

## Legislative Assembly of Alberta

Title: **Wednesday, November 1, 1995** 1:30 p.m.  
Date: 95/11/01  
[The Speaker in the Chair]

### head: Prayers

THE SPEAKER: Let us pray.

Our Father, we confidently ask You for Your strength and encouragement in our service of You through our service of others.

We ask for Your gift of wisdom to guide us in making good laws and good decisions for the present and the future of Alberta. Amen.

### head: Presenting Petitions

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise today to present a petition to the Legislative Assembly of Alberta to urge the government to

eliminate the cost of school bussing for students living in the Maple Ridge and Oak Ridge mobile home park because of the unique location of these mobile homes and the great distance these students must travel in order to attend their designated school in south Edmonton.

It's signed by 75 of the residents of that area. I table those with you now.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I have a petition here urging the Alberta government to

use the power it has to amend the Planning Act and the Municipal Government Act to give municipalities authority to henceforth prohibit any type of 'Lap Dancing' in a public place that involves sexual touching or sexual contact.

This is signed by 24 people from a church in my riding. Thank you.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I have a petition signed by 87 residents of Edmonton who attended the town hall meeting I held last Thursday with regards to health care. They're requesting that the government "place a moratorium on any further reductions to the budget for health care."

Thank you.

### head: Reading and Receiving Petitions

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

MR. BRACKO: Thank you, Mr. Speaker. I request that my petition of yesterday showing the adverse effect of slot machines on families and communities be read and received.

THE CLERK:

We the undersigned petition the Assembly to urge the government to eliminate all Video Lottery Terminals in Alberta and thereby prevent the devastation they are causing to the lives of people, families and communities.

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

MR. HENRY: Thank you very much, Mr. Speaker. I would ask that the petition I tabled yesterday in this Assembly asking for full funding for kindergarten now be read and received.

THE CLERK:

We the undersigned Residents of Alberta petition the Legislative Assembly to urge the Government of Alberta to ensure all Alberta school boards provide the opportunity for each eligible child to receive a minimum of 400 hours of Early Childhood Services instruction per year.

We also request the Assembly to urge the Government of Alberta to allow Alberta School Boards to use money from the Alberta School Foundation Fund to fund 400 hours or more of Early Childhood Services, as determined by the local community, so that there are no ECS user fees for 400 hour programs and so that all Alberta children have an equal opportunity or "level playing field" to succeed and compete in life by having equal access to basic educational resources.

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

MR. SAPERS: Thank you, Mr. Speaker. I request that the petition I tabled in the Assembly yesterday regarding the necessity for a moratorium on health care funding cuts now be read and received.

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 presently available.

THE SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. Could I have the petition I presented yesterday from Bon Accord residents asking for the elimination of all video lottery terminals read?

THE CLERK:

We the undersigned petition the Assembly to urge the government to eliminate all Video Lottery Terminals in Alberta and thereby prevent the devastation they are causing to the lives of people, families and communities.

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

MR. STELMACH: Thank you, Mr. Speaker. For the sake of administrative expediency and to speed proceedings in the House, I would like to request on behalf of the following members that petitions presented on October 24 and October 31 be read and received. October 24: the members for Red Deer-South, Lethbridge-West, Calgary-Fish Creek, Lac La Biche-St. Paul, Medicine Hat, Innisfail-Sylvan Lake, Vegreville-Viking, and Highwood. October 31: Calgary-Currie, Dunvegan, Pincher Creek-Macleod, Calgary-Egmont, Grande Prairie-Wapiti, Vegreville-Viking, Cypress-Medicine Hat, and Stony Plain. These petitions are with respect to the abortion issue.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to:

1. De-insure the performance of induced abortion under the Alberta Health Care Insurance Plan Act.
2. Use the community-based resources that are already in place that offer positive alternatives to abortion.

MR. STELMACH: Mr. Speaker, my error. There were some petitions that were presented by members on behalf of ministers, and those would be on behalf of the members for Drumheller, Chinook, Rocky Mountain House, Grande Prairie-Smoky, Banff-Cochrane, and Calgary-Varsity.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the government to:

1. De-insure the performance of induced abortion under the Alberta Health Care Insurance Plan Act.
2. Use the community-based resources that are already in place that offer positive alternatives to abortion.

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

MR. BRUSEKER: Thank you, Mr. Speaker. Yesterday I introduced a petition with respect to ECS. Could I ask that that now be read and received?

THE CLERK:

We the undersigned Residents of Alberta petition the Legislative Assembly to urge the Government of Alberta to ensure all Alberta School Boards provide the opportunity for each eligible child to receive a minimum of 400 hours of Early Childhood Services instruction per year.

We also request the Assembly to urge the Government of Alberta to allow Alberta School Boards to use money from the Alberta School Foundation Fund to fund 400 hours or more of Early Childhood Services, as determined by the local community, so that there are no ECS user fees for 400 hour programs and so that all Alberta children have an equal opportunity or "level playing field" to succeed and compete in life by having equal access to basic educational resources.

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

MR. JACQUES: Thank you, Mr. Speaker. I would kindly request that the petition that was introduced yesterday by myself on behalf of the Minister of Agriculture, Food and Rural Development regarding sexual orientation be read to the Assembly.

THE CLERK:

We, the undersigned residents of Alberta petition the Legislative Assembly to urge the Government of Alberta not to make sexual orientation a part of the Individual's Rights Protection Act.

**head: Introduction of Bills**

**Bill 50  
Health Foundations Act**

MRS. McCLELLAN: Mr. Speaker, I request leave to introduce Bill 50, the Health Foundations Act. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

Mr. Speaker, this Bill would provide legal authority to the regional health authorities and provincial health boards to establish foundations with agent of the Crown status. The foundations would provide a mechanism for donors to make gifts in the right

of the Crown to benefit Alberta's health system. Such gifts would qualify for tax relief equal to the lesser of the value of the gift or 100 percent of the donor's net income for the year. This initiative is not intended to affect the legislated mandate or operation of existing health foundations.

[Leave granted; Bill 50 read a first time]

1:40

**Bill 51  
Water Act**

MR. DAY: Mr. Speaker, on behalf of my colleague the minister of the environment I request leave to introduce Bill 51, the Water Act. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

Mr. Speaker, Bill 51, being the Water Act, provides the policies and legislation needed to manage Alberta's water resources as a sustaining element of our environment and to ensure a healthy environment, a healthy economy, and a healthy quality of life in the present and the future. The review process to update Alberta's water policy and legislation was initiated in 1991 with a firm commitment to extensive public consultation. The latest public consultation process included the appointment of the Water Management Review Committee, a multistakeholder group chaired by my colleague Mr. Glen Clegg. I would like to thank the committee and all those Albertans who have provided input to our new water legislation.

[Leave granted; Bill 51 read a first time]

**Bill 52  
Gaming and Liquor Act**

MR. DAY: Mr. Speaker, on behalf of my colleague I request leave to introduce Bill 52, the Gaming and Liquor Act. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

Mr. Speaker, on behalf of the minister responsible for lotteries, gaming, and racing, in introducing this Bill, I would like to make it known that the legislation integrates the provisions of the Interprovincial Lottery Act with the Liquor Control Act to provide a concise legislative framework for both liquor and gaming activities in Alberta. It also continues the Alberta Liquor Control Board as the new Alberta Gaming and Liquor Commission.

[Leave granted; Bill 52 read a first time]

**Bill 53  
Miscellaneous Statutes Amendment Act, 1995 (No. 2)**

MR. DAY: Mr. Speaker, on behalf of my colleague the Minister of Justice I request leave to introduce a Bill being the Miscellaneous Statutes Amendment Act, 1995 (No. 2).

[Leave granted; Bill 53 read a first time]

**head: Tabling Returns and Reports**

MR. JONSON: Mr. Speaker, this afternoon I would like to table five copies of Alberta Education's main estimates material 1995-96 given in Committee of Supply, five copies of the discussion paper entitled Quality Teaching: Quality Education for Alberta

Students, and five copies of the handbook Access to Government Publications, Meetings & Services.

Thank you, Mr. Speaker.

MRS. McCLELLAN: Mr. Speaker, I'm pleased to table one copy each of the annual reports for the following regional health authorities for the period ended March 31, 1995: Chinook, Palliser, regional health authority No. 5, David Thompson, East Central No. 7, WestView, Aspen, Mistahia, and Peace. The other copies are already in the Clerk's office for processing.

Additionally, I'm filing five copies of a summary of administrative compensation cost savings for the regional health authorities for the period July 1994 to July 1995. An information bulletin on this issue is also filed as additional information, Mr. Speaker.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I'm very pleased to table five copies of the Clover Bar-Fort Saskatchewan Job Action Team statistical report that linked local employers with employment opportunities to job-ready people seeking employment.

Thank you.

MR. DAY: Mr. Speaker, I'm pleased to table responses to written questions 188, 189, 198, and 199.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to table a report regarding the Edmonton-Avonmore health care questionnaire conducted over the last couple of weeks. It has attracted 238 responses so far, and of those, 87 percent of the respondents feel that the way in which health care cuts are being imposed in Alberta will decrease the quality of our health care system.

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

MS HALEY: Thank you, Mr. Speaker. I'd like to table five copies of a letter I received from 294 Canadian employees thanking the Alberta government for their help in trying to prevent the base transfer of the Canadian Airlines maintenance operation.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I'd like to table copies of letters written by parents in my constituency to the superintendent of the Grande Yellowhead regional division stating: "As disconcerted parents within Grande Yellowhead Regional Division we object to the Transportation Fee and are not willing to pay it." They've sent copies of these letters to the Minister of Education to let him know that his decision to reduce funding for transportation did not sit well.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'd like to table this afternoon four copies of a series of press releases. These press releases relate to the innovative hazardous waste technologies of an Ontario company, ELI Eco Logic Inc.

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

MS LEIBOVICI: Thank you, Mr. Speaker. In the spirit of open and accountable opposition I'd like to table four copies of the independent audit prepared by Honeycotte Industrial and Training Service.

Thank you.

**head: Introduction of Guests**

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to members of this Assembly Mr. Jean-Pierre Kingsley, Elections Canada Chief Electoral Officer, and Mr. Derm Whelan, Elections Alberta Chief Electoral Officer. Mr. Kingsley is visiting Edmonton to discuss matters of mutual concern relative to voter registrations. Mr. Kingsley and Mr. Whelan are seated in your gallery, and I'd ask all hon. members to welcome them in the warm, traditional way.

Mr. Speaker, I'd also like to introduce to you and through you to members of the Assembly this year's Legislative Assembly United Way team. This group and three others who couldn't be here today have worked very hard to achieve a very successful result in the Assembly's United Way campaign. They are accompanied by John Fairburn, who's an executive with CAE Aviation Ltd. on loan from his company to the United Way. This group is seated in your gallery, and I'd ask them to rise and receive recognition for a job well done.

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

MRS. ABDURAHMAN: Thank you very much, Mr. Speaker. I'm very pleased today to introduce to you and through you to the House 54 of the finest resource that we have, students, from Win Ferguson school. They're accompanied today by three teachers and 12 parents, and I'd like to thank the parents for driving these students to the Legislature. The teachers are Mrs. Pat Sprague, Mary Lou Maskell, and Linda Libbey, and the parents are Pat Jabusch, Randy McIsaac, Raylyn Tews, Donna Boucher, Mo Anne Buchta, Carol Stokke, Brent Kjenner, Lynne Schubert, Brenda Sheridan, Mark Parrish, Lisbeth Read, and Veronica Winchester. I believe they're in both galleries, and I'd ask them to rise and receive the warm welcome of the Assembly.

**1:50**

THE SPEAKER: The hon. Minister of Economic Development and Tourism.

MR. SMITH: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to the Assembly a resident of Calgary-Varsity, a university constituency located some 285 kilometres south of the city. That gentleman, sir, is Mr. Allan Dickie. He is here watching his daughter hard at work in her first session as a Legislature page. It's certainly interesting to see that the influence of the daughter runs greater than the MLA, as her father is seated in the Speaker's gallery. I would ask him to rise and receive the warm welcome of the Assembly and of his daughter, I'm sure.

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

MRS. HEWES: Thank you, Mr. Speaker. I'm pleased today to introduce to you and members of the Assembly an old friend of seniors, Mr. Bill Daly, who is a tireless volunteer and advocate on behalf of seniors of Alberta. He has developed continuous accurate financial analyses of the effects of cuts and changes to seniors' programs, and we thank him for that. He's standing in the front row of the public gallery, and I'd ask the House to acknowledge his presence.

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

MR. HENRY: The competition to catch your eye is tough today, Mr. Speaker, but I thank you. It's my great pleasure to introduce to you and through you to members of the Assembly 11 women who are from the native women career preparation program in my constituency. They're in the public gallery, I understand, and they're with their instructor Linda Ferguson. I'd ask that they rise and receive the warm welcome of the Assembly.

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

DR. MASSEY: Thank you, Mr. Speaker. It's my privilege to introduce to you and through you to members of the Assembly teacher Mrs. Kathryn Gillespie, parents/helpers Mrs. Heddy Dingwall, Mrs. Donna Stock, and Mr. John Froese, and 26 students from Millwoods Christian school in my constituency. They're seated in the members' gallery, and with your permission I'd ask them to stand and receive the traditional greeting of the House.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. The city of Fort Saskatchewan is well represented in the Assembly today. It's with great pleasure that I introduce to you and through you to the Members of the Legislative Assembly four incredible volunteers: Chairman May Reimer of the Job Action Team, Will Miskolzie, Bunny Kane, and Sonia Begg. They're doing an incredible job in the city of Fort Saskatchewan and area. I'd ask them to rise and be welcomed by the House.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. It was worth the wait. I rise to present to you and through you to all members here five very special guests who have joined us from the Oak Ridge and Maple Ridge mobile-home park. They are seated in the public gallery, and they are Norine Lavery, Lorraine Sherwick, Brett Slifka, Tammy Helgeland, and Chairperson Charlotte Measor. They comprise only a small number of people from a much larger group called the School Busing (Transportation) Fee Committee from the twin parks area: Oak Ridge and Maple Ridge. I'd ask them to please rise and receive the very warm welcome of all members here.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. It is a rare treat for me to be able to introduce one of my constituents. This one came from very far away, from Jasper. Marilyn Kan has worked for Parks Canada for 15 years, is a prominent member of

the historical society in Jasper, and is also working on a book on the history of the community of Jasper. I'd like Marilyn, in the public gallery, to stand up and receive the warm welcome of this House.

**head: Oral Question Period**  
**Health Care Funding**

MR. MITCHELL: Mr. Speaker, one of the major unsolved mysteries of health care reform is how health care services will be funded. The minister has been promising that funding will be allocated in an equitable fashion based on the needs of communities. The Health Services Funding Advisory Committee has provided the minister with a report, yet the minister has decided to shelve that report, keep it secret for some kind of political reason. To the minister: will the Minister of Health tell Albertans why, after two years of so-called health reform, she has failed to give regional health authorities a funding formula that will allow them to plan beyond next week?

MRS. McCLELLAN: Mr. Speaker, I would be pleased to attempt to enlighten the hon. member across. I have in place a funding formula committee who have done a great deal of work on a funding formula for the regions. I have not shelved that report, nor has it been kept secret. I shared the principles and the concepts of this with the regional health authorities and asked for their input, which I think is reasonable seeing that it affects them greatly. I have asked the funding formula committee to do some further work on this, recognizing that many regions in this province have a large aboriginal community, and that should be reflected in this. Also, many of the authorities in this province have to deal with sparsity and distance and asked if there was a way they could ensure that this was reflected in that formula. Really what this government has done is listened to the regional health authorities and their input back on this very important issue.

To suggest that the regional health authorities don't know beyond next week how they're funded is absolutely wrong. We have in place a formula for funding. We would like to have a formula that is perhaps better understood. Right now regional health authorities are funded through the acute care funding plan, which looks after the acute care institutions. They deal with the case mix index for long-term care institutions, they're funded on a population basis for public health dollars, and mental health dollars have been maintained in a similar way. So we're acting completely within the requests of the regional health authorities. I am sure that committee will be able to come back with a formula that is equitable and funds all regions in a way that they can offer the services to their communities wherever they are.

MR. MITCHELL: She says that she shared parts of it with the regional health authorities. Why wouldn't she want to share all of it with Albertans? What is so offensive and what's so risky for her in that funding formula document that she won't release it publicly in this Legislature and across this province?

MRS. McCLELLAN: Mr. Speaker, I'd be pleased to check *Hansard*, but I don't think I said that I shared parts of it with the regional health authorities. Indeed, I shared with the regional health authorities the information that I received. Why have I not released this? Because it was an interim report. I have asked the funding committee to do some more work and bring it back.

Indeed, Mr. Speaker, I believe that I heard the hon. Member for Fort McMurray stand in this Legislature and suggest that the formula that was shared with the regional health authorities was totally unacceptable to his region. I'm sure the hon. Leader of the Opposition would want to be conscious of the concerns of all members of the Legislature and would want to have a report come back that dealt with all of the issues that were raised by the regions. I don't think it's very helpful to produce a partial report.

Mr. Speaker, when the funding committee comes back with the answers to those questions that were posed by the regional health authorities, all of them, including Fort McMurray, I will be most pleased to share that information with the hon. member.

2:00

MR. MITCHELL: Mr. Speaker, she's - what? - two and a half, three years into health care reform. She's a year and a half, two years into structured regional health authorities. Don't you think you should have set up equity and fairness funding formulas before you started across-the-board cuts instead of a year and a half or two years into them?

MRS. McCLELLAN: Mr. Speaker, we do have funding formulas in place that have served for some time. In fact, the funding formulas that are in place were developed in the acute care funding plan by the institutions themselves being involved, the same with the long-term care funding. The public health and population funding has been a matter of history and a matter of population needs.

I think this is well worth taking some time to make sure that we do it right. I intend to do that, but I intend to do it with the full knowledge of the regional health authorities, Mr. Speaker. I intend to take their feedback into consideration and to share that with the funding committee. As I say, when the funding committee has answered those questions put forth by the regional health authorities, we will have a funding formula that will be in place. I'll share it at that time.

MR. MITCHELL: She's put the cart before the horse, Mr. Speaker. I wish she could get one thing right in this health care reform. The basic thing: do the first things first.

