

## Legislative Assembly of Alberta

**Title: Wednesday, April 17, 1996**

**3:00 p.m.**

Date: 96/04/17

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

Our Father, we thank You for Your abundant blessings to our province and ourselves.

We ask You to ensure to us Your guidance and the will to follow it.

Amen.

Please be seated.

head: **Tabling Returns and Reports**

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to table four copies of the policy of the federal Reform Party against multiculturalism.\*

MR. DAY: Mr. Speaker, I'm happy to table four copies of a progress update from the workers' compensation Appeals Commission. It's an update on recommendations from the Sims report, showing some good progress there.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNEN: Well, thank you, Mr. Speaker. It's a pleasure for me today to rise to introduce to you and through you to members of the Assembly a resident of Medicine Hat. This lady is a teacher, a mother, and, coincidentally, the wife of the Member for Cypress-Medicine Hat. I'd like to ask Lois Taylor to rise and receive the recognition of the members of the House.

THE SPEAKER: The hon. Member for Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. I'm privileged to introduce two different groups to you today. The first is a threesome seated in your gallery. One is a former MLA for Stony Plain and the current mayor of the village of Wabamun, Mayor Bill Purdy. He's also a member in good standing of the Stony Plain Rotary Club. With him he's got two students who are sponsored as exchange students by the Stony Plain Rotary Club. They are Chris Garnefeld from Germany and Miki Suginome from Japan. I would ask that they rise and receive the warm welcome of this House.

In addition, Mr. Speaker, I'd like to introduce to you four other people who are seated in the members' gallery. They are Reeve Norm Jespersen from Parkland county; Jim Simpson, the county commissioner; Frank Florkewich, the councillor from division 6; and Leigh Randle, who is the administrator of the village of Wabamun. I'd ask them to rise and receive the warm welcome of the Assembly.

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

MR. HAVELOCK: Thank you, Mr. Speaker. I feel a little embarrassed because I was actually expecting to introduce the

wife of the hon. Member for Cypress-Medicine Hat today. But I did feel that we needed to clarify one thing, and that is that she's a very talented lady. In fact, everything that the Minister of Labour knows about hair care and hair products she taught him. I think it's important that that be drawn to the attention of the members of this House.

Thank you very much.

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

THE SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Thank you, Mr. Speaker. It's my pleasure to introduce to you and to the members of this Assembly two visitors from the community of La Crête in my constituency: Mr. Martin Wieler and Mr. George Teichroeb. They're seated in the members' gallery. I'd like to ask them to stand and receive the traditional warm welcome of this Assembly.

MR. MITCHELL: Mr. Speaker, I would like to introduce to the Members of the Legislative Assembly two members of our Calgary caucus office staff. They're visiting today to see the ceremony surrounding the Lieutenant Governor. Their names are Carola Haney and Donna Graham, and I would ask that they stand in the gallery and receive the welcome of the Legislative Assembly.

MR. KIRKLAND: Mr. Speaker, it's my pleasure to introduce to you and through you to the rest of the members of the Assembly this afternoon Mr. Mike Bonner. Mike is visiting from Calgary. He is an injured worker that advocates on behalf of injured workers and has spent countless hours attempting to improve the WCB process. I would ask Mr. Bonner to stand and receive the warm welcome of the Assembly this afternoon.

head: **Oral Question Period**

### Health Care Funding

MR. MITCHELL: Mr. Speaker, earlier this week the Premier declared in this Assembly – and I'm going to quote him, because it's hard to imagine. “There's one thing that I would like to make clear: we will not allow the quality of health care to decline.” The decline in health care and the need for more money is apparent to everyone except this government, this Premier, that Minister of Health. Just today we see another two dozen necessary surgeries that have been canceled in the Edmonton region, causing untold pain, stress, discomfort for those who require medical care. Enough is enough. Albertans can't wait until next week. They can't wait until next month. They can't wait until the next election. The Premier created this funding problem. When is he going to fix it?

MR. KLEIN: Mr. Speaker, first of all, I would like to point out that elective surgery procedures were being delayed when money was being poured at the system. It is unfortunate, but if anyone knows the Royal Alex, being a central, downtown hospital, it probably has one of the busiest emergency wards in the country, and many of those emergencies lead to emergency surgery, surgery that has to be done and done on the spot. The elective surgeries that were in the news today were not canceled. They have been rescheduled, and they will be completed as soon as possible.

\*See page 1255, left. col., para. 10

MR. MITCHELL: What further evidence of a crisis in health care does this Premier need? How many doctors, how many other health care workers have to tell him that there is a crisis in health care in this province, in this city before he begins to believe it?

MR. KLEIN: Mr. Speaker, the system has been challenged with a number of things. One is the fundamental reorganization certainly at the administrative level that has been undertaken, reducing the number of health jurisdictions in this province from 200 to 17 regional health authorities. Certainly the emphasis is being placed on community health care rather than on very expensive institutionalized care, understanding that there will always be a need for that kind of care. Aside from that, there has been tremendous pressure on the system. We're now seeing an aging population that has created the demand for more hip replacements, for instance. As a matter of fact, Edmonton is now doing over 400 joint replacements alone every month, and that is far more than ever before.

Mr. Speaker, these are the kinds of things that we're trying to get our heads around, that we're evaluating, assessing at this particular time as we go through this crucial year of examining the impacts of restructuring.

3:10

MR. MITCHELL: The Premier made much over the last two days of meeting with his Treasury Board yesterday afternoon, saying that he was going to look at the Edmonton regional funding problem and that he was going to solve it. I wonder if he could report to this Legislative Assembly what exactly was discussed with Treasury Board yesterday and whether they came up with a plan to fix it.

MR. KLEIN: Mr. Speaker, Treasury Board met for about three-quarters of an hour on this particular issue. We had a good overview from Treasury and Health officials as to what the problem is in light of an additional \$13 million being given to the Edmonton regional health authority. It's up \$13 million over last year to \$703 million. What we want to do is get a handle on the problem.

There will be further meetings of Treasury Board. I'm very happy to report today that only a short while ago I was in touch with Dr. Greenwood of the region's medical health staff. He was to have met with the minister this week. As you know, the minister is away. Her daughter had a wonderful baby grandchild. That meeting has been rescheduled. I'm going to be in attendance personally. We're going to bring in people from the RHA, from the medical staff, from Health, from Treasury.

MR. SAPERS: When?

MR. KLEIN: When? It's going to be held Monday at 3:30. Thank you.

### Gambling

MR. MITCHELL: Mr. Speaker, Calgary city council and Mayor Al Duerr strongly indicated recently that Calgarians, like so many other Albertans, have serious concerns with the increase in gambling in this province. I want to quote the mayor: we do have problem gambling right now; I don't think we're doing enough to address it; until we have conclusive evidence to the contrary, my personal desire would be to not see an intensification of gambling in Calgary. Yet this government seems absolutely determined to

make Alberta the mecca of gambling. How many families have to be destroyed? How many communities have to be undermined by problem gambling before this government stops promoting a destructive gambling environment, which most Albertans don't want?

MR. KLEIN: Mr. Speaker, the leader of the Liberal opposition again is – well, I can't say that he's misleading. What he's trying to do is confuse the issue. What happened in the city of Calgary was city council's rejection of a land use redesignation to allow two casinos in the downtown core. Much of this was predicated on planning principles as opposed to the moral issues surrounding gambling.

Mr. Speaker, is the leader of the Liberal opposition saying that we should get rid of charity casinos? These were both charity casinos. Is the leader of the Liberal opposition now saying that along with VLTs – because he said that – we should also get rid of casinos that support hundreds and hundreds of charities in this province? If he is, then stand up and say so.

MR. MITCHELL: No video slot machines and no . . .

THE SPEAKER: Supplemental question.

MR. MITCHELL: The Premier knows full well what we've been saying. We want to allow charity casinos . . .

THE SPEAKER: Supplemental question.

MR. MITCHELL: Why, Mr. Speaker, has this government dumped its responsibility for regulating gambling on the municipalities when it would be so much easier and more proper for the province to clearly say no to video slot machines and no to for-profit casinos anywhere that they're proposed in this province?

MR. KLEIN: Mr. Speaker, relative to video lotteries, I'm going to defer to the minister responsible.

Relative to charity casinos, it simply goes to show how little the Leader of the Opposition knows. It is against the federal Criminal Code. If he doesn't know it, I'll explain it to him. It is against the federal Criminal Code of this country to have a for-profit casino. The only entities that can profit from a casino in this country are charities or government. There's no such thing and there can't be in this country such a thing as a for-profit casino. So naturally we don't support for-profit casinos, because it would be against the law. We do not support for-profit casinos, because they are against the law, and he should know that. If he doesn't, he hasn't been doing his homework.

DR. WEST: Mr. Speaker, what the Premier says is exactly right. To add force to that, we have Bill 6 before the Assembly, which is in committee at the present time and with the loyal opposition's support will pass, which will put in place a position for the commission in order to restrict the licences, the numbers of casinos in the province of Alberta. At the present time, under the Criminal Code and the way the policy reads, you can set up a casino, but charities have to run the licences within them. We would like to actually get right down and say that only so many buildings can be set up in the province of Alberta.

Second of all, the charities and volunteer groups, through the Gordon report, came to us and said: the VLTs are eroding our charitable sources of money. So we went back and have set in

place a policy to maximize the return to the charities. They asked us to put VLTs in the casinos so that they could share in the profits. We did that. They asked us to maximize the return on bingos. There's been an extra million dollars in the last three months go back to charitable organizations in this province because of the renewed interest in bingos.

We have redistributed VLTs. Getting back to what you said about VLTs, we redistributed by taking some away from the multiple licences, taking them down to seven. Now instead of 6,000 machines, as I stand here today, there are around 5,500. The other 500, plus whatever comes, was the flexibility that I asked for. Until the future demand comes forward, where we'll allow up to a maximum of only four in any establishment in the future as far as lounges and that sort of thing, we don't know where that number will go. It's dropped 500. Now we're seeing increased interest in the casinos by the charities, and that money is going directly back to them. Out of \$750 million bet in this province, the only money taken by this government is the money taken to operate the inspections and the audits on those licences, and that's about \$2.4 million. The rest of it goes back not to the players but to the charities.

