

Legislative Assembly of Alberta

Title: **Wednesday, October 18, 1995**

1:30 p.m.

Date: 95/10/18

[The Speaker in the Chair]

head: Prayers

THE SPEAKER: Let us pray.

Our Father, keep us mindful of the special and unique opportunity we have to work for our constituents and our province, and in that work give us strength and wisdom.

Amen.

head: Presenting Petitions

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

MR. DICKSON: Thanks very much, Mr. Speaker. I'm pleased to present a petition which petitions the Legislative Assembly of Alberta to

urge the Government not to alter funding arrangements for Alberta's Seniors Lodges and Seniors Subsidized Apartments until Seniors have been consulted and have agreed to any revisions to funding arrangements.

It's signed by 58 Albertans, sir.

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

MS HANSON: Thank you, Mr. Speaker. I'm pleased to present a petition from 39 Edmontonians. The petition calls upon the government to ensure that Albertans, especially children, have adequate food, shelter, and educational opportunities.

head: Reading and Receiving Petitions

MR. N. TAYLOR: Mr. Speaker, I would ask that the petition I presented on Tuesday, October 17, referring to reductions in the budget for health and quality health care now be read.

THE CLERK:

We the undersigned, petition the Legislative Assembly of Alberta to urge the government to place a moratorium on any further reductions to the budget for health, and to immediately commence a process to evaluate the quality and effectiveness of health care services currently available.

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

MR. DICKSON: Thanks, Mr. Speaker. I request that the petition I presented the other day on the application fee under the Freedom of Information and Protection of Privacy Act be read back.

THE CLERK:

We, the undersigned residents of Alberta petition the Legislative Assembly to urge the Government of Alberta to reduce the \$25.00 application fee to access government records, to be more in line with the other provinces, as legislated under the Freedom of Information and Protection of Privacy Act regulations.

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

MR. BRACKO: Thank you, Mr. Speaker. I request that my petition of yesterday, October 17, on health care funding be read at this time.

THE CLERK:

We the undersigned, petition the Legislative Assembly of Alberta to urge the government to place a moratorium on any further reductions to the budget for health, and to immediately commence a process to evaluate the quality and effectiveness of health care services currently available.

head: Tabling Returns and Reports

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. Yesterday the Member for Edmonton-Glenora tabled a letter in the House that was sent to Dr. Morgentaler. That letter, upon examination, contained a typo, a legitimate error. [interjections] It was. They can laugh all they want. My staff went to the vaults. They got the original draft reply from the hon. Minister of Health. There was a very important word that was deleted, and that was the word "no."

I apologize, Mr. Speaker, and I would like to table the evidence to demonstrate to the Liberal opposition that an honest mistake had been made. Had the hon. member had the courtesy to phone me and ask me about this . . . [interjections]

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

MR. DINNING: Mr. Speaker, as required by section 59(1) of the Financial Administration Act, I'm tabling five copies of the share purchase option agreement between Vencap Equities Ltd. and the province of Alberta. Members will recall that we exercised the option to purchase one special share of Vencap in August.

As well, Mr. Speaker, I'm tabling a response to Motion for a Return 204.

MR. JONSON: Mr. Speaker, I would like to table five copies of the Charter School Handbook, released in April 1995, and five copies of the School Councils Handbook, which was released in June 1995.

Thank you, Mr. Speaker.

MRS. McCLELLAN: Mr. Speaker, I'm pleased to file five copies of an information bulletin issued today recognizing Dental Hygiene Week, October 15 to 22, 1995, and the importance of dental hygiene to oral health.

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

MR. WICKMAN: Thank you, Mr. Speaker. I wish to table five copies of a questionnaire on health care: the questions that were asked and a sampling of the responses. I want to point out that the survey results show a tremendous concern about the quality of health care.

THE SPEAKER: The hon. Member for Three Hills-Airdrie.

MS HALEY: Thank you, Mr. Speaker. I rise to table five copies of four letters to and from the Member for Edmonton-Glenora responding to his point of order yesterday that he was expelled from an in camera portion of a standing policy committee. I'd like to assure him and any other member of this Legislature that they're welcome to attend any public portion of my standing policy committee.

THE SPEAKER: The hon. Member for Bonnyville.

MR. VASSEUR: Thank you, Mr. Speaker. I'd like to table four copies of a questionnaire entitled Dialogue on Health. This is resulting from a health care forum that was held in Grand Centre on August 21.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I'd like to table five documents. The first is the results of a survey taken within my constituency this summer indicating that the role of the Misericordia and health care are primary concerns.

The second, as a result of the Premier's wish to become more involved in health care, is a letter that I sent to the Premier requesting his attendance at a health care forum to be held in my constituency next Thursday to personally hear the concerns of the constituents.

MR. KLEIN: Oh, yeah. I'm sure it's going to be a nice, fair, unbiased forum.

MS LEIBOVICI: It appears that the Premier has a problem with that.

The third is a response from the Premier's office indicating his inability to attend, with no substitute being offered on his account.

MR. KLEIN: I'm sure you will do just a fine job.

MR. GERMAIN: She will. Thank you. The Premier said that you would do a fine job.

MS LEIBOVICI: Thank you. You're right; we will do a fine job.

Usually it's the government members who are saying that we're yapping over on this side. It's refreshing to hear it coming from the Premier.

The fourth is a notice of that town hall meeting to be held on October 26 indicating the attendance of regional health authority members at that meeting.

The fifth is a sequence of reconstructed events which outline the conversations that I and my office have had with the Capital health authority. It may particularly interest the Minister of Health to note that this nonelected board and its president had initially agreed to attend and as of this morning have now indicated that they will not attend.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission today I'd like to table four copies of a patient information newsletter that's being circulated by members of regional medical staff throughout the province. This particular example comes from region 10 in Edmonton. The gist of the message in this information circular being given to all patients is that the government has systematically prevented physicians from being involved in health care reform. I'll table those copies.

1:40 Introduction of Guests

MR. TANNAS: Mr. Speaker, I am delighted this afternoon to introduce to you and through you to members of the Assembly special guests seated in your gallery: Mrs. Colleen Klein, her brother Ted Hamilton, and Mrs. Joan Dirk from Fair Oaks, California, and her daughter Janet Grimoldby of Edmonton. Mrs.

Dirk is Mrs. Klein's and Mr. Hamilton's godmother. I'd ask them all to stand and receive the traditional warm welcome.

THE SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you very much, Mr. Speaker. To you and through you to members of the Assembly I am pleased to introduce today a 15-member delegation from Alberta's sister province of Kangwon, Korea. This delegation represents the first part of a two-year friendship sport exchange agreement between the province of Alberta and Kangwon.

The delegation is made up of the following individuals: the head of the delegation, Mr. Park Dong-gyu, who is representing the Kangwon government; Mr. Oh In-hwan, also from the Kangwon government; Mr. Hong Chang-sun, the managing director of the Kangwon council for sport; Mr. Ku Jung-seo, the principal of the Hwangji girls' commercial high school in Taeback City; Mr. Lee Chun-sam, teacher at the Hwangji girls' commercial high school and coach of the team; and the 10 team handball athletes from the Hwangji girls' commercial high school in Taeback City. This team is the Kangwon provincial champion.

Mr. Speaker, the delegation is here in Alberta to compete against Alberta's handball best and experience some of Alberta's sites and, of course, Alberta's fine hospitality. We are honoured to welcome this delegation to our province, and I would ask that delegation to rise in the gallery and receive the recognition and warm welcome of this Assembly.

MRS. MIROSH: Mr. Speaker, it gives me great pleasure to introduce to you and through you three members of the Hoffman-La Roche, Canada senior management team. Hoffman-La Roche is an internationally known and recognized pharmaceutical company with a significant presence and investment in our province. They are in research globally and in Alberta in the areas of Parkinson's disease, diabetes complications, AIDS, heart disease, stroke, and hypertension. They are seated in the public gallery. I'd like to introduce Mr. Victor Ackerman, president and CEO; Dr. Russell Ellison, vice-president of drug development; and Mr. Joseph Rus, vice-president of pharmaceutical affairs. I would ask that they rise and receive a warm welcome from this Assembly.

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

MR. ZARIWNY: Thank you, Mr. Speaker. It gives me pleasure to introduce to you and through you to the Members of the Legislative Assembly two sets of guests from the constituency of Edmonton-Strathcona. Seated in the members' gallery are 15 students from Belgravia school, and accompanying them are two teachers, Louise French and Val Warke, as well as three parents: Jan McGregor, Lori McCrae, and Ruth Glancy.

Seated in the public gallery are 36 students, and accompanying them are two teachers, Audrey Costigan and Cory McCrae, and one helper, Cyril Sheppard. I'd ask that they all rise to a warm welcome from this Assembly.

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

MR. SAPERS: Thank you, Mr. Speaker. Today it is my pleasure to introduce to you and to all members of the Assembly a group of 33 of the brightest students from St. Paul elementary school in my constituency. Today these students are accompanied by their

teacher Mrs. Lillian Andruchow, and four parent helpers – Mrs. Gaudet, Mrs. Starko, Mrs. Smulski, and Mrs. McLaughlin – are here as well. I would ask the parents, the teacher, and particularly the students to rise and receive the warm welcome of this House.

THE SPEAKER: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. It is my pleasure today to introduce to you and through you to the Assembly a delegation from the People's Republic of China led by Mr. Tian, former assistant minister to the Ministry of Foreign Trade and Economic Co-operation and current head of the State Administration of Import and Export Commodity Inspection. With Mr. Tian are Mr. Zhou, Mr. Zhang, Mr. Liu, Mr. Ly, Mr. Yue, Joe Hung, a former member of the constituency of Bow Valley, and Tom Livingston, a resident of Duchess. These gentlemen are visiting Alberta and specifically the Bow Valley constituency to explore options to modernize and expand the beef cattle industry in the People's Republic of China. I would ask them to rise and receive the warm welcome of the Legislative Assembly.

THE SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Thank you, Mr. Speaker. I'd like to introduce to you and to the members of this Assembly a friend of mine from High Level, Mr. John Andrusiak. He's seated in the members' gallery. John is an administrator with the Northwestern health region and is in town for meetings. I would ask him to stand and receive the warm welcome of this Assembly.

head: Ministerial Statements

THE SPEAKER: The hon. Minister of Community Development.

Persons Day

MR. MAR: Thank you, Mr. Speaker. I'd like to inform you and through you members of this Assembly and people throughout the galleries that today, October 18, is Persons Day in Canada. On this day in 1929, a day within the living memory of many people, women were legally declared persons. Today we of course cannot imagine that women were legally not persons. In the 1920s it took five Alberta women to challenge that concept. These were the Famous Five: Henrietta Edwards, Nellie McClung, Irene Parlby, Louise McKinney, and Emily Murphy. Emily Murphy was the first female magistrate in the British Empire when she was appointed to the Women's Court in Edmonton in 1916. In 1917 Louise McKinney became the first woman to sit in this Alberta Legislature. In 1921 Irene Parlby and Nellie McClung were elected to this Legislature. Henrietta Edwards edited a paper for working women.

In 1927 these Famous Five sent a petition to the Supreme Court of Canada to declare that women were persons. Legally women were not persons in matters of rights and privileges. As they were not legal persons, women could not be named to the Senate. In 1929, after two years and a Supreme Court ruling against the petition, the Privy Council of the British government, which was then Canada's highest court, agreed that women were indeed persons. Canada appointed its first woman Senator one year later. On this day the nation celebrates the Persons Case decision.

We celebrate the advances that women have made since that decision, and we remember that it was Alberta women who won this most basic right for all women in Canada. For the last 16 years Alberta has honoured the Persons Case decision through the

Persons Case scholarships. These scholarships help both male and female students to pursue studies in nontraditional disciplines. To date, Mr. Speaker, 86 students have received this scholarship.

Success in nontraditional careers is part of this year's Women's History Month in Canada. Women's History Month is held in October every year to coincide with Persons Day. This year, Mr. Speaker, the theme is Leaders, Scholars, Mentors: The History of Women in Education. The theme focuses attention on the great things that women have achieved in education and through education, including their success in nontraditional careers. I invite every member of this House to join me in recognizing the accomplishments of women on this Persons Day and throughout Women's History Month.

Thank you.

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

MRS. SOETAERT: Thank you, Mr. Speaker. It is a particular pleasure to speak on the 65th anniversary of the Privy Council decision that legally recognized women as real persons. I think the most powerful statement I could make today would be to quote Nellie McClung's words:

These tender-hearted and chivalrous gentlemen who tell you of their adoration for women, cannot bear to think of women occupying public positions. Their tender hearts shrink from the idea of women lawyers or women policemen, or even women preachers; these positions would "rub the bloom off the peach", to use their own eloquent words. They cannot bear, they say, to see women leaving the sacred precincts of home – and yet their offices are scrubbed by women who do their work while other people sleep – poor women who leave the sacred precincts of home to earn enough to keep the breath of life in them, who carry their scrub-pails home, through the deserted streets long after the cars have stopped running. They are exposed to cold, to hunger, to insult – poor souls – is there any pity felt for them? Not that we have heard of. The tender-hearted ones can bear this with equanimity. It is the thought of women getting into comfortable and well-paid positions which wrings their manly hearts.

Let us all remember the work of the Famous Five and be vigilant in our efforts to work for full equality for women. To quote Nellie McClung once again: "Never retreat, never explain, never apologize. Get the thing done and let them howl."

Thank you, Mr. Speaker.

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

1:50

Foster Family Week

MR. CARDINAL: Thank you. Mr. Speaker, hon. members, ladies and gentlemen, I would like to announce that October 15 to October 22 is Foster Family Week in Alberta. I want to take this opportunity to thank all foster parents who have opened their homes and their hearts to these children in need. Foster parents give these children the love and the caring they need and deserve at a time when others are unable to, but more than that, they give them a sense of family. This quality, I believe, truly defines what foster parenting is really about.

During Foster Family Week all Albertans have the opportunity to say thank you to foster parents for the fine work they do and to learn about the rewards and personal fulfillment that comes with being a foster parent. I hope that more people will consider becoming foster parents, especially within the aboriginal community.

I ask all hon. members to join me in paying tribute to the over 2,100 foster families throughout Alberta.

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

MS HANSON: Thank you, Mr. Speaker. I welcome the opportunity to pay tribute to foster parents and to thank them. Their value and contribution is so critical to our province that in our view they deserve more than just a week of recognition. We would hope that the Department of Family and Social Services would use this week to help improve services for the 2,100 foster families in the province and, most importantly, improve services for the children in their care and those waiting for placement.

It's appropriate that we are celebrating Foster Family Week following the long-awaited tabling of two years' worth of Children's Advocate reports. I would urge every member to study these reports and study the findings and work to mobilize the government into action. To ignore the warnings in these reports is to ignore both the children and the dedicated foster parents.

Foster parents are providing a most important and necessary service. They deserve our recognition, and they deserve our support.

Thank you.

**head: Oral Question Period
Government Credibility**

MR. MITCHELL: Mr. Speaker, there is more and more evidence that the Premier is becoming less and less reliable. How can you trust a Premier who clearly writes that he will pay for private health care facility fees and then turns around and says it was a typo?

MR. KLEIN: Well, it was a typo. [interjections] Is he calling me a liar, Mr. Speaker? If he is, then stand up and make the allegation. Better still, make the allegation outside the House. Make it outside the House.

MR. MITCHELL: How can you trust a Premier who releases a report on his Middle East trade mission, overestimates the deals done by literally millions of dollars, and then dismisses the exaggeration as a typo?

MR. KLEIN: It was a very successful trip, Mr. Speaker.

MR. MITCHELL: How can you trust a Premier who says, no more loan guarantees, and then eight days after the election in 1993 authorizes a \$100 million loan guarantee to Bovar? Just a typo, Mr. Speaker?

MR. KLEIN: The Auditor General commented on that particular situation, and all that information has been tabled, Mr. Speaker.

MR. MITCHELL: How can you trust a Premier who says . . .

**Speaker's Ruling
Improper Questions**

THE SPEAKER: Order please. The Leader of the Opposition should remember that the role of question period is to question the government about policies, not personalities. Whether there are

any grounds to what the Leader of the Opposition is alleging or not is not the issue here; it's the policies of the government.

MR. MITCHELL: We're questioning the competence of this government headed by this Premier.

**Government Credibility
(continued)**

MR. MITCHELL: How can you trust a Premier who says, no more loan guarantees, and then allows Treasury Branch loan guarantees to increase by \$350 million taxpayers' dollars in a single year? Just a typo?

MR. KLEIN: No question, Mr. Speaker; therefore no answer.

MR. MITCHELL: How can you trust a Premier who renewed the Bovar agreement just two months before the 1993 election because he didn't want his \$450 million loss to become an election issue? Was that just a typo too, Mr. Speaker?