### Hospital Services Privatization

MR. MITCHELL: Privatization of housekeeping services at the Lethbridge regional hospital has become a major concern for patients and health care providers. The University of Lethbridge has completed a study showing that there is no cost efficiency associated with the contracting out of these services. I am tabling four copies of this study, which concludes very clearly, Mr. Speaker, that this privatization has not worked and that there has been a distinct reduction in the levels of cleanliness in that hospital. To the Minister of Health: why does the minister continue to say, and I quote, that she remains committed to this kind of contracting out regardless of the consequences for patient care and patient safety? Can you get that right, Shirley?

MRS. McCLELLAN: Mr. Speaker, I'm sure the hon. member is not suggesting that a private-sector firm cannot perform to the standards that would be required by a hospital in this province. There is equal evidence that that indeed can happen. I am sure the authors of that report have shared it with the Chinook regional health authority, and I am sure they will respond. I will also remind the hon. member that the regional health authorities have

the responsibility and the authority to deliver services. If they choose to contract for a service, it is quite within their right to do so.

His questions as to the financial wisdom of doing that should be directed to them, Mr. Speaker. I am sure that they would be quite pleased to respond.

MR. MITCHELL: I prefer to address my questions to the elected and accountable official in the health care system in this province.

How far, Mr. Speaker, do the standards of care and cleanliness have to drop before the Minister of Health takes her responsibility and puts patients' care ahead of private interests?

MRS. McCLELLAN: Mr. Speaker, I take exception to the comment that either I or the regional health authorities would put specific interests ahead of standards in cleanliness in this province. If there are problems and issues in that area, they will be dealt with at the regional level. I can say that I have not received one call or one letter regarding that issue in the Lethbridge regional hospital. Certainly upon the hon. member raising that issue, if he will provide me with some information or even if he doesn't, because that's definitely not his style, Mr. Speaker, I will raise the issue with the Chinook regional health authority, and I will ask them for a report.

MR. MITCHELL: Given that the Auditor General has indicated that there is no mechanism for evaluating health care reforms in this province, how would the minister even know when she has allowed things to reach an unsafe level for patients in this province?

MRS. McCLELLAN: Mr. Speaker, we have very good information on the operation of our hospitals and the successes of them. There are some 400,000 admissions to hospitals in this province in a year. There are about 300,000 ambulatory or day surgeries performed in this province in a year. There are about 2 million physician interactions in this province in a year. I would say that in the main, they are extremely successful and good experiences.

The Auditor General has raised some questions. As I indicated in the House, we take the Auditor General's comments very seriously. One of the initiatives of course is to put in place the Provincial Health Council, whose mandate is to observe health reform at arm's length to ensure that we are meeting our business plan objectives, to ensure that there are not people who are falling through the cracks, and to ensure that we are providing a wide range of services in a quality manner. Mr. Speaker, I look forward to the report of the Provincial Health Council. I look forward to tabling that in the Legislature.

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

### Prescription Drugs

MR. SAPERS: Mr. Speaker, thank you. Perhaps the minister can answer this question. On February 21, 1995, the Minister of Health boasted that some \$30 million would be cut from the Blue Cross drug benefit program. Now, just eight months later the same minister came into the Legislature asking for an additional \$35 million for the same program largely because her department's estimates and projections were that far off the mark. It's about a \$65 million difference between reality and the fiction in the business plan. My questions are to the Minister of Health.

Is the minister still planning to reduce the Blue Cross benefit program, and if so, by how much?

MRS. McCLELLAN: Mr. Speaker, we still believe that there are opportunities to find savings in that program. I will remind the hon. member, because I know of his interest in this area, of the great amount of waste that we find in the drug program. He is well aware, because we have spoken both in the House and privately about this issue, of 36 tonnes of dead drugs that were rounded up again in this province. I would also remind the hon. member of the study that was done by the Pharmaceutical Manufacturers Association of Canada that suggests that the costs could be between \$7 billion and \$9 billion in Canada for issues centred mainly around compliance.

We are working with the pharmacies, the pharmacists, the physicians in the province as well as with individual groups to address this problem. We believe that there are savings, and I think that those two incidences that I have raised show that. We haven't made as much progress in that area, but we do believe that the pharmacy network that will be coming into play will assist us in those. Yes, we do think that we can find savings, but we'll find them in savings in waste and in compliance.

THE SPEAKER: Supplemental question.

MR. SAPERS: Yes, Mr. Speaker. In the two reports in the minister's answer, she failed to mention the third report, and that is of the Drug Plan Review Committee, which is a committee that the minister established. That committee has made its report, but that report hasn't been made public. What exactly is the Minister of Health hiding by not releasing the report of the Drug Plan Review Committee, which she created to recommend how savings can be achieved?

2:10

MRS. McCLELLAN: Mr. Speaker, the Drug Plan Review Committee, that the hon. member mentions, is a committee that was struck by the minister to bring advice to the minister as to how we might achieve savings in that plan. That report has not been made public. It is a report that was given to the minister as information. I am prepared to produce that report. We have certainly been working with the information in the report. I will say in the House that some of the recommendations in the report were totally unacceptable to this government, and I am sure that when that report is released, the hon. member will not require much time to figure out which ones those are.

In the interim, Mr. Speaker, we're working with the report and the advice that was given to us by that group to see what areas of the report could be implemented, but again I have to say that there are parts of that report that we would find totally unacceptable.

MR. SAPERS: As we all await which recommendations are acceptable, Mr. Speaker, will the Minister of Health please say how that \$65 million difference will be accounted for? Will the bulk of the savings in the Blue Cross program come from delisting of benefits, will they come out of a reduction in payments to pharmacists, or will they result from increased user fees for Albertans?

MRS. McCLELLAN: Mr. Speaker, I cannot share with the hon. member at this time because that discussion is not completed. Certainly of the ones that he has outlined the preference to us would be increased user fees, because in the drug plan, as the

hon. member full well knows, there are no premiums for seniors, which is a large part of that plan. I have indicated in the House that it is not our intention to include premiums there. The other area of the plan is the nongroup plan. Seniors and widows is the other part.

Mr. Speaker, we will work through those recommendations. Certainly we would have preferred to find our savings in the drug plan in proper utilization of pharmaceuticals, which will cut down not only costs in pharmaceuticals but also in hospitalization and other problems that arise from improper utilization.

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

#### Alberta Children's Provincial General Hospital

MRS. BURGNER: Thank you, Mr. Speaker. My questions today are to the Minister of Health. I have seen it reported that the Calgary regional health authority has recently reversed its plan to consolidate services at the Children's hospital. I would like the minister to explain whether this is the case, and if so, how was that decision made?

MRS. McCLELLAN: Mr. Speaker, the hon. member is correct that in the Calgary regional health authority's business plan they did indicate a plan to consolidate pediatric beds at the Alberta Children's hospital. As part of the development of that plan, however, the regional health authority did put in place a pediatric community health task force. That task force's mandate was to gather public input regarding the location of pediatric services.

That task force presented their report and their recommendations on October 23, I believe, to the regional health authority. The board voted at that time to maintain a 15-bed pediatric unit at the Peter Lougheed hospital.

MRS. BURGNER: Did the community, Madam Minister, have any response or input in this decision?

MRS. McCLELLAN: Mr. Speaker, as I understand it, the members of the task force were appointed by the authority, but they were appointed from names that were put forward from the community. This is a model that the Calgary regional health authority is using for the development of community health councils.

I should also say, Mr. Speaker, that I attended a meeting that was chaired by the hon. Member for Calgary-McCall where community leaders from the northeast in Calgary raised these concerns. The Calgary regional health authority was also present at that meeting and heard their concerns in this area. One of the points that they raised at that meeting is that about 30 percent of our children are in northeast Calgary, so their point was that pediatric services were needed in that area of the city. The other point that they raised was the distance from the northeast to the Children's hospital. I believe the task force took all of those things into consideration when it made its recommendation.

THE SPEAKER: Final supplemental.

MRS. BURGNER: Thank you, Mr. Speaker. As there appears to be some disagreement with this decision, does the current plan represent the final word of the Calgary regional health authority?

MRS. McCLELLAN: Again, Mr. Speaker, as I understand it, this is an interim recommendation from the authority. Over a period

of time, as ambulatory care is developed in the city, those plans may change as utilization of pediatric beds may decrease in the city. This is an interim plan and I believe meets the needs of the residents.

THE SPEAKER: The hon. Member for Sherwood Park.

**ELI Eco Logic Inc.**

MR. COLLINGWOOD: Thank you, Mr. Speaker. The *Financial Post* environment awards for business are being presented in Calgary on November 9. An Ontario company, ELI Eco Logic Inc., is receiving an award for its innovative technology in destroying PCBs and other hazardous waste without the harmful side effects of incineration. Throughout 1995 this company has won major contracts with General Electric, General Motors, and Dofasco to clean up contaminated sites in Ontario and is pursuing contracts throughout North America. My first question this afternoon is to the Minister of Economic Development and Tourism. What opportunities can this award-winning Canadian company look forward to in the province of Alberta?

MR. SMITH: To have a question, Mr. Speaker, from the opposition with the words "business opportunities" in it is indeed a rare surprise, and it's absolutely a pleasure to respond to.

In fact, any company that wishes to look into the opportunities that exist in Alberta for different markets in different areas is well referenced to participate here in Alberta either by establishing themselves here or by examining other partnership opportunities. So there are, as there are no interprovincial trade barriers, ample opportunities for that company to explore opportunities in Alberta.

THE SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. My supplemental question is to the Acting Minister of Environmental Protection. What is Alberta's current policy of allowing other hazardous waste companies such as this award-winning ELI Eco Logic Inc. or other Alberta companies to compete against Bovar in Alberta?

THE SPEAKER: The hon. Minister of Municipal Affairs. [interjections]

MR. THURBER: Mr. Speaker, it's nice to see that I have some fans, even on the opposite side.

Certainly I will take that question under advisement for the Minister of Environmental Protection.

MR. COLLINGWOOD: Simple question, Mr. Speaker. I just want to know the policy of the government.

My second supplemental question is to the minister responsible for the Science and Research Authority. What research is your department pursuing to help find new and innovative ways to safely treat hazardous waste, like the gas phase chemical reduction process of Eco Logic or the base catalyzed decomposition process being developed in the U.S.?

THE SPEAKER: The hon. minister responsible for science and research.

MRS. MIROSH: Thank you, Mr. Speaker. I am pleased to accept that question. We aren't currently pursuing any kind of

funding towards that specific research project. What we are doing is partnering with any company that wishes to do so in any type of research, including environmental issues, and we're also working with universities to examine these areas. If this company is interested in coming to Alberta, we'd welcome them to come here and discuss those kinds of research projects that they're interested in.

2:20

**Grain Marketing**

MR. HIERATH: Mr. Speaker, the Alberta government is facilitating a producer plebiscite on the marketing of wheat and barley. Between November 14 and 24 eligible farmers will be able to vote and express their preference for a system which encourages options and choices. My question is to the minister of agriculture. Is the Alberta government promoting one side or the other in this plebiscite?

MR. PASZKOWSKI: Absolutely not, Mr. Speaker. I've said time and again that the matter is a grassroots producers' issue and one the grassroots producers should indeed indulge in discussions about. It is their product that's at stake here. How their product should be marketed is being discussed and debated. We've asked all vested interest groups to stay out of this process. As matter of fact, I'll refer to a press release that was issued on October 25, when we asked the Canadian Wheat Board, the federal government, the railways, the grain companies, and any other businesses with commercial vested interests in this process to stay out of the debate and allow the producers whose product it is to indulge in that debate. I'd like to table the press release.

MR. HIERATH: Mr. Speaker, as the government is not taking sides on this issue, could the minister comment on the suggestions by some of the no side that the proponents of the yes side, in particular the Western Canadian Wheat Growers Association, have received government money to run this campaign?

MR. PASZKOWSKI: Mr. Speaker, I can assure all members of this House that no Alberta government, taxpayers' money has gone to any group on either side of this particular issue. I repeat: no money.

Mr. Speaker, we have chosen a chief returning officer that's been authorized to ensure that an efficient and unbiased vote occurs. There will be some moderate and reasonable costs involved that the government will be assuming. We are acting as a facilitator in this issue to allow the producers of this province to make that decision.

MR. HIERATH: Mr. Speaker, could the minister inform this House of the role of the Canadian Wheat Board Advisory Committee and indicate how it is funded?

MR. PASZKOWSKI: The Canadian Wheat Board Advisory Committee was indeed established under the authority of the Canadian Wheat Board Act. I want to refer to section 12.(1) of the Act, which states:

There is hereby established for the purpose of assisting the Board . . .

Assisting the board, Mr. Speaker.

. . . an Advisory Committee consisting of eleven members having the qualifications prescribed by any regulations made pursuant to section 17.

The interesting component is "assisting the Board."

The Advisory Committee is indeed funded by the Canadian Wheat Board producer pool. The producers are paying for the advisory committee's operations, and I note, Mr. Speaker, that over the period of the last five years \$1,052,000 of producer funds have been allocated to the operation of the advisory committee. The question that I feel has to be asked is: should producer money be allocated to fund one side of this debate? Is that a fair appraisal of this money and a fair way of using that money? I think that's the question the producers should ask of themselves.

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

### School Transportation Fees

MR. ZWOZDESKY: Thank you. Mr. Speaker, almost 700 families live in the Oak Ridge and Maple Ridge mobile-home park located between Edmonton and Sherwood Park. This is a unique and somewhat isolated community in my constituency. The designated school for their children is Ellerslie school, which is approximately 13 kilometres away. I'd like to table a copy of a map that sort of shows exactly how far away the school is from the mobile-home park. Provincial cuts to education funding over the last three years have resulted in serious shortfalls of several millions of dollars in the budget of the Edmonton school board transportation area, the costs of which have been passed on to parents. To the Minister of Education: will the minister explain why students in certain parts of our province receive free transportation to school while others, such as those in Oak Ridge and Maple Ridge, have to pay a transportation user fee?

MR. JONSON: Well, I'd like to point one thing out first of all. In the prelude to the question the member referred to funding for Edmonton public. As I recall, Mr. Speaker, the Edmonton public school system received very little decrease in their overall budget as far as the funding of their schools is concerned. Also I'd like to emphasize that there is considerable flexibility within that budget with respect to the allocation of funds. We do have four basic blocks of grants, but there's considerable flexibility in the way that they apply those funds.

To get to the member's specific question, I do not, quite frankly, know the details of this particular decision because this is a decision of the Edmonton public school board. I do not . . .

MRS. SOETAERT: Where's your leadership?

MR. JONSON: Mr. Speaker, across the way I've heard questions and advocacy on behalf of school boards having the flexibility to make decisions. There seems to be some conflict in the responses that are coming across the way.

Mr. Speaker, seriously, this particular question with respect to the fee that is charged to these residents and these students I am not able to comment upon in detail because I do not know the details of the situation, and it is after all a decision of a local school board.

MR. ZWOZDESKY: If there are interferences in things like wage contracts, why wouldn't there be some ability for the minister to impact here as well?

I'd like to ask: how can the minister say just last week that there is fairness and uniformity across this province regarding transportation user fees when some parents pay \$9 per month per

child, others pay \$13, still others pay up to \$40, and even others pay nothing at all? Where's the uniformity in that, Mr. Minister?

MR. JONSON: Mr. Speaker, I'm glad to see that the hon. member across the way acknowledges that across this province there are many jurisdictions that are not charging any transportation fee for their basic service.

It has always been the case that we do have transportation fees in this province. The school boards quite often decide to offer services in the area of student transportation which go beyond the basic transportation formula and regulations that we have in the province. They decide to provide a more complete service, quite frankly, or they decide to add various features to their busing system. So once again it is something decided at the local school board level, although there is one thing I'd just like to emphasize, and that is that we did recently put in place a direction or a control to make sure that whatever fees are charged are to match the actual additional cost for these additional services.

THE SPEAKER: Final supplemental.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Will the minister at least undertake a review of this critical transportation funding formula and make necessary changes so that school transportation funding will in fact become more equal across Alberta from the perspective of Alberta families rather than just from the perspective of paperwork in your department?

MR. JONSON: Mr. Speaker, as I recall indicating earlier in this Assembly when we discussed funding, yes, we are always reviewing, particularly as we come to preparing for another budget year, the specifics in terms of our formulas, but I would like to emphasize with you that we have a system of school busing support across this province which is based on a formula which is equitably applied. I think that, yes, there could well be a need for fine tuning, but the formula is working well in this province.

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

### 2:30 Assured Income for the Severely Handicapped

MR. AMERY: Thank you, Mr. Speaker. My question is to the hon. Minister of Family and Social Services. The caseload of welfare recipients has dropped by almost 50 percent in recent years. The Minister of Family and Social Services has been able to reduce the budget by \$450 million in this area. However, there is a group of people who are disabled and severely handicapped on the assured income for the severely handicapped, or AISH, program. Can the minister tell us what has happened to this very needy group of people?

MR. CARDINAL: Mr. Speaker, that's a good question. When we reformed the welfare system over two and a half years ago now, the plan was always to ensure that dollars were moved into the high-needs area. While we reformed the system, of course it allowed us to reduce expenditures to Albertans by \$450 million and in addition to that save another \$150 million in cost sharing from the federal government, which allowed us to move over \$170 million to the high-needs areas.

One of these areas, of course, is persons covered under the assured income for the severely handicapped program, which in March 1993 had a caseload of 15,700. We did a review as part of the overall plan of ensuring that services are provided to the

people most needy. By September of 1995 the caseload in that particular high-needs area had grown in fact by 1,324, or 8.4 percent, to 17,042 cases. The plan when we reformed the system was always to ensure that dollars were moved to the high-needs area, and this is a very high-needs area.

THE SPEAKER: Supplemental question.

MR. AMERY: Thank you, Mr. Speaker. Can the minister tell the House what impact this caseload increase has had on his department's budget?

MR. CARDINAL: Mr. Speaker, specific to the budget for assured income for the severely handicapped the budget back in '92-93 was \$152 million. In '93-94 it was \$163 million. By this fiscal year we've increased it to \$173 million and over a four-year period increased the budget actually \$20 million a year. So the plan is working well.

I'd just also like to announce, Mr. Speaker, that as of the end of October 1995 the caseload dropped again by another 2,390 cases in Alberta, bringing the overall reduction in the caseload to 47,372, or 50 percent of the total drop.

THE SPEAKER: Final supplemental.

MR. AMERY: Thank you, Mr. Speaker. Can the minister tell AISH recipients how the rates paid under the AISH program in this province compare to other provinces.

MR. CARDINAL: We did three phases of reforms in this department, Mr. Speaker. The second phase is children's services, and the third phase of course is persons with disabilities. We will continue reviewing that most high-needs area in the future and make changes as they are required. At this time the AISH program provides \$810 per month to the recipient along with related medical coverage of course. The only other province that has a higher rate than that at this time is Ontario, and at this time Ontario pays, I think, \$930 per month. We are the second highest in Canada in relation to providing services to those people in that particular category.