So this person here should get his facts straight before he comes in here and tries to make allegations to the people of this province.

MR. MITCHELL: Mr. Speaker, what we can take from that is that there is no . . .

THE SPEAKER: Supplemental.

MR. MITCHELL: Mr. Speaker, when will this government release its long overdue report on native gambling and finally implement a comprehensive policy for this province on gambling that does away with video slot machines and makes sure there are no for-profit casinos anywhere – anywhere – in this province?

MR. KLEIN: Is he thick or what? You know, I just said loud and clear – now listen, Grant. I'm going to say it one more time. There is no such thing as a for-profit casino in this country. I'm saying it directly, Mr. Speaker, because if I speak to you and speak through you, he doesn't hear. So I'm going to look at him. Now listen: there is no such thing as a for-profit casino in this country; they are against the law.

Mr. Speaker, with respect to native gambling, that report will be released – and here's the answer – soon. If the chairman of the committee that brought together that report cares to supplement, I'll ask her to do so.

3:20

MRS. GORDON: Mr. Speaker, approximately two weeks ago I said that the report on native gambling would be tabled in this House prior to the end of April, and that still stands.

THE SPEAKER: The hon. Member for Leduc.

#### **Hotel de Health Inc.**

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

THE SPEAKER: Order. [interjection] Hon. member, order. Hon. Leader of the Opposition, your Member for Leduc would like to ask a question.

MR. KIRKLAND: Thank you, Mr. Speaker. At two different public meetings in Leduc several hundred concerned citizens took time from their busy schedules to share their opinions regarding the privatization of the Leduc hospital by Hotel de Health. The public response was clearly in opposition to the proposal, as is mine. Section 3 of the Hospitals Act gives the Minister of Health the power to conduct a plebiscite on such matters. My questions are to the Premier this afternoon. Mr. Premier, will you direct the Minister of Health to conduct such a plebiscite in the Leduc constituency?

MR. KLEIN: Mr. Speaker, I'll take the hon. member's question under notice, and I'll advise the minister upon her return of his specific request.

MR. KIRKLAND: Mr. Speaker, my second question is: will the Premier give the citizens of Leduc a commitment that they will be consulted and given the opportunity by plebiscite before any agreement is signed with Hotel de Health?

MR. KLEIN: Mr. Speaker, I can only go by what I read and hear on the radio and see on television, but it's my understanding that this proposal, as it pertains to the unused floor or floors in the Leduc hospital, will be the subject of fairly intensive public consultation.

MR. KIRKLAND: Will the Premier, in light of his personal commitment in this Legislature to review any Hotel de Health proposals to ensure they conform with the Canada Health Act, commit to share this information with Leduc constituents before any agreements are signed regarding the change of status of their hospital?

MR. KLEIN: Well, any fundamental change of that nature would eventually have to be approved by the Minister of Health. Just as was the case with the Islay and Galahad hospitals, we simply didn't receive a proposal from the RHA or the proponents. I don't know – and I can't speak for the minister because she's not here – if a formal proposal has been received. But certainly I can guarantee the member that nothing will happen if it violates the fundamental principles of the Canada Health Act.

THE SPEAKER: The hon. Member for Highwood.

#### **Ambulance Services**

MR. TANNAS: Thank you, Mr. Speaker. My questions today are to the Acting Minister of Health. In the past few weeks the Minister of Health has informed the Assembly on air and ground ambulance dispatch protocols, which indicate that the best interests of patient care and transportation are of primary concern. To the Acting Minister of Health: is it the policy of dispatch to have the highest trained medical people on scene and at the tertiary care hospital make the dispatch decisions in life-threatening, time-dependent emergencies?

THE SPEAKER: The hon. Minister of Labour.

MR. DAY: Thank you. The member raises good points on this question, Mr. Speaker. They deserve further analysis. The minister, I know, would want to have an insightful look into that. I will advise her of that, and a response will be forthcoming.

THE SPEAKER: Supplemental question.

MR. TANNAS: Thank you, Mr. Speaker. Again to the Acting Minister of Health: can the attending physician in a life-threatening, time-dependent emergency make the decision as to the type of air ambulance required, and can the dispatch centre overrule this site-based medical request?

MR. DAY: Mr. Speaker, again that's a process issue that I would hesitate to give a response to in case it is not correct and accurate, but I know it's a compelling question shared not just by the member but by people who are in need of these services. Though there are certain abilities of the attending physician to do the ordering of the specific transfer that is required, I would like the minister to take a close look at whether that in fact could be overridden by the dispatcher.

THE SPEAKER: Final supplemental.

MR. TANNAS: Thank you, Mr. Speaker. Again to the Acting Minister of Health: can a medical director of a tertiary care hospital emergency unit specify the type of air ambulance, or is it only medical directors of neonatal and pediatric intensive care units who may specify the type of air ambulance to respond to a time-dependent, life-threatening emergency?

MR. DAY: The same response applies, Mr. Speaker, and I'd go a step further in terms of contacting the minister and her officials to try and get an answer within 24 hours to the member. These types of decisions obviously are important, and people need to know exactly who has which priorities and where they lie. We'll get a response to that and file it and table it tomorrow in the Assembly.

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

### English as a Second Language

MR. HENRY: Thank you very much, Mr. Speaker. Funding for English as a Second Language in Alberta has been reduced by 15 percent per child since this Premier took office. This is happening at the same time as both external, independent studies and studies of the department show that there's an alarming dropout rate, up to 60 to 70 percent, among English as a Second Language students in our school system. So my question to the Premier simply is: does he think this dropout rate is acceptable? If he doesn't think it's acceptable, what is he prepared to do about it?

MR. KLEIN: Mr. Speaker, I'll defer to the hon. Minister of Education.

MR. JONSON: Well, I'd be certainly interested in the basis of the statistics that the hon. member is referring to. If you'd allow me, Mr. Speaker, I could go through the list across jurisdictions in this province where we have English as a Second Language – actually English is the first language – and other languages integrating into our English language situation here in the province being pursued.

Mr. Speaker, I think that across the province this is a matter that is being dealt with by the school jurisdictions, and I do not think that there is a disproportionate number of students in this category that are among what we sometimes refer to as dropouts or people who do not complete high school and graduation requirements. It is an area that we are putting effort into. I

acknowledge the hon. member's concern, but I do not think it should be portrayed in quite the crisis-like nature that he has.

MR. HENRY: If I may, Mr. Speaker, I'd just refer the minister to the Roessingh and Watt study published in the *Alberta Journal of Educational Research* and the review of transcripts of selected immigrant funding published by his own department in '93. That's where my statistics of 60 to 70 percent come from.

I'd then like to ask the Premier: how can the Premier justify reducing per-student ESL funding by 15 percent when there is clearly a problem? We should be putting more money into ESL, not less.

MR. KLEIN: Well, again, Mr. Speaker, that's purely subjective, and to provide the facts, I'll have the hon. minister provide the answer.

3:30

MR. JONSON: Well, I thank the hon. member across the way, Mr. Speaker, for some clarification on this matter. First of all, in terms of English as a Second Language grants out of the general revenues of this province, they have been in no way reduced any greater than any other section of the grants. We did make, quite candidly, in this Assembly certain reductions, as part of our overall effort to balance the budget in this province. We made them in the area of basic per-pupil funding. We made them in the area of English as a Second Language. We can go down the list of the different parts or components of the education system.

Also, Mr. Speaker, I think that with the establishment of the Alberta school foundation fund and the equity in terms of use of local tax dollars across this province, the net decrease across this province to all aspects of the education system, without picking any particular preferences, is in the neighbourhood of about 6 and a half or 7 percent in terms of actual per-pupil funding, which is the lowest among all of the departments in this government in terms of delivery out there to the public of this province. It gives a clear indication, I think, across this province that we've put a priority on education. There's been no discrimination.

MRS. SOETAERT: We're the lowest funded in Canada.

MR. JONSON: Oh, I hear a voice.

Anyway, there's been no discrimination, no particular targeting to any out-of-line reductions or additional reductions for English as a Second Language.

MR. HENRY: I'll acknowledge the minister's comments, but the fact is that ESL funding per child has been reduced by 15 percent.

So I'd like to place a question to the Premier, if I could, with regard to ESL funding. Since ESL funding is only available for three years for each student in a school system, would the Premier agree to take the cap off so that those children who need more than three years' funding to come up to speed in their English language can get that extra support? Are you willing to do that or not?

MR. KLEIN: Mr. Speaker, again I'll defer to the hon. minister.

MR. JONSON: Well, Mr. Speaker, I thank the hon. Member for Edmonton-Centre for finally clarifying what he's really after here. We do have, yes, a policy in place that specific additional funding for English as a Second Language is limited to a three-year

period. You're quite right. At this time, I'll give quite a clear answer, and that is that we do not have any current plans to extend that funding beyond the three-year cap that is currently there.

Mr. Speaker, I'd just like to add further, though, that it is my view that in the school system, school boards – and I'm sure they're aware of this – have a lot of flexibility there in terms of programming. We do have that additional funding for a three-year period. It seems to me that the top priority in school jurisdictions and in schools which have a large concentration of students with these needs should be to teach them to speak English and concentrate on that and get that accomplished within the three-year period. I do not think that the solution is to extend it to five years or seven years or 10 years, because it's avoiding the very issue. We should concentrate on that area and get those students able to speak English in an effective manner.

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

### Grain Marketing

DR. TAYLOR: Thank you, Mr. Speaker.

AN HON. MEMBER: Impress your wife.

DR. TAYLOR: It's too late for that.

My questions are all to the minister of agriculture.

MS LEIBOVICI: We'll be nice to you.

DR. TAYLOR: Well, the opposition has said that they'll be nice to me, I assume because my wife is here. So I thank the opposition for that. It's certainly an unusual occurrence.

On March 28, '96, the minister of agriculture released the Carter/Loyns report on the study of the single-desk selling system of the Canadian Wheat Board. Can the minister advise the House what the study revealed about the CWB's monopoly on Canadian farmers?

