changed when ministers are added to or deleted from cabinet or the names of portfolios are changed. In fact, what we are doing and what this Government Organization Act does specifically in section 2, to which the amendment is directed, is totally consistent with the parliamentary model of government which we follow. It doesn't give full rein to the disintegration of society as we know it, the ongoing inability for the members

opposite to be involved in government. The system isn't structured that way. We govern; they oppose.

So with that, Mr. Chairman, I'd like to thank you for, again, your careful guidance and steering through this difficult task of speaking to frivolous and time-wasting amendments and not clearly being able to develop the total concept of - and this is important - the Government Organization Act. It is not the government reorganization Act. It is the Government Organization Act.

Another reason why I think this amendment cannot be supported is that it is in fact inconsistent with the arguments from the members opposite, both with respect to their debate last night on Bill 45 and in their other areas speaking to the principle and to the subamendment and to the reasoned amendment of this Bill.

So having said that, Mr. Chairman, and thanking this House for the time, hoping to be able to provide further light on what is a housekeeping Bill that is destined to clean up legislation that has been in force since 1905 and change some of the "thereto's" and "with respect to's" and also introduce the ability for citizens of Alberta to become again more actively involved with their government, I would again strongly suggest to the members that this amendment not be supported.

Thank you.

MR. DECORE: Mr. Chairman, I rise to speak in support of the amendment. The amendment adds to section 2(1) of Bill 41 a requirement that decisions that affect government be determined by this Assembly, by this forum. We often hear the words: this forum is the highest court in our province. It is the ultimate forum of our province.

Now, I suppose we wouldn't have to worry too much if we just looked at this section and there was nothing else in this Act that would perk up our ears and our eyes. But there is. What perks up our ears and our eyes are sections 9 and 10 of Bill 41 that say that a minister can "delegate any power, duty or function conferred or imposed on him . . . to any person." Then it says in section 10 that "a Minister may enter into agreements on or in connection with any matter under the Minister's administration."

The last time I spoke in this Assembly, I talked about Bill 57, which then takes this concept in sections 9 and 10 of Bill 41 further and allows for the creation of corporations to take over delegated authority for ministers. Corporations, the last time I looked at the Business Corporations Act in Alberta, are entities that make money. So what we're dealing with is a concept that the government is putting forward that says: we want the right to delegate authority that used to be handled by this forum to entities that are going to make profit when they undertake that delegated authority. So we have to be vigilant. We have to be careful. We have to ensure that this Assembly looks after and determines what's best for Albertans.

I thought it interesting when the hon. Member for Calgary-Varsity kept talking about, "We govern; they oppose." I think he's got it a little wrong. This is the highest forum in Alberta. This is the court of last resort. This is where Bills, motions, initiatives are put forward and passed by elected representatives who represent all of the people of Alberta. It's a great honour for me to come here for my constituency and to offer options or advice or critique on an agenda that's put forward by the party that gets the majority. That's a big difference, hon. Member for Calgary-Varsity, putting forward an agenda and believing, as you appear to believe, that you can run roughshod over people, that "We govern; they oppose." Well, "We govern; they oppose" doesn't mean that you slam or ram things down people's throats.

I took a moment to look at the BNA Act of our country and to look at the Constitution Act that followed – we now call it the Constitution Act – and look at the Charter of Rights and Freedoms to see if there was some sort of definition of government that says: here's the way an Assembly, House of Commons, or a Legislature should function; here's the way we set up a cabinet; here are the responsibilities of cabinet members and so on. There's nothing in the British North America Act, or the Constitution Act of Canada, that says ministerial responsibility works in such and such a way. There's nothing in here that says a cabinet works in such and such a way. There's nothing in the BNA Act that says that an agenda should be put forward in such and such a way by the majority party. These are things that come to us by custom over many centuries, these customs having started in England and then moving to our country, where custom is then set into some codified forums that tell us how we do these things.

3:40

The custom of parliamentary democracy from England isn't very difficult to understand. We had a system where kings and queens ran roughshod over the people of England. "We govern by divine right and rule" was the creed that the monarchs had. There was an uprising, and that uprising led to the Magna Carta. The Magna Carta established that people would be elected, that there would be representation from the people of England, that moneys couldn't be raised willy-nilly and spent willy-nilly unless the elected representatives, advising the monarch – and the monarch had to take that advice – debated it and understood it. That forum, that ultimate forum, that court of last resort, made those determinations. That's what democracy is all about. It's not: we govern; they oppose. It's not the old monarch: I'm in charge and they'd better follow suit.

When we look at all of the precedents – I quoted some the other day when I talked about ministerial responsibility – it says in those essays and those writings in Canada that we have a cabinet, and cabinet members are given certain responsibilities, their ministerial responsibility and so on. There's nothing in the BNA Act that says that you can delegate to a corporation, and I think this flies in the face of exactly what that custom and that usage and that codification of the English parliamentary system is all about.

That's why, hon. Member for Calgary-Varsity, we have to stand and now start to protect and put forward options that ensure that that basic tentative English democracy, Canadian democracy isn't whittled away by this corporation business that you want to establish, this business of running roughshod over Albertans, having power delegated to corporations that make profit.

This is an important amendment, and it must be taken in context with sections 9 and 10 of Bill 41, and it must be taken in context with what is set out in Bill 57.

Just as a matter of interest, I smiled when the hon. Member for Calgary-Varsity said that their government, his government, was putting matters forward in proper general accounting practices. Well, how can it be proper general accounting practices when you deal with Bill 41, which takes you to Bill 57, and Bill 57 says in section (13)(1)(a) that the Financial Administration Act of Alberta doesn't have to be followed. So if you delegate authority from a minister to some corporation that's going to make a profit when an AISH person comes to this corporation, when you do that, you don't have to follow the rules and regulations of the Financial Administration Act. That was part of the Magna Carta: putting some mechanisms in place that ensured that the monarch wasn't

running roughshod, grabbing money and spending it willy-nilly as he or she wanted.

The Financial Administration Act talks about a Treasury Board that watches expenditures and revenue. It talks about the responsibilities of a Treasurer. The "Treasurer is responsible for the collection, management and control of the revenue" that comes to the Crown and of moneys that leave and are spent for certain things. It talks about the need for public accounts, that there is a mandatory requirement when you're in government and you are taking money from people and giving back or spending it in some way that you have to acknowledge. You have to set it out on paper exactly how it comes in, and you have to audit it. You have to show exactly how it goes out, and you have to audit it.

So these aren't the general accounting principles that parliamentary democracy knows and expects. This is a very different animal that I've never heard of in Canada before. The only thing I know of that comes close to this is the system in Montana, where they come together once every two years and sort of say hello to each other and leave everything for others who have been delegated authority. That's not the system of government that we're used to in Canada or in England or the Commonwealth as we knew it.

Mr. Chairman, the matters here have to be taken in context with other sections in this Bill. This Bill must be taken in context and looked at with Bill 57. We're now on guard as the opposition to provide options and to provide critique. I don't want people running roughshod in the collection of money like these corporations can do without any kind of accountability to Albertans. That's why this amendment is important for us to support.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Before recognizing the next speaker, the Chair would ask for unanimous consent to revert to Introduction of Guests. All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

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

MR. CHAIRMAN: The hon. minister responsible for science and research.

MRS. MIROSH: Thank you, Mr. Chairman. I'm pleased to interrupt this exciting process of democracy and introduce constituents of mine from Calgary-Glenmore and, most important, their parents, who are here from Quito, Ecuador. I'd first like to introduce Ruben and Olga Endara from Ecuador and Monica and Keith Carson with their newest addition, Michelle Marie Carson. Please give them a warm welcome.

head: **Government Bills and Orders**  
head: **Committee of the Whole**

**Bill 41**  
**Government Organization Act**  
(*continued*)

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

DR. MASSEY: Thank you, Mr. Chairman. I, too, would like to support the amendment in that I believe it is designed to keep power where it belongs and that power in this Legislature.

