

Legislative Assembly of Alberta

Title: **Wednesday, November 9, 1994**

8:00 p.m.

Date: 94/11/09

[Mr. Speaker in the Chair]

MR. SPEAKER: Please be seated.

head: **Government Motions**

Winter Recess

34. Moved by Mr. Day:

Be it resolved that when the Assembly adjourns to recess the fall sitting of the Second Session of the 23rd Legislature, it shall stand adjourned until a time and date for the spring sitting as determined by the Speaker after consultation with the Lieutenant Governor in Council.

[Motion carried]

Information and Privacy Commissioner Search Committee

35. Moved by Mr. Day:

Be it resolved that

- (1) A select special information and privacy commissioner search committee of the Legislative Assembly of Alberta be appointed consisting of the following members: Mr. Hierath, chairman, Mr. Sohal, Mr. Brassard, Mr. Bruseker, Mr. Dickson, Mr. Doerksen, Mr. Friedel, Mrs. Fritz, and Dr. Massey for the purpose of considering applications for the position of information and privacy commissioner and to recommend to the Assembly the applicant that it considers most suitable for appointment to that position.
- (2) The chairman and members of the committee shall be paid in accordance with the schedule of category A committees provided in the Members' Services Committee Allowances Order 4/93.
- (3) Reasonable disbursements by the committee for advertising, staff assistance, equipment and supplies, rent, travel, and other expenditures necessary for the effective conduct of its responsibilities shall be paid subject to the approval of the chairman.
- (4) In carrying out its responsibilities, the committee may with the concurrence of the head of the department utilize the services of members of the public service employed in that department or of the staff employed by the Assembly.
- (5) The committee may without leave of the Assembly sit during a period when the Assembly is adjourned.
- (6) When its work has been completed, the committee shall report to the Assembly if it is then sitting. During a period when the Assembly is adjourned, the committee may release its report by depositing a copy with the Clerk and forwarding a copy to each member of the Assembly.

[Motion carried]

head: **Government Bills and Orders**

head: **Second Reading**

MR. SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you very much, Mr. Speaker. I wonder, before we discuss the Bill, if we might have unanimous consent to revert to the Introduction of Guests.

MR. SPEAKER: Agreed?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

The hon. Minister of Justice.

head:

Introduction of Guests

MR. EVANS: Thank you very much, Mr. Speaker. It gives me great pleasure to introduce on behalf of my colleague the Minister of Environmental Protection the superintendent of the Rocky/Clearwater forest and all sorts of other forests in the Rocky Mountain House constituency, Mr. Lorne Goff, who is in the members' gallery. I believe that's his wife with him. I've had a nod, and so I'm now certain it's his wife with him. Mr. Goff has served this province extremely well as a forest superintendent, and it's with great pleasure that I introduce him and his wife to you and to all members of the Assembly. I'd appreciate it if they would rise in the gallery and receive the warm recognition of the House.

head:

Government Bills and Orders

head:

Second Reading

(continued)

Bill 59

Miscellaneous Statutes Amendment Act, 1994 (No. 2)

MR. EVANS: Thank you, Mr. Speaker, and now to something slightly more mundane.

I am pleased to move second reading of Bill 59, the Miscellaneous Statutes Amendment Act, 1994 (No. 2). Just to ensure that all members of the Assembly are aware, the miscellaneous statutes are basically Acts that have minor changes to them, administrative by and large, and what we do is review some of the principles that are to be incorporated into the Act with the opposition to ensure that they concur with the changes that are being suggested. In connection with that, I want to thank the Member for Edmonton-Strathcona for his efforts in ensuring that his caucus was in favour of the amendments that are being proposed in Bill 59. I believe that they have been reviewed by his caucus. I know they've been reviewed by ours, and accordingly I believe we should have speedy passage of this Bill.

Thank you, Mr. Speaker.

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

DR. PERCY: Thank you, Mr. Speaker. The Miscellaneous Statutes Amendment Act, 1994 (No. 2). The manner in which it's assessed and analyzed I think is a very good model for some pieces of legislation that come through this House, because there is some agreement on what is in fact miscellaneous, what is inconsequential, and what can be done in a purely housekeeping manner. In fact, this is the epitome of a housekeeping Bill, as opposed to other terms that we've heard applied to housekeeping. Despite the fact that there has been agreement between the hon. minister and the Member for Edmonton-Strathcona and review through both caucuses, we would still of course not allow

unanimous consent for passage through because part of the role, then, is to allow for sober second thought and to assess whether or not what has been agreed to is in fact not consequential. So we will be examining it and the like.

Again, I would like to echo the comments of the hon. minister that this does set a very nice model of co-operation.

[Motion carried; Bill 59 read a second time]

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

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

[Mr. Clegg in the Chair]

MR. DEPUTY CHAIRMAN: Will the committee please come to order.

Bill 59

Miscellaneous Statutes Amendment Act, 1994 (No. 2)

MR. DEPUTY CHAIRMAN: Does the hon. Minister of Justice want to comment?

MR. EVANS: Thank you very much, Mr. Chairman. Again, I think I've made some brief comments at second reading on this Bill, and it is very much, as the hon. member opposite has indicated, a housekeeping Bill. Accordingly, I would call for the question.

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 59 agreed to]

MR. DAY: Mr. Chairman, I move that the Bill be reported when the committee rises and reports.

[Motion carried]

MR. DAY: Mr. Chairman, I move that the committee do rise and report.

[Motion carried]

[Mr. Speaker in the Chair]

MR. SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain Bills. The committee reports the following Bill: Bill 59.

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

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

head: **Government Bills and Orders**
head: **Third Reading**
8:10

Bill 46 Hospitals Amendment Act, 1994

Moved by Mr. Sapers that the motion for third reading be amended to read that Bill 46, the Hospitals Amendment Act, 1994, be not now read a third time because the Assembly finds that passage of this Bill would result in a system of recovering third-party liability health care costs that has greater financial and nonmonetary costs than the current system.

[Adjourned debate November 8: Mrs. McClellan]

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

DR. PERCY: Thank you, Mr. Speaker. With regards to Bill 46 certainly we have made a number of arguments in second reading and through Committee of the Whole. Our concerns about this Bill – I should reiterate the principles that we think are important to reiterate.

Again, for anybody that was here last night, the horror of this Bill, as expressed by my hon. colleague from Sherwood Park: a mere accident might lead to litigation that would extend for years. In a sense that is one of our concerns regarding this Bill, the notion of how much litigation will be generated by this. In conversation with the hon. member who has sponsored this, it's clear that in fact there may be significant returns to this. It would have been useful had that in fact been up front in terms of the actual estimate of payoffs to this type of litigation.

I think my hon. colleague from Sherwood Park highlighted a number of concerns, Mr. Speaker: the potential, for example, of litigation between various branches of the government in an effort to recover costs, the impact of course on insurance premiums. Again, the insurance industry is quite clear in saying that costs may rise by 10 or 15 percent as a consequence of this Bill. So we're looking at in part an off-loading, then, of the costs of this type of litigation onto consumers, with the costs being borne across the board by all drivers. I think it is a significant concern what this is going to do to the overall level of premiums, which in this province have been rising in any case at quite a rapid rate.

