

Legislative Assembly of Alberta

Title: Tuesday, February 27, 1996 1:30 p.m.
Date: 96/02/27
 [The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

We give thanks to God for the rich heritage of this province as found in our people.

We pray that native-born Albertans and those who have come from other places may continue to work together to preserve and enlarge the precious heritage called Alberta.

Amen.

Please be seated.

head: **Presenting Petitions**

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

MRS. HEWES: Thank you, Mr. Speaker. I beg leave to present a petition from 72 Albertans. Most of them are Gold Bar residents; many are seniors. They are expressing support for the five principles of the Canada Health Act, their opposition to two-tiered, Americanized health care, and they're calling for the national standards of medicare to be maintained.

head: **Reading and Receiving Petitions**

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

MR. BRUSEKER: Thank you, Mr. Speaker. Yesterday I introduced a petition from 10,000 Albertans asking that the Legislative Assembly support the provisions of the Canada Health Act. I would ask that the petition be now read and received.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to uphold the five basic principles upon which Medicare was built: Accessibility, Universality, Portability, Comprehensiveness, and Public Administration.

MR. MITCHELL: Mr. Speaker, I would ask that the Clerk read and receive the petition that I presented yesterday raising the concern of 10,000 Albertans that this government support the five principles of the Canada Health Act, oppose a two-tiered health care system, and support the maintenance of national standards for health care.

Thank you, Mr. Speaker.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to uphold the five basic principles upon which Medicare was built: Accessibility, Universality, Portability, Comprehensiveness, and Public Administration.

MR. DALLA-LONGA: Mr. Speaker, I would ask that the petition which I submitted yesterday concerning a two-tiered health care system be now read and received.

Thank you.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to uphold the five basic principles upon which Medicare was built: Accessibility, Universality, Portability, Comprehensiveness, and Public Administration.

MR. GERMAIN: Mr. Speaker, if it please the Assembly, I would ask that the petition filed by myself yesterday now be read.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to uphold the five basic principles upon which Medicare was built: Accessibility, Universality, Portability, Comprehensiveness, and Public Administration.

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission I would like the petition which I tabled in the Assembly yesterday containing the names of 10,000 Albertans who are concerned about the erosion of the principles of the Canada Health Act now be read and received.

THE CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to uphold the five basic principles upon which Medicare was built: Accessibility, Universality, Portability, Comprehensiveness, and Public Administration.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I give notice that tomorrow I will move that written questions stand and retain their places on the Order Paper.

As well, I give notice that tomorrow I will move that motions for returns stand and retain their places on the Order Paper with the exception of 169, 170, and 172.

Mr. Speaker, I'd also like to give oral notice of the following:

Be it resolved that further consideration of the motion before the Committee of Supply regarding subcommittees shall be the first business of the committee and shall not be further postponed.

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

MR. DICKSON: Thank you, Mr. Speaker. I give notice now that I propose to move the following motion immediately after Orders of the Day.

Be it resolved that the Assembly affirm the importance of open access to reading material by recognizing February 26 to March 3, 1996, as Freedom to Read Week.

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. EVANS: Thank you, Mr. Speaker. I'd like to table six copies each of answers to written questions 249 as amended, 250, and 251.

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

MR. SAPERS: Yes. Thank you, Mr. Speaker. Today with your permission I'd like to table four copies of a report called Healing

Health Care: Prescriptions for an Ailing System. This report was compiled by the more than 50,000 frontline health care providers that work to keep the system as intact as they possibly can. They conclude in part that

Alberta's health care system is in crisis – a crisis caused by reckless cuts and poorly planned restructuring. These cuts are undermining both the quality and accessibility of health care in Alberta. We believe the very existence of our public health system is threatened.

head: Introduction of Guests

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

MR. HENRY: Thank you very much, Mr. Speaker. It's my honour today to present to you and through you to members of the Assembly two groups that are in the public gallery and the members' gallery. First we have 24 visitors from the transitional vocational program at the Alberta Vocational College located in downtown Edmonton, in my constituency. They are with their group leader Atiya Siddiqui as well as interpreters Ms Elaine Grogan and Ms Jackie Weldon. I believe that they are in the public gallery. If they could rise and receive the warm welcome of the Assembly.

As well, Mr. Speaker, it's my pleasure and honour to introduce again through you to members of the Assembly 24 visitors from École Grandin, Grandin school, in my constituency. This is a Catholic school, probably the closest school to the Legislature. They've come over today to see us in action. They are in both the public gallery and the members' gallery. They are accompanied by their teacher Ms Angela Ouellette. If they could rise and receive the warm welcome of the Assembly.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. It is indeed a pleasure for me to introduce to you and through you today 35 very friendly, I must say, students who all came up and shook my hand and introduced themselves to me, students from Overlanders school, which is located in my constituency. They are accompanied by their teacher Ruth Charette and parent Mrs. Pflughaupt. They are seated in the members' gallery. I'd like them to rise at this time and accept the traditional warm welcome of this House.

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

MR. CARDINAL: Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to the Assembly one of my constituents, Robin Bobocel. Robin is the new president of the PC youth of Alberta. He is my constituent, and I'm proud to introduce him today. He is seated in the members' gallery along with his friends. I would like them to stand and receive the traditional warm welcome of the Assembly.

head: Oral Question Period

1:40

Health Restructuring

MR. MITCHELL: Mr. Speaker, the lack of concern demonstrated by this government for the damage done to health care was made dramatically clear by their do-nothing budget. Eighty thousand Albertans have told the Premier exactly what they think of his

attack on the health care system by attaching their names to the largest petition ever presented to this Legislative Assembly. No matter how much the Premier denies it, Albertans know their health care system is being dismantled and they know that it's being commercialized. To the Premier: can he now tell Albertans what he means when his government says in this document that he intends to ensure a strong role for the private sector in health care both within and outside the publicly funded health care system?

MR. KLEIN: Mr. Speaker, a good example of what I mean I think can be found in the city of Calgary. It's one that I can cite, and that is the contracting out by the Foothills hospital ophthalmology services to doctors who operate in a private scenario but still offer quality health care that is paid for by Alberta Health.

MR. MITCHELL: Mr. Speaker, will the Premier explain exactly how his proposal that doctors can receive payment from the public system and that they can also receive payment directly from patients does not contravene the Canada Health Act? How is that possible?

MR. KLEIN: Mr. Speaker, as I understand it, that's one of the points that we're trying to get clarification on from the federal Minister of Health. I would ask the hon. Minister of Health to supplement.

MRS. McCLELLAN: Mr. Speaker, if the Leader of the Opposition is as knowledgeable about the Canada Health Act as he would have us believe, he would know that the Canada Health Act is entirely silent on the issue of whether doctors can practise in both private and public. There is no provision in the Canada Health Act to cover that.

MR. MITCHELL: The Premier keeps suggesting that it's the federal government that has to explain to him why he can't charge facility fees. Mr. Speaker, they've said no. What part of "no" doesn't this Premier understand?

MR. KLEIN: Mr. Speaker, the issue is no longer facility fees. The issue here is whether doctors, medical practitioners, can operate in a public system and in a private system at the same time. Right now as we read it – and we need to get clarification on this – if a doctor is in the private system, he or she cannot operate in the public system. We're saying: is there a possibility or is there something that should or could be explored relative to medical practitioners operating in both?

Multi-Corp Inc.

MR. MITCHELL: Mr. Speaker, the Premier has refused to release 20 pages of key documents about his activities in China in the height of the Multi-Corp affair. Because the Premier has insisted that Mr. Clark be both the Ethics Commissioner and the Privacy Commissioner, Mr. Clark has admitted that he is hopelessly in a conflict of interest when it comes to reviewing the Premier's refusal to disclose this information. Now the matter has to go to the courts. To the Premier: why doesn't the Premier simply clear up this mess and release the 20 pages? What's he got to hide?

MR. KLEIN: Well, Mr. Speaker, I have absolutely nothing to hide. I understand that in December sometime one of the Liberal researchers wrote to the Ethics Commissioner and asked for

certain information, most of which was provided. Twenty pages were not provided, as I understand, and this was explained to the researcher I believe around January 15, that access to one other 20-page document has been denied under sections 15(1), "Disclosure harmful to business interests of a third party," 20(1)(a) and 20(1)(b), "Disclosure harmful to intergovernmental relations," and 23(1)(b), "Advice from officials." Now, in a subsequent letter that was tabled by the hon. Member for Calgary-North West yesterday, they have asked the Ethics Commissioner to review this situation in accordance with the appeal procedures that have been put in place.

In answer to his third comment, Mr. Speaker, I did not appoint the Ethics Commissioner. This Legislature, including these members, appointed the Ethics Commissioner and the Information Commissioner.

MR. MITCHELL: We pushed for two separate positions, two separate people, Mr. Speaker.

Because the Premier won't give us those documents, it's now going to court. How much will it cost taxpayers for the lawyers to protect the Premier as he fights in court to keep these documents secret?

MR. KLEIN: Mr. Speaker, if I had my druthers, you know, they could have it all, but first of all we'd have to get the permission of all the companies involved who had outlined their marketing strategies for Asia. We would have to get the permission of all the federal and other provincial government agencies that were involved in preparing the itinerary for this trip. Relative to the intergovernmental memos, that would be a very, very difficult task. There is absolutely nothing to hide. We are simply abiding by the rules that have been set down in accordance with the sections that I outlined.

Mr. Speaker, there is one other point. Who is taking this to court? We have no intention of taking this to court. This is news to me, believe me.

MR. MITCHELL: Mr. Speaker, when does the Premier begin to put the public interest ahead of the private interest and start to reveal these commercial relationships, like he failed to do in the NovAtel case, in the MagCan case? I can list many other cases where commercial information was kept secret to the detriment of Albertans.

MR. KLEIN: Mr. Speaker, I believe there was so much noise on both sides that I honestly didn't hear the question, but while I'm on my feet, perhaps I can . . . [interjections] Mr. Speaker, I haven't finished answering the question.

MR. MITCHELL: Which one?

MR. KLEIN: Well, the question that I didn't hear. I haven't finished answering. [interjections]

THE SPEAKER: Order. The Chair is sure the hon. Premier will have the opportunity of answering that question from the hon. Leader of the Opposition when he's able to hear it.

MR. MITCHELL: Mr. Speaker, when does the Premier begin to put the public interest ahead of the private interest and start to reveal this commercial information that he hides behind all the time, just like his government and he did in the MagCan case, in

the NovAtel case, in the Gainers case, in the Bovar case? And we can go on. He has to release this information for the public good.

MR. KLEIN: Mr. Speaker, a letter was sent to the Ethics Commissioner/ Information Commissioner yesterday. This is the letter contained in a Liberal caucus news release asking Mr. Clark to review this particular case. That is the proper and appropriate procedure.

The only thing mystifying about this situation is the question that was raised by the Leader of the Opposition; that is, the whole question of this matter going to court. I would like to hear from the minister who is responsible for the Freedom of Information and Protection of Privacy Act.

1:50

THE SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. FISCHER: Thank you, Mr. Speaker. It is premature to say right now whether the Information Commissioner is in conflict or not. If the Information Commissioner feels that he is, it is referred back to the Lieutenant Governor in Council. That decision will be made, and we have a process in place under sections 71 to 76 that allows the Lieutenant Governor in Council to appoint a Court of Queen's Bench judge to do that.

I also want to inform the House – and there's been a lot of controversy whether or not you should have an Ethics Commissioner as a freedom of information commissioner. We have had only 26 cases in the three months that this has been in place. If it were not for the Liberal opposition and the special interest groups that are frivolously applying . . . [interjections]

THE SPEAKER: Order, hon. members. [interjections] Order. [interjections] Order, hon. members. The Chair would like to be able to hear the remaining portion of the hon. minister's answer.

MR. FISCHER: I think it should be remembered that this freedom of information Bill was put in place for individual members of the public. The opposition members were on the committee that made the recommendation that we put this legislation in place, and they also were in full support when they were on the committee. Because it doesn't suit the opposition now when it comes up, they want to change the rules. That is wrong. [interjections]

THE SPEAKER: Order please. [interjections] Order. [interjections] Order please. Hon. members, we're now having the third main question, and we've expended 13 minutes to get there.

The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. Information from the Alberta Securities Commission confirms that Multi-Corp executive Larry Novak transferred 20,000 shares from his holdings on November 25, 1993. We now know that 10,000 of those shares ended up in the Premier's household and that the other 10,000 shares ended up in the household of the Premier's executive director, Mr. Rod Love. In contrast, that executive director said that he didn't get any shares until the spring of 1994 and only after he called the Ethics Commissioner to call it out. My question to the Premier is this: is it the policy of the government for senior officials in the Premier's office to mislead the Ethics Commissioner?

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

MR. KLEIN: Mr. Speaker, this matter has been fully investigated by the Ethics Commissioner.

MR. BRUSEKER: In fact it hasn't because the Ethics Commissioner can't investigate senior bureaucrats.

My supplementary question, then, is: will the Premier instruct his executive director to make his disclosure statement public?

MR. KLEIN: Mr. Speaker, senior government officials are subject to certain rules under the Conflicts of Interest Act, and I assume that he has abided by those rules.

MR. BRUSEKER: My final supplementary question, then, also to the Premier: is it the policy of the government to promote a corporation in which both the Premier and his executive director are shareholders?

MR. KLEIN: Mr. Speaker, this matter has been reviewed by the Ethics Commissioner. I know that there has been a lot of innuendo that I have been promoting a private company to obtain some kind of benefit. That simply is not true.

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

Edmonton's Economic Outlook

MR. YANKOWSKY: Thank you, Mr. Speaker. Last Thursday, February 22, Brampton, Ontario-based AT Plastics announced a \$120 million expansion of their company's Edmonton plant. The expansion will increase the company's production capacity of ethylene copolymer from approximately 60,000 tonnes to 145,000 tonnes, representing a 70 percent increase. My questions are all to the hon. Minister of Economic Development and Tourism. Can the minister tell this House what economic benefits the city of Edmonton can expect from this announcement?

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

MR. SMITH: Well, thank you, Mr. Speaker. It is refreshing to hear one member from this Edmonton area being concerned about business. In fact, good news travels fast. The same day that a budget surplus was announced and a balanced budget was achieved in this province, a company called AT Plastics announced a \$120 million expansion. From that, 38 jobs are created on-site to add to the 290 that are there now, and it's estimated that throughout the construction phases there'll be some 50 to 200 construction jobs.

As usual, the private sector always says it best, so I'd just like to table the press release from AT Plastics and perhaps read a short quote from the *Edmonton Journal* that says . . . [interjections] Well, Mr. Speaker, this is quite interesting actually.

The vice-president and general manager, Glen Herring, from AT Plastics has said:

Edmonton has been good for us and we're reinvesting for the long term . . . We've just come off our best year ever and we're ready to start growing.

He was asked why he picked Edmonton. He responded by saying:

It's a particularly good location, there's a highly experienced workforce, the materials are here and there's a favourable climate.

On that day it was 22 below, so I'm sure he was referring to the business climate.

THE SPEAKER: Supplemental question.

MR. YANKOWSKY: Thank you, Mr. Speaker. Can the minister inform this House as to what the present level of economic activity is in Edmonton?

THE SPEAKER: The hon. minister.

MR. SMITH: Well, thank you, Mr. Speaker. It's again a pleasure to rise to speak about business opportunity in Edmonton. In fact, over the past year Edmonton reached employment of 474,000 people, an increase of 5,500 jobs over 1994. The unemployment rate dropped from 8.7 percent to 7.4 percent in 1995. A couple of examples that created this opportunity: Dow Chemical completed an \$800 million expansion; Celanese Canada completed a \$6 million expansion; LaPorte, a drug company, announced a \$31 million investment; Ingram Bell is investing over \$2 million. [interjections] Listen to some of the quiet, antibusiness comments from the side across. The region is benefiting, not only Edmonton but the whole region.

THE SPEAKER: Final supplemental.

MR. YANKOWSKY: Thank you, Mr. Speaker. My question is again to the Minister of Economic Development and Tourism. What economic development initiatives does the province have with the city of Edmonton?

MR. SMITH: Mr. Speaker, again a pleasure to rise and respond. In fact it was just this morning, not two hours ago in Government House that the Premier and his cabinet met with the Edmonton city council to discuss not only economic development initiatives, of which there are many, but also to talk about mutual opportunities, mutual problems. One of the things at work in this partnership is a trip that His Worship Mayor Bill Smith, the other half of the Smith brigade, made to Vancouver to call on 10 forestry companies, meet with interested investors. In fact, contrary to what we hear coming from that side of the House, there are people in Vancouver who are bullish on Edmonton, and I'm bullish on Edmonton too.

2:00

Multi-Corp Inc. (continued)

MR. COLLINGWOOD: In 1993 the Premier and his executive director, Rod Love, heartily agreed to allow their spouses to own shares in Multi-Corp. At the time . . . [interjections] If I may continue, Mr. Speaker, on a question of policy.

At the time, Multi-Corp was benefiting from government contracts through its one and only operation, United Industrial Equipment Rentals. Now, in every province in Canada that would be a flagrant and blatant breach of contract, but in Alberta, curiously, under this Premier it is not. My question is: what is the policy of this government about ministers and senior officials owning shares in companies that receive government contracts?

MR. KLEIN: Mr. Speaker, this matter has been reviewed by the Ethics Commissioner.

MR. COLLINGWOOD: Mr. Speaker, with that answer I must ask the Premier: does the Ethics Commissioner of the province of Alberta set policy for this government?