MR. KLEIN: Mr. Speaker, the Auditor General has been asked to look into that, and that report, that independent adjudication of the situation will be out, I would suspect, fairly soon.

MR. MITCHELL: How can we trust the Premier to fix the health care system in the next 62 days when he insists that the problem is really just a communications problem? Or has he changed that to say it's really just a typo?

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

Physicians' Role in Health Restructuring

MR. SAPERS: Thank you, Mr. Speaker. The Premier has appointed the Member for Bow Valley to head up the health committee of the week. No doubt the Premier thought that having a medical doctor as chair of this committee was clever, but the Premier still has a law in place that prohibits doctors from participating fully on regional health authorities. Now, why would the Premier appoint a medical doctor, who admitted at a public meeting just earlier this week that he has no vision for health care, to be his architect for health reform but still exclude doctors with a vision from full participation on the regional health authorities?

MRS. McCLELLAN: Mr. Speaker, I really do believe we should assist the hon. member with some enlightenment on physicians' roles on regional health authorities. Last year in the AMA agreement it was agreed that there would be physician liaison councils formed in every region. That's a part of an AMA agreement. To the best of my knowledge there are 17 physician liaison councils in this province that are very, very apt in assisting regional health authorities in planning. I think the hon. member should check his facts. He should review, and he should not suggest that those 17 physician liaison councils are not an assistance to those regional health authorities, because I think that is rather a slur on the work of those people who are dedicating their time to that exercise.

If the hon. member needs some information in this area, I'd be very happy to sit down and explain to him the role of physician liaison councils.

MR. SAPERS: The fact is that the minister's law prohibits doctors from having a full voice and vote on regional health authorities, and the minister does know that.

Mr. Speaker, perhaps the Premier would like to explain why it's a conflict of interest for a doctor who bills Alberta Health to serve on a regional authority – and that was the explanation the government offered for why they were prohibited – but it's not a conflict of interest for a doctor who bills Alberta Health to chair the committee which now oversees the regional health authorities.

MR. KLEIN: If the hon. member has some concern, refer it to the Ethics Commissioner. I think that he will get a satisfactory ruling from the Ethics Commissioner. Are you willing to do that? Send it to the Ethics Commissioner if he thinks there is a conflict. I mean, that's why we have an Ethics Commissioner in place: to make these determinations. So I would challenge the hon. Member for Edmonton-Glenora to refer this to the Ethics Commissioner and accept the findings of the Ethics Commissioner.

2:00

THE SPEAKER: Final supplemental.

MR. SAPERS: Yes, Mr. Speaker. The letter has been sent. I just thought Albertans might be interested in the Premier's opinion.

Mr. Speaker, is the Premier now going to change his law which prohibits doctors from having a full voice and vote on regional health authorities? Is he going to change that law, and if so, when?

MR. KLEIN: Mr. Speaker, a report will be coming soon – it's forthcoming – on the composition of regional health authorities in the future, as to whether they will continue to be appointed, whether they will be elected, or whether they'll be partially elected. Certainly if there is to be a process that involves the election of board members, then I would say that it would be very unconstitutional and undemocratic if anyone were disallowed from running under the normal rules of democracy.

THE SPEAKER: The hon. Member for Cypress-Medicine Hat.

Grain Transportation

DR. L. TAYLOR: Thank you, Mr. Speaker. My questions are all to the minister of transportation and deal with a local issue that's important in my constituency.

MR. N. TAYLOR: I hope they're moral issues.

DR. L. TAYLOR: You wouldn't know anything about moral issues. [interjections]

MR. N. TAYLOR: Obviously he doesn't read his questions; does he?

DR. L. TAYLOR: No. That wasn't on the question, Redwater. In the county of Forty Mile, which is about half of my rural constituency, we have a significant problem with grain transportation. We do not have an all-weather, year-round highway, as the minister well knows, that is not subject to banning. My constituents cannot even get their products to market in an efficient manner. The first question is: with the opening of the inland

terminal at Grassy Lake, the elimination of the WGTA, and branchline abandonment does the minister recognize the number of extra grain haulers, usually in B trains, that will be traveling these rural roads, and can he provide an estimate of the heavy trucks that will be going over these rural roads in the form of B trains?

DR. WEST: Mr. Speaker, to the member. I cannot give him an estimate of the increased haul, but we know that with the changes to the Crow payment there is going to be a change in the way traffic flows in rural Alberta with these products. We're working with the federal government. They have indicated that there's \$300 million in transitional dollars for transportation initiatives, and we feel that rightly, to Albertans, there should be about \$30 million of that for some of our secondary road programs. We're in negotiations at the present time on how they would deliver that and whether they're going to at all.

So, yes, I do recognize that there are going to be increased hauls. I don't know that even with those moneys and moneys we would add to it we could ever get to a situation where you wouldn't need road bans in the spring. There are road bans all over this province. Everybody hasn't got the luxury of having a road to their doorstep so they can get on to it to get to the next artery without going through a ban. Essentially, if you don't have a loop of road that allows you to the next one, you're banned anyway. I recognize the large distances you have, but I don't think I have an immediate solution for the banning problem.

DR. L. TAYLOR: Will the minister consent to take into account the sparsity of the population and the size of the geographic area as factors in transportation as does the Department of Education in their formulas?

DR. WEST: For 40 years that's the formula we've used on secondary roads. We designate secondary road systems and then run a population density and distance factor against it, along with assessment, and work with priorities within the municipality. So the answer is yes. We recognize those factors and will continue to work with Forty Mile.

Forty Mile is an exceptional area of the province because of its very low density of population, high production on some units, and large sizes of those farms. Roads become a real tough issue because you have a low volume of traffic although high tonnage traveling on any one of those roads any day.

THE SPEAKER: Final supplemental.

DR. L. TAYLOR: Yes. Will the minister agree that an all-weather year-round road that is not banned, something that we have a connection to year-round, is a vital communication and economic link in the county, and will he commit to providing an adequate transportation link to allow my constituents to market their products?

DR. WEST: Mr. Speaker, I can't here on the floor of the Assembly commit to those types of initiatives any more than I could in any constituency. We have priorities. We have to assess them to our budgets. So there is an acknowledgement that we would like to have quality roads in this province everywhere so that we can get our product to market. I will commit that I will work vigilantly with the federal government on other initiatives to ensure that a fair amount of that money comes to this province so

that we could address some of these problems, but I won't stand here today and give you an absolute commitment.

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

Public Accounts

MRS. ABDURAHMAN: Thank you, Mr. Speaker. In the public accounts released by the Provincial Treasurer, it says that benefits to the members of the Lakeland regional health authority include sabbaticals, financial planning services, concessionary loans, and club memberships, just to name a few. In response to this statement in public accounts, the Lakeland regional health authority issued a news release stating categorically that in no way did their members get these perks. My question is to the Minister of Health. Who is correct: public accounts or the Lakeland regional health authority?

MR. DINNING: Mr. Speaker, that is a matter that should be taken up by the member at the Public Accounts Committee when the Auditor General appears before the Public Accounts Committee. The hon. member knows and certainly should know as chairman of the committee that the Auditor General has signed these statements testifying to their accuracy, and if she wants to take up an issue with respect to the accuracy of those statements, it is a matter that should be taken up with the Lakeland regional health authority or the Auditor General. [interjections]

THE SPEAKER: Order. It's the hon. Member for Clover Bar-Fort Saskatchewan who has the floor.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I won't accept that. It's a pure cop-out.

I'd like my supplementary question to go to the Minister of Health. Why, Madam Minister, is the Provincial Treasurer publishing inaccurate information in public accounts that is your responsibility?

MRS. McCLELLAN: Again, Mr. Speaker, I have to reiterate what the Provincial Treasurer said, and I do believe that the hon. member as chairman of Public Accounts for some time now should understand the workings and the responsibilities of that committee. I think she is probably in the best position of almost anyone in this House to understand that the Auditor General has signed these accounts. Any concerns that certainly a health authority has with information in there and the format they've presented it in they review with the minister, and they have that opportunity to have that corrected. But the hon. member knows full well that she should pose that question to the Auditor General at the time that the public accounts come forward.

MRS. ABDURAHMAN: Mr. Speaker, if ministers won't make themselves available, it's very difficult.

My final supplementary is: what other inaccurate information is contained within public accounts, and how do Albertans know what is true and what is incorrect? Is this just another typo?

MRS. McCLELLAN: Mr. Speaker, first of all, I would like a clarification on the preamble to that question. If there is a suggestion that this minister has not made herself available to Public Accounts, I do not know in my tenure in this Legislature when I have been asked to appear before Public Accounts and

have not been there. If that is what I heard, I would ask for a retraction or an explanation.

The Treasurer may wish to supplement on the question.

MR. DINNING: Mr. Speaker, I think the hon. member has answered the question very well.

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

2:10

Teacher Evaluation

MRS. BURGNER: Thank you, Mr. Speaker. On September 28, 1995, the Minister of Education released a discussion paper on improving teaching in Alberta. This discussion paper is calling for changes to the regulations governing teacher certification, the policy guiding teacher evaluation practices, and the agreements between universities and the Minister of Education regarding teacher preparation. My questions are to the Minister of Education. Could the minister please explain what precipitated this review on how our teacher preparation and certification process is functioning at this time?

MR. JONSON: In the extensive course of developing our education plan, as would be I think certainly expected, teaching and teachers were identified as an extremely important component in the education process. Under that particular topic, Mr. Speaker, a number of needs and opportunities for improving the system were identified. For instance, it has been some 50 years since the memorandums of understanding have been reviewed or looked at for change with our teacher preparation institutions. Those need to be modernized according to current criteria expected of teachers.

Likewise, there is the good example of the need to co-ordinate and improve our overall delivery of professional development activities in the province. Under goal 5 of our business plan, without going on, Mr. Speaker, we've identified the specific areas of improvement, and those are addressed in the discussion paper.

THE SPEAKER: Supplemental question.

MRS. BURGNER: Yes. Thank you. This process must ensure that we have the best teachers in our classrooms, but students are not recognized in the information page. Will you be accepting responses from students in your review?

MR. JONSON: A discussion paper has been widely circulated across this province to all of the schools, to be available to all of the school councils. Mr. Speaker, we have extended an invitation for all involved in the education system. Certainly students are extremely important, the key component of our education system. We've invited responses and advice and recommendations on that paper.

THE SPEAKER: Final supplemental.

MRS. BURGNER: Thank you, Mr. Speaker. Again to the minister: are you insisting on provincial standards when evaluating teachers because our local school boards do not have in place adequate teacher evaluation processes?

MR. JONSON: We are not here indicating that there are not some teacher evaluation procedures or policies in place which are quite good. In fact, they have been drawn upon in the development of

this particular discussion paper. What is clearly a goal of what we are doing here, Mr. Speaker, is that we want a fair and effective system of teacher evaluation, one which is based on a core of common criteria across the province so it's understood by teachers, understood by parents, understood by school boards, all the people that are vitally interested in the education system. We want to see that there is that set of criteria, that it's put into effect and enforced and is effective both in reaffirming the competency of the vast majority of teachers – and I think it really serves to make teachers proud of the fine work that they do – but also, yes, to address those cases in which performance is not adequate.

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

Treasury Branches

DR. PERCY: Thank you, Mr. Speaker. Stewart, Green Properties owes Alberta Treasury Branches over \$180 million. Collateral for the Alberta Treasury Branch loans included various Alberta properties and the Minnesota North Stars, now the Dallas Stars. The company is in trouble, and in June of this year Alberta Treasury Branches took over the Alberta assets of this company. Arthur Andersen of Calgary is presently acting as the monitor on a hourly basis both administering the properties and trying to sell them off. Nonetheless, it appears that Norm Green has managed to walk off with control of the Dallas Stars intact. My questions are to the Provincial Treasurer. Can you offer any justification in this House why the Alberta Treasury Branches, whose mandate is “to give special attention to . . . agricultural operations, independent businesses, and consumer related . . . needs,” would loan over \$180 million to Norman Green and his businesses and, for that matter, provide loans and guarantees to West Edmonton Mall in excess of \$200 million? These aren't actually small business, Mr. Treasurer.

MR. DINNING: Mr. Speaker, the hon. member wishes to draw me into a debate or answering a question regarding the clients of Treasury Branches. As most Albertans would expect when they do banking with any bank, whether it's the Canadian Imperial Bank of Commerce or with Treasury Branches, the affairs of those clients would not be the subject of debate on the floor of the Legislative Assembly. Albertans expect that when they bank at Treasury Branches.

I've said before: what line does the hon. member wish me to draw such that I will talk about clients that he wants me to talk about and the rest of those clients of Treasury Branches that he wishes me not to talk about? My point is that I will draw the line at zero, and I will not talk about a client of Treasury Branches on the floor of the Legislative Assembly or anywhere else for that matter, Mr. Speaker, because those are confidential relationships between a client of Treasury Branches and Alberta Treasury Branches.

DR. PERCY: Mr. Treasurer, can you explain to this House how Norman Green has managed to maintain control of the Dallas Stars and in fact in September of this year sell off 50 percent of the Dallas Stars to interests in Dallas and at the same time owe over \$180 million to Alberta Treasury Branches, which are backstopped by taxpayers? They're part of the accounts of this province.

MR. DINNING: Mr. Speaker, the hon. member is absolutely right. In fact they are part of the accounts of the province. Their

actual net income last year was \$34.775 million, a very profitable, a very fine institution that has the confidence of hundreds of thousands of Albertans who choose to vest their hard-earned moneys in the Treasury Branches and know that they are secure.

The one assurance I can give to the hon. member is this. I have to ask the Auditor General to make sure that these financial statements, including provisions for potential loan losses, are accurate. I turn the member to page 9 of the annual report of the Treasury Branches, wherein the Auditor General, an independent officer of this Legislative Assembly, has said:

In my opinion, these financial statements present fairly, in all material respects, the financial position of [Treasury Branches] as at March 31, 1995.

Mr. Speaker, the hon. member is asking me about risk associated with loans of the Treasury Branches. I will not talk about individual clients of the Treasury Branches in the Assembly or anywhere else. I rely on the Auditor General to make sure that any provisions for loan losses are materially displayed here, and he has put his Good Housekeeping seal of approval on these financial statements.

DR. PERCY: Mr. Speaker, when Albertans read, “We believe good things happen when customers are well treated,” the motto of the Treasury Branches, I do not think they believe that means that the Pocklingtons of the world, the Norm Greens of the world, the Ghermezians of the world get special treatment. So my question again to the Treasurer is: why is there one set of rules for big companies that deal with Alberta Treasury Branches and another set for average working Albertans that deal with the Treasury Branches?

MR. DINNING: Mr. Speaker, again I refer the hon. member and all Albertans indeed to the annual report of Treasury Branches. The hon. member is correct when he talks about the mission statement of Treasury Branches, and what's interesting is that in the year ended March 31, 1995, there are 897,000 deposit accounts in Treasury Branches, an increase of nearly 35,000 deposit accounts year over year. Those are accounts that have money in them, money that comes from Albertans, not the provincial government. Those are dollars that go into the Treasury Branches because Albertans, hundreds of thousands of Albertans, have confidence in this institution and want to vest their lifetime savings in this institution and are proud to do so and are confident in doing so. I know the hon. member wishes maybe to undermine or chip away at the confidence that Albertans have in this institution, but I'm glad to know that Albertans have proven the hon. member wrong once again.

THE SPEAKER: The hon. Member for Lethbridge-West.

2:20

Municipal Assessments

MR. DUNFORD: Thank you, Mr. Speaker. My questions today are for the Minister of Municipal Affairs. We get quite a number of calls to our office from seniors, and they're worried about the impacts that many of the restructuring initiatives have. I would ask the minister: what has been the impact of market value assessments on senior citizens in our province both in the past and in the future?

MR. THURBER: Mr. Speaker, market value based assessment on residential property has the same effect on seniors as it does on all other citizens. We're trying to go to a better market-based system

in the near future where it will be done every year, where the assessment will be updated on a yearly basis. Where the big effect actually takes place now is when there has not been an assessment for several years and the markets have changed. So with this market-based assessment that we have in place now, we're better able to determine in fact the value of that property.

THE SPEAKER: Supplemental question.

MR. DUNFORD: Yes. Thank you, Mr. Speaker. To the minister: how does market value assessment impact those senior citizens who are renting residential accommodation?

MR. THURBER: Well, certainly, Mr. Speaker, the assessment based on the market value is handed down through the rental agreements, and of course this changes from time to time as the market values of the property change. Nevertheless, it is passed down through the rent to seniors as well as other people that are renting properties.

THE SPEAKER: Final supplemental.

MR. DUNFORD: Yes. Thank you again, Mr. Speaker. Have there been any allowances for low-income senior citizens in regards to property taxes?