We also highlighted, Mr. Speaker, our concerns about the growth of bureaucracy that will result from this Bill. Again, when on one hand the government is arguing that its efforts are aimed at streamlining government, I think it's clear when you look at what this implies for the bureaucracy in terms of the information gathering, in terms of just the information base, the storage of that information base, the members of Health that will be involved in collating and ensuring that these data are available, that again we're looking at something where the costs are not only the increase in insurance rates but a government that's going to be larger than it otherwise might need to be.

I think my colleague had also highlighted another fact, which is the gratuitous addition of an additional six months to the government to sue, something that's not available to the ordinary citizen. I think that when a government starts both insulating itself from lawsuits and at the same time giving itself legal rights that are not available to everyday citizens, we should have concerns. The extension of the time period under which the government can commence litigation I think is an issue that ought to be of concern and addressed. So with those comments, Mr. Speaker, I will conclude.

Thank you.

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

MR. SEVERTSON: Thank you, Mr. Speaker. In speaking against the amendment, I'd like to correct a few things that some of the opposition have been talking about.

One is the reference that was to the cost of the bureaucracy. Presently we have the hospital recovery costs and third-party liability. We have, I believe, a staff of four people at a cost of about \$250,000 and a return of between \$10 million and \$12 million. So if we double the staff, increase it to \$750,000, we get a net return of maybe around \$20 million to \$24 million on the cost of recovery. The reason why it's so low: in third-party liability claims the ones that are settled by agreement, through the lawyers, the department works with the benefactor who is putting the claim forward, and the Department of Health pays the lawyer 10 percent of the recovery cost. So in a sense we don't have to have a big bureaucracy to run this program.

Last night it was also mentioned what other provinces are doing. I want to make it clear again: all other provinces collect third-party liability on their health care costs. We're the only ones that don't recover our third-party liability costs. Some have gone to what they call a levy system, and that's where they put a surtax on all drivers' and vehicle licences that are issued. I think that's grossly unfair, because when we're talking third-party liability, we're not just talking car accidents; we're talking all third-party liability. So I feel that this system is fair. It's the wrongdoers, for omission or a wrongful act, that are the ones held responsible for their actions, and I think that only makes common sense.

Members opposite keep talking about how premiums are going to skyrocket because of this \$10 million to \$12 million recovery. I might add that a hailstorm went through Calgary a few years ago, did \$400 million damage to vehicles and houses, and I didn't see the premiums go through the roof because of that. That's \$400 million in one claim. When the tornado went through Edmonton, it was over \$200 million in insurance claims. So when we're talking in the neighbourhood of \$10 million to \$12 million, we're probably looking at an increase in liability insurance paid out by insurance companies by about .5 to 1.5 percent of their payout on liabilities.

Other people mentioned about not consulting with anybody. What I'd like to say is that I did meet with Alan Wood, the regional vice-president of the Insurance Bureau of Canada, prairies and northwest, on March 31. The hon. member across the way talks about the insurance companies that like this. Well, they've been saying all along that this is ideal for the insurance companies because they can make more money because their premiums are going to go up and they're going to have a higher rate.

The main concern was in the previous Bill, Bill 22, in particular with 58(b), where the Crown could go back with no time limit. The time limit was whenever the Crown wanted to go after a cost that was necessary. In this we have what we call a six-month period past the time. Why we have the six-month period after is because if the Crown is notified, say, the last day of the two-year time limit for the person doing the liability, the Crown has no chance of filing a claim. The claimant has the two-year period. All we're asking is six months after we're notified. If we were notified on the very last day of the two-year time period, we'd be left out of the claim. So that's the rationale for the six-month time limit.

Also, I guess last night the Member for Edmonton-Glenora mentioned that we on this side of the House wouldn't listen to the amendments they proposed. I'd just like to remind the Assembly

that we didn't have a chance to speak on the amendments because the amendments were ruled out of order by the Chair. It wasn't this side of the House. It was their lack of preparedness on their amendments. They were ruled out of order, so this House couldn't deal with the amendments.

With that, I'd urge the Assembly to vote against this amendment.

Thank you.

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

MR. WICKMAN: Thank you, Mr. Speaker. I want to add a few comments on the motion that's in front of us at the present time dealing with the need to hoist the particular Bill, Bill 46.

Mr. Speaker, we've spoken on this Bill at fairly great length during second reading, during committee stage, and now again there have been attempts to make some amendments and so on to make the Bill a better Bill, but of course the Bill has not become a better Bill. The Bill that we have is the Bill that we started with.

There were concerns that were pointed out in the initial stages in the comments being made in principle relating to the second reading. The major one, the major flaw in the Bill or in the process is the lack of consultation with the affected parties. Our calls out there, our research out there indicate very clearly that those that would be affected, mainly in a professional fashion but also the consumer, have not had the opportunity to really get involved in the whole process. This system, of course, has been tried before or attempted to be put into place before, but it didn't fly anyplace because of resistance. I would say, Mr. Speaker, that to avoid that resistance by failing to provide ample opportunity for participation I don't think is the proper way to go. I don't see the urgency that the government has to attempt to do everything in a matter of three or four weeks, those things that have some significant impact on a large number of people.

8:20

We've been assured on a number of occasions, Mr. Speaker, that this is a government that believes in consultation. We read about it all the time. During second reading I pointed out a reference that the Premier had once made on consultation. When he was asked if consultation has become redundant, the Premier replied, "In some cases yes." I would certainly hope that this is not one of those cases where the "yes" is being referred to.

The motion in front of us, Mr. Speaker, does not kill the Bill, does not mean it's the end of it forever and forever. What it means is that it's delayed for a period of time to provide for ample opportunity for participation, to fine-tune the Bill, to get the bugs out of it to make it a better Bill, to build on what the member thinks is already there but make it into a Bill that is acceptable.

The concerns that have to be addressed that were pointed out are the impact in terms of premiums for insurance purposes, for protection. It was clearly pointed out: the bureaucracy, the paperwork that would be created. That was agreed to by members on the government side. They admitted that, yes, it would be a problem. Well, if it's going to be a problem, let's correct that. Can we visualize the bureaucracy that would be created as a result of trying to untangle the Bill, as a result of trying to go through the process, as a result of trying to put the Bill into place?

Mr. Speaker, without question there is a need to do further study, to do further consultation, to delay the passage of this Bill. That's what's being requested at this particular time by the motion in front of us: to delay the Bill, to consult, to fine-tune it, to use

some reason, to do what's best for those that elected us to do what's best for them.

On that note, Mr. Speaker, I'll conclude, and I would urge all members within the Assembly to support the motion brought forward.

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

MR. SEKULIC: Thank you, Mr. Speaker. I rise to speak in support of the motion put forward by my colleague. This motion reads that

this Bill would result in a system of recovering third-party liability health care costs that has greater financial and nonmonetary costs than the current system.

Mr. Speaker, my concerns are rooted in what this Bill will mean to my constituents. I asked yesterday: in the event that one of my constituents should happen to fall down a stair and suffer an injury, who will be the wrongdoer? Can this individual, as a result of incurring an injury through no fault of his own, become a wrongdoer? Can his household insurance then be requested to pay, or can the individual himself be requested to pay? That's not a question that's been answered, and consequently I'm not clear what the scope of this Bill is.