MR. KLEIN: Mr. Speaker, if the hon. member has something he wishes reviewed by the Ethics Commissioner relative to this matter, I would suggest he refer it to the Ethics Commissioner.

MR. COLLINGWOOD: Mr. Speaker, if I can assume that the policy of this government is that that constitutes a breach, how does the policy get implemented if the Premier himself and his executive director are involved in the conflict?

MR. KLEIN: Mr. Speaker, I would reiterate: this matter has been reviewed by the Ethics Commissioner.

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

Machinery and Equipment Tax

MR. LANGEVIN: Thank you, Mr. Speaker. With the tabling of a balanced budget last week the government announced a reduction in the machinery and equipment tax of 40 percent over the next two years. The remaining 60 percent will be reduced only if industry shows an increase in investment of \$11.5 billion by the year 1998-1999. My question today is to the Minister of Economic Development and Tourism. Can the minister explain the rationale behind the M and E reduction announced in last week's budget, and how will the government measure the additional investment by industry?

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

MR. SMITH: Well, thank you very much, Mr. Speaker. In fact, this initiative that was announced in the balanced Budget Address of last week is something that is not new. It's been around for 11 to 14 years. It's been reviewed by the tax review commission. In fact, it's been reviewed by the opposition. The *Edmonton Journal* quotes the Leader of the Opposition as saying that there has to be a long-term plan to phase out the M and E; the Treasury critic says that the real point is that if you consider it a bad tax, it's a bad tax. Well, in fact we've taken action, and what we've done is not only move towards recognizing the importance of value-added production to this province but also to challenge the investment community. In fact, the investment has to come through investment in value-added manufacturing and processing and allow us to be able to measure that to determine whether the final phaseout will occur. So in other words, no carrot, no donkey, and I think that, you know, the challenge is now in businesses' hands to say: if you move this far, then these events will unfold.

THE SPEAKER: Supplemental question.

MR. LANGEVIN: Yes, Mr. Speaker. Again to the same minister: Mr. Minister, how can you counteract the statement that is made by a few individuals that by reducing the M and E tax, the benefit will go solely to big industry or big business?

MR. SMITH: Mr. Speaker, in fact it doesn't matter whether you're a petrochemical company, a forestry company, an agriculture value-added company, whether your gross sales are \$10 billion a year or whether they're \$10,000 a year. You can benefit as businessmen from the reduction in the M and E tax. If you've got an oven in a bakery, if you've got a computer that you use in your manufacturing, if you've got a lathe in your welding shop, those are areas that have been taxed by this tax, which taxes capital not profits. It taxes capital, and we all know that in a free market economy nothing works without money. You have to have the flow of capital into this marketplace in order for growth to occur whether you're a small businessman, as I had been for 15 years prior to coming here, or whether you're a large company. This is an initiative aimed at all businesses.

THE SPEAKER: Final supplemental.

MR. LANGEVIN: Yes, Mr. Speaker. My final question is to the Minister of Municipal Affairs. How can this government ensure that in the case of the reduction in the M and E tax the benefits of the reduced taxation will go to the taxpayer in the form of lower property tax and not be taken away by municipal governments raising their property taxes?

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. THURBER: Well, thank you, Mr. Speaker. That's an excellent question. In order to take up the slack from the reduction in M and E on the education portion, the municipalities that are involved in the M and E couldn't do it willy-nilly. They would have to increase it across the board on all nonresidential, commercial, and industrial properties within their jurisdiction, and it would include all retail outlets such as dentists and warehouses and all of the commercial operations within their jurisdiction. I would expect that most of these businesses would become extremely concerned if taxes were raised to the extent where they took up the slack in the reduction in the M and E on that portion of it.

On the reduction in the education mill rate, again the reduction in that across the board – most municipalities in this province are in a reducing phase on the mill rate on the education portion – certainly they have the ability to take up that slack, but the object of the exercise is to reduce property taxes to the property owner in this province through the reduction and the continued reassignment and streamlining of the education portion of that tax.

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

Student Finance

MR. BENIUK: Thank you, Mr. Speaker. Changes within the Department of Family and Social Services have resulted in the opportunity for individuals on assistance to upgrade their employment skills through various programs. However, it has been brought to my attention that a newly established education provider was allowed to renegotiate an agreement for more funding after a class was scheduled to begin, causing numerous delays in the start-up date, resulting in student financing cheques being withheld thereby leaving the students with no money for food and shelter. I'm also concerned about education providers retaining the full amount of student financing cheques, again resulting in no money being released for the students' living allowances. All my questions are to the Minister of Advanced

Education and Career Development. When agreements are reached between Advanced Education and Career Development and a privately operated education provider, is the amount of funding to be allotted for these programs stipulated in writing, or is it verbally approved?

MR. ADY: Mr. Speaker, there is a formal contract that is agreed to, and both parties sign it.

THE SPEAKER: Supplemental question.

MR. BENIUK: Yes, Mr. Speaker. In the agreement between these parties is it stipulated that if the start-up date of the course is to be delayed for any reason, the Students Finance Board will be immediately informed so it in turn can inform Family and Social Services, who will reinstate the specific students until either the course start-up date is finalized or the students are placed in another educational program?

2:10

MR. ADY: Mr. Speaker, I would expect that there would be a link of communication there that would allow the clients to be informed of any delay that might be forthcoming and allow them time to have some alternate program in place to sustain themselves or to be sustained by Family and Social Services or perhaps at least allow them time to prepare themselves for that delay.

MR. BENIUK: Mr. Speaker, as those cheques are sent to the education provider, what mechanism is in place to ensure that the students will receive the portion of the funds allocated for their living allowance?

MR. ADY: Mr. Speaker, that's part of the contract and expectation of those providing the services. The member is correct in saying that the funding is forwarded to the provider. It's released to them on an ongoing basis based on attendance and performance in the institution and the program.

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

Aboriginal Health Care

MS CALAHASEN: Thank you, Mr. Speaker. Last summer the Minister of Health announced a strategy to address the health needs of aboriginal Albertans, a strategy I was proud to be involved with because it set the precedent of the notion of a holistic approach to healing. A number of objectives were identified during the development of this strategy, objectives that needed to be dealt with. Could the Minister of Health recap those objectives identified by this strategy?

MRS. McCLELLAN: Mr. Speaker, the hon. member does raise a very important health strategy for this government. The five objectives that were put in place in the aboriginal health strategy were, number one, to improve primary health services in remote communities; secondly, to improve access by aboriginal people to provincial health services; thirdly, to develop partnerships with the aboriginal communities; fourthly, to improve the level of knowledge among aboriginal peoples about their health and our health system; and, finally and maybe most importantly, to improve opportunities for aboriginal peoples to participate in the health workforce through a program of health bursaries.

THE SPEAKER: Supplemental.

MS CALAHASEN: Yes. Thanks. What steps, then, has the department taken towards implementing the strategy?

MRS. McCLELLAN: Mr. Speaker, in 1995-1996 the aboriginal health strategy received \$1.1 million to begin implementation. That included about \$200,000 for the bursary program that I mentioned as one of the objectives and \$400,000 for a project to provide assistance to put in place initiatives to improve the cultural appropriateness of provincial health services. I think that was a very, very important part of the delivery of services, to involve both native healing and western medicine, so to speak, in the aboriginal communities.

We also put in place \$500,000 of that money to address issues in delivery of health services in remote communities. Members would remember supporting Bill 5 in this Legislature for nurses in advanced practice.

I am very proud that this caucus has supported the implementation of the aboriginal health strategy. Much has been discussed about aboriginal health concerns at a national and a provincial level. I'm proud to say that at a provincial level we are doing something about it, and the Member for Lesser Slave Lake can take some pride in the work that she has done on behalf of the peoples of her community.

THE SPEAKER: Final supplemental.

MS CALAHASEN: Yes. Thank you. Given the specific concerns of the aboriginal people to ensure the strategy meets their needs, could the minister indicate what degree of involvement aboriginal people have had in this implementation?

MRS. McCLELLAN: Mr. Speaker, the minister responsible for aboriginal affairs I am sure will want to supplement my answer, but I want to say that we have had the aboriginal communities involved in the development of the strategy, one, through the document *Strengthening the Circle*, which members will remember as a very poignant document discussing aboriginal health concerns and needs.

I also had the opportunity to travel to some of the Back Lakes communities with the hon. Member for Lesser Slave Lake and meet with the aboriginal leaders in those communities. They all came together in one place to discuss strategies, and one important point that I believe came out of that meeting was the issue of training aboriginal peoples for careers in health services. That is in place, Mr. Speaker. I'm proud to say that I believe we have 12 aboriginal students in our medical school this year, and we have many other opportunities through this bursary program.

I would want the minister responsible for native affairs to supplement my answer on consultation with the aboriginal communities.

THE SPEAKER: The hon. minister responsible for native affairs.

MR. CARDINAL: Thank you very much. It is true. It is very unfortunate, Mr. Speaker, that aboriginal people still are considerably lower than average in health care not only in Alberta but across Canada. I believe our government here in Alberta has no doubt taken a leading role in resolving issues of that nature in Alberta.

Health care is a very complicated issue, and there's not a quick answer for it. We will continue working hard. It involves the lifestyle of our people. Just a few years ago, Mr. Speaker, our aboriginal people in Alberta and Canada were very healthy and independent and self-sufficient people. Changes took place in the last 40 years that are very negative. I've spoken in this House for this government for two and a half years now, and you can see the changes we are making: attacking the poverty the people live in, self-government issues, self-sufficiency, training, and welfare reforms. The whole area of change in the economic status of aboriginal people will also of course change their health care standing.

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

Motion Picture Industry

MR. ZWOZDESKY: Thank you, Mr. Speaker. The economic development minister said that he wouldn't answer questions about the Alberta Motion Picture Development Corporation until the budget was released. Well, the budget is now out and so, too, unfortunately is the AMPDC, along with \$5 million in tax revenues which it generated and \$100 million in economic activity that it created. We now know that *Jake and the Kid*, a multimillion-dollar production, will leave this province because of the minister's decision. To the minister of economic development: if the minister is truly so concerned or in his own words so "bullish" about jobs in Edmonton and the economy of Edmonton, tell us, Mr. Minister, what are you doing to prevent major productions like *Jake and the Kid* from moving to other provinces, a move that will result in job losses of over 100 in the greater Edmonton area from that one project alone? What's he doing about it?

THE SPEAKER: The Minister of Economic Development and Tourism.

MR. SMITH: Well, thank you, Mr. Speaker. In fact I am pleased to report the results of a balanced budget that was tabled last week. In fact it did say that this would be a transition year for the Alberta Motion Picture Development Corporation, that there would be approximately \$1.3 million in funding that will allow the private sector to then move into alternatives, to be able to partnership and leverage this organization and continue with the business growth of the province in this industry. I mean, it is a growing industry, and now it's time for the private sector to be able to move ahead.

You know, I get confused because on one hand I have the hon. Member for Edmonton-Ellerslie, who says that the Alberta Motion Picture Development Corporation has historically proven to be a bad investment. Then I have the Member for Edmonton-Avonmore saying: we need this; we have to put more money into it. Clearly, Mr. Speaker, the left hand doesn't know what the left hand is doing.

2:20

MR. ZWOZDESKY: Mr. Speaker, we were referring to a systematized, privatization model that would protect the industry, which is a fragile one at best, and the minister should know that if he knew anything about film and motion picture development in this province.

Why did the minister indicate all along that he was going to provide the necessary and adequate financial support to the film

and television industry, then suddenly backtrack on that commitment a few weeks ago?

MR. SMITH: Well, I appreciate the opportunity to correct erroneous information from the member opposite. In fact, Mr. Speaker, I have said that this is a year of transition. At no time did we say that this will go on forever. At no time did we say that we'll continue to pour money into any particular industry.

In fact, Mr. Speaker, this year is a year of transition: \$1.3 million in funding. Projects that are there will be able to continue. The sector – the private players, the broadcasting networks, the production companies – can put a deal together. We would be more than pleased to sit at the table and talk about transition and talk about partnership to capitalize on the investment that the taxpayers of Alberta have made in this industry since 1982.

MR. ZWOZDESKY: Mr. Speaker, the return is obvious. It's up to 16 to 1 on that industry. It's a good investment.

I'd like to ask the minister: how will the minister repair the devastation caused by the sudden death of AMPDC one year down the line and the inevitable exodus of more and more film and television projects from our province? There will be a domino effect. How are you going to fix that?

MR. SMITH: Mr. Speaker, I don't know how much the United States government subsidized Hollywood. I don't know that, but I've got a feeling it's zero. In fact, an industry grows on its own strengths. This is a strong industry in Alberta, this is vibrant industry, and it's a \$100 million industry direct and indirect. That member says that 1 percent of that industry, 1 percent funding is going to damage this industry irretrievably forever. It's fallacious reasoning on the member's part.

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

Viscount Bennett Centre

MRS. BURGNER: Thank you, Mr. Speaker. I represent a constituency which has in its locale the Viscount Bennett Centre. I'm concerned that some of the discussions going on with those students reflect their concern that they are pawns in a bureaucratic game. Two years ago the Department of Education eliminated the extension grants for students age 20 years and older who were enrolled in adult high school programs. Advanced Education and Career Development assumed the responsibility for these students and implemented the extension replacement grant program to assist providers to make the transition from grants to cost recovery over a three-year period. The last year of that program is 1996-97. My question is to the Minister of Advanced Education and Career Development. Are there plans to reinstate this program and provide ongoing grants to institutions for the provision of these programs?

MR. ADY: Mr. Speaker, the hon. member's assessment of the situation is in fact correct: 1996-97 is the final year of the program. At the outset of the transition participating institutions like Viscount Bennett were asked to develop self-sustaining programs that would no longer rely on the extension grants or the extension grant program funding at the end of a three-year period. So the short answer is: no, I don't intend to extend that. The department intends to continue with its planned three-year declining grant schedule for this program.

THE SPEAKER: Supplemental question.

MRS. BURGNER: Thank you, Mr. Speaker. Viscount Bennett Centre has said that they are unable to sustain their adult academic program in the absence of ongoing grant support. Will the department provide funding to Viscount Bennett following the elimination of the extension replacement grant at the end of 1996-97?

MR. ADY: Mr. Speaker, as I said, we have no plans or provisions to extend this temporary grant program beyond that time. Of the 16 institutions that participate in this program, Viscount Bennett Centre is the only one that has requested ongoing base funding in order to sustain their program. Students who attend Viscount Bennett have access to tuition assistance through the skills development program, as do students who attend Alberta Vocational College, Calgary, or the Alberta College here in Edmonton to access the same program. Maximum assistance to those students will be \$250 per course for students who qualify, and that assistance follows the student and is available to them whether it be at Viscount Bennett or AVC, Calgary. Our department will continue to work with Viscount Bennett and their officials through the final year of this transition program to assist them to bring their program costs within the guidelines.

THE SPEAKER: Final supplemental.

MRS. BURGNER: Thank you, Mr. Speaker. If the minister does not change his plans and the program is terminated, what will happen to those students currently served under this program?

MR. ADY: Well, first of all, Mr. Speaker, let me say that I do appreciate and am fully aware of the good work that is being done for students at Viscount Bennett Centre. They have an excellent reputation, and I really applaud those who have made this centre successful.

My department will do everything it can to ensure that academic program needs will continue to be met following the elimination of the extension replacement grant program. Adult students unable to meet tuition requirements because of an inability to pay can be helped with grants or bursaries through our skills development program.

Let's be clear. The previous extension grant program under Alberta Education was roughly \$10 million, and I will be the first to admit that this transition period has not been easy either for our department or for the institutions involved. Our goal is to assist providers like Viscount Bennett to get their program costs down while maintaining a high level of program accessibility.

THE SPEAKER: The hon. Member for Leduc.

Workers' Compensation Board

MR. KIRKLAND: Thank you, Mr. Speaker. My questions this afternoon will be to the minister responsible for the WCB. I would like to table four copies of a memo from a Douglas Carr, general counsel for the WCB, to D. V. Holmes, director of assessment for the WCB, explaining how the Workers' Compensation Act frustrates the intentions of the board. This memo provides direction on how the board might thwart the Act. To the minister: does the minister find the contempt for the authority of this elected Legislative Assembly of Alberta acceptable behaviour from the legal counsel of the WCB?

MR. DAY: Mr. Speaker, I have no idea what the member opposite is referring to. I don't have in front of me a copy of his memo, and he's also referring to people outside of the House. So I would need more information from him to be able to respond.

THE SPEAKER: A supplemental question.

MR. KIRKLAND: Thank you, Mr. Speaker. Certainly I have the minister at a disadvantage here in light of the fact that he doesn't have the memo, but I would have to follow through with my questions. How can the injured workers of Alberta be sure that their interests are protected when the senior legal official of the WCB is suggesting ways to avoid legislation passed in this Assembly?

MR. DAY: Well, Mr. Speaker, these are very serious comments being made. I find it somewhat instructive that the member has freely admitted that he has some leverage because I don't have a copy of the memo. I would suggest that if in all good conscience he was concerned about this problem, he would have notified me right away and together we could have worked on it.

As far as the workers themselves, Mr. Speaker, I'm happy to report that over the last three years, while there has been a reduction in WCB rates to employers, three years running for the first time in history, there's also been a corresponding increase to workers in a number of areas; for instance, the maximum insurable earnings has been increased, COLA adjustments, an increase on their pensions, more consistent claims management, and also claims being settled and cheques being mailed out faster than ever before. So the interest of the workers is always a prime concern of the WCB.