MR. THURBER: Yes, Mr. Speaker, there have been. If senior citizens meet the income requirements of the seniors' benefit program, the package they receive includes a component for the payment of property tax, and this applies whether they're renting a home or renting an apartment.

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

Child Welfare

MS HANSON: Thank you, Mr. Speaker. While the Minister of Family and Social Services uses the child welfare reforms as an excuse to ignore current problems, children in Alberta suffer. The long-awaited tabling of two years' worth of Children's Advocate reports reveals how desperately the government is failing children. With Calgary caseloads increasing by 19 percent, only the most callous of governments would continue to ignore. My questions are to the minister responsible for children, the Minister of Family and Social Services. Mr. Minister, what have you done to correct the Advocate's damning revelations, including continued abuse, children who have no contact with adults who are planning their future for them and their lives, making important decisions, and countless others waiting for years for their case plans to be implemented? One child waited four years to have his adoption papers finalized. You're their guardian. What have you done?

MR. CARDINAL: Mr. Speaker, of course the Liberals don't have a social policy, so they wouldn't know what worked and what didn't work.

Mr. Speaker, I'd like to, you know, explain the whole plan this government has in relation to services to children. As I've indicated to Albertans before through this Assembly, the whole of the welfare reforms announced two years ago dealt with all these areas. The first phase of the reforms was to deal with the employables and trainables, who were using most of the dollars

that were designed for children and persons with disabilities and other high-needs areas. The second phase of the reforms of course dealt with children. In that specific area in the next three years we're going to spend over half a billion dollars in children's services.

SOME HON. MEMBERS: How much? How much?

MR. CARDINAL: Over half a billion dollars.

Mr. Speaker, the reason I say that Liberals do not understand and do not have a social policy – I'll explain it. I've always said that we will redirect dollars to the high-needs areas, and one of the most high-needs areas, of course, is children's services. Because of the welfare reforms in the last two years we have redirected \$178 million to these high-needs areas. Specifically in the next three years \$50 million will be redirected to these areas.

I've never said that the caseload would drop. In fact, in persons with disabilities the caseload has also increased by a thousand. In the area of services to children we had indicated that the caseload would go up, but it's a different caseload that went up. In fact the apprehension orders in Calgary decreased by 50 percent, and that was our plan. Wherever possible, Mr. Speaker, we keep the families together and at home with their children. In this particular case that is exactly what's happening. We are looking after more families with their children, so the caseload has gone up, but as far as children apprehended, the caseload dropped by 50 percent.

THE SPEAKER: Supplementary question.

MS HANSON: Thank you, Mr. Speaker. This explanation doesn't seem to agree with the analysis of the staff, Mr. Minister. The staff attributes a 19 percent increase in Calgary's child welfare cases to poverty, job loss, and the inability of families to provide basic supports. If you do believe what your staff say, how are you going to correct that? That's happening today, not two years down the road.

MR. CARDINAL: Mr. Speaker, I see that they still have their original social policy: more welfare dollars to deal with poverty. This government does not do that. There is not one family out there that wants more welfare dollars. Families want to be independent and self-sufficient, and that is exactly what we are doing. That is why the budgets are increased in the high-needs areas. That is exactly why we are doing what we're doing. The policies work.

THE SPEAKER: Final supplemental.

MS HANSON: Thank you, Mr. Speaker. Where are the savings, Mr. Minister, if you deny families on assistance adequate support and then they are forced to put their families into care, their children into care because there's no food in the house? What does that cost the government, and what does that cost in human costs in the long run? That's what the staff report says.

MR. CARDINAL: Mr. Speaker, of course the Liberals would increase welfare dollars to deal with the issue of poverty and children. Well, this government will not do that. When we reformed the welfare system, we targeted the people that should not be on welfare and did not want to be on welfare. Those were single employables. In fact the decrease in that caseload is 64

percent. For childless couples – these are couples without children – the decrease in the caseload was 78 percent, which allowed us to move more dollars to high-needs areas.

Now, this problem didn't happen overnight, Mr. Speaker. The issue of the welfare system has been around in Alberta for over 50 years. It took 50 years to create the problem we have, and it will take a number of years for us to resolve it completely, but we will do it.

THE SPEAKER: The hon. Member for Calgary-Montrose.

Workers' Compensation Board

MR. PHAM: Thank you, Mr. Speaker. Many hardworking Albertans who are injured at work have to rely on WCB to get them back on their feet. In 1994 the number of WCB claims went up to 165,000 compared to 138,000 cases in 1992. However, the benefits paid out on these claims were significantly reduced, from \$460 million in 1992 to \$305 million in 1994. Many injured workers feel that they are not treated fairly by WCB and the millions of dollars WCB gave back to the employers should have been given to the injured workers. My question today is to the minister responsible for WCB. Can the minister explain why WCB has a situation where (a) the number of claims increased by 19 percent, (b) the total benefits paid out to workers decreased by \$155 million, (c) millions of dollars were given back to the employers, and (d) the number of appeals went up by 53 percent?

SOME HON. MEMBERS: Good question. Good question.

2:30

MR. DAY: Mr. Speaker, I thank the member for his good question. I'm sorry members opposite are upset with it, because it is a very good question, and it gives an opportunity . . . [interjections]

THE SPEAKER: Order. Hon. Member for Redwater, please.

AN HON. MEMBER: That's you, Nick.

MR. N. TAYLOR: Me?

THE SPEAKER: Yes, you.

MR. DAY: It gives an opportunity to continue the good-news story, which sometimes is lacking in some media reporting.

The fact of the matter is that from 1992 until this date, especially if you take the '94 year-end figures, there is a remarkable increase in the number of workers working in the province; that is, WCB statistics. That's because there's quite an increase in the number of businesses from 1992 over '94. When you have more workers working, you would think the rate of injury has gone up. In fact, the rate of injury has gone down even though there were thousands more workers working in the province.

So the rate has dropped and not only the rate but in terms of management – back in '92, in terms of severity of injury, the average days lost was something like 57 days per claim. Now it's down to about 44 days per claim, which reflects a reduction in the severity of those injuries.

So clearly it's a good-news story in terms of the rate dropping. The number of workers working has increased by the tens of thousands. The severity of injury has decreased in terms of the

number of days that claims have to be paid out, and this has not been done on the backs of workers, because in fact there's been an increase in the pension amount that goes to workers. In terms of pensionable earnings and in terms of maximum allowable earnings to be covered, that has also increased for workers.

THE SPEAKER: Supplemental question.

MR. PHAM: Thank you, Mr. Speaker. My supplemental question is to the same minister. Will the minister consider the following three facts? Number one, the number of people who abuse WCB benefits is relatively small. Point two, WCB today has the power to use secret agents to videotape any injured worker at any given time. Number three, most if not all injured workers would like to have their privacy respected, and the idea that they can be subjected to being videotaped by WCB secret agents is enough to make them very upset. Will the minister consider these three facts and do everything in his power to ensure that the WCB will use other tactics to catch WCB abusers rather than . . .

THE SPEAKER: Order please, hon. member. The hon. member should know that a supplementary is one question, not a series of questions. [interjections]

The hon. Minister of Labour.

MR. DAY: I appreciate your ruling there, Mr. Speaker. Still, it is disappointing to see opposition members concerned about a question here that bears on workers, and I would like to address it.

Of all claims that are filed in the province, approximately 97 percent are settled satisfactorily. Now, that leaves about 3 percent where people are somewhat upset. In a very small percentage of those, infinitesimal, as a matter of fact so small that according to our policy of having moved WCB at arm's length from government – we have taken the politics out of the WCB. We do not manage or micromanage WCB. I can tell members that a very tiny percentage of those workers on occasion receive reports, sometimes from employers, sometimes from their own family members, sometimes from a neighbour, that would suggest that there may be more investigation that needs to be done as far as whether that person is actually injured or not. In those very rare and small cases then there might be some further investigation which might involve some surveillance of some kind. If evidence is found to that effect, it is put on that worker's file so that they can review it.

MR. PHAM: Last question: can his department conduct an independent survey with WCB claimants to see how they feel about the service provided by WCB?

MR. DAY: Mr. Speaker, a very good suggestion and one which I will pass on to the WCB. I know that they do some client survey already. I know that they have representatives on their board, a third of which are labour representatives representing specifically workers. They also have an industry task force which constantly surveys its members. But I will take that suggestion to the WCB to see what they do in terms of follow-up on client satisfaction.

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

Social Services Office Closure

MR. DICKSON: Thank you, Mr. Speaker. A moment ago we heard the Minister of Family and Social Services say that his top priority was to, quote, redirect dollars to high-needs areas. Well, with respect I'd like to redirect the hon. minister to one of the highest need areas in the province of Alberta, and that's downtown Calgary. In that area 53,000 men, women, and children live. Many of them are unemployed, many more low-income seniors. Many are single parents. Nineteen thousand of those Albertans live in what would be described as very low-income households. I was notified yesterday that the downtown social services office will be closing. So my question would be to the Minister of Family and Social Services. How does he expect the single mother in Victoria Park or Ramsay or an inner-city area like that with perhaps two children in tow and no car to get to one of the remaining three social services offices?

MR. CARDINAL: Of course, Mr. Speaker, if you followed the social policy of the Liberals, you'd probably open up welfare offices all over Alberta.

The reason we've closed that particular office is that the welfare caseload in my department has dropped close to 50 percent. All we are doing, Mr. Speaker, is co-ordinating the activities of our offices and streamlining the operations within our offices. As you are aware, we haven't reduced the staffing component. At least the frontline staffing hasn't been reduced. We allow and give the opportunity for our staff to be more efficient, more effective, and spend more time with the clientele. Part of this process is streamlining the number of offices we have. We will still have four offices in Calgary. We will be saving the taxpayers of Alberta another \$400,000 by doing that, and the services will be available to the clientele.

MR. DICKSON: Well, Mr. Speaker, I'm not talking about streamlining; I'm talking about access by needy Albertans to services.

My supplementary question, then, to the minister would be: will he at minimum assure all Albertans that before vitally important offices like this are closed, there will be alternative services in place and available?

MR. CARDINAL: Mr. Speaker, of course that is the overall plan. A number of alternatives are provided, alternatives which the clientele want and the taxpayers of Alberta want. That's a better service to get people back into the workforce and training. What we are doing in Calgary of course as of December 1 of this year is opening up an urban job corps, which again will have an office, again will have staff and placement workers to deal with clientele in relation to municipal work and other work activities in Calgary, along with training programs.

In addition to that we are also opening up new offices where we are co-located with Advanced Education and Career Development, Family and Social Services, and the federal human resources department. A number of these offices will be open across Alberta. This will provide one-stop service for the clientele, where they can get career counseling, career placement, placed in a job, and then the support services that are required to get people to become independent and self-sufficient. Those are the alternatives that this government is moving forward with, not more welfare.

MR. DICKSON: Notwithstanding what may come in the future, will the minister simply undertake, yes or no, that before this important office is closed in downtown Calgary, alternative services will not only be in the plans, but they'll be up and operating?

MR. CARDINAL: Mr. Speaker, because this government has a policy and a plan, this office will not be closed till the end of March of '96. All these other offices will be in operation considerably before that. Therefore, the service will continue. In fact, the service will be improved to the clientele in Calgary.

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

2:40

Prostitution

MRS. FORSYTH: Thank you, Mr. Speaker. Prostitution has been a problem for a number of years. It may be summed up best by a pimp who, when being examined by a prosecutor when giving testimony, said: there ain't no rules; that's why we win. We as members of a civilized society play by the rules. Prostitution is like economics: it's supply, and it's demand. My question is to the Minister of Justice. In most jurisdictions the Attorney General may apply for a civil injunction if prostitution is considered to be a public nuisance. This injunction would restrict prostitutes from being in a specific area. Would the minister consider this?

MR. EVANS: Well, Mr. Speaker, it would be nice to think that an injunction prohibiting prostitution from occurring in an area in a city would eliminate prostitution. Unfortunately, the history has been that instead of eliminating prostitution, it just moves prostitution into another area. So I think we have to be more proactive than that. The examples are Canadawide. This kind of a response is just not dealing with the problem. I think we have to address this; it's a serious problem in our major cities across this country. But I'm not convinced that an injunction would have any lasting impact on this serious issue.

THE SPEAKER: Supplemental question.

MRS. FORSYTH: Thank you, Mr. Speaker. To the same minister: would the minister, then, give authority for the police to send letters to motorists who are known to frequent prostitution strolls?

MR. EVANS: Well, I don't think that we'd need to give that kind of authority to police. I think police would have that opportunity themselves if they wished to send such letters.

There are some really serious issues that they'd have to deal with before they'd do that, though, Mr. Speaker. One, of course, is the principle in Canadian law that you're innocent until you're proven guilty, and I think there would be the potential of some civil liability if those kinds of letters were sent out. In my conversations with the police I don't think they would assume that sending letters would be that effective a measure. They instead wish to put more street officers in those areas where prostitution is occurring so that the very visible factor of a police officer in uniform in a police car will have a deterrent effect on prostitution in a given area.

THE SPEAKER: Final supplemental.

MRS. FORSYTH: Thank you. Would the minister consider establishing a provincial task force, then, to look at this serious situation and how we can deal with it?

MR. EVANS: Well, there's no question, Mr. Speaker, that we need more public input into this process. The hon. member may be aware that we have a federal, provincial, and territorial task force made up of justice officials from across the country, who are working on ways of dealing with this problem. They have certainly said that public consultation is an important component. Already that committee has sent out a questionnaire asking for input from Canadians on this and some suggestions as to how to deal with the problem. I believe that they are going to move from there to a broader public consultation process, and I think that will address the concerns of the hon. member.

THE SPEAKER: The time for question period has expired. The hon. Provincial Treasurer has given the Chair notice that he wishes to clarify an answer he gave previously.

Public Accounts
(continued)

MR. DINNING: Mr. Speaker, I misspoke. This is a bone of contention offered by – I don't know whether the cameras are on, so I'm a little nervous – the Member for Edmonton-Whitemud when he entered the pressroom on public accounts day and thrust the document down. It was bravado and theatre at its best, I'm told. The board-governed institution statement, Lakeland regional health authority, is an unaudited statement. He made that point.

MRS. McCLELLAN: For this year.

MR. DINNING: For this year. That is absolutely right.

These unaudited statements are prepared not by the Minister of Health, as fine a member and minister as she is, not by the Provincial Treasurer, not by the Department of Health, and not by the department of the Treasury. In fact, these statements are prepared by the Lakeland regional health authority. What they sent us, we printed in this document: every period, every dot, every comma, every "t" crossed and "i" dotted.

So, Mr. Speaker, I would put to you that anything as it relates to note 6 on page 289 of volume 4 of the '94-95 public accounts are materials – this is information and financial statements – provided to the Provincial Treasurer by the Lakeland health authority.

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

MRS. ABDURAHMAN: Yes. To the Provincial Treasurer: do they review the contents of the public accounts before they're published? Does the government of Alberta review what they publish?

MR. DINNING: Mr. Speaker, I appreciate the very good question put forward by the Member for Clover Bar-Fort Saskatchewan. I read from the financial notes of statements prepared by the

authority and sent to us. According to the Lakeland regional health authority in their financial statements,

benefits and allowances includes:

contributions or payments made on behalf of employees including pension, health care, dental coverage, out of country medical benefits, group life insurance, accidental disability and dismemberment insurance, long and short term disability plans, professional memberships and tuition, additional benefits including sabbaticals or other special leave with pay, financial planning services, retirement planning services, concessionary loans, travel allowances, club membership and car allowances.

That is financial information provided to us by the Lakeland regional health authority, attested to them as to the accuracy by that authority, and that is what we published as they sent it to us. [interjections]

THE SPEAKER: No, no. One question. [interjections] Order please. [interjection] Order, hon. member.

Could there be unanimous consent in the Assembly to revert to Tabling Returns and Reports?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

head: Tabling Returns and Reports
(reversion)

THE SPEAKER: The hon. Member for Calgary-Shaw.

MR. HAVELOCK: Mr. Speaker, thank you very much. I'd like to table two sets of documents today. The first is the fairness assessment which was conducted by Coopers & Lybrand regarding the transactions contemplated in the letter of intent dated July 21, 1995, relating to the Special Waste Management Centre. To reiterate, the primary purpose of the transaction is to cap the province's liability as much as possible with respect to the future operations at the centre. I have six copies of that.

Also, Mr. Speaker, I would like to table six sets of the photocopies of the executed documents relating to the transaction, which were signed at 11:15 this morning. This is one set, so you can appreciate that this transaction has been extremely complex. Of course, it takes one piece of paper to get married and a thousand pieces of paper to consummate a divorce. What I'd like to do is thank the Treasurer's department, the staff and the department of the environment, the staff in Bonnie Laing's office, and the staff in my office, who all helped to put these packages together.

Thank you, Mr. Speaker.