The other one that I raised yesterday that hasn't been answered, Mr. Speaker, is in the case of smokers. Is there contributory negligence there, and can the smoker then be deemed to be a wrongdoer? I'd like to know the implications, the potential impact of this Bill before I can support it. Consequently, I think this motion is a timely motion insofar as it permits these questions that I have raised and that many of my colleagues on this side of the House have raised to be answered. Perhaps this legislation would permit or be liberating, but to date what I've heard from the government side hasn't convinced me. Consequently, I think it appropriate to exercise caution until we have more information, and it's not hesitation for the sake of hesitation. It's not hesitation for the sake of maintaining status quo, but I think we should look before we leap. I think the onus lies with the Member for Innisfail-Sylvan Lake to answer some of these questions.

So, Mr. Speaker, I'm still waiting for those answers, and with those questions once again, I'll put the floor over to one of my colleagues.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I, too, want to support this amendment put forward by my colleague from Edmonton-Glenora. I think if we're looking at dollars and cents and how practical it is to implement this Bill, I truly question how practical this is. I don't think my constituents are really going to care for this type of thing, because we have to realize that the taxpayer is making the payments no matter which way you look at it. I can't help but think that the calculations made by the hon. Member for Innisfail-Sylvan Lake are a bit foolish; he's not calculating. People pay through taxes and through premiums and lawyer fees and court costs, and you know what? There's only one taxpayer. I think he may have forgotten that, unless his pockets are a little deeper than others. I don't know.

I think, generally, we have to look at how this Bill should not go through. We have a responsibility to the people who have elected us to make good judgments and good legislation, and this is one of those examples that I don't think has truly been looked into nearly enough. This would just create more bureaucracy, a

bigger drain on our court system, more insurance bureaucracy. Add that all up with medical costs and the premiums – and those are going to skyrocket soon too, we hear – and what you get is a mess, one big mess, one big headache, and more dollars out of the same taxpayer's pocket. The only consolation that I kind of get from this is that it may sit on a shelf for a year or two, like freedom of information tends to be doing.

So with that, I'll pass this amendment along to another one of my colleagues who would like to speak to it.

Thank you.

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

MR. BRACKO: Thank you, Mr. Speaker. Again, I also support the motion to amend this Bill. You know, it's interesting. They have a \$12 million budget, and there are no facts provided to us. They want us to blindly follow some Bills that they have put through. We saw what's happened in the past. We're in an age of modern technology. Our party is moving forward with PIN numbers and the latest technology, and this government here is still living in the past.

Point of Order Questioning a Member

MR. SPEAKER: The hon. Member for Calgary-Varsity rising on a point of order.

MR. SMITH: Thank you, Mr. Speaker. Would the hon. member entertain a question during this riveting debate?

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

MR. BRACKO: Thank you, Mr. Speaker, but because of the leadership we're showing, they can just listen and follow us.

Debate Continued

MR. BRACKO: You know, we sit in the Leg. without laptop computers. We're living in the past. It's a shame. We could do much more, more efficiently for the citizens of Alberta, but, no, it's not allowed. We look in the balconies. Student learning or people learning, if there were TV sets so they could identify with the speaker – these are needed. Anyone who's an educator knows this is of more value. But no, we live in the past.

The same thing here with this Bill, Mr. Speaker. Instead of bringing out the facts, from the \$12 million research budget that I'm sure they have in the Department of Health, to show that this is where we're at now, these are provinces or places or states that have brought it in, this is where they went, what the prices have been, and so on – no information. We sit here with what they've done in the past and what they will continue to do in the present because of the lack of technology, the lack of giving us the important information that's needed. It's exciting to be a part here, to kind of give leadership and show, to be at the edge of technology, and we know that perhaps they'll come along in the next two or three years and allow this to happen.

Moving on, the concern that most people have, of course, is third-party liability. If someone gets injured on my land and they may not have permission to be on it, why should I be liable for them trespassing on my land? This doesn't deal with that. This happens to people all over the province.

8:30

MRS. SOETAERT: That's right. I've been there.

MR. BRACKO: Exactly.

You can put up signs. You can do whatever you want, but they still go. That again hasn't been addressed.

We look at insurance policies. We know that the cost of auto insurance has gone up and up and up and up in the last years. We start with this, and what's going to happen to the cost of the insurance we'll be paying? We're at the mercy of the insurance companies. Where there's negligence and so on, we have no problem with them collecting, but let's do this Bill properly.

They said that they consulted. Well, why didn't they consult with us like they did on Bill 59? They gave us the Bill. We made amendments. It can go through. Oh, no, they won't do that. They consult. They don't know the meaning of consultation. Instead of working together, both parties and the independent member of course, and going through, looking at it and saying, "Yes, here are our concerns" – we can have input into the Bill. No, we don't do that, you know. We still live in the old thinking, and this is what is going to leave us behind, a government that is behind in technology, behind in business, behind in education.

So for that reason I strongly support this and request that the members on the other side come with us and redo this Bill so it's the best possible Bill around. Thank you, Mr. Speaker.

MR. SPEAKER: Is the Assembly ready for the question?

HON. MEMBERS: Question.

[Motion on amendment lost]

MR. SPEAKER: Is the Assembly ready for the question on the Bill?

MRS. SOETAERT: I haven't had a chance to speak, Mr. Speaker.

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

MRS. SOETAERT: Thank you, Mr. Speaker. It gives me great pleasure to speak to third reading of Bill 46 because I do have some grave concerns about this Bill. The main concern, as I have said several times, is the definition of "wrongdoer." As the Member for St. Albert was mentioning, when people trespass on his property – in fact I've been there when people have been trespassing – it causes great concern. If people are, I don't know, doing all kinds of things, you know, skidooring and stuff like that, and they get hurt, then who's liable; who's the wrongdoer? That certainly has not been defined in this Bill, and heaven knows if it ever will be.

MR. SPEAKER: Order please. The hon. Member for Vegreville-Viking is rising on a point of order.

Point of Order Questioning a Member

MR. STELMACH: Thank you, Mr. Speaker. I'm just wondering if the hon. member across that's speaking would entertain a question with respect to trespassing.

MRS. SOETAERT: No, thank you, Mr. Speaker. No, I don't want to entertain a question on trespassing. The member's always welcome to just come on over for a cup of coffee. It wouldn't be

considered trespassing. [interjection] No? He's refused an invite. That's very hurtful.

Debate Continued

MRS. SOETAERT: Let's talk about Bill 46 here and my concerns about it, which certainly have not been addressed during second reading, during committee, and now they'll probably sit there like bumps on a log for third reading.

I must stress once again that I can see an increase in bureaucracy. This government is not going to save money long term. Lawyers will make money. The bottom line is that it's more money from the same taxpayer. Everyone will have to get more insurance. I don't know about members across the way. Insurance premiums tend to be going up and up and up. Certainly if you have young drivers in your family, it tends to go up and up and up. If these things continue – we're all paying health care insurance now. Those will tend to go up and up and up. What if your family tends to be sicker than others or gets hurt more than others or when you're driving more than others? I mean, if you have a large family that drives more, you may just be liable more often. Isn't that true?