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

### Women's Shelters

MRS. SOETAERT: Thank you, Mr. Speaker. The Minister of Family and Social Services' understanding of women's shelters and the programs offered by his department is pathetic. First, the minister tries to distort the number of women and children who are turned away each year from shelters by tossing out vacancy rates of a few centres. I would like to table the turn-away rates given to me by the Alberta Council of Women's Shelters for the minister's information. Last week he gave incorrect information to his own member when asked to respond to the Alberta advisory council's report on abused women. My first question is to the Minister of Family and Social Services. [interjections] The truth hurts. Why did the minister claim that he has a program in place to pick up the telephone costs, including hookups and arrears, for abused women when shelters across this province have not heard about it and senior staff members have no knowledge of the new policy directive?

MR. CARDINAL: Mr. Speaker, the policy is definitely in place, and in relation to that particular area the information I gave the other day is correct. We have in fact since 1985 increased the budget for women's shelters by 250 percent. So this government continues to provide whenever possible and wherever possible the best services we can afford at this time. Again I need to stress that we have 17 shelters with 345 spaces, six rural family violence prevention centres with 21 spaces, and second-stage housing with 54 spaces, for a total of 420.

It's very important for Albertans to know that the vacancy rate in shelters, Mr. Speaker, is 26 percent on average. Second-stage housing is 60 percent, and rural centres is 50 percent. So we continue to provide a high quality of service. In addition to that, we use motels. In cases where we do not have a facility available immediately, we will accommodate individuals or families in motel settings.

Now, it's easy for the opposition member to criticize this department for not reacting to issues, Mr. Speaker, but I am still waiting. Over two and a half years ago I asked the Liberals to come up with their social policy to assist me in designing the policies of this department. I haven't seen anything. In fact, in February 1995 my critic was out there quietly doing research so they could develop their own social reforms. I haven't seen any of it. Please give it to me so I can incorporate it into our plans.

MRS. SOETAERT: Mr. Speaker, my supplemental to the minister: the fact is that almost 6,000 women and children were turned away last year. Turned away.

You stated here in the House that it is your policy to pay for phones. [interjections]

THE SPEAKER: Order. [interjections] Order. [interjections] Order.

Supplemental question without a preamble, hon. member.

MRS. SOETAERT: Why is the minister keeping his policy about telephones secret? Not a council knows about it, and your senior staff members don't know about it. Why is this policy a secret?

MR. CARDINAL: Mr. Speaker, this policy was changed just two months ago. It may take time to advise everybody, but to . . . [interjections]

THE SPEAKER: Order. [interjections] Order. The Chair would like to be able to hear the minister.

MR. CARDINAL: Mr. Speaker, to my knowledge there's absolutely no reason with the communications system we have in place – and we are funding over 150 agencies to provide additional support services – why any agency cannot find the information about the programs available. If there were 6,000 individuals refused services, there must be a reason, because there is no agency out there that will refuse anyone that is needy. Keep in mind that we do also in my department each month refuse probably thousands of people that are not eligible for programs. In fact, each month we open 8,000 files and close 8,000 files. So there are some people that are not eligible for programs.

MRS. SOETAERT: He is distorting reality again.

Will you offer women leaving abusive situations a toll block phone as recommended by the women's council? Don't dance around it. Yes or no? Will you give it to them?

2:40

MR. CARDINAL: This particular issue, as far as the toll block phone, is one we've been reviewing for a long time. Wherever possible, Mr. Speaker, we will provide that service. It does not work and is not acceptable to all the families, because with a toll block phone you're still allowed to accept long distance calls coming in. So it does create a problem, and some families prefer not to have that service available. Now, wherever possible, if it's needed, the services will be provided and are now provided.

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

### Rural Health Services

DR. L. TAYLOR: Thank you, Mr. Speaker. My questions are all to the Minister of Health. Rural Alberta has had in the past and continues to have trouble attracting and retaining doctors. I have communities in my constituency where there are no doctors or doctors only available on a part-time basis. In some instances people have to drive over an hour and sometimes more to get to a doctor. Even in the city of Medicine Hat it was recently announced that there were not enough doctors to man the emergency wards. Number one: could the minister please inform the House as to how many new physicians located in rural Alberta last year?

MRS. McCLELLAN: Mr. Speaker, I think to put the hon. member's question in context, we should understand how many new physicians came into Alberta. There were 239 doctors that came into Alberta in the year ended July 31, 1995. These figures are from the College of Physicians and Surgeons. There were 164 that were new; 33 returned from outside the province; 12 were brought back onto the registered list; and 30 returned to full practice from retired or special status. In the same period about 251 left. Some of those were retirees; some of those were leaving for other areas. So that leaves us about a .5 percent decrease in doctors.

The recent data that we have shows that 80 percent of the doctors came to Calgary and Edmonton and that 20 percent went elsewhere. This is generally quite reflective of what it is in the province, where 70 percent of the physicians practise in the two major centres. Mr. Speaker, I should point out that the government has absolutely no control over where doctors practise in this province or where they choose to set up practice.

MR. N. TAYLOR: You should.

MRS. McCLELLAN: Doctors are paid on a fee-for-service basis, not on a salary or a contract, so we can't dictate where a physician chooses to practise. I hear some members opposite saying that we should dictate where physicians practise. Perhaps they'll expand on that further at another time.

DR. L. TAYLOR: Can the minister assure rural Albertans that they will have full access to adequate health care services?

MRS. McCLELLAN: Certainly I can assure the hon. member and members in this House that we will continue to deliver a full range of services across regions in this province, as outlined in our core services document. Again, Mr. Speaker, I must reiterate that at this time Alberta Health or this government does not direct doctors where to practise in this province. We do need to get physicians into the rural parts of the province. This is in many areas a crisis, and it is regrettable that we have in some cases

excess family physicians, in particular in major centres, and a significant need for them in rural communities.

I have several regions that have asked me to declare their areas as an emergency area, Mr. Speaker, so they can bring doctors in from other areas, from other parts of Canada or from offshore, to fill those needs. I think it's regrettable that we have to do it when we have an adequate number of physicians in this province. It is the distribution of them that's lacking. I have spoken to the AMA about this in fact in the last two weeks most aggressively, that they simply must work with us to address this problem.

DR. L. TAYLOR: As the minister recognizes it is a crisis, will she consent to assigning a specific number of billing numbers for locations in rural Alberta to ensure an adequate, sufficient supply of physicians in rural Alberta?

MRS. McCLELLAN: Mr. Speaker, this is obviously an alternative that could be taken. It's a position that we could take. It certainly would be this minister's and this government's preference that we address this problem through consultation and incentives rather than in a dictatorial or arbitrary manner. As I indicated, I have raised this with the president of the AMA, in fact discussed it with him again as late as today, and have told the AMA that they simply must work with us to address this problem, because we really prefer to address this in a consultative way with the AMA and with the physicians that we presently have in the province. I can tell the hon. member that we certainly will do everything that we can to ensure that rural areas are staffed with physicians.

THE SPEAKER: The time for question period has expired.

Might we revert to tablings, hon. members? Is there consent?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

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

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

MR. PASZKOWSKI: Thank you, Mr. Speaker. During question period in the question from the hon. Member for Taber-Warner I referred to the Canadian Wheat Board Act and the composition of the advisory committee. I would like to table part of the Act that makes reference to that.

THE SPEAKER: Might there also be consent in the Assembly to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

### head: Introduction of Guests (reversion)

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

MR. DUNFORD: Thank you, Mr. Speaker. I have the honour today of introducing to you and through you to the Members of the Legislative Assembly a young woman who will be participat-

ing in the next great Edmonton event, which is the Canadian finals rodeo. Standing now in the members' gallery is Miss Rodeo, Hanna, and it's Nychcole Penny. Nychcole lives in my constituency in Lethbridge and works for the Alberta Winter Games '96 as a computer program supervisor. I'd like us to all give her a nice welcome.

MR. KOWALSKI: Mr. Speaker, in the members' gallery today are a group of the real builders of the province of Alberta, our senior citizens. They come to us from Westlock, a community just located a few miles north of Edmonton, one with an ample multitude of doctors, chiropractors, optometrists, dentists, and health care professionals. These are the builders of the province of Alberta, and they share in terms of their dignity and their beauty of course with all rodeo queens ever who've blessed this Assembly. May I ask my very good friends, our seniors from Westlock, to rise or to wave, and we can acknowledge their presence here today.

**head: Orders of the Day**

**head: Written Questions**

MR. DAY: Mr. Speaker, I would move that written questions appearing on today's Order Paper stand and retain their places except for written questions 249, 250, and 251.

[Motion carried]

#### Young Offender Centres

Q249. Mr. Dickson moved that the following question be accepted:

How many young offenders serving open custody dispositions have been held at the Edmonton Young Offender Centre and the Calgary Young Offender Centre for the period October 1, 1990, to October 11, 1995?

MR. DAY: Mr. Speaker, on behalf of the Minister of Justice I would like to indicate that the government is offering an amendment to Written Question 249.

Mr. Day moved on behalf of Mr. Evans that Written Question 249 be amended to move that the following question be accepted:

On a daily basis averaged over the entire fiscal year, how many open custody young offenders were on register at the Edmonton and Calgary young offender centres during fiscal years 1990-91, 1991-92, 1992-93, 1993-94, and 1994-95 and from April 1, 1995, through October 11, 1995?

THE SPEAKER: The hon. Member for Calgary-Buffalo on the amendment.

MR. DICKSON: Yes, on the amendment, sir. I received the amendment part way through question period. I appreciate the effort of the Minister of Justice to be responsive, but I regret that what the amendment would do is simply provide some average figures. I think Albertans want to have a sense of the peaks and the valleys, if you will. When we're looking at the population in our Edmonton and Calgary young offender centres, we're interested in knowing when we have far more youth in those centres than the building was designed to hold. So that's in fact the thrust and the essence of the question. The proposed amend-

ment averages it out. Unless we could receive some assurance that we'd be able to identify the highs and the lows, the amendment wouldn't be acceptable.

2:50

I guess the other thing I'd say is that presumably if the government can give us what the amendment offers, then they should certainly be able to provide the additional information to be able to respond to the original question. So that's the concern I have with the amendment. I'd be voting against the amendment unless it were expanded in the fashion I described: to be able to identify those high points and low points in terms of population in those two centres. If the amendment can't provide that kind of information – and it doesn't on the face of it now – then I'd have to vote against it and then speak to the main written question.

[Motion on amendment carried]

MR. DICKSON: Speaking to the main question, Mr. Speaker, there are a couple of comments I want to make with respect to that. I think that there's a lot of interest in this province in youth corrections and youth justice generally. I think there is particular interest in what's happening in the Calgary Young Offender Centre and in the Edmonton Young Offender Centre because those are the two facilities in this province that hold a very significant number of young people. I think a lot of Albertans want a better sense of whether those centres are working. If they're not working, why not? That means we need as much accurate, factual information as we can get. When I say "we" here, I'm not just talking about members of the opposition; I'm also speaking about Albertans. I daresay that there's not a member in this Assembly who hasn't been approached by constituents with queries about the way young offenders are dealt with in this province.

The reason why I think the matter is important, Mr. Speaker, is this. There have been two consultations done. You'll recall that the government set up a task force to consult with Albertans on young offenders, and they produced a report that cost Alberta taxpayers practically \$66,000. Before that report was done, the opposition decided that we would also do a consultation, so myself and my colleagues for Clover Bar-Fort Saskatchewan and Edmonton-Glenora had undertaken an assessment. The cost to Alberta taxpayers was slightly over \$10,000. In our report what we determined was that there is a major, major problem with people serving open custody dispositions in the Edmonton Young Offender Centre or in the Calgary Young Offender Centre. We wanted to be able to find out how many people are in the facility, because that would allow us then to know what the risk is for commingling of people serving for the most serious kind of offence, serving the longest possible time period, and those people who really should be in an open custody facility. Because the government closed those down, they're now being warehoused in the Edmonton or Calgary young offender centres.

So the information that's been asked for is important. We'll continue to press for it irrespective of what happens with the amendment. I would think that all members, not just in opposition but all members on the government side, would be anxious to see this information put out there as well.

Thanks very much, Mr. Speaker.

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

MR. SAPERS: Yeah. Thank you . . .

THE SPEAKER: No. The Chair is advised that on written questions, the mover of the question has the right to close debate, and that is what the hon. Member for Calgary-Buffalo has done.

MR. SAPERS: He didn't know what he was doing, Mr. Speaker.

THE SPEAKER: Well, in this case the Chair is compelled to put the question on the motion as now amended on Written Question 249.

[Motion as amended carried]

#### **Youth Justice Committees**

Q250. Mr. Dickson moved that the following question be accepted:

What are the mandate particulars of the 13 youth justice committees which have been formally designated and the additional 35 youth justice committees which are in the process of being formed as referred to on page 11 of the 1994-95 annual report of the Justice department?

MR. DAY: Mr. Speaker, the government is pleased to accept Written Question 250.

[Motion carried]

#### **Civil Enforcement Program**

Q251. Mr. Dickson moved that the following question be accepted:

What are the specific details identified in the estimated annual saving of \$1 million under the civil enforcement program referred to on page 6 of the 1994-95 annual report of the Justice department?

MR. DAY: Once again, Mr. Speaker, the government is more than happy to accept Written Question 251.

[Motion carried]

#### **head: Motions for Returns**

MR. DAY: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of 244, 245, 246, 247, 248, and 276.

[Motion carried]

#### **Tax on Income Proposal**

M244. Dr. Percy moved that an order of the Assembly do issue for a return showing a copy of the June 1994 final report on the tax on income proposal prepared for the ministers of finance by the federal/provincial committee on taxation.

MR. DAY: Mr. Speaker, on behalf of the Provincial Treasurer the government is pleased to reject this Motion 244.

DR. PERCY: It's interesting, Mr. Speaker, in the sense that I was able to obtain some of this information through freedom of information in Ottawa, a freedom of information Act that doesn't seem to have really bitten hold here in this province yet. What we're asking for is really something that we know has been talked

about by Alberta Treasury in particular, which is to shift from a taxable rate on the federal tax to a tax on income, and this would give the provincial government significantly more flexibility in designing a made-in-Alberta tax policy. It's interesting that this material is being held back, because we've asked for various working papers on this as well, and we know we're going to see something sprung on us at the budget come February. I guess I just have to utter my profound regret that the Provincial Treasurer has seen fit to keep the lid closed on the dark secrets that lie in Alberta Treasury.

THE SPEAKER: Is it not taken that the hon. minister spoke on this motion when he rejected it? Therefore, the hon. Member for Edmonton-Whitemud effectively closed debate when he replied to the minister. Therefore the Chair is now compelled to put the question on Motion for a Return 244.

[Motion lost]

#### **Flat Tax**

M245. Dr. Percy moved that an order of the Assembly do issue for a return showing copies of any studies prepared by or on behalf of the government between January 1, 1993, and May 1, 1995, pertaining to the retention or elimination of the .5 percent Alberta flat rate tax.

MR. DAY: Not wanting to startle the member again, I will probably do so by saying that the government is pleased to accept Motion 245.

[Motion carried]

#### **Treasury Branches**

M246. Dr. Percy moved that an order of the Assembly do issue for a return showing a copy of the latest approved five-year business or strategic plan for the Alberta Treasury Branches dealing with plans to eliminate the Treasury Branches deposit fund accumulated deficit.

MR. DAY: Mr. Speaker, it is the view of the Treasurer that to release this document could actually "result in financial loss to" or even "prejudice the competitive position of" Alberta Treasury Branches, and because of that, it's quite clear in section 24(1) of the freedom of information and privacy Act that this would exempt this document from being released, and that is the reason for rejecting Motion 246.

THE SPEAKER: Anybody else?

The hon. Member for Calgary-Buffalo.

**3:00**

MR. DICKSON: Thanks very much, Mr. Speaker. You know, I think this demonstrates some concern in the Legislature and some misunderstanding of one of the provisions in the Freedom of Information and Protection of Privacy Act. The point I think is this. There is an express acknowledgement in that statute as it was first passed in the spring of 1994, unchanged in the spring of 1995, that says that there are times when the province of Alberta Treasury Branches act as an agent of the provincial Crown. That's been acknowledged by the government already, so that's a given. Notwithstanding the fact that the hon. Provincial Treasurer has at least three times in this fall session of the Legislature

suggested to the contrary, his government has already accepted that fundamental proposition.

So if we go from that and say that there are occasions when the Treasury Branch operates as an arm of government, if you will, as an agent of the Lieutenant Governor in Council, you then take the very short step to say that these kinds of plans, the business or strategic plans that are sought in this particular motion, speak to something in which all Alberta taxpayers have a direct pecuniary interest.

I think the other point I'd just make, since the Minister of Labour referenced the Freedom of Information and Protection of Privacy Act, is that I'd just remind him that under section 31 of that statute there is what's colloquially known as a public interest override. So what we've got is a provision that the Treasury Branch, firstly, is subject to the Act – it's not excluded – in at least one dimension of its operation. You also have the provision that there is a public interest override, and the third factor is that the commissioner, Mr. Clark, has the power to require that documents be disclosed, even over the objections of a minister or over that of the entire cabinet.

So for all of those reasons I think this is an appropriate motion. I think that the grounds suggested by the Minister of Labour in opposing this on behalf of his government simply don't hold water, Mr. Speaker, and I'd encourage all members to support this motion. I think it's appropriate, and I think Alberta taxpayers, through the agency of this Legislature, want to be able to access that information.

Thank you.

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

DR. PERCY: Thank you, Mr. Speaker. I certainly rise in support of this motion for a number of reasons. First and foremost is that Alberta taxpayers collectively self-insure over \$9 billion in savings deposits held by the Treasury Branches. Furthermore, any change in the fiscal position of Alberta Treasury Branches shows up as a change in the consolidated deficit or surplus of the province. So we collectively have a vested interest in assessing the performance of the Alberta Treasury Branches because we represent Alberta taxpayers. We are in a sense their agent as monitors of the Alberta Treasury Branches in the absence of any effective mechanism of accountability. It's clear that the Provincial Treasurer has abdicated his responsibility for monitoring the Alberta Treasury Branches.

All this motion asks for is in fact a business plan. I would call the hon. Speaker's attention to the fact that for a number of years we had asked for any strategic plan or business plan of the Alberta Special Waste Management Corporation, and it was never forthcoming. Look where that got us: \$500 million in losses. So the request here is simply to see the business plan, see if in fact they have a business plan to reduce their accumulated deficit.

