

Legislative Assembly of Alberta

Title: Thursday, April 18, 1996

1:30 p.m.

Date: 96/04/18

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

O Lord, grant us a daily awareness of the precious gift of life which You have given us.

As Members of this Legislative Assembly we dedicate our lives anew to the service of our province and our country.

Amen.

Please be seated.

head: **Presenting Petitions**

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I beg your leave this afternoon to introduce a petition signed by 2,440 residents of Edmonton, Sherwood Park, and the Edmonton region urging

the Legislative Assembly to urge the Government to introduce legislation to halt the grizzly bear "harvest" in [the province of] Alberta.

head: **Notices of Motions**

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

MR. BRACKO: Thank you, Mr. Speaker. Pursuant to Standing Order 40 I will rise after question period today and seek unanimous consent to consider the following motion: "Be it resolved that this Assembly congratulate the St. Albert Saints on winning the Alberta junior hockey league championship."

head: **Introduction of Bills**

Bill 32

Alberta Heritage Savings Trust Fund Act

MR. DINNING: Mr. Speaker, I request leave to introduce Bill 32, the Alberta Heritage Savings Trust Fund Act. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

Mr. Speaker, this legislation follows up on an extensive review done by a committee of the government headed by the Member for Lethbridge-West and including a number of members from both sides of the Assembly. It once and for all lays out a set of new objectives for the heritage savings trust fund, and that is to maximize the long-term financial returns and to meet the short- and medium-term income needs of the province's fiscal plan. The mission of the fund is:

Prudent stewardship of the savings from [the province's] non-renewable resources by providing the greatest financial returns on those savings for current and future generations of Albertans.

[Leave granted; Bill 32 read a first time]

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

Bill 34

Municipal Government Amendment Act, 1996

MR. LANGEVIN: Thank you, Mr. Speaker. I request leave to

introduce Bill 34, which is the Municipal Government Amendment Act, 1996.

Since the new Municipal Government Act was proclaimed some 16 months ago, it has worked very well in most areas. However, as with all new legislation, we have received various requests for changes. After much consultation with the various stakeholders, we have decided to introduce the following amendments: an amendment related to the 20 percent phaseout of the education tax on machinery and equipment, a clarification of other assessments and taxation procedures, a limited change to the tax recovery procedures mainly dealing with contaminated sites, and also some clarification and housekeeping amendments. These amendments will provide a more workable, more efficient and effective Municipal Government Act for all Albertans.

[Leave granted; Bill 34 read a first time]

MR. DAY: Mr. Speaker, I'd move that Bill 34, as just introduced, be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. It gives me a great deal of pleasure today to table with the Legislature four copies of a letter of congratulations to Mr. Dan Kepley. Mr. Kepley is being congratulated on his induction into the Canadian Football League's Hall of Fame.

MR. JONSON: Mr. Speaker, I wish to table with the Assembly today five copies of the written response sent to the Member for Edmonton-Centre regarding the question he asked in question period on March 13. The response was sent to the hon. member this past Monday.

In addition, Mr. Speaker, I'd like table five copies of answers to questions arising during debate on estimates by the designated subcommittee of supply on Education on the dates of March 11, 13, and 18. All members of the designated subcommittee of supply and members who asked questions in the Assembly on March 18 have been provided with copies of this document also.

Thank you.

MRS. BLACK: Mr. Speaker, further to questions raised in the House on April 2, 1996, by the Member for Calgary-West, I wish to table five copies of the summary of the government contracts with Thompson MacDonald Strategic Communication Consultants Ltd. over the period of 1988-89 to 1995-96. The document clearly demonstrates that Mr. MacDonald's work for government was completely unrelated to Solv-Ex Corporation.

MR. DAY: Mr. Speaker, as committed yesterday, on behalf of the Minister of Health I'm tabling responses to questions posed yesterday by the MLA for Highwood related to air ambulance dispatch.

- all decisions to request an air ambulance are made by physicians . . .
- The current protocols allow dispatchers to utilize their provincial perspective to coordinate and order air ambulance teams . . .

- The Neo-natal and Pediatric Care Unit provides advice and co-ordinates with the physicians.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. In keeping with this government's openness and accountability, it gives me a great deal of pleasure today to file with the Assembly four copies of the 1995 state of the environment report on waste management. If the members wish to pick up any additional copies, they're available at my office.

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

MRS. GORDON: Thank you, Mr. Speaker. In keeping with my promise, I wish to table before this Assembly six copies of the native gaming report.