Basically, I cannot support this Bill. I have grave concerns about this Bill. I really feel that people have not been consulted enough, and I would urge all members to vote against this Bill.

Thank you, Mr. Speaker.

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

MS LEIBOVICI: Thank you, Mr. Speaker.

MR. SPEAKER: Oh, sorry. The hon. Member for Edmonton-Meadowlark did speak at third reading prior to the amendment.

The hon. Member for Edmonton-Manning.

AN HON. MEMBER: You spoke already.

MR. SEKULIC: That was to the motion.

MR. SPEAKER: The Chair would inquire of the hon. Member for Edmonton-Manning: did the hon. member not speak last evening on third reading prior to the amendment?

MR. SEKULIC: I'm guilty, Mr. Speaker. I've represented my constituents. I spoke to third reading, and I was opposed to the Bill even in third reading.

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

MR. WICKMAN: Thank you, Mr. Speaker. I didn't have the opportunity to speak on third reading. I know exactly what that member wanted to say, and I know what this member wanted to say. I don't think they were going to say that, yes, we're going to jump up and down and support this Bill, particularly the Member for Edmonton-Rutherford; he's not going to do any jumping up and down to support this Bill. [interjection] She finally caught on.

We spoke during the hoist as to why the Bill should be delayed. The Bill is not going to be delayed, so the faults that were pointed out will continue to be in there: the lack of consultation, the increased premiums, the increased bureaucracy, the increased paperwork, the joy that the lawyers out there will have as result of the extra work they get.

Mr. Speaker, when a very enlightened, intelligent opposition clearly points out the flaws in a Bill, more than one flaw, a number of flaws, they don't take them into consideration. They just throw them out, throw out the good, valuable comments: "We don't need your comments." Just like they don't need the comments of Albertans, they don't need ours either. Therefore, the bottom line is that we have no choice but to do the right thing, and the right thing is to vote no. I know that I for one and the member over here who spoke before and the member behind here who spoke before will all vote no. We'll vote no because we're smart and the Bill does not deserve a yes.

On that note I'll conclude.

MR. SPEAKER: The hon. Member for Innisfail-Sylvan Lake wishes to close debate?

HON. MEMBERS: Question.

[Motion carried; Bill 46 read a third time]

Bill 49
Civil Enforcement Act

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

DR. PERCY: Thank you, Mr. Speaker. In discussing this Bill, I guess two issues in terms of the principle should be addressed in third reading. The first is: why is this Bill necessary? If you look at and speak with any of the stakeholders in the system, this is not something that they have really urged should be passed. I mean, in terms of any priority listing this was not at the top of anybody's list. It represents in part, in a sense, an Americanization of our system, on the fringe and on the margins, and we've seen that movement embodied in a number of Bills, perhaps in Bill 57, which presently has been stillborn.

There were not brought forward strong arguments as to why this was necessary, and certainly if you read the Alberta Law Reform Institute's view on Bill 49, they were not supportive of the privatization of bailiffs for enforcement of seizures. There were issues there related to liability, and those concerns were not addressed, even though they were raised in second reading, even though they were raised in discussion in Committee of the Whole.

8:40

This is an important issue. I mean, if this is being driven by the ideology, that that which government should do should be done now by the private sector, that's not an argument. That's not downsizing. That's shifting the responsibility for the provision of government services from one group to another group, often with the attenuation of liability, with the attenuation of control. I would certainly be much more supportive of a Bill that came forward and said: "Look; this is exactly where the cost savings emerge. This is how the issues of liability are addressed." But this Bill doesn't do that, nor does it address the concerns that were set out by the Alberta Law Reform Institute.

Because I feel that those issues have not been addressed by the government, I will certainly vote no on this Bill on principle.

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

MR. WICKMAN: Thank you, Mr. Speaker. Very briefly speaking in opposition to the Bill, this Bill represents a pattern that continues, the pattern of privatization, privatizing virtually

every aspect. I'm surprised we haven't seen a Bill yet to privatize government House leaders. Maybe we would support that Bill. If that Bill were to come forward, maybe we could support a Bill privatizing government House leaders.

Mr. Speaker, the question that has never been answered by the government really is: who supports the Bill other than them? Who out there in the community, who out there in the field that would be affected has come out and said, "We support it fully the way it is"?

There are some good aspects to the Bill, and those good aspects have been acknowledged by people who have taken the opportunity to feed into the process. At the same time, the serious concerns that are being passed on to us have not been addressed, were not addressed during committee stage in particular.

The government has not really explained why there is a need for this Bill. The government has not really explained what's wrong with the existing system that it has to be chucked out and we have to put a new system in place when we're not sure that that system meets the approval of the people it should meet. In other words, why fix the cart if it's not broken? I don't see any evidence that the existing system has gone out of whack and would call for a major overhaul, as this particular Bill does.

On that note, Mr. Speaker, I'm going to conclude and again voice my opposition and my desire to vote no to this Bill.

HON. MEMBERS: Question.

[Motion carried; Bill 49 read a third time]

Bill 51
Liquor Control Amendment Act, 1994

MR. DAY: Mr. Speaker, on behalf of the Minister of Municipal Affairs I would move third reading of Bill 51.

MR. SPEAKER: Thank you.

The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. Bill 51 does move to level the playing field in the alcohol business, and we support this. It should be what happens. This amendment was moved in the Committee of the Whole, which looked at section 37.1(3), which allows the wine store owners to sue. However, subsection (2) hasn't been taken into account. We're not sure whether they can continue to have a contract, whether the contract is retroactively eliminated or not, and we need some clarification on this. I was wondering if I'd be allowed to ask a couple of questions on it for clarification.

MR. SPEAKER: Well, the proper procedure would be to ask those questions in your comments, and then somebody may reply in the speech closing debate.

MR. BRACKO: Okay; I'll ask these questions then, Mr. Speaker, for clarification from someone from the government members. The first question is: will the amendment allow action 9401 10075 in the Court of Queen's Bench, judicial district of Calgary, to be heard in court? The second question: will the amendment allow the plaintiff to proceed to court on the basis of a breach of contract, the contract being between the plaintiff and the defendant presented in the action in 9401 10075? The last one is: will the contract or agreement between the ALCB and the Independent Wine Retailers Association be null and void and not

binding on the ALCB if Bill 51 is implemented with the amendment? I have the questions here that I can send to the government members to be answered.

If the Independent Wine Retailers are allowed to sue that they do have a contract, then we have no problem in supporting this Bill, but we want to make sure that this is the case. Otherwise it's – again I'll use an analogy. I could be married to one of the members on the other side – I'm not married – I could sue for divorce from one of the other female members, and because I'm not married to them, it would be useless and would not apply. I could spend all the money I want, but it would be a waste of money. This is what we want to know: if this were the case, are the contracts in place and will they remain in place in spite of subsection (2) not being dealt with in the amendment?

So if I could have clarification on that, Mr. Speaker, please.

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

DR. PERCY: Thank you, Mr. Speaker. The issue that has been brought forward by my hon. colleague from St. Albert is of fundamental importance. The issue here is one of natural justice. The six wine boutique owners feel that their rights were abridged by the original version of this Bill. They were concerned that the Bill retroactively removed their rights, that they would not have the ability to litigate in court for a contract that they had entered into. They felt that the Bill as it was presently constructed removed their rights – and this is a right, a property right – because they had made significant investments on the basis of the contract that had existed with the government in terms of pricing.