THE SPEAKER: Might there be consent to revert to the introduction of special guests, hon. members?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

head: Introduction of Guests
(reversion)

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I am pleased this afternoon to introduce to you and through you to members of the Assembly special guests seated in your gallery. Mr. Gaku Teranishi is leading the North America Administration and Industry Research Delegation Aichi Prefectural Assembly. I would ask the delegation to stand and receive the traditional warm welcome of this House.

THE SPEAKER: Now points of order. The hon. Member for Edmonton-Glenora had a point of order?

**Point of Order
Abusive Language**

MR. SAPERS: Yes. Thank you, Mr. Speaker. Under 23(j), and I believe that is using "abusive or insulting language of a nature likely to create disorder." During tablings the hon. Premier was, not in the most coherent way, suggesting that it might have been more courteous or it might have been more appropriate – I'll read *Hansard* to check the exact abusive words that he uttered. He gave the impression that he was not previously informed of the letters which I brought into the Assembly yesterday, in particular the letter that he sent to Dr. Morgentaler, in which he said that he would immediately make plans to change the fact that Alberta doesn't pay private clinic fees.

In fact, Mr. Speaker, I will bring into this Assembly tomorrow clear evidence that I brought those letters to the Premier's attention on April 11, 1994. I asked his Minister of Health to determine the contents of that letter and explain them to me, and the Premier was cc'd at that time, was copied all of that correspondence. I'll bring that package of letters in tomorrow, and at that time I would want the Premier to retract his remarks.

2:50

MR. DAY: Well, the ongoing policy of the Liberals to totally ignore all rules of order in this Assembly – that's a point of clarification. He continues to use valuable time in this Assembly to get up on points of clarification, not on points of order.

THE SPEAKER: Well, I think we'll have to await events, hon. member, to establish whether there is a point of order here. The Chair doesn't see one readily.

The hon. Government House Leader had a point of order?

**Point of Order
Decorum**

MR. DAY: And a very important point it was, Mr. Speaker.

AN HON. MEMBER: Citation.

MR. DAY: Citing the very citation just used by the member opposite for Edmonton-Glenora. It is in all seriousness a severe breach, as the opposition leader was sanctioned yesterday for a breach of protocol in the Assembly. Today, upon his having been ruled out of order – in a rare intervention, I might add, and an appropriate one – because time after time he used phrases that were not acceptable to the Chair, the Chair finally did rule that it was not proper for the House leader to continue in that fashion. Yet he did continue to do so. Mr. Speaker, I wanted to bring that to your attention. I don't think we should be asking for something as extreme as expulsion from the House, but to ignore requests from the Chair is, again, another very serious breach of order in this House.

THE SPEAKER: Well, the Chair would remind all hon. members that they should pay continuing attention to the requirements of a properly crafted question. We had two or three occasions today where the questions definitely were not properly crafted. The Chair would request all members – but particularly the more prominent ones should pay the most attention to that.

Thank you.

head: Orders of the Day

head: Written Questions

MRS. BLACK: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places except for written questions 234, 235, and 236.

[Motion carried]

Export Loan Guarantee

Q234. Mr. Sekulic moved that the following question be accepted:

What is the identity of the borrower who was given a \$4.25 million workout export loan guarantee on May 19, 1993, as set out on page 267 of the 1993-94 public accounts, volume 2?

MR. DAY: Mr. Speaker, on behalf of the minister of economic development the government is pleased to accept this question.

[Motion carried]

Revenue Indicators

Q235. Mr. Sekulic moved that the following question be accepted:

What are the projections for the following revenue indicators as the government may have prepared for the 1996-97 and 1997-98 fiscal years underlying the budget plan on page 15 of the 1995 provincial budget from personal income taxes; income taxes; nonrenewable resource revenues; revenue payments by the government of Canada; investment income; premiums, licences, and fees; other taxes; and other revenues?

MR. DINNING: Mr. Speaker, I would recommend to the Assembly that all members of the Assembly support this motion.

[Motion carried]

Timber Transportation from Private Land

Q236. Mr. N. Taylor moved that the following question be accepted:

For the period January 1, 1994, to December 31, 1994, how many timber transport permits were issued to truckers for hauling timber from private land to mills in Alberta and how many were issued for exporting timber out of the province, and in each case what was the volume of coniferous and deciduous timber involved?

MR. LUND: Mr. Speaker, it appears that this is written in such a form that we can accept it, and we'd be only too happy to provide that information to the hon. member.

[Motion carried]

head: Motions for Returns

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of motions 237, 238, 239, and 240.

[Motion carried]

THE SPEAKER: The hon. Government . . . Opposition House Leader.

MR. BRUSEKER: That'll be after the next election, Mr. Speaker.

MR. DINNING: In response to his preamble, Mr. Speaker: in his dreams.

Financial Support to Companies

M237. Mr. Bruseker moved on behalf of Mr. Sekulic that an order of the Assembly do issue for a return showing a detailed list of loans, loan guarantees, indemnities, advances, or long-term investments authorized by the government between April 1, 1992, and April 25, 1995, by Treasury Board minute or Provincial Treasurer's directive, specifying company name, date of authorization, and approving authority.

MR. DINNING: Mr. Speaker, I would move an amendment to this fine motion, having brought it to the attention of the hon. Member for Edmonton-Manning. I would move that the motion be amended as follows: by adding the words "related to loans and financial instruments" after the word "indemnities." So the motion now reads:

A detailed list of loans, loan guarantees, indemnities related to loans and financial instruments, advances, or long-term investments authorized by the Government between April 1, 1992, and April 25, 1995, by Treasury Board minute or Provincial Treasurer's directive, specifying company name, date of authorization, and approving authority.

Copies of the amendment have been circulated to all members of the Assembly.

[The Deputy Speaker in the Chair]

Mr. Speaker, in moving the amendment to the motion, I want to say how much we're going to miss Lennie Kaplan. It is sort of sad to see that talent leave a Liberal caucus. He's now working in Ottawa for Judy Bethel, but, you know, I can tell that his absence has already been noted. This rudderless ship doesn't know where it's going, and it's going to get there sooner or later. I know that the Member for Edmonton-Whitemud is going to miss Mr. Kaplan's exceptional expertise in drafting motions for returns and letters to the Provincial Treasurer, the Minister of Economic Development and Tourism, and all sorts of other folks, who spend numerous hours, sometimes days, even weeks thinking up how many ways we can respond to all those fine questions that he spent hours and hours and hours preparing.

So, Mr. Speaker, in moving this amendment to this very fine motion, I want to pay a special tribute to the now departed – from Alberta, that is – Lennie Kaplan.

3:00

THE DEPUTY SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. On behalf of the Member for Edmonton-Manning I'd like to thank the Treasurer for accepting the motion as amended.

I want to thank him also for that nice tribute to Mr. Kaplan. We, too, miss him. He put in diligent hours. He must have gone to the Dale Hodges school of training because he has paper everywhere, which of course is a well-known trait. On his behalf what I will say for Mr. Kaplan is: he didn't make any typographical errors.

[Motion as amended carried]

Protected Areas

M238. Mr. Collingwood moved that an order of the Assembly do issue for a return showing a list showing the names of sites that are currently under protective reservation or notation and sites that have been identified through a government planning process, such as integrated resource plans, that are awaiting decisions concerning their designation under some form of protected area legislation indicating the current status of the site and the recommended protected status where known.

THE DEPUTY SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. Reading this motion and the wording and looking at it, we would find it acceptable to fulfill this motion.

[Motion carried]

Special Waste Management System

M239. Mr. Collingwood moved that an order of the Assembly do issue for a return showing a breakdown of administrative overhead fees including amounts charged for consultation services by senior management of Bovar Inc. incurred by the Alberta Special Waste Management system under articles 602 and 604 of the joint venture agreement for the construction, ownership, and operation of a part of the Alberta Special Waste Management system for the years 1989 through 1994 inclusive, with a description of the services provided.

MR. LUND: Well, Mr. Speaker, it's very unfortunate that this motion is worded the way it is and requesting information that could very well be business confidential. It's information as well that would require both parties of the joint venture agreement to agree to, and for that reason I find it necessary to reject this motion and would request that the hon. member talk to the chair of the joint venture board and see if in fact there could be agreement from that side.

THE DEPUTY SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. That's a very unfortunate answer from the Minister of Environmental Protection. He seems to have been caught a bit off guard in having read Motion for a Return 239 for the very first time today. I note that this is day 53 of that motion for a return being placed on the

Order Paper, and I guess the Minister of Environmental Protection has had 53 days to figure out whether or not he has the consent of the other party to the joint venture agreement to release information that relates specifically to a document, the joint venture agreement, that continues to take significant taxpayer dollars.

Mr. Speaker, the information requested in Motion for a Return 239 relates back to specific articles of the joint venture agreement, being articles 602 and 604. Now, those specific articles are articles in the joint venture agreement that this government agreed to that allowed Bovar to charge consulting fees to the joint venture and Chem-Security as the operator of the facility. Well, of course Chem-Security is a subsidiary corporation of Bovar Inc. Therefore, the government agreed to allow Bovar Inc. to charge itself a consulting fee paid for by the taxpayers of the province of Alberta.

Now, Mr. Speaker, the information we requested with respect to these two articles was to some extent in conjunction with other information we have been requesting from the provincial government relating to the infamous joint venture agreement, referred to many times in this House as the obscene sweetheart deal, the government made with Bovar.

Members will recall that we had also placed on the Order Paper a request for the business plan that was a requirement of the joint venture agreement. At the time we requested that information, Mr. Speaker, the Government House Leader unfortunately was caught in the position where he had to stand in the House and reject that motion for a return because the information provided to him was that there wasn't one. So the government and Chem-Security, the joint venturers of the Swan Hills waste treatment plant, didn't bother complying with the joint venture agreement, didn't bother drafting a business plan.

Mr. Speaker, the excuse that the Minister of Environmental Protection gives to this Assembly as his reason for rejecting Motion for a Return 239 is no excuse at all. The minister has had ample opportunity to provide to this House a reasonable explanation and has failed to do so. In typical fashion with this government he says, "Well it's not my problem; you should be asking somebody else." It reminds me of all of the questions that are asked not only through motions for returns and written questions but questions that are asked in question period: "Oh, well, don't ask me; ask somebody else. That's not my responsibility. Ask somebody else." It's always somebody else's responsibility. It's never the government's responsibility.

Well, Mr. Speaker, the Minister of Environmental Protection had the opportunity to discuss with me the content of Motion for a Return 239 and never extended the courtesy to call me and talk to me about Motion for a Return 239 so that we could discuss how that information could come to this Legislative Assembly and whether or not the consent for the release of that information could have come through the parties to the joint venture agreement. We've been talking today about courtesy. Well, the Minister of Environmental Protection didn't extend that courtesy. He has failed to give a reasonable answer for not agreeing to Motion for a Return 239, and his excuse is simply not acceptable.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Calgary . . .

The hon. Member for Sherwood Park has closed debate on this motion, and that fact was drawn to the Chair's attention. The Chair apologizes for listening to the wonderful words and being

so caught up in the debate that he was going to allow it to continue. When it's closed, it's closed.

[Motion lost]

Lake Wabamun Flooding

M240. Mr. Collingwood moved that an order of the Assembly do issue for a return showing a list of complaints concerning flooding around the shore of Lake Wabamun giving the date of each complaint and the location flooded from January 1, 1980, until December 31, 1994.

THE DEPUTY SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. Well, reading this particular one and looking at it, it's obvious that the hon. member this time has asked the right department and has asked the right people. So we will be accepting this one and providing the information to the hon. member.

[Motion carried]

**head: Public Bills and Orders Other than
head: Government Bills and Orders
head: Committee of the Whole**

3:10

[Mr. Clegg in the Chair]

THE DEPUTY CHAIRMAN: I call the committee to order.

Bill 211 Protection for Persons in Care Act

THE DEPUTY CHAIRMAN: I believe that last night – if it was last night – the hon. Member for Clover Bar-Fort Saskatchewan was speaking.

Hon. member.

MRS. ABDURAHMAN: Thank you, Mr. Chairman. I rise once again to speak specifically to the amendments that were brought forward by the Member for Highwood. I acknowledged in my previous comments that I certainly support this Bill, although I believe it could have been strengthened more in keeping with the previous Bill, 218, that I believe our last Minister of Labour had submitted.

Looking at the amendments, I acknowledge that I did have some concerns and hope that the mover will be able to explain or give me the reasoning behind "individual" being substituted now with "adult." I explained, Mr. Chairman, that I have seen certain institutions or housing arrangements where indeed there could be a great variance in age, and indeed it may not fit into the category of adult. I felt that "individual" was more encompassing.

The other area is the fact that we're moving away from a committee structure to do the investigations, when there are indeed complaints, and we're seeing "investigator." Now, I realize that possibly the investigator could mean more than one person; I understand that. But I'd like to have a better understanding of what the qualifications would be. How would these committees or individuals or whatever the structure is be appointed specifically to undertake that investigation? What level of scrutiny do these individuals come under? I know that presently with the Health Facilities Review Committee there are many fine

people sitting on that committee, but my understanding is that their names are put forward, and it is in essence a political appointment. While they've served the province of Alberta in a superficial way, and I say superficial inasmuch as we are not privy to the reports that the Health Facilities Review Committee has done in the past. That gives me a level of discomfort. So, once again, what are the qualifications for an investigator or a committee that falls under this amended section (e)?

The other aspect. I had complimented the mover inasmuch as here through the amendment we're clearly having a minister designated within this legislation, which is commendable. I always have a level of discomfort when it's left open as to who this minister or individual is going to be that's responsible. In looking at section 4, after having reviewed the report, "the appropriate Minister . . . may," – that leaves me with a real level of discomfort inasmuch as indeed, based on what that minister's opinion is on the investigation, he in essence may do nothing with it, and that indeed is final and binding.

I believe that when you're dealing with complaints of abuse, it's a very difficult issue inasmuch as I have found in my own community that family members, the individuals themselves, and the staff are quite often reticent. They'll come and talk to you, but in their discussion with you they're very apprehensive about making waves, as they put it, because they think that the elderly person or the person who's physically or mentally disadvantaged may be further abused. That really concerns me. The family also feels that maybe the same caring attitude – it may not be a physical abuse or indeed a mental abuse. It may just be that a level where they don't get the same care, the same comfort could result, and it can be done so discreetly that it's very difficult to really be able to pinpoint.

The other – and I've seen this over the past year and been really troubled by it – is that people are so afraid of losing their positions. I know that this gives protection, but at the same time, I don't believe it gives the protection to the person who possibly suffered the abuse or to the family. It's more focused on the person who's leveling the complaint coming forward, and certainly that's an advantage.

How does that tie into the "minister may"? I believe that when you're dealing with abuse that indeed could end up in the criminal courts, there has to be some way, between the findings of the investigation and the report being put on the minister's desk, that the people within the justice system are made aware of the findings. I think it should be clearly up to them to decide whether action of a criminal nature should indeed move forward. In essence, if indeed the minister makes a decision to do nothing, what happens then to that report?

Based on the complaints that I heard from staff and family and community members, I would have thought that from that Health Facilities Review Committee – if what I heard was factual and there was evidence to substantiate it through people's sworn testimony – indeed there would have been action taken against the individuals or individual that was being abusive. I certainly have not been aware that that has ever happened.

So I'm sort of saying: yes, this is a good Bill. The amendments appear to be in the right spirit, but the "may" part really bothers me. I think there has to be something in there that gives people who are needing protection greater protection than what this amendment is in essence doing. I would like to have seen greater protection, you know, to the family or the individual within the Bill, but I'll get into that more when I'm speaking to the main Bill.

So, Mr. Chairman, I'd allow other members of the Assembly to speak to the amendments now. Thank you.

THE DEPUTY CHAIRMAN: The hon. Member for Highwood, sponsor of the Bill.

MR. TANNAS: Thank you, Mr. Chairman. If we were to continue with the convention that we had earlier of answering the questions after they go, I'm happy to do that if you and the committee permit.

THE DEPUTY CHAIRMAN: We agreed to that.

MR. TANNAS: I appreciate the comments and questions from the hon. Member for Clover Bar-Fort Saskatchewan. Investigator, in terms of: what would the qualifications be? The Bill does not address that, and maybe that's what the hon. member is alluding to. The qualifications would be determined by the individual department of the ministries. They already have in place an investigative body, often a committee, and the hon. member referred to one of the committees in Health. We went away from describing what committee. So the minister may find there are better or other investigatory procedures and individuals within the department, and it doesn't preclude even hiring a proper investigator. So the qualifications will be determined by the appropriate department.