Within days we'll stand with Canadians across this country and pause to reflect upon those people who served and those people who died in two wars in order that we may live the kind of privileged lives that each of us and our families do. Members in this Assembly will attend ceremonies, and they'll deliver solemn invocations. Members will lay wreaths with symbolic poppies at the foot of war memorials, and members will take part in school ceremonies as we struggle to ensure that the terrible price paid by many of our parents and grandparents and great-grandparents was not in vain and that that sacrifice will be remembered by our children and we hope by their children after them. When we bow our heads, Mr. Chairman, when we stand in silence, I would ask members to think of that democracy that was defended and that democracy that was rescued. I'd ask us to think about the rescuers and what they expected of us, of those who would follow, to think about democracy itself, to think about how unpredictable and how tenuous an enterprise it is.

In my view, Mr. Chairman, in this Assembly we've tended to forget that. We've forgotten that democracy depends upon the everyday actions of citizens. We've forgotten that our political actions, that citizens' political actions and their political thinking in part depends and is based on what is done in this Assembly. We've forgotten that you cannot tear down and criticize and abuse an institution and expect it to survive. We've forgotten that as we mouth our cynical comments about the evils of government, we are tearing at the very fabric of that democracy. We have forgotten that the very distrust in government we engender gnaws at what others gave their lives to protect.

3:50

We do not understand that when we encourage a press that feeds off political scandals, we help whet a public appetite that demeans the very government we say that we prize. We've forgotten that the polls that count in a democracy are not those polls that show party X is in front of party Y or that the popularity of leader A is better than the popularity of leader B. There are other polls: the polls that show that in terms of public trust, politicians, the people in this Assembly, are at the very bottom of the list. We've forgotten much about our obligations to democracy, but it appears that the crafters of Bill 41 have forgotten about democracy altogether, and this section that we want to amend along with companion sections such as section 9 of the Act are proof of that.

As we bow our heads on November 11, there will be much to think about. When we think about democracy and we think about this Bill and its companion Bill, Bill 57, we must ask ourselves: what are some things about this legislation that are worthy of our support? Does the legislation, for instance, enhance the rights of all citizens to influence political decisions? Does it make it possible for my neighbours, for my constituents to have greater power in the decisions that are made in this Legislature? Does the legislation give power to citizens over their affairs? Will things that affect their lives be more in their purview than they were before the legislation was introduced? Does the legislation allow elected members of the Assembly to monitor activities, those activities that have been paid for by public tax dollars? Does the legislation add to openness? Does it help to build confidence and a culture of public trust in elected officials?

[Mr. Clegg in the Chair]

The answer of course to those questions is no, this particular piece of legislation and in particular this section. Here is a Bill that replaces accountable public servants with private corporation

employees. Here is a Bill that replaces legislative powers with ministerial power. Here is a Bill that replaces openness with secrecy. Here is a Bill that replaces selected fees with universal fees. Here is a Bill that replaces limits on ministerial authority with *carte blanche* operations.

Mr. Chairman, here is a government that wants to control many things. It wants to control the age when students drink. It wants to control when and where they buy cigarettes. It wants to control what owners do with wrecked cars. It wants to control the hours that professors will teach in classrooms. It's a story of control and manipulation in the cultural field, but it's also a story of a government willing to turn over, as this legislation exhibits, with little or with no constraint the most sensitive work of government to the business field.

Mr. Chairman, Remembrance Day will be a time when we pause and recall that humans are capable of great deeds, that humans are courageous and have the ability to commit selfless acts. Unfortunately, they also are capable of duplicity and abuse of power, and I believe that is what Bill 41 exemplifies. I ask all members to support the amendment.

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Meadowlark.

MS LEBOVICI: Thank you. I, too, am rising in support of the amendment. I think what needs to be looked at is the view that up to this point in time the government members have had with regards to the whole notion of democracy and debate. I listened with interest last night when the hon. Minister of Labour got up and said: oh, well, we do partake in debate, and we are involved in debate, and we in fact have had six members who have spoken to Bill 41. Now, I did some research or our understaffed research department did this morning, and it is true that there were six speakers from the government side of the House that spoke to Bill 41 before it was brought to closure. They spoke for a total of 29 minutes. Twenty-nine minutes. The total time of debate was seven hours and 49 minutes. Seven hours and 49 minutes of debate and they spoke for 29 minutes.

We had a total of 23 speakers, who I'm sure if you look through *Hansard* asked some very relevant questions, and therefore it brought us to the amendments that we have in front of us. This one being that we look at ensuring that democracy within this Legislative Assembly is supreme and that this democracy talks about a give-and-take and talks about the fact that the Lieutenant Governor in Council does not in a secret room somewhere make regulations, establish departments, designate ministers, change departments or reorganize them without the public scrutiny that our amendment would bring forward. Our amendment says, "Lieutenant Governor in Council, on the recommendation of the Assembly."

Now, I think if you look at the past record, which of course we will be doing, of other Bills that were brought to closure, in terms of the amount of debate within this Legislative Assembly you would see that, yes, I guess there is the thinking perhaps that the only reason for the loyal opposition is to oppose. But in fact the reason for the loyal opposition is much more than that and is much broader than that. It allows for the ability for questions and answers, hopefully, to be brought to the attention of the public, for there to be various points of view brought forward, for there to be reasonable debate, which is some give-and-take.

I note with interest that something has spurred the Member for Calgary-Varsity to suddenly take part in debate. I congratulate him for that, because up to last night, the total time the Member

for Calgary-Varsity ever decided to spend with regards to Bill 41 was three minutes. Three full minutes. So there must have been lots of answers coming forth from the member at that point in time.

Now, I think what we are of course looking at is that this particular Bill and, to start with the Bill, section 2 is a dangerous precedent. This is not streamlining legislation. This is not liberation legislation, and I'd love to have an answer in terms of what we are being liberated from. What that legislation does, then, is it erodes accountability and accessibility, and what it provides is the ability to govern by regulation, deregulation, or privatization.

What we are seeing, however, is that in perhaps some of the attitudes – and I'm saying "perhaps" – there is a mockery of the democratic process and perhaps that is being reflected within the legislation that has been brought forward to us. Perhaps the attitude is: we don't need to discuss this with anybody. We see it of course in Bill 57, where it talks about "at least," and maybe I should say that probably that will mean only one public meeting when major changes are being done, that there is no room for discussion, and discussion breeds accountability.

4:00

What I see is that there are questions that then arise. The hon. Member for Calgary-Varsity brought up about the three-year business plans and how wonderful they are. I guess the three-year business plans are showing what the cuts are but aren't showing what the provisions are going to be. Again, that brings me back to the amendment. By looking at the amendment, what it does is say that it has to be brought on the recommendation of the Assembly. So again it's brought in under the scrutiny of the Legislative Assembly.

Unfortunately, in the three-year business plans there are no performance measures and there's no benchmarking. When we start to talk about shareholders taking part, I begin to wonder – and this again is from the Member for Calgary-Varsity – what profits, I guess, the member is referring to. Perhaps when we look at Bill 57, we can see that within that Bill there is the allowance for profits to occur.

Now, I think when we look at this particular Bill and we look at where this Bill leads to – it says that the minister has various abilities, but again those abilities are only under the provisions of the Lieutenant Governor in Council. They don't need to come back to the Legislative Assembly. They don't need to be under public scrutiny. They don't need to have any kind of accountability. In fact, what we are looking at is a shedding of government services and programs and increased user fees.

Now, I've heard over and over again, "Well, you know, nobody cares what we do in here, and nobody sees what the impact is." Well, unfortunately people are seeing the impact of what's being done in here every day right now. When you look at in Calgary, in particular, the hospitals that have been closed or are in the process of being closed, that's what comes out of a decision within this Legislative Assembly. When you look at decisions that are made with regards to safety codes areas and with regards to occupational health and safety . . . [interjection] You really must take care of that cough.

MS CALAHASEN: Thank you.

MS LEIBOVICI: You're welcome.

. . . then I think what you see is that there are problems in terms of what the increase is to individuals using those services. What the increase is is increased user fees.