2:30

THE SPEAKER: Final supplemental.

MR. KIRKLAND: Thank you, Mr. Speaker. Certainly I alluded in my questions to contempt of this Assembly by Mr. Carr, and it is rumoured that he will take over as the chair of the workers' compensation Appeals Commission. I wonder if the minister would consider him to be worthy to carry such a title.

MR. DAY: First, as House leader I have to say: a point of order, Mr. Speaker.

Now I will rise to address the question. These comments are just gravely serious. I've alluded to that already. There's also a reflection by the member on a very public process that is going on right now, which is the search and interview for an Appeals Commission chair position. For a member to stand and suggest that that has already been allocated or somehow divvied out to somebody is very serious. I'm not saying this in a threatening way, but if the member were to say that out of this House, I think he may find himself in some interesting situations with the people he's just mentioned. It's very, very serious, Mr. Speaker.

THE SPEAKER: Before proceeding to Members' Statements, would there be consent in the House to have an introduction of a guest?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

The hon. Member for Spruce Grove-Sturgeon-St. Albert.

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

MRS. SOETAERT: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the members of the Assembly an old friend of mine that I see in the gallery. I met him many years ago at Camp He-Ho-Ha. His name is John Matheson, and I would ask him to please rise and receive the warm welcome of the Assembly.

head: **Members' Statements**

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

Girl Guides

MRS. HEWES: Thank you, Mr. Speaker. Today marks the completion of a week of celebrations around February 22. That date is the joint birthday of Lord and Lady Baden-Powell, the founders of the Boy Scout and Girl Guide movements, renowned worldwide. February 22 is designated as Thinking Day by the Girl Guides. It not only celebrates the vision and work of the founders, but also this day and this week are observed by ceremonies, service projects, and special contributions to the world friendship fund.

Mr. Speaker, we need to reinforce the message and methods and objectives of Girl Guides. These are as relevant today as they were originally: teaching, training, mentoring girls and young women, not only important in acquiring useful practical skills and knowledge but more significantly the values, duty, responsibility, concern for others, service to community, and citizenship. Guides learn about our earth, experience other cultures, growing in tolerance and understanding and respect through working with Guides from hundreds of other countries, assuming their role in making our world a safe, caring, and civil place.

The World Association of Girl Guides has more than 18 million members. In Alberta 18,600 Guides are active in our cities, towns, and communities. Do we take them for granted? Yes, Mr. Speaker, probably because we can. The officers of the Girl Guides of Alberta and the 4,000 adults and volunteers who are registered participants in Guiding are committed to their objectives, serving selflessly. Their satisfaction comes from seeing the excellent results of their energies.

We should all acknowledge Thinking Day, acknowledge and recognize and applaud the important work of the Girl Guide organization over many decades as a vital, contemporary part of the life of young people in our province, nation, and world.

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

Telehealth Technology

MR. STELMACH: Well, thank you, Mr. Speaker. Last week the University of Alberta officially opened its Telehealth centre. I would ask my colleagues in this Assembly to join me in recognizing the health science faculties of the University of Alberta as well as Hughes Aircraft of Canada for their efforts in establishing the Telehealth centre.

Hughes Aircraft should be congratulated for a donation to the Faculty of Rehabilitation Medicine. Its gift in kind has gone a long way in helping establish the Telehealth centre, and it will greatly contribute to the use of teletechnology in Alberta. This is an excellent example of how the private sector can work together

with educational institutions to develop new initiatives and projects.

Telehealth technology will connect health professionals throughout Alberta by facilitating a provincewide flow of information and communication. It will also enhance Alberta's medical training by providing opportunities for connections with programs in countries like Japan, Mexico, and the Netherlands. Telehealth will also set uniform research methods and common data analysis across the province, which will greatly assist our health administrators in establishing accurate and useful performance measures for our health system.

For our rural and remote area residents Telehealth will be particularly important. It will ensure consistent health services across the province, regardless of geographic location. It will also help rural areas overcome their traditional problem of attracting and retaining health professionals. Medical students will be able to practise in rural areas under the supervision of medical faculties. In addition, physicians will feel more comfortable practising in remote areas knowing that they will have consulting support and additional educational possibilities through Telehealth.

We should also recognize the valuable complement that Telehealth will be to our government's own efforts.

Once again on behalf of the Alberta government allow me to commend all of the parties for coming together to establish the Telehealth centre.

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

Sex Offenders

MR. BENIUK: Thank you, Mr. Speaker. While criminal law is a federal jurisdiction, there are ways that the provincial government can more effectively protect our citizens from repeat high-risk sexual offenders. The province of Manitoba has established a protocol that provides a mechanism wherein an individual's rights to privacy are balanced with the requirements of society to protect potential victims through the release of appropriate information either to the general public or to individuals or groups within a community when a high-risk sexual offender will be residing in the community.

In order to determine the necessity of alerting citizens about the presence of these offenders, Manitoba has established a community notification advisory committee composed of a lawyer, officials from the RCMP, municipal police, federal and provincial correction service personnel, and a mental health specialist among others. To assess risk, the committee examines the criminal history of the offender, their participation in treatment programs, pertinent psychological assessments, victim impact statements, et cetera. The offender is notified in writing of this action and invited to submit a written response in their own defence. There are four recommendations that can be made regarding the amount of information released, but in all cases known past victims of the offender are automatically notified.

Mr. Speaker, the Alberta government has repeatedly stated that the people of this province should take responsibility for their actions and has recommended increased community involvement. Therefore, give them the ability to do this by providing the necessary information on high-risk sexual offenders so that the necessary precautions can be taken to better protect the women and children of our community.

Mr. Speaker, at this point I would like to table copies of the information I received from Manitoba on this protocol in addition to forwarding copies to the Premier, the ministers of Justice and

Family and Social Services, and the members for Stony Plain and Calgary-Buffalo. I encourage all members of the Assembly to review this document so as to help develop a similar program in this province.

Thank you.

THE SPEAKER: It's point of order time. It appears that the hon. Government House Leader raised a point of order, then the hon. Member for Calgary-Buffalo, and then the hon. Government House Leader.

Point of Order Imputing Motives

MR. DAY: Mr. Speaker, for conservation of time I can include both of mine. It was a recurring instance on the same point. I'd cite *Beauchesne* 409(7) and also *Beauchesne* 493(4). Both make references to "imputing motives or casting aspersions upon persons [either] within the House or out of it," and 493(4) makes direct reference to people out of the House and references that would be seen as casting aspersions.

Mr. Speaker, there are some very profound reasons in the wisdom in having these sanctions in place in *Beauchesne*. A person who is outside of the House obviously is not able to defend himself or herself, and at the same time anything that is spoken here in the Assembly becomes public property obviously, recorded in *Hansard*, media are present, and people's names can be broadcast about the province. The sanctions are here to advise all members of the importance of a person's reputation and name. When persons are not here to defend themselves, they are left very vulnerable, very exposed, and in many cases unnecessarily so. When a suggestion is made about something a person has done, and it's done in a negative way, even if they could somehow respond at a later date, the damage then is done.

2:40

Mr. Speaker, the problem that we see here in the House with the references made by the Member for Sherwood Park and then again Leduc is that in our process of points of order a House leader on either side can rise and needs to rise at the moment of the perceived infraction, but then the point is not able to be addressed until after question period. We accept that that's the process. However, a member wanting to slight somebody's good name knows that that's the process. I can't make the assumption that this kind of forethought has gone into it, but a member could, knowing that they wouldn't be actually ruled out of order until after question period, make the assertions and know that the damage was done. Then later on, even if it was ruled to be out of order, the person who was outside the House, their name has indeed been maligned. That's why the sanctions are here, and that's why there is also the ability for the Speaker to rule, should the Speaker so wish, at the time of the reference being made that that would be out of order.

Mr. Speaker, we acknowledge and appreciate the grace which is extended to us by the Chair as we in the heat of a moment can stray into making suggestions we perhaps didn't intend to make. I'm willing at this point today to grant that these things can happen without proper forethought being given. But I want to bring to the attention of all members that the sanctions are there for a purpose. A person's name is something that is very treasured, and once a person's name has been maligned, it's very difficult in the public arena to have negative perceptions of an individual changed again, no matter how strong the protestations later.

So I would encourage, first of all, all members to be very sensitive to these sanctions and to withhold from making assertions about members outside the House and also to stand realizing as members that, even at the time we make those, we can actually be ruled out of order by the Speaker. My perspective is that we are pressing the good graces of the Chair, because there's a natural hesitation to do that. We accept that graciousness, but we should stand sensitively and clearly and strongly warned regarding these sanctions.

THE SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. In responding to the point of order brought forward by the Government House Leader, I accept his concern that persons who are not in this Legislative Assembly are unable to protect themselves by responding in some fashion.

If you peruse the Blues, I think you'll find that the questions that were put forward were of a nature that the person mentioned in the question is really just almost of a peripheral nature. The question dealt with a matter of government policy with respect to appointments to positions and how positions are filled. When one reviews that, if there are times when we don't mention a name, it makes it difficult for government members to understand the reference being made. So we admittedly find ourselves in a quandary sometimes in crafting questions in that we want to make the questions clear enough so that the cabinet minister who is being asked the question knows what the issue is yet we have to mention someone's name in order to do so. That does not necessarily malign the individual, and I don't think it was the intent of the questions to malign any individual here. The questions were of a matter regarding government policy on how these positions are filled or what happens when people are in those positions. So that was the thrust of the question rather than the nature of the individual mentioned in the question. Therefore I would suggest there is no point of order.

MR. DECORE: I think this is a really critical issue because the essence of the letter as my colleague has introduced it is I think a challenge to this Assembly. It is a suggestion, an innuendo, whatever you like, of somehow thwarting the workings of this Assembly. I have heard members on this side and on the side opposite say that there is no higher court than this court, that there is no higher authority than this authority, this Legislature. So when a senior official – and this I guess is a senior official – takes to task or challenges or even questions the authority of this Assembly, I've got a problem with that, Mr. Speaker, and I think every member here has a problem with it. As a matter of privilege I stand and say: I think this matter needs the investigation of the Speaker and that some action needs to be taken.

MR. KIRKLAND: Mr. Speaker, I certainly would compliment the hon. Minister of Labour for his well-spoken words of concern. I would not quibble with the essence of his comments. I also listened closely to his counsel and his caution, and I would say that they were well stated.

I think it's very unfortunate, Mr. Speaker, that occasionally in the game of politics we do have to speak and bring some individuals into question. I think the hon. Member for Edmonton-Glengarry indicated very well the large concern here: there seems to be a usurping or a thwarting of what these Members in this Legislative Assembly have determined. That should cause us all

grave concern. The document I filed certainly is a very formal document. I did not pose that question in a cavalier manner. I knew full well that there were some implications involved here. Unfortunately I was not aware of a process that the hon. minister referred to. I think it's, as I say, unfortunate in the game of partisan politics that occasionally this has to happen. It's just the nature of the game, I would suggest.

THE SPEAKER: The Chair is a little unclear as to whether or not the hon. Member for Edmonton-Glengarry is putting forward a question of privilege, that could possibly then be referred to the standing committee on privileges. If the hon. member is in fact doing that, the Chair feels that's a new matter. We were dealing with a point of order, and if the hon. member wishes to press that, then the Chair feels that the hon. Government House Leader or somebody in government should have the ability to address that matter before we proceed further with this.

Privilege

Challenging the Assembly's Authority

MR. DECORE: Mr. Speaker, I'm rising on *Beauchesne 24*, and I think this matter is serious enough to ask that the Speaker consider action on a point of privilege. Is in fact this senior official usurping the function of this Assembly? If he is, I think something has to be done about it.

MR. DAY: Well, as I understand the rules of the Assembly, if a member is asking something and asking it under privilege, that is their right to do so. Again, I stated that not having been apprised even of what this memo was or contained and now having it and seeing that it refers to something possibly pre-1985, I am still struggling to ascertain what has been usurped here from the Assembly. Mr. Speaker, I have to leave it in the hands of the member and the Assembly and yourself whether indeed this would be a point of privilege.

THE SPEAKER: Well, the Chair is not as lucky as the other hon. members. The Chair hasn't yet seen the memorandum itself. At this time, then, the Chair would like to look at that and consider the questions carefully before dealing with the matter of privilege.

2:50

As to the point of order, the Chair has been concerned for some time that members tend to make their innuendos and allegations in the preamble to the question and not in the question itself, and that is troubling to the Chair. The hon. Government House Leader is correct, the Chair believes, in his complaint that it is very bad practice for preambles to be used to more or less attack people who are outside the Assembly. The Chair doesn't feel that's very good form. If this practice continues or gets worse, then the Chair will have only one alternative and that is to stop that question, and that's in the preamble, which is even before the first question is asked, which is pretty rough treatment. The Chair doesn't know anything else it can do except take away that entire question from that member if there appears to be an abuse there. So the Chair will use this opportunity to again appeal to all members to use their preambles with discretion and be careful about making allegations about people outside the House, who are unable to defend themselves.

The hon. Member for Calgary-Buffalo.

Point of Order

Allegations against Members

MR. DICKSON: Thank you, Mr. Speaker. The point of order I'm raising is founded on two alternative grounds: firstly, Standing Order 23(h) and, further, the alternative, Standing Order 23(i). The matter this relates to is the response from the hon. Minister of Public Works, Supply and Services. He was supplementing a response that had been given. The question related to one person holding dual offices: firstly the office of the Ethics Commissioner and then simultaneously the office of the Information and Privacy Commissioner.

Now, the assertion made by the hon. minister was that the Liberals on the committee – he used those words, “the committee,” whatever committee he's referring to – said one thing and then come now and say something else. So in effect what he's really making is two separate allegations. The first one is that I or some of my colleagues took one position on a committee and then took a contrary position in here. The other allegation being that at one time we took one position with respect to the commissioner's office and then subsequently we reversed field and took a different position.

The hon. minister, to give him the benefit of the doubt, may have been referring to one of two committees. The first committee he may have been referring to is the all-party panel appointed by the Premier on freedom of information and protection of privacy. That committee, made up of eight members, agreed unanimously – unanimously – without a single dissent, that the office of the commissioner was a full-time position and that the commissioner should hold no other position. I'm pleased to suggest that the minister has the advantage of sitting beside the chairman of that committee, who can confer and confirm in a moment that what I say in fact was the case.

Now, it may be, Mr. Speaker, that he was referring not to that committee but to the Standing Committee on Legislative Offices, which also dealt with this before it came into the Chamber. The hon. minister, the one who is charged with the overriding responsibility for freedom of information and protection of privacy, presumably has read those minutes of that Standing Committee on Legislative Offices. If he reads those minutes, he will find that every single Liberal member on that committee, all three members, took the position when it was first proposed that one person hold both offices – notwithstanding our respect for the individual, we said that on principle it's wrong. Furthermore, at about that time I had authored a list of 13 concrete reasons why one person shouldn't hold both offices, circulated that not only to members on that committee but to every Member of the Legislative Assembly. So what we've got, then, is in both of the committees, the only two committees that I think the minister could have been referring to, the Liberals uniformly, consistently taking this position: one position, one full-time position, not a dual position.

Then it came into the Assembly, and the minister suggested somehow that members of my caucus started singing from a different song sheet. Well, fortunately we have *Hansard*, and *Hansard*, as the minister will find, is absolutely clear. When the government came in with their package of amendments, the so-called Clark amendments – you remember that the government had to retool dramatically the Freedom of Information and Protection of Privacy Act passed in 1994. They made a whole set of amendments. They had to amend the Conflicts of Interest Act to be able to allow one person to hold both offices. At that time every member of this caucus opposed the Clark package of

amendments. We had a standing vote, and I encourage the hon. minister to refer to *Hansard*, refer to the record, and he will see that every Liberal in this Assembly voted against it. I hope, Mr. Speaker, that if the minister or you, sir, check the record, you will find that there's no room for ambiguity here.

My respectful submission is that ministers of the Crown, members of the cabinet, have a special responsibility in areas of their legislative competence, and when that minister comes forward and makes the kind of allegation that he did, I find no explanation. I would invite you and encourage you, Mr. Speaker, to require that minister to stand in his place and give an unconditional, unequivocal apology to me and every member of the Liberal caucus.

THE SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. FISCHER: Thank you, Mr. Speaker. Certainly there could have been a misunderstanding. I was referring to the all-party panel committee. Every member had signed the report that came in, and if I made a mistake, which possibly I did on that, I would withdraw my comments. But I would refer to the member also that we did make that decision in the House. It was decided in the House, and certainly the majority rules, so that is what was behind my thinking.

Thank you.

THE SPEAKER: The Chair will leave this on the basis that there has been a disagreement as to facts. The hon. minister has acknowledged that there may have been a mistake. Again it's a situation where the hon. Member for Calgary-Buffalo has certainly had an opportunity to clarify the situation as far as he is concerned, which he's done in a very full and complete manner. So that should in the Chair's opinion resolve that point of order.

head: **Motions under Standing Order 40**
Freedom to Read Week

THE SPEAKER: The hon. Member for Calgary-Buffalo again has an application to make to the Assembly for unanimous consent under Standing Order 40.

Mr. Dickson:

Be it resolved that the Assembly affirm the importance of open access to reading material by recognizing February 26 to March 3, 1996, as Freedom to Read Week.