She made comments with regard, Mr. Chairman, to going away from the committee. Yes, that is true, because a committee may be for a time certain, whereas the department tends to go on, and there are legislation and provisions for its continuance even if its name changes. So that's a design to allow the minister and the department to have a little freer choice as to how they can conduct investigations. If you have only a committee that can do it and a named committee and you had three or four cases at the same time, they can hardly move from one to the other, and there may have to be other means. So it's the choice of the minister and the department as to how best to investigate. But there is a duty to act in a timely fashion because of course they're obliged to make reports within 30 days.

3:20

How would they be appointed? I think I probably alluded to that in my comments so far, but in any event: by the minister of the department whose jurisdiction it is that the abuse was alleged to have occurred in.

Now, with regard to the abuse of a criminal nature, by its nature that must be reported to the law enforcement authorities under the Criminal Code. So this one doesn't deal with that because it's assumed that it goes there, and I think there are one or two mentions of it where if it's of a criminal nature, it goes to the law enforcement agencies. However, the findings may in fact assist a member of the family to act on the abused's behalf to sue in civil court. That may offer another kind of redress, and of course when and if that occurs, then it will be a warning to those who may be inclined to abuse persons in care, who are not normally able to protect themselves from that.

The issue of "individual" to "adult" is correct. We did change that. I'll give you the reasons, and you can best judge whether those are satisfactory. The Child Welfare Act currently exists and protects all those individuals, such protection as can be provided, from abuse by compelling and making it a duty to report abuse of any child, as it were, from birth through to the 18th birthday. So that you didn't have two Acts and someone staying in an institu-

tion such as the hon. member referred to, where maybe they were only 15 or maybe they were only 10, and they're in an institution where there are adults, then if someone reports the abuse of the child under this Act and doesn't report it under the Child Welfare Act to the child abuse hotline, as it were, then they're in violation of that Act. So that there would be no confusion, we have then the Child Welfare Act, and to wit, section 31(1), (2), and (6) I think covers children in the province and, as a matter of fact, was one of the models for this Act to try and get some compelling requirement to have people report abuse. That is so under the Child Welfare Act under the provisions I've just mentioned, but it wasn't for people once they turned 18. So that's why it was changed from "individual" to "adult", because this had always been determined to be for adults because children were covered.

I think that covers the questions as I heard them. If not, I'll have to go back.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Manning.

MR. SEKULIC: Thank you, Mr. Chairman. I rise in support of Bill 211, the Protection for Persons in Care Act, and I think that along with some of my colleagues I, too, would raise the question as to why this wasn't put forward as a government Bill. I do believe that its importance is at least of the level of a government Bill, and if in being such it might have been expedited, I think it would have been a good idea to make it such.

One of the first responsibilities I had when I was elected – unfortunately, we formed the opposition. I became the co-critic in social services and was exposed to what I would consider or label a horrific situation within that portfolio. There was a group home, and there was an individual that was affected within that group home. It was an individual, an adult, who had been a victim of a head injury and consequently was in the care of this group home. I think there were some 10 or 15 residents with similar situations in that home.

What was sent to the opposition was a tape recording. It was approximately 10 minutes long. It was an audiotape. It recorded a violent act against this individual by a staff member. Naturally this didn't strike either myself or the Member for Edmonton-Highlands-Beverly as being a matter that we would bring to the Assembly but rather a matter that we would take immediately to the police, and we did so. Unfortunately, despite having the tape and having the parent of the adult confirm that it was their child that was in fact being brutalized, the investigation just fizzled. It didn't go anywhere. There was no consequence. That opened my eyes to the need for such a piece of legislation more clearly than anything had before, and it really raised the level of concern I had for all individuals in group homes, not to say that they're all suffering the same results but the potential for abuse to occur. So I see this Bill in a positive light, as a Bill that may prevent at least the situation which I described from occurring or reoccurring in the future.

I particularly am pleased to see that in amendment 1(d) the Member for Highwood has seen fit to remove "in good faith." I think that was an important clause to brush up to ensure that people who report abuse aren't going to be judged themselves as in good faith or in bad faith or whatever. I think if there's abuse that is being reported, we shouldn't question the person who's reporting the abuse.

I did have one concern with the Bill and one of the amendments, and it's found on the second page, section F. The

following is added after section 4; specifically it's 4.2(1). It reads, "For the purposes of conducting an investigation, an investigator may enter an agency at any reasonable hour." Although at first read that seemed to be a reasonable clause, I look back to the situation which I earlier described, and I think that it needs to be amended or changed. When we look to situations of protection, where protection is required or intervention is required, the scenario that I would draw analogy to is domestic violence. Well, the police don't intervene at reasonable hours; they intervene to protect. Abuse happens at unreasonable hours, so I don't see why investigators would be limited to access only through reasonable hours. That's too gray, for me, to ensure that these people requiring protection would actually get it only during those reasonable hours. So that was the one specific concern I had, and I'd like the Member for Highwood to address it, if possible. I'm sure he would agree that if that were removed, it would be consistent with all the other aspects of protection of individuals that we have in our society.

Outside of that, I think it's a wonderful Bill, and I would encourage all members of the Assembly to support this. Perhaps if there are other weaknesses that can be amended at this stage, it should be done. But I do commend the Member for Highwood for bringing this Bill forward.

THE DEPUTY CHAIRMAN: The hon. Member for Highwood.

MR. TANNAS: Yes. First of all, I must apologize to Clover Bar-Fort Saskatchewan. I missed the "must" and "may." In a number of areas there are requirements, "must," and when we get to the minister, it appears that it's "may." If you look further on it, the "mays" are the process "mays" of how to investigate and go about the reporting.

3:30

If you look at 5(5) and, better yet, (6) of section G on the amendment, section 5 in the Bill, then you see that "the decision of the appropriate Minister is final and binding." That is somewhat helpful, but better yet, (6) of that section:

The appropriate Minister must provide a copy of the decision to the complainant and to the agency involved in the complaint.

So there must be a finality brought to it, and in that of course are the findings and the decisions as to the actions. So I think that might hopefully clear up that part.

Again, thank you to the hon. Member for Edmonton-Manning for the comments. The removal of "in good faith" was a question?

MR. SEKULIC: It was a commendation.

MR. TANNAS: Oh, okay. The issue, then, was the "reasonable hour." I'm not a lawyer, and our learned friends who are blessed with that qualification could perhaps speak to this. There is in these kinds of things a reasonableness to activity, and demanding the files in a nursing home at 3 o'clock in the morning is not a reasonable hour to do that. If the client is in peril of being seriously injured and seriously abused, that's a criminal matter, and the law enforcement agencies have their own Acts that they can run under, including the Criminal Code. So this one doesn't prescribe how law enforcement agencies shall be but the investigation of an abuse that has occurred. If it's urgent, then it gets referred to the criminal justice system. If it's not, if we're just looking at an abuse situation that has been brought to the attention of the department through this process, then the investigation must

be done at a reasonable hour. That's what "reasonable hour" refers to, not a client in peril.

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you, Mr. Chairman. I'm going to take advantage of this opportunity to review a number of concerns or suggestions relative to the package of amendments. Before I do so, I'd just like to acknowledge that the sponsor of this Bill, the Member for Highwood, has been very courteous and, knowing that I had some interest in this, has contacted me numerous times to solicit amendments and input and suggestions, and I'm appreciative of that, hon. member.

I think that since this matter was debated at second reading, back in May, I think, May 3, '95, when we last dealt with it, there have been a couple of significant developments. I'd hoped and I've told the member this directly before that some of those developments could have been integrated into this Bill. Since he provides us and affords us an opportunity now to talk about the amendments in a general sense, I'll embrace that opportunity, and then we can deal with specific subelements in the amendment package.

The one major event that happened since we last debated this of course was the publication of the Synergy II report from the Kerby Centre in Calgary. This was a report that was done with some federal government money, some very modest financial support from the province of Alberta, and culminated to virtually a two-year project. It was a demonstration project to address the issues of violence in older families. Certainly many members in this Assembly are familiar with the size of the Kerby Centre, the number of seniors that they deal with, and will I think appreciate that the information we get from the Kerby Centre, I encourage all members to view, is helpful and reliable, because I can't think of another single institution outside the health care field that deals with such a large number of seniors. So they get some very good information. They also have a strong social work department within the Kerby Centre.

Certainly in connection with the Synergy II report, they've done a great deal of work in terms of receiving information, and that material was pulled together in a report that I introduced in the Legislature last week and which is now Sessional Paper 1055/95. As we deal with this, I know that the Member for Highwood has seen the report, but I encourage other members to look at this, because I think that there's some very powerful instruction to us coming from that report. The key one I refer back to, because when I look at the amendment package and I look specifically at the proposed amendment to section 1(f) which defines "service provider," it cleans up the wording, but it doesn't address the point that I tried to make when we were dealing with this in second reading and that now has been reinforced by the Synergy II report. The Synergy II report says on page 7, "The vast majority of abusers in both studies" – and they're referring to two studies – "were family members." So if we had thought before that the biggest problem in this province is abuse at the hands of nursing home staff, auxiliary hospital staff, professional caregivers, the Synergy II report has put the lie to that and has clearly said that the biggest problem exists not in institutions but in our families and in private residences.

At the risk of repeating my urging to the Member for Highwood last spring and I guess on earlier occasions, I think that in some respects when we move in the fashion he is, in a narrow

area, there's a tendency for Albertans and certainly for legislators to sort of sit back and say, "Well, we've heard the problem, and we've addressed it." I don't want to minimize the genuineness or the sincerity of the mover, and I'm going to be voting for this Bill, as I did at second reading. While I have the opportunity, I want to say again that even in this Bill we would have the opportunity to expand the ambit of it in a way that would take into consideration the recommendation of the Synergy II report.

The report was followed by an initiative by some of my constituents. There were three Calgarians – Ina Freeman, Ginny Boyak, and David Flux – who had been involved in the Synergy II report and then had gone and basically after looking at legislation in all other jurisdictions in Canada and many U.S. jurisdictions put together a document dated December 29, 1994, which is called the Vulnerable Persons Protection Act. What in effect they have done, in a sense – these people aren't lawyers, and perhaps as a good consequence to that, they've been focused on what they think is necessary to provide an adequate level of protection to seniors. They've put together a draft piece of legislation. I've given that to the Member for Highwood, and when he solicited my view on amendments, I think I said to him something to the effect of: I think this proposed alternate Bill is a much better means of dealing with the problem. I urged him to consider it. He may be more of a pragmatist than I am, Mr. Chairman, because I think his response, if I can put it fairly, was that he'd sooner do something positive than encounter paralysis and inertia by trying to take too big a bite.

I suppose I understand the certain kind of logic in that, but I also have to say that here on private members' Bills, hon. member – this isn't coming forward as a government initiative. Why wouldn't we within the vehicle of a private member's Bill try and do the very best, most comprehensive thing we can do? Sure as shooting, if the government should choose to get further involved in this, they may well start pruning and shedding clauses and elements in any event. We have to start from something, and I'd sooner see us shoot for the very best kind of protection we can put together in a piece of draft legislation. So I make that observation. It won't take the Member for Highwood by surprise because we've had this discussion before, but as I say, I wanted to reiterate it now because I think that with the Synergy II report and the excellent work that's been done by the Kerby Centre, that provides us with the motivation, if we didn't have it before, to ensure that the Act was more comprehensive.

3:40

Now, one of the other concerns I've got and I thought it might have been addressed in the amendments, but when I saw the amendments the first time, I couldn't find it in there. It has to do with the degree of notoriety or public attention that focuses on the work contemplated in Bill 211. I'm mindful of the initial report, I think it was the Clement report probably in about 1969, 1970 that led to the creation of the first Ombudsman in North America. I think it was Mr. Clement, who was then an MLA or perhaps even a cabinet minister. In that report he talked about the importance of bringing public attention to areas where abuse tends to happen. So one of the filters that I use in examining Bill 211 and then the amendments is: is there going to be public attention? If there's a problem in a nursing home, if there's a problem in some kind of a senior care centre, what sort of public attention is going to be focused on that? The member, I'm sure, can perhaps give me some guidance when he responds, but when I look through this, the initial Bill provided for the Social Care Facilities Review Committee, and now the amendments would propose to

delete that and insert in substitution the Minister of Community Development. I know from looking at the Social Care Facilities Review Committee Act that there's no provision there for any sort of public focus other than an annual report to be presented in the Legislative Assembly.

As I recall, when the report came in this last spring and we dealt with it, it was skeletal, it was skinny, it was couched in generalities. If one wanted to look at that and find out how much information there was and find out really what's going on in terms of instances of abuse, a problem and so on, you wouldn't find it. Now the amendment in front of us is that these complaints and so on, if we don't characterize them as complaints, concerns, would go to a single minister. I may have the greatest respect for the current Minister of Community Development, but we've got to talk about an office, not about a personality or an individual. I guess I ask: aren't we really treating this as kind of an in-house complaint mechanism? I have a problem with that. I'm not sure that you ever get the kind of rigorous scrutiny and, more importantly, the kind of prompt remedial action if it's done as sort of an in-house inquiry. At least, with that Social Care Facilities Review Committee there was a provision for an annual report. Well, you know, what sort of provision do we have in terms of the Minister of Community Development?

I guess it leads me to a point, the same point I was at when we dealt with this in second reading. Instead of looking for some body that's capable of undertaking investigations, some body that's capable of trying to protect the rights of the most vulnerable members in our community, why wouldn't we recognize that we already have such an office? The office has an international reputation for doing an outstanding job in terms of receiving complaints, doing thorough investigations, making when it's appropriate hard-hitting, assertive kinds of recommendations. The office I refer to is none other than the office of the Ombudsman.

I think I ventured some criticism when the Bill was dealt with at second reading about the Social Care Facilities Review Committee. I'd have to tell you, Mr. Chairman, that I think it's a step backwards now to go from that committee to a minister, because what we do know is that there's no such thing as a minister of the cabinet that is independent of cabinet. Each cabinet minister has to take, under our British parliamentary system, a measure of the collective responsibility of the whole cabinet. It isn't realistic to say, "Well, this minister is sort of going to be off on the side, and we know he's going to be aggressive and so on in terms of dealing with these things," because he's still part of the cabinet, and for the most part, this Act is going to be focusing on provincial government regulated facilities. So what you've got is a loop, and it's a closed loop. I think the way of getting past that and getting beyond it is to say that the Ombudsman would do the investigation. The Ombudsman has independence in a way that no minister ever can have, whether it's the Minister of Community Development or the Minister of Health or the Minister of Family and Social Services.

So I'm going to ask the sponsor of the Bill one more time and all members to consider: why don't we take an office like the Ombudsman? We all understand and hopefully all have tremendous confidence in that office. It has investigative resources. It's got the ability to do this; let's let it do it. I think then we could say, hon. members, that vulnerable people, people in need of this kind of care and protection will get it, in a way that we will never be able to say with the same measure of confidence if it were simply the Minister of Community Development. I say again that it's not because I don't trust that minister or any particular

minister; it's just that you're too close to the very agencies that we're trying to police and control. Anyway, that's a concern I've got.

When I look through Bill 211, there may be some elements of public scrutiny, but in the words of Mr. Clement – and I wish I could remember the exact way he said it. If it wasn't him, it was Mr. McClellan, who I think was the former RCMP inspector who became the first Ombudsman in this province, who talked in a poetic and powerful way about shedding light in dark corners of government. Really, what I think we're trying to do here with this Bill is shed some light in some dark corners of care and treatment facilities, where people are too often abused. So I make that general kind of comment.

I think the other one – I looked through the amendments and what I don't see here, hon. member, is an object clause. I'd mentioned that before in second reading. Government sometimes does it. They did it in the Freedom of Information and Protection of Privacy Act. They do it in some other statutes. I think that part of what legislation should do is not just to police and strongarm, but it should educate. Isn't that one of purposes of all legislation? I think that that's a compelling reason why every statute – and I'd urge us as private members when we put forward Bills to ensure that there's an object clause in there. Because it's not in here, I find sometimes, hon. members, some ambiguity in terms of: are we really focusing on somebody who works in a care facility who sees abuse and wants to be able to deal with it, or are we focusing on the victim? I'd like to think our first concern and the mover's first concern is the victim. The Member for Calgary-Bow I know has got a concern for the victim and is going to talk about victims' rights in another context in another private member's Bill, but if in fact the victim is the concern here, then surely we'd all be advantaged and the educational value of the Bill would be increased immeasurably if we were to say right at the top that the purpose of this Bill is to make sure that no Albertan in one of these facilities is abused.

3:50

I think that abuse can be defined, and one of the very positive contributions to this debate from the Synergy II report was the expansive definition of abuse. What the authors of the Synergy II report found was that abuse takes an awful lot of different forms. It's not just a criminal assault.

DR. L. TAYLOR: And the abuse we take listening to you, Gary.