Now, this is of significant interest to us because, as well, when you do a comparison of the performance of Alberta Treasury Branches relative to comparably sized financial institutions, what do you find in each and every category? Return on assets: they're lower than their counterparts. Administrative costs relative to their revenue base, their savings base: higher than their counterparts. So by virtually any observable set of criteria that assess performance, Alberta Treasury Branches are lagging relative to their counterparts out there. Mr. Speaker, it is us, who represent the taxpayers, the implicit shareholders in the Alberta Treasury Branches, that ought to demand to see what they're doing about

it. But we don't see it. We don't see any strategic plan, any three-year or five-year business plan. Again, anything that the Alberta Treasury Branches do impinges on the bottom line of this province, so it is the right and responsibility of the Legislature to see those types of business plans.

So with those comments, Mr. Speaker, I will conclude.

[Motion lost]

#### Treasury Department Consultants

M247. Mr. Sekulic moved that an order of the Assembly do issue for a return showing a breakdown of the \$730,000 in expenditures contained under vote 3.8.1, project management, Treasury Department, 1993-94 public accounts, volume 2, page 136, providing a breakdown of expenditures on consulting services by name of consultant, fees paid, and the nature of the project engaged in these consultants.

MR. DAY: Well, Mr. Speaker, the Member for Edmonton-Manning continues to set an example of what good questions are, and for that reason the government is pleased to accept Motion for a Return 247.

[Motion carried]

#### Gainers Inc.

M248. Mr. Sekulic moved that an order of the Assembly do issue for a return showing a copy of the January 1990 report prepared by members of Executive Council responsible for monitoring the province's involvement in Gainers, estimating the province's exposure to loss at \$143 million as cited in the Auditor General's report of statement of loss to the province from its involvement with Gainers Inc. dated March 23, 1994.

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

MR. SEKULIC: Thank you, Mr. Speaker. I know that my luck can't last; nonetheless, I move that Motion 248 standing on the Order Paper in my name be accepted.

MR. DAY: Well, Mr. Speaker, batting 500 is an honourable rate. The government will have to reject Motion for a Return 248. This issue is actually presently before the courts and deals with policy considerations and advice to Executive Council. So those reasons are valid indeed for withholding a document. That's under sections 4(1)(g) and 21(1) of the Freedom of Information and Protection of Privacy Act.

DR. PERCY: I rise to speak in favour of Motion 248, that stands on the Order Paper, by the Member for Edmonton-Manning. Again, I think the hon. House leader has said that this is basically sub judice, that it's before the courts. I think it's very illustrative of a number of the reasons why we've been pushing, for example, our concerns over the loans by Alberta Treasury Branches to Stewart, Green, 150 million plus dollars and counting, backstopped by a hockey team that itself is now . . . Let me see: \$40 million of Alberta Treasury Branches debt is assigned to the hockey team; \$10 million is owed to the Pittsburgh Penguins; \$6.4 million is owed to the NHL. Again we end up in these types of financial messes.

What we're attempting to do by asking those types of questions is prevent the losses that we see set out under 248. We're looking here at a loss of \$143 million. We have the Auditor General's report, that goes through mistake after mistake that was made with regards to Gainers, just as with the Auditor General's report on Swan Hills. Mistakes and misjudgments have been made. So yet again we find that we can't get the information that we want. Now the ruling is that it is sub judice, but the bottom line is that had we had this type of information that we requested in 248 before the loans were made, before we got into this financial mess, we perhaps would not be looking at 2 and a half billion dollars in losses to companies like NovAtel, MagCan, Bovar, and the like. So there's a very important role for the Legislature in trying to close the door before the horse has escaped.

Here we're now debating money that is lost; it is spilt milk. I think it highlights fundamentally the importance, then, of trying to bring to the fore potential losses and of making sure – in this particular case the agent of the government, the example I spoke about, was Alberta Treasury Branches and the Stewart, Green loans – that something be done before we lose the money rather than looking at a motion for a return telling us how we actually lost the money.

Thank you.

**3:10**

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

MR. DICKSON: Thanks, Mr. Speaker. The concern I have with the hon. minister is that all members should be starting to get a little alarmed when we hear ministers of the Crown coming in and citing provisions in the freedom of information Act as the basis upon which they decline to respond to questions here. My comment would be this: let's be clear on the sub judice aspect. That's a kind of situational qualification that only applies while the matter is before the courts until there's been a judicial determination. Once there's been a trial judgment in a matter which is currently, as I understand it, before the Court of Queen's Bench of Alberta, once the appeal period has passed, my view is that the sub judice argument falls. It no longer applies. The documents are only clothed with that while there's still a lis before the courts. Once it's been disposed of, that doesn't apply at all. So that can't be the basis.

In terms of the provisions in the Freedom of Information and Protection of Privacy Act, once again section 31 in fact imposes a positive obligation on a minister of the Crown. If there is documentation that speaks to a number of things, including "the public interest" of Albertans, that minister has a positive duty, a positive obligation to produce the document. If in fact the potential loss of 143 million taxpayer dollars doesn't cross the threshold, doesn't meet that test in section 31 of the freedom of information Act, what on earth would meet that test, Mr. Speaker?

So I think that if the minister would get past the 14 mandatory and discretionary exceptions in the first part of the Act and direct his mind to the fourth part and section 31, he would understand and perhaps recognize that the minister responsible is under a positive obligation, in my view, to come before the Legislature and share this document, independent of a motion for a return this afternoon. So I think that neither the argument cited, whether it's sub judice, nor the discretionary exception in the Freedom of Information and Protection of Privacy Act would wash.

I think the other point I was going to make is that I think the minister cited one of the discretionary exceptions, not one of the

three mandatory exceptions. If it's a discretionary exception, what that means is that the minister can release information even if it falls within the plain reading of the exception, and that's the one I heard the minister cite. It was one of the discretionary exceptions, not the mandatory exception, and if that be the case, then I would think the minister should come forward eagerly to share that information with Albertans and certainly with members of this Assembly.

Thank you.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I feel compelled to speak on this particular issue because time and time again we run into this appalling penchant for secrecy that this government veils everything with. I would have hoped that the members opposite, the members on the government side, would have learned by now, after very recently finding out the real damage that has been done in the Swan Hills case.

MR. DAY: A point of order.

THE SPEAKER: The hon. Government House Leader is rising on a point of order.

#### **Point of Order Questioning a Member**

MR. DAY: Would the member opposite entertain a brief question, Mr. Speaker?

MR. VAN BINSBERGEN: Mr. Speaker, we have so little time here to discuss this. I'll see him afterwards. [interjections] I invite the House leader to afterwards talk to me outside.

#### **Debate Continued**

MR. VAN BINSBERGEN: Mr. Speaker, I'm still challenging the members on the other side to rip away that veil of secrecy and to stand up for once and insist that their own government make this kind of information available. I think we're entitled to it. I think the taxpayers want to know it.

Thank you very much.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'm pleased to join debate this afternoon on this particular motion for a return. I've been listening intently to the debate, and I'm very persuaded by the arguments by the Member for Calgary-Buffalo that the reasoning put forward for the rejection of this motion for a return simply doesn't wash. I'd be interested in hearing from the minister responsible for freedom of information and protection of privacy on his interpretation of the public interest override, which was referred to by the hon. Member for Calgary-Buffalo. I think his argument is sound in that with the provision of the public interest override that's contained in the Act, surely the circumstances that are contained in this request for information that deals with the loss of Alberta taxpayers' dollars, \$143 million, in the government's secretive dealings with Gainers – if that does not constitute a public interest override, then what on earth does?

Mr. Speaker, the government's rejection of this motion for a return on that basis essentially establishes for the people of Alberta that the government of Alberta has no interest in using or

relying upon the public interest override that is contained in the freedom of information and protection of privacy legislation. There is a purpose for that section. The government is now saying by its rejection of this motion for a return that that section will never be used.

MR. DAY: Mr. Speaker.

THE SPEAKER: The hon. Government House Leader is rising on a point of order.

**Point of Order  
Questioning a Member**

MR. DAY: Would the member opposite entertain a brief question?

MR. COLLINGWOOD: Mr. Speaker, time is short; there's much to do.

**Debate Continued**

MR. COLLINGWOOD: I accept the argument put forward by the Member for Calgary-Buffalo that with the rejection of this particular motion for a return on the basis that the government is rejecting it in terms of the provisions of the freedom of information legislation and the spurious argument of sub judice, the message that is being conveyed today is: the government will never allow the public interest override to ever be used in that legislation. The loss of taxpayers' dollars, \$143 million, does not constitute in the mind of the government an issue of public interest. They have resisted releasing information about the Gainers fiasco year after year after year, and under this so-called new, open, and accountable government, which coincidentally is exactly the same as the last secretive Conservative government, nothing but nothing has changed.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Manning to close debate.

MR. SEKULIC: Thank you, Mr. Speaker. I will entertain a question from the hon. Minister of Labour.

MR. DAY: I hadn't asked if he would, but . . .

MR. SEKULIC: I was anticipating.

MR. DAY: He's young and still somewhat eager, Mr. Speaker.

With comments that have been made about secrecy and with these types of words that are constantly thrown into the discussions from members opposite, I wonder: is the member aware that on October 25 the Auditor General of this province sat in this Assembly and made, among other comments, this comment?

I am pleased to report that Alberta continues to lead Canada in areas of financial reporting and disclosure and accountability. Is the member aware of that?

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

MR. SEKULIC: Thank you, Mr. Speaker. I do appreciate the question, and, yes, in fact I am aware of that. Perhaps I'll reflect a question back in return. Is the member opposite aware that Alberta leads the way perhaps in North America for financial blunders and losses?

Mr. Speaker, on a more serious note, I won't speak to the issue of sub judice or the freedom of information Act, because they have been fairly well responded to.

MR. DAY: Point of order, Mr. Speaker.

THE SPEAKER: Order. The Government House Leader is rising on a point of order.

**Point of Order  
Allegations against Members**

MR. DAY: Mr. Speaker, I hate to admit this, but I am somewhat provoked by the remark. Under Standing Orders 23(h), (i), and (j), the severe allegation about leading in losses. Ontario Hydro alone sweeps past anything that's ever been accomplished here, and in the United States the savings and loan absolute horrifying mess is a total runaway. So I'd ask the member to withdraw that statement.

3:20

MR. SEKULIC: Mr. Speaker, I'm here as a representative of a large number of constituents from Edmonton-Manning. The Minister of Labour has raised a valid concern, that they in fact are not first. They are, however, fierce competitors for that position.

Mr. Speaker, as I was starting off, I won't be speaking to sub judice or the freedom of information Act, because I believe they've been covered fairly well by my colleagues on this side. I do, however, want to bring about a concern: what taxpayers couldn't get in terms of information through their elected officials over the past five or 10 or 15 years they are now seeing revealed in hordes through the media, through the efforts of legal representatives on both sides of this case. My specific concern is that should this information have flowed earlier, we could have prevented so much of what's happened. I think it reflects on a style of management, one of being proactive as opposed to being reactive. Too often we've seen and in particular in the last year we've been debating on a reactive approach. That's only because many of the horses have left the barn, and we're only now trying to close it. My specific concerns are that matters of public concern are only being made public now through the courts and not through the channels where I think they should have been made and should be made in the future, and that's through this Legislative Assembly.

With those few comments, Mr. Speaker, I will close debate.

[Motion lost]

**Privately Operated Correctional Centres**

M276. Mr. Dickson moved that an order of the Assembly do issue for a return showing a copy of all materials produced by the correctional services division comprehensive review of privately operated correctional centres, as referred to on page 11 of the 1994-95 annual report of the Justice department.

MR. DAY: Mr. Speaker, on behalf of the Minister of Justice the government would like to accept this motion but has proposed an amendment, which has been distributed.

Mr. Day moved on behalf of Mr. Evans that Motion for a Return 276 be amended to read that an order of the Assembly do issue for a return showing a copy of the report Review of Privatization of Correctional Services in Alberta.

There is no difficulty in the government's mind with releasing part of the documentation here.

However, the second part of the documentation, a "comprehensive review of privately operated correctional centres," that whole matter being still under review and also taking into account the considered legal opinion, which states that under the Freedom of Information and Protection of Privacy Act documents must not be released if they were to reveal the substance of deliberations of Executive Council or any of its committee or the Treasury Board, that part of the document the government has no problem indicating at this time is a resource document provided for advice. Until such time as decisions have been made along those lines, the government is restricted by its own Act from releasing that. That's the reason for the amendment: to release the first part but at this point in time, not the second.

MR. DICKSON: On the understanding that the document identified on page 11 of the 1994-1995 annual report for the Department of Justice, that this document is that document, I'll accept the amendment and urge other members to accept the amendment. I guess if it falls short, then we'll be back looking for more, Mr. Speaker.

Thank you.

[Motion as amended carried]

**head: Public Bills and Orders Other than  
head: Government Bills and Orders  
head: Second Reading**

**Bill 214  
Victims of Violence Act**

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

MRS. LAING: Thank you, Mr. Speaker. I've sponsored Bill 214 because I feel there's a need in Alberta for greater recognition and awareness of the rights of those who find themselves victims of crime and violence. The purpose of this Bill is simply to ensure that victims of crime are treated fairly, with care and respect during every stage of their dealings with the justice system. The focus of our criminal justice system is to determine whether in fact a crime was committed and, if it was, to appropriately punish the criminal actions. Along with this focus comes the concern that the rights of the accused are protected: that people are not held without cause and that they receive a fair trial.

In concentrating on the state of the accused, it's often that the needs of the victim go unnoticed. The victim really should be central to the whole process, but somehow the criminal's needs take precedence, and the fact that there was a victim of the crime becomes all but forgotten. A person becomes a victim when the crime is committed against them. Victims along with the accused are the ones most directly affected by and concerned with the outcome of the investigation and the trial, yet the victim is often left out of these proceedings. We must rectify this situation to improve our justice system for all those it serves.

Somebody's world can be turned upside down when they become a victim of a crime: being hit by a drunk driver, having your house or business robbed, the death of a family member or a close friend at the hands of another person. Your whole life can be affected forever by these changes. I've personally had experience with this as my own home was broken into about a month ago and my own personal property was stolen, so I also

can understand the feelings that victims have. Victims of crime can be suffering all sorts of physical, mental, financial, and emotional effects from a crime. It's imperative that we recognize this fact and that we ensure that the rights of the criminal are protected during the investigation and the trial but also that the rights of the victim are protected as well.

Justice does not only involve seeing that those who commit the crime receive the proper punishment. It also means restitution resolved for the victim. To achieve this, a victim must be treated with respect and fairness. Bill 214 emphasizes this aspect of the justice system to ensure that true justice is served. I brought this same issue to the House, Mr. Speaker, in the spring of 1994 in the form of a motion. The ideas behind Bill 214 are similar to Motion 512. This asked for victims of crime to be treated fairly and with dignity and respect throughout every stage of their involvement with the justice system. This motion was passed unanimously in March of 1994, and since that time we have seen some encouraging recognition of the need to ensure that victims are properly treated and cared for in their dealings with our justice system. [interjections]

THE SPEAKER: Order.

MRS. LAING: Perhaps I'll just wait a minute.

In June of 1994 a letter was sent from the Minister of Justice to all law enforcement agencies, funded victim assistance programs, and chief Crown prosecutors outlining principles that the federal and provincial Justice ministers agreed upon to promote access to justice, fair treatment, and provision of assistance to victims of crime. These principles are to guide the actions of all those who deal with victims of crime. These are commendable principles, Mr. Speaker, and valuable enough that they should be enshrined in legislation. It would improve the fairness and the effectiveness of the justice system if these principles could become law, and it's these principles that form the basis for Bill 214.

The first principle of Bill 214 and the context in which everything else in the Bill is to be interpreted is that "victims should be treated with courtesy, compassion and respect for their personal dignity and privacy." This means that those working with victims in the criminal justice system should remember that they are dealing with real people who may have gone through some very traumatic times and may still be suffering because of the crime committed against them. It is essential that we are aware of that and sensitive to this fact.

Another important fact of Bill 214 is the communication of information. There are many services available to victims of crime and violence, but they are of no help if the victims are not made aware of them. Victims must have access to and be advised of the programs available to them such as exist in social services, health care, medical treatment, counseling, and legal assistance.

Another provision of Bill 214 that will assist in the healing process and help victims to get on with their lives is the clause that states: "Victims should have property that has been taken from them returned as soon as [possible]." Having property stolen is a great invasion of privacy and a personal violation. Providing for property return to the victim as soon as possible will help to limit the inconvenience and disturbance that a crime has caused. After a month we have only had our cellular phone returned; several other objects are still missing.

**3:30**

Becoming the victim of a crime is a very frightening thing, but being thrown into the maze of the criminal justice system can add

confusion to the victim's fright. It's up to those in the system to make sure that the victims who are forced into these proceedings by actions out of their control are advised of the procedures and made to understand them. Bill 214 requires the police to inform victims of the services, remedies, and protection available to them, provisions that exist in Bill 214. The Criminal Injuries Compensation Act, the Victims' Programs Assistance Act, and the provisions of the Criminal Code of Canada relating to victim impact statements: these are all things that might assist them.

The Criminal Injuries Compensation Act provides assistance to victims of violent crimes who suffer financial loss as a direct result of injury or death. The Crimes Compensation Board established by the Act reviews each applicant's claim and decides on the amount and type of compensation it can award. The Victims' Programs Assistance Act established a fund to support groups that provide assistance to victims. The fund receives its money from surcharges imposed by courts on those who are convicted of offences under the Criminal Code, the Narcotic Control Act, and the Food and Drugs Act.

Victim impact statements are taken by the police and can be read in the court prior to sentencing to provide the judge or jury with an insight into the effect that the crime has had on the victim's life. It may be the victim's only chance to feel that they have made a contribution to the decision made by the courts as to the punishment that's to be received by the accused. Even in cases that have not gone to trial, victims should be kept informed by police of the progress of the investigation that relates to that crime and the charges laid with respect to it. If no charges are laid, then the victim should also be advised of that fact and receive the explanations as to why.

I would like to acknowledge the work of the police-based victim assistance units that have been set up across the province. These volunteer groups are trained by the police and provide the victims of crime with information, assistance, and support during the investigation and court proceedings. This is very valuable help, and I would like to commend the police and the volunteers for the great job that they do. Unfortunately, these services don't exist in every other province.