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

MR. PASZKOWSKI: Thank you, Mr. Speaker, and thank you to the hon. Member for Cypress-Medicine Hat. Certainly this was an important study and one that was undertaken largely to review the operations of the Wheat Board from a third party's perspective. The results were rather interesting because prior to that, a study had been commissioned by the Wheat Board to study itself. This was done by three academics: one from the University of Alberta, one from the University of Saskatchewan, and one from the University of Manitoba. The findings of the academics basically were that indeed there was a \$13 per tonne savings by using the monopoly system. With that information available it was decided to have an independent group review the overall strategy and structure that was used in the findings of the three academics. It was interesting because Dr. Carter is considered one of the leading agricultural economists in the world. Dr. Carter's roots go back to Alberta where the family still farms actually. Dr. Loyns, of course, has credibility in Manitoba.

So the findings of this particular group were that indeed there may be a savings. They didn't question the whole aspect of whether indeed there is a savings or not. The findings were that there may be a savings; however, there is an additional cost

involved. This is really the critical element. It may indeed allow us to have a \$13 a tonne savings, but what are the costs involved in achieving that \$13 a tonne savings?

DR. TAYLOR: Well, the minister has presumed my second question. I'd like to know: what is the cost of the single-desk selling system to the Canadian taxpayers? What is the cost of the single-desk selling system to the farmer?

MR. PASZKOWSKI: Very conservative estimates were used in every case, and it's interesting. These savings were actually documented. They're here for public information, and indeed if anyone else wants to question them, they're here to be questioned. The savings were documented as \$20 per tonne. The breakdown of those savings. Administration: \$1.75 as a direct cost of that. The protein segregation, the fact that there is a separation and keeping the protein separate: there was no cost identified there; it could be as much as \$1.60. Varietal development: \$3 to \$5.

THE SPEAKER: Order please. The hon. minister has pointed out the source of the information, and perhaps the hon. member will be able to . . .

Final supplemental.

DR. TAYLOR: Thank you. Based on the results of the Carter/Loyns report and the plebiscite of the Alberta producers, what concrete action is the Alberta government taking to eliminate single-desk selling?

MR. PASZKOWSKI: Certainly the results of the plebiscite were astounding, and they've been published before. There were 66 percent that wanted dual marketing available in barley; 62 percent of the wheat producers had asked for dual-market opportunities with wheat. That's substantive. That's overwhelming in any survey actually.

With that in mind, we have met with the Justice department, and we have had ongoing meetings. We're working towards a constitutional reference whereby there may be some areas where the whole process may be challenged on behalf of the producers who have asked in overwhelming terms that indeed they be given the option.

So it will be our objective to continue to work with the producers to be able to achieve what their requests are. We're committed to that, and we will continue to work towards that goal.

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

### Multiculturalism

MR. ZWOZDESKY: Thank you, Mr. Speaker. Petro-Trade didn't exactly ask for a \$300,000 handout because the oil companies it represents don't really need 300,000 taxpayer dollars to help them compete globally. However, to sell and succeed internationally, they do need people who can communicate in several languages. Yet despite the obvious competitive advantages of multilingualism the provincial government just eliminated all funding to the international heritage languages program in this province. My questions are again to the Premier. Will the Premier explain the inconsistency of his government's handout policy, which eliminates support for international heritage languages but somehow allows a \$300,000 subsidy to Petro-Trade and the oil patch industry? Where is the consistency?

MR. KLEIN: Mr. Speaker, it's my understanding that the extent of the funding to the heritage language program was about 5 percent. So all funding hasn't been canceled. There is indeed a tremendous amount of community funding and people doing a lot for themselves in this particular area. Government funding amounted to only 5 percent of the total program.

3:40

Mr. Speaker, when you're going through a program of finding ways to reduce budgets and dedicate dollars to priority programs, it was the considered opinion of the minister and indeed this caucus that the money that was available through multiculturalism – and indeed we're committed to the notion and the concept of multiculturalism. But we want to make sure that we consider it in its truest form, and that is to provide education programs to break down the barriers of discrimination and to get rid of this insidious thing that we know as racism. That's where we think the priority lies.

Mr. Speaker, relative to inconsistencies. You know, there is one thing for certain in government: there are inconsistencies. It's so large, so huge, and we deal with so many things that, yes, there are inconsistencies. I'll point out an inconsistency. This member, the same member who raised the question today, wanted us to continue to pour money into the motion picture industry. Now, when I see the homes of the stars in Hollywood and I see the millions and millions and millions of dollars that are being made on movies – he didn't mind pouring dollars into motion pictures, but he's saying there's something wrong with supporting the oil industry. What he's saying is that oil . . . [interjections]

MR. ZWOZDESKY: Point of order, Mr. Speaker. [interjections]

THE SPEAKER: Order please. [interjections] Order.

MR. ZWOZDESKY: Mr. Speaker, the Premier made two mistakes, and I'll correct him during the point of order. Thank you for that privilege. The letter clearly says that they're eliminating all funding here, and the AMPDC I'll discuss later.

Why is it, then, the Premier's "priority," to use his own word, to take \$240,000 away from young students enrolled in heritage language programs and donate it to Petro-Trade and giants in the oil trade industry?

MR. KLEIN: Well, Mr. Speaker, it doesn't work that way. The hon. member knows that you don't take money from one vote and put it into another vote and you don't take money from one department and put it into another department.

Mr. Speaker, the Department of Economic Development and Tourism was spending something like \$800,000 in 1993 to promote oil field technology and services around the world, and indeed our companies are doing a tremendous job in places like China, Libya, Iran, virtually throughout the world, especially as it relates to cold-weather technology. In 1996 that was reduced to \$500,000. The minister was challenged to reduce even further, so he went to the private sector, the nonprofit group representing these equipment and service suppliers, and he said: "Look; if you kick in \$100,000, we'll kick in \$100,000. We'll break down the duplication and overlapping in the marketing, we'll join forces, and together we can be a formidable force in further marketing our technology and our expertise around the world."

THE SPEAKER: Final supplemental.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Also to the

Premier: why is this provincial Conservative government following the federal Reform Party policy 53, which I tabled earlier, which would eliminate funding of international heritage language programs and in fact would eliminate all multicultural funding to all programs. It looks like you're trying to become the provincial Reform Party here.

MR. KLEIN: There is still a significant number of dollars being dedicated to those key areas relative to multiculturalism, and those are the areas of really informing Albertans of what multiculturalism means to this province in contributions to the social, the economic, and really the educational life of this community and really the kind of beauty and vibrancy that it creates in this province. It also warns and educates Albertans about how insidious and how awful racism is and how we need to break down the barriers of discrimination. That's where the emphasis is going to be.

Mr. Speaker, our commitment, the public's commitment, through the Department of Education to other languages – and it's beautiful, marvelous to have another language. You know, I speak a little bit of Blackfoot. I would like to know the old, old languages, not enough to be totally fluent but enough to make me proud to say that at least – I mean, it's not a great international language, but I'm glad that I had the opportunity to learn some.

Mr. Speaker, I'm going to give you an example if you'll just allow me one second, because the allegation has been made that we are not committed and we won't give public funds to second languages. In the Edmonton school district No. 7 alone we support – and this is through Education, the general funds that go for education – Arabic, Arabic bilingual, Chinese, Cree, German, German bilingual, Hebrew bilingual, Japanese, Latin, Mandarin bilingual, Spanish, Ukrainian, Ukrainian bilingual. In the separate school board in this city we support Cree, Italian, Japanese, Polish, Polish bilingual, Spanish, Ukrainian, Ukrainian bilingual. The list goes on and on and on.

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

#### Alberta Vocational College

MR. AMERY: Thank you, Mr. Speaker. Between October of last year and January of this year the Alberta Vocational College at Lac La Biche conducted a six-month follow-up study of its 1994-95 graduates. This telephone survey asked questions about the college and the employment status of the graduates. Can the Minister of Advanced Education and Career Development inform the Assembly as to what the overall results were with respect to the graduates finding employment?

MR. ADY: Mr. Speaker, the hon. member in fact is correct. There was a survey conducted, and it was based on the responses of 191 '94-95 graduates of AVC. They collected information on employment status, the relation of employment to training, to earnings, the locations of the employment, the methods of seeking employment, and the satisfaction with the programs of the college in general. The survey yielded a response rate of 79 percent, which is really quite high on a survey. Sixty-nine percent of the graduates that were surveyed were in the labour force at the time of this survey. Of the 132 graduates in the labour force 95 percent were employed. Of the 59 graduates who were not working or were looking for employment at the time of the study, a very large majority, 97 percent, were pursuing further studies. So it was a very enlightening survey, and it gave us some very important indicators.

THE SPEAKER: Supplemental question.

MR. AMERY: Thank you, Mr. Speaker. The survey also asked questions about the students' satisfaction with AVC. Can the minister advise what level of satisfaction the students had with the institution?

MR. ADY: Mr. Speaker, the results were much like we have found with other surveys that have been conducted on our postsecondary system. The satisfaction rate was high. The telephone survey also revealed that graduate levels of satisfaction with AVC remained high. For example, when graduates were posed the question, "Given your experience since enrolling in your program, would you have selected the same program?" an overwhelming number, 95 percent, said yes, they would have. When respondents were further asked, "Would you have attended the same college?" 95 percent again said yes, they would have. The survey found that over 90 percent of the graduates noted that their training at AVC provided them with ample opportunities including skills needed for a particular job, an in-depth knowledge of their field of study, and opportunity to improve themselves generally. Again, a very positive response.

THE SPEAKER: Final supplemental.

MR. AMERY: Thank you, Mr. Speaker. To the same minister: is the minister satisfied with the levels of employment that these AVC students are achieving, and what kinds of new initiatives are being undertaken to further promote postgraduation employment?

3:50

MR. ADY: Mr. Speaker, the AVCs offer career and vocational counseling to all students that are enrolled there. Before graduation, each student receives instructions on job search skills, including practice interviews. AVC Lac La Biche works closely with local and regional employment centres in the placement of graduates. All career programs include practicum placements, which often lead directly to employment. Each program has an industry-based advisory committee providing a close link to the job market. By keeping programs current and relevant, instructors maintain critical connections with the industry.

Mr. Speaker, I believe that the AVCs are doing an admirable job in following through with their students to give them what they need to enter the workforce.