MR. DICKSON: I do indeed, Mr. Speaker. As to urgency, this week, particularly in Calgary, there are a number of events going on. I'm pleased to note that the hon. Minister of Community Development is involved in those as is my colleague from Edmonton-Avonmore, and I want to give the House an opportunity to recognize this important occasion in a timely fashion now in the early part of the week.

Thanks very much.

THE SPEAKER: Is there consent in the Assembly for the hon. Member to propose his motion?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE SPEAKER: The motion fails. Consent is not granted.

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

3:00 **Bill 203**
Family Dispute Resolution Act

[Adjourned debate February 21: Mr. Beniuk]

THE SPEAKER: The hon. Member for Edmonton-Norwood. Do you wish to continue?

MR. BENIUK: Mr. Speaker, I had finished at that time. Thank you.

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

MS HANSON: Thank you, Mr. Speaker. I rise to speak on Bill 203, the Family Dispute Resolution Act. Bill 203 takes a step in the right direction, but clearly it doesn't take into account a number of factors.

Mediation, which is seen by many as one of the important actions to take when people are considering divorce or separation and there are children involved, is effective only when both parties desire it and both are willing to work together towards a solution to their problems. All too often by the time divorcing parents reach the stage of negotiating custody, access, or guardianship of the children, their positions have become fixed and anger and bitterness have set in. This Bill does not explain that while it has included the ability of the court to adjourn and call for a home study report, this is redundant because the courts already have that ability, and they do use it when appropriate. The cost of mediation is another problem and the cost of the home study report. Since the cost of private mediation is about \$100 an hour and since there is about a six-week wait to enroll in programs, accessibility at this point is an obvious problem.

The one option for which there is no provision is the appointment of an access enforcement co-ordinator, which introduces a third party and takes some of the anger and some of the emotion out of the process. The business of access and custody can be the most contentious issues in a divorce or separation and are most difficult for both the children and the court. When a parent decides that they will not abide by court orders, it may be because they feel the decision of the court was unjust or that the other parent exaggerated certain situations just out of spite or out of anger. Whatever the reason, the children are generally the losers, and the problem can drag on for years. If a restraining order has been issued, some parents will go to any lengths to get even, from not turning up when expected to spend time with the children to turning up at the wrong time or unexpectedly or intercepting the children on the way home from school. This form of harassment is terribly damaging not only to the children but to the custodial parent.

Bill 203 offers no provision for what occurs when access agreements or court orders are not followed by both parties. It doesn't change the fact that when access orders are ignored, the only recourse is to go and hire a lawyer, go back to court and get another order. The situation can continue for years until the custodial parent can no longer afford the cost and simply gives up. The provision of an access enforcement co-ordinator during this

time would allow each parent to go to a third party and perhaps resolve it in a less emotional way.

An orientation session or even intensive mediation may not be effective or appropriate when domestic violence has occurred, and this is not addressed in the Bill either. A desire to change and long-term therapy may be the only option if domestic violence has become chronic, and that of course is an issue that often the courts cannot deal with.

With respect to Bill 203, Mr. Speaker, Alberta needs far more comprehensive family law reform. I will support the Bill in second reading, but I look forward to amendments in Committee of the Whole.

Thank you.

THE SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker. I welcome the opportunity this afternoon to participate in the discussion of Bill 203, the Family Dispute Resolution Act. Bill 203 deals with a very difficult issue that affects more and more people each day: family breakup. The process of separation and divorce is one of the most emotionally, socially, and often financially draining experiences a person can go through, and parents are seldom prepared for all the adjustments they must make.

Perhaps one of the most difficult transitions involved in separation and divorce is determining how to share responsibility for the children. Parents face many problems that they must learn to overcome, such as organizing a new household, learning to live with less money, finding enough quality time to spend with the children, and finding time for themselves. At times it must seem that there aren't enough hours in a day. The situation can be difficult enough without the extra added stress of a highly emotional conflict. As mentioned earlier, these couples go through emotional roller coasters, experiencing a wide range of feelings without knowing how to deal with them. Divorce in cases where the parties are entrenched in bitter disputes can be such a painful experience that many parents are temporarily blinded to the needs of their children at a time when their children need them the most. To help their children cope with divorce, adults need to learn to cope themselves.

Bill 203 proposes a process which would help divorcing parents better cope with divorce and learn how to communicate and respond to their children's needs. As I mentioned earlier, going through a divorce can be an overwhelming experience, and parents may not know how to handle all of the pressures. Bill 203 would have these couples attend an orientation session before they can file for divorce. During these orientation sessions couples would be provided with a general introduction to the services that are offered by Alberta Family and Social Services. I believe that this is important as many people are unaware of what's available to them during this time of crisis. They would also receive information regarding mediation and counseling as well as educational information about the divorce and separation process. Most importantly, orientation would also cover issues such as parenting roles, rights, children's needs during divorce, as well as conflict and communication problems. This information may be just what some parents need in order to manage their difficulties with the divorce process and their offspring. If this is the case, then they can proceed with the divorce. However, many may feel that they need more guidance and help with their particular situation. Such couples can decide to attend mediation in order to try and solve these problems.

Mediation is an approach to settling marital disputes based on the principle that conflicts are best resolved through agreements made by parents themselves. Through mediation parents take control of their destiny. They raise the issues they wish to resolve and find solutions that effectively meet their particular set of needs. Rather than pitting parents against each other, each trying to prove that the other has little or nothing to offer the children, mediation focuses on both parents working together on behalf of their children. Mediation allows parents to determine for themselves what is best for the children rather than have a judge impose a solution that might not fit their family.

I believe Bill 203 would help those couples who are entrenched in bitter disputes. By helping couples arrive at their own solution in a nonadversarial atmosphere, these couples would save themselves costly trips to court to try and come up with solutions at a trial. As the Minister of Justice mentioned last week, if people go at each other less, then the less time they're going to want to spend in civil court. This would also save considerable dollars. By the time those couples get to court, they usually have derogatory comments about one another and it is usually very difficult to come to terms that effectively meet their needs. This is not conducive to the continuing role of parenting the children involved. Of course, this Bill will not be able to help every couple who goes through a difficult divorce. I don't believe that any piece of legislation can do that. What Bill 203 can do, however, is give these couples the tools necessary to work out their problems while keeping the interests of their children a priority. Many parents are so overwhelmed by divorce that they often forget to ask: how will divorce affect our children?

I remember reading about a terrible divorce case in the paper last October. The case involved a mother of three who was sent to jail for denying her ex-husband access to their children. The judge ruling the case was Court of Queen's Bench judge Justice Marguerite Trussler. She was quoted as saying: these children are emotionally abused in the extreme and are in need of protection; both parties have put their own selfish interests before those of the children. Mr. Speaker, this is obviously an isolated case, but even if only one family goes through this ordeal and is helped, then that is one that we have helped. This is a perfect example of a couple who would have benefited from attending an orientation seminar where they would have learned to put their children's needs before theirs.

3:10

As a matter of fact, Mr. Speaker, it was Madam Justice Trussler who submitted a proposal to the Justice minister to develop a mandatory parent orientation seminar for separating couples disputing over custody and access to their children. Madam Trussler along with the judges who preside over family dispute cases are in a good position to suggest solutions to some of these terrible cases. The proposal was approved by Justice and Family and Social Services, and the parenting after separation program began at the beginning of the month, now on a trial basis in the Edmonton area. I believe that Bill 203 would fit in with the time line of this program and would help to formalize such a program in Alberta.

Many lawyers in my constituency have written in support of this pilot project, and I wish to quote from one of their letters:

I can't tell you how happy I was this week to learn of the government's initiative, as I understand it, to embark upon a pilot project within the Edmonton Court system imposing upon couples confronted with marital breakdown, the absolute requirement to

enter into a program of forced mediation prior to the actual commencement of actual litigation.

This is the pilot project that is under way in Edmonton that this particular lawyer is referring to.

There is no doubt that what is proposed in Bill 203 is needed in Alberta. Judges see hundreds of divorce cases every week, many of which are highly contested, and feel that mandatory orientation would help tremendously in resolving these disputes. Most importantly, Mr. Speaker, they feel that the children would benefit the most from having parents attend these parenting orientation seminars. I believe that what is proposed in Bill 203 will help families in Alberta better deal with divorce by providing them with the tools necessary to solve their problems in a less adversarial manner. Bill 203 would help parents put their children's interests before their own and in turn provide a more stable family environment.

Mr. Speaker, not every couple going through a divorce needs to attend such an orientation or mediation session. Most couples are able to work out solutions before the divorce process begins. As a matter of fact, the majority of divorce cases are uncontested. Only about 5 percent of divorcing couples end up in court in highly contested trials. I have to agree with the comments made by some of my colleagues that it should not be mandatory for everyone filing for a divorce to attend such sessions. It should only be mandatory for divorcing couples with contested divorces in such areas as access and custody disputes. I believe the sponsor of the Bill would agree with me. Therefore, I will be bringing forward an amendment to this Bill during the committee stage which would modify section 2(1) to read: where a family law proceeding is commenced and there is a dispute respecting custody, access, or guardianship, no further steps shall be taken in the proceeding until the parties have attended a mediation screening and orientation session arranged by the clerk. I believe that this change will address the concerns that were raised with that particular section.

Mr. Speaker, since this Bill was researched, a number of amendments have been proposed and considered and when instituted will make this a most worthwhile Bill for the government to adopt. If this piece of legislation can ease the pain of just a few children, it will well be worth it.

Thank you.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. I think it's no surprise to any member in this Assembly that we have a problem in this province with divorce and maintenance and access. I think it's one of the most painful things that many Albertans face, the heartache that is involved with the children and the parents in a divorce case.

I look at Bill 203, and as much as it is a first step, I can't help but think that it's like that commercial where the woman said: where's the beef? There's a lot of meat missing in this Bill. To me it's a bit of a cozy feeling for the Member for Edmonton-Beverly-Belmont, who last year was rather inflammatory in this Legislature and stirred the pot and created all kinds of conflicts across the province. So now he's doing a little bit of damage control and putting forth this Bill that's meatless. It's Lent, I guess: meatless.

May I point out that there are some concerns I have with the Bill. I'll agree that it's a first step, a weak first step, but that's kind of typical of Edmonton-Beverly-Belmont, so that's okay.

MR. SAPERS: A baby step.

MRS. SOETAERT: A baby step.

My concerns. Who is going to pay for the orientation session? That hasn't been made clear in here. The mediation itself or the home study report: who's going to pay for that? Another user fee of this government. They'll mandate it and then charge people. [interjection] The Minister of Justice just said: you betcha. So I guess that's the way it's going to be.

If after the mediation orientation session the parties want to go to mediation, where are they supposed to go? The programs offered through the courthouses in Edmonton and Calgary currently have as much as a six-week delay to get mediation, and that would only increase. The cost of private mediation runs at about a hundred dollars an hour at the minimum. There needs to be a mediation system in place before this Bill would become very useful. I may caution the Member for Lacombe-Stettler that the government pilot project is not mandatory mediation right now. From my understanding of it, it's a parenting course. So I would encourage you to correct the people writing you letters and referring to that because it may be incorrect.

MRS. GORDON: He's a Liberal lawyer.

MRS. SOETAERT: He may be incorrect. A Liberal lawyer, I hate to say, might be incorrect, but you better confirm with him what is correct there.

Mediation only works when both sides are willing to mediate, and that requires that both parties are willing to make a compromise. Now, the Member for Lacombe-Stettler said that she will be bringing forth an amendment in committee. May I caution that you cannot mandate people to mediate, particularly in cases of domestic violence. It does not work. It cannot be done. I would hope that that is part of the amendment as well.

It appears that this Bill will not apply to all judicial centres. My obvious concern is: what is going to be done in rural areas, for those families living in smaller centres and far away from Edmonton and Calgary?

I think what this Bill needs is the filler. Hopefully the members of the Legislature will look at Bill 219 when it comes up. Much of that Bill deals far more effectively with these issues that are facing so many Albertans. For example, all family applications could be made in one court. We need one unified family court. That's what we need in this province so that judges can be sensitive to those issues particular to families and maintenance and access and custody: the whole spiel of family court. If we did have a unified family court, I think the backlog of cases would certainly be cut down. To think that you have to make an application that takes months isn't efficient at all.

Mr. Speaker, I will support Bill 203, but I'm disappointed that it certainly doesn't go near far enough. There's far more that could be done with it. Hopefully some stronger amendments will come through in committee.

With that, I will allow other people to speak.

3:20

THE SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Well, thank you, Mr. Speaker. It's certainly a pleasure today to get up and support this Bill, Bill 203. I've listened today and the last time it was up for debate, and certainly I agree with a lot of the comments, and there are probably in my mind things that are lacking in the Bill. I was very pleased to

hear from the hon. Member for Lacombe-Stettler that there could be some amendments to this Bill when we get into committee.

Too often in our society today when these divorces or separations take place, the children are always forgotten about. So often the lady and the man start worrying about material things. They're scrapping about all their assets, and ironically, you know, in most cases there isn't anything to fight about.

I personally think that as a government it's extremely important that we worry about the children in this province. If children aren't involved, it doesn't bother me to the same extent as when children are involved. Certainly I've never been of the belief that one should live together or be married to somebody if they don't like each other. But let's always keep in mind that children are the next generation in this province, and they in my mind have to be protected.

Often before these cases come to court, they're not even talking to each other. Then the lawyers get involved, and it doesn't really solve any problem. I've always used the philosophy that if people can't get along, lawyers will not solve that problem. But if you had this Family Dispute Resolution Act in – and certainly I'm never of the belief that it's going to solve all problems – at least it would get a process in place that would in some cases help a lot.

I look forward to some amendments. I really hope that this Bill will pass, and I look forward to when it gets into committee to maybe speak again on that.

Thank you, Mr. Speaker.

MRS. HEWES: Just a few comments, Mr. Speaker. I have no question about the sincerity of the member in bringing it forward, but the contents of the Bill really tell me about the paucity of understanding that exists about the complexities of these kinds of circumstances. There is no doubt this is a sensitive and very painful area we're talking about, but the Bill, it seems to me, takes a very superficial approach to the circumstances. The question I have to ask is: will it work? The answer that I have to come up with is: probably not. I don't really see anything in here that assures me that anything that we're doing in this legislation would allow it to work.

We all know – and the Member for Dunvegan has spoken to it – that children are at the centre of this, and we know that children are often used as pawns either in the divorce proceedings or later on. With the acrimony that occurs, there often is very permanent damage.

Mr. Speaker, my knowledge and understanding – and unfortunately most of us in this House have probably been touched one way or another in our families by this kind of thing happening – tell me that mediation doesn't work unless you want it to. So I say: "Well, all right. We're going to create a piece of legislation that says, 'Thou shalt go and take six hours of this.' If I'm forced to do it, I'll do it in order to get my decision through, but it's going to mean absolutely nothing to me." I think that's exactly what we'll see.

What about if the divorce is happening as a result of abuse in the family? There has been considerable abuse and perhaps over time with police interference and children involved and running to shelters and all of that. Can you see six hours of mediation doing anything? Of course not. It is not in fact going to work.

Mr. Speaker, the Bill isn't universal in this sense. It only applies to certain centres. What about families who are isolated? What about families where there has been neglect or abuse or violence over time and they're in isolated areas? What good is

mediation to those people, who perhaps are the ones that are most in need?

I think all of us recognize that times change and that what appears to be at the time of a divorce an amicable settlement of property and custody in six months or six years may be very different. What about the mediation then? Is it of any use? Probably not. Where is the follow-up? There's no suggestion here that this is a comprehensive plan. In fact, over time, if we have a divorce and one spouse remarries and the new spouse doesn't like the arrangements, times change. This mediation process, Mr. Speaker, will do absolutely nothing.

Mr. Speaker, my colleague from Spruce Grove-Sturgeon-St. Albert has talked about the need for a comprehensive program, and I think that's exactly what we should be looking at here. I'm not sure, with respect, hon. member, that this Bill, this legislation can be doctored up with amendments to do what it is I think all of us would like to see happen. I'm not sure we can really repair or build in the kinds of things that we need to have in such a piece of legislation that would allow for follow-through with people who perhaps at the time of the divorce are in a hurry, but six months or six years later times have changed. That's when they need the mediation, not six hours at the time of the original agreement.

Several people, Mr. Speaker, have mentioned: who pays? Who is going to pay for this? Is it you and me that are going to pay for it? Do we believe this is worth while? I believe that needs to be discussed at the outset. We need to know if we're going to force people to pay for something, and they're going to have to believe that they're going to get some value out of it, as well as the taxpayer. That's important to me, but more importantly I'd like to hear the member's comments about follow-through: whether or not there is any notion in his thinking that we go any further than six hours, which tells me that this is simply a very superficial and innocent, guileless sort of approach to what to me is a very deep and painful and sensitive problem.

Mr. Speaker, I would appeal to members to look at Bill 219, which I think has perhaps a more comprehensive approach. Perhaps we could rethink some of our partisan differences here and look for a way that we can find something. If there is agreement on both sides of the House that we need to be doing something about this painful process that will help people, let's look at 219 and let's look at the notion of an approach to all family law. I think there are a number of people in our community that have some very creative suggestions and have been working on creative solutions, and there could be merit in those that we could all agree with.

Mr. Speaker, I see you looking at the clock, and I'll yield at this point.

THE SPEAKER: Thank you, hon. member, for being so perceptive, because according to Standing Order 8(2)(b), we must now move to the next item of business.

head: Motions Other than Government Motions
3:30

THE SPEAKER: The hon. Member for Stony Plain.