Now, this government can talk that there is no increased taxes. Well, I know that whenever someone puts their hand in their pocket, pulls out their wallet, and has to pay for something, then that to them will be seen as an increased tax. Again, these are all decisions that are going to be made without having to come to the Legislative Assembly for recommendation. That is why this amendment has been put forward, so that in fact the Lieutenant Governor in Council cannot alone make those decisions, so that those decisions are made on the recommendation of the Assembly.

Now, what are the reasons for this? Again I am asked about that. I think we've established that, yes, what happens in this Legislative Assembly does impact on individuals and individuals' lives either in a direct or indirect manner. What we now need to look at is what in fact are either the benefits or what in fact will be the outcomes of having legislation that allows for essentially privatization of just about everything.

I think when we look at the example of the Alberta Liquor Control Board and the privatization that occurred there, what we see is that . . . [interjection] Taber-Warner, I think, was clapping. [interjections] Who was clapping? I couldn't see. I knew it came from there. [interjections] Oh, the Minister of Municipal Affairs. It's hard to see when your hands are underneath.

To the Minister of Municipal Affairs, I guess if you were to take a survey of people in terms of whether they're satisfied with the cost, whether they're satisfied with the service, and whether they're satisfied with the selection, I think on a rating of one to 10, you'd be lucky if you got five on those three levels. [interjection] No, somehow I don't think it would be 10 out of 10. If you're lucky, you'd get five out of 10 on each one of those. I think if we used that as an example as to what the potentiality is when government looks at a headlong process of privatization, deregulation, and contracting out with no thought except the bottom line of "let's see what we can divest ourselves of and get our budget down to zero," then what happens is that you do end up with less service, more costs, and less choices.

So even though the decision was made prior to coming to the Legislative Assembly, at least there was a semblance of debate that occurred with the ALCB. When we look at the example of the registries, at least that issue came to the Legislative Assembly. If this particular Bill is passed without this amendment, which again allows for these issues to come back to the Legislative Assembly, if this issue is passed, then I think what we'll see is more instances where there is no debate, more instances where the government can close the doors and sign documents, and only after the fact will people see what the impact is on their lives.

I would like to think that we do live in a democracy. I would never have thought when I was first elected to this Legislative Assembly that I would have to stand here and talk about democracy, talk about the fact that there needs to be give-and-take in a democracy. That would never have crossed my mind. What I assumed was that we would be able to come here and work things out like grown-ups, but what I find is that there's very much an attitude of, well, we won, we've got the ball, go away and play somewhere else. Quite frankly, I don't think this is what this is about, and I don't think this is what people want to see. What they want to see is co-operation. We, I believe, are fulfilling our role by trying to show with the amendments that we are co-operating and that we are trying to in fact at this point in time

make this Bill at least bearable – at least bearable – because up to this point in time it has very many flaws.

I've heard the argument a few times that we are being obstructionists. Now, that disturbs me because I would never like to think I'm obstructionist. I would like to think what we are providing on this side of the Legislative Assembly is constructive criticism. I've heard that in the last session we dragged things out, and it cost taxpayers lots of dollars. But, you know, when I look at it and I see the hospital Bill – I believe it was the hospital Bill with all the amendments, one of them. It was brought forward, and it was just so wonderful. It was just so wonderful. Then I guess because we dragged things out, it gave the Minister of Health the time to go back and fix that Bill, so there were at least 27 pages of amendments to this wonderful Bill. So I don't think we dragged out the last session. I think, in fact, we did everyone in this province a favour by allowing the minister to go back and make those corrections that needed to be done.

Now, what I see within this particular Bill and within this particular amendment – because I'm sure that everyone is looking at the amendment and is giving it some serious consideration – is that we are all elected here to perform a job. That job is to be able to recommend on things such as the organization of government, the ability of the minister to make regulations or not make regulations in certain areas, to look at what the responsibilities of the minister are, look at the budgets of various departments. These are all the kinds of issues that need to come to the Legislative Assembly, because if they don't come to the Legislative Assembly, then in fact what we have is a dictatorship.

I am sure that people within this Legislative Assembly did not come to this Legislative Assembly to rubber stamp. I am sure that every single one of you, whether you're from Medicine Hat or whether you're from Taber or whether you're from Stettler or whether you're from the Peace River area, did not come to this Legislative Assembly to rubber stamp. So I find it very hard to understand how an amendment that would say the "Lieutenant Governor in Council, on the recommendation of the Assembly" could in any way be offensive. If anything, I would imagine that this would be something that would be quite welcomed by the members from Stettler, from Taber, from Vegreville, from Red Deer, that they would feel as if they were indeed part of a process. Again that brings me back to the process that we are in, a process of democracy. It's a democratic process that needs to occur, but what we are seeing is the breaking down of that process.

Now, I would hope that the members will give this amendment a fair amount of thought, will give this amendment a fair amount of consideration, would agree that, yes, their role is not to rubber stamp, and would in fact, when the issue comes to a vote, vote with us on this particular amendment.

Thank you.

**4:10**

MR. DEPUTY CHAIRMAN: The hon. Member for Calgary-Varsity.

MR. SMITH: Well, thank you again, Mr. Chairman. Again, it's in the spirit of a whole and complete, kind of a holistic sense of legislative co-operation that I have listened intently to the hon. Member for Edmonton-Meadowlark refer in a rather light tone to the Stettlers and the Vegrevilles and the Milk Rivers. Little does she know how important those areas are to the fabric of Alberta, and I would in fact suggest that there might even be a slight tone of insult by the fact that she might have missed Valleyview and areas around Dunvegan.

### Point of Order Imputing Motives

MS LEIBOVICI: Point of order. Twenty-three (h) and (i) and perhaps even (j); I'm not sure. Those are in terms of making allegations, imputing false motives, and I'm not sure if it was abusive or insulting. I think it may have been.

I would like to put on record that those were not light comments that I made in calling for those members who are from those areas to look at what their functions are in a very serious manner and to ensure that they are representing those people to the best of their abilities. I would never, never take any of the areas across Alberta lightly in terms of the democratic function that the members from those areas need to perform. So I would like to put that on record, Mr. Chairman, and I would hope that there would be a retraction forthcoming.

MR. DEPUTY CHAIRMAN: On the point of order, hon. member.

MR. SMITH: No. Go ahead and rule.

MR. DEPUTY CHAIRMAN: Well, again I don't think for one minute that the hon. Member for Edmonton-Meadowlark was trying to stir any division within different areas of the province. I certainly don't believe that the hon. Member for Calgary-Varsity, although he started to mention Dunvegan when I woke up – and certainly Dunvegan has been represented so well the last few years. So I would just ask the hon. Member for Calgary-Varsity to continue his remarks in a businesslike manner.

MR. SMITH: Thank you so very much, Mr. Chairman. In fact, returning to a businesslike manner in this House is a hard task but is an important task.

### Debate Continued

MR. SMITH: Having heard some of the comments from the hon. Member for Edmonton-Meadowlark, combined with the lesson from Edmonton-Glengarry, and combined with the academic expertise of Edmonton-Whitemud, Mr. Chairman, quite frankly I've heard enough for today and would like to advise the House that I would like to adjourn debate.

MR. DEPUTY CHAIRMAN: Okay. We have a motion by the hon. Member for Calgary-Varsity that we adjourn debate on the amendment to Bill 41. All in favour?

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: Motion is carried.

### Bill 52

#### Child Welfare Amendment Act, 1994

MR. DEPUTY CHAIRMAN: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Chairman. I'd just like to open up the comments by just going over – I think this Bill is

fairly straightforward with what we're trying to accomplish. We're trying to accomplish an increased access to information for adult adoptees; also, for the adoptees that were adopted from 1966 to 1985, allowing their surnames to be added to the information that they've been denied; and the establishment of search agencies that will be able to help adult adoptees find their birth parents.

The first amendment is limiting adoption placement to unlicensed third parties other than licensed agencies. This will better protect the children, the birth parents, and the adoptive parents and also could probably do away with some legal problems and potential social problems.