MR. DICKSON: Well, I'm not sure that the meaning of abuse is quite that expansive, hon. member. Maybe. I'm glad that my friend from Cypress-Medicine Hat joined the debate, albeit informally, because he reminded me that we don't have an expansive definition of abuse here. You see, I look at the Synergy II report, and it tells me exactly what abuse looks like, what the component elements are. There are five different parts of abuse. When I look at Bill 211 and I want to find out what abuse is, I don't find it in the Act, and that's a deficiency. I think it's something we can remedy. It may be that the member has got his own definition of abuse that he'd be prepared to share with us and slip in, but it would sure make it a much clearer Bill, and it would make it more powerful, because, for the reason I said a moment ago, part of the purpose of a piece of legislation is to educate, as well as to police. This is a way that we can let caregivers know that there's a standard we expect them to meet and if they fail to meet that standard, there will be certain

consequences. So I'd encourage the member to consider including that.

I think I've run out of time. Thanks very much, Mr. Chairman.

THE DEPUTY CHAIRMAN: Thank you.

The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Chairman. I thank the hon. Member for Calgary-Buffalo for his comments today and for his support and advice throughout the process that's gone on for the last year or two. Obviously from many of his comments it would appear that I did not take his advice, so I want to clear up that particular part.

One of the issues that the hon. member mentioned, Mr. Chairman, was the service provider provision and that the Bill does address kind of a narrow aspect of the whole issue of abuse in our society. I would certainly say that he's quite correct, and that goes for a number of items that the hon. member has covered. I wanted to try and get something that had a reasonable chance of getting out there and being put into legislation and then begin to address a few broad categories in terms of the Health facilities, the Family and Social Services facilities, and the Municipal Affairs facilities, lodges, the issue of abuse. If we get through this and get through third reading and it gets implemented, at least we'll have a beginning. In a sense we're taking that first step and getting it going.

To those people who say that the Bill is not broad enough, that the Bill doesn't cover a whole host of things in terms of maybe trying to deal with abuse that happens in the frail elderly's home or in the home of a sibling and all those kinds of things – it doesn't cover that – that's right, but it does cover a narrow area.

Certainly there is a challenge in private members' Bills to go for the whole thing. In a sense there's the issue of why not be hung for a sheep than a lamb? Why not go for the whole thing? Using that analogy, we could say that the lamb can grow given time and nourishment, and this may be a bit like a lamb to some as opposed to its male parent. It's a beginning, and we've talked about that before. So I can agree with much of the sentiment that Calgary-Buffalo has expressed so well.

With the issue of notoriety or publicity and public attention there are some features within the governmental service – and many of those come by regulation; the recommendation is not here in the Bill – that the provisions of the Act be in the staff rooms of all institutions covered with the clear note of a 1-800 line, that the Department of Community Development has agreed to put in. It spells out clearly the obligation of any employee within that institution, whether they're a service provider or not, to report abuse. So there's that element.

If we have a follow-up to an alleged abuse through reporting and through the final report with recommendations and the action taken, there may arise from that various kinds of publicity. The family may take the issue to court. The complainant may release the report to the media. They then go to their MLAs and seek further redress or further light on the situation. So there are some opportunities. They're not provided directly in the Bill, but there's an indirectness there. That may be a little too obtuse for some, but it is there.

The Bill does not in any way preclude action by the Ombudsman. As a matter of fact, the changes I think, in a left-handed sense if you will, facilitate or allow the minister to request the Ombudsman's office to investigate a particular situation or a

particular series of situations. There's nothing precluding that, and that's a small part of why the term "investigator," as opposed to having the committee do it.

To the issue that the hon. Member for Calgary-Buffalo brought up on the object clause, Mr. Chairman, it was in the earlier version there, and the reasons given were, in light of the debate for removing it or leaving it out, kind of pale. But it was no longer done as it had been before: the whereas, whereas, whereas, and therefore kind of approach. The object here, then, is more in terms of the speeches given by those people supporting the Bill, including the Member for Highwood's initial speeches. It gave the object. But it's true; it isn't there. If that matter results in less focus on the intent of this Bill as the year or years unfold, then it will have to be readdressed.

4:00

I know the hon. Member for Calgary-Buffalo is skilled in the law, and I am not, but the reason for not having a clear definition of abuse in the Bill was given as a legal one: that will be determined ultimately in the courts, and once you name it, then that's how you can get around it. That's not casting any aspersions on the legal profession, but that was given as one of the considerations there, let it be sort of a natural kind of process for people such as judges to determine that abuse has occurred. So it was not put in there.

I think I've covered the issues.

MR. DICKSON: I want to thank very much the last speaker for the clarification. I just want to make an observation and it's this. This isn't the first time in this House that I've heard the advice sometimes that object clauses aren't often done in Alberta, that this isn't sort of our practice here. I'm not quite sure where this originated, but I'm concerned because it seems to be assuming mythlike proportions. I've had discussions with Legislative Counsel, not Parliamentary Council but Legislative Council, around this very issue in connection with the Freedom of Information and Protection of Privacy Act.

Whether we have put in object clauses in many past statutes or not is of little consequence. The issue is: are instruments of legislation also a means of education, or are they simply enforcement? If they're simply enforcement, then, fine, we move on, we leave the debate. But I can't accept that, and I'm not sure that my colleagues here on both sides of the House view a piece of legislation as nothing other than a hammer. Let's not just put the regulations up on the wall of every nursing home. Why wouldn't we have the Act posted? It's the Act that talks not in detail but also sets out the principles of what we're trying to achieve.

I take it the member is taking in good faith advice he's getting from lawyers, either Parliamentary Counsel or Legislative Counsel, and maybe it doesn't matter what the source is, but I wanted to address this notion now. I continue to raise this every time I see a statute, whether it's a government Bill or a non-government Bill. The object clause is important. Sure it's tougher, because it means we have to sit down and we have to decide what those objects are. It may be the subject of amendment; it may be the subject of debate. I think that's an exercise that is worth us going through. It was a good feature in an earlier incarnation of this Bill. It serves a useful purpose.

It's an interesting thing to me that every time the Department of Public Works, Supply and Services has a training session for people about freedom of information the first three slides are about the objects of the Act. That's what they take people

through. Well, that's the way you educate government workers, as well as other Albertans.

I'm perhaps beating this issue to death, but I just think the principle is so important. I wanted to make it clear that I don't accept for a moment that we are bound by some kind of a practice in this province, some kind of a custom, some kind of a convention, to not put in object clauses. I take the same position with Bills that come from this side. I think it's important; I think it's useful.

The only other comment I'd just make to the hon. member: does he really think that Albertans are going to have a sense of confidence that a government minister is going to be an aggressive and vigilant protector of the rights of these vulnerable Albertans as somebody like the Ombudsman? The minister in effect is being invited perhaps, when that's appropriate, to criticize a provincially licensed facility or to criticize a provincial government standard. Does he really think that's going to be done? I'm not so sanguine. I'm not so comfortable that that sort of aggressive advocacy, when that's appropriate, when it's required, is going to happen. So I make those observations.

Thanks, Mr. Chairman.

THE DEPUTY CHAIRMAN: The hon. Member for Highwood.

MR. TANNAS: Thank you. Just to draw our attention back. I guess the best statement for the object is protection for persons in care, and I know that's not as broad as it once was. This Bill and the amendments here hopefully will get us into having a track record so that in a year or so we can revisit it.

With that, Mr. Chairman, I would move acceptance of the amendments that I'd proposed earlier.

MR. DICKSON: I'm wondering if it's possible to break them out, because what we've heard is some discussion that focuses on certain of the amendments, and there seems to be, I take by lack of comment, almost complete acceptance of many others. Dealing with them as a package makes it problematic for those members that have problems with certain elements, such as naming the Minister of Community Development as the key person to drive the Act.

THE DEPUTY CHAIRMAN: Remember last evening when this Bill was in committee stage. I had asked the House what their wish was, and at that time they had agreed that we would put these amendments through in a block. Obviously, I'm only here to try to keep order. That is what we're going to follow, hon. member. However, there's always a chance for amendment to the amendments, but I don't know if you're prepared for that.

MR. DICKSON: Mr. Chairman, with respect, there are two issues; are there not? There's the manner in terms of which debate proceeds on a set of amendments, and there's a certain kind of fluidity and flexibility to deal with a package of amendments. But, surely, when it comes to a vote on a series of amendments, that's an entirely severable, independent question. It may be that the same answer would apply to both the debate and the vote, but that's not necessarily dictated by the matter you referenced from past debate.

THE DEPUTY CHAIRMAN: Okay.

Hon. Member for Highwood, have you any concerns with keeping these all together?

MR. TANNAS: Mr. Chairman, I would not want to make your position any easier than it already is. I'm prepared to go section by section, if that be the case or, as was agreed earlier, go through it as a block. It matters not. Whichever way the committee wishes, I'm willing to abide.

THE DEPUTY CHAIRMAN: Okay. We have agreement from the mover of the amendments that we will do it section by section. If you have a copy of the amendments, we'll do it by A, B, C, D, E, F - Gee, I didn't know there were this many. I knew it was as big as the Bill itself. So we all agree, then, that we're to vote on these by sections. All in favour?

4:10

HON. MEMBERS: Aye.

[Motion on amendments A through H carried]

MR. DICKSON: Mr. Chairman, excuse me. I'm looking at a set of amendments which has a different numbering system on it than the one you're referring to. I wonder if I can just quickly look at the . . .

THE DEPUTY CHAIRMAN: Okay. One minute.

[Motion on amendments I through K carried]

[The sections of Bill 211 as amended agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the Bill as amended be reported?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed, if any? Carried.

Bill 212

Motor Vehicle Administration Amendment Act, 1995

THE DEPUTY CHAIRMAN: The hon. member for Calgary-south.

MR. DOERKSEN: Red Deer-South.

THE DEPUTY CHAIRMAN: Red Deer-South; pardon me.

MR. DOERKSEN: Not that I wouldn't wish to be from Calgary, but Red Deer is a better place to live.

Mr. Chairman, I do have some amendments which I would like to at this time pass out to the Assembly.

THE DEPUTY CHAIRMAN: Could we just have a minute to let the pages pass them out?

MR. DOERKSEN: Yes. While the pages are passing out the amendments, I do want to just briefly recap a couple of the principles of the Bill so everybody will remember the debate that we had in second reading back in the spring. I'd like to remind the members of the Assembly that second reading is the time when you debate the principle of the Bill, and the principle of this Bill is really to encourage safety from learning drivers on our

roads and hopefully reduce the number of injuries, the number of fatalities that we currently have on our highway system and on our streets. So that is the aim of this Bill.

It introduced a number of items at both the learning level and the probationary level to encourage new drivers to gain experience in driving prior to obtaining an unrestricted driving licence, and I want to be quite clear because there has been some confusion in the past about this particular item. So I want to address, first of all, the learning category of the driving experience.

My Bill proposes that during the learning stage – this is the time when you go and write your test for a learner's licence. You are then given a licence whereby, under the existing Motor Vehicle Administration Act, you then have to drive with a person that accompanies you who is at least 18 years of age, who holds an operator's licence valid for the operation of the vehicle, and who is sitting immediately beside him and engaged in teaching the licensee to drive. So the learner under the present legislation has to always have a driver engaged in teaching accompanying him in the vehicle.

My Bill proposes that during this learning stage, while that person is sitting beside the driver, there will be a zero alcohol tolerance and that new driver should retain that learning status for a minimum of one year. The reason for that is to encourage new drivers to experience all kinds of conditions so that they gain the appropriate driving experience in summer, in winter, in fall, under as many varied conditions as possible prior to them getting an unrestricted driving licence.

The third principle was, again during the learning period, that there would be a curfew from the period between midnight and 5 a.m., and again I can't emphasize enough that during this period under the current legislation a learner must have a supervising driver seated beside him. So the only inconvenience for a learner under this category would be that he'd have to pull over to the side of the road at midnight and let the experienced driver take over. I can't emphasize that enough. There's been some confusion surrounding that issue. This only applies to the learning driver who has a learner's licence, who must have a driver with him supervising in any event.

The fourth principle, again to remind the Assembly, is that each person must wear a seat belt assembly in the vehicle. It's my understanding that the present law states that in a car that has five seat belts as long as all five seat belts are being used, you can then pile another three or four people in and that's okay. My Bill says that while you are a learning driver, we would not wish you to take that risk and have additional people in the car, more than there are seat belts available. That puts those people at risk, and if I were the supervising driver, it makes me responsible for those people who are not buckled in. So those are basically the four principles in the Bill.

At the probationary level – and again I want to emphasize that now we're moving from the learning stage to the probationary – presently in Alberta once you go for your driving exam to obtain an operator's licence, you, upon passing that test, receive a driver's licence with “probationary” stamped on it. That's not new. Okay? We do have a probationary period in Alberta now for 24 months. My Bill proposes for that period, for that 24-month probation, that there would be zero tolerance for alcohol and the seat belt provision. All right? There is not a curfew applied at the probationary stage. So once you receive your driver's licence, even though it's probationary, the curfew does not apply. That has been misunderstood in the course of my

discussions over the summer, and I wanted to make sure that was clear in this Assembly this afternoon.

[Mr. Herard in the Chair]

I'd now like to turn to the amendments, which I think you should now have in front of you, and just go through them one at a time very, very carefully, and I hope you pay attention as you go through Bill 212 with me to make sure that we understand what the amendments are proposing to do.

4:20

The first amendment, which is on page 1 of Bill 212, refers to (1.1). What we are taking out there is the exemption that is permitted by the minister. Bill 212 says that there would be a curfew – this is during the learning category – “unless that person is exempted by the Minister.” In consultation with the minister's department, they requested that that be removed. So he didn't want to have that authority.

The second amendment is a housekeeping amendment. We are changing the wording. This is now moving to page 2 of Bill 212. At the top of the page we are removing the “must retain” and substituting “retains.” It's a housekeeping amendment.

Following (1.5) we are going to add two new sections. Now, this is an amendment that is a significant amendment that I want you to pay attention to. What we are proposing under (1.6) is that we are prepared to reduce the minimum one-year period for a learner to eight months if they successfully complete a driver education course. So we're trying to give some consideration to those who wish to register and gain additional driving experience from a qualified driver education course. We're prepared to reduce that period from 12 months to eight months.

The new subsection (1.7) clarifies the fact that if you are charged under the motor vehicle Act and you're given a 30-day suspension, in effect what happens is that during that period of time you're suspended the clock does not run in terms of your one-year limit. So if you had a 30-day suspension, you would have to hold your learner's licence, then, for 13 months. In effect, you are still required to gain driving experience for 12 months because one month you couldn't drive. That's (1.7).

The next amendment strikes out section (2.1). Section (2.1) in the original Bill referred to the fact that the accompanying driver to a learner could not exceed the legal blood alcohol limit of “80 milligrams of alcohol in 100 millilitres of blood.” In our review with legal counsel they advised us that this could present a constitutional challenge because it has conflict with the Criminal Code. We have struck that section, and in addition we have struck the two sections on page 4, 101.3 which refer back to (2.1). So we've removed that entire section.

I think we are still covered. Again, if you read the existing legislation, what it says under section 9 of the Motor Vehicle Administration Act is that the instructing driver must be sitting immediately beside [the learner] and engaged in teaching the licensee to drive or engaged in conducting a driver's examination of the licensee.

I think that covers the case where the accompanying driver may be intoxicated to an extent that he's not able to provide that teaching experience. So we've removed that section mainly because of the constitutional challenge. Frankly, I would ask the minister if he could examine this in detail at some further point down the road and maybe have a look at that whole issue and whether we could even address that point. But for the purposes of today that section has been removed.

Okay. Then moving on to the next amendment under (3.1), again it's a housekeeping amendment. We've added "12" before "midnight," so the reading would be, "between the hours of 12 midnight and 5 a.m."

We're still looking at page 2 of Bill 212. All of the items under (3) – (3.1), (3.2), (3.3), (3.4), (3.5) – refer to restrictions that apply to motorcycles. Okay? That's the section in the motor vehicle Act that applies to motorcycles. So from those numbers we are striking (3.3) and (3.5). From the debate in second reading there was a lot of confusion, and when I went back and looked at it, I was confused as well in terms of the 60 days and the 90 days and the accompanying driver. So we have struck those two provisions to make that a lot clearer. Again I would thank the members for drawing it to my attention. It only makes sense. So the restrictions that are left for the person who has a learner's licence as it applies to motorcycles are the zero alcohol tolerance and the curfew between midnight and 5 a.m. The rest have been struck.

Because we removed subsection (3.3), we had to amend (3.4) to read that "any person who contravenes subsections (3.1) or (3.2) is guilty of an offence." So that's again a housekeeping amendment to reflect the changes made to that section.

Okay. Moving on to the next amendment, what we are doing under 11.1 is striking out the existing 11.1 and reinserting this section in the Bill. What it does is clarify what it means to have a probationary operator's licence, which is consistent with existing regulations and rules in Alberta even as we speak.