THE SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you, Mr. Speaker. I'd like to table with this House a letter congratulating the St. Albert Saints for winning the Alberta junior hockey league title last night. The Holy Men, as they're dubbed by the local fans, defeated the Fort McMurray Oil Barons in the seven-game series. It's their first title since 1981-82. Congratulations should go to Dale Donaldson of the Saints, who was named the most valuable player. The Holy Men have demonstrated their winning spirit and are worthy ambassadors of our province. We certainly wish them every success in the upcoming Doyle Cup against the Vernon Vipers.

Thank you.

DR. MASSEY: Mr. Speaker, with your permission, on behalf of the Member for Edmonton-Meadowlark I wish to table four copies of a summary of Bills and motions that the Alberta Liberal caucus has brought forward over the last few years to improve the employment standards code.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to table a document which was prepared by the Southern Alberta Heritage Language Association, the Northern Alberta Heritage Language Association, and citizens of Calgary and Edmonton who are concerned about a multicultural Alberta. It appears in today's *Calgary Herald* on page B11. It's called "Remember When," and it talks about Bill 24 and some of the difficulties that the community is having with that Bill and the abolition of the Alberta Multiculturalism Act.

Thank you, Mr. Speaker.

head: Introduction of Guests

1:40

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

MR. PASZKOWSKI: Thank you, Mr. Speaker. It's my pleasure and honour to introduce seven students and four adults from the Rosedale Christian school in the Grande Prairie-Smoky constituency. I had the opportunity of visiting this school and had the opportunity of chatting with the students when I was there, and I was extremely impressed with the calibre of questions that were asked by these students as well as the decorum in the facility. So

we'd like to welcome all of the members who are in attendance today, and on behalf of all I'd like to ask them to rise and receive the usual warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. It gives me a great deal of pleasure this afternoon to advise the Assembly that there are a total of 90 people here from Fort McMurray today, consisting of 56 students and the rest in parent chaperons and teachers, that have gotten up at 6 o'clock in the morning to drive down to be here in time for the Legislative Assembly today. I would like in this first half of the introduction, Mr. Speaker, if you'll permit me, to introduce formally to the Assembly the teachers who are in the Assembly now: Mrs. Carol Marcellus, Ms Kathryn Scheurwater, and Mrs. Mieke Kampala. They, together with the first half of the children, are in both the galleries this afternoon, and I would be grateful if the guests that are here from Fort McMurray would now rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. It gives me a great deal of pleasure today to introduce to you and to members of the Assembly some 18 grade 12 students, four parents, and their teacher Mr. Darren Brick from St. Matt's high school in Rocky Mountain House. St. Matt's graduated their first class of grade 12 students last year, so this is an up-and-coming high school. I can let the Speaker and the Assembly know that because of the environment and the accomplishments of this school it is now busting at the seams. They are situated in the public gallery, and I would ask them to rise, the 18 students and parents Mr. Baich, Mr. Kleinscroth, Mrs. Kerklaan, and Mr. Chapchuk, and receive the warm welcome of the Assembly.

head: Ministerial Statements

THE SPEAKER: The hon. Minister of Community Development.

80th Anniversary of Women's Suffrage

MR. MAR: Thank you, Mr. Speaker. Tomorrow it will be 80 years since Alberta passed the equal suffrage Act. That Act was proclaimed in force on April 19, 1916, and on that day most women won the right to vote in all Alberta-based elections. Unfortunately, even this hard-fought change did not allow women or, for that matter, men of certain racial minorities the right to vote. However, this should not take away from the importance of Alberta's equal suffrage Bill.

Christabel Pankhurst, the famous British suffragette, once said that the vote is a symbol of freedom and equality and that any class which is denied the vote is branded as an inferior class. Christabel Pankhurst went on to say that it is hopeless to expect reform until women are politically enfranchised.

Mr. Speaker, in this province we have seen that reform. Emily Murphy was the first female magistrate in the British Empire when she was appointed to the Women's Court in Edmonton. That was in 1916. Louise McKinney and Roberta McAdams were the first women elected in the Alberta Legislature in 1917 and the first women elected to a political Assembly in the British Empire. Irene Parlby and Nellie McClung in 1921 were elected to this Alberta Legislature. Later Irene Parlby was the first women to

serve as a cabinet minister. Thanks to the determination of Alberta's Famous Five, women were legally declared persons in October of 1929. One year later Canada appointed its first woman Senator.

Their achievements, Mr. Speaker, are inspiring but no more inspiring than the accomplishments of all women who have advanced and redefined their roles. Women are making and will continue to make a difference. Christabel Pankhurst saw political enfranchisement as the beginning of reform for women. We have seen 80 years of advancement, but change is an ongoing process. I urge women to continue to make their voices heard in government. I encourage women to become involved in the democratic process by putting their names forward for political positions at all levels or by supporting a candidate who represents their values and beliefs. The vote is a symbol of freedom and equality. Through the vote women can exercise their freedom to achieve equality.