Now, this Bill then removes that right. These issues we had brought forward very strongly, and we made very strong representations to the hon. Minister of Municipal Affairs that it is not fair to retroactively change rights, particularly for small business. It is our understanding from those discussions that the amendment brought forward by the hon. minister clearly protects the rights of those wine boutique operators to sue and allows the courts to decide whether or not the contract has been abridged. That is our understanding. That is the understanding why we agreed to the amendment in the first place, and certainly we would view it as a significant breach of good faith were that not to be the case and this was sprung on us in a way that did not allow us to check on it. Again, it was our understanding that the amendment was going to ensure that those rights were not retroactively removed and that they did have the right to sue and allow the courts to determine. Certainly it would be an egregious breach of faith if that were not the case.

Let me make it clear, Mr. Speaker, why we view this as important. There are times when amendments are brought into the House, and we have one of two options when the amendment comes forward, one of which is to accept in good faith that that amendment in fact meets the objections that we had brought forward and articulated. If the amendment meets that, we feel it is not really appropriate for us then to delay the business of the House, to stall, and then we will vote in favour of it.

That's what we did with this amendment, because we had the word of the member that this dealt with the issue. If in fact that's the case, then we were correct in accepting the hon. member at his word, that the rights of those wine boutique owners were respected and that they could deal with this in court. Now if that's not the case, then clearly we made a mistake in the sense that we accepted the amendment, that it in fact dealt with the concerns we had raised. It's clear that the hon. Minister of

Municipal Affairs is an honourable person, so we don't think that's the issue. But certainly there have been some concerns that have arisen regarding whether or not a clause which still remains in that Bill in effect says that you can sue, but there's no contract, and therefore it's a meaningless exercise. Now, we don't think that will be the case, and given the strength with which we articulated our concerns about that particular provision, certainly we hope that it is not the case. We're assured that when the hon. minister replies to the questions brought forward by the Member for St. Albert, our concerns will be alleviated and the judicial process can take its fair course.

So with those comments, Mr. Speaker, I'll conclude. Thank you.

8:50

MR. DAY: Well, Mr. Speaker, not being the sponsor of the Bill, what I can say at this time is that members opposite indicate they have a clear understanding, and I would not say that that is in question. Again, I'm not the sponsor of the Bill. I'm just saying openly – and you've voiced this very clearly – that if in fact you find out that there has been a breach of the understanding, then obviously you have a pretty strong case to make and you would have to do that.

On behalf of the member, with those comments, then, and not presuming to be able to speak for him on this issue, I would call for the question at third reading.

[Motion carried; Bill 51 read a third time]

Bill 52

Child Welfare Amendment Act, 1994

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

MR. SEVERTSON: Thank you, Mr. Speaker. I move third reading of Bill 52, Child Welfare Amendment Act, 1994.

In doing so, I'd just like to say a few words about this particular Bill. I think that of all the Bills that come before the Legislature, this is one that maybe touches the hearts and minds of a large number of Albertans in the sense of the adoptee and the birth parents in reference to information, to get more information for that triad. I'd like to say that I've received numerous letters from all across Canada and as far away as New Zealand and Great Britain. In fact, I even had a phone call from Great Britain with concerns and wishes for opening the information. I'm pleased that the legislation has gone this far, and I look forward to it passing third reading.

The other amendments are really quite personal amendments for the people involved in the adoption. Parents that have tried for a number of years and can't have children and would like to adopt: we've made some amendments to protect those individuals and the birth parents. It must be an awfully difficult decision for any birth mother to give up a child, and the reason, I would say in all cases, is for the good of that child. We set up some safeguards in this amendment to protect the birth mother and also the child itself. I think everybody in this Assembly wants to make sure we have rules and regulations that will safeguard any child.

With that, Mr. Speaker, I'd like to close my remarks.

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

MS HANSON: Thank you, Mr. Speaker. I'd just like to make a few comments about this Bill. We believe it is a good Bill.

We're supporting it. It was a cautious support because we did have several amendments, but we also believe that the Bill will be reviewed within a year to see how it's working.

It is a big step forward. The things that this Bill does are in response to, at least from my perspective, hundreds and hundreds of Albertans from a broad variety of people: adoptees wanting to know more information about their birth parents, birth parents wanting to find out where a child is that they had given up for adoption many years ago, fathers who had not been informed that they had had children or had no idea where their children had been adopted. So I think it's a good idea. The creation of licensed search agencies and the restrictions around that as far as people being able to put a veto on information or a veto on contact: it opens it up, I think, as much as possible in that respect and still respects the individual rights of both parents and adoptees.

The big change it's made is that whole business of babies coming in from the States. I think the stipulation that a baby being adopted here has to be a Canadian or a landed immigrant is going to do a lot to plug that hole, and also the licensing of adoption agencies. Now, the licensing is something that has been a little bit contentious, particularly with one private adoption agency in Alberta, the Private Adoptions Society of Alberta. I believe both the sponsor of the Bill and some Liberal MLAs have talked to this group at great length. We believe that they could apply for a licence if they wanted to and continue the way they are presently, only they would have to abide by certain government regulations. I have suggested that to a representative of the adoption agency. I believe that even though that one organization is not happy, it's worth it to have some regulations, because we've seen what happens when you can have anyone, a private individual or a professional, adopting babies.

With that, I will support the Bill, and I will turn it over . . .

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

MS LEIBOVICI: Thank you, Mr. Speaker. Indeed, when we talk about adoptions, we talk about situations that are touchy and situations I'm sure that have touched us all at one point in our lives. I understand where the impetus for this particular Bill comes from in terms of attempting to control the cross-border adoptions, attempting to improve the adoption process, attempting to ensure that private adoptions do not have the tinge of buying babies around them, and looking at trying to make the registry more active than what it has been in the past.

There are some difficulties with the Bill, I feel. One is that it appears in a sense to discriminate against the birth parents, especially the natural father. It is also our understanding that the steps that have been taken to prevent the baby brokering into Alberta have not been strong enough. There was a third concern that I had indicated the last time I spoke to this Bill, and that was with regards to the medical restrictions that have been placed wherein grown-up children cannot find their past medical history. If I can just quote a brief quote from Margaret McDonald Lawrence to the American Adoption Congress in Washington on May 4, 1979. That was a little while ago, but I think it still holds true.

The adoptees claim of his right to his own true identity rests on the fact that the loss of that identity in history represents a real personal injury. One's biological history is as much a part of the essential self as limbs or senses.

9:00

A fourth concern I have is with regards to the fee that it's my understanding will now be placed on home services, home visits.

It will now cost an individual a thousand dollars in terms of having a home visit done. I'm not sure if I'm 100 percent correct on that, but that is a concern for me.

My fifth concern is if this in fact is just the foot in the door of privatizing adoption services. I think when you look at the history of social services and adoption services in particular over the last 80 to 90 years, what you see is that the reason adoptions have moved into the public sector is to ensure the safety and to ensure that the best care is provided to the child that is being adopted. I have a problem when adoption can be taken down to a common denominator of who can buy a baby for the most amount of dollars. I would sincerely hope that can never be derived from this particular Bill, and I would urge the vigilance on behalf of all government members to ensure that case will not happen.