The second amendment deals with family adoptions. That's to make it a lot easier for family adoptions to take place. There'll be a self-help kit supplied to families that do not want to go to a licensed agency and is a lot less expensive. This will result in making it a lot easier for relative adoptions.

The third amendment is the result of private adoptions handled by a licensed agency. This will significantly shorten the time period for adoptive parents involved in private adoptions to finalize their adoption.

The fourth amendment in this area is the area of joint guardianship. This will help alleviate some court costs and also give protection to both the adopting family, the birth mother, and of course the child and cut down on unnecessary legal work.

With that, Mr. Chairman, I'll listen to the other side to see if they have any comments, or if not, I'll call the question.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Highlands-Beverly.

MRS. SOETAERT: I was up, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Oh, I heard you, but I didn't see you. Sorry.

MRS. SOETAERT: How could you have missed me? Gee, thanks, Mr. Chairman. [interjections] No, we're not going to vote on that point.

MR. DEPUTY CHAIRMAN: No, we're certainly not.  
The hon. Member for Spruce Grove-Sturgeon-St. Albert.

4:20

MRS. SOETAERT: Thank you, Mr. Chairman. I am pleased to speak on Bill 52. There are some things I'm very pleased to see in this Bill and some things that are areas of concern for me. I'm pleased to see that the search agency and the ability to search into past adoptions and find parents and children will be more available. I've had letters on that – and I know members from the other side and this side have too – from people concerned about not being able to get hold of those records after so many years. I'm pleased to see that that gap in history has been closed and that people can get access to those things.

I'm also pleased to see that we're closing the gap on kind of the marketing of babies where almost anyone can hop in and get a baby from anywhere. It's almost like buying and selling children, and I think that's a horrific way of looking at the adoption process. Baby brokers is something that we don't want Alberta being a pipeline for from different areas of the States and specifically California. We've seen past instances of where that has been a problem. So I'm pleased, and I hope this legislation will stop that kind of brokering. That is something that I do support in this legislation.

I do want to just relay some concerns from my constituents to the minister. I have had at least five calls on the concern about the adoption society and the fact that they are not licensed. I just flag that for him, to please look into that and see if he can deal with the issues that are presented with that.

I am pleased that there will be strict guidelines for the adoption process, because children are our future and something we should always be looking out for. We have to look out for children. We have to make sure that adoptive parents are good parents and that they are well screened. I have also seen instances where that did not happen, and I'm very concerned about that.

So with those, I'd like to flag that one issue. I am pleased about the openness of the adoption records. I believe that we will be having some amendments forthcoming, and that pretty well concludes my concerns over this Bill.

Thank you very much, Mr. Chairman.

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

DR. PERCY: Thank you, Mr. Chairman. I've certainly had a large response from constituents on this Bill, and generally the response is very, very positive. I have had one issue that has come forward. In fact, I have to thank the hon. Member for Innisfail-Sylvan Lake because I have spoken to him on this issue. It's an anomaly with regards to these amendments.

It's a case where there's a constituent who at a very early age had a hysterectomy, and she's not able, then, to bear children. She and her husband are using a surrogate, but they're using his sperm and her egg, so it's their DNA. Under this legislation it appears that it may be the case that even though in effect it's their own DNA, they may end up having to adopt their own child and go through the process. Now, I understand and I appreciate what this Bill attempts to do, but there are these anomalies that do exist out there, and there has to be some mechanism, I think, to take this into account, because I think increasingly the ability of individuals to try to in fact have their own children and the use of surrogates and the legal issues related to that make this an area that's going to be very dynamic in terms of the law and the legislation. It's not clear how you can fit these anomalies into something, because one size doesn't fit all. But this is a case, then, where these are very loving, who will be very loving, parents who have made a commitment. In a sense it's their DNA, so to speak. There's no money changing hands with regards to the surrogate. It's being done by an individual in Ontario.

I have in fact, as I say, spoken to the hon. Member for Innisfail-Sylvan Lake, and he's been very helpful in seeing where this fits in the context of the Bill. As I say, now it's an anomaly, but I suspect through time we're going to see these types of issues becoming increasingly more common with regards to issues of adoption, and it would be nice if there were amendments or some mechanism within these amendments to allow for such anomalies to be treated in a way that doesn't pose an onerous financial burden on the parents involved but at the same time makes sure that all of the legal niceties in terms of the rights of the parent as well as whatever legal issues exist with regards to the surrogate are respected.

So with those comments, Mr. Chairman, I'll sit down.

MR. DEPUTY CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. Just a few brief comments on the Bill. First of all, I would commend the Member for Innisfail-Sylvan Lake for bringing it forth. In an enhanced state it's my intention to support the Bill. It's a positive step. It's a step towards clearing up some adoption matters that have lingered too long in this province.

As I viewed it and as we attempted to research this particular area, we met with four different facets of the adoption world. We dealt, of course, with the unlicensed adoption groups. We dealt with the licensed adoption groups. We dealt with Catholic Social Services. Generally speaking, with the exception of one group they were very positive about the Bill. I take my direction from the people who are involved in this process. They certainly have inside knowledge and a good feel for the Bill. It doesn't go as far as they would like it to in some instances. I take the hon. Member for Innisfail-Sylvan Lake at face, and he indicates that this is again an evolutionary Bill, and it will be enhanced and improved as it goes on.

There are some amendments coming forth, as I understand, and I'll speak to those, but I would like to point out one area of this Bill that in my view . . .

DR. WEST: Is this a filibuster? Is this what you call a filibuster?

MR. KIRKLAND: This is intelligent debate, which you wouldn't recognize.

I would just ask the Minister of Family and Social Services or Innisfail-Sylvan Lake to bring me some comfort in this aspect. I know that the intent is to control some cross-border adoptions, and I understand that the child, generally speaking, would come from California and at that point go through an adoption process. Now, in the back of my suspicious mind I can see a baby broker from California actually flying the mother up here and probably having that woman give birth in Alberta and taking her back and leaving the baby. I wonder if that particular issue has been addressed here. I couldn't find it as such. If it's not there, I would ask both the minister and maybe the Member for Innisfail-Sylvan Lake to look closely at that to see if that's a gap we've left in this legislation. That was really one of the only deficiencies that caused me a great deal of concern, and I'm sure that the hon. members in their intimate knowledge of this Bill will clarify that and bring comfort to me in that area.

As I indicated, I think the Bill is a step in the right direction. There is, of course, in the long term that concern in the Alberta public's mind, particularly those that are adopted, that birthright parents would like also the option to search out children that they have given up for adoption. I understand the sensitivity of that particular issue, and I would support the Bill in its present state because the Member for Innisfail-Sylvan Lake has given me some comfort in the fact that we will revisit that in about one year's time.

So with those comments, Mr. Chairman, I will conclude my comments on it.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Chairman. I move amendments to Bill 52. The amendments have been circulated, and with your permission, Mr. Chairman – they're all on the same page, but I would like to deal with them one at a time, if I could, and have them voted on one at a time.

MR. DEPUTY CHAIRMAN: Okay.

MS HANSON: Thank you very much. The first amendment, amendment A, is under section 7.1. The following is added after section 58(3)(c):

(d) proper and timely notification of all birth relatives has been made,

(e) there are no preceding orders granting custody of the child to any other person.

In (d), in regard to the notification of birth relatives, we would like to see that no adoption order be filed until the birth relatives have been notified and, as well, the second order with the determination that "there are no [existing] orders granting custody of the child to any other person." These two amendments are in response to the number of Baby M type cases that have surfaced recently. Those out-of-province or out-of-country babies have been brought to our province for adoption by birth mothers and were lured here by the attraction of weak legislation and a desire to hide from birth fathers. This has been becoming a more common incident, particularly from the U.S. We recognize that the government has attempted to tighten the existing loopholes with the amendments that they have put into this Bill. [interjections]

4:30

MR. DEPUTY CHAIRMAN: Order. We can't hear the hon. member speaking. If you have to talk, talk quietly.