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

### Employment Standards Code

MS LEIBOVICI: Thank you, Mr. Speaker. This week the Minister of Labour introduced Bill 29, the Employment Standards Code, which uses plain language and clarifies some of the provisions that were in the previous code. These are definitely positive moves. However, the minister failed to take the opportunity to introduce much needed changes that would have reflected the realities of today's workplace and the needs of workers in Alberta. My questions are to the Minister of Labour. Why, Mr. Minister, are you failing working Albertans by refusing to introduce provisions that would review the annual minimum wage each year so that it truly reflects a living wage?

MR. DAY: Mr. Speaker, in Alberta there are about 2.8 percent of the entire workforce of about a million people that work at

minimum wage. The majority of those are high school students or students of high school or slightly over high school age who work part-time and are pleased to have those part-time jobs. There's a very tiny portion of the workforce that works at minimum wage. Even given that, the question of minimum wage is one which is discussed on a regular basis with business groups, employees, employee groups. It's a constant question that's out there, so it's something that's constantly being looked at. Even though only a tiny, tiny percentage of the workforce actually work at minimum wage, it is an important issue.

THE SPEAKER: Supplemental question.

MS LEIBOVICI: Thank you, Mr. Speaker. That means that 30,000 workers in this province are making an annual wage of \$10,400 a year. That's not enough.

My second question is also to the Minister of Labour. Why are you refusing to align maternity, parental, and adoption leave provisions with the federal benefits so that parents in Alberta can access those benefits?

MR. DAY: Mr. Speaker, there's so much disinformation coming from the Member for Edmonton-Meadowlark. In fact, of the tiny portion of the workforce that works at minimum wage – and she just said that means that they only make \$10,000 a year. No. The majority of them don't even make that, because they are high school students or college students who want some part-time work to add to their own income. So let's get the message straight. There are very few students working part-time at minimum wage that make even \$10,000, but they do augment their situation with the money that they do have.

As far as maternity benefits and other things, those are addressed in the code, also in the labour code, also in collective agreements across the province. That whole area of that type of benefit is one that in an increasing way is being left to very positive resolutions between employer and employee and in many cases beyond what the code even asks for.

THE SPEAKER: Final supplemental.

MS LEIBOVICI: Thank you, Mr. Speaker. Again, the reality is that there are parents in this province . . .

THE SPEAKER: Final supplemental.

MS LEIBOVICI: My third question is: why is the minister not protecting those employees who have accepted wage reductions and who then can be penalized upon layoff with lower severance packages?

MR. DAY: Mr. Speaker, could that question be repeated? There was some contradiction of terms there, and I'd like the question repeated so I could hear it. I think the issues mentioned weren't to do with the code at all. Could I have that question repeated?

THE SPEAKER: The hon. member.

MS LEIBOVICI: Thank you, Mr. Speaker. It's under the termination provisions in the Employment Standards Code. Employees who have accepted wage reductions can then be penalized by having lower severance packages when they then get laid off.

MR. DAY: Well, Mr. Speaker, again, this will have to be looked at in light of what the code is doing. First of all, it should be plain and people should remember what has happened with the Employment Standards Code in light of a rapidly changing workforce and a workforce in which employees – employees many times even more than employers – are asking for flexibility. They know that there are some basic guidelines; they know that there are some basic rules that have to be followed in terms of benefits and payments and vacation pay and overtime and all of that type of thing. With the effective technology alone changing so rapidly, in many cases the employees themselves have come forward and said, “We need increased flexibility to deal with our particular situations.” If the member has read the code, she will see and understand that in many cases that flexibility has been given. There is much that is permissive in nature in the code to allow for the type of flexibilities and the '90s type of workforce that we have.

The overall code itself now has been streamlined in such a way that the types of provisions talked about by the member are in fact easy to access, allocated in very clear sections. If we did not handle it with the flexibility that we did, we would have employee groups, for instance, who want to contract out from employers, who want to work at home, who want to access the type of technology that's available, who would be disadvantaged. So these provisions were made in many cases along the lines of those requests.

THE SPEAKER: The time for question period has expired, but the hon. Minister of Community Development has indicated he wishes to answer a question that was asked previously.

#### Human Rights Commission

MR. MAR: Thank you, Mr. Speaker. I had an opportunity to review *Hansard* on April 15, that being Monday afternoon of this week, and I refer to issue 31 of *Hansard* at page 1090. During question period on that date the Member for Calgary-Buffalo asked a question, and the hon. Minister of Family and Social Services, acting on my behalf, took the question under advisement and said that I would respond.

Mr. Speaker, I'll read the question verbatim from question period in *Hansard*.

Since the Premier's Minister of Community Development insists that the Alberta Human Rights Commission is independent of his government, perhaps the Premier could explain to us this afternoon why the Alberta Human Rights Commission held an emergency meeting late last week to discuss how they can assist this government to promote a Bill, a Bill that Albertans apparently don't want.

I followed up on this matter with the chief commissioner. He informed me that the commission did not in fact hold an emergency meeting. In fact there has been no change at all in their meeting schedule. The commission's last meeting was held on February 15 of this year in Calgary. The next scheduled meeting is set for May 2 and 3 in the city of Medicine Hat. It is unclear to me where the hon. member is getting his information, but it is not correct.

THE SPEAKER: The hon. Member for Edmonton-Avonmore has a point of order.

#### Point of Order Allegations against Members

MR. ZWOZDESKY: Thank you, Mr. Speaker, I rise under

Standing Order 23(h) regarding an allegation made by the Premier against me and also under *Beauchesne* 417, which calls for “answers to questions [to be] as brief as possible, deal with the matter raised and should not provoke debate.” May I proceed with the point?

I need to correct the Premier on two issues. [interjections]

THE SPEAKER: Order please. The hon. member should be able to concisely say what words he feels are offending against the rule.

MR. ZWOZDESKY: Thank you, Mr. Speaker. What the Premier said was that funding for heritage language programs in Alberta had not been totally erased. In fact, this letter dated March 25 from the Minister of Community Development and the chairman of the Alberta Multiculturalism Commission states, “In addition we will no longer be providing financial support to Heritage Language School programs.” I'd like to maybe table that, if I might, so that the Premier and others would read up on what their own departments are doing.

4:00

I was very clear in all of my references to international heritage language school programs.

The Premier seemed to be talking about immersion programs and bilingual programs that occur between 9 a.m. and 3:30 p.m. What we're talking about and what my questions were all about during the last two days are so-called Saturday morning schools, which happen either Saturday mornings or in the evenings after school hours. So I just wanted to note that in *Hansard*.

The second issue, Mr. Speaker, is that the Premier said that I the Member for Edmonton-Avonmore advocated pouring moneys into AMPDC. Nowhere in *Hansard* ever have I said that. I will have to check the Blues to be exactly sure what he said, but what I did say is that we have to provide adequate transitional funding and work toward a proper privatization model of AMPDC which that industry would embrace. But that's not what the Premier said, so it needs to be corrected.

Thank you.

THE SPEAKER: This is a clarification, and it is not to be used to revive a debate that has taken place earlier.

The hon. Minister of Labour gave an indication he wished to raise a point of order.

MR. DAY: Mr. Speaker, the chief infraction, which occurred earlier today, should not be dignified with further comments. I withdraw the point of order.

THE SPEAKER: Withdrawn, hon. member.

#### Point of Order Accuracy of *Hansard*

THE SPEAKER: We have an outstanding matter from yesterday. Yesterday, April 16, 1996, the Opposition House Leader raised a point of order under Standing Orders 107 and 108 regarding the publication and editing of *Hansard*. Essentially his point of order was that *Hansard* does not represent what was said during the previous day's question period. The hon. member did not indicate where he felt the discrepancy occurred, but the Chair assumes that the member is referring to a point of order raised by the hon. Member for St. Albert on April 15 when he alleged that the hon. Member for Little Bow shouted an unparliamentary phrase across

the aisle. The offending statement was not heard by the Chair, although according to the Opposition House Leader, it was picked up on the television broadcast recording of question period.

On the point of order raised by the Member for St. Albert, the Chair ruled that there was no point of order based on *Beauchesne* 486(4). It should be noted that any remark made by the Member for Little Bow was made after the member had asked his question. The Minister of Agriculture, Food and Rural Development had the floor when the comments were allegedly made.

The Chair would like to make clear some of the time-honoured policies that are used in producing *Hansard*. Members should be aware that interjections are out of order. Accordingly, they are not reported in *Hansard* unless they elicit a response by the person who has been recognized by the Chair. To the Chair's knowledge, these are the guidelines used in every other Legislature in Canada. In this instance, there was no response to the interjection by the hon. minister who had the floor. Accordingly, the Chair finds that the final printing of the *Hansard* report is accurate and in accordance with the guideline.

Members will recognize that there are interjections made every day which are not recorded in *Hansard*. It is difficult for the Chair to know the nature of the comments made because, as was the case Monday, the Chair does not hear all of the interjections. Upon reviewing the tape of the event, it seems clear that the offending phrase was spoken. Although the Member for Little Bow no longer had the floor, certain microphones picked up the statement. There is no doubt the phrase is unparliamentary. Accordingly, it would be appropriate if the hon. Member for Little Bow apologized for his comment.

This incident should serve as a reminder to all members about making interjections during debate. The Chair has cautioned members numerous times about the level of noise and interjections in the House.

The hon. Member for Little Bow.

MR. McFARLAND: Thank you, Mr. Speaker. On Monday, April 15, I asked the ninth question of the day to the ministers of Transportation and Utilities and Agriculture, Food and Rural Development. These were valid and important questions from a number of elected councils in Little Bow. Question period started at 1:40, and by the time I began my questions at 2:20, a full 40 minutes later, I'd been listening to nonstop interjections from the Member for Spruce Grove-Sturgeon-St. Albert.

My final supplemental asked the Minister of Agriculture, Food and Rural Development to encourage line companies to offer elevators to the local municipalities and businesses before demolition. When the minister began to answer, I heard another member of the Official Opposition shout out: they're already doing that. Mr. Speaker, that statement by the member of the Official Opposition demonstrates how intellectually challenged they really are in such matters.

At that point, Mr. Speaker, after 40 minutes of listening to more noise than a cat being weaned from its mother, I inadvertently blurted out my comment indicating how foul-smelling their knowledge is in this matter. I apologize to you and to the Assembly for that.

head: **Orders of the Day**

head: **Written Questions**

MRS. BLACK: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their positions.