Then moving down to C on your amendments – where are we here? Okay. We're now on page 3 of Bill 212. What we are doing is striking out. It says there:

Section 59 is amended . . .

(b) in subsection (2) by adding the . . . clause

(c.1) granting exemptions to holders of an operator's licence of a learner's category from section 9(1.1).

So that particular section has been removed, and that relates back to the exemption that we had given to the minister prior in section (1.1). Because we removed that exemption, we have to remove this clause as well.

Okay. Then moving to section 110.2 on page 3 of Bill 212, it says, "Where a novice driver has provided a breath sample which registers 'Warn', 'Alert' or 'Presence of Alcohol.'" We've said that that phrase doesn't quite fit because it could be argued that your testing machine would have to read those particular phrases, so we've amended that to read, "registers a result which indicates the presence of alcohol." That is also in consultation with the alcohol section of the RCMP. They are in support of that wording.

The next amendment is basically a typo. We heard about typos today. You can see that it does happen. On page 4 under section (4) it says, "designated by the peace officer and the if test." That's a typo. We want to change that to read "and if the test."

4:30

MR. SEKULIC: Victor for Premier.

MR. DOERKSEN: Thank you for that support. I'll send over my . . . Never mind.

Okay. I already referred to this earlier on: section 101.3. Both sections (1) and (2) have been removed. Those relate back to (2.1) because of the potential constitutional challenge.

I think I missed one; yes, I did. If you go back to 110.2(7), we have removed the last part of that section which says, "but the refusal or other failure of the driver to do so does not affect the

suspension." We thought that was a bit of an overstatement and not necessary in the Bill. It didn't really add anything to what we were trying to say in that particular section.

So, Mr. Chairman, those are the amendments to Bill 212. In my consultations over the summer with constituents and other people it was clear to me that Albertans support this Bill, support this concept, and I would encourage continued support in this Assembly for these amendments and for this Bill.

If we're going to follow the same rule, sir, I'll let people speak to the amendments, and then if I can reply, I'd be happy to do that.

THE ACTING CHAIRMAN: The hon. Member for Bonnyville.

MR. VASSEUR: Thank you, Mr. Chairman. There's no question that the principle of this Bill has been supported on this side of the House also. I must allude to the fact, though, that the amendments that have been proposed this afternoon were not circulated until five minutes ago. There's quite a substantial amount of amendments here, and by going over them in five minutes, I don't know if there's full comprehension – I know there isn't here – of all the amendments. So if there are some questions that are being asked, would it be proper if there's an interchange of information going on here? There are some questions that we're going to be asking that five minutes ago we weren't going to be asking.

If we can go back to the principle of the Bill without getting into any large debate, like the Member for Red Deer-South mentioned, that was done in second reading. However, there are a couple of issues that remain in the Bill that I want to address, that I personally have some problems with. Are we debating just this particular amendment now, Mr. Chairman, or are we debating some possible further future amendments to the Bill?

THE ACTING CHAIRMAN: Perhaps the hon. Member for Red Deer-South could indicate whether or not there are any future, or new, contemplated amendments.

MR. DOERKSEN: Mr. Chairman, these are the amendments that are proposed from myself, and I'd like to debate these. Any member can introduce other amendments as they choose after we've decided the question on these, and that would be quite acceptable.

MR. VASSEUR: Going back to the amendments, then, are we to deal with the amendments as a whole? Are we going to be dealing with the amendments as item A, B, C, individually like that? What is the proposal here, Mr. Chairman?

THE ACTING CHAIRMAN: Would the hon. Member for Red Deer-South indicate which way you would like to handle the amendments, please?

MR. DOERKSEN: Well, I'd prefer to deal with them as a whole, but if the House wishes to deal with them one by one, that's quite all right too, again bearing in mind, Mr. Chairman, that we have a limited time for debate. I'm at the wishes of the Assembly.

THE ACTING CHAIRMAN: Hon. members, I think we could probably debate the amendments as presented as a whole, but we probably would want to vote on them one at a time.

MR. VASSEUR: Okay. As long as we can vote on an individual portion of the amendments. If I may use an example: section A, one vote; section B, one vote; section C – there are four different

sections on these proposed amendments that we should vote separately on. We're almost dealing with a totally different piece of proposed legislation than we were looking at in the previous session, so this is why it may take a little bit of time to get into it with some meat and potatoes on this thing here.

In the first section of the amendments as proposed this afternoon, issue (1.1) in section 2 on page 1, I'm going to go back to this midnight to 5 a.m. restriction on a learner's permit. Now, I have no objections at all to the restriction of midnight to 5 a.m. as long as it stays with motor vehicles, but there are some problems that were debated previously on this here when it is a learner's permit that is being used by an individual who is under the age of 16 on a singular vehicle, being a moped or a small motorbike, which is accessible to someone that is 14 years old with a learner's permit.

Now, there are restrictions in this particular section of the Act which I agree with that limit that individual from giving somebody a ride on that vehicle, which is fine. But the problem with the blanket restriction of midnight to 5 a.m. is that there could very well be and there are people in the province that use their vehicle, being a moped or a small motorbike, to go to work between the hours of midnight and 5 o'clock in the morning, and it could very well be a 14 year old that is in a situation where he needs a job just to support himself. We don't know what the family situation is. A lot of times somebody in that situation would be living with friends or family members out of the home and has no access to any money whatsoever other than what he can generate himself. He could very well be at the age of 14 years old or 15 years old with a learner's permit, and if he has a job at the 7-Eleven at 3 o'clock in the morning, he has to be able to go to work . . .

MRS. BLACK: He can't. It's against the law.

MR. VASSEUR: Well, they do work. There are some people that do work at that hour, because I know some.

MR. DAY: Not 14 year olds.

MR. VASSEUR: Fifteen.

Anyway, the proposed legislation right now has a blanket restriction from midnight to 5 a.m.

The other situation where it could present a problem is that if the individual that is between the ages of 14 and 16 and has a learner's permit is requested to drive in the case of an emergency, or if they're traveling a very long distance and he's there as a relief driver with somebody that is an adult, if they're traveling for 10 or 12 hours and it happens to be between the hours of 12 midnight and 5 o'clock in the morning, all of a sudden you're taking away a potential driver to relieve for five hours. I think it's unnecessary to take that privilege away from that individual. He's there and can drive. He knows how to drive. He's got a learner's permit that says he can do that, and he'd be in a position to assist in a long journey.

Other than those issues that I've brought up on portion A of the amendments, I really don't have any more concerns. I'll let someone else speak to – do we speak to the whole section or just to the first one that we're going to vote on, Mr. Chairman?

4:40

THE ACTING CHAIRMAN: Well, if you don't have any more comments, then we would . . .

MR. VASSEUR: Not on that section, no.

THE ACTING CHAIRMAN: Okay. Do I understand you correctly that on this two-page amendment you have no further comments?

MR. VASSEUR: No. That's not what I said.

THE ACTING CHAIRMAN: Okay. I think we said initially that you could debate the entire amendment.

MR. VASSEUR: Oh, okay.

There's one other area that concerns me somewhat. I have to find the section here. It deals with the probationary period of a licence. There's no question that there is a 24-month period at the present time; I'm not disputing that at all. But in the proposed legislation it calls for zero tolerance of alcohol for a 24-month period on a probationary licence. In some instances that could be an unfair restriction strictly because sometimes some people access a driver's licence later on in life.

We could use the example of a gentleman that I know who got a licence well into his 40s. This individual was a tradesman, had driven equipment on his job for many years but lived in a major centre in eastern Canada and then moved out to western Canada. He had never acquired a driver's licence. There was no need for him to have one; he used the public transit system. But when he got to western Canada, because of the distance and of course living in a much smaller community, he realized there was a need for a driver's licence. Now, an individual like this all of a sudden is not entitled to the same laws that you and I enjoy. He can't take his wife out for dinner and have a glass of wine and go back home. If he's stopped by the police, he obviously has had some liquor. So zero tolerance is a problem for an individual like that. These are not the people that are creating a problem on our highways to begin with, yet they are punished in this proposed legislation. So I have a little bit of a concern about that, and later on, if we have a chance, we'll put an amendment forward to that nature.

Thank you very much.

MR. DOERKSEN: Mr. Chairman, may I respond just to this point? Will that be okay?

THE ACTING CHAIRMAN: Yes, go ahead.

MR. DOERKSEN: I won't be long.

I just want to point out, Member for Bonnyville, if he'd pay attention, that your concern about the curfew for motorcycles is a concern under section (3.1). That's the section that refers to motorcycles; (1.1) does not refer to motorcycles. So if you're going to introduce any amendment to the curfew on motorcycles, that's the section you have to address, not section (1.1). Okay? I'm not saying I agree with you; I just wanted to make sure that you're clear on that.

Your comments on a blanket restriction, about a relief driver for somebody who is engaged in a long-distance trip: the reason that I can't buy that argument, hon. member, is that the current legislation, the Motor Vehicle Administration Act, says that the accompanying driver sitting immediately beside him and engaged in teaching the licensee to drive is a requirement. So if the person wants relief and wants to fall asleep while the learning driving drives, he is in violation of the existing Act. The driver is there to instruct and to teach. That is the role of the accompanying driver.

Your comments about zero tolerance during the probationary period in the case of an older person: I hear your concern, and I know there are cases like that. However, it is also widely demonstrated that new drivers are definitely a higher risk category regardless of the age, and secondly alcohol is a serious factor in many accidents. So I sympathize in that particular case, but while the person is learning to drive, I do not think it's an unreasonable request. He certainly can go out and do his drinking when he's not prepared to drive, and there's no restriction on him from doing that. So I would just put those back to you as thoughts.

THE ACTING CHAIRMAN: The hon. Minister of Municipal Affairs.

MR. THURBER: Thank you, Mr. Chairman. While I applaud the attempt by this member to bring forward legislation that will cut down on the mayhem and the deaths on the highways and try and have better drivers on our roads, this Bill in my view is seriously flawed in what it's trying to do. I think we have to go back and redo all of the amendments and probably the initial Bill to try and achieve the laudable goals that this member is trying to achieve.

First of all, zero tolerance is immeasurable by the present equipment that we have, and if we were to go to the machines that will measure zero tolerance, it would cost \$300,000 to \$400,000 minimum to equip the police with those. The other thing to do with tolerance: I'm told by experts that the normal body function can produce up to .02 percent alcohol in the body, and people with certain diseases can even go higher than that. It's a normal thing in the body. So it's pretty hard to enforce something like that.

The curfew, as you mentioned, can be a real problem for a lot of people, and it's not practical to enforce. The police have talked to me about this. They said, "Why would you put things in place that can't be enforced?" I said: well, we're going to have to look at it very carefully. You cannot enforce it, particularly in rural Alberta. I mean, a lot of people are going to break the law if you try and put a curfew on a learning driver because they'll be out driving grain trucks at night and they'll be coming home from town at night as well. So, again, it's not practical to enforce.

He mentions in the amendments about the exemptions, where if they attended an accredited driver training course, they would be exempted from some of the time constraints on their learner's permit. We're in the business of deregulating on this side of the House right now. In fact, Municipal Affairs is deregulating driver education right now because there are no statistics to prove that somebody that attended an accredited driving course is any better on the road than somebody whose father taught them how to drive. The statistics do not indicate that it's any better.

A person under this legislation here and under the amendments could have a learner's permit for one year. They could put it in their dresser drawer and not drive at all during that period of one year and then go in and write the exam. So there's nothing in this that says that you have to learn to drive before you go in to challenge the exam. I think we should look at it carefully and try and have some accredited way of saying that this person has actually spent 20 or 30 or 40 hours behind the wheel of a car with somebody with them who is an actual driver.

I think it's flawed in those areas. Law enforcement agencies that I've talked to are certainly supportive of some type of

legislation that will cut down on the accidents on the roads, particularly with the younger drivers, but I think we need to go back with this and talk to the law enforcement agencies seriously, talk to some of the other stakeholders, such as the people in my department, the police forces in the big cities, and come up with a better solution, a better Act to bring forward in the spring Legislature.

So with those comments, Mr. Chairman, I'm just saying that we should defeat the amendments and defeat the Bill. Thank you.

4:50

THE ACTING CHAIRMAN: The hon. Member for Red Deer-South.

MR. DOERKSEN: Thank you, Mr. Chairman. I do want to respond to the comments by the hon. minister. He's raised a couple of issues that perhaps go back to the principle of the Bill, but they're worth discussing briefly again this afternoon.

The first point that he raised was that zero tolerance is immeasurable. I, too, have consulted with the alcohol section of the RCMP, and in the letter they wrote it says that they "support the wording of the legislation which proposes no alcohol in the body rather than setting a particular limit." So what we want to establish, first of all, with zero tolerance is a principle of zero tolerance. They would probably set a range of 20 or 30 percent for practical enforcement, and that's certainly within their discretionary authority to do so. I think they exercise that discretion even now on the .08. I think they only pull somebody over if they are reasonably certain that they have a charge.

As far as the cost to upgrade the equipment, I would argue that that is an ongoing expense now even as we speak. The equipment that we have now and the technology become obsolete. Equipment depreciates, and over time you will replace the equipment. Nobody is suggesting that we need to go out and do a wholesale replacement of their equipment, but over time it would happen. New screening devices are being developed even as we speak.

The other aspect was the practicality of enforcement. I guess somebody could argue that we should throw another 1,000 policemen out onto the highways to enforce speeding because we don't catch all the speeders now. So I'm saying, practically speaking, that enforcement would be carried out in the officers' normal course of duties, even as we have now. When you pull somebody over, that's the time you check. You're not going out and doing a witch-hunt, you could say, trying to find the offenders, but in the normal course of duties, if they are discovered, then this law would be enforced.

The minister raised some comments about exemption. He made some comments about there being nothing in the law that says you have to drive before you take a driver's test, and he's absolutely correct when he says that. But that's the case now too. You can go and get your learner's licence, and it can sit on a shelf for a year. You don't have to drive before you take your test. But what can happen now is that you can take your learner's test today and you can go for your driver's test tomorrow without having driven at all. With the minimum one-year restriction we're trying to encourage them to practice driving in all kinds of conditions, including winter, including spring. So it's a method. We can't force them to go out and drive, but it certainly does encourage them to drive under different conditions.

I think I've replied to the minister's comments. I appreciate his concerns with the Bill, but I continue to stand behind it.

THE ACTING CHAIRMAN: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. I applaud once again the lofty aim of the Member for Red Deer-South in wanting to come to grips with a situation that is problematic, namely traffic accidents caused frequently by people who are young. He has tried. I'd made some remarks on this Bill last spring, and they had been in the right spirit, I hope. They were slightly critical. Nevertheless, now I notice that the author of the Bill has come back with a veritable lawine of amendments, which I was trying to work my way through in two shakes of a cat's tail in order to speak knowingly and knowledgeably about this Bill.

Mr. Chairman, speaking to the amendments, I have a great deal of questions. It still appears to me to be an attack on a segment of the population which happens to be our youth. It appears that it is that segment that is going to be nailed by sort of a curfew. I was pleased to hear the Minister of Municipal Affairs speak against this Bill on many grounds that seemed to me to be right on, grounds that I had thought were well chosen by the minister. I can certainly sympathize with that. That curfew business is not only hard to implement, but I think it's very questionable. Why should a certain segment of the population be forced to stay out of a particular situation? In this case it is to drive a car with a learner's permit. I can see the next step perhaps being favoured by this member: to extend the curfew to teenagers and the like being indoors between those hours, not just not driving with a learner's licence but staying indoors, and all problems would be solved. No.

Again, I'm reminded of another member on the other side who very briefly advanced the cause of returning to the strap, and I'm moved to think that these are all discriminatory moves, regressive, and really do not help us very much. I'm particularly moved to focus the attention of all members on the reduction in funding to education that has been applied by this government: half of kindergarten, all kinds of items, all kinds of reductions in funding that have led to difficulties in the educational system. That is, to me, exactly the place, in the schools, where these matters ought to be dealt with. We ought to spend more time, rather than less, on these very important matters: how one should drive, how one should drink, et cetera, et cetera. It is generally acknowledged that this is not always done within the confines of the home.

Now, Mr. Chairman, being a bit more precise here in speaking to the amendments, I still take issue with the fact that there is a difference between a learner's licence and a probationary licence and the conditions that the people holding those are allowed to operate under. Maybe I've misunderstood this, but I still have difficulty grasping why we need a probationary licence in addition to a learner's licence, and perhaps the author of the Bill can devote a few words to that. I've asked some of my colleagues, and they're generally as much in the dark as I am on this particular issue.

Like the minister, zero tolerance, I've already mentioned.

The nine months that a learner's permit holder may get away with in terms of driving as a learner and then getting his permanent licence, I don't understand that either. Why not leave that at a full year? That makes far more sense to me.