Publishing Offenders' Identities

502. Mr. Woloshyn moved:
Be it resolved that the Legislative Assembly urge the government to adopt a policy of notifying communities about offenders upon conviction and prior to their release from prison.

MR. WOLOSZYN: Thank you, Mr. Speaker. I would propose that if this proposal for a policy were accepted, this would apply to reoffending young offenders as well as what could be defined as dangerous offenders. I think it's very appropriate to note that well over 20 percent of our so-called adult prison population have offended before, and unfortunately some 40 percent of the young offenders have been before the system prior to that. So we have over half of our young offenders being recirculated, so to speak.

The motion would require that the name, the age, the physical identifiers, and the crime for which the person was convicted would be released to the community at the time of the conviction along with the sentence imposed and also the earliest possible time of release. Also, in addition, when these people would be released from incarceration, that information, would also be made available. I would suggest that this would have the effect of reducing the number of repeat offenders and increasing the safety and security of our communities.

Mr. Speaker, until quite recently, until October of '95 for example, when the Freedom of Information and Protection of Privacy Act cut in, we did have a process for revealing information about offenders at the discretion of the local police force. If a local detachment felt the release of information was necessary to deter another crime being committed by the offender or to protect the health and safety of the public, information could be released. The specifics of what was released was not defined very much. It varied from case to case. Traditionally this information was only released for dangerous offenders, usually repeat sexual offenders or pedophiles or what not.

In October of '95 the freedom of information Act was proclaimed and was supposed to cover this. However, the Act does not provide the service that some people feel it should. What I propose through Motion 502 would be a process that would be much faster and more efficient than the freedom of information. There is no expense to it. We have all the processes already in place, and I think the matter of publication, the costs, is insignificant. I don't think there is a price that could be high enough to take and put the security of our communities in jeopardy. In other words, I'm saying: we can find a system and make it work.

Under sections 38 and 40 through 46 of the Young Offenders Act on the federal scene it gives the government the right to inform select members of the public such as a parent or a police officer or a judge involved with the matter about the records of specific young offenders. To me, Mr. Speaker, this just doesn't go far enough. I want to see that expanded significantly so that particular information can reach the teachers involved firstly. Secondly, it should reach the community where these young people live. I say this because I feel that it is a benefit both to the community and to the young offenders involved, because after all we're dealing with young people whose behaviour we want to change. Very frequently if that behaviour isn't identified, then it's just a matter of them repeating it, and that incidentally is along with the fact that we also don't have a justice system that seems to work very well when it is applied to young people.

The information about crimes committed by adults. There are federal guidelines governing how and what information may be released. Generally that information is only released if there is perceived to be a risk to the general public and a high possibility of reoffending. We know what these value judgments do when with the parole system. That's a farce, and this particular policy is equally as ineffective.

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

THE SPEAKER: The hon. Member for Edmonton-Glengarry rising on a point of order.

Point of Order Questioning a Member

MR. DECORE: Would the hon. member entertain a question pursuant to *Beauchesne*? It would help me to be able to understand this issue a little better.

MR. WOLOSZYN: Sure.

Debate Continued

MR. DECORE: Mr. Speaker, I'd like the hon. member to define "offender." An offender could be somebody under the summary convictions Act, as I understand it. An offender could be a car thief. An offender could be somebody that has embezzled some money, a thousand dollars. An offender could be anybody. I'd like to know if it's every offender that the hon. member is speaking of or a particular kind of offender.

MR. WOLOSZYN: I appreciate the question, and it gives me the opportunity to reiterate what I said in my opening remarks. I said dangerous adult offenders, and there are definitions for that which would exclude some of these others that the hon. member has outlined. I said also "reoffending young offenders," and quite frankly, when it came to the category of a 12 year old who was for example on a break-and-enter spree, if he were released, that would apply to that individual also. What we are looking at is a method by which to change the behaviour as opposed to go after punishment. We're also looking at having our communities more secure, and very frequently – and again we stick with the young offender – if the knowledge of that young person's activities is available to the community, there aren't punitive repercussions, but there is an awareness of it. Hopefully from that would come a modification of that young person's behaviour. So it would be applied both to the adult dangerous offenders – and those definitions I think are variable, and I certainly wouldn't want to pretend that I would have the answers to that – and for young offenders in the category of repeat young offenders.

Continuing, Mr. Speaker, we do have some on the federal scene. We also have a couple of provinces that have entered into this as a result of the federal guidelines, namely Manitoba and British Columbia. The Manitoba Community Notification Advisory committee does have criteria laid out, and it does go into some degree of detail of how that's going to be provided. I think what is most important in the Manitoba position, however, is that under their position the government of Manitoba would pick up the legal costs and other expenses that would be incurred by the police in Manitoba from a court challenge to these disclosures. I think that's a significant part there.

In British Columbia they're just getting started with their known abusers project, which again follows roughly the federal guidelines and is similar to Manitoba's. However, in British Columbia they ran into a bit of a problem in November of '95, just a few months ago, when the Fort St. John council and the RCMP spread information about a six-time adult dangerous offender. The decision to release the information is currently under investigation, if you can believe that federal and B.C. privacy commissioners want to know if the council and the RCMP violated a six-time offender's rights by letting the public know that he in fact existed.

These are the kinds of occurrences, Mr. Speaker, that I think Alberta should address economically to ensure that we come up

with a policy that could in fact outline a made-in-Alberta process where we could balance out and have the proper people identified.

In Washington state they've gone much further with respect to people who are identified as having committed sexually violent crimes, and there's a list of these that goes on. They have a process whereby any adult or juvenile – and I stress adult or juvenile – who is found guilty of any sex offence and is residing in Washington state must provide the county sheriff with his name, address, date and place of birth, place of employment, crime for which he was convicted, date and place of conviction, aliases used, and his social security number. This includes all sex offenders living in or moving to Washington regardless of where the offence and conviction took place. The length of time which sex offenders must continue to maintain a registry and update it varies from 10 years to indefinite.

3:40

So we have, if you look at Washington state, which is fairly close to us, and compare it to British Columbia across the line, a wide spectrum, and currently in Alberta we don't have anything that works. I do want to see the Legislature urge the government to come up with a policy that in fact would work. I'm also very conscious of the fact that it may have, depending upon the policy, a few problems with legislation at the federal level, but again I don't think we should use that as something to hide behind. We should address it and try and put forward whatever we can that will take and protect the property and safety of our community.

I feel very strongly that the public also has a right to know who has been convicted of an offence, young offender or not. A young offender, I agree: give him a chance. But after his first go-around we can't keep hiding him in the sand forever. I also say that if you make the community aware of the offenders who are released into their community, public safety and security must be improved automatically. Yes, there are potentials for problems arising from this, and we've read about it, but so be it. There has been a lot of suffering caused by these so-called dangerous offenders.

I think, Mr. Speaker, that the balance of justice has gone the wrong way. We are more concerned with what happens to the offender than to the victims in society. I could relate to you instances, for example, where a store clerk may well be robbed at knifepoint. Although that offender or that perpetrator, whatever you want to call him, may not do any physical harm, may not intend to have done any physical harm to that individual, the traumatic effect on that person goes on for years and years after: the fear of anybody walking through the door to the store, the fear of going to the car, the necessity to lock the doors once they get home and, I repeat, for years after this has occurred. We have a tendency to forget about these things, yet we become overly focused on what will happen to the person who in fact did this. I know you can't undo a crime that's been done, but I think we have an obligation to do whatever we possibly can to ensure that there's a balance between having paid for your crime and, when it's over, also a protection to the public. Within this, when I go to young offenders, my main reason for having them identified is that I believe it's to the benefit of the young offender. I believe that very strongly. I think that's one of the things that we've been missing.

I would suggest to all the hon. members that passage of this motion, which asks for the government to look for a policy to address these issues, would send the message to Ottawa, to judges, and in fact the people of Alberta and Canada that we are tired of a lenient justice system which gives light sentences and

puts the rights of the convicted offenders above those of the communities.

Thank you, Mr. Speaker.

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

MR. DICKSON: Thanks, Mr. Speaker. The only message this motion is going to send to those outside this Chamber is that we don't, firstly, understand the problem and, number two, that we're prepared to indulge in trading stereotypes instead of looking at concrete solutions that we know are going to make a real difference.

Mr. Speaker, I expect that every member does the same thing I do. When you see a motion, you want to screen it through some kind of a filter, and obviously the first thing you ask is: is it going to make our community safer? We're talking about an issue that addresses public safety, and that obviously is the audience that the mover has in mind.

Well, what's the mischief we're dealing here? In following through his comments, I found a couple of things that were of interest. He said that there was a lot of suffering caused, a lot of suffering caused by violent offenders, by repeat offenders, by repeat young offenders. No question. I want to disassociate myself as clearly as I possibly can from somehow this notion that we're out of balance. Why is it that in order to provide some decent treatment for victims, it's seen that that's taking something away from rights of the accused? You know, we live in a country where we've had people who have gone and had the full benefit of the legal system and have been wrongly convicted. So can't we come at it from a perspective of saying: "Yes, we can do a far better job for victims. We can do a better job for communities"? But that doesn't have to be, hon. member, at the expense of ensuring that nobody is convicted without the full benefit of the process. This ought not to be a competition between those two kinds of needs, and in fact I think that when the member says that the balance has gone the wrong way, I couldn't disagree more. I think what's happened is we simply haven't done the job of meeting the needs of victims and communities that want to be safe. That's a worthwhile objective, but we don't get that by starting to abrogate the rights that any Albertan has or any Canadian citizen has to due process.

[The Deputy Speaker in the Chair]

The motion we've got is unfortunately far too broad, and it's clear from the member's own comments that he's talking about a much narrower focus. If we look at this motion – and I appreciate the Member for Edmonton-Glengarry asking the question he did, because what we quickly discover is that we're not talking about all offenders – the motion isn't qualified in any fashion at all. It says, "about offenders." We recognize that most of the offenders in provincial institutions are there firstly because they haven't paid a fine. Now, clearly it's of little interest to me or, I suspect, my neighbours in downtown Calgary about an offender who's in there because he hasn't paid his fine. Most of the other people in provincial institutions – and that's all this can relate to; we're not talking about federal offenders serving federal time – are in there for what are known as property offences. So is it really useful, hon. member, for people in your community to know that somebody is about to be released from Fort Saskatchewan jail after he's served a couple of months for bad cheques or for stealing somebody's car or for boosting something from a store?

You know, those are the kinds of questions that have to be asked. He says, "Adopt a policy of notifying communities." What does that mean? Billboards on the side of the road? Does it mean in your weekly newspaper, if you're in a rural community, we've got a list of everybody who's about to be released from the Fort Saskatchewan jail or the Calgary correctional institute? What purpose does it serve? If we say that the test is does it make our community safer, does it make our neighbourhood safer, all of the evidence suggests it will not.

Now, I would have thought that if the member were concerned with the things that I hear my constituents are worried about – they're worried about two things: dangerous offenders, violent offenders, and habitual sexual offenders, pedophiles. Those are groups that Albertans want protection from in particular because the incidence of repeat is high, the risk to the community is significant. So why don't we focus on those groups. Instead of spending time and effort telling people who the bad cheque artists are and when they're coming out of jail, wouldn't we be further ahead to focus where the real problems are and on those specific kinds of offences where we know that there's a high incidence of recidivism?

There are some other things that we should recognize that are limitations: notification of communities. It's often not the community at large that benefits from information. I think it may be school authorities in appropriate cases knowing about a particular young offender. It may be agencies that work with children. Maybe it's important that the boys and girls clubs should have some information about pedophiles in their communities, you know, people that prey on children. That's significant. The motion as it stands I think is much too broad. I think we could do a lot with provisions that already exist.

3:50

I go back to something that one of my colleagues said earlier this afternoon: do we know that this is going work? Well, what we do know is that there are all kinds of provisions in the Criminal Code now: section 810; section 810.1, restricted contact; sections 487.01, 487.02, 492.1, 492.2, tracking and monitoring. There are provisions in the code already that we don't use adequately. Why not? Well, I'm going to suggest to the Minister of Justice that one of the problems is that we keep on layering responsibility on top of responsibility on Crown prosecutors. In the city of Calgary what we know is that the average caseload of a Crown is something like a hundred files, which is about 20 percent higher than a caseload in Edmonton. It's, with respect, foolishness to start talking to those Crown prosecutors. We want them to do more of these kinds of things when they're having a tough time trying to cope with the volume of work they've got already.

There's provision under section 161 of the Criminal Code for prohibition orders restricting the access a convicted pedophile can have to children. Well, I'd say to the hon. Minister of Justice: I'd encourage you to speak to the mover of this motion and see what we can do with that provision in the code and with the existing resources to make that work better. We don't use the dangerous offender designation frequently enough, and that's certainly something that we should use.

There's much else that can be said, but at this point I come back to my principle concern, and that is the excessive scope of the motion. That's why I'm moving an amendment, Mr. Speaker. The amendment would do what I think has to be done to make this motion workable and acceptable. What it attempts to do is narrow an overly broad motion, an untargeted motion, to some-

thing that addresses what I think most of us would agree is the real problem. The amended motion would be to substitute whereby correctional and justice authorities specifically determine what kind of information should be communicated and how widely it should be communicated to communities about persons convicted of child sexual abuse or dangerous offenders,

because those are the groups that I think most Albertans are concerned about and see as posing a threat and a concern in their community. If the member agrees, then perhaps he will accept this motion, and then we can start talking about something more concretely.

The other concern I've got is that I want to involve the correctional facilities. You know, it's one thing to have a community organization or a community group such as the one in Manitoba. I shouldn't call it a community group; it's a provincial organization that tries to determine what kind of circulation is appropriate, who should be notified. I think it's critically important, if we've got a correctional system that works, that the correctional institution should if not make that determination at least have key input into this significant decision.

Now, I know there are other members that wish to speak to this amendment, but I suspect that the amendment will clarify the motion where it's vague, focus it where it's now a broad-brushed approach, and allow us to get on to talk about making our community safer. And, Mr. Speaker, isn't that really what we're about this afternoon?

With that, I'll take my place and allow other members to join the debate.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Fish Creek, followed by Edmonton-Glengarry.

MRS. FORSYTH: Thank you, Mr. Speaker. I guess I'd like to start off by saying that I haven't seen the amendment from the hon. Member for Calgary-Buffalo, so I'm going to talk about Motion 502. I'm proud to be able to enter into the debate on Motion 502 today.

SOME HON. MEMBERS: It's out of order. You've got to speak to the amendment.

MRS. FORSYTH: I'd like to see it first.

Speaker's Ruling Relevance

THE DEPUTY SPEAKER: Hon. members, I think the rules of the House might be modified a little bit. In having only 55 minutes of debate, when someone introduces an amending motion and the next speaker up doesn't even have a chance to read it prior to making her comments, it's a bit onerous to give her clairvoyance.

The hon. Member for Calgary-Fish Creek.

Debate Continued

MRS. FORSYTH: Thank you. I would like to commend the Member for Stony Plain for bringing this motion forward. This is an issue which is immensely important to all communities in Alberta. It allows the people of this province to be informed about offenders in their communities and gives Albertans the right to prepare themselves against some unsavory criminals. Before I get started, I think we should take an honest and brutal look at the current situation in Alberta and the rest of Canada.

At present, Mr. Speaker, we have a system of criminal justice in Canada that allows criminals out of prisons long before they have served their full sentences, long before they feel any remorse for their crime, and long before the victims have any time to heal. This is not justice. It is a system in disrepute that begs for change.

Our present system covers up the crimes of criminals behind a veil of secrecy. Almost all of the time, serious offenders such as pedophiles, rapists, and murderers are released into our society without anyone except a parole officer or the police force knowing of their presence. The general public who are law-abiding citizens with innocent children are treated like mushrooms in the dark. Meanwhile, the offenders are free to roam around our society looking for their next victim.

What does it take for our system to change? More crimes against innocent children? More crimes against unsuspecting citizens? The people of this province deserve better than that. But what can an average person do when faced with the threat of an offender in their community? Sadly, not very much. However, there's a way we can help Albertans be less of a possible target of crime. We can inform them when a serious offender, such as a sex offender, enters the community. To many Albertans this makes perfect sense. Why would we let a sex predator wander around an unsuspecting community with complete anonymity? Why shouldn't we provide Albertans with the means to protect themselves? I believe we ought to do that. They already do this in other jurisdictions.

We've already heard the Member for Stony Plain mention the community notification program in Manitoba. This has been a successful program and shows the people of Manitoba that the government is serious about criminal . . .

THE DEPUTY SPEAKER: Excuse me. The hon. Member for Edmonton-Glenora is rising on a point of order. Would you share this?

Point of Order Relevance

MR. SAPERS: Yes, Mr. Speaker. I'm rising under Standing Order 23(b), a member speaking "to matters other than the question under discussion." I'm sure that the hon. Member for Calgary-Fish Creek is anxious to have her speech read into *Hansard* regarding the terrible state of our criminal justice system, but perhaps she would do better to have a private discussion with the Minister of Justice about that, because the motion on the floor is an amendment, and there are members prepared to speak to the amendment.

THE DEPUTY SPEAKER: I was going to rise on the point of order. The Chair has already ruled on that matter. When somebody gets up and is speaking and then receives a copy of a proposed amendment, it seems to me that it's only fair to let her continue her speech. Then the next one can, when all members have copies. Otherwise, we should have stopped the proceedings and waited till everyone indeed had the amendment. But it seemed to me at the moment, because of the restricted time, 55 minutes, that it was unfair to require a member who was speaking to then take into account the amendment. That's what I ruled at the time. However, the hon. Deputy Government House Leader may wish to address that point.