Hon. member.

MS HANSON: Thank you. We believe these two amendments would strengthen them even further, because it would require proper research and notification before proceeding with the adoption.

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Chairman. I'd just like to talk briefly in reference to amendment A, 7.1(d). I have a little trouble with "proper and timely notification of all birth relatives has been made." First of all, it might cause a delay in the adoption, but then I consider the rights of the birth mother in being able to place her child where she wants to. You're saying that a cousin or a brother or a sister can stop this adoption. Personally, I think that's offensive to the birth mother. I think that should be her choice and not a relative's. I don't think this whole amendment to this Bill is to protect the right of the birth parents, and this would take a lot away from the right of the birth parent. So I would urge the Assembly to vote against this amendment.

Also, amendment (e) is covered in other parts of this Bill to protect adoption going to somebody that already has preceding orders for adoption. So I'll close with that.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Chairman. One of the things that we're looking at here is the birth father, under section (d). As I think you're aware, quite often birth fathers are not notified. There is nothing that encourages the government to notify birth fathers, and this has been a real cause for concern. A woman can take off and simply not notify the father. He may not know that he's the father, or he simply may not be able to find her. I

believe that it's not only a right to know on the part of the child and the father but also a right to take some responsibility for this child.

The other area is the guardianship one. I think the issue there has been that with babies coming in from other provinces or the United States, when a couple is proposing to adopt but before the home study or anything has been done, they take on a guardianship order. So this sort of cuts out the birth mother in case she should change her mind, because that guardianship order stays in effect until the actual adoption has taken place. We feel there should be a little more levity there.

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Member for Sherwood Park on the amendment.

MR. COLLINGWOOD: Yes. Thank you, Mr. Chairman. On the amendment to Bill 52, the first amendment as introduced by the hon. Member for Edmonton-Highlands-Beverly. In listening to the debate, I would take issue with the interpretation that the hon. Member for Innisfail-Sylvan Lake has put on the amendment (d) in terms of "proper and timely notification of all birth relatives has been made." I think he indicated that it would be then possible for a birth relative to prevent the adoption, and I don't think that's at all what would be the result. As I look through the Bill, section 58(3) indicates that "no petition for an adoption order shall be filed in respect of a child unless . . ." The proposal is that we add as another condition - i.e., prior to the petition for an adoption order being filed - that there's "proper and timely notification of all birth relatives" as per that first amendment.

Now, as the hon. Member for Edmonton-Highlands-Beverly has indicated, part of the reason for that was to instill in the legislation some obligation for the contact and the notification of the father. Much of this Bill in its original form as Bill 208, then having gone through the long public consultation process ultimately to come back now as Bill 52 in a rather varied form than it was in Bill 208, has been around the difficult decision and the difficult circumstances that the Baby M case identified. To distill that down into a phrase, it is the difficulty that a birth father faces in establishing and relying upon his rights as the birth father to prevent the kinds of situations that happened in the brokering of babies coming from the United States into Canada.

Mr. Chairman, as I look at the Bill, I don't think the whole pipeline, for lack of a better word that's been used a number of times in the Assembly, of babies coming into Alberta is entirely closed off with Bill 52. As I understand it - and I leave the question with the hon. member who sponsored the Bill - there is still opportunity for young children to come into the province and be put up for adoption, but what the Bill does not do in its present form is speak to the duty of the courts or any of the players in the adoption process to make enquiries about the father. That's what's lacking in the Bill as it stands. That is what was lacking in the Baby M decision.

Part of our responsibility in putting forward this legislation and in proposing amendments to Bill 52 as it stands is to try and solve some of the problems that we saw created or be allowed to exist in the Baby M case. With the amendment that has been put forward by the hon. Member for Edmonton-Highlands-Beverly to provide for "proper and timely notification of all birth relatives," it simply puts the brakes on the process and requires those in the process to be responsible for making contact and notifying birth relatives about the adoption process. That amendment will solve the problem that is not being solved in the Bill at this point in

time in terms of notification and making enquiries about the birth father.

So I think, Mr. Chairman, that the amendment does speak specifically to something that is not currently contained in the Bill, does solve a problem which is one of the problems that the Bill tried to solve in coming forward as legislation, tries to address specifically one of the major difficulties that we saw in the Baby M case. I think there's good reason, then, for members of the Assembly to allow that amendment to go ahead, because as I understand it, that was one of the intentions of the Bill coming forward in the first place.

4:40

Mr. Chairman, my understanding of the second part of the amendment that's coming forward is that in terms of its placement under section 58(3) in the Act as it stands right now, it will again simply prevent the adoption from proceeding if there is a preceding order granting custody of the child to another person. So there have to be, again, inquiries to make sure that "there are no preceding orders granting custody . . . to any other person" before the adoption can go ahead. Again, we avoid the problems that may transpire in the future by simply making inquiries in the past, building that into legislation, avoiding the problem arising, and making sure that the process runs that much more efficiently as we move into a new regime, a new structure, new legislation for adoption in the province.

So, Mr. Chairman, for those reasons I think both of these amendments that have come forward are effective. I think they solve some of the problems that the Bill didn't address. I invite the sponsor of the Bill to comment further on the comments about what it is that these amendments are intended to do, but I would ask hon. members to support this particular amendment.

Thank you, Mr. Chairman.

MR. SEVERTSON: Mr. Chairman, just to try to answer some of the questions on the amendment and why this amendment isn't necessary. One aspect of the Bill that we didn't get into - we got into it briefly but not in reference to this amendment - is the area of licensed agencies and/or the case that you're talking about, Baby M. Now they either have to go to a licensed agency or to the department, and that's where the checking out of the birth father will be done, in that process. That's why I don't think we need this amendment in reference to adoption of relatives. We're doing away with the private unlicensed agencies or private intermediaries, which will negate that problem because now they have to go to a licensed agency or to the department, which have regulations to govern that.

To address the Member for Leduc on the American aspect of it, first of all, when there's an adoption, we say that it has to be a Canadian citizen or a permanent resident through immigration. Again talking about the American girl coming up to be adopted, again they have to go to a licensed agency or to the department. It will be flagged, then, that that consent, that everything is in order. So I think that will stop the babies coming in from California or other jurisdictions.

I urge the members of the Assembly to vote against this amendment. I'd call the question.

MR. KIRKLAND: Mr. Chairman, if I could just indulge the hon. Member for Innisfail-Sylvan Lake for a moment here. I'm looking for a little clarification. I was attempting to determine exactly whether, when we look at that amendment - I'm having difficulty following exactly the intention here - he'd be more

amenable to that if (d) in the amendments didn't read "all birth relatives" but read just simply "father."

Now, having said that, I would just like the hon. member to reiterate perhaps his last comments so I understand them clearly, and I will paraphrase them so he can correct me if I'm wrong. With the fact that we license the agencies and the agencies have regulations, there's no way around not providing notification to the father. Is that correct? Am I understanding that that's exactly the way the process would work? If that's not the case, as I indicated earlier, would the hon. member be amendable to replacing "all birth relatives" with simply "birth father" to ensure that the father is not left out of this particular process? I would ask the hon. Member for Innisfail-Sylvan Lake to clarify, if you would please.

MR. SEVERTSON: Mr. Chairman, maybe this will clarify to some extent. Currently in adoptions, regulations require an adopting agency to notify the birth father within 14 days of adoption placement. That's what a licensed agency has to do. Also, the licensed agency must provide the courts with the steps that they took to notify the father of the adopted child and will notify him of the adoption hearings. So I think we've got that covered in the regulations and by making amendments that only licensed agencies or the director can do adoptions other than relative adoptions. So I think it's well covered in the amendments we're making in the whole Bill and what is in regulation now.

Call the question, please.

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

MR. SAPERS: Thank you, Mr. Chairman. I am speaking in favour of the amendment, and I appreciate very much the helpful information from the Member for Innisfail-Sylvan Lake. I of course was pleased when we debated Bill 208 previously in the Assembly and pleased to see him bring Bill 52 back to the Assembly and the amendments to the Child Welfare Act. I don't think, however, that the regulations, particularly that the member was just speaking of, go quite far enough.