[Motion carried]

head: **Motions for Returns**

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of motions for returns 182, 184, 185, and 186.

[Motion carried]

**Goods and Services Tax**

M182. Dr. Percy moved that an order of the Assembly do issue for a return showing copies of all working documents prepared by or for the government between October 1, 1993, and December 31, 1995, with respect to options for replacing the federal goods and services tax, GST, and the implications for Alberta.

MRS. BLACK: Mr. Speaker, on behalf of my colleague the Provincial Treasurer I would like to move an amendment to Motion 182. That amendment would delete the words "all working documents" and replace them with the words "published documents referenced or". I believe this motion has been discussed by the sponsor of the motion and is acceptable, so I'd like to move that on behalf of the Provincial Treasurer.

[Motion as amended carried]

**Torch Energy Advisors Inc.**

M184. Dr. Percy moved on behalf of Mr. Dalla-Longa that an order of the Assembly do issue for a return showing a copy of the trust royalty purchase agreement dated October 2, 1995, between the government and Torch Energy Advisors Inc.

MRS. BLACK: Mr. Speaker, I'm pleased to accept the motion.

[Motion carried]

**Torch Energy Advisors Inc.**

M185. Dr. Percy moved on behalf of Mr. Dalla-Longa that an order of the Assembly do issue for a return showing a copy of the working interest purchase agreement dated October 2, 1995, between the government and Torch Energy Advisors Inc.

MRS. BLACK: Mr. Speaker, I'm pleased to accept Motion 185.

[Motion carried]

**Syncrude Canada Ltd.**

M186. Dr. Percy moved on behalf of Mr. Dalla-Longa that an order of the Assembly do issue for a return showing copies of all Alberta Crown agreements and ownership and management agreements between January 1, 1975, and December 31, 1995, respecting the agreement between the province and participants which created the Syncrude Canada/Alberta joint venture and Syncrude Management Committee.

MRS. BLACK: Mr. Speaker, I am not able to accept this motion as it is written. I would like to make the suggestion, however, that the hon. member ask for the documents that I can in fact

release and are public today. However, I am not able to release the Syncrude ownership and management agreements because they are commercial by nature, and I have not got the approval from the other partners for the commercial release of those documents. I'm sure all members will recognize that there are some sensitivities in the market arena, and I unfortunately am not able to release those documents. We have discussed this issue with Syncrude, and Syncrude has stated that it is willing to provide a response to specific inquiries concerning the ownership and management agreements. However, it is not able to release the documents as a whole.

So I'm not able to accept this motion, Mr. Speaker.

4:10

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you very much, Mr. Speaker. I appreciate the comments from the Minister of Energy that some effort will be made to work amongst members and the partners in the project to determine specifically what documentation can be made available. It is, of course, somewhat less appropriate, or inappropriate, that we discuss only those documents that are public documents because the purpose in seeking this information under a motion for a return is to be provided with and to allow for the publication – by that I mean disclosure to the public – of documentation that is not currently in the public domain.

The minister's inability to specifically accede to the request under Motion for a Return 186 really does once again crystallize and focus us on the fact that when the government is in the business of being in business, these kinds of difficulties continually arise. We are in this Chamber, Mr. Speaker, speaking now to a Bill that is looking at getting the government out of the business of business with whatever limitations that particular piece of legislation has, that will form part of the debate.

It is again, as I say, the kind of situation that we find ourselves in because of the fact that it's of a commercial interest, because of the fact that there are third parties involved. We've had these debates many times in terms of the Freedom of Information and Protection of Privacy Act, as to whether or not that kind of information, these kinds of agreements should be held from the public of Alberta given that it is the public of Alberta's money that is going into these investments and these projects.

Having said that, Mr. Speaker, I again will accede to the Minister of Energy that some steps will be taken, some positive steps, in the future to specifically look at what was in Motion for a Return 186, specifically what documents can be provided, and work with the minister, work with Syncrude and the other partners to deal with that issue.

Thank you.

DR. PERCY: Again on behalf of my colleague from Calgary-West I thank the minister for being able to obtain what material is possible given the commercial constraints. I would just add that this is an arrangement which has worked where the province was in fact in an equity position where it would share in the profits as well as the losses. So in some sense the importance of getting the ownership and management agreements is that it is an example of institutional arrangements that can work and have proven to be successful. Again, we will work with the minister and see what questions can be crafted and the type of information that will be available.

Thank you.

[Motion lost]

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

**Bill 208  
Highway Traffic Amendment Act, 1996**

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

MRS. GORDON: Thank you, Mr. Speaker. It's certainly a pleasure for me to rise today in this Assembly and move third reading of Bill 208, being the Highway Traffic Amendment Act, 1996.

Both the intent and content of Bill 208 have had the support of the members of this Assembly both in second reading and during Committee of the Whole, for which I would like to thank all members. I also wish to thank the Minister of Transportation and Utilities for his support and co-operation. As well, Mr. Speaker, again I would like to thank Gene Ostropolski, the former fire chief of Blackfalds, for bringing this initiative forward to me.

As I have said before during debate, this Bill reflects my continued commitment to the firefighters of this province, particularly volunteer firefighters. This Bill, if passed, would allow Alberta firefighters green flashing lights as a means of identification in their personal vehicles. Thus, they would be able to respond more promptly and arrive at a fire hall or emergency site more readily, which could in turn make a vital difference to victims involved in an emergency crisis. As stated before, municipalities, by bylaw, must approve and authorize any such use. This leaves the decision with the municipalities in collaboration and co-operation with their firefighters.

Over the last several months I have worked with various associations and agencies and thank them also for their continued support.

With that, Mr. Speaker, I would move third reading of Bill 208.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Mr. Speaker, thank you. In speaking to third reading of Bill 208, I think many of my colleagues on this side would echo the complimentary statements of the Member for Lacombe-Stettler to those who work in the emergency services area in the province of Alberta for their input and their assistance in the preparation of Bill 208, in looking for a mechanism and an opportunity to provide these individuals with better tools to assist them in the difficult and often dangerous work that they do.

We have had an opportunity to look at some of the issues with respect to this particular Bill. I think they have for the most part been addressed well by the Member for Lacombe-Stettler and others who have participated in the debate. We will, I believe, this afternoon, Mr. Speaker, move through Bill 208 and allow the firefighters to rely on this specific provision.

I think it is important to note that what we are doing with respect to Bill 208 is we're not in any way giving additional or special privileges in the operation of a motor vehicle to these individuals in these circumstances. The Member for Lacombe-Stettler has clearly indicated in the legislation that this is not to be construed as a permit to operate a vehicle in contravention of any Act. With respect to the Highway Traffic Act as it currently is, there are some special and specific provisions for vehicles operating with the use of a siren and the use of red lights. We are not necessarily lumping them into that category here. We're

simply providing an opportunity for these members to respond quickly, particularly the volunteer firefighters who may find themselves at a location other than their fire hall and will then have to respond.

I think it's important – and we did discuss it in our Committee of the Whole stage and I think in our second reading stage as well, Mr. Speaker – that one of the very important aspects of making this a workable opportunity, a workable means for these volunteer firefighters is the area of education. People will have to appreciate and understand that the green flashing light is something that means that those individuals must be extended the courtesy to get to where they're going within the confines of our highway traffic legislation, that it's a courtesy to allow them to do so.

I think that initially – and I think other jurisdictions have experienced this – the green flashing light may be confusing. People may not understand what specifically it refers to. Government along with emergency services personnel I think will have to become involved in an education campaign to make sure that people are well aware of its purpose and can respond accordingly.

In looking again at the Bill, Mr. Speaker, I pause to contemplate one scenario that isn't in the Bill. I apologize to the Member for Lacombe-Stettler if the matter was raised and I'm not familiar with the discussion about this particular point. I do know that what we're doing in this piece of legislation is we're allowing the use of the intermittent flashing green light for the operation of a vehicle proceeding to a fire or other emergency. In other words, if volunteer firefighters need to get to the hall or need to get to equipment, they are not in a position to use the flashing green light to move from perhaps their place of business to a fire hall to get equipment or vehicles and then from there go to whatever emergency is happening. So we are not extending the privilege to those individuals to that extent.

Technically under the legislation as we're proposing it and passing it, we are allowing them the use of the green flashing light to go from point A to point B, which is the emergency itself. That's the only link, between points A and B. So there can't be any diversion along the way to a hall or to get equipment where they're in fact using the green light.

4:20

Now, again my apologies if the member has given this consideration that has formed part of the debate that I'm not personally aware of, Mr. Speaker. Nonetheless, I do look at that and wonder if those kinds of circumstances may in fact present themselves: a stop along the way, or if the emergency is north but the equipment is south, can I in fact travel south with the green intermittent flashing light before I go north? I don't think that's necessarily included in what we've done at this point. I'll leave it at that. I just considered that possibility and that consequence.

Mr. Speaker, once again I will certainly on my own behalf and I believe on behalf of many of my colleagues in caucus congratulate the minister for moving forward a positive initiative, for giving those who work in a very difficult and dangerous occupation this opportunity to respond to emergencies, that unfortunately do arise all too often. They are in the service of the people of Alberta in that they are there to assist in a time of trouble, in a time of emergency, to provide relief support, medical attention, and so on.

Mr. Speaker, with that I'll conclude my comments. Perhaps other members may wish to speak. Once again thanks to the Member for Lacombe-Stettler.

THE SPEAKER: The hon. Minister of Transportation and Utilities.

DR. WEST: Yes, Mr. Speaker. I, too, would like to add my support to third reading of Bill 208 and congratulate the Member for Lacombe-Stettler in bringing this forth in support of all fire departments, but being from rural Alberta, I would specifically say the volunteer fire departments that serve us so well throughout this province. At one time I think we estimated the cost to this province if we had to pay all of these individuals to look after rescue and fire fighting throughout the province. It would be an enormous cost, so we owe them a debt of gratitude in reference to what they do each and every day.

As far as this Bill goes, I do support it, but in keeping with streamlining our legislation, I will be directing the department, given the passage of this Bill, to put it into regulation. I think we have other areas in regulations on operation of lights, and this could be accommodated very well there rather than creating a completely new Act. The one thing I do stress is that it is by bylaw by the municipalities, because some will find a choice here whether they want it or not.