MR. EVANS: Well, just very briefly, Mr. Speaker. In reviewing the amendment that is before us, the hon. Member for Calgary-

Buffalo has specifically highlighted "persons convicted of child sexual abuse or dangerous offenders," and it seems to me that the hon. Member for Calgary-Fish Creek is talking about child sex abuse in very specific terms. Because of that, that is quite appropriate, in my view, based on the amendment that has been brought forward by the hon. Member for Calgary-*Buffalo*.

4:00

THE DEPUTY SPEAKER: Well, I think that addresses the issue. I was trying to make a special case for the individual speaker, who said at the outset of her speech that she had not received the amendment and, subsequent to her speaking, then received a copy. I was trying to protect her from that. Hopefully during this interchange the hon. member has had occasion to glance over at the amendment. It does appear, as the hon. Deputy Government House Leader says, that the gist of what she has said so far really is in concert with the thoughts of the amendment as proposed by Calgary-*Buffalo*.

Further on this point, Calgary-*Buffalo*.

MR. DICKSON: On the point of order I'd just make this observation, Mr. Speaker. After the amendment had been introduced, there were at least three people on their feet offering to speak, and at that point any member who was not prepared to speak to the amendment could have kept their place. I think the Speaker should be entitled to assume that everybody standing after an amendment has been introduced is prepared to speak to the amendment.

THE DEPUTY SPEAKER: The Chair will converse with the Table officer, if the Table officer would come forward. It also may be that we should consult the original mover to see whether or not in their opinion this appears to oppose the main thrust of the motion. So we'll just take a moment's recess.

The Chair has had time to reconsider the issue and would say two things. One, this motion has been approved by Parliamentary Counsel, and therefore it is in order. Two, enough has been said on the issue that the hon. Member for Calgary-Fish Creek should be able in her further comments to make reference to and be on the topic of the amendment as moved by Calgary-*Buffalo*.

Debate Continued

MRS. FORSYTH: Thank you, Mr. Speaker. I'll continue on. I'm for Motion 502 from the hon. Member for Stony Plain and against the amendment, so I'll continue speaking.

I guess one of the reasons why I'm against the amendment that the hon. Member for Calgary-*Buffalo* has brought forward is that it reads:

whereby correctional and justice authorities specifically determine what kind of information should be communicated and how widely it should be communicated to communities about persons convicted of child sexual abuse or dangerous offenders.

There's no clarification on what a dangerous offender is. Secondly, I think it's too broad, so I'm going to be more specific in my speaking notes.

Washington state also works to protect its people from possible sexual predators. The community protection Act of 1990 comprises 14 separate sections addressing various issues related to violent crimes, particularly violent sexual offenders. The Act provides for increased sentences for sex offenders, provides compensation for victims, and requires community registration for sex offenders. Sexually violent offences included under this Act include not only rape, rape of a child, and child molestation but

also murder, assault, kidnapping, and burglary when the offences are found to be sexually motivated. Any adult or juvenile residing in Washington found guilty of any sex offence must provide the county sheriff with his name, address, date and place of birth, place of employment, crime for which he was convicted, date and place of conviction, aliases used, and his social security number. This includes all sex offenders living in or moving to Washington regardless of where the offence and conviction takes place. The length of time which sex offenders must continue to be maintained on a registry and updated varies from 10 years to indefinitely, depending on the offence.

In Washington state the Department of Justice is authorized to release any relevant information about a specific offender that is necessary to protect the public. This type of program clearly protects the people of this state and the rights of the law-abiding citizens.

Albertans currently do not have that kind of protection. While the freedom of information Act takes a step in this direction by requiring the government to release information about a potential serious harm to the environment or to the health and safety of the public, it does not go far enough. This provision is too weak to allow for the broader types of disclosure about offenders, such as those in Washington, and that are needed for the security of Albertans. Motion 502 certainly would go a long way to provide security for Albertans concerned about sex offenders in their community.

Another area of the criminal justice system that Albertans are concerned about is young offenders. The information about the crime is often difficult to get, but without it, how can we protect ourselves and our children from the high crime rate amongst our youth? Motion 502 allows us to help get a handle on the young offenders program.

MRS. SOETAERT: A point of order, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert is rising on a point of order. Citation?

**Point of Order
Relevance**

MRS. SOETAERT: Standing Order 20(2).

THE DEPUTY SPEAKER: Standing Order 20(2)?

MRS. SOETAERT: Relevance, really.

Mr. Speaker, she continues to speak on Motion 502 instead of the amendment. I don't know how often we'll have to remind her that the amendment is what is on the floor, not the motion, right now.

Section 20(2).

THE DEPUTY SPEAKER: Yes, we have that.

The hon. Deputy Government House Leader, on the point of order.

MR. EVANS: Mr. Speaker, we're listening to the hon. Member for Calgary-Fish Creek trying to deal with, I presume, the very specific references in the amendment to information being communicated only in the instances of child sexual abuse and dangerous offenders. It seems to me that the hon. member is coming to a conclusion that many more young offenders and many other offenders who do create a threat to the community should

be included were this amendment to be approved by this Assembly. I think that's quite in order and consistent with the breadth of debate that is appropriate on amendments that have been proposed to motions.

THE DEPUTY SPEAKER: Well, the Chair would say this, hon. member. When an amendment is before the Assembly or indeed in the committee, it is incumbent upon the speaker who is addressing the committee or the Assembly to make reference to it. There have been occasions – and we've all been through them or suffered through them or whatever – where someone has gone to their prearranged speech but did from time to time adhere to the custom of referring to the amendment and making their prepared notes relevant to the amendment. If you don't agree with the amendment – at first the Chair thought maybe you did, and it would appear that even the Deputy Government House Leader has some thoughts along that line – you still can make reference to the amendment and still use your original notes.

So in what has been drawn to our attention now for the second time, we would encourage the hon. Member for Calgary-Fish Creek to make the prepared text relevant to the amendment that we have before us.

Debate Continued

MRS. FORSYTH: Thank you.

In regards to the amendment to Motion 502, Mr. Speaker, I do not agree with it. Okay? Do we comprehend? I think what the hon. Member for Stony Plain is bringing through allows us to get a handle on the young offenders problem. What the Member for Calgary-Bufferalo is bringing forward does not. I propose that if the amendment passes, we should make some changes to it to have it a little more specific.

The government informs schools about the crimes of young offenders attending those schools. This not only provides protection for our teachers, so they know who they are dealing with, but also protection for our children. When a young offender knows he is being watched by the school and the faculty is taking steps to prevent him from reoffending, innocent children are better protected. That is not covered in the amendment that the hon. member has brought in. In addition, I believe that young offenders will get some of the discipline they need to straighten out.

Mr. Speaker, I fail to see how we could possibly deny Albertans the right to feel more secure in their own communities. I think that if we really look into the hearts of all Albertans, they will agree with what is being brought forward in the original Motion 502 and not the amendment. I'm sure that members of the Assembly are in favour of Albertans being secure in their homes and their communities.

Thank you, Mr. Speaker.

4:10

MR. DECORE: Mr. Speaker, I rise to support the amendment. The reason I asked the hon. Member for Stony Plain the question as to how he would define offenders – and he immediately talked about dangerous offenders and young offenders – was to get more specificity. I mean, can you imagine the situation of somebody who was an embezzler and had gone from Lethbridge to Grande Prairie to perhaps Hinton and had embezzled? Is this the kind of offender that the hon. member contemplated as a person who should be flagged for the community's knowledge? I don't know.

I'd like to hear the arguments on that point. [interjection] Well, you can ask me a question if you like, hon. member.

The point is that the amendment tries to make more specific something that I think the hon. member should have done a little more homework on. Now, I agree that the hon. member is asking for a policy, and that usually means he's referring it off to the Attorney General or the Minister of Justice and saying, you know, look at it.

I would even like to suggest, Mr. Speaker, that the hon. member and the Minister of Justice consider using the law research foundation. I think hon. members are aware that Alberta has such a research foundation, a law research foundation, a forum that takes issues like this and, using people who have great knowledge in this area and who can contract and bring other experts in, can help provide the specificity that this kind of a motion requires or a policy that is required.

I look at the motion that the hon. member has put forward, and the amendment I think deals with some of the concerns. For example, the motion says "notifying communities." Well, hon. member, how do you notify communities? Do you take a big eight and a half by 11 colour picture of an individual and put it in the post office? Do you put it in the local newspapers? How do you notify communities? I think we need a little guidance from the hon. member on that.

This amendment talks about the kind of information that should be sent out to communities, the kind of effort that's needed to send information into the public domain. The intention that the hon. member has is a good one, because I think the public want protection. Communities want protection. They don't want the threat of a sex offender, and I think even our own amendment, the hon. Member for Calgary-Buffalo's own amendment, could even go a little further and talk about sexual offenders, not just child sexual offenders, because I think there's a greater danger in that area. But notifying. How do you notify? The amendment talks about the system of notification.

Community. Is Edmonton-Glengarry the only community that's affected if the crime took place in Edmonton-Glengarry? Or is it the whole of the city of Edmonton? Or is it the whole of northern Alberta? How do you determine community? I think you need some help and some direction in that regard.

Clearly, you need to define offender, hon. member, and this even from our end I think needs more attention. I'm not satisfied that it is just sexual offenders or child sexual offenders; I think it has to go further than that. I think the hon. Member for Stony Plain is still too broad in his definition. Yes, and you are too broad in that regard as well, hon. member.

I don't know why the hon. member used "upon conviction and prior to their release from prison," because often you get a situation, hon. member, where time in custody, even though there hasn't been a conviction yet, is taken into account. Somebody's in jail for one day and poof, they're out, or simply an hour or two in jail. Now, just to process this whole procedure of yours I think is going to take sufficient time. The clause "upon conviction and prior to their release from prison" I think creates some difficulty, including difficulty on our own amendment side.

Mr. Speaker, I got the impression from the hon. Member for Stony Plain that a dangerous offender was somebody that he was defining as perhaps a break-and-enter expert, let's say in the town of Stony Plain, that goes and breaks into a number of houses and thus becomes a dangerous offender.

MR. WOLOSHTYN: That's the young offender.

MR. DECORE: That's the young offender?

MR. WOLOSHTYN: If he's under 18.

MR. DECORE: Well, what if he's over 21, hon. member? [interjection] You see, that's the difficulty, Mr. Speaker, that we're into. I think we need some help on the definition of offender. Sure, it's nice to say to the Minister of Justice, "Craft a policy for us," but I think we've got to give him a little more detailed direction on how this should go. Is it sexual offenders? Is it embezzlers? Is it dangerous drivers? Is it impaired drivers? The hon. Member for Stony Plain I think has included a very broad cross-section of what he would consider dangerous offenders.

Then we get the situation where the hon. Member for Calgary-Fish Creek talks about dangerous offenders and the amendment I think is dealing with the provisions of the Criminal Code that define dangerous offenders. So there is another confusion in the minds of some of the members here.

Mr. Speaker, the amendment does much to clarify issues that need clarification in this motion. I think it should be accepted. It's a friendly amendment, hon. Member for Stony Plain, and you should readily agree with this amendment to move it along.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Bow, followed by the hon. Member for Edmonton-Glenora.

MRS. LAING: Thank you, Mr. Speaker. I would like to speak against the amendment to Motion 502. The original motion says, "notifying communities about offenders." That's very specific, but when we get into

correctional and justice authorities determine what kind of information should be communicated and how widely it should be communicated to communities about persons,

then we aren't sure what's going to happen. Many times information that's very important for a community to have is withheld because someone somewhere in the justice system thought it was important to protect those people by not letting them know what was going on in their own community.

[Mr. Clegg in the Chair]

I saw a very ugly incident in my own community one time not that long ago. A pedophile had moved into the community. He had opened a barber shop. Unfortunately, the parents of a child that he had actually sexually molested found out about it, that he was in their community, and there was a very ugly demonstration in front of his shop, a lot of pushing and shoving. The police had to come, and the fellow had to move. I think it's more important that if that community had known, if those parents had known, they would have worked with them to say: "Okay; he's coming here. He's paid his price; we hope all of it, although not all of them do. He's making a new start." Then those parents would at least be aware that he was there. The community would be more watchful, more vigilant, and he certainly would have perhaps had a second chance. This way he had to move, and I'm sure the news that he was a pedophile followed him. Again it would start up, and he would be forced to move again. So letting someone decide what information is communicated to the community is very worrisome to me.

We also had the child in my area who was murdered by a dangerous young offender in his school. The teachers did not

know this young offender had the record that he did. As a result, maybe steps could have been taken to ensure the safety of that child and other children at that school. Maybe something could have been done to help the young offender begin to correct his ways.

People have to know the background of these young offenders that are dangerous so they can protect the students, so the teachers can protect themselves, but also so that they have the background knowledge to start to work with that young offender. Because there was an absence of knowledge, a very horrible incident happened that could have perhaps been prevented.

4:20

So I really disagree with the amendment. You know, I really feel unsafe knowing that somebody somewhere can decide what I should know. It think it's very important that the community know, that the people who were involved with the dangerous offender be made aware that he or she is coming out so that steps can be taken to protect the community and the people in that community and also to create a climate so that perhaps the offender, if they are redeemable – and we always feel people are – would have a better introduction into the community and a better chance to perhaps take that second chance and be a success. So I would say not to support the amendment.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. I rise to speak in favour of the amendment to Motion 502 put forward by my colleague from Calgary-Buffalo. I can't quite come to grips with the arguments against the amendment because every time I hear one of the members from the government side speak about why they're against the amendment, they end up speaking directly to the merits of the amendment. The only way to make Motion 502 accomplish its purpose is to word it in such a way that it can actually be implemented. Otherwise, it is just a waste of time and ink.

Now, the motion as it was originally drafted speaks to notifying communities upon conviction or their release from prison. Then the mover of the motion talked about both adult and young offenders. Now, the first impracticality of the motion as it's drafted is its limitation of using the word "prison." Young offenders, other than those who go through a special procedure to be raised to ordinary court and who then may serve their time in an adult correctional facility, serve their time in either open-custody facilities or in secure-custody facilities operated by the provincial government. They are not prisons as defined under legislation, nor are provincial offenders those individuals convicted of two years less a day. They serve their time in provincial jails, as do hundreds of federal offenders who otherwise would serve their time but have been convicted of a sentence of less than five years and, because of an exchange-of-service agreement with the federal government, serve their time in provincial jails also. So there was a huge gap in the way that the motion was worded.

Now, the mover of the motion talked specifically about repeat young offenders and serious adult offenders. These are specifically the types of offenders who are contemplated in the amendments made by Calgary-Buffalo. These are the kinds of offenders whom we all want our communities and in fact our families protected from.

If you want to consider just for a moment the impracticality of the motion as it was originally worded, think about sentence calculation. I'm sure the Member for Stony Plain has spent lots of time thinking about sentence calculation. I'm sure he has consulted with officials from the Justice department to look at sentence calculation issues and to become familiar with compound sentences, those offenders who are released on temporary absences of one sort or another, those young offenders who have the category of sentence remand who may be facing new charges, those offenders who are out on bail, those offenders who are remanded in custody or released on their own recognizance and then come back to face subsequent charges.

I'm certain that he has thought about all of the variations in sentence calculation. I'm certain that it is therefore just an oversight in the drafting of his motion, because when he talked in his opening remarks about notifying communities of the earliest possible release date, he must know, of course, how difficult it is to constantly be monitoring the progress of offenders as they go through the criminal justice system to determine their earliest possible release date. I know that this hon. member would not want to have the government pursue a policy which would be reckless in terms of the expense incurred. What we would be faced with having is probably a tripling of the staff of the Minister of Justice's department simply to keep calculating and recalculating and renotifying communities all over the province about the earliest possible release date as it changed at every point in time of the process.

Also, Mr. Speaker, which community would it be? Would it be the community where the offender offended, would it be the community that is listed as the offender's home residence, or would it be the community that the offender may in fact be released to? If you take a look at the motion as it's originally worded, what you're left with is a motion that has at its heart, I believe, a good intent, but it is so poorly crafted that it is impossible to operationalize.

Should it not be the purpose of discussion of these motions in this Assembly to make sure that good ideas are put down in such a way that they can become good practice? That is what is behind the amending motion put forward by Calgary-Buffalo. The Member for Stony Plain seemed to dismiss the notion that he's actually asking this Legislature to in fact amend federal law in talking about the Young Offenders Act, another impracticality of the motion as it's drafted, which would be resolved by accepting the amendment put forward by Calgary-Buffalo.

That amendment talks about those convicted of child sexual abuse or dangerous offenders. They would be defined in law in a very different way, and we would not have to worry about passing the buck to another jurisdiction. We've already seen that that happens to be the practice around here. Whenever we're dealing with justice issues, it has been the wont of this government to continually pass the buck to another jurisdiction. We don't have to do that, hon. member, if we accept this amendment. We could deal specifically with the process that we have authority over in this province. We don't have to worry about making recommendations to the federal government, to another jurisdiction.