Thank you.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I'm pleased today to respond to the minister's statement regarding the 80th anniversary of the equal suffrage Bill. This Bill gave women the right to vote in all Alberta-based elections. Our province at that time was one of the first to recognize women with the right to vote, and we commend and acknowledge the significance of this fair and just action.

Contrast this with the present government's recognition of women's roles, and one must truly wonder if we have come any further at all. It is fitting to remember on this momentous occasion how women have been affected by the policies undertaken by this government. Cuts to health care, education, and social services are all areas that have disproportionately had a negative impact on women. To reinforce the government's lack of understanding about the needs of Alberta women, we recently saw them bring about the premature death of the Alberta Advisory Council on Women's Issues, that had contributed so many positive recommendations.

Any time that our heroines the Famous Five are mentioned in this House, we are delighted: Nellie McClung, Emily Murphy, Irene Parlby, Henrietta Edwards, Louise McKinney. I wonder what they would think about this government, who places such little value on the contribution and accomplishments that women of Alberta make each and every day. Mr. Speaker, isn't it a pity that in this day and age in Alberta we need a women's issues critic, but regrettably it's needed now more than ever.

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

MS CARLSON: Mr. Speaker, it has become painfully clear that health authority budgets across this province are inadequate. Several health authorities, including Calgary and Edmonton, are now predicting deficits amounting to millions of dollars with more bed closures and staff layoffs to come. Monday there was money. Wednesday there wasn't, because the Premier said he was afraid to set a precedent. Precisely what precedent was the Premier afraid to set?

MR. KLEIN: Mr. Speaker, what we want is a detailed and full

examination of what the problem is relative to the operations of the Capital regional health authority. What I've said is that we're simply not going to throw money at a situation for the sake of throwing money at it. We want to know why this authority is having such difficulty in light of increased funding of some \$13 million over last year.

Now, I indicated in the Legislature yesterday, Mr. Speaker, that we will be meeting with all involved. The meeting will involve people from Treasury, from the Department of Health, from the regional health authority, medical staff; it will include myself. We'll try to get to the bottom of this situation and find solutions that hopefully can help the Capital regional health authority through their problems.

MS CARLSON: Mr. Speaker, why is it that the Premier will not acknowledge now that his unplanned cuts have cost Albertans millions of dollars and put them at risk and will cost all of us more in the long run?

MR. KLEIN: Mr. Speaker, I will make no such admission, because what the member says is not true. Yes, there are some problems. Some of those problems have already been identified. The demographics in Edmonton are much different than they are in Calgary, as they are in Cardston or Fort McMurray, and each regional health authority has to be dealt with differently because they are dealing with different problems.

Mr. Speaker, there are some health authorities that are getting along just fine, thank you. They have no problems whatsoever. There are literally dozens and dozens of very good examples of how regional health authorities have risen to the challenge. One happens to be in the constituency of Fort McMurray, and I'd like to just pass that on because it's a good example of what happens when good-thinking people put their minds to the challenge of finding better and more effective and more efficient ways of doing things.

Mr. Speaker, the hon. Member for Fort McMurray was in attendance at the opening of a long-term care centre that 12 years ago was proposed to be a stand-alone facility with its separate board. In other words, it was a matter of turf at that particular time. Finally they came to the realization that there was a perfectly good wing of the hospital, an empty floor, that they could utilize and provide that homelike setting at far less cost. These are the kinds of the things that we need to explore: finding those efficiencies and more effective ways of doing things.

1:50

MS CARLSON: Mr. Premier, funds are needed now. Why don't you make them available instead of waiting till the next election?

MR. KLEIN: Mr. Speaker, I want to know what the problem is, and perhaps we can work with the Capital regional health authority to find ways of creating efficiencies and saving dollars rather than taking the easy way out. That's the way the Liberals like to take, simply shoveling money at it, even if they have to borrow that money.

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

Capital Health Authority

MR. SAPERS: Thanks, Mr. Speaker. The problem is that the Premier didn't give the regions enough money, and now here we go again, another round of who will the Premier blame today for

his mistakes. Now it's the members of the Capital health authority that the Premier is blaming for the cash shortage that's facing health care in this city and in this region. Is the Premier saying, for example, that it's authority member Paul Boothe, a University of Alberta economist and an adviser to the Provincial Treasurer, who is to blame because he can't budget?

MR. KLEIN: Mr. Speaker, we aren't blaming anyone. What we're saying here is that we want to work with the health authorities. We'll work with any regional health authority that is experiencing problems. Obviously, certainly through the media it has been indicated that the Capital regional authority is experiencing some problems. I phoned Dr. Greenwood yesterday and indicated to him that we would set up a meeting as quickly as possible to bring all the parties together and work through this thing.