Thank you.

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

MR. SEKULIC: Thank you, Mr. Speaker. I rise to speak to Bill 52. I think this is an example of government taking a step in the right direction.

MS LEIBOVICI: Oh, don't say that out loud.

MR. SEKULIC: Not a big step, Mr. Speaker. Not a big step. These are baby steps.

MR. DAY: And we probably took it by accident; right?

MR. SEKULIC: No, Mr. Speaker. I believe this was intentional.

Mr. Speaker, I see this Bill as having some positive features. The creation of a licensed search agency I think is positive. I think this Bill looks to outlaw unlicensed private adoption agencies and the involvement of third-party intermediaries, and I think that's a positive component of the Bill. At least, I anticipate that's what it will do. I think the Bill will restrict the filing of adoption orders to Canadian children or those lawfully admitted to Canada for permanent residence, and that is a positive feature.

Mr. Speaker, it changes the required documentation and notices, and I think getting some bureaucracy out of this process and providing access is positive. I have the pleasure of knowing someone who's adopted. They aren't missing a component of self, but they are curious about their past. They've never been able to link to their past, and this Bill, I think, takes a step in the direction towards permitting them to link to their past. It's a completion of self.

I'm comforted by some of the remarks the minister of social services made sometime ago that this the start of a process but that he will continue to work with groups that have interest in this legislation to ensure that this legislation is truly what they require, that it is legislation that will truly link them to their past. So I'm comforted with that.

When the process initially started and the consultation groups went across the province, I was concerned with some of the messages that were coming out of the groups. There were some members that stepped down and said that the direction that the consultation was going in didn't reflect their opinions. I'm not sure why that happened; I was never fully informed. But I hope their views will be taken into consideration and that in the future there will be accommodation to ensure that we have the best possible legislation we possibly can have for these people, because

I believe this is a Bill which has great fundamental importance and which does affect many Albertans.

So, Mr. Speaker, with those comments I hope the government will now take the steps that will follow to do the right thing for Albertans. I'm convinced that the Minister of Family and Social Services will so do.

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

DR. NICOL: Thank you, Mr. Speaker. I'm not going to take much time. I just have one concern that's been expressed by some of my constituents on this. I had a person, a man, come into my office who wanted to track down a child, and he wasn't able to do it. I noticed in this Bill that that option is not available to fathers of children that are put up for adoption as well. It's only open to the mother. So this is the only concern I have.

I think this is a really good Bill. It's really putting some organization and some rational process and some rational thought into the adoption area. So I'm going to support this, but I would just like to have the sponsors of the Bill look at this as a possible change in the future.

Thank you.

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

DR. PERCY: Thank you, Mr. Speaker. I rise to speak in support of the Bill in third reading. The main point I wanted to make was that the hon. Member for Innisfail-Sylvan Lake actually has, I think, conducted himself in terms of answering questions both on this Bill and on Bill 46, the Hospitals Amendment Act, 1994, - we may disagree on the structure of the Bills, but the hon. member has answered each and every one of our questions. I would think it's a perfect example the members of the front bench should follow as well. I would just like to thank the member for his willingness to entertain questions and in fact then to reply.

Thank you.

MR. SEVERTSON: I'd like to answer a few more questions that were raised by the hon. members across the way. In reference to Edmonton-Meadowlark, when she talks about privatizing the agencies for money. I'd like to remind her that they have to be private, nonprofit, licensed agencies. We have presently six licensed agencies in Alberta.

The other one, the private adoptions society of Alberta: I've met with them, and I've urged them to meet with the minister's department and try to resolve the differences so they, too, can become licensed agencies, because they have done some good work in the province. If we're going to stop what we call the baby brokering, we have to have licensed agencies; otherwise we have no way of controlling that aspect. So I urged the members of the private adoptions society to work with the department so they can become licensed.

The Member for Edmonton-Meadowlark talked about medical history of the birth parents not being given out. As I've stated, if the person placing the veto specifies that they don't want their medical history given out, I think we have to honour that. I don't think anybody in this House or anybody in Alberta - if they specify that they don't want their medical records passed out, I don't think this Legislature should force that. Otherwise, the medical history will be given out.

Also, the Member for Lethbridge-East mentioned the birth mother. I don't think under this Bill the birth mother has the

right to search for information. It's only the adult adoptees. Maybe in the future. As has been said, this Bill will be reviewed in a year and then in four years reviewed again. Maybe at that time we'll be able to open up the whole process so that not only the adoptees but the birth parents will be able to hire a search agency to find their child. I would like to mention to the Member for Lethbridge-East that right now the birth father can register his name with our registry, and if that child is looking for his father, the match can be made, and he can find his child that way. So there is a possibility, but it is not as wide open as the other.

Also, I'd like to thank the Member for Edmonton-Highlands-Beverly for working with me on this and bringing their caucus along onside.

With that I close and call for the question.

[Motion carried; Bill 52 read a third time]

9:10

Bill 53
Social Care Facilities Licensing
Amendment Act, 1994

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

MR. CARDINAL: Thank you very much, Mr. Speaker. I move third reading of Bill 53, amendments to the Social Care Facilities Licensing Act.

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

MR. WICKMAN: Thank you. I'm going to speak, if I could, Mr. Speaker, after the Member for Edmonton-Highlands-Beverly.

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

MS HANSON: Thank you, Mr. Speaker. The Social Care Facilities Licensing Amendment Act, 1994, causes a considerable amount of concern to myself and some other members of the caucus. I have spoken with the minister about it. I believe that in some instances the ability to care for up to six children can be all right. But they don't have to be licensed, and there will therefore not be any kind of standards or regulations or inspection or any way of making sure that these children are in large enough space, that there is more than just a television, that their diapers are changed regularly. We won't be able to keep track of all that kind of thing. As I'd mentioned before, I think it will be mostly urban, low-income people who, because they don't have the mobility or the money to go to a regular day care, often will take their children someplace where they don't know the operator well enough. Most people don't like to do this, but if you work at a low-paying job, if you have to travel a long way to go to work, and have several little children, there's often no way at all that you could be choosy about the place. You simply take the closest place that you can afford.

There was some discussion with the minister about the possibility of having two separate methods of doing this. Perhaps the ability to be unlicensed could depend on the availability of day care in an area, because in some areas of the city and some rural or small town areas there are babysitting facilities that people make privately, but they do know the operators, and they don't do it simply out of need or desperation. I think some sort of

flexibility, if that were looked at, could go a long way towards making children safer and making sure that we don't go backwards.

One of the reasons that I think we need to be concerned about it is that for so many years parents and members of the general public, health professionals fought for stronger standards for day care, because people often worried about how their children were being cared for. I do believe that has been mostly in the cities. I would hate to see us go backwards in that way, because we've come a long way in the last 10 or 15 years.

With those remarks, I will conclude. Thank you.

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

MR. WICKMAN: Yes, Mr. Speaker. I just want to add my comments on Bill 53, and my opposition to the Bill. There were possibilities during second reading or during the committee stage in particular. Had there been some amendments or had there been a restructuring or if the Bill would have been delayed or whatever, I thought it had some possibilities. I thought it had the possibility of satisfying the rural concerns and at the same time addressing concerns that Members of the Legislative Assembly like myself had that had been communicated to us by parents out there and by child caregivers.