Now, what about the cost? Let's go back to the cost for a minute. Mr. Speaker, if you want to take a look at the implications of this, I would invite the hon. Member for Stony Plain or any hon. member to meet with me the next time I meet with state sheriffs or county jail administrators in the United States who have been faced with court orders to provide community notifica-

tion. Therefore, they can be informed as to the various routines and processes of the automatic phone-outs and all of the things that have happened in the United States and talk about the costs. In fact, you know they don't even have to wait to accompany me; they can just wait until the next time the Minister of Justice meets with representatives of the Corrections Corporation of America and when they're in their discussions about how to privatize the jail system here in Alberta. Then they can ask those officials from the Corrections Corporation of America about the cost of notification and how that might work.

Now, Mr. Speaker, the hon. member also talked about how this would help protect societies. I believe that it was the Member for Calgary-Fish Creek who said that the amendment would do nothing to make societies safer. I would suggest that if the members on the government side were really concerned about making communities safer and doing the right thing for victims of crime, then they would again take a look at the Crimes Compensation Board, at victim services, at how the moneys from the victim surcharge are being spent, at reconciliation programs that they at one time funded but then decided that they couldn't afford anymore. Perhaps they would even send some delegates to the upcoming international symposium on community safety, which is happening in just a couple of weeks in Vancouver. They might learn something from other jurisdictions that have already gone down this path.

Mr. Speaker, the amendment is specific. It deals with something that is within our jurisdiction and within our power to accomplish. The amendment talks about the kinds of offenders that communities are most concerned about, and the amendment saves the motion and makes it fully implementable.

Thank you.

THE ACTING SPEAKER: I hesitate to interrupt the hon. Member for Edmonton-Glenora, but the time limit for consideration of this item of business has concluded.

head: Government Bills and Orders
head: Second Reading

4:30 **Bill 6**
Gaming and Liquor Act

[Debate adjourned February 21]

SOME HON. MEMBERS: Question.

MR. HENRY: I hear calls for the question. Not so fast.

Mr. Speaker, I'd like to take a few minutes to make some general comments about a couple of aspects of Bill 6, which we have in front of us. As a preamble I would like to express concern that with the government's plan with regard to gaming and its increasing dependence on gaming revenues and its increasing move towards moving gaming proceeds out of the purview of charitable or nonprofit organizations and into the government, we haven't seen an overall plan. We haven't seen laid out exactly what the government's objectives are here.

We saw at one point two years ago that the government decided to privatize liquor stores in our province and went through with that despite the impact on communities, the impact on my community, because of lack of planning and lack of advance time for municipalities to put in proper zoning for various communities, certainly within Edmonton-Centre. Just as a preamble and to summarize, I would have liked to have seen an overall plan so that we're not seeing a piecemeal approach where we see

privatization and then perhaps amalgamation down the road. Surely to goodness if the government wants to be able to provide some continuity and some direction for Albertans, they should have been able two or three years ago, when they first received their mandate, to lay out a comprehensive plan that says: "Here is where we're going to start. Here are the stages, and here is what we're going to end up with." However, I won't belabour that point. I'm not going to spend a lot of time at this stage of the Bill talking about the government reliance on gambling and VLTs and the like.

There are a couple of points that the Bill points to that I have a problem with. While I support the notion of being able to amalgamate agencies that make sense to be together in order to not only save public dollars but to streamline processes for individuals, groups, and businesses out in our communities, there are a couple of points that disturb me. I know we don't want to go through section by section, but section 28 essentially gives this new commission the power to be exempted from paying property taxes on their real properties.

Instead, at the discretion of the commission, as proposed, they would be allowed to provide a grant in lieu of taxes to the local municipality that may be equivalent to the actual property taxes. We know that the provincial government does provide this sort of compensation for lost taxation revenue to municipalities. We've also seen instances where that has not matched the actual lost revenue to municipalities. Municipalities are stuck with the job of providing the infrastructure to support that particular property - whether it be roads, ambulance, sewers, road cleaning, snow removal, et cetera - yet the amount that's given in the grant in lieu of taxes is not equal to that which would have been gotten by the municipalities through direct property taxes.

It's one thing for the provincial government to have the authority to in some sense arbitrarily determine what that grant in lieu of taxes will be. It's another thing for the provincial government to delegate that authority to a third-party commission and allow them at their whim to pay all, some, or none of the particular property taxes that would be otherwise payable to the municipality. If we're going to have this at essentially arm's length from government, if we're going to have this commission operate for the government but not be operated by the government, then it essentially should be operated like any other body in the community, in which case it would have to apply to the local municipality for leave not to pay the particular property taxes and instead pay a grant in lieu of taxes. Again, I think it's a dangerous move to start having the commission at its own discretion decide what property taxes or grants in lieu of property taxes it's going to pay and what property taxes it's not going to pay. So that's one point that I'd like to make.

The second point that I would like to raise with the Assembly is the section in the Act that allows the commission again the power to exclude certain kinds of information from the Freedom of Information and Protection of Privacy Act. The Freedom of Information and Protection of Privacy Act, with all of its frailties, does have a provision whereby for proprietary interests the Information Commissioner can agree that certain information wouldn't be public. Goodness knows, we've seen it in the last few weeks and today raised in the Legislature in question period, where the Premier doesn't want to release 20 pages of his itinerary because of certain proprietary information that is in those 20 pages. There is a provision where apparently the Information Commissioner can say that the Act does not apply to that specific information.

So in this particular case, with the Gaming and Liquor Commission that is being proposed in the legislation, why would we give them the authority to exempt certain things or to have certain things in terms of proprietary information or other kinds of information unavailable to the public when we already have a way of protecting that information if it would unduly damage or put in jeopardy the commercial viability of the particular commission? Specifically, what we're talking about here is that we have no way of knowing. We know that margins are pretty tight in terms of retail liquor sales, and we have absolutely no way of knowing that a company that owns a large number of stores or has a large volume doesn't come and say: "Well, Gaming and Liquor Commission, why don't you give me my liquor at a 2 percent discount over the guy down the street? While you're at it, I've got a bar down the road. Let's sign an agreement that allows me to have extra VLTs or, given that we now have a cap, have the maximum number of VLTs."

Under this piece of legislation the commission would be allowed to withhold that information from the public, and it seems to me that if we're going to have a public body, it's got to do its business in public. Again, if there is a proprietary interest – i.e., that it would damage the third party involved, the particular business – there is already under the Freedom of Information and Protection of Privacy Act a provision, a clause that allows the commissioner to exempt that particular piece of information. If we're talking about trying to make a more open style of government generally in our country and having more information able to be accessed by members of the public and groups and, quote, special interest groups, unquote, as defined by the minister responsible, then it seems to me that we should err on the side of having more information available and having more onus on the Information Commissioner to protect individuals' privacy with regard to proprietary interest and whatnot rather than having a blanket statement that allows this particular commission not to operate openly and in the public.

Certainly, Mr. Speaker, I'm not going to spend a lot of time here going through all of the various ways that this government through contracts and through granting of licences and whatnot has appeared to have favoured one group over another or one individual over another. What we want to make sure of is that this commission never falls under that shadow and that this commission does all of its business in public and that we find that all of the information is on the table and not some sort of blanket statement that exempts liquor information from the Freedom of Information and Protection of Privacy Act.

Mr. Speaker, with those comments I want to sum up by saying that I believe I understand the intent of the Bill. I agree with the intent insofar as streamlining operations, streamlining accessibility for the general public, et cetera, but I have some concerns about some parts of the Bill.

You know, we were talking about the Gaming and Liquor Commission, and I did want to bring up one point that has been raised in my constituency. I know that yesterday in question period the hon. Member for Lacombe-Stettler rose and asked the minister responsible for lotteries about the job losses in her constituency. He said very gallantly that he was going to monitor it very closely, do something about it, and transfer jobs in there so there wouldn't be a job loss. Yet we all know that combining the two commissions will result in job losses and very specifically will result most likely in job losses in Edmonton-Centre.

My riding I believe has borne probably the largest job losses over the last few years because it tends to be a downtown riding,

where a lot of government employees work. I haven't yet once through this or any other downsizing or amalgamation heard the minister, any minister in that government over there, anyone responsible for the downsizing express any concern about the impact of that downsizing, about the limited availability of severance packages, about any job replacements for any worker in downtown Edmonton, in Edmonton-Centre. That grieves me, Mr. Speaker.

4:40

I've been thinking over the last night and talking with some of my voters in the last 24 hours since the response from the hon. minister. I can't help but think and the conclusion that's out there on the streets is that because Edmonton-Centre voted Liberal, there's no way this government is ever going to protect any of their jobs, that this government in fact will go the opposite way and take their jobs. Yet when jobs are gone in a constituency held by a government party, the minister is out there with his cape on and eyes blazing to try to replace and hold those jobs.

So my concern there is that if we are talking about amalgamation of two commissions and we're talking about reduction of jobs, I hope that the minister responsible for implementing this piece of legislation will show the same consideration to citizens of Edmonton-Centre when those jobs are taken away by this government as he has for other parts of this province, as he expressed yesterday for Lacombe-Stettler. I believe strongly that it doesn't matter what side of the House one sits on or what side a particular constituency voted for in terms of the last provincial election. They are entitled, morally and legally entitled I believe, to equal treatment, to fair treatment by the government of the day.

I want to suggest to the minister who will be responsible for implementing this that he look to the federal government for an example of where there has been fairness in terms of downsizing the public service, where constituencies represented by the governing party have borne their fair share of downsizing in the federal government. I very specifically speak of the city of Edmonton in this province, where there were a lot of federal government employees who have also experienced downsizing and reorganization and have taken that. Through some very innovative means that I wish this government had used, the federal government, with our Prime Minister, has ensured that the landing for those employees displaced is soft, that there are options available: relocation assistance, retraining assistance, as well as opportunities for re-employment in another part of the government sector.

So I'm hoping that as jobs are taken away because of this Bill, the members opposite will look to the federal government for some guidance and some leadership and show by example and ensure that because one riding has elected an opposition member, it is not treated differently than another riding.

Thank you very much, Mr. Speaker.

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

MR. DICKSON: Thanks very much, Mr. Speaker. A couple of concerns with respect to Bill 6 as we deal with it in second reading. The obvious one that I'm sure members will hear much of again is the provision for regulations without a commitment from the government that the regulations will be referred to the Standing Committee on Law and Regulations. To those members who might view this as something of a tired refrain, I'd simply

remind all members that it was only a matter of a couple of weeks ago that we went through the solemnity of staffing that committee. We appointed a chairman again and a vice-chairman, and we determined which members were going to this Standing Committee on Law and Regulations.

It's of interest, Mr. Speaker, that government still insists on thinking that if they use their deregulation task force and they talk to some stakeholders, that's a kind of satisfactory oversight responsibility. It just is so apparent to me and to my constituents that that doesn't cut it. It's not adequate. It's not what I call public scrutiny, because you may not have the right stakeholder. As has been said so many times before, you have a public interest which is sometimes quite severable, quite distinct from a stakeholder interest, particularly in a Bill where the regulations are as voluminous as they will be under this one.

If you look at the current regulations under the Liquor Control Act, it's a small book. These regulations will be the equivalent of two small books. This would be an excellent opportunity for the responsible minister to commit to refer these regulations to the Standing Committee on Law and Regulations. I make the offer I've made before: try this committee on one set of regulations under one statute and see if we can't do a better job and eliminate more red tape than even the government's deregulation task force. So I put that challenge out again in the hope that the Crown takes it with some interest.

A particular section jumped out at me when I looked at section 34. This is instructive for a couple of reasons. This is the one that defines liquor information and then says:

For the purposes of section 15(1)(b) of the Freedom of Information and Protection of Privacy Act, liquor information . . . is deemed to have been supplied to the Commission in confidence.

Well, section 15(1)(b) talks about how

the head of a public body must refuse to disclose to an applicant information . . . that is supplied, explicitly or implicitly, in confidence.

I'd have to say: why is it that when the government starts off, they see it as one of their top priorities to somehow make this kind of information, so-called liquor information, private information? What's so important about this that Albertans shouldn't be able to have access to it, that the public shouldn't be let in on the secret? What great secrets are here that would be prejudicial if disclosed? It doesn't make any sense to me, but to me it's illustrative of a preoccupation with protecting private commercial interests.

We see this preoccupation of the government manifest in so many areas of their activity. But in this particular case I'd like somebody to make the case – I have neither heard it or seen it in *Hansard* – as to why liquor information “is deemed to have been supplied to the Commission in confidence.” There may be some perfectly plausible, persuasive explanation, but I don't see it, and I haven't heard it. I think it's critical that that information be brought forward.

We're at second reading, and that means we're talking to the principles of the Bill. I guess one of the interesting things that I see conjoined in Bill 6 is regulation of gaming and liquor. How many times have we heard the minister responsible for gaming in this province talk as if these are two severable, arm's-length kinds of matters, as if it's simply not a problem that gamblers and people with gambling problems often have liquor or substance abuse problems as well. It seems to me that we have here not a tacit but an express admission that both liquor and gambling tend

to fuel each other, and one would think that at least the government would have the courage to acknowledge that. They've always insisted that somehow these matters are miles apart, but by combining them in the same Bill and proposing to regulate them by the same body, I think that position isn't tenable any more.

I think there's a potential conflict with the commission managing provincial lotteries on the one hand on behalf of the province, and that presumably means promoting lotteries and VLTs at the same time that it's supposed to regulate them. It seems to me that from my vantage point as a native Albertan and watching the Liquor Control Board over the years trying to balance or deal with the tension between being a regulator on the one hand and on the other hand to some extent being the supersalesman, it's not a good fit, Mr. Speaker. It's not a good fit at all, and I would think that in some sense the government has to address that. I'm not sure I've got the solution, but it's certainly something that gives me some concern.

4:50

The other comment I wanted to make – and then I'll conclude my remarks – is that if the licensees I speak to want to be satisfied that they're being treated in an equal way with all other licensees, there is surely no better way of doing that than saying that this so-called, quote, liquor information, closed quote, referred to in section 34 is in fact public information. Hopefully, the government will take that to heart, the sponsoring minister will take it to heart, and we'll see some modification of that. If not, then members might reasonably anticipate significant amendment if Bill 6 gets to the committee stage.

Thanks very much, Mr. Speaker.

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

MR. SAPERS: Thanks, Mr. Speaker. I'd like to join the debate on Bill 6 at this stage of the process. This Act would integrate the provisions of the Interprovincial Lottery Act with the Liquor Control Act, and it allows for the continuation of the Alberta Liquor Control Board as the new Alberta Gaming and Liquor Commission. Now, the Bill integrates these two Acts, which the commission is now responsible for, and it also legislates the substitution of the Alberta Gaming and Liquor Commission for functions legislated to the ALCB.

One of the initial problems I have with that – and I would appreciate hearing from the sponsor of the Bill about this – is that if the commission will conduct and manage provincial lotteries on behalf of the province, that therefore means the commission will be expected to promote the very activities, such as lotteries and the utilization of VLTs, that the commission is also supposed to regulate. I always have some difficulty, Mr. Speaker, when there is no separation between those two kinds of powers. On the one hand, they're supposed to be promoting these activities; on the other hand, they're supposed to be regulating them. I just would like to know what's in the mind of the government when it comes to safeguarding communities and dealing with things like addiction at the same time that they're going to be responsible for promoting these activities. I see that one of the key objectives of the new commission is “to generate revenue for the Government of Alberta.” So this, I think, could be a bit of a conflict, having those two sides of the issue to deal with.

I'm particularly concerned about some of the changes in how licences will be granted. I note that this Act calls for the elimination of a plebiscite when a licence is to be granted in an

area where a licence doesn't currently exist. The plebiscite is going to be replaced by something under the Local Authorities Election Act. Mr. Speaker, at what cost? What is the rationale for this change? Why are we moving away from something that can be done relatively efficiently and specific to a community and replacing it with something that is far more onerous and potentially more costly and certainly less local?

Also, there are tremendously broad powers to delegate under this Act, powers to delegate first to the CEO of the commission and, second, to subdelegate to any employee or agent of the commission. It doesn't take long to figure out that this is in fact the son of Bill 57, Mr. Speaker.

MR. DICKSON: It's an ugly child.

MR. SAPERS: I was getting to that, hon. member. What this government wasn't able to do through the front door, they're attempting to do now through the back door, and we've got this illegitimate . . .

MR. DUNFORD: We're not as stupid as you think we are, Howard.

MR. SAPERS: Well, the hon. Member for Lethbridge-West is saying that the government members aren't as stupid as we think they are, and I see that the hon. Minister of Economic Development and Tourism is saying: but, yes, they are. Mr. Speaker, I won't enter into that particular debate between those hon. members. I'll let them resolve that amongst themselves.

Now, the point is that we've got this, as my colleague from Calgary-Buffalo says, ugly son of Bill 57 that is now haunting us. I think that just on general principle in speaking about the Bill, we have to be ever vigilant. What was clearly demonstrated to be against the wishes of the people of this province and in fact against the very basis of democratic debate in an open and accountable Legislature we shouldn't allow this government to sneak in piecemeal through a series of Bills.

I also notice that this legislation would allow the issuance of a gaming licence with or without a hearing. It's not clear under what circumstances a hearing would be required and under what circumstances a hearing would not be required. I would like to know, again from the sponsor of this Bill, what was in the government's mind when they set up a section in the Bill that is permissive to issuing a licence without a hearing. If it's okay to issue without a hearing sometimes, then shouldn't it be okay to issue a licence all the time without a hearing? Conversely, if a hearing is necessary at some point in some communities, why wouldn't a hearing always be necessary? It seems to me that just as a point of fundamental fairness you would want to have it one way or the other.