I put in this also that I'll be asking the municipalities – and we'll be looking at the education component as brought up by the member who just spoke – that they serve notice and do an advertisement locally to ensure that citizens from that area know that the green light policy is in effect in their municipality, and therefore use of newspapers and a public notice should be done. We will also look at our driver training manuals and any information we have out. We could do inserts and that sort of thing to indicate the intent of this Bill.

Again, there is no way that we would be able – and the member made reference to this – to regulate complete, I guess, honesty as it relates to the use of these lights, but knowing the people I do that are in our volunteer fire departments, they take that responsibility very seriously. There are some things you can't pay people to do, and one of them is the commitment that we see in these volunteers to go down to that fire hall, to keep it spotless, to keep the equipment in working order. I think they're not going to abuse this en masse, and they will regulate their own members if there is abuse of this.

In closing, the last thing, it's important to note also that this does not give them a licence to speed. I mean, that will be the first thing people say: "A person with a flashing green light, does that mean they can break the rules of the Highway Traffic Act?" That is not the intent of this Bill.

Once again, thank you, Member for Lacombe-Stettler. The department of transportation through my direction following the passage of this will take this policy forward.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I rise to speak in favour of Bill 208. I found the comments from the minister of transportation very reassuring. Also, I'm very pleased to hear the acknowledgement of making it an integral part of present legislation and ensuring that we ask municipalities to ensure that there's education and that our local residents become aware of it. Indeed, it will be a local decision.

It's very appropriate that we are actually debating this Bill this week, leading into Volunteer Week next week. I have to commend the member who moved this Bill, brought it before this

House, for doing so, because it's very significant the role that our volunteer firefighters play in the province of Alberta. I find it incredible that we have such individuals. We also have women that are volunteer firefighters in our community as well. In the province of Alberta we see very professional fire departments that are to the greatest extent manned by volunteers, and those people not only give of their time away from their families, but in some instances they're actually putting their lives at risk through this voluntarism. They have to be commended. It's one of the areas of voluntarism that we will be acknowledging in every community next week, the significance of that contribution. So to the fire chiefs in the county of Strathcona and the city of Fort Saskatchewan, to their full-time staff and also their volunteers, I'd like to take this opportunity to commend them for the fine work that they do.

I know that the fire chief in the city of Fort Saskatchewan had some reservations initially about this Bill, that it may in essence lead to people believing that they could violate the present laws, and we had some discussion about that. I think it's very important what the minister of transportation was saying, that this light doesn't give you licence to do what you want. So education will be a very significant component.

One thing that's always struck me is when you see a car driving very fast, and this happened to my husband and myself just about two weeks ago. In fact, the person ran a red light. It was safe for that individual to do it, and I suddenly realized why they were doing it. They were going into the fire hall. But, you know, it really made me feel very uncomfortable, so we talked about that, the fire chief and myself. It's important that we tell our volunteers that you don't put their lives at risk or other people's lives at risk because of the urgency of the fire call, and I think this will be an appropriate way to do some more education.

So I hope, Mr. Speaker, that this Bill gets the unanimous support of this House and that the minister of transportation has made a commitment through his department back to municipalities to do what needs to be done to ensure that this is implemented in the most positive way.

Thank you, Mr. Speaker.

THE SPEAKER: The question before the Assembly is the motion for third reading of Bill 208, Highway Traffic Amendment Act, 1996, as moved by the hon. Member for Lacombe-Stettler. All those in favour of this motion, please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. Carried, let the record show unanimously.

[Bill 208 read a third time]

**head: Government Bills and Orders**

**head: Committee of the Whole**

**4:30**

[Mr. Tannas in the Chair]

THE CHAIRMAN: I'd like to call the Committee of the Whole together. Again we'll abide by the convention of only one member standing and talking at a time.

### Bill 203

#### Family Dispute Resolution Act

THE CHAIRMAN: This is a continuation of our consideration at

committee stage of some days ago. I'll now call on speakers.

The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Chairman. One of the, I suppose, advantages in the fact that Bill 203, consideration of same, was suspended for a period of time is it gave us an opportunity to get some additional input from organizations, groups, family lawyers, mediators, and so on. What I want to do at this stage is share some of the concerns that have been raised both by individual lawyers and some organizations.

I'd start off with a very thoughtful analysis that I know has been provided to the Minister of Justice as well as the mover of the Bill. It relates to a series of concerns. The representations, Mr. Chairman, were made by Angela Kerr, who is vice-chairman of the Canadian Bar Association, Alberta branch, family law section, northern.

Now, in terms of some of those concerns – and I'll quickly highlight them – there was a concern that the Act may be seen as limiting or delaying Albertans' access to the court system and a particular concern that this becomes overly technical and a process which may be burdensome for litigants.

The other concern that's been raised is this – and it's not within the four corners of the Bill, but it's certainly part of the system. The particular mediation screening, mediation orientation is a program which exists in only one community in this province, Mr. Chairman. So what we would have would be a discriminatory situation where you have a law – this is a public Bill; it's described as being a public Bill, Bill 203 – that creates a different set of rights and limitations for those people in the city of Edmonton that have some kind of a custody/access issue than it does for somebody living in Calgary-Buffalo or somebody in High River or somebody in Fort McMurray. Certainly public laws in terms of general application have to relate to people around the province. Now, I think that's a very legitimate concern and one that I share.

One would think that since the government has embarked on a program – and they say that it's a pilot project and it only is available within the city of Edmonton – then one might think it would make perhaps more sense to wait for that pilot project to have been concluded before bringing in a Bill like this, because the effect of the Bill, as I say, is to say that people in Edmonton have to go through another process, have to take another step before they can go to the court to get an order for interim custody, an order for access, an order to enforce access. So that's a serious concern, a serious problem.

The other concern that was raised in particular by Ms Kerr in her letter that she sent the Minister of Justice and the sponsor on April 15 of 1996 is the problem with the delays. I think, as I'd suggested when we were at second reading, we have a significant problem there, Mr. Chairman, the problem being this: when it comes to government-mandated programs, we don't have a terrific track record right now. In fact, what we have already at this point, at least in Calgary, is a significant backlog in terms of people who actually want to participate in mediation, not just a screening process, and I think that's a particular concern.

A number of other very legitimate concerns were raised, but perhaps at this point, Mr. Chairman, what we could do is ask the mover of the Bill, the sponsor of the Bill, to address it at this stage, and then I can come back and carry on with observations, and we can get into the meat of some substantive amendments as well.

Thanks very much, Mr. Chairman.

THE CHAIRMAN: Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Chairman. I am pleased to open debate in committee on Bill 203, the Family Dispute Resolution Act, since I'm the mover of it. I will be proposing amendments today that are the result of consultations with different groups and the departments of Family and Social Services and Justice. The amendments do not change the intent of the Bill; in fact, they create a better, more comprehensive piece of legislation. I would like to ask at this time that the amendments be distributed while I go on speaking. As you are receiving your amendment packages, I would like to address a few of the issues that were raised by members of the Assembly during second reading of Bill 203.

The Member for Calgary-Buffalo raised the concern that the Bill does not require that parents participate in mediation, while the Member for Cypress-Medicine Hat was concerned that the Bill does mandate mediation. Mr. Chairman, let me be very clear. Bill 203 does not mandate mediation. Bill 203 does not require that parents participate in mediation. It requires that where a family law proceeding is commenced and there is a dispute respecting custody or access to the children, the party must attend a mediation screening session and parent information course before further steps may be taken in the proceeding. Clearly, we are not talking about mandatory mediation but a six-hour information course designed to provide information – and I stress “information” – about the impact of divorce on the children.

It also provides information on the many services provided by Family and Social Services, including mediation as an option for resolution of disputes rather than the adversarial approach. The orientation session provides educational material and information about divorce, including the legal, emotional, and financial implications of the separation of parents and how to cope with these concerns. It also teaches parents about the needs of the children involved and how to address them. It provides information on how to overcome communication problems and how to maintain a relationship with the children during and after separation and divorce.

**4:40**

Mr. Chairman, the Member for Cypress-Medicine Hat correctly pointed out that mediation is not successful if the parents are not willing participants. This Bill does not force parents into mediation. What this Bill does is provide parents with options, options that they may not otherwise be aware of. It gives them this information.

The Minister of Justice raised a point regarding section 2 of Bill 203, the fact that only the parties that are involved in a dispute regarding custody or access to children should be required to attend the mediation screening and orientation session. Mr. Chairman, the minister raised a good point, and I have addressed this concern in the amendments that have been introduced, which should be before you at this time. I will comment further in due course, but I would like to quickly state that under the proposed amendments only those parents involved in a dispute must attend the mediation session and information course.

The Member for Edmonton-Norwood asked a number of questions regarding home study, Mr. Chairman. Home study is a very in-depth process which greatly assists the courts in deliberations. The studies are conducted by a social worker. This person interviews the parents and the children involved and conducts a physical inspection of the home or homes. Home study is a very effective way for the courts to get a clear picture of the situation and to determine what is in the best interests of the children.

The Member for Edmonton-Highlands-Beverly and the Member for Edmonton-Gold Bar also raised the issue of domestic violence and the fact that mediation may not always be appropriate. The members were indeed quite right, Mr. Chairman. In fact, this is the reason that this Bill provides for a mediation screening. During the screening the instructor talks to both parties to determine whether mediation is appropriate. If during this mediation screening it is discovered that there is in fact an abusive or violent relationship between the two parties, then mediation is of course not an acceptable option.

The Member for Cypress-Medicine Hat also raised a number of questions regarding Bill 203. He is concerned that section 2(1) is mandating mediation. I would reiterate that it only requires disputing parties – and I stress “disputing parties” – to attend an information session, not mediation.

The member was also concerned with the provisions of sections 2(5)(b) and (c) and sections 7(c) and (d). Mr. Chairman, these sections have been struck out in the amendments.

Mr. Chairman, I hope that I addressed the concerns raised in second reading satisfactorily. I would now like to go through the amendments and explain the significance and rationale behind them to the members of the Assembly.

THE CHAIRMAN: Okay. Not to cut off the hon. member, but do you have any advice that you would like to offer? We have here quite a number of amendments amending various sections. Do you wish to consider these as one amendment, hon. member?