I'd like to for a moment just relate an incident involving a constituent of mine, a birth father who was involved in a relationship with a woman. They had a child together, and subsequently the relationship unfortunately ended. The birth mother decided to put the child up for adoption, much to the consternation of the father. The father was not told where the mother and child were, was not given details of the whereabouts of his child, was denied an opportunity, in fact, to adopt his own child. There was nothing in the current child welfare legislation or regulations that allowed him to access the information or indeed allowed him the right to access his own child or even to find out his child's whereabouts.

[Mr. Herard in the Chair]

Mr. Chairman, the intent behind amending section 58(3)(c) is to help stop this kind of suffering and consternation on the part of a birth parent, namely the father. The "proper and timely notification of all birth relatives" I think should be an essential part of any adoption process, any humane adoption process where we're interested in the lifetime peace that people can have about their children, whether they'll be responsible ultimately for raising them or not.

I cannot see how in any way the addition of this amendment would block adoptions. I can't see where this amendment is contrary to the purposes of the Bill. I know that the hon. Member

for Innisfail-Sylvan Lake is sincere in wanting to do the right thing in making adoptions go more smoothly in this province by assisting both birth parents and adoptive parents in the process, and I would encourage him to please consider that this is an equally sincere attempt to enhance what is a positive step.

Mr. Chairman, I feel equally strongly about 7.1(e). Obviously, we wouldn't want to be in a position where in any way, shape, or form adoptions were in some kind of a holding pattern or a stacking pattern where there are preceding orders of custody relating to children that are the subject of an adoption process.

The amendments being proposed by my colleague are sound amendments. They enhance both the spirit and I believe the operation of the Bill as proposed by the Member for Innisfail-Sylvan Lake. I would encourage him and all members on his side to vote for this amendment, as it can only strengthen his Bill. At the very, very worst, Mr. Chairman, what it would do is just make people perhaps a little more careful and would make the information just a little bit more complete. And when we're talking about the life of a child, I can't see how that could be a problem: to be a little more careful or a little bit more complete in how we handle adoptions.

Thank you.

4:50

MS HANSON: Just briefly to the hon. member. This Bill does make great strides in dealing with the adoption process, but the issue of the fathers is one that, while there are not many of them, is a very big issue, the one that we are really missing here. If, as you say, the private adoption agencies will have to search for the father and notify him, the piece that we have missed is the out-of-country fathers, where in the States in particular they can notify each state who they want to be notified if this child is put out for adoption. Because of the frequency of people coming to Canada, many of them will write to other provinces and ask that their name be flagged so that if this name comes up, then they will be notified. Some other provinces apparently do, according to my information, and that's another big hunk that we have missed. However, I would like to call the question now.

[Motion on amendment A lost]

MR. ACTING CHAIRMAN: Those in favour of amendment B . . .

MR. COLLINGWOOD: The other motions I don't believe have been moved and have not yet been debated.

MR. ACTING CHAIRMAN: I see. I stand corrected. I thought we were debating all of them before we were voting.

MR. COLLINGWOOD: Just one at a time.

MR. ACTING CHAIRMAN: Oh. My information was that we were voting on all of them at once, but we would - okay. Fine. Did the hon. member move all three or just the first one?

MR. COLLINGWOOD: No. We just moved A.

MR. ACTING CHAIRMAN: Thank you. The first amendment, A, is defeated.

The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you. This is amendment B, which is on section 14, amending section 14 by adding "by a birth parent or"

to section 66.2(3), and that's added after "made only." This refers to the right to search to include birth parents. In this Bill it certainly broadens the ability of adoptees to search. There are, as we know, vetoes both for information and for contact for parents who don't want to go any further with this, but it does not allow the right for birth parents to search for their children.

This amendment is in response to a tremendous outpouring to our offices from birth parents and adoption agencies who have told us of the very strong support for this amendment. We get some pretty emotional letters from mothers, birth mothers, and people who have for 50 years been worried, feeling guilty, and wondering if their children are all right. This would only be for children over 18 that we would recommend this change. It also reflects in large part the results from the consultations that were held last spring under the auspices of the Minister of Family and Social Services.

So for that reason, we would like to discuss this amendment.

MR. ACTING CHAIRMAN: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Chairman. The Member for Edmonton-Highlands-Beverly has brought up a real sensitive area of this whole adoption issue. I, too, have had numbers of letters and also presented a petition in the Legislature on this issue. But when you move along in legislation, you have to consider also the few that don't agree with you. I also had representation directly and written directly to me of concerns in opening up the records. I did have correspondence to leave it the way it is: don't move anywhere.

This Bill I say is a move forward. I think the minister has said in the House – and I'll say it again – that we'll review this in a year and continue to review it. As time moves along and attitudes change, maybe we'll have stronger support and they'll address the real concerns of some of those that wanted it to go nowhere, to just stay where it was.

For that reason, I would just urge the Assembly that we turn down this amendment.

MR. ACTING CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. I just want to look again for a little bit of clarification here, if I might. I certainly understand that there's presently only a one-way search today. This amendment addresses attempting to give the parents the right to search for their children. I understand the sensitivity that the hon. Member for Innisfail-Sylvan Lake has broached on this subject. I also understand the Member for Edmonton-Highlands-Beverly's point here that there are parents that would like to put all those pieces of their lives together. The safeguard, as I see it here, is the fact that this amendment really gives the right for a parent to search out only another adult, and that of course is a person that's 18 years of age or older. Now, I know in the back of the hon. Member for Innisfail-Sylvan Lake's mind must be this concern that if a parent searching out an adult discovers that adult and that adult has never ever been informed that they were adopted, it would cause a great deal of concern in that individual's life. I wonder if that is not a bit of an anomaly of the other situation, and I'll explain it just briefly so you can see where I'm attempting to come from.

Presently an adult that's 18 years old can search out their birth parents. Now, I'll give you a classic example that I dealt with in Leduc. It's a family that has adopted four children. One turns 18

and can search out its parents. They're all from the same family. How does one prevent an 18 year old from sharing that information with the other three? In this case here, the family of course is very open about adoption and certainly I think very capable of handling that. But that's an anomaly not unlike the anomaly we're dealing with in this situation. Certainly those parents in Leduc are willing to deal with that. I understand that, generally speaking, it's not an 18 year old that searches out his parents, but generally they're 22 or 23. In this case there are siblings that are eight, 10 years younger that I suggest would become privy to that information. We can't fill that gap, in my mind; at least I can't find an area or an avenue that we could do it. So I'm wondering if this anomaly that we're dealing with here – and I would suggest that the way we deal with adoption in today's world is a far cry from when I was a child growing up. I think the situation we're attempting to protect here is a very, very small percentage. Now, maybe no percentage can be too small when we're dealing with the sensitivity of an adoption and the searching out of those parents.

As I look at this amendment, I do lean to supporting it simply because of the two extremes that I've presented here. I guess I would look for further comment here to assist me with my decision, Mr. Chairman.

MR. ACTING CHAIRMAN: The hon. Member for Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Chairman. I would like to just add a few comments with respect to my colleague's response to the proposed amendment and the time lines that we're looking at. This is very significant legislation, and I think it's a credit to the members in the House who are giving such thorough attention to it, because we are affecting the lives of people who may not have any knowledge about the situation either in their past or in their upbringing, and it can impact very seriously on their future.

I think the consideration is that we move forward with this legislation with a commitment from the minister that it be revisited and studied. What will happen, I would suggest, with the continued interest by the public in this area and the awareness of legislators in this Assembly to the issue, all 83 of us becoming much more informed about the sensitivity, is that within that time frame the minister has indicated, we may be able to deal with that small percentage the hon. Member for Leduc was referring to. But I don't think when we're in the process of addressing the issue, moving forward in an area that we have been asked to open up that it's the time to throw it all to the wind, if you will. I think there's a real need to move thoughtfully through it. As I say, we have 83 people very informed, and the community is responding and keeping us informed. I would suggest that the one-year study and grace period the minister has referred to is more than appropriate.