Now, a careful reading of this Bill also will reveal that in several places the word "may" is used. For example, in providing a grant in lieu of taxes, the word "may" is used. And there are some other examples where the word "may" is used where it seems to be up to the discretion of the new commission whether or not that commission will in fact do something. Again, it's not made clear on what basis those discretionary decisions will be made. I am curious to know why in those cases where the word "may" has been used, the word "must" or "shall" was not used. It seems to me that particularly when you're talking about providing to a municipality a grant in lieu of taxes, you would want that to be fair. You'd want that to apply equally. You

would want that to apply in Stettler as much as you'd want that to apply in downtown Edmonton. Therefore, you would want it to be clear in the legislation what the responsibility of the commission is in this regard, and you wouldn't want to leave it to some discretionary action of a public servant, or perhaps a not-so-public servant, of course because of the broad powers of delegation and subdelegation.

Mr. Speaker, the Bill is supposed to be a streamlining Bill, but we don't know in fact whether it will be a streamlining Bill. This is because, as is so often the case, many, many of the most important elements of the Bill have actually been left out. They've been left on the cutting-room floor, of course, under the guise of something called regulations. We know that there will be probably volumes of regulations drafted, I'm sure much to the chagrin of the hon. Member for Peace River, who proudly displays his no regulations lapel pin.

There will probably be volumes of regulations that will flow from this particular Bill. Of course, all of those regulations will be promulgated and discussed and rubber-stamped behind closed doors, in secret, by cabinet. Not one of them will see the light of democratic debate, not one of them will come before the Legislature, and most alarmingly, not one of them will even be referred to the government's own legislatively mandated Committee on Law and Regulations, which my colleague for Calgary-Buffalo has already mentioned. It's the loneliest committee in the Legislature, and the hon. Member for Calgary-Shaw has got to be the loneliest chair. [interjection] The minister of community service has joined the debate now from his chair, and he gives the opinion that Calgary-Shaw is as lonely as the Maytag repairman. Maybe we do need somebody to be called in to fix this particular machine, because it ain't working well.

5:00

Now, I think it's incumbent upon the government to address these issues and several others. For example, where is the role for small business in this Bill? The small hotel operator, the small gaming operator, the small liquor distributor: where is the role for small business in this Bill? It looks to me as though it would be very easy for the little guy to get pushed out. I know that Calgary-Varsity isn't in favour of that, so I'd imagine that he'd be talking to the sponsor of this Bill, the minister, and suggesting some amendments to him, and perhaps we'll see those in debate.

Mr. Speaker, because of the concerns that I've raised about the broad powers to delegate, to subdelegate, the changes in regard to the elimination of a plebiscite and replacing with provisions under the Local Authorities Election Act, the inherent unfairness of the language of the Bill – it is saying at some points that things may happen instead of must or shall happen – and the other issues including the issuance of a gaming licence at times without a hearing and at other times with a hearing, I can't pass pronouncement as to whether this Bill will gain a positive or a negative vote from this member, but I am looking forward to the rest of the debate. I hope that somebody from the government side will address these concerns, and I do look forward to amendments as this Bill progresses.

Thank you.

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

MRS. SOETAERT: Thank you, Mr. Speaker. Just a few short comments about Bill 6. I certainly support the idea of streamlin-

ing and making different departments more effective and more efficient. I do have some concerns that I'm hoping will be addressed and answered. Maybe it'll take till committee to hear from a government member that understands this Bill, because obviously up to now no one over there has even looked at it in order to comment in the Legislature, where the business should take place.

Now, one of the things this Act will do is define video lottery terminals. Well, personally I'd like to see them defined right out of the province.

AN HON. MEMBER: You lost that one.

MRS. SOETAERT: Yes, regretfully we lost that Bill, and as a result now we have to include in Acts things that talk about prohibition of illegal VLTs. Obviously we don't have problems just with gambling and VLTs and how they destroy our communities, but we also have problems with illegal VLTs and implementing offences and fines and punishments and imprisonment. My goodness, let's get rid of VLTs and solve that problem once and for all.

I have some questions about the work of the commission. From my understanding it will be responsible for maintaining the lottery fund. Will we have more control, better control, or less control as to the money and how it is spent? Presently lottery funding and debates on how it is spent comes to the Legislature, where we can all discuss how money has been spent. With our lottery fund I question the effectiveness and the control and what work the commission will do in regard to that.

In several places in this Bill I see a great deal of reference to: will be determined by regulations. Well, you know, Mr. Speaker, if you bring in a Bill and you expect someone to support it, at least define what the regulations are going to be. Or will they change at the whim of a minister, depending on who the minister of the day is? I have some concerns about 100 percent supporting a Bill when I don't know exactly what it will entail, and I don't think my constituents would expect me to support that without full knowledge. Maybe it's time that somebody from the other side stood up and spoke about what these regulations will be, what they will mean, and what the work of the commission will totally be. I'd like to see a little bit of debate on that side of the House, some intelligent debate if that's possible. Join in on Bill 6 and explain some of the issues that are going on with it.

I'd just point out those few concerns on Bill 6. I'm hoping in committee maybe people will explain some of the issues. I know the Member for Barrhead-Westlock just hates discussion on video lottery terminals, but that's okay. Maybe it'll provoke him into standing up and speaking in this House about Bill 6, because he may have been briefed on it and may know what it's about.

So with those few comments, unprovoking comments, those mild comments of mine, I will hope that in committee some clarifications can be made on this Bill. With those few remarks I will let other people speak to it.

THE ACTING SPEAKER: The hon. Member for Edmonton-Roper.

MRS. FORSYTH: Go, Sine, baby.

MR. CHADI: Thank you very much, Mr. Speaker. I do have an effect on Heather, obviously. Thank you very much.

Mr. Speaker, I rise today to speak to second reading of Bill 6. I feel that in reviewing Bill 6 there are some areas that perhaps maybe we can expand upon, perhaps maybe can discuss, talk

about, make it better. I, too, am going to include in my comments the fact that we streamline, the fact that we amalgamate different government departments, different commissions, different parts of government business and put it all together if we possibly can, wherever we can, wherever we find that one complements another, bring them together and let them work in unison.

[The Deputy Speaker in the Chair]

Mr. Speaker, I find, though, that there are a couple of areas within Bill 6 that of course I need some clarification on. They're with respect to section 111, and that is with respect to seizure of alcohol and the disposition of that forfeited liquor. I've often wondered why it is that we take items, for argument's sake like forfeited liquor or seized items like liquor, and destroy it after we've seized it, particularly when there is some monetary value attached to these items. I'm wondering now especially in the case of this one truckload of beer that was hijacked, that was stolen, that was stolen for some time – it had disappeared perhaps maybe two weeks. When it was finally found and finally seized, there was, I suspect, close to two-thirds of the product still in the back of this semitrailer. Given the fact that in this Bill we have a provision whereby any of the forfeited liquor that is now in the control of the Crown “must be disposed of or destroyed under the direction of the Minister of Justice and Attorney General,” and subsection (2) says that “liquor that is forfeited to the Commission under this Act must be disposed of or destroyed under the direction of the Commission,” I'm wondering if we really have to go to that extreme. Perhaps maybe a small amount like an opened bottle, I can understand that, but something that is sealed and great quantities of it, I see no reason why we have to include that here as having to be destroyed. I'm wondering if there couldn't be an explanation perhaps later on at the different levels of discussion of this Bill, that we could maybe get an explanation with respect to that section.

Another section that gives me some concern is with respect to section 34 of the Bill. Section 34 talks about freedom of information with respect to the commission and that any and all information relating to the commission is the property of the commission and is not subject to the Freedom of Information and Protection of Privacy Act. I have some great concern with that. I would think there isn't a government department that ought to be immune from the Freedom of Information and Protection of Privacy Act. I think we have to include any documentation, any information that is contained within the commission and make that all subject to the freedom of information Act.

5:10

I wonder why it's in there. I see no reason why it should be. From the sponsor of the Bill I would hope that at future stages of discussion with respect to this Bill we can get some kind of an explanation. This Freedom of Information and Protection of Privacy Act took an awful long time to bring forward and to finally get enacted in the province of Alberta only to find that we're creating laws now that would exclude information that could be accessed through this Act. I think we're defeating the initial intent of that legislation by excluding it in different Bills. If there's a reasonable reason for it, then I would like to hear about that.

Mr. Speaker, with respect to the streamlining of lotteries and the Liquor Control Board, et cetera, I think we could not have found a better fit. I think it's a good fit. I like what is happening

here. I will support the Bill, but I do need some explanation with respect to a couple of those sections that I've talked about.

With those comments, I'll take my seat. Thank you.

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

MR. BRUSEKER: Thank you, Mr. Speaker. [interjection] Have I talked on this one yet? Gee, I don't think so.

I thought I'd add a few comments on this particular Bill, the Gaming and Liquor Act, Bill 6, coming before us from the minister responsible for gaming and liquor. Mr. Speaker, just a couple of comments with respect to the nature of the Bill. The government of course I think represents this Bill accurately when it says that the goal of this Bill and the commission that it will create is to generate revenue for the provincial government. I guess what that says is that the government is pursuing a path of using gambling and the sale of liquor as a mechanism to generate revenue. Now, I'm pleased to see that the government has stood up and said that this is a policy initiative of this government, that they support gaming and liquor sales to promote revenue, to develop revenue.

AN HON. MEMBER: I can't hear you.

MR. BRUSEKER: I could speak louder, Mr. Speaker. [interjection] Thank you.

I noted that one of the sections of the Bill proposes to provide a liability exemption for the commission and in particular the board and the members of that commission. Mr. Speaker, I would hazard a guess that many members on both sides of the House have had letters in their constituency offices and phone calls from individuals who have run into difficulty as a result of gaming and, in particular, video lottery terminals in this province. The section of the Act talks about no liability for anything done or not done provided that it is done in good faith. By proposing this Bill and, I guess, ultimately passing this Bill, if we proceed that far, the government is saying that they are promoting, supporting, and creating more and more gaming opportunities via this Bill and that none of the difficulties that any of those individuals may encounter in any way, shape, or form are going to be a responsibility either of the government or any of the members of this commission who will be appointed by the government.

So what this Bill proposes to do the way I see it – and maybe I'm reading it wrong – is to promote and develop gambling, because one of the objectives of the Bill is “to generate revenue,” yet no responsibility for any difficulties that any individuals have as a result of this Bill are going to be the responsibility of anyone in this government. The difficulty that I have with this Bill is that we will see a proliferation of gambling in this province, because it is a stated objective to increase the revenue of the province of Alberta through this vehicle, and no responsibility will fall on anyone's shoulders. That's what the liability exemption refers to.

It talks about creating a commission, and the commission will have a board of directors of five individuals, and then the board can in turn create something else called panels. It says that “a quorum of a panel is [only] 2 members” and that those two members can in fact make decisions that will be binding upon the board, which in turn are binding upon the commission. So conceivably, Mr. Speaker, what we could have occurring is two individuals who are part of a panel created by the commission

appointed by the Lieutenant Governor in Council will make decisions and, it also says, establish policies of the commission.

Now, the obvious question, then, is: how is it that Albertans will be certain that the individuals appointed (a) to the commission and then subsequently to these panels down the road will really represent the interests of all Albertans? The Act does not require the appointment of these individuals to be ratified by this Legislative Assembly. There is no requirement for the appointment to be ratified here. In fact, the section that deals with the creation of the board of the commission says: five members appointed to the commission. All that that board has to do is be ratified by the Lieutenant Governor in Council. Further, it says, “For a term specified in their appointment.”

So in other words, Mr. Speaker, basically what that means as I read that section is that five individuals can be selected by the cabinet of this province, by the ministers who sit on the front bench plus the Member for Calgary-Varsity of course, that they will make some decision about five individuals who will sit on the board of this commission for an unspecified period of time, and the public will have no input into that decision. The public will have no input into the decision as to what it is that is going to happen in terms of the policies of this commission.

In fact, I see no part in here that talks about the concept of receiving public input. I know that the Member for Lacombe-Stettler held hearings with respect to gaming and gambling, but that was in advance of the creation of this new commission. So the obvious question, then, is: will the Member for Lacombe-Stettler be given another mandate to support this commission or work with the commission? Those questions are not answered by the Bill nor are they addressed in the Bill in terms of a public input process, Mr. Speaker. When you have as one of the stated objects of the commission simply “to generate revenue” and hang, if you will, the personal costs that some individuals will incur if this Bill goes forward, then I think there should be some concerns from Albertans and I think there should be concerns certainly from members opposite about the stated objectives.

No problem with the idea of balancing the budget. I support that concept. We on this side of the House have supported that for a long period of time, but sometimes there is a personal cost, an individual cost, and one must question which cost is a higher cost, Mr. Speaker. That's the issue that is at hand here. If we say that the object of this is simply to raise revenue – and I should be clear there; it's not the only objective. If that is one of the key objects of this commission, then one must question the validity behind it. Now, there are a number of other objects, of course, of the Act that are in there, “to administer this Act” and so on, but I think we've raised the issue thoroughly that there are some possible concerns there.

5:20

Now, Mr. Speaker, it's clear that this commission, as referred to in another section further on in this Bill under the broad heading of finance – very clearly any of the net revenue, any of the profits of this commission are to go directly to the general revenue fund. Of course, one of the things one must ask is: if that money is in fact channeled into the general revenue fund, will there be a thorough accounting of precisely how much money is generated via the various gaming practices, if I can describe it that way? We've got video slot machines. We have the various lotteries: 6/49, et cetera, et cetera. I'm sure we all are aware of those. Will we get a thorough accounting of where the money is coming from with respect to the gaming issues? Will we get a thorough accounting of the net revenue that is being generated

from the liquor sales side of this particular piece of legislation? In fact, the Bill does say that all of the money will go into the general revenue fund. We need to be sure that there will be a thorough accounting of all that amount of money as well.

Now, I believe my colleague from Edmonton-Glenora talked about regulations in his comments, and I know that the Member for Peace River is keenly aware of that particular issue. One of the regulations that is referred to in this Bill deals with the whole issue – since we're talking about liquor and liquor sales, of course they come in containers, which is covered under a beverage container recycling regulation. Mr. Speaker, I know that that particular regulation certainly within the city of Calgary has created some concern for entrepreneurs who want to pursue as a business enterprise the recycling of the various containers associated with the sale of beverages, both alcoholic and nonalcoholic. A question that I would have to put to the government and in particular the member in charge of deregulation would have to be with respect to what the plans are for addressing, amending, improving, or perhaps removing that particular regulation.

The reason I ask that, Mr. Speaker, of course is that it deals with other issues that give some indication as to the philosophical bent of the government. I'm sure that the members opposite would agree that they support the concept of free enterprise. Certainly when the ALCB was privatized and various liquor outlets were opened up all over this province, the numbers soared from a couple of hundred to, I think, 600 at one time. It's fallen off a little bit again now. Certainly I can attest to the fact that there are more retail liquor sale outlets in my constituency now than there used to be.

So on one hand the government has said: "Hands off. Let's let people who want to have a go at it sell liquor. They can sell it wherever and whenever they want to, and good luck. You have to buy from us and hope you have a viable business." Yet on the other hand, the government says: but we are strictly going to control who can collect the empties. Now, it seems to me to be rather contradictory on one hand to say that anybody and everybody can sell the full bottles but only a certain number of people can collect the empties. So my question would be: where's the logic in that kind of approach? To me there doesn't seem to be a whole lot of logic to that particular issue.

Now, Mr. Speaker, there is a section that deals with issuing licences under the gaming and provincial lotteries section. I want to once again raise the issue of: what are appropriate levels of gaming, gambling, whatever you want to call it, within the province? The commission that is going to be appointed by cabinet behind closed doors for an indefinite period of time is going to be assigned the task of deciding what is an appropriate level of gambling in this province. They will determine who gets licences, how long the licence will be in terms of how long that facility may stay open on a particular day, whether it's a renewable licence, et cetera, et cetera. I guess the question I have to ask is: how is that this board is going to determine what is and what is not an appropriate level of gambling/gaming, whatever you want to call it, in this province?

Mr. Speaker, I want to go back to the free enterprise thing, because the government on one hand has said: "Let's have free enterprise. Let's let anybody sell booze who wants to sell booze, and away we go. Put it beside your local Mac's store." Yet on the other side of the coin there is a section in here that deals with the whole issue of who can even sell supplies for gaming, who can sell bingo cards and the rest of it. You're going to have to

get a licence to do that, and then even after you get the licence, the government through this commission is going to determine whether the bingo marker you're selling is an appropriate bingo marker, for goodness' sake. So on one hand we have a government who appoints a committee and a chairman of a committee to get rid of regulation, and on the other hand we see a move like this that will create more bureaucracy, that will make it difficult for someone who chooses to pursue this as a business venture to get into the business. Quite frankly, it just doesn't make a whole lot of sense to me.

Mr. Speaker, when we look at the section on liquor, it goes on and on for a number of pages, and I certainly would like to debate that, but I see from some signals on the other side that perhaps it would be appropriate at this time to adjourn debate.

THE DEPUTY SPEAKER: The hon. Member for Calgary-North West has moved that we adjourn debate on Bill 6. All those in favour, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no. Carried.

MR. DAY: Mr. Speaker, I move that the House do adjourn and reconvene at 8 o'clock in Committee of Supply.

THE DEPUTY SPEAKER: The hon. Government House Leader has moved that the Assembly do now adjourn and that when we reassemble at 8 this evening we do so in Committee of Supply. All those in favour of that motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. Carried.

[The Assembly adjourned at 5:28 p.m.]