MR. YANKOWSKY: Yes, I would like to consider these amendments as a package.

THE CHAIRMAN: Okay. Is that agreeable to those who have seen it? If there's no objection, then we'll go through it. Oops. The hon. Member for Calgary-Buffalo on the point of how many amendments we have here.

MR. DICKSON: Yeah. Speaking for this member, most of the amendments are helpful and advantageous and would be amendments I'd support. There are a couple that are problematic, though, and that I would oppose.

There are not a huge number of amendments, and if we at least could do it by the letters A through F and deal with each of the letters as a separate unit, that's more efficient than dealing with each of the individual amendments. It allows for some more targeted debate than having a single vote on the whole thing and a single debate. That's simply my request, Mr. Chairman.

THE CHAIRMAN: Is that the agreement of the committee?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Is that acceptable, hon. member?

MR. YANKOWSKY: Thank you, Mr. Chairman. I would rather actually go through the whole package and explain it.

THE CHAIRMAN: No, no. In your explanation you may do so, but then we would go to each individual one for voting purposes. Would that be acceptable?

MR. YANKOWSKY: Sure.

THE CHAIRMAN: Okay, hon. member, we'll proceed, and then we'll number them afterwards.

MR. YANKOWSKY: Thank you, Mr. Chairman. In section 1(a) the definition of a clerk is struck out because it is no longer mentioned in this Bill.

Section 1(c) is struck out and substituted with a more specific definition of a family law proceeding and the types of cases that will fall under this Bill.

The definition of an instructor is added in section 1(c.i), which clarifies who is responsible for the conduct of a mediation screening session and parent information course.

Section 1(e) defines the mediation screening session and parent information course as that designated by regulation.

Under section B of the amendment package section 2 is struck out and it is substituted by the following amendments. Section 2(1) stipulates that only family law proceedings where there is a private dispute respecting the custody of or access to children are subject to a screening session and information course. Now, not every couple going through a divorce needs to attend a mediation screening session or a parent information course, because fortunately most couples are able to work out solutions in an amicable manner. Mr. Chairman, only about 5 percent of divorcing couples end up in court in highly contested trials. Therefore, section 2(1) is amended to include only divorcing couples who are disputing access or custody of children.

We also included here a "subject to," and this "subject to" draws attention to subsection (2) and subsection (5)(b), which deal with exemptions that may be available in certain situations.

Under section 2(2) a party may apply for an exemption from the mediation screening and parent information course or have them both postponed.

Section 2(3) is essentially the same as the previous section 2(4), but the wording is made clearer.

Section 2(4) is similar to the original section 2(2), but as in the previous case it is amended for editorial purposes.

Section 2(5) replaces the original section 2(5). It refers to those parties that do not attend a mediation screening session and parent information course and do not obtain an exemption. For these parties the court may adjourn the proceeding until the party has attended or allow only the party that has attended to continue on with the proceedings. The provision that allowed the court to order further mediation or strike out the pleadings and all other documentation of the party who did not attend has been struck out.

**4:50**

Section 2(6) is identical to section 2(7), that is struck out by the amendment. This was done strictly for the sake of simplicity.

Moving on to section 3 of Bill 203, Mr. Chairman, it is struck out and replaced with more specific and concise wording that eliminates the possibility of this type of information being admissible in court. In the unamended Bill it said that with permission certain evidence that was relayed to the mediator could indeed be presented in court.

Section 4 is amended by striking out "mediator" and replacing it with "instructor," as this is who will be conducting the mediation screening session and parent information course.

Section 6(2), which refers to fees and expenses, is struck out. This is the responsibility of the Lieutenant Governor under section 7(c), to make regulations regarding fees.

Section 7 is struck out essentially. Section 7(a) remains the same. Section 7(b), (c), and (d) state that it is the responsibility

of the Lieutenant Governor in Council to make regulations . . .

- (b) designating a mediation screening session and parent information course;
- (c) governing fees . . .
- (d) respecting the form and content of a certificate of attendance.

Under the amended section 7 the Lieutenant Governor will not prescribe when the mediation screening sessions and information course will occur or make regulations regarding the procedures or standards pertaining to them.

I would like to reiterate, Mr. Chairman, that the focus of the Bill is to minimize the impact of divorce on children, because it is the children who will suffer the most. This Bill will assist Albertans in solving their disputes in a nonadversarial manner. It will provide parents with the tools and information that they need to help themselves. It will help Alberta families better deal with divorce and provide a more stable family environment for the children involved.

I will take my seat now and wait for the debate on the amendments.

THE CHAIRMAN: As the Chair recognizes the hon. Member for Calgary-Buffalo, the Chair would also like to express appreciation for the help you had in facilitating us getting to this point.

Now, hon. member, if we could have a bit of a dialogue so that we all understand. The capital letter A on this amendment would be A1. Is that agreed?

MR. YANKOWSKY: Yes.

THE CHAIRMAN: Okay. We'll deem that now to have been moved. Is that agreeable?

Then Calgary-Buffalo on the first part.

MR. DICKSON: Mr. Chairman, what I understood from you and what I understood the consensus to be is that the debate would involve the entire amendment package. When it comes to a vote, we would be voting A through F. Did I misunderstand, sir, what your intention was?

THE CHAIRMAN: No. That's agreeable.

MR. DICKSON: Very well, sir. Thank you.

Certainly there are some very positive amendments here. One of the things I'd ask the sponsoring member though – one of the things that confuses me somewhat is the reference to a private dispute. The amendment to the definition section – actually the words "private dispute" appear later on. I guess the short question is this: what is a private dispute? You're having a dispute between a father and a mother or between a caregiver and someone else or a grandparent. You're dealing with members of a family. I'm not clear what is private rather than public. If they're seeking court remedial action, it's now public however they view it. I'm not quite clear whether this refers to something very different. I wonder if the member could tell me precisely what is meant by a private dispute and what other kind of dispute would there be? What's the purpose of the proposal in A1? This would be the new amendment section 1(f), where "private dispute" appears? I wonder if the sponsor could explain that please, Mr. Chairman?

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

MR. YANKOWSKY: Thank you, Mr. Chairman. The Bill deals of course with family dispute situations, and section 1(f) has an exclusion there and that is "does not include a dispute involving the Director of Child Welfare." Here we are talking family. Family is usually composed of a mother, a father, and the children. So this is a private dispute in this family between mother and father, even though it is not spelled out exactly like that. We exclude a dispute involving the director of child welfare, if he or she is indeed involved. I don't know if that clarifies it for you, but anyhow we are dealing with a family here. This all pertains to a dispute within the family.

MR. DICKSON: If that's the intention of the member, it seems to me "dispute involving the Director of Child Welfare" is an awkward way of saying it. If what he's talking about is trying to address a dispute respecting access of or custody to children other than a matter under the provincial Child Welfare Act – it seems to me that that's what the sponsor is suggesting. I wonder, Mr. Chairman, if the sponsor would explain to my why. This seems like a really cumbersome way of doing it, to say, "private dispute" does not include a dispute involving the Director of Child Welfare." One then says, "So what does it include?"

Surely what we're saying is: any dispute involving child custody access – any dispute – would be subject to the Act unless it's an application under the Child Welfare Act. I think that's what the member is suggesting. If we accept that what we're trying to do is write legislation that people can pick up and read and understand without having to pay a lawyer \$200 an hour, then that should be the guiding ethic when we write Bills and when we do amendments. Perhaps the member could tell me why we couldn't do it on that basis. In other words say that where there is a dispute respecting the custody of or access to children other than a matter pursuant to the provisions of the Child Welfare Act . . . Then go on and you don't need this definition in section 1(f), which really isn't a definition at all.

5:00

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

MR. YANKOWSKY: Thank you, Mr. Chairman. Well, I didn't think there was any problem understanding it. Of course, this is all written by Parliamentary Counsel in legal terms. I certainly didn't have a problem understanding it when you relate it to a family, who you're dealing with here. It's a private dispute in a family. The indication of the director of child welfare indicates that there could be some problems that the director of child welfare is dealing with in the family to do with children, and we're putting in this exclusion that says that it's a private dispute but "does not include a dispute involving the Director of Child Welfare." I guess it could have been clarified. Like I say, I thought it was okay. I could understand it.

MR. DICKSON: Mr. Chairman, I'm just bouncing up here. I'm counting on your keen visual acuity to spot other speakers, if there are other people in line.

The other thing that I found curious in the amendments – I'll see if I can just find it here. As I understand it – and perhaps the member could confirm – we're looking at leaving for the Lieutenant Governor in Council to do a whole number of things here. This may be one of those unique chances where I can quote the Member for Cypress-Medicine Hat, who made what I thought was a particularly incisive comment back on February 28 on page 289

of *Hansard*, and I listened with rapt attention when I heard him say it. He said:

If we go to one of the final sections, section 7, it says, "The Lieutenant Governor . . . may make regulations." Subsection (c) says, "Respecting the procedures for the mediation screening and orientation session process."

He went on to say:

Well, quite frankly, unless we know what these regulations will be, how can we approve this Act? I mean, there could be all kinds of ridiculous requirements put into these regulations, and we quite frankly don't know what they are. We cannot support an Act, I would hope, when we don't know what the regulations are.

That's the end of the quote.

You know, I was struck by that, that all of the time in this Assembly where members get up and talk about the importance of regulatory lawmaking and the need to have regulations reviewed either in advance or by the Standing Committee on Law and Regulations, here's a member on the government side that has listened and has accepted the argument, and I want to personally and publicly compliment the member for the wisdom and the insight that he demonstrated and showed in those comments.

Then I guess I come back to the mover of the Bill and say: at the end of the day, hon. member, through the chairman, we're left with this proposition. The government is proposing to set up a new first step, that doesn't exist now, before people can get judicial relief in custody access applications. What we know right now is that this additional step can only be satisfied in one place in the province, and there's been no comment and certainly no commitment from the Minister of Justice that he's going to create this same kind of program provincewide. In fact, what if the pilot project turns out to be a failure and the government decides to abort it?