Bill 214 will also require prosecutors to inform victims of their role in the prosecution, court procedures that relate to the prosecution, the dates and the places of all proceedings, and the outcome of all proceedings. This would include the results of any appeal and may even include the application and granting of parole. Of course, in cases in which victims wish to be kept informed, it's up to them to provide the police and the prosecutor with information as to their whereabouts. It should not be up to those working in the system to find a victim if they have to search for them.

Mr. Speaker, the criminal justice system is a foreign process to most people who come in contact with it. Even to some who've been there before, it can be frightening. One way to relieve the anxiety of victims who must deal with the system is to ensure that they understand the proceedings, what is required of them, and what services are there to help them. It is therefore reasonable to ask police and prosecutors to take on this responsibility and to work with the victims to make sure that their experience of the system goes as smoothly as possible.

Another clause contained in Bill 214 that seems reasonable to enforce when respecting the dignity and privacy of victims is to ensure that "in any court proceeding or investigation, the victim [is] kept apart from any person accused of committing a crime against [them]." I understand that this may now sometimes be a

problem in rural areas, where police and court facilities may be limited. There may not be space available to keep the victim and the accused from coming in contact with each other. But this is only a matter of compassion, Mr. Speaker. Perhaps the victim could be kept in a car, or next door. Some arrangement has to be made to spare them from intimidation and unofficial contact with the culprits. The person has already suffered because of the actions of another; it's cruel to bring them into unnecessary contact with one another again to prolong that suffering. It may take some creativity and perhaps a slight change in procedures, but there are ways to prevent the victim from coming in contact with the accused.

The last provision of Bill 214:

A victim has a responsibility to report an offence and to cooperate with law enforcement agencies and prosecutors in the investigation and prosecution of a crime.

The result of Bill 214 would be the improvement of the criminal justice system. The focus of course is on making the system more responsive and sensitive to the needs of victims. The Bill also recognizes, however, that victims, too, have the ability to improve the justice system. If more offences were reported, then more prosecutions could be completed. We're all safer when the criminals are prevented from committing more crimes.

As a matter of housekeeping, Mr. Speaker, there has been a suggestion that perhaps this Bill could even be called the victims of crime Act, but that's up for discussion.

An argument that I would like to mention in closing, Mr. Speaker, is that Alberta is one of only two provinces in this entire country that does not have legislation like this in place. Without a Victims of Violence Act, we are behind the times and fall short in our duty to officially protect the rights of our citizens. Victims deserve more attention and consideration from the criminal justice system. We should not make a difficult situation even more difficult for an innocent victim. We must protect the rights of those who are victims of crime and violence in Alberta by legislating their right to be treated fairly, with respect, and to have access to services and information that they need to help them through an often painful experience.

There is a definite need for this Bill. People need to know that they can count on it, and I hope that all my colleagues in this Assembly can join me in supporting it.

Thank you.

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

MR. DICKSON: Thanks very much, Mr. Speaker. In listening to the Member for Calgary-Bow, I suppose I was thinking to myself: how could anybody not support this Bill? As she went through and talked about compassion and responsiveness to the needs of victims, as she talked about the need for sensitivity, for just responsibility on the part of the authorities – police and Crown prosecutors and people involved in the system – I found myself nodding almost throughout the entire speech of the Member for Calgary-Bow. I did that, and I expect every other member did when we looked at Motion 512 in May of 1994.

You know, Mr. Speaker, I'm a pragmatic individual, and I think most members in this Assembly are pragmatic. Surely at some point somebody's got to stand up and say, "The emperor has no clothes." Somebody has to say that what Albertans want isn't some kind of a Bill of Rights for victims. What they want are programs. What they want are services. What they want is a recognition of the need for victims to be treated with respect in the day-to-day management of the administration of justice.

Mr. Speaker, I'm not imputing motives to the Member for Calgary-Bow, because I have no doubt they're absolutely the most genuine of motives. It is a real concern, and I expect she would have supported this even if she hadn't been a victim of a crime. The reality is that Bill 214, members, is an indictment of the Minister of Justice, of the current government of the province of Alberta. There is no other way of viewing it. You know, if we have to come to a point in this province where we need a piece of legislation to try and legislate good manners, to legislate compassion, to legislate respect for our fellow Albertans, we've got far bigger problems than anything that can be served by Bill 214, however many people vote for it.

Mr. Speaker, let's put this in a real-life context. Number one, we're looking at a 30 percent cut to grants to police forces in the province of Alberta. Number two, we're looking at the 1994-1995 annual report for the Department of Justice, and we see a \$3.2 million reduction in what is called social programs function. What's in that envelope? Well, I'll tell you: victims' programs assistance fund, victim impact statement program, victim assistance co-ordinator training program. Those are programs and offices set up specifically to address the real life needs of victims in the province of Alberta. That's the area where the Minister of Justice and his cabinet colleagues have decided they're going to chop in excess of \$3 million in funding. But it doesn't stop there.

3:40

If you want to treat victims with dignity and respect, that means that when a woman is assaulted by her partner and has to find a place for her and the children to live where they're safe, there has to be a place for them to go, Mr. Speaker. A Bill of Rights, no matter how eloquent the verbiage, is of no solace to that woman who's looking for a place to stay late on a Saturday night when she's trying to be safe and trying to find a safe place for her children.

Mr. Speaker, we have cutbacks in this province in social services. It's been demonstrated in the House that we don't have enough places for victims of domestic violence to go to be safe, for their children to be safe. When we look at particulars, not rhetoric, at what is happening in this province to respect the role of victims, the very best example I can offer took place in a debate in this very Assembly with the same members that are here now, that were here in the spring of 1995. The Bill was the Bill to amend the Freedom of Information and Protection of Privacy Act. The section was section 19(5). Members may recall that the year before, in 1994, we took the first cut at a freedom of information law. There was a provision in there that I'm sure was supported by the Member for Calgary-Bow. What did it say? It said that if you're the victim of a crime or perhaps a family member of a victim of a crime and you wait and you wait for charges to be laid by the police service and nothing happens and nothing happens, you would have a right to be able to go to the Crown and say: "I want to know what happened to that police report I filled out two months ago. I'd like to know: is a charge going to ensue? If not, can I get at least, minimally, an explanation in terms of why there's going to be no charge?"

That was a right that all members voted to put in the freedom of information law in the spring of 1994, and I thought: here is something that gets us beyond nice words and empty rhetoric; here's something that means something useful to the victims of this province. Well, what happened? In the spring of 1995 the government of Alberta brought in an amendment. You know what, Mr. Speaker? They said: "Victims don't really have a right or shouldn't have a right to an explanation. Why don't we just

say that the Crown may give them an explanation?" Members, certainly in opposition, said repeatedly in the spring of 1995: victims have a right to an explanation. We heard all kinds of what I respectfully suggest were flimsy reasons, excuses, why that wasn't appropriate, whatever. But here was a chance where it really counted for members in this Assembly to be heard doing something positive for victims.

We have only to look at *Hansard* from the spring of 1995. I'm going to be listening carefully when members get up, and I expect there'll certainly be members like – the Member for Calgary-Fish Creek, dollars to doughnuts, is going to be somebody who's going to support this Bill and say that this is what we need for victims.

MRS. FORSYTH: You're right, and I'm up next.

MR. DICKSON: That's the same member who, when we were looking at section 19(5) in the spring of 1995 – you know how that member voted when we were talking about whether victims should have a right to an explanation? She voted that they don't have that right and that they shouldn't have that right. [interjections]

THE SPEAKER: Order, hon. members. Just settle down. The Member for Calgary-Buffalo is doing very well on his own without your assistance.

The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks, Mr. Speaker. I'm going to refer every member of the Assembly to page 1856. It's May 16, 1995. We can go through and we have 34 people who voted against the Liberal amendment that would have said that a victim is entitled as a right to an explanation, that they wouldn't have to beg for it, that they wouldn't have to go through the indignity of being denied an explanation. So it's high time that we recognized that Albertans aren't going to be fooled by a bunch of pretty words. Albertans want concrete action, and here's a chance to do something about it. But it doesn't end there, Mr. Speaker.

The other day members may recall that I asked a question of the hon. Minister of Justice. I expressed a concern about Crown prosecutors. Mr. Speaker, you know something? What a victim of a violent crime will tell you is that the person, next to the investigating officer, that was the biggest player in their lives in terms of how this thing was dealt with was the Crown prosecutor. The Member for Calgary-Bow said that the Minister of Justice sent out a list of guidelines to Crown prosecutors in terms of how they should treat victims, and that was a positive thing. But you know something? Because of cutbacks in the Crown budget, because we have Crown prosecutors that are working for the lowest wage anywhere in Canada, because they have at least in the city of Calgary the highest caseloads anywhere in the province, we are losing prosecutors. They're not being replaced. People are working evenings and weekends. To insist that these people now start doing all kinds of other things for victims when we don't give them the tools to be able to do the job properly is absolutely hypocritical.

Mr. Speaker, if we're really concerned about victims, why aren't we talking about the fact that in the city of Calgary there are 40 prosecutors and that we only have 28 of them actually doing line prosecution work. Go and talk to a Crown prosecutor in the city of Calgary, talk to him about victims' rights. You know what the response is going to be: give us the tools to be able to do the job; give us the tools and the time and the resources to

be able to assist victims the way this Bill would have them treated. We do those kinds of things that are far more valuable to the people that we all have been elected to represent than giving them Bill 214, serving it up on a big fancy silver platter with no resources to back it up.

Mr. Speaker, I have talked to Crown prosecutors in the city of Edmonton, the city of Calgary, in rural areas. Time and time again do you know what they say? We've got people cutting plea bargains in inappropriate cases. What's one of the number one concerns victims will tell you? They are disgusted sometimes because there's been a serious offence committed and the next thing they know it's been bargained down by a Crown prosecutor to a lesser charge. The victim sits there saying: "What happened? I feel like I've been violated a second time." How do we stop that sort of thing from happening? Well, we start by making sure that a Crown prosecutor has the time and the resources to be able to prepare for a file, to be able to ensure we get some senior Crown prosecutors. You know, if we keep on losing our best and brightest people because we pay so low in the province of Alberta, because we work them so hard, we're going to be left with a lot of junior prosecutors, who are going to be making inappropriate plea bargains. That flies in the face of what Bill 214 tries to do.

I'm hoping that before members jump up and start talking about what a great project this Bill is, I hope they first consider their voting record in this Legislature when the tough questions came up in terms of what resources we put in the hands of Crown prosecutors, what resources we put in the hands of police commissions around the province to do the job that they want to do for their citizens and their communities.

Mr. Speaker, there is so much to be said to this Bill. I think what we find is that in terms of victims' programs, they don't go far enough. The Crimes Compensation Board has been raised in this Assembly before. There was the tragic case of a Mr. Herr. This is a Calgary resident who is a constituent of my colleague from Calgary-North West. That member has spoken eloquently in this Assembly before, pointing out limitations in the crimes compensation system we have in this province. That's a problem.

**3:50**

You know, we have a victims' fund. There's a victims' surcharge that exists in this province. There is a balance in that account in this province of about \$1.6 million. That's money that's not out being spent working with victims' groups providing assistance to victims. It's sitting in an account, and this last year was the first year that the Department of Justice actually started aggressively trying to move some of that money out. The point is that instead of \$1.6 million sitting in the government's trust account piggy bank, why isn't it out with victims' groups providing service to victims who can't get assistance now when they need it? That's a concrete decision. That's not talk. That's not empty rhetoric. That's something that actually represents an advantage to victims of crime in this province. So let's do something about that.

Mr. Speaker, we have an opportunity here for members to recognize that when you cut the police budget, do you know one of the first things that's on the line? In the city of Calgary we have a very effective victim assistance unit. These are social workers, not policemen. When somebody's been violated in their home, when there's been a break-in, when there's been a robbery, when somebody has been assaulted in a way, that victim needs assistance. They look in Calgary to this victim assistance unit. You know, last year that unit came within a hairsbreadth of being

terminated. Why? Because the Calgary Police Commission doesn't have enough dollars to be able to both put officers on the street and have a good victims' unit to assist people who need help.

Well, that was last year. We've got another big cut coming up in the police budgets around the province this year because of decisions made by this cabinet, by people in this Legislative Assembly. I'm not sanguine that that victim assistance unit is going to survive the next round of budget cuts, and if that goes, to me that's a calamity, and that flies completely in the face of Bill 214.

I'm going to vote for Bill 214 because I don't know how anybody could oppose the basic elements in this, but I guess what I'm saying is that if we don't vote and make the kinds of decisions that put real protection out there for the citizens of Alberta, this is simply a hypocritical exercise, and I think Albertans are entitled to call us to account, look at how we vote.

I see the Member for Three Hills-Airdrie is shaking her head. I hope that's because she also is embarrassed at what this provincial government has done in terms of failing to meet the needs of victims. Doesn't it really come down to that? Either we walk our talk and we vote appropriations in a way that's consistent with what we say in this Assembly - Albertans are going to be watching. Certainly members of the opposition are keen to see how members are going to vote. I'm going to be particularly interested in seeing how those members that couldn't find it in their hearts a year ago to provide the most elementary kind of protection for a victim now may sort of come up and beat their chests and say, "Yes; we need a victims' Bill of rights." The proof is in the action, Mr. Speaker.

Thanks very much.

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

**MRS. FORSYTH:** Thank you, Mr. Speaker. It's always an honour to follow the Member for Calgary-*Buffalo*. I welcome the opportunity to join in the debate over Bill 214. It is indeed a pleasure to be able to support such a needed piece of legislation. Laws protecting the rights of victims of crime in this province are long overdue. I don't necessarily think putting money into the system always solves the problem. What I think we have to consider here is that the criminals have all the rights and the victims have absolutely nothing. We have plenty of avenues protecting the rights of the criminal to ensure that they are fairly dealt with so that we don't see the resurgence of lynch mobs and the like. I want to make it clear that I think these provisions protecting the rights of the accused are valid and necessary. However I do think it's just as important that the victims of the offenders should have their rights equally as well protected and as clearly spelt out.

In most cases there are several victims for each criminal and for each criminal act. In 1993 there were nearly 32,844 violent crimes committed against Albertans. That means there was a minimum of 32,844 victims of these crimes, although there were many, many more. You see, crime has a trickle-down effect. Not only does it affect the person the act was committed against but the family and the friends around those victims. In some cases these people are affected almost as dramatically as the victims themselves.

Mr. Speaker, in the case of a shoplifter not only is the store owner a victim of the theft, but so are the customers of the store, since they end up paying higher prices to cover the cost of the

stolen merchandise. Although Bill 214 does not focus on the victims of petty crime, this example illustrates the wide scope of people that this Bill protects. Wisely the Bill has defined the victim as being a person who has suffered "emotional or physical harm or loss of, or damage to, property" or if the offence results in the death of "a spouse . . . parent, sibling, child."

This summer there have been a number of court cases involving graphic examples of crimes being committed against people. An example is the Paul Bernardo trial. As Canadians followed the coverage of the trial, they were shocked at the horrific acts he was accused of. In this case, the focus of the coverage was the crime itself. What was forgotten in all this hoopla was the fate of the young victims. The graphic descriptions of the acts committed against them numbed us, sickened us, made us overlook the fact that if not for their loss the trial would not be taking place. Let's not let these girls become a footnote in a sordid biography or movie of the week. These were people. These were daughters and sisters and friends and students and granddaughters. They were victims. So were their parents, siblings, and friends. Their pain and their loss will continue for many years, longer than Bernardo will remain in prison. Mr. Bernardo has a right to appeal his sentence. Do the victims have the right to appeal theirs?

Victims of crime, Mr. Speaker, often feel shortchanged by this system. They are frustrated and confused by the long waits and successful adjournments. They are delayed in getting over their victimization and getting on with their lives when they continue to be involved in a drawn out legal process.

This government must continue to ensure that victims and for that matter the community are notified of the impending release of sex or violent offenders. Changes in proceedings for the criminal which may result in an early parole, release from custody pending a trial, or day parole should be communicated to the victim. Often the accused is released on bail within hours of their arrest. The victim must know this. How often have violent crimes been committed by felons out on bail on a previous crime? I don't expect the police to have to track down all the victims and keep track of them, but I feel there should be a victim registry with the police which could facilitate the victim listing themselves. With the computer systems of today surely a cross-reference could be identified with the victim and the criminal whenever the accused is released from custody.

In this country the Charter of Rights and Freedoms lists the legal rights guaranteed to Canadians. Most of these rights protect those accused of a crime. The only provision that applies to victims is this section that reads:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

I am sad to say that in our province victims of violence have few rights. With the co-operation of the other hon. members of this Assembly, Mr. Speaker, the parents whose daughter was killed in a car accident when a convicted drunk driver sped into her car and the family of the mother who was gunned down in her own home in the middle of the night will have some rights. They will have the right to be treated with courtesy and compassion and respect for their dignity and their privacy. These may seem like basic, commonsense rights, but to victims of crimes they make a big difference.

A simple change in procedure such as saying the victim's name during court hearings brings reality to the jury and the audience. It makes the act personal. Referring to the victim as "the deceased" or "the victim" through the trial makes the crime seem

less severe. The victim tends to be rendered to a nonidentity. Throughout the court case of the attacker of Marg and Stu Garrioch's son, her son was referred to as the deceased. She often felt like standing up and yelling: "He has a name. His name is Ryan." Something so simple as using a person's name can do a lot to ease a victim's pain.

4:00

The impact on a family through the loss of a family member is traumatic and internal. When we hear that the criminals will be only serving 10 years of a life sentence, it makes you question: what is justice? Stu and Marg Garrioch have a life sentence. They will live their entire lives without their son Ryan. Their loss deserves to be part of the court records so that when the murderer's term comes to the Parole Board for review, the board will also be reminded of the anguish of this family.

During legal investigations and proceedings the victims must be treated with courtesy, compassion, dignity, and respect. Trained officers and members of the court who realize the anxiety and stress the victims are under are very important. When you're suffering emotionally from the impact of an attack or the loss of a loved one, you're hypersensitive. Every single sentence, every expression can take on a meaning. Workers who recognize and understand this and can respond to the victims with compassion are an important part of the healing process. They will also have the right to have their property returned to them as soon as practical. They will have access to social services, health care, medical treatment, counseling, and legal assistance as they need it.

Bill 214 provides these rights. More importantly, these victims will be made a part of the process, participating in the prosecution of the accused criminal. They will be kept abreast of the progress of investigations relating to the crime and the charges laid. They will be made known of what role they will play in the prosecution and the court proceedings. They will also be kept informed of the times and the locations of all the proceedings that relate to the prosecution. These are all contained in the excellent Bill – and I'll repeat that, the excellent Bill – which the Member for Calgary-Bow has put forward.