So I would not support the amendment at this time and would call the question on the amendment.

5:00

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

MR. COLLINGWOOD: Thank you, Mr. Chairman. Again, with respect to this amendment I'm having some difficulty with the arguments that are being put forward by the sponsor of the Bill and the hon. Member for Calgary-Currie as to why we should not at this point in time accept amendment B, as proposed by the hon. Member for Edmonton-Highlands-Beverly.

Mr. Chairman, once there was essentially a tabling of Bill 208 and a public consultation process was undertaken by the Minister of Family and Social Services – and the sponsor or other members can correct me if I'm wrong – my understanding is that there was overwhelming support for the inclusion of birth parents in the provision allowing for an application to a licensed search agency for information. Overwhelming support. In a public consultation process undertaken by the minister and his department, in listening to Albertans and caring about what they say, there was overwhelming support.

Now what we hear from the sponsor of the Bill is: "Well, it's a very sensitive issue – and I grant him that it is a very sensitive issue – but we really don't want to wade into that area. We're going to sit back and do nothing – he's saying: do nothing – for a year, but I promise that in a year we'll review it." Well, all right. So in a year it's reviewed, and you undertake a public consultation process, and there's overwhelming support for inclusion in the Bill, and the hon. member will say: "Well, we don't really want to wade into that yet. We'll give it another year, and then when we get overwhelming support . . ." I mean, where's the basis of the argument? You bring forward and you include in your legislation based upon the public consultation process that you get. I gain no comfort in the response from the hon. member saying, "We'll just set it aside and put it off for a year," when there has been overwhelming support for inclusion from birth parents, birth mothers who want to also be able to access the information.

I'm quite prepared to suggest to the hon. member that section (4) puts in all of the checks and the balances and deals with the concerns about the veto, as to whether or not a meeting of the birth parent and the child can take place. I think that the Bill does a very good job in section (4) and continues on through that section in terms of the protection, but the same protection can apply to both sides of the coin, for the adoptee after they're 18 years of age or for the birth parent. That's not a concern. What works for the adoptee will also work for the birth parent.

Mr. Chairman, I think that this is an amendment that has been carefully thought through, that is in its own right courageous and taking a step that the government and the sponsoring member would not take. I think it's worth some debate in this Assembly for other members to recognize that it should be included in this Bill at this point in time, that there is no basis to put this off for a year, that taking this stance is defensible given the public consultation process and the results coming out of that, and that the government or the sponsoring member simply has no reason to exclude it at this point in time. I would suggest to hon. members that if the only defence that the sponsoring member can give to this particular amendment is, "Well, I think we should wait just because," that's not a good enough answer, and they should support this amendment to the Bill at this point in time and not wait for a year.

Thank you, Mr. Chairman. Those are my comments.

MR. ACTING CHAIRMAN: Thank you.

The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Chairman. There are valid arguments from the other side on this issue. I won't deny that. But the last member, the Member for Sherwood Park, one area I think he's forgotten that democracy's about is the protection of the minority. We've got a Human Rights Commission. The vast majority of Albertans might want to do something, but we have

a Human Rights Commission to protect the minority, and that's what this is doing. It's the minority of the group that didn't want full, wide-open records, and that's why I'm against the amendment the way it is put forward. I'm in favour of the Bill, to do it one step at a time, you might call it, and open it up. That's why we'll be reviewing it.

So I would urge the members to vote against this amendment.

HON. MEMBERS: Question.

MR. ACTING CHAIRMAN: The question has been called. We're voting on amendment B to Bill 52, as proposed by the hon. Member for Edmonton-Highlands-Beverly.

[Motion on amendment lost]

MR. ACTING CHAIRMAN: The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you. This is the third amendment, part C, and it also amends section 14 of Bill 52. The first part of this amendment speaks to the provisions that allow for the registering of a veto, and that's in section 66.2(4). It outlines the privacy provisions for a family member who wishes not to have contact or have information released to family members who are searching. We have real concerns if a veto is placed on personal information as it is set out in clause (c). The applicant could be shut down entirely and have no access even to nonidentifying information. For example, we feel it's critical that the applicant should have access to at least the medical history of the birth parent.

[Mr. Tannas in the Chair]

The second part of this amendment is ensuring that if a veto is placed, whether it be on contact or information, either way, a provision should be made requiring that the person placing the veto specify just briefly what reasons there are for denying the contact or the release of information. Several adoptees have approached us expressing disappointment that this wasn't in the Act. Many of them told us that they felt this had been communicated clearly to the government to begin with. Also, they believe that when they're an adoptee searching for birth parents, if there is a veto, a brief explanation would go a long way towards easing the feeling of rejection, even just a not-at-this-time tick or just a simple little form. We're not saying that the information has to be lengthy or detailed, but it gives the searching party some comfort to know that there are real reasons for the hard decisions that have to be made in some of these cases.

Thank you.

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

MR. SEVERTSON: Thank you, Mr. Chairman. I would just like to make a few brief comments to this amendment, amendment C, with reference to the person that places a veto and having medical information provided. The only circumstances where that would happen is if the person specified that they did not want the release of their medical history given. Then it couldn't be. Otherwise, under the current legislation that information can be released. We talk about the confidentiality of private information. I don't think we should have legislation that every birth mother that puts a child up for adoption has their medical history given

without their consent. So if they placed a veto on there, I think that should be honoured. Their records shouldn't be given without their consent. If they don't place a veto on it, that could be given out. That's one way. I urge the Assembly to vote against that part of the amendment.

### 5:10

Amendment B, with reference to the reason they put a veto on. I find it quite disturbing, I guess, that the government states that the birth mother has to put in writing something that she'd like to forget about. Now, it reminds them of this as they come to place the veto on, and then they have to put in writing why they don't want to have that information given. I don't think we should be enforcing that on them. I'm not saying that it's preventing people from doing that, but I don't think the state should make it a requirement.

There are the two reasons that I would vote against this amendment. I'd urge all members of the Assembly to vote against it, and I'd like to call the question.

MR. CHAIRMAN: Are you ready for the question?  
Edmonton-Highlands-Beverly.

MS HANSON: Just a little to add to that. I think that the reason for the medical records being important now is because of our increased understanding of chronic illnesses and genetic illnesses and the sort of thing that follows down from generation to generation, which we didn't used to have as much information about. Often diagnoses, as you know, are made through information about the family illnesses and records from parents and grandparents, and that for me is the primary reason why we should loosen up a bit on the medical information. Although I appreciate what you're saying as far as privacy goes.

Thank you.

MS LEIBOVICI: I, too, would like to speak in favour of this amendment because in essence what it is saying is that the veto so registered "shall not prohibit the release of information regarding medical history." Now, when we look at a Bill that we were recently discussing, and I believe was actually passed, that dealt with medical information – I think it was Bill 45 – whereby there could be information released with the person's permission and where also for the issue of research that information could be released, the principle is the same here. What we are saying is that if there's a veto, that name is not released, but the information can be released.

Now, potentially we are talking about – and I'm sure the good doctor, who is a member within the medical assembly, will agree with the fact that if you're in a situation where you require medical information, one of the first things that a doctor says to you is: "Well, can you tell me your history? Can you tell me if there are any allergies in your family? Can you tell me if there's any history of heart disease? Can you tell me if there's any cancer? Can you tell me if there's any diabetes in your family?"

With an adopted child if that information is not available, that information or lack thereof could potentially be life threatening and could potentially, with a government who prides itself on trying to cut costs, incur a lot more costs. What happens is that there is then the need for perhaps additional tests that might not be required otherwise. This information is vital, I think, not only from the aspect that a child needs to know what some of the history is that comes with that child, but so does the adoptive parent need to know so that when they go to the doctor that first

time and the doctor says "Is there a history in the child's family?" the adoptive parent can say, yes, there is or, no, there is not.