Mr. Speaker, in my opinion, we simply can't afford to gamble with the lives of our children. They're not capable of speaking out for themselves. When we're talking in terms of three-year-old children, two-year-old children, they can't speak out. They're under that particular environment that they're placed in, and the parent or guardian, whatever the situation may be, has to trust, hope that that environment is the proper environment. Years and years ago it wasn't that uncommon for parents like myself at that particular time to have to put our child or children into day care facilities or child care facilities that weren't regulated or licensed to the degree that we've seen them now. Yes, it was risky, it was a chance, and it was always a concern. Back then we always attempted to find other alternatives, in our case my mother-in-law, for example, because there was some comfort in her raising the child when we weren't there, when we were both working. But the situation has changed to a great degree. More and more both adults within a family do tend to work. In most cases, they're forced into some type of child care situation, and if they don't have somebody, a relative, whatever, that can look after that child, then they have no choice but to go to possibly a stranger. It isn't easy to find child care providers now, because so many people are in the work force that weren't there before.

So we are gambling, Mr. Speaker, in my mind with our children who can't protect themselves, and that concerns me. Rural Alberta: I wasn't that concerned, because of the environment being that much different there. People in rural Alberta, in most instances, know each other a lot better, and it's less likely that they are going to drive long distances to drop their child off at a day care facility.

It was proposed to the minister, and he chose not to do it. It was proposed to him to look at enabling legislation that would allow municipalities to make the final decision, but that change has never come forward. The concept of a tabling for six months was also proposed and that, too, has been ignored. In my opinion, the minister on many occasions I have found has been reasonable to deal with and in a lot of instances will listen, but in this particular case for whatever reason the minister has chosen to ignore the comments that I've provided and the comments that have been provided by other members of our particular caucus,

particularly the Member for Edmonton-Highlands-Beverly and the Member for Leduc.

Mr. Speaker, I think it's unfortunate that the Bill is proceeding on this basis. I have no choice but to vote no to the Bill and vote very, very strongly no to the Bill.

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

MR. BRACKO: Thank you, Mr. Speaker. In relation to Bill 53, the Member for Cypress-Medicine Hat said that there are vested interests out there, and I have to agree. I have a vested interest. I believe they're our most valued and precious resource, our children. I would ask the minister to look at ways, perhaps it doesn't even have to be done by the government, to assist parents in looking for babysitters: what to look for, questions to ask, things that are needed. How do you check the criminal record, if they have a criminal record, of a babysitter? I think a lot of parents may not realize this or may not realize that it should be done, especially if they're young and so on.

Another one. What curriculum is in the home? In Asia children start school at three and four years old. They actually go to school and take courses and so on. So this should be a question that can be asked. Do they get the exercise they need? Do they have a program for this? What programs are offered by the babysitter? What are the safety regulations they should look for in a home? What courses has the babysitter taken? What upgrading do they have? What networking are they involved in so they can learn skills and trade off? In education we share information all the time. It's a very valuable asset. A reference letter is another important one, Mr. Minister, that they can ask other parents for so that they can feel secure in the fact that other parents have recommended this babysitter.

Those are some of the concerns I have. There are others – an information pamphlet or a sheet of paper or whatever it takes, in some way, even maybe at the beginning of the school year, for parents who are choosing babysitters, some sort of information session through whatever means are possible. Also, an encouragement to the babysitters. Maybe you could encourage them to form an association in different regions, where again they could share information, upgrade. Perhaps there could be courses from advanced ed in different communities so the babysitters can feel that they're contributing more to the job and to upgrading their own skills, a sense of pride and accomplishment for themselves. Also, there should be a mechanism maybe through regulation in some way to investigate complaints. I'm not saying that you go in and check out each one, but if there are complaints, there should be a definite mechanism that the department can go in and investigate so we can avoid serious things that could happen.

With those comments, I'll close, Mr. Speaker.

9:20

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

MR. SEKULIC: Thank you, Mr. Speaker. Being in here on the evenings for debate, you feel like you're playing Bill bingo, because it's a full card. We're just going. What is it? Bills 46, 49, 51, 52, 53.

Mr. Speaker, quite seriously, though, because we have a few numbers to go. I do oppose government increasing the amount of legislation, but there's something that I oppose more, and that's children at risk. If there's anything that we can do to minimize the risk which our youth face, I think we have a responsibility as legislators to do so. I think children must be protected, and when

adults fail, there has to be a backstop there. Legislation has to come into place. There has to be regulation.

I'm a bit concerned with this because I can see the two different sides. Perhaps in rural Alberta the community structure is different, and it may be somewhat easier to find a neighbour who can take in a few children. I'm not sure that the same environment exists in an urban centre. So I'm not sure that one piece of legislation, particularly Bill 53, can address the needs in both rural and urban centres. I can't support the Bill for that reason. I would encourage that it come back after perhaps there's more debate or more consultation to see whether there is a better way.

I don't think, Mr. Speaker, that we as legislators can gamble with the lives of children. I think that if we abdicate a regulatory responsibility, that in fact is what we will be doing. I believe that standards need to be in place, and they need to be monitored. Parents I believe can play a significant role in setting standards and perhaps advising as to how we can monitor these standards, but there needs to be a minimum threshold below which we can't slip. I think that's something that's critical, because as I know everyone here believes, children aren't – often we refer to them as a resource, but they are our futures, and we must do everything to ensure that they truly become that in the most positive and healthy way so that they can build our future communities.

With that, Mr. Speaker, I'll pass the floor to a colleague.

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

DR. NICOL: Thank you, Mr. Speaker. Just a few comments on more clarification on this Bill. I still find it very difficult to understand how making the changes that this Bill is proposing will make it more attractive and give the parents more choice within the system.

In the second reading debate I questioned whether or not some of the memos that were coming out of the department of social services in connection with the change in licences and the change in support eligibility for parents that were involved with children in day cares – there seemed to be a conflict. I asked for clarification on it, and it doesn't seem that this is still clear as to what was going to happen to the licensed day care centres. We have letters that specifically say that no licensed day homes will be available in Alberta, yet there are implications from the discussions and the answers that the minister gave the other day to these questions that this kind of facility can continue to exist.

This is causing some concern for a day home in my constituency where they have been operating under a licence with well-trained staff members. If their licence is removed, they'll have to serve basically as an unlicensed day home or else participate through the agency route. The general feeling in the constituency is that the licensed day home is providing a very identifiable level of service, and a lot of the mothers that have their children at the day home and the staff that are serving there feel very strongly that this kind of service should be provided on a continuing basis in the community. They want some clarification as to what the status of their licensing situation will be and whether or not this is going to effectively remove their class of service from those available for mothers searching out positions for their children when they need day care services.

So I'd like to see that this kind of breadth of opportunity is maintained for parents and for children, because the services provided by the day home that I'm speaking of specifically were much more conducive to social development and to the proper socialization process for children than what is experienced in a lot

of the other day homes or agency homes that are existing in the community. I'd like to see within the constraints or the definition of this Act that such homes be allowed to continue and that their licensing status remains so parents can see that there is a level of service that's identifiable and a level of competence that has been exhibited by the people that are involved in that. I just ask the minister if this can continue.