I hope that the rest of my hon. colleagues will join me in supporting this Bill. Thank you.

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

MR. DECORE: Thank you, Mr. Speaker. I wish I could agree that it is an excellent Bill. I've spent 22 years as an active member of the legal fraternity in Alberta, and much of that was dealing with criminal law. So I think I have the experience, the kind of personal experience, that teaches me, tells me that some of these things just aren't excellent.

I think my colleague from Calgary-Buffalo put it better than I could put it myself when he said that what's needed here aren't fuzzy words, feel-good words, but what's needed are programs: social programs to deal with people who have been dealt with violently, victims; programs that allow police officers to do a better job, a more thorough job; programs that allow for prosecutors to do their job more thoroughly and spend more time with people.

Here's where my experience does teach me a lesson. Go to a court, hon. Member for Calgary-Bow – I hope you do – and spend a day watching what happens in Calgary or Edmonton or some of the busy centres of Alberta, because you'll see when you go there that most of the courts schedule two or three trials in an

afternoon and police officers and prosecutors are running at a mad pace trying to make good and get all of the people in order and get their cases moved through the system. There aren't enough judges. There aren't enough courtrooms. There aren't enough prosecutors. To suggest that we should spend more time and do this is all very nice, but who does it? Then what does that give up somewhere else by those prosecutors having to give up some time that's required of them in another case or another matter or something different? Go and have a look before you start writing fuzzy words on paper. I think you should have left it, hon. member, with your motion, which was a great motion, and put the emphasis on the Minister of Justice and the minister of social services and perhaps the Treasurer to go and do some of the things that you wanted done.

Now let's look at your Act. Your Act says, Bill 214, Victims of Violence Act, Principles:

2. The following principles apply to the treatment of victims:

(a) Victims should be treated with courtesy.

I would say that victims must be treated with courtesy by every public official in Alberta. I mean, if you're going to write something on paper, write something that's meaningful, something that people can look at, something that you can take action by.

Your principles say that victims "should be" treated with compassion. Should be treated with compassion? I'd say they must be treated with compassion. Victims should be treated with "respect for their personal dignity and privacy." Again, they must be treated with dignity with respect to their personal privacy.

You go on, hon. member, in your Act to say that the principles for the treatment of victims should include: "victims should have access to social services." Should have access? They must have access to social services, and part of that is having the kinds of homes, for example, that women can go to. But remind yourselves, hon. members, what you did to some of those initiatives, and remind yourselves, as early as today, some of the statistics that were quoted to you telling you about the lineups of people needing and wanting to get into some of these homes that offer help, social help, to victims.

Victims "should have" access to health care. The health care system of our country says that they must have access, but you're not doing a very good job, hon. members over there, because you're lousing up the health care system. So look at that on that end.

You say that victims "should have," should have instead of must have, counseling, and I just saw an hon. member in the front row chirping away on this issue of social services. There's a matter that you should take up with that hon. minister and say to him: "Look; get these things in order. Get the programs in place so that when there is somebody that needs assistance, they get it immediately." Don't just say: "We should do this. We should do that." That's meaningless.

Then you say victims "should have" access to legal assistance. Well, under our Constitution, under our Charter of Rights you must have that access. You get that access as a matter of right. Now, it becomes more difficult, hon. member, when the government takes action as they have and they start to reduce the assistance that's given to legal aid. If you're a mother and violence has been done to you or to your family and you want to get legal assistance today, it's a lot more difficult today than it was two years ago or four years ago or five years ago. So "should be" or "should have access"? Must have access. Must have programs, hon. member.

You say as a matter of one of the principles that victims should have their property returned to them "as soon as practicable." I

wish you had some statistics on this because every time I had experience in dealing with this in the courts, I saw the courts bending over backwards. As soon as the appeal periods were over, as soon as the, sort of, difficulty with the legal system was finished, judges pushed to have those property items returned to their owners. But if I'm wrong, show me I'm wrong. I haven't been convinced because I haven't seen anything.

Now, what happens, hon. member, if victims that you say "should be treated with courtesy" are not treated with courtesy? I don't see anything in your Act that says what the next step is. I don't see anything in this Act that says what should happen if victims don't get access to social services. I keep looking in here, and I don't see anything in your Bill. What happens then? I don't see anything in this Bill that says what happens if victims can't get access - because you say "should have access" - to health care? Nothing in this Bill tells me what happens there. What happens if they can't get legal assistance? You've cut back on the financial assistance to legal aid. Your Bill doesn't tell us what happens. Does somebody get fired? Does the Minister of Justice get fired? Does a prosecutor get fired? Do you knock a few policemen or policewomen off the police force? What do you do? That's why this is warm and fuzzy, but it doesn't mean very much. What happens if property isn't returned in a timely way? Do you get rid of the Minister of Justice? Do you get rid of the judge? Do you call the judge in to see the Premier? I don't see anything in your Act that tells us what to do.

#### 4:10

Then you go on, hon. member, and you say, "Victims should be informed by the police of the progress of investigations that relate to the crime." Again, you heard my friend from Calgary-Buffalo say that programs that are now in place to give advice are just that close, a whisker of being done away with completely because there isn't enough money to do the policing on the streets. Remember what you voted for, hon. member, when you cut back the police budgets all across this province.

You know, you walk the talk, hon. member. You don't write warm, fuzzy things on paper and say that this is an excellent Bill, because it isn't excellent. Your motion was excellent. It gave some direction to the Minister of Justice and the minister of social services, and perhaps they could have and should have transmitted those things to prosecutors and police officers. But this is meaningless. What happens if the police officer doesn't inform of the progress of the event? Nothing. Your Act doesn't say anything.

Then you go on in section 4. Remember, this is a section that involves prosecutors, prosecutors who are so busy doing three or four trials each morning and each afternoon that it's hard to keep up with what they're doing, and they're complaining. They've complained to me - maybe you have some different information that you can share with us - that they're overworked. But you say here that they have this duty to inform victims of their role in the prosecution. What happens if they don't, hon. member? It doesn't say anything here about firing anybody, the Justice minister or the prosecutor. What happens if the prosecutor doesn't give "the dates and places of all the proceedings that relate to the prosecution"? Nothing is said in this Bill. What happens if the prosecutor doesn't tell you "the outcome of all proceedings, including any proceedings on appeal"? Nothing. Because your Bill doesn't talk about it.

This one I really like because I've had the experience of being in courtrooms in small communities in Alberta and in large ones. You talk about keeping people apart. Well, who keeps them apart? Who keeps the victim . . .

MR. SMITH: The referee.

MR. DECORE: The hon. minister is talking. Maybe he can stand up during this debate and give us this information. If I'm wrong, hon. minister, I'll accept the position, I'll accept the Bill, but tell me where I'm wrong. Don't chirp from the sidelines like you usually do, and don't - I guess you're really rewriting your itinerary there from China, and we shouldn't interrupt you too much. Keep writing; you've got a long way to go on that itinerary.

Section 5, Mr. Speaker, says:

In any court proceeding or investigation, the victim should be kept apart from any person accused of committing a crime against the victim.

Well, does this mean you have a police monitor in the courthouse in Edmonton or the courthouse in Calgary to watch out who's who? Are they supposed to have pictures and some file that tells them who's who? Who pays for this monitor? Is it a prosecutor that does this? Is it a police officer? Who does this? You say keep them in a car or keep them in a building near the courthouse. Come on, get real, hon. member. We're talking about a system in Edmonton and in Calgary and in Medicine Hat and in Lethbridge that's churning out many people, hundreds of people, through a courthouse each day. We're talking about smaller communities where - well, I guess you could do it there. It would be easier to do. I admit that. What happens if they don't do it? It doesn't say anything in your Act here about what happens. First of all, it doesn't say who is responsible to do this. Is it the police officer or the prosecutor that keeps them in the car and looks after them or keeps them in the coffee shop and looks after them? You don't say that in your Act, and then it doesn't say what happens if they don't do it. No.

This Act may make you feel good, hon. member, but it doesn't do anything for victims. I frankly can't support this kind of legislation.

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

MS HALEY: Thank you, Mr. Speaker. I'm really happy today to be able to speak in support of Bill 214. In my opinion this Bill fills the void of caring treatment and protection of victims of crime in Alberta.

MS LEIBOVICI: How? Explain how.

MS HALEY: Well, you know, Karen, if you want to talk, perhaps you could get up after me, and I would wait with bated breath to hear you.

In the meantime the Bill that is put before us today offers something that neither the Victims' Programs Assistance Act nor the Criminal Injuries Compensation Act have to offer. That something, Mr. Speaker, is compassion. Obviously the members across are a little short on that. Granted, both of these Acts are worthy of trying to ease the suffering of victims.

For instance, the Criminal Injuries Compensation Act seeks to provide assistance for financial loss that has occurred because of injury or death linked to violent crimes. The monetary restitution for victims of crime is a necessary part of the healing process for victims of violence. The financial burden that a victim may face can be greatly eased thanks in part to the Criminal Injuries Compensation Act. The Victims' Programs Assistance Act funds victims' programs by using surcharges collected from convicted persons under the Criminal Code, the Narcotic Control Act, and

the Food and Drugs Act. This initiative is quite unique as it forces convicted people to be held accountable for their actions by way of a financial penalty. A portion of this penalty is then given back to the programs that help the victims of crime.

So you see, Mr. Speaker, Alberta has two very sound pieces of legislation that seek to compensate victims of crime. However, this province is lacking in legislation that protects the rights of victims to be treated with courtesy, compassion, and respect for their personal dignity and privacy. This type of protection, albeit sometimes intangible, is an essential part of the healing process that every victim must go through. These are very valid rights that my hon. colleague seeks to enshrine by way of legislation.

[Mr. Tannas in the Chair]

Legislation protecting the rights of victims has been passed recently in our neighbouring province of British Columbia. I raise this point, Mr. Speaker, for two reasons. One is that their particular Act, known as the victims of crime Act, has been hailed as one of the most comprehensive of its kind in Canada. Second, I feel that the Bill the hon. member has presented today has some similarities to the one passed in B.C. The victims of crime Act in British Columbia protects a victim's right to courtesy and respect. That particular Bill underlines that all justice system personnel must treat a victim with courtesy and respect. Mr. Speaker, this is the least victims of crime deserve.

According to the victims of crime Act in British Columbia the provincial government must to some extent practicable promote numerous goals, and some of them are very similar to those that the hon. member, my colleague, wants to promote here today. For example, under British Columbia's law property of victims obtained by offenders in the course of offences is to be returned promptly to the victims by the police if the retention is not needed for the investigation and prosecution purposes. The hon. member in her Bill wishes to see this same action extended to victims of crime in our province. Why should victims have to deal with the added inconvenience of being without their possessions for any longer than absolutely necessary?

Furthermore, it is a goal of the victims of crime Act in B.C. to give proper recognition of the need of victims for timely investigation and prosecution of offences. This goal may be likened to a few of the changes in Bill 214. My colleague understands that victims should be informed by the police of the progress of investigations that relate to the crime, the charges laid with respect to the crime, and if no charges are laid, the reason why no charges are laid. Victims should also be informed by the prosecutor of the victim's role in the prosecution, court procedures that relate to the prosecution, the dates and places of all proceedings, including any proceedings on appeal.

Moreover, Mr. Speaker, these two Bills are similar in their design to protect victims against having to face the accused if it is in fact the wish of the victim. Victims deserve to avoid being intimidated or retaliated against by those that they do accuse. They deserve to feel secure by being kept apart from any person accused of committing a crime against that victim to the greatest extent possible.

Perhaps the most important similarity between one of the most highly regarded Acts in victim protection and the Bill my hon. colleague presents before us is that of the right to be informed of all avenues of help available to them. This is undoubtedly one of the best ways that we the government can help those who are unfortunate victims of crime. The word "victim" implies that

someone has had something destructive or hurtful done to them. There are innocent people whose lives are disturbed by the damaging actions of those who act outside the law. Mr. Speaker, those innocent people merit having all of the information possible available to them in order to overcome their ordeal.

4:20

Mr. Speaker, it is time that the government take it upon ourselves to make sure that these people know without having to search what help is available to them. In British Columbia under the victims of crime Act, the government aims to develop victim services and promote equal access to victim services at all locations throughout B.C. In that province victims do not have to go out of their way to find whatever help is available to them.

Here in Alberta, Mr. Speaker, the hon. Member for Calgary-Bow would like to see victims provided with important information on services available to them upon the initial police investigation. Police must provide details about services and remedies available to them. I think my hon. colleague's idea of access to information regarding victim support is one whose time has come. Victims should have access to social services, health care, and medical treatment, counseling and legal assistance responsive to their needs, but they should also be able to have access to the information that will help them receive those services.

Mr. Speaker, I've tried to draw a parallel between the victims of crime act in British Columbia and the Bill that my colleague is presenting here today. Bill 214 should become law because it protects those who are unfortunate and innocent victims of crime. I know that some of my colleagues have mentioned that Alberta is one of only two provinces in Canada without legislation that protects its victims. I urge all my colleagues in the House today to support this Bill because it is the right thing to do.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. I would like to commend the member who sponsored Bill 214 for trying to follow up on her motion of last session, and I would like to congratulate her for her ongoing efforts in regard to trying to bring attention to a most underserved area, and that is providing services to those who become victims of violent crime.

Mr. Speaker, victims of violence require support in many areas, but they require something more than just a statement of principles or platitudes. When I first saw Bill 214, I was quite eager to become familiar with the sections of the Bill and was quite looking forward to an opportunity to be able to support what I was hoping would be a positive move forward in the administration of justice in this province. Bill 214 is primarily a statement of principles, and no matter how fine those principles are, that's all it is, a statement of principles, and those principles, unfortunately, sound hollow when there is nothing else in the Bill of a substantive nature that backs them up.

Back in the late 1970s and early 1980s along with many other Canadians I participated in a series of federal/provincial meetings and consultations to address the very real needs of victims of crime. The report that flowed out of those consultations also put forward a statement of principles. Mr. Speaker, this Bill 214 takes us back in time to about 1982, 1983 when the federal government's task force issued its report. I would like to think that in 1995 in Alberta we've gone beyond simply declaring that victims of crime should be kept informed about the process of the

case that they were victimized in. I would like to think that we've gone beyond saying that it would be nice if those victims could get back property as soon as possible.

There have been all kinds of innovations in terms of the administration of justice: the use of photographic evidence. Mr. Speaker, there have been several initiatives that the agencies involved in justice themselves have taken, and they haven't taken it based on the leadership provided by this Legislature. They've taken it based on their intimate familiarity with what it is that victims need. I wonder if the sponsor of this Bill actually sat down with any working policeman or policewoman or any working prosecutors or members of the defence bar or any members of the correctional community in this province or any counsellors or psychologists or other kinds of caregivers who meet with victims on an ongoing basis to find out what it is that they really need. I would daresay that if the sponsor of the Bill did that and held those discussions and listened to those individuals, we would see a very different Bill than what Bill 214 has become.

Victims need services, but the justice system has always been inadequate to provide those services and meet those needs. Victims are primarily interested in justice, and justice is primarily a matter of resetting a balance that has somehow been knocked out of kilter because of a violation of the law. Justice has very little to do with vengeance or revenge, and it often has very little to do with the adversarial process that takes place in our criminal courts. Victims have reported to me that all too often they feel doubly victimized: first by the crime that they suffered, secondly by the way the criminal justice system treated them as a result of being involved in that crime.

So what victims need, Mr. Speaker, is not more criminal justice process; what victims need is somebody to pay honest attention to what their situation is as a result of that crime. Justice should never be a contest between who has the highest level of need. It should never be a contest between whether or not we provide support to a victim or whether or not we provide a sentence with a rehabilitative component to an offender. There are two very separate but equally important needs that have to be served by the process.

Now, our criminal process is an adversarial one, and all too often victims just become bystanders in that process. The trick here, Mr. Speaker, isn't to try to make that process do something it was never designed to do; the trick is to make sure that we develop an equally powerful and meaningful and productive process to meet the needs of victims. You can't do that by simply reinforcing the adversarial nature of our criminal courts.

Now, this government has many opportunities to use existing federal and provincial laws to really work towards meeting victims' needs. We don't need just another statement of principles. For example, Mr. Speaker, this government has at its disposal the ability to fully implement section 69 of the Young Offenders Act, the section that allows for youth court committees. These youth court committees can represent communities, those communities that are made up of victims and offenders, who are often members of the same community. They're often neighbours. They're often even members of the same family. Youth court committees can provide guidance and support to the victims and the offenders. They can help bring communities together in a way that does reset the balance that's been knocked out of kilter. They can be involved in reconciliation of the offence, not just the search for punishment for the wrongdoer.

This government could fully implement section 4 of that same piece of federal legislation, the alternative measures section. The

alternative measures section is a very important and powerful part of the Young Offenders Act, that you don't hear members of the Conservative government standing up and talking about. That section is a section that allows for victim/offender mediation, reconciliation, and restitution. In fact, earlier last week in question period the Minister of Justice in response to a question from a member of his own backbench talked about the Saskatchewan model and talked about what's going on in Saskatchewan in terms of offender/victim reconciliation. The Minister of Justice talked about it in very glowing and supportive terms and said that he would in fact be pursuing more of that kind of model and approach here in this province.

Now, what that model and approach is, Mr. Speaker, is not relying on the criminal courts and that adversarial process; it's not relying on more criminal justice process. Instead, it's bringing justice back to something to be achieved between parties, between people, and it allows for face-to-face meetings between victims and offenders, where an offer of reconciliation is first made and monitored.

Mr. Speaker, Alberta does have a history in this area; Alberta does have a tradition in this area. Starting in about 1979 or '80, in anticipation of the Young Offenders Act, the Attorney General, when we still had an Attorney General's ministry in this province, as distinct from Solicitor General, cofunded a pilot project in Grande Prairie that dealt with victims of youth crime and helped develop a process where those victims would meet face-to-face with the young offenders involved in the offence, with a community volunteer – and the role of the volunteer was to really be a surrogate for the community – and oversee an offer of reconciliation. This program was evaluated by the federal government. It was evaluated by the provincial government. It was evaluated by third parties. It's been well reported and documented, and that program survived for well over a decade until the provincial government cut the funding for the program.