We've got this situation, Mr. Chairman – and this was the point I was trying to make before the specific amendments had been moved, but it's still equally applicable now. We have what purports to be a public Bill which is only going to apply to some Albertans, and those Albertans may well feel that their rights have been curtailed, that their access to the courts has been restricted or curtailed in some way. We're going further, and we're saying that we're going to allow the cabinet to create first-class Albertans and second-class Albertans, because the way this thing is structured now – and it's the combination of Bill 203 and the reality of the pilot project which is under way under the auspices of the Minister of Justice. We're going to have first-class and second-class Albertans, and I'll leave it to Albertans to judge which quality makes them first-class or second-class on this particular issue. The point is that it's not equal treatment. It's not equal treatment. Now, I wonder if the member could take us through how he proposes that this kind of a public law which only applies to Edmontonians can be and how that can be fair and how that can work.

I guess the other thing then – and I go back again to the observations that had been made in the letter that the member has received from Ms Kerr. She identifies there, along with the Member for Cypress-Medicine Hat:

Too much has been left for the regulations to determine. We would ask that the Act itself, and not the regulations, make it clear what the process is to be, who will do it, and whether any cost to participants will be involved.

There's a further analysis and many more suggestions that the sponsor of the Bill has seen, but it seems to me that we've got a significant problem there.

I always raise this issue, because it's an issue of concern to me

on every Bill, in terms of regulations, but here we've got a compounded problem because it's not even the Legislature which purports to create first- and second-class Albertans. We're deferring that authority to the Lieutenant Governor in Council. Now, how can that be, hon. member? How do we get around this question of disparity, of unequal treatment? I'm wondering if the sponsor would speak specifically to that issue, because when all is said and done, we've taken what I think is a very positive idea – and it's worked well in Saskatchewan, but it's been packaged in a way that seems to me to create some problems before we get off the ground.

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

MR. YANKOWSKY: Yes. Thank you, Mr. Chairman. The hon. Member for Calgary-Buffalo keeps referring to a letter that he has from a Ms Kerr, and I don't recall receiving that letter. Is there a chance that I could get a copy?

MR. DICKSON: You bet.

MR. YANKOWSKY: Okay.

To address the first- and second-class Edmontonians that he talked about, I really don't see where we are making second-class citizens of anyone here. Section 7(a), (b), (c), and (d) all talk about certain things that are going to happen through the Lieutenant Governor in Council making regulations. Now, when we look at section 7, it says:

The Lieutenant Governor in Council may make regulations  
(a) designating the judicial centres at which section 2 applies.

Yes, certainly, right now we do have the pilot project operating in Edmonton only, but then it's a pilot project. You wouldn't expect a pilot project to be operating provincewide. This is a test model. Because someone had an interest to do that and that person happened to be from Edmonton, it is being conducted in Edmonton. Section 7 states that centres will be designated, and I would take it that we're talking provincewide here. In fact, I know we are. So if the pilot project is successful and everything turns out okay, then Lieutenant Governor in Council will look at the whole situation and will designate centres throughout Alberta for this program to continue. It's much the same with all of the other items in section 7.

#### 5:10

Bills usually don't specify things right to the letter. Bills are usually structures around which you build. We want to give the Lieutenant Governor the ability, if the Bill is proclaimed, to choose the best centres which will serve the needs of all Albertans. It will not only be Edmonton; it will not only be Calgary. He will be looking at all of Alberta. It's the same with all of the other items there. We want to leave some flexibility.

MR. DICKSON: Well, flexibility is one thing. Unequal treatment and two sets of rules in the same province is something very different. See; the problem is this. Maybe the member can cite for me another statute in Alberta which presumes to be of general application but the only people that can use it or are bound by it are people in one city. Now, if we follow the logic of saying that we have a pilot project only in Edmonton, then the logic that would flow from it is you wait until the pilot project is complete. If it's successful, you then bring in a piece of legislation that would apply provincewide. I challenge the member to tell me

another statute or general application in this province that gives rights and some special requirements to people in one of our major centres but to no one else in any other part of the province.

For example, you can have two women: one in downtown Calgary-Buffalo, one in Edmonton. They both are in precisely the same situation: two young children, they live in an abusive situation, they want out, and they want an order for interim custody of their children. The woman in Calgary goes and makes her application in chambers and gets an interim order giving her custody of the children. In Edmonton the woman can't do the same thing. She has to first go through this other step. It's unequal treatment. I would have the same problem, hon. member, if we were doing it in this Chamber, not delegating it to the cabinet but doing it in this Chamber and creating that kind of a law. We'd have the same difficulty.

For the member to say that we just leave it to Lieutenant Governor in Council suggests that they have some wisdom that we don't have here. Now, I don't know how many members are prepared to go back to their constituents and say, "You know, you're going to have to jump over another hurdle, but nobody else in Alberta has to do it, just you in your community." Aren't people going to ask why? It seems to me that there must be some other explanation. It may be that I'm posing my difficulty inelegantly or imprecisely, but I still haven't heard an explanation in terms of how we can have two sets of rules in the same province. They're all paying taxes to the same government. They're all represented, hopefully, in the same Legislative Assembly, but some have got certain rights and responsibilities and in other parts of the province they don't.

The other thing would be for the member to say: "Wouldn't we be further ahead, then, to address this after the pilot project is complete. Wouldn't that be the logical thing to do?" I appreciate the member before had adjourned debate on this because he wanted more input and so on. My suggestion would be – the pilot project is going on. Why don't we put this on the shelf until after the pilot project report is finished? Then if we're going to address this, we're talking about the same rights, the same responsibilities whether you live in downtown Calgary or downtown Edmonton or Slave Lake or High River or any place else. That to me makes sense. In saying that, I stress again that I see much value in a prescreening process. So I don't want to be seen to be opposed to what they do in Saskatchewan and what I think the member is trying to do here, but I just say that there's that problem with this form, this process.

Now, I had hoped that maybe in the intervening time the government was going to make some comment in terms of what they were going to do with the pilot project, but it's clear that when we're back today to deal with the detail of it, we're no further ahead in that respect. We're still dealing with disparate, unequal application of a public law, and I just see that as being very problematic.

I might just make one other observation. You know, I see that the Member for Calgary-Currie spoke to this the other day. I'd encourage the member: we're going to have to find a way of better describing this Bill, because there are people who spoke to this Bill at second reading who still think this Bill is about mediation and about ensuring that there's mediation in all divorce cases when clearly that's not the case. The member has said it belatedly in the committee stage, but I don't know when I've seen a Bill where there seems to be so much ambiguity in terms of just what's to be achieved. My concern is that a very solid idea, a very genuinely good initiative is getting lost and so on in a morass

of logistical problems and fear application problems.

Now, if the member has got another explanation for this inequality thing, I'd be happy to hear it. If not, then I'd go on and mention some of the other concerns I've got with the Bill.

I guess the other concern would be this idea of a prescribed home study. With respect, hon. member, through the Chair, when you talked about a home study before, I understood you to say that it's done by a social worker. Home studies are most often done by psychologists. You can have some home studies that are done by lawyers. I can think of a number of very difficult cases where I and the opposing lawyer would get a particular kind of specialist to do a home study. Sometimes it might be a child psychiatrist. I mean, it could be a host of different kinds of people doing the report, so it's not just a social worker, never has been just a social worker, wouldn't continue just to be a social worker.

I guess the other concern is that a home study can take whatever form the two parties decide it should take, whatever form the two lawyers agree it should take, whatever form the judge may order, because the judge has the power to order an expert assessment. So it would seem to me, Mr. Chairman, that that becomes a problem as well. I don't think you can sort of prescribe a home study. These things are often 30 pages long. They may be narrow; they may be broad in scope, depending on whether we're talking about an allegation of sexual abuse, if we're talking about an allegation of an unfit parent, or frankly two very decent, capable parents and there's just some issue in terms of where the child has best bonded and where the child can best be raised. So that's another concern I've got. I'd hoped that in the amendments the member would consider doing something further, and I see that's not the case.

It seems to me, if I can make this general observation, that we started off with what was in Saskatchewan a very simple idea, and it said: we want to make sure that before people get too far down the road of custody/access litigation, they have their eyes opened to what the alternative ways are to try and resolve their problem, and if there's a more effective way that allows a father and a mother to author a nondestructive solution for their children, why wouldn't we encourage that, promote it, advantage it every way we could? That's a good idea, and I suspect that there's nobody in the House that disagrees with it.

Our problem is that I think because we sort of want to present this as something more than it is, we've gotten into a Bill which members in the House don't understand. We've built in a bunch of other requirements and elements that really are inconsistent with the main theme of the Bill. You know, as Parliamentary Counsel well knows from his experience in the courts and from his legal training, what we're trying to do is simplify the process, make it more efficient, make it fair, make it more productive. My concern here is that we're really going in the wrong direction. So I certainly support the principle, but I've got some real difficulty with the way it's being applied here.

**5:20**

I do want to give the member credit. He's obviously, at least in some of the specific things – and I'd say this to the Member for Lac La Biche-St. Paul and any other member in the Assembly. The member has tried to take some of these issues and concerns and work them into his amendment package. He deserves credit for listening, but we still have, member, these other problems I've mentioned.

I think the other concern with the amendments would be that – if we look at amendment E, this would strike out section 6(2).

This effectively removes the ability of a court, when adjourning an application due to a need for counseling, to order the other party to pay for the cost of that counseling. It seems to me that that's somewhat counterproductive.

I'm looking at amendment E. I'm sorry, Mr. Chairman. If you just bear with me, I've got more pieces of paper on my desk here than I seem able to manage. It's the provision that deals with section 6(2), which is coming out. I'm wondering if the member can explain why that decision was made, because I didn't hear him touch on that in his initial comments, in his introductory comments. There may be something there that I'd missed, but I hope to get an answer to that as well.

The other thing would be in terms of fees. This gets back again to the inequality issue, and it seems to me that we could spend a considerable time talking about it. So what I'd propose to do at this time, Mr. Chairman, is move that we adjourn debate on Bill 203.

THE CHAIRMAN: The hon. Member for Calgary-Buffalo has moved that we now adjourn debate on Bill 203. All those in favour of this motion, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Opposed, please say no. Carried.

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

[Motion carried]

[Mr. Clegg in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration a certain Bill. The committee reports progress on Bill 203. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE ACTING SPEAKER: Thank you, hon. member. All those in favour of the report, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any? Carried.

[The Assembly adjourned at 5:27 p.m.]