So, Mr. Chairman, I'll leave it at that. I think I've said enough. Thank you very much.

MR. DOERKSEN: Mr. Chairman, I want to indicate one thing. There have been a couple of comments that the amendments were not circulated till just before this afternoon, and that is correct, although I did circulate to all members of the Legislature, including members of the Official Opposition, a memo which outlined the main principles of the amendments that I was going to make. Those did come well ahead of time, so they have had the benefit of knowing the major points on which I was going to be making amendments.

5:00

The Member for West Yellowhead wants to debate absolute freedom of the individual, to which he is inclined, I think, which of course does not make sense in a democratic country. But we do have to struggle as to the balance. This is what we are attempting to do even in this Bill. There has to be a place where the absolute freedom of the individual becomes subordinate to what's good for all of society. Certainly, Mr. Chairman, if the Member for West Yellowhead had read the Bill, there's nothing that talks about a curfew, that he has to remain indoors. I think it's quite clear that it's only in the case of when the learner is driving in a vehicle.

He made some comments about the probationary period in an examination, and that is a question that is better referred to the minister. That probationary period is already implemented in Alberta and is not the subject of my Bill as to whether we have a probationary period or not.

With that, I'll ask for further comments.

THE ACTING CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Chairman. I rise to speak not only to the amendments of Bill 212 but also to the Bill itself. I certainly would commend the member for bringing forward this Bill, but unfortunately I won't be supporting this Bill. While the intentions I'm sure are very positive from the member's viewpoint, I have great difficulty when in many instances we use regulations and laws that create an inequity. I think we as adults do a far better job with young adults if we recognize them as equals specifically within the law. I'm saying that the amendment that's dealing with the zero tolerance of alcohol and listening to the minister of transportation: quite frankly, I think what's good for the goose is good for the gander. For the parent not to have the same requirements under legislation I believe is not democratic. It's inequitable.

I'd rather see us take a different approach through education. I think each and every member of this Legislature would benefit from that education we give to our young people. After all, driving is a privilege. It's certainly not something that is God's gift to you. It's a privilege, and it's a privilege that you have to earn to keep your licence. While I recognize where the Member for Red Deer-South is coming from, I think it's the wrong approach.

Now, the minister of transportation put forward a very different argument, and it was a very legal argument. But what I would put forward is that within our educational system and within the family unit we as a society could be doing a much better job. My colleague from Bonnyville used the example of the young adult who may be living independently and having to make a living for himself, whether they be 15 or 16 or 17.

THE ACTING CHAIRMAN: Excuse me. Does the minister of transportation have a point of order?

Hon. member, were you referring to the minister of transportation or the Minister of Municipal Affairs?

MRS. ABDURAHMAN: I apologize. It was the Minister of Municipal Affairs, not the minister of transportation.

THE ACTING CHAIRMAN: Thank you very much.

MR. DINNING: Do the honourable thing.

MRS. ABDURAHMAN: I am a very honourable lady, Provincial Treasurer, and I won't attempt to mimic you.

MR. DINNING: I just said, "Do the honourable thing."

MRS. ABDURAHMAN: I always do the honourable thing; you do likewise. I would suggest through the Chair to the Provincial Treasurer that he should be on his best behaviour. He obviously has some guests in the gallery.

Getting back to the points that the Minister of Municipal Affairs was making. He was pointing out that this is a government that is deregulating. I commend him for that, but they're not doing the appropriate thing when you go into deregulation; that is, ensure that there is education and that indeed the very people that we're dealing with within this legislation have that appropriate education through the educational system or in the media, with the drinking and driving, You're a Bloody Idiot campaign. That has a very positive impact on society. It gives a clear message to people that there is a better way of dealing with problems and that there's a better way of trying to prevent people breaking the law. We see substantial improvements there. So I would support the Minister of Municipal Affairs from the point of view that legislation isn't the way to go to get to those young folk.

When I go into the classroom and speak to the young people that the Member for Red Deer-South is addressing within here, they want to be treated as equals. You know, we just saw in the municipal elections a young man in Edmonton who, when I saw him initially on television, seemed very lighthearted and not taking it seriously. Then I started to listen to him with my eyes closed, and he made good sense. That young man contributed significantly. I firmly believe that our young people, if we'd only take the time to listen to what they say and talk to them within the classroom and educate them – and we as a society and you as a government recognize through the ministry of social services, the family, that we have a responsibility to the young people that the hon. Member for Bonnyville was referring to.

MR. DINNING: Much like Edmonton-Mayfield; right?

[Mr. Tannas in the Chair]

MRS. ABDURAHMAN: The Provincial Treasurer, Mr. Chairman, gets too smart for his own good, to the point where he's derogatory. But, anyway, I'll ignore him. That's the best way to deal with the Provincial Treasurer.

I would say, Mr. Chairman, dealing with all of the amendments, that I certainly will not be supporting them. I will not be supporting the Bill, because I do believe there's a more positive way in society, and I want to hold the Minister of Municipal

Affairs, the minister of transportation, the minister of social services, and the Minister of Education responsible. You have a job to do with everyone else, and that is to make sure that within provincial budgets our educational systems, the children that need to be looked after in situations of poverty, or the child that is on their own are supported by society through this government. That way I won't be accusing you in the future of being penny-wise and pound-foolish.

Thank you, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Red Deer-South.

MR. DOERKSEN: Thank you, Mr. Chairman. The Member for Clover Bar-Fort Saskatchewan, who has vast experience in raising children and, I think, grandchildren, would probably have to agree that it is not unreasonable to place expectations and restrictions on kids as they are growing up and gaining more experience in this business of life. We do not give everybody total, unrestricted freedom; it doesn't work.

You stressed the education component, and I agree. What better way to educate a person to drive than to have them drive with a supervising driver for a period of time so they can experience all the conditions that they will need. So this Bill really fits right in with your whole focus of education. It is not enough just to hear ads on the radio which talk about drinking and driving and You're a Bloody Idiot. There has to be some practical driving experience.

Yes, there needs to be classroom experience; there need to be messages given out. Nobody would say that that must not happen. But what we are trying to do is provide a Bill which allows the driving experience to be gained over a period of time to frankly reduce the carnage on our highways. This Bill has the support of the Traffic Injury Research Foundation, who have spent considerably more time looking at this issue than I have and, I would suggest, than the Member for Clover Bar-Fort Saskatchewan. The Alberta Motor Association supports it. The Canadian orthopaedic association supports it. The Insurance Bureau of Canada, the Alberta Medical Association: Mr. Chairman, there are many groups who are well versed in this topic that understand the importance of this Bill and what we are trying to do on the streets and roads of our province.

5:10

I just want to add further to clarify the point that this is not an attempt to pick on the youth. This Bill applies to new drivers who have never driven before, regardless of age. So it is not directed primarily at youth; it is directed at statistics which show that new drivers have a much higher accident rate and injury rate than drivers who have gained experience. If we want to look at an effective way of reducing health care costs, indirectly this is one way to do it. If we can reduce the accident rate on our highways and our streets, we can also save money in our health care. That's a side benefit that we haven't talked about in this Assembly but which is very important.

THE CHAIRMAN: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Mr. Chairman, a couple of comments here.

THE CHAIRMAN: Can you hold it a moment?

MR. DOERKSEN: A point of order or a point of clarification.

THE CHAIRMAN: A point of clarification, Red Deer-South.

**Point of Order
Speaking Order**

MR. DOERKSEN: The hon. Member for Olds-Didsbury has stood up twice trying to speak, and the normal protocol in the House is to switch debate back from side to side of the House. I would just like to suggest that he should have his opportunity.

THE CHAIRMAN: That's one of the problems when we have free votes on a Bill. It makes it difficult for the Chairman to decide whether one is opposing or supporting.

In any event, Olds-Didsbury, would you please speak now.

MR. BRASSARD: Whether or not I'm opposing or supporting the Bill I don't think is relevant.

Debate Continued

MR. BRASSARD: I think to be quite frank and honest about this issue, Mr. Chairman, the fact is that this Bill is trying to address the inexperienced driver. Bill 212 basically says that the drivers are going to have at least one year of driving experience before they're able to drive unsupervised on our highways.

I'd just like to quote some statistics that back up the rationale behind that, Mr. Chairman. Road crashes are the leading cause of death to young people in Canada. Among 15 to 19 year olds 46 percent of deaths among males and 40 percent of the deaths among females were the result of traffic injuries. In fact, Canada-wide 43 percent of the deaths recorded for persons aged 16 to 19 were the direct result of motor vehicle accidents. It's a very significant issue, Mr. Chairman. The death rate of young drivers is at least twice as great as that of older drivers. It's a paramount issue and concern to all of us. Research indicates that the young new drivers have a greater collision risk than older new drivers. However, older new drivers face a significantly greater collision risk than drivers with several years of driving experience. So even a new driver, regardless of age, is at greater risk than the older driver with experience.

Not only are young drivers overrepresented in collisions, Mr. Chairman; they are overrepresented in collisions involving alcohol. Alcohol use among fatally injured drivers 16 to 17 is 38.5 percent, or 22 out of 57 tested drivers fatally injured in Canada in 1991. All of these had alcohol in their systems. It's no wonder that this member wants to bring forward a Bill that is going to curtail the use of alcohol while they're driving.

In 1993 collision stats suggest that 23 percent of the accidents occur between 11 at night and 6:59 in the morning. The member across the way was talking about the restrictions in the evening. Considering the low number of vehicles on the road at that time, it is a very, very high accident rate. It is more difficult to see, people are generally tired, and those drivers who break drinking and driving laws usually do so late at night.

Mr. Chairman, if we're able to ensure a greater degree of safety on our roads and reduce the number of casualties, health care costs are going to decrease. That's not even addressing the related costs involved to expenditures to motor vehicles, et cetera. Quite aside from all of the costs is the human tragedy involved, and I think that this is one of the biggest beneficiaries of this Bill. I sincerely hope that this Legislative Assembly will support this Bill.

Thank you.

THE CHAIRMAN: Is it the convention that the sponsor of Bill 212 speaks after each . . . [interjections] Pardon me.

We have a point of order beforehand. The hon. Member for Clover Bar-Fort Saskatchewan.

**Point of Order
Questioning a Member**

MRS. ABDURAHMAN: Would the speaker, Olds-Didsbury, entertain a question, please?

THE CHAIRMAN: I believe if you're asking for Olds-Didsbury, Olds-Didsbury concluded and sat down.

MRS. ABDURAHMAN: Yes, I was. Well, I was standing already, Mr. Chairman.

THE CHAIRMAN: You what?

MRS. ABDURAHMAN: I was standing already before he sat down.

THE CHAIRMAN: Sorry.

Debate Continued

MR. DOERKSEN: Mr. Chairman, the comments of Olds-Didsbury are appreciated, and he makes some good sense, but I do want to point out once again to the members of this Assembly that this Bill was debated in principle in the spring session. In Committee of the Whole we are debating amendments and the legal aspects of the Bill, and I hope we don't carry on with this tendency to re-debate the principles of the Bill, which have been endorsed by the Legislative Assembly of Alberta in a democratic process. Let's not forget that point.

THE CHAIRMAN: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. In speaking to this amendment and nothing but this amendment, I would like to refer back to some of the remarks that the author of the Bill made previously. First of all, he indicated to us his intentions regarding these amendments, and I forgot to thank him for that, so I do that now. Of course we realize that general intentions are not necessarily the same as the actual wording, so we needed a bit of time here to plow our way through the wording.

Second, he referred to a statement I'd made on curfew, and the curfew referred of course to the curfew that he is proposing, that learners are not allowed to drive between the hours of midnight and 5 in the morning. I spoke to that, and I did state at that time that I suspected he would favour extension of that curfew to all youth to stay indoors between those hours. I think he misunderstood me at that time.

The issue that really sticks in my craw – and he has not resolved this particular problem at all. Referring to B, section 3 of the amendments, Mr. Chairman, and then (2):

Every person who is issued a probationary operator's licence retains that status for a period of 2 years from the date of issue of that licence.

Now, a probationary operator is defined as someone who has "never held an operator's licence, other than a licence . . . of a learner's category" in Alberta or anywhere else. My question still is – and I think the Member for Red Deer-South hasn't particu-

larly given me an answer that answered my question – why do we have that category where people who are driving for the first time are given a probationary licence which will last for two years which does not apply to people who have been a learner operator? So when a learner operator graduates to being a full-fledged driver, there is not a two-year probationary period, which I would like to see actually. I see nothing wrong with that.

Now, that's my understanding. So if you could clarify that, then I'd be very happy. Thank you.

5:20

MR. DOERKSEN: Mr. Chairman, I do want to clarify that particular section. The rules in Alberta are quite clear. If you have not driven before anywhere, you have to first obtain your learner's licence. Following a learner's licence, you then have to take an exam, at which point in time you're given a driver's licence with a probationary stamp for 24 months. That is the case as it now stands. This does not alter that particular situation.

What this amendment tries to clarify – and obviously it has created a little bit of confusion – is that if you are coming from another jurisdiction, be it from another province or another country, where their driver's licences are recognized, we do not want to unfairly penalize those people and not account for the experience they've gained in another jurisdiction. So we are saying: if you have held a licence in another jurisdiction, you do not have to go through the learner's step and the probationary category. You will be given under the current rules, whatever they are – I'm not exactly clear on what they are – an unrestricted driver's licence. We do not wish to penalize those people.

So that is the case here. We are not altering the current learner's provision or the probationary period. That is already in existence. I hope that clarifies that point.

THE CHAIRMAN: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Yes. That begs the question, then, once again: why not give a probationary period of two years to a newly graduated learner driver, who is now a full-fledged operator?

MR. DOERKSEN: Hon. member, that is the case. Once you have taken your learning licence and you get a driver's licence, it is a probationary licence. That, in fact, is the case in Alberta right now.

MR. VAN BINSBERGEN: Is it?

MR. DOERKSEN: It is. That is fact.

Mr. Chairman, I would entertain calling the question at this time, although if we wish to continue the debate, then I would propose that we, whatever the wording is, adjourn debate.

SOME HON. MEMBERS: Question.

Chairman's Ruling Calling the Question

THE CHAIRMAN: Okay. You're asking which one of the two you do. Just to explain it, if you ask for the vote and we've not come to the end of the time allotted, then someone else can get up and speak. If you feel hunger pangs and feel that you want to adjourn debate at this moment, then you may do that. So you have the floor, Red Deer-South.

Debate Continued

MR. DOERKSEN: Then I would ask a question in courtesy to the hon. Member for Bonnyville. Were you proposing to bring some amendments forward at another time?

MR. VASSEUR: Mr. Chairman, I was only proposing to do that after this amendment was dealt with. We're still dealing with the amendment.

THE CHAIRMAN: Exactly. Hon. member, you wish to put the question on the amendments?

MR. DOERKSEN: Then in that case why do we not adjourn debate until . . .

SOME HON. MEMBERS: Question.

MR. DOERKSEN: All right. We'll call the question on these amendments.

THE CHAIRMAN: Okay. We have before us the House amendments entitled A1, the amendments proposed by the sponsor of Bill 212. All those in favour of the amendments, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed? Okay. [interjections] The Chair apologizes. You know how the Chair as an institution cannot be here, but the person that's sitting in the Chair was not here earlier and was not aware that it's been split. So we'll go back. [interjections] The Chair has received inappropriate advice.

Committee, you have before you an amendment, and you have moved the set of them. I understand that there is an objection to that, so the member that objects, please rise and make their point. [interjections]

Okay. The Chair is given to understand that it was agreed by this committee that the amendments as proposed by the hon. Member for Red Deer-South be dealt with in one block. [interjections] The Chair is given contrary advice, so we'll go back again to the committee.

The committee agreed to debate the collection of amendments in one sum but that when the vote on the amendments came, we would go by section. That's the understanding that I'm now being given.

Hon. Member for Red Deer-South, do you concur in that?

MR. DOERKSEN: Yes.

THE CHAIRMAN: Then we should not be agreeing to the vote on the whole of the amendments, and to that extent the Chair apologizes.

Rather than belabour this further, the Chair would note, then, that the vote we just had violated the understanding that the committee struck for itself, so we will adjourn without that vote being recorded.

MRS. BLACK: Mr. Chairman, I move that the committee rise and report.

[Motion carried]

[Mr. Clegg in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports Bill 211 with some amendments. The committee reports progress on Bill 212. 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.

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

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed, if any? Carried.

MRS. BLACK: Mr. Speaker, I move that the House now stand adjourned and reconvene at 8 o'clock this evening in Committee of Supply.

THE ACTING SPEAKER: The hon. Deputy Government House Leader has made a motion that the House adjourn until 8 o'clock and that we reconvene in Committee of Supply. All in favour, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any? Carried.

[The Assembly adjourned at 5:30 p.m.]