So instead of doing what could be done to support victims' needs, what this government has done in a very arbitrary and heavy-handed way is said: "We don't really care what communities are doing to help victims of crime. We don't really care what the victims have said works for them. We don't really care what the police and the prosecutors and the correctional workers have said works and is important, and we're sure not going to listen to the offenders, who themselves have reported that those kinds of procedures have far more impact on their attitudes and their behaviours than the traditional court-imposed sentencing often has." They said: "No, we don't care about any of that. We're just going to save a few bucks and cut this program. We're going to cut the funding in spite of the fact that crimes prevented equal money saved."

These programs, Mr. Speaker, make no mistake about it, do in fact prevent crimes. Not only do they prevent crimes, they also help minimize the impact that crimes that are committed have on the lives of individuals and their neighbourhoods and the communities they live in. So this government has many opportunities to meet the needs of victims that go far beyond a statement of principle, yet they fail to do that.

**4:30**

Mr. Speaker, there is a section of this Bill which does concern me, and I would very much like the sponsor of the Bill or perhaps the Minister of Justice or perhaps the Member for Cypress-Medicine Hat, because he's so engaged in conversation that he must be interested in this Bill – there is a section in this Bill that I would like some comment on from the government benches, and

that is section 5. When I read section 5, it appears to me that section 5 of Bill 214 violates a very fundamental principle of criminal justice. For a Bill that's supposed to add to the criminal justice process in a way that meets victims' needs, I would like to know how separating the victim from the offender can help achieve justice.

First of all, it is a fundamental principle of common law that the accused deserves to face his accusers. It is part of our tradition that the accuser goes to court and provides testimony about how they've been wronged, and it is a basic right guaranteed in our Constitution that the offender, as charged with that offence, has the ability to defend himself or herself against those accusations. Section 5 would seem to somehow forget that history and forget that tradition and try to keep these people apart. I would ask the sponsor of this Bill to explain to me, to this Assembly, and to all Albertans how you can truly meet the needs of people, how you can truly redress a wrong, how you can truly reset a balance when harm has been done if you keep the people on either side of that issue apart, if you deny those people an opportunity to reach a reconciliation, when you deny people the opportunity to take responsibility for what they've done in a way that is meaningful to the person that they have hurt. It doesn't make any sense to me, Mr. Speaker, and I would hope that the sponsor of the Bill will either explain it or amend it.

Thank you.

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

**MR. DUNFORD:** Thank you, Mr. Speaker. I'm indeed pleased to be able to speak to this Bill today. It's a very overt way on my part in which I can show the support and the respect that I have for my friend and colleague from Calgary-Bow.

This Bill is a significant step toward improving the quality of life in this province. This is something that all of us here in this Assembly cherish and want to see protected. One of our roles in this Assembly is to determine the best way to protect and maintain our Alberta way of life, and I think we are taking another step towards protecting Albertans in promoting this Bill.

One of the cornerstones of the Canadian judicial system is the provision in the Charter of Rights that "everyone has the right to life, liberty and security of the person." This is such an important part of our society that we have made it a law. In this country it is illegal to violate the life or liberty or security of another person, and this holds true for citizens of this province as well.

What happens to those people who do not abide by this standard in our society? What happens to those people who kill or rob or hurt their fellow Albertans? We all know that they will be charged with due process, and if found guilty, they will be penalized to one extent or another. Our justice system by nature tends to be more reactive than proactive. We don't set out a law on everything simply because there's no way that legislators like ourselves can possibly anticipate all of the bad things that people can do to each other. Instead, decisions made by judges are based largely upon precedent. Included in our legal process is the maintenance of the rights of the criminal. There's a whole section in the Charter dedicated to legal rights alone to ensure that people suspected or convicted of an offence are treated fairly. There is comparatively little dedicated to the protection of the rights of those persons whose rights are violated.

What about the people in our society who have crimes committed against them? We all know someone who has had something

stolen from them. What happens to them? Mr. Speaker, it is because of this that I am heartened to see this Bill. It is indeed time for victims of crime to be as well protected by the law as the criminals are. This is especially so considering that the number of victims far outweighs the number of criminals.

We also have to understand that there's more than one victim for every crime. A victim could be a young child who's lost her father through a car accident caused by a drunk driver. This child's entire life will be impacted. Changes in the family circumstances could alter the lifestyle and future of the entire family. The mother may have to go to work full-time, leaving her less time and energy for her child. Frequently the family's economic status is lessened significantly, providing diminished opportunities for the child's future. A young mother may find the loss of her husband and the responsibilities of being a single parent to be overwhelming. Through the stress created through the criminal actions of others, this family may become quite dysfunctional. The criminal's sentence may be five to 10 years, but the child's sentence is for life.

Mr. Speaker, a few years ago I remember watching a newscast from Calgary which described the break-in of someone's motor home one evening. In addition to a number of valuables being stolen, the vehicle was also badly vandalized. One of the acts of vandalism was the painting of words across the dashboard which read, "Thank God for young offenders," referring of course to the protection given by the Young Offenders Act.

In preparing this speech, it reminded me, then, of another instance that happened approximately a year ago. It started out very innocently, and no crime was involved, but I think it does point out an area that we need to concern ourselves with. The simple and rather innocent situation was during my attendance at a junior high school, to go into the staff lounge with teachers and of course be prepared to take some heat on the restructuring that we were doing in education. I was quite happy, felt a little bit prepared, and I think I held my own, Mr. Speaker, during that particular instance. During that time, though, when we were discussing what was happening to teachers and to the classroom, there was a bit of a chord that was struck in terms of attendance. [interjection] I'm sorry; did you have a question?

THE DEPUTY SPEAKER: Order.

MR. DUNFORD: Sorry, Mr. Speaker.

As I was on my way out, a teacher called me aside and asked me if I could help him. His concern was: he wanted some system whereby we could keep people under the age of 16 out of the public gallery in the youth courts, because what was happening was that instead of an education, that was being provided for by this junior high school, they were having absentee problems as these young people were down learning about the rights that young offenders would have in our court system. There was no better school for them at that particular point. I looked at them and I said: you know, the simple fact of the matter is that I'm not prepared to get involved in that kind of a situation. But it was an experience that I carry with me today as we try to come to grips with crime in people's lives.

So in the recollection of these anecdotes, I do not wish to single out any one group of criminals, but I wish to point out that many of these criminals know what their rights are before they commit their crimes. How many of you, hon. members, know what your rights are if you are a victim?

4:40

Mr. Speaker, at the root of the problem is the fact that often when someone commits a crime, they are not just simply breaking the law. If they steal or destroy an item of property, it has value and may be costly to replace. In the case of assault the body requires, of course, time to physically heal, which is time lost for the individual in some cases. Emotional injuries may never heal, and they may be with the victim for the rest of their lives. Death, of course, is permanent. While victims can be reimbursed for time lost from work, there are many other things which are irreplaceable and may be impossible to attach a price to. It would be preposterous to think that any amount of money will ever bring back the life of a loved one or erase the emotional trauma which has been inflicted upon the victim and his or her family.

In most cases the victim suffers from the effects of the crime committed against them for much longer – much longer – than the criminal is penalized. I ask: is that right? The way I see it, we can remedy this situation by either imposing much longer sentences or by reducing the effects of the crime on the victim. As well, it is rare that the victim alone is affected by the crime. The friends and the families often feel the pain and the suffering that is inflicted upon them by a criminal action. As legislators we should ensure that victims and their families receive the counseling and the support necessary to help them recover their lives and their futures. Mr. Speaker, victims do not become so by their own doing. They become victims because someone else has violated their right to life, their right to liberty, or the security of their person, yet in many situations the onus seems to be on the victim to prove that they are in fact the victim. They should not have to endure that in light of the injustice that has been done to them.

I can support this Bill for the fact that it attempts to empower the victims of violence. It tries to give them the opportunity to regain control of their lives after what has been, in most cases, a traumatic event. This Bill gives victims the chance to stop being victimized. Most of all, Mr. Speaker, this Bill also treats victims of violent crimes with respect and dignity, and respect and dignity are something that all Albertans deserve. This is something that this government is committed to, and I am sure we will all agree that this is essential to maintaining our way of life. This is the purpose of this Bill. It reintroduces the human aspect into our justice system, which for too long has concerned itself with the law and with the rights of the accused. It makes the victims persons again and not just technical aspects of a court proceeding.

Mr. Speaker, fear is an epidemic among victims of violence. Fear denies victims of sleep. Fear causes them to change their habits and routines. Fear prevents them from continuing a normal life. They do not feel safe, and they live with the fear of being victimized again. The Bill brought forward by the Member for Calgary-Bow proposes that victims of violence have their lives inconvenienced as little as possible by the crimes committed against them and have their personal security maintained as best possible during the prosecution procedure. I recognize that there are many things which are not possible to be legislated as each person would be affected by a varying degree of suffering. However, we should improve the system where we can.

Mr. Speaker, Alberta is one of two provinces in our country which does not have legislation addressing the rights of victims of violence. Ontario is the only other province without such a law. As well, 38 of the American states have similar statutes in effect. It is time that our province join its neighbours in taking a proactive stance towards protecting victims' rights. Now, I'm not advocating adopting this Bill just because everyone else has

similar Bills. I would like to see this Assembly pass this Bill because it is the right thing to do.

I conclude by applauding the Member for Calgary-Bow for proposing a long overdue Bill, and I urge my colleagues in this House to support it with me.

**THE DEPUTY SPEAKER:** The hon. Member for Edmonton-Ellerslie.

**MS CARLSON:** Thank you, Mr. Speaker. It's a pleasure to rise and address this Bill, although not for the same reasons as the last member. On first read through the Bill looks quite interesting and appealing, but on second read through it looks to me like undoubtedly one of if not the most wishy-washy and hypocritical Bills that we've seen come through this House in my term. [interjections] I see the members on the other side are groaning at that remark, but in fact it's true, and they should have spent a little time reading this Bill.

#### **Speaker's Ruling Parliamentary Language**

**THE DEPUTY SPEAKER:** Hon. member, the use of any given word isn't an offence in itself, but it's how it's used. There is a long-standing tradition of assuming that all members are honourable members and are not hypocrites. We're not talking in this case about a government; we're talking about a private member's Bill. So maybe you might wish to sort of incorporate that into your further remarks.

**MS CARLSON:** Thank you, Mr. Speaker. I'll take that under advisement.

#### **Debate Continued**

**MS CARLSON:** I think the Member for Calgary-Bow would have much better spent her time actually lobbying her front bench to properly address the lack of real action that we see in this province towards victims, in actually meeting their needs instead of talking about how nice it would be, should be this and should be that, rather than actually complying with any of the requests that we've seen from the very many facilities that are now providing services.

It's interesting. When the Member for Three Hills-Airdrie made her comments, she talked about: the least that victims deserve is this Act. Well, I agree with you on that statement, but the questions here that beg to be answered, which no one has addressed at this point, are: how are you going to do this, and how are you going to pay for it, particularly in light of the kind of cutbacks that we've seen to all of the victims' programs and the \$3.2 million under the social programs function, which includes the victims' programs assistance fund, the victims' impact statement program, the victims' assistance co-ordinator training program, and the Crimes Compensation Board? Like my friend the Member for Edmonton-Glengarry said, you've got to walk the talk, not just talk about it. You've got to do something. We've seen nothing here introduced in this Bill that will address that. It's interesting, too, that the Member for Three Hills-Airdrie would support her colleague at this time when back in the spring she was not so prepared to support the motion. So I wonder what's happened in the interim to cause that change in nature.

As my colleague from Edmonton-Glengarry said, all of the should be's that are listed in this Bill really would rather be better stated as: absolutely must do. That's not what we've seen in this

Bill, and it needs to be addressed. There's no doubt that you can't legislate courtesy and compassion or access to social and health services. What you have to do is absolutely provide an environment for these activities to flourish, and you do that, as my colleague for Calgary-*Buffalo* said, by providing the programming and the time for the people who work within these programs to spend working with victims addressing their needs. Given the kind of time constraints that everybody who's within these victims' programs has now, the kind of pressure they're on with reduced budgets, and the workload they have, there's absolutely no way in the near future or in the distant future that victims are going to get the kind of access they need. The member who introduced this Bill absolutely doesn't address that at any point in time at all.

When my colleague the Member for Calgary-*Buffalo* was talking, one of the things he talked about was the need for facilities for battered women. Well, as he was making those comments, the minister for social services sat across the way here, after today refuting that there were in fact 6,000 women who were on the waiting list in this province – in fact, he had only said that they were going to provide phone service for those women and hadn't actually given any direction to any of the services or his own offices to provide that phone service – and had the audacity to say that we couldn't do a better job.

**4:50**

Well, let me tell you, we certainly could do a better job, and it looks like the way he's going it's not going to be very long before we get that chance. It's not talking about what's going to happen there but actually doing it and implementing it. Things like 6,000 women who cannot get access to shelters, who cannot provide safety for themselves or their children because this minister won't provide the room for them and the accommodation for them is not addressing the spirit of the Bill that this member has brought forward. Like I said, she's better spent with her time lobbying the front bench than she is putting in a kind of Bill like this, which addresses absolutely nothing and is really just a PR exercise.

When the Member for Lethbridge-West stood up, he said that this Bill was "a significant step toward improving the quality of life" in Alberta. Well, my goodness. I mean, it's not significant to provide a feel-good exercise and not really do anything. Significance would be to ensure that the resources are properly allocated in this province, and that's by doing things like spending a half a billion dollars, that was wasted in that 'BovAtel' fiasco, in victims' services. I'm sure that they would have spent a half a million dollars a lot more effectively than any of the dollars that we've seen wasted by this government in loan guarantees and bad business deals.

When we talk about this Bill being labeled the victims of violence Act, I think it would have been much, much more appropriate for the member to have labeled it the victims of neglect Act. Then we could have talked about the kinds of victims that are being neglected in this province, particularly through the cutbacks that we see in health. In fact, my constituency office is being flooded these days with absolute crises and absolute situations of neglect where people have no recourse at all. Some of the situations that we've seen are absolutely appalling.

In fact, just last week I attended the funeral of a person who need not have died at all in this province had the hospital systems had the adequate funding and the adequate people, trained, technical people, on hand to provide the kind of help and assis-

tance he needed. He went into the hospital about two weeks ago on a Monday morning at 9:30 with lye poisoning. Lye poisoning is a situation where any time you add liquid to the lye, it eats away more of the fabric. In this case he ingested the lye, so the lining of his throat and stomach was deteriorating at a very fast rate, and as any one can imagine, that's also a very painful experience. He got into the hospital at 9:30, the Grey Nuns in my own constituency in south Edmonton, and was not provided any kind of a painkiller for at least 45 minutes. The critical hour of life did not provide any needed services for that member at that time.

DR. L. TAYLOR: Point of order.

THE DEPUTY SPEAKER: The hon. Member for Cypress-Medicine Hat is rising on a point of order.

**Point of Order  
Relevance**

DR. L. TAYLOR: Yes. Relevance. This story that she's made up here has little relevance to the Bill.

THE DEPUTY SPEAKER: The hon. member has pointed out relevance. Would you care to speak to that point of order, Edmonton-Ellerslie?

MS CARLSON: Absolutely, Mr. Speaker. I think it's very relevant, when we're talking about a victims of violence Act, to talk about the naming of the Bill. I think it's well in order to have this Bill renamed so that it properly addresses the needs of the people of this province.

DR. L. TAYLOR: How is swallowing lye victims of violence?

THE DEPUTY SPEAKER: Order. Hon. Member for Cypress-Medicine Hat, you'll have an opportunity to debate at some later moment. Right now you've raised a point of relevance, which the Chair was looking up at the time.

It seems to me, hon. member, that we're talking about Bill 214. You're generally sort of just castigating the government all over, which is fine, but if you could make it relevant to the Bill.

MS CARLSON: Well, in fact this Bill covers a whole range of activities within the mandate of this government when we're talking about victims, and I'm talking about victims. The Member for Lethbridge-West was allowed to carry on with his stories about education. So I think that when we're talking about victims and I'm talking about victims within the hospital system, I'm well within the mandate of this Bill.

THE DEPUTY SPEAKER: Hon. member, that's a challenge to the Chair. Do you wish to do that?

MS CARLSON: I wish to further pursue the line of thought.

THE DEPUTY SPEAKER: It was brought to your attention about the inappropriate use of certain words, which you chose not to withdraw but instead to just take under advisement. The Chair decided to let that one go, and now we have this. Please be a little more specific in your parliamentary challenge. If you wish to challenge, please do so. Otherwise, don't feign it.

MS CARLSON: No, Mr. Speaker. You do a very adequate job in the Chair, and I have absolutely no wish to challenge you. [interjections]

THE DEPUTY SPEAKER: Edmonton-Ellerslie has the floor. Please continue.

**Debate Continued**

MS CARLSON: Thank you very much, Mr. Speaker. Speaking with regard to the Victims of Violence Act, which I think should be renamed to the victims of neglect Act – is that within the mandate of what I can speak to, Mr. Speaker? I don't want to upset you.

THE DEPUTY SPEAKER: Do you wish a ruling on that, hon. member?

MS CARLSON: No. I would just like some advice.

THE DEPUTY SPEAKER: I'm not just sure what inflection that is there, and that's one of the disadvantages of being in the Chair. If you wish to debate, please go on and debate, but I don't know that sarcastic references to the Chair enhance your debate.

MS CARLSON: Mr. Speaker, it was not meant as a sarcastic comment at all. I was merely wanting to be sure that I could address the Bill in terms of renaming a portion of it, because I really believe that what's needed and what perhaps the Member for Calgary-Bow meant to introduce was a Bill dealing with victims that could actually be addressed and changed within the mandate of this government. That's within what I can talk about here?

THE DEPUTY SPEAKER: Yeah, just carry on.

MS CARLSON: Thank you, Mr. Speaker. Then I'll continue on.

When we're talking about the kinds of victims that there are in this province, there are many more victims than those of an overt violent act. An act of neglect is certainly also a violent act in this province, particularly when we talk about the health care system, where universality of health care has become a given for every single person who lives and resides in this province. That's what I was referring to in my earlier comments.

I think it's very important, for the record, for us to see one or two instances where we have truly had victims within this system. Their needs need to be addressed, and I don't see how this Bill does. So when I finish with my story, I would invite the member who introduced this Bill to stand up and tell me how specifically this Bill will be able to address this particular person's needs.

Now, I'll carry on with this story as I started, and if the Member for Cypress-Medicine Hat wants to stand up and address this, then your turn will come after mine. Would you please hold your questions until then.

Mr. Speaker, as I was saying, this person was admitted to the hospital about 9:30 . . .

DR. L. TAYLOR: Point of order.