Again, as the child grows older, that history becomes a lot more important. I look at my own family history. My parents came from Europe and came from a time when there weren't a lot of medical records that were kept. When I ask what happened to my grandparents, it's "Well, you know, they died." "Well, what did they die of?" "I don't know." That makes it very difficult from a diagnosis point of view in terms of when I go to my family doctor and I say: "Well, I think one of my grandparents died from heart disease, and I think one of my grandparents died from cancer, but it's hard to say." It's hard to develop that family history, and the family history is extremely important. Now, put yourself in a child's boots or in the shoes of a young adult who would turn around and say, in effect, "Well, I don't know," and cannot provide that medical history that's so important in terms of developing.

Now, if there's a veto – I think you're right – there has to be concern for secrecy, because that is what the request has been. But, given that, I think there also needs to be an understanding that you can provide that information without it necessarily identifying anyone. It would be, I think, very unusual to be able to identify who the natural parent is from medical records. If a medical record says that, yes, the person had an intolerance to milk and, yes, the person had an allergy to cats and, yes, in the person's grandparent's family there was perhaps cancer or some diabetes that set on in later age, I think it would be very difficult to in fact turn around and say: "Aha. You're my parent." I think it would be extremely difficult to do that. So I think in the better interests of the child or the young adult that – and if I can even appeal to your sense of wanting to cut costs from the health care system, even from that perspective this amendment makes a lot of sense.

When I look at the arguments that we put forward last night in terms of there perhaps being an issue with regards to confidentiality, the government members said not to worry, that we can trust the minister, and we can trust whomever they delegate in that particular situation. I would wonder why on one hand with Bill 45 we can trust the minister and we can trust in the giving of information that actually allows for names, whereas on the other hand with this particular Bill we can't trust information that is blind in a sense, that has no name attached to it. So I really have trouble understanding why this amendment would give any concern to any of the government members.

I think what we need, again, to look at is the best interests of the child, and I think that when you sit back and look at what is in the best interests of the child, there can only be one answer: that child should have access to medical information, and that child should have access to a part of history that can perhaps better the life of that child and the quality of life of that child. That information can provide for that child the ability to perhaps foresee that there may be a medical problem down the road. These are all vital, vital pieces of information that need to be addressed.

Now, the only reason I could perhaps see the government being uncomfortable – and I need clarification on this – is in terms of where the information will be held. I really am asking this in terms of having clarification. If the information is to be held in a central registry within the parameters of a government organization, then again I don't see what the problem is. If the information is going to be distributed amongst the private licensed agencies and if the information is available via computer links or whatever, then I could perhaps understand where the hesitancy is. So in terms of my own peace of mind I need to know where this

information is going to be stored, because that might, then, explain to me what the hesitancy is on behalf of the government. Again, if the information is going to be stored within a government vault somewhere or within a government central computer, then that information can be controlled much like the information that's provided within Bill 45.

5:20

Again, I fail to see where the problem is in terms of determining the release of the medical information. I've sat quietly by in this debate because there are a number of issues in my mind that I'm not clear on with regards to this whole Bill, but on this particular issue, as I said earlier, I think we need to look at what is best for the child, what makes the most sense. I can't see where we're serving anyone's interests by saying, "No, you can't have access to that medical information."

Now, this would be medical information also that is in some sense, I would believe, historical. It's my understanding that when adoptions take place now, there is medical information that is given to the adoptive parents so they have some of that. I think that if there's going to be a veto, if the child cannot access the information in terms of who the birth parent is, at least part of that search is to try and find some background in terms of what their own medical history is.

So again I think these are important issues that we can't just slough off in a sense and say that we'll wait a year or we'll wait four years. We're here to do a job, and we're here to do a job to the best of our ability. I think we would be remiss in terms of doing that job if we didn't look at the ability to at least receive the medical history so that again an individual knows what to look forward to as they age.

For those reasons, I would appreciate it if the hon. member who has put forward the Bill would be able to respond to some of those issues if he wishes.

Thank you.

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

MR. SEVERTSON: Thank you, Mr. Chairman. I can't believe the comments from Edmonton-Meadowlark. We're debating this about confidentiality. This amendment says, "shall not prohibit the release of information regarding medical history." You're saying that you want to circumvent the right of a birth mother who puts a veto on and doesn't want medical history given out. That amendment says that exactly. When they've placed a veto and they've specified that they don't want their medical history given out, you want to give out the medical history of anybody in Alberta that put people out for adoption? That's what you're doing in this.

Yesterday we argued about research. The Member for Bow Valley: even there they have to give consent for research where no name is given out. I can't believe that anybody would support this amendment to prohibit somebody that gave up a child for adoption from keeping their medical history to themselves if they want to.

MS LEIBOVICI: If I could just request clarification again in terms of my understanding of the veto. If that understanding is incorrect, I would appreciate the clarification. I believe that the veto is in terms of the birth parent allowing themselves to be identified. So if I as an adopted child wished to find my birth parent at 18, the birth parent can veto that and can say, "No, I do not wish to be found by that adopted child." That is an entirely

different situation from allowing for the medical information, which can be vital to that child's health. I think it's more important than research that medical information that is vital to a child's health be provided. That's my understanding of the veto.

With that, given the hour, I'd like to adjourn. [interjections]

MR. CHAIRMAN: It's a legitimate motion. All those in favour of the motion moved by Edmonton-Meadowlark that we do now adjourn debate, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: The motion is defeated.

MR. KIRKLAND: The release of medical information does cause me some concern. I'm presently dealing with a situation where an adoptive mother has three children that are today experiencing some difficulty medically. Her request of my office is to assist in securing the medical history of the father so she can deal with matters in a more informed method. Up to this point, we have been stonewalled, if I could use that term, in accessing any of that medical information.

I see it as being positive to separate identity information and medical information, and I don't have a large concern that by disclosing medical information, one can actually tie it to identity. So I see two aspects to this, and I see the disclosure of medical information as not being intimidating or threatening, but I think it would be helpful.

Harking back to the comments of the Member for Edmonton-Meadowlark, there is in some instances certainly a need to know medical history so you can provide treatment to individuals in this situation here. Certainly I think it clarifies it very well in my mind that there's a need to address that. I'm not attempting by any stretch of the imagination to go overboard with disclosure of information, because if people don't want to have their identity known in a case of adoption, I think they should have that respected. But if we're dealing with medical information – and this woman, quite frankly is beside herself because her three children are experiencing difficulties that nobody can seem to get a good handle on, and the doctor's kind of of the opinion that if we had some medical history of the father in this case, it would assist him as far as actually treating the situation.

When the Member for Innisfail-Sylvan Lake indicates that this is a carte blanche opening of medical files and that somebody should be dragged naked across the skies of Alberta, I don't think that's what's being asked by this amendment. I think that these again are situations that really are quite unusual and that we would rarely run into them. This mother, I'm sure, would have a tremendous amount of peace of mind if she could secure the medical history of her three children. I think it deprives her of treating those children as well as she should or could in this particular situation, Mr. Chairman.

MR. WOLOSHYN: You've done your filibuster.

MR. KIRKLAND: It really wasn't a filibuster, Mr. Chairman. When we look at the very intelligent debate that came from both sides of the House, the very generous and gracious answering of

questions and the clarity that the Member for Innisfail-Sylvan Lake offered to the concerns here, I think it was extremely important. I was refreshed by this particular debate. The acrimony that generally follows debates in this House wasn't present. I think it was a very positive debate, and I commend the member for bringing it forth. I commend him for the very statesmanlike manner in the way he dealt with this particular Bill and dealt with the amendments. It has brought some level of comfort to me as I deal and grapple with this particular issue. The medical . . .

**5:30**

MR. CHAIRMAN: I hesitate to interrupt the hon. Member for Leduc, but it is now 5:30, and we must now rise and report.

[Mr. Clegg in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports progress on the following: Bill 41, Bill 52. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. ACTING SPEAKER: Thank you, hon. member.  
All in favour of the report?

HON. MEMBERS: Agreed.

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

[At 5:31 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