If we could be sure that this breadth of service might be available to the parents, I think it would be a good Bill, but until we can feel certain that really this total spectrum of choice is going to be available for parents in Alberta, I find that I can't support this Bill.

Thank you.

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

MRS. BURGNER: Thank you, Mr. Speaker. I think it's an important enough piece of legislation that regardless of the bingo game we should actually call its number and have a few comments on it.

I move to speak at third reading following a letter that I received. It was a form letter faxed to me by a concerned citizen from Calgary regarding this particular piece of legislation and the fear, as has been stated, that our children are put at risk. I just want to refer to a few comments in the letter. This particular person has indicated the fear is that society will suffer from this decision in that there are many adults who were failed by their caregivers and the community when they were children and that at the heart of their comments is this fear that this legislation will perpetuate that concern and that issue.

Ladies and gentlemen, I support fully the concern that our children need to be protected and guarded. I don't think that protection and that care and that watchfulness should be restricted to day care, and I don't believe it is a concern whether there's one child or six children in the home. I believe we have a responsibility, and I have assurances from the Minister of Family and Social Services that there are guidelines and brochures and information to assist parents in determining what to look for and what to assess when they make these kinds of choices, that issues such as safety checks and first aid training, liability, emergency, and backup for those kinds of issues are identified and that parents have a serious responsibility to place their children in care carefully.

I don't believe we have even begun to tap the resources within our community to monitor and to keep an eye on existing homes that may take in children, and I would engage and make a personal commitment to advise my community associations that this legislation is going to be in place and that they should be watchful. Just, you know, follow it as you would do on a neighbourly basis. I'm not taking that casually, but it is a community responsibility. It is not just one that belongs in government. There are many children who are at home who have none of these safeguards, and to restrict a parent's ability to identify the proper placement of their choice because of the fear that we don't have appropriate safeguards in all of society I think is just too narrow a range of thinking.

I think the concerns that have been addressed in this particular piece of legislation have alerted Albertans to the very real and valuable role that government can play in being on guard for children, and I think as MLAs it has been brought to our attention that we have a new change in legislation and have to be very vigilant about how we protect the children in our communities.

I just wanted to make that brief commentary. This legislation does give more choice to parents. It is not without thought and it is not without concern that it's been put forward, and I'll commit to work within my community to make sure that it's implemented with care.

Thank you, Mr. Speaker.

9:30

MR. CARDINAL: I just want to make a few comments in closing on this Bill, Mr. Speaker. I would like to first of all thank the members opposite and also my colleagues on this side of the House for the valuable comments and recommendations they've made throughout the process of first reading, second reading, committee, and also third reading of this particular Bill. You can be assured that I will very carefully review *Hansard* and document the concerns brought forward by members speaking on the Bill, and as we move forward with the changes in the next year or two, we will be using some of the recommendations to monitor the progress of the change. You can be assured that if further changes are required to improve the situation, we will come back and make sure that happens in the future.

Again, I'd just like to say that the intention of this minister is not to deregulate day care. We will still have the 31,000 licensed day care spaces in Alberta. We have 2,800 approved homes that are licensed, providing child care for 8,000 children. In addition to that, any agency that wants to be licensed, even if they have one or two or three children, will have the option to continue being licensed, and I would say that some people no doubt will continue taking licences out to provide that service to their clientele.

I believe that what we're doing is providing one added option for parents to choose what they feel is best for their child and for themselves. I would again like to stress the fact that I think parents, given that opportunity and that option, will make sure that the day cares or the babysitting services operate properly, and they will make sure that they will monitor those services accordingly.

Again, Mr. Speaker, I'd just like to thank the members that spoke on this Bill. I will ensure that we monitor it very closely and keep in mind the recommendations you've made for future changes, if required. At this time, I call for the question.

HON. MEMBERS: Question.

[Motion carried; Bill 53 read a third time]

Bill 54
Alberta Corporate Tax Amendment Act, 1994

MRS. BLACK: Mr. Speaker, on behalf of the Provincial Treasurer I am pleased to move third reading of Bill 54, the Alberta Corporate Tax Amendment Act, 1994.

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

DR. PERCY: Thank you, Mr. Speaker. This Bill reduces the maximum credit rate under the ARTC from 85 percent to 75 percent. It reduces the maximum credit available from 2 and a half million to 2 million. It's been received well in the industry by stakeholders, as well as any type of a stringency can be received.

The issue that still, though, has to be addressed is the constant statements by the Auditor General with regards to performance targets and the effect that this has and whether it's being monitored. The minister in debate and in committee I believe has said

in fact that they were taking into account the Auditor General's recommendations and focusing on ensuring benchmarking performance measures by which to assess the Bill. So we think that is certainly a positive outcome and will support the Bill.

MR. SPEAKER: Is the Assembly ready for the question?

HON. MEMBERS: Question.

[Motion carried; Bill 54 read a third time]

[Mr. Deputy Speaker in the Chair]

Bill 55
Loan and Trust Corporations Amendment Act, 1994

MRS. BLACK: Mr. Speaker, on behalf of the Provincial Treasurer I'm pleased to move third reading of Bill 55, the Loan and Trust Corporations Amendment Act, 1994.

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

MR. SEKULIC: Thank you, Mr. Speaker. I rise in support of Bill 55. This is a good news and a bad news Bill. It's a good news Bill for Albertans because North West Trust is finally disposed of. It's now with the Canadian Western Bank, and there's a commitment from those that have purchased - it's a stable company for one, and it's a growing company. It's got interests in western Canada, and they're going to retain their staff, and that's positive.

Mr. Speaker, the bad news. Now, at first count, when the Treasurer released the good news/bad news story here, we'd lost \$11 million, but I think the news is worse than that, because we calculated a loss of \$97 million. I'll just explain how we derived our figure. I think it's important, Mr. Speaker. The \$97 million loss figure is arrived at by adding the share capital and the retained equity in North West Trust as of June 30, '94, which was \$95 million, and the \$95.4 million cost incurred by the province in Softco as of March 31, 1994. This results in a break-even figure of \$190.4 million. Subtracting the \$93 million in sale proceeds leaves us with a loss of \$97.4 million. I expect that the Treasurer's original release of \$11 million will grow over time.

In the past there are precedents, not one but many. I do have to commend the government for taking this skeleton and putting it in front of Alberta taxpayers and saying: "We are taking a hit, and it's positive. It's the best deal we could get, and we've done it."

So, Mr. Speaker, I support this Bill.

[Motion carried; Bill 55 read a third time]

Bill 56
Nova Corporation of Alberta Act
Repeal Amendment Act, 1994

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

MR. HLADY: Thank you, Mr. Speaker. I am pleased to move third reading of Bill 56, the Nova Corporation of Alberta Act Repeal Amendment Act, 1994.

HON. MEMBERS: Question.

[Motion carried; Bill 56 read a third time]

9:40

MR. DAY: I don't know any other way to say it, Mr. Speaker.
I move that we adjourn and reconvene tomorrow at 1:30 p.m.

[At 9:41 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]