THE DEPUTY SPEAKER: Hon. Member for Cypress-Medicine Hat, would you please cite your point of order?

**Point of Order  
Relevance**

DR. L. TAYLOR: Yes. Relevance, (h), (i), (j), (k) if you want to. Standing Order 23.

THE DEPUTY SPEAKER: Hon. member, please sit down. I think you've answered your own point of order.

Would you please continue, Edmonton-Ellerslie.

5:00

**Debate Continued**

MS CARLSON: Thank you, Mr. Speaker. So once again here's the situation. This man is admitted to the Grey Nuns hospital at 9:30 on a Monday morning. Had he been looked at and his needs properly addressed within an hour, this man would have lost some parts of his stomach but would have lived. Instead what happened is that he didn't get a painkiller for at least 45 minutes after being admitted to the hospital and was not taken into the OR room until 1 o'clock that afternoon. By that time, when they put the scope into his stomach and took a look around, there was a great deal of deterioration, and they decided at that hospital, because there is no ICU unit because of the kinds of cutbacks that have occurred, that he had to be transferred to a hospital that can provide that kind of care. So he goes to the University hospital in Edmonton. He gets there by 5 o'clock that afternoon. Well, there's no OR room open until 9 o'clock that evening, and that's when the surgeons get in and take a look at the damage. By that time, this man's entire gastrointestinal system is completely shot, totally gone.

THE DEPUTY SPEAKER: Order. The hon. Member for Cypress-Medicine Hat is rising on a point of order.

**Point of Order  
Relevance**

DR. L. TAYLOR: Yes, I have the correct reference this time, Mr. Speaker: *Beauchesne* 459.

THE DEPUTY SPEAKER: Relevance. Okay. State your case.

DR. L. TAYLOR: We're talking about victims of violence here. Somebody that ingests lye, I assume in a voluntary manner from her story, is certainly not a victim of violence. It has nothing to do with this Bill, quite frankly, and has to be totally irrelevant. You know, it's victim of the week story time, and it's the big lie. [interjections]

THE DEPUTY SPEAKER: Whoa, whoa.

SOME HON. MEMBERS: Withdraw.

DR. L. TAYLOR: L-y-e I was referring to, because that's what the story was about.

THE DEPUTY SPEAKER: No, no. Withdraw.

DR. L. TAYLOR: Metaphorically speaking. Certainly if it wasn't understood as l-y-e, I would withdraw it.

THE DEPUTY SPEAKER: Withdrawn. The hon. Member for Calgary-Buffalo on the point of order.

MR. DICKSON: Specifically on the point of order, I think the short answer to it is that the Criminal Code of Canada surely is of enormous relevance to Bill 214. The Criminal Code of Canada provides and defines a number of offences that relate to inadequate health care. There are doctors and physicians and nurses who have been charged and convicted in criminal courts in this country for failing to provide care. There's a manslaughter offence that sometimes has been raised as criminal negligence. There's a range of criminal offences that involves failure to discharge health care responsibility. Those people are victims too, every bit as much as somebody whose home has been broken into. So it seems to me, with respect, Mr. Speaker, that violence isn't defined in the Act. "Victim" is defined very generally. It says: "an individual who, as a result of the commission of an offence under the Criminal Code . . . suffers" in one of a host of ways. The short answer is that I think the Criminal Code provides ample scope and latitude for any speaker to touch on the matters that we've just heard from.

MR. WOLOSHYN: Mr. Speaker, on the point of order.

THE DEPUTY SPEAKER: On the point of order. [interjection] The hon. Member for Cypress-Medicine Hat doesn't get a second chance, because it's not in debate.

DR. L. TAYLOR: I wanted clarification.

THE DEPUTY SPEAKER: No. Once is enough, thank you. The hon. Member for Stony Plain.

MR. WOLOSHYN: Mr. Speaker, I would hope that the hon. Member for Calgary-Buffalo would read.

MR. DECORE: What's the citation?

MR. WOLOSHYN: This is the point of order that was raised, hon. Member for Edmonton-Glengarry: relevance, *Beauchesne* 459, and the member wandering all over the place. We are dealing with Bill 214, a private member's Bill. He makes references all over the map without any examples, without any specifics, trying to, shall we say, justify why the hon. Member for Edmonton-Ellerslie is not on the debate on the principles of this particular Bill. Mr. Speaker, I think the House would be better if we got back to the topic of the Bill, which is the principles for second reading. I'm sure the hon. Member for Edmonton-Ellerslie has a lot of good things to say other than reciting stories about how the University hospital did or did not meet the needs of a particular patient.

This is a very important Bill. The Member for Edmonton-Glengarry had some valid concerns which could come up in committee later; that is, whether "should" be "must," and his debate was actually quite enlightening. I would support my colleague for Cypress-Medicine Hat and his point of order that the Member for Edmonton-Ellerslie get back on topic. She's got some very good things to add. That's my support for the Member for Cypress-Medicine Hat.

THE DEPUTY SPEAKER: Hon. members, the Chair has intervened on a number of occasions over the days that we have been sitting, trying to continue to make the case that private members' public Bills are that. They are not Liberal Bills. They're not Conservative Bills. They are not government Bills.

They are private members' public Bills. Trying to characterize them as somehow reflecting on the particular persuasion one may represent in here has been intervened.

I'm not suggesting that that is the case here. What we have is an interesting point on relevance. Some of it has been further and further afield, and that has been brought to the hon. Member for Edmonton-Ellerslie's attention on several occasions.

The hon. Member for Calgary-Buffalo brings up a most interesting example of relevance if we're talking about victims of violence, which is a criminal offence. Presumably, then, the Chair would have to bow to the members of the legal profession among us who might bring to our attention that if it's a criminal matter, then surely it ought to have been proceeded with. If it's proceeded with, then we ought not to be talking about it. I don't think that's the line the hon. member was taking.

In any event, I would say that we would encourage all to stay on the Bill and try to speak relevant to the Bill. We've had some straying from that point. Again, private member's Bill 214.

Please continue, hon. member.

MS CARLSON: Mr. Speaker, it is relevant because I will end with a question to the member with regard to how this will affect her Bill and how she would interpret what happened to this family in terms of being treated with courtesy and compassion, because this is an act of violence. So with that, I'll continue. I'm very nearly done.

#### Debate Continued

MS CARLSON: By 9 o'clock that evening, due to the cutbacks that resulted in the hospital, they went in and found out that there was nothing that could be done for this man, and in fact he died a slow and painful death six days later. Now, his family treats this as an act of violence. There are no two ways about it. There has been no effort at all by any system at this point to treat him with courtesy or compassion or to in fact give him adequate access to health services, which is the entire point of this Bill.

So I am asking that the member address to me, perhaps outside of the time here, how she thinks the Bill she's bringing forward here will adequately address this family's needs.

Thank you, Mr. Speaker.

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

MR. LANGEVIN: Thank you, Mr. Speaker. I welcome the opportunity this afternoon to join in the debate over Bill 214, and I would like to commend my colleagues who spoke before me for raising some very good points. I think we can all agree that a piece of legislation protecting victims of violence in this province is needed. I'm surprised that such a Bill has not come in front of the House before, and I hope that we all see fit to support this very important piece of legislation.

The Bill the hon. Member for Calgary-Bow has brought forward provides a much clearer and definite outline of what rights victims have compared to the legislation that presently exists. Our province currently has two independent Acts that are intended to meet the needs of victims: the Victims' Programs Assistance Act and also the Criminal Injuries Compensation Act. Both represent the government's recognition that victims of crime deserve support from the justice system.

Mr. Speaker, the Criminal Injuries Compensation Act was proclaimed in 1969. It's to provide assistance to victims of

violent crimes who suffer financial loss as a result of injury or death. The Act established the Crimes Compensation Board, consisting of three members appointed by the Lieutenant Governor in Council. In hearings which are held throughout the province, the board reviews each applicant's claim and decides on the amount and type of compensation it can award.

#### 5:10

The other Act, Mr. Speaker, is the Victims' Programs Assistance Act proclaimed in 1991. It established the victims' programs assistance fund and the Victims' Programs Assistance Committee. Surcharges imposed by the courts on those convicted of Criminal Code, Narcotic Control Act, and Food and Drugs Act offences are deposited in the fund. Surcharge assessments totaling approximately \$50,000 per month, or \$600,000 per year, are deposited in the fund. Groups and organizations who provide or propose to provide programs and services that benefit victims can apply for funding. The committee assesses the applicants and makes recommendations for grants to the Minister of Justice.

As the Member for Calgary-Bow mentioned in the opening remarks, there are 49 police-based victim assistance units in existence in the province, and they provide service in a number of different areas of the province. These programs provide victims of crime with information, with assistance, and with support during the investigation and court proceedings. Most police-based units have received funding through the victims' programs assistance fund. Depending upon the seriousness of the crime, victims or their survivors are encouraged to provide the courts with an impact statement. This can give the judge insight into the suffering the victim has to contend with.

It's good to see, Mr. Speaker, that steps have been taken to recognize that victims of crime have special needs. However, it is unfortunate that, as one of the members speaking before me has pointed out, only Ontario and Alberta do not have any legislation addressing the victim's rights. I think for this reason it is very important that we move along and that we catch up to the good legislation that exists in other provinces.

Up until recently British Columbia did not have any such legislation either. This year that province brought forward a victims of crime Act, before which the Bill being debated today pales in comparison. Victims of crime in B.C. are lucky to be living in that province. Some of the provisions which the B.C. legislation includes are the right to courtesy and respect, legal representation, victim impact statements presented to the courts, access to information regarding the proceedings, victim surcharge levies on fines, and freedom from penalization by employers. It is quite a comprehensive law.

Astute members of this House undoubtedly have noticed several similarities with Bill 214. What this says to me is that the Member for Calgary-Bow is not the only person who sees these rights as being important enough to formalize them in a piece of legislation. The similarities between the Bill and the Act indicate to me that we are on the right track, Mr. Speaker, that the rights we have laid out in Bill 214 are ones that the people want to be made into law.

It sometimes seems that in these days of high-profile court cases the victim is forgotten by our justice system. What we are debating this afternoon is a way to give these victims a stronger voice. There are victims out there whose needs are not being addressed, and I am pleased to see us re-evaluating this situation.

One of the problems we face is that the number of different kinds of victims is as varied as the crimes committed against them. Even if the same crime is committed against two different

persons, they will both react in a different way. This was one of the difficulties in drafting Bill 214. However, the provisions included in this Bill do not try to address each individual case and situation which may confront the justice system. Instead, it sets out the framework outlining how the victims of violence should be treated. The Bill calls for victims of violence to have better access to social and health services, counseling, and legal assistance if necessary. There is no legal assistance available at this time. Instead, there are 65 hardworking volunteers who are providing victim assistance in this province. Support like psychiatric assistance should be readily available to all victims, regardless of their income. We must realize that victims do not choose to be victims. The plague of victimization does not just attack those of higher income in our society.

Mr. Speaker, one of the problems we have in discussing the question of victims' rights is the fact that not all victims of violent crime report the act of violence against them. This is especially true in the case of domestic violence, a victim of adolescent violence. Reporting cases of sexual assault is especially difficult.

For victims of violence reporting the crime is never an easy thing to do. Often feelings of guilt, of shame get in the way. In many cases it seems the onus to prove their innocence is as much on the victim of sexual assault as on the perpetrator. As a result, an estimated 6 percent of sexual assaults that occur get reported. This means that 94 percent of the assaults go unreported, and I think that's way too high a percentage. It is not acceptable.

This Bill places the onus of reporting the offence against them on the victim, but in exchange it offers increased assistance and protection to the victim. It also offers a victim increased access to information, to counseling, which will hopefully aid them in getting their lives back in order. The Bill will enable victims to take a more active role in the prosecution of offenders. It will allow victims to be better informed of the options open to them in putting their lives back together.

Mr. Speaker, a thing we have discussed in debate over this Bill has been the need for justice. The criminal justice system has been overlooking one of the key players in its proceedings, and as a result justice has not been served to those who in my opinion deserve it the most. With this Bill we have been presented with the opportunity to remedy the situation or at least to take a step towards that.

Read over the Bill once more, hon. members, and consider the good it will do. Albertans deserve the peace of mind it offers to them. I hope you will all see fit to support this Bill, to give our support to the hon. Member for Calgary-Bow, and that we will vote in a positive way on this Bill.

Thank you, Mr. Speaker.

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

MR. SEKULIC: Yes. Thank you, Mr. Speaker. I've had the opportunity to thoroughly go through this Bill, Bill 214, Victims of Violence Act. I do have to commend the intentions of the Member for Calgary-Bow, because I think they are honourable intentions. However, I must go on to say – and this isn't meant in a facetious way – that this Bill I see as a placebo. This is a sugar pill which, if the entire Assembly took it, would resolve the headache of that side of the Assembly; this side would still have the migraine. This doesn't solve the problem. I think in fact that the remainder of Albertans would be still suffering from the original condition. So this is nothing more than a placebo.

I think there were some questions raised earlier as to whether throwing money at a problem is the solution to the problem. I don't think there's anyone in this Assembly that would ever assume or imply that more money is a solution. However, Mr. Speaker, I take a look and clearly the actions of this government in cutting moneys from programs which were effective is not the answer either.

5:20

Now, we take a look at the Alberta Justice annual report. My colleague for Calgary-Buffalo earlier stated that the 1994-95 annual report states that spending was reduced by \$3.2 million under the social programs function. I think this has to be repeated over and over and over, because what's been said or proposed over there in this Bill is being contradicted. The contradictions are actions, and this Bill is theory. The actions which have been taken are the elimination or reduction of programs like the victims' programs assistance fund, the victim impact statement program, the victim assistance co-ordinator training program, and the crimes compensation program. Mr. Speaker, those are facts. Those are actions. They happened.

As for these promises or the potential for some remedy in the future, some theoretical approaches, what I consider another analogy of this Bill is that it's like a vehicle without a single drop of fuel. It's a nice idea. It may look good. But if it doesn't have fuel, it collects dust and it has no purpose.

I look to another comment that was made earlier, and that is that "crime has a trickle-down effect." That almost has connotations of Reaganomics. Mr. Speaker, the trickle-down effect doesn't start at the crime itself. It starts at the lack of response to crime, the lack of a concrete action in response to a crime. That's where the trickle down starts and continues. In fact, the lack of an appropriate response to a crime I would consider to be the second crime.

I look to some more comments. In fact, the hon. Member for Lethbridge-West spoke about, I believe it was, the Charter of Rights. Section 7 within the Charter guarantees legal rights to all Canadians, and that means victims and offenders alike. I'm not sure what this Bill goes on to say, but it certainly doesn't override the Charter or the provisions currently provided for in the Charter.

The other comment I wanted to make, a very important comment also found substantiated in the Charter, is that we are all innocent until we are proven guilty. Mr. Speaker, I think those are two very important clauses within the Charter.

I look to some other examples here that this Bill is the should-have Bill. As the Member for Edmonton-Glengarry said, there is not a single consequence if a victim doesn't get what they should. So this is just a vacuum. Once again, they become a victim two times: a victim to a crime and a victim to the should-have. Mr. Speaker, I think that needs a significant amount of work.

When we hear that police funding in this province is being cut by 30 percent, I think that that should raise some concerns, and that should be addressed within this Bill. There should be a provision to address appropriate police funding based on volume of work. That's what you call concrete; that's what you call substance. Likewise, Mr. Speaker, prosecution . . . [interjections]

THE DEPUTY SPEAKER: Order.

MR. SEKULIC: Is it something I'm saying, Mr. Speaker, that's upsetting these people?

THE DEPUTY SPEAKER: I apologize, Edmonton-Manning. I just had to bring some order.

MR. SEKULIC: As always, thank you very much for bringing the Assembly to order.

Likewise, we have to take a look at the budgets prosecutors work with in this province. They have also been significantly reduced as the volume of work increases. The Auditor General, I think – and many of the members across the way have cited numerous statements made by the Auditor General in his annual report. One of the most significant statements in that report, Mr. Speaker – and I'll try to give you an executive summary of what the statement is – is essentially that you get what you pay for, and if you expect top performance, you have to provide top dollar. Yet we see the exact opposite happening here.

I see that there's reference to the potential increase in the volume of work that the police service may be expected to do. After reading this Bill, it appears that all victims, all crimes become equal in terms of how they are responded to by both the police and this government. Mr. Speaker, I could just think of one example. Should the police spend the same amount of time on a stolen barbecue as on a sexual assault? I'd suggest that the two are substantially different. There are provisions currently in law to differentiate the seriousness of those two matters, and they're appropriately being dealt with. Once again the problem is resources, not statements as to how they should be dealt with. Currently there is in place a way by which they are dealt with, not should be dealt with.

Mr. Speaker, I've stated already about the reduction in funds to Crown prosecutors and in fact the volume of work that they're being forced to deal with in both Edmonton and Calgary. This is a consequence. Once again, if you want good work, I think you have to allocate both the time and the financial resources to have that delivered. When I hear that the Alberta Justice annual report, once again 1994-95, states that spending was reduced by \$2.7 million in the prosecution and trial function, I go and I ask the Member for Calgary-Bow: where is that addressed in this Bill? How is that addressed in this Bill? What rights does a victim have? How is the victim protected when we take \$2.7 million out of a service which is required for the victim to get any kind of fair treatment within this system?

I was listening to the members across the way when they were putting across their points in debate, and I wondered: do they

really believe that there are solutions in this Bill? I agree with the principle of the Bill, but do they really believe that there is action? Mr. Speaker, do those members really believe that there are actions in there to better the lives of Albertans? I daresay that there is not a single section or subsection which in any way would improve the life of any single Albertan.

THE DEPUTY SPEAKER: Hon. Member for Edmonton-Manning, Standing Order 8(5)(a)(i) provides for up to five minutes. We have one minute before the Chair is required to leave. The hon. Member for Calgary-Bow to sum up.

MRS. LAING: Thank you, Mr. Speaker. I would like to assure the members there that I have done research and that my intentions are honourable, and I would certainly ask now that we call the question.

THE DEPUTY SPEAKER: The question has been . . .

MR. DICKSON: Point of order.

THE DEPUTY SPEAKER: The question has been called. The hon. members are reminded that we have 115 minutes certain time. That has now elapsed. So under our rules we allow up to five minutes for the member who proposed the private member's public Bill to speak. There isn't five minutes, so the hon. member has called for the question.

The question has been called. All those in favour of second reading of Bill 214, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: All those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: The Bill is carried.

Under Standing Order 4(1) the Chair now leaves, and the Assembly stands adjourned until 8 this evening.

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