MR. SAPERS: Mr. Premier, maybe it's another one of your . . .

THE SPEAKER: No. Supplemental question, hon. member.

MR. SAPERS: Will the Premier admit that it's his drastic cuts which are the problem and not the authority members?

MR. KLEIN: Well, that's an opinion. That hasn't been expressed to me personally. Let's get all these things on the table, Mr. Speaker, and find out where the problem lies and how we go about solving it.

MR. SAPERS: It's too late for that. He's already passed the blame.

Why can't the Premier simply acknowledge in the Legislature the facts that everybody outside the Legislature knows, that it's not enough funding, that the funding cuts are his fault? Why won't he just commit adequate funds to the Capital health authority?

MR. KLEIN: Yes, I will admit one thing. The funding cuts were not the fault but certainly the funding cuts were brought about by the deliberate decisions of this government not only in health but in virtually every area of government. Mr. Speaker, these people over there can't get it through their heads that we were spending \$3.4 billion more than we earned, and we had to get that deficit under control.

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

Calgary Regional Health Authority

MR. DICKSON: Mr. Speaker, thank you. The Premier has said that the Calgary regional health authority is in good shape, yet 750,000 Calgarians have witnessed two hospitals close, the pending closure of a third hospital, a reduced level of home care, cancellation of surgeries, and reduced physiotherapy. All of these cuts have been in accordance with the Premier's plan to restructure health care, yet many people still can't get the medical services they need when they need them. My question would be to the hon. Premier. What responsibility does this Premier take in that even after doing everything they've been told, the Calgary regional health authority is still projecting a \$2 million deficit?

MR. KLEIN: Mr. Speaker, what I have said is that the Calgary regional health authority doesn't seem to be experiencing the same

kind of problems to the same degree of severity as the Capital regional health authority here in the city of Edmonton.

Yes, the member's absolutely right. The Calgary regional health authority has taken the very tough decisions in terms of rationalizing health care in that city to close down the Grace hospital – that is, the old Grace hospital – which, by the way, is functioning very, very well at the Foothills hospital and people there are happy. They don't talk about, you know, the good things that are happening.

Yes, the Calgary regional health authority closed down the Holy Cross hospital. That was a sad day for a lot of people, and they are examining ways in which that hospital might be used again in perhaps a different way. Yes, they have made the very tough decision to close down Bow Valley centre, the old Calgary General hospital. Why is that being done? There was an excess of beds, and what they are now doing is they are opening up beds that have never been used before at the Foothills, at the Rockyview, and at the Lougheed, Mr. Speaker. That's all called rationalization.

MR. DICKSON: Well, let's get back to the \$2 million projected deficit. In view of that \$2 million deficit does the Premier plan on laying the blame on the appointed members of the Calgary board, or will he accept responsibility for a plan that simply has been bad from the start?

MR. KLEIN: Mr. Speaker, if the Calgary regional health authority indicates to the Minister of Health or to myself that they're facing insurmountable problems and they can't work their way through these things, then we would sit down with them, just like we're willing to sit down with the Capital regional health authority, and see if we can work these things through.

MR. DICKSON: Well, since the Premier's much lauded 90-day miracle plan to save health care has been dead and dormant for almost five months, since it obviously hasn't worked, does the Premier have another plan, and when will Calgarians see it?

MR. KLEIN: Mr. Speaker, most of the plan has been carried out. The regional health authorities have risen to the challenge. Yes, there are some experiencing problems, the most notable being the Capital regional health authority. The challenge now and the job of the government is to monitor and evaluate the impact of the changes that have taken place, and that's precisely what this meeting is all about with the Capital regional health authority. Obviously there's a snag there someplace. We haven't been able to put our thumb on it. It simply isn't a matter of throwing more money at it. We want to do a detailed examination. That is all part of the evaluation and the examination that I talked about.

THE SPEAKER: The hon. Member for Peace River.

Disposal of Capital Assets

MR. FRIEDEL: Thank you, Mr. Speaker. These questions are addressed to the hon. Provincial Treasurer. About two years ago a policy was adopted which requires ministries to write down as an operating loss the value of any capital assets which a department sells for less than fair market value. The intent of this practice is good in that it discourages indiscriminate disposal of such assets. Inadvertently, however, it has also made it difficult to transfer assets between departments or wholly funded government agencies because the owner department is often reluctant to

show the book loss in its accounts. To the Provincial Treasurer: would it be possible to change the accounting process to allow for interdepartment or interagency transfers to be handled in a special manner, perhaps as we now handle budget consolidation adjustments, to encourage the best use of assets by whichever department or agency might be most appropriate?

MR. DINNING: Mr. Speaker, the answer to the hon. member's question is yes. In fact, in the '95-96 public accounts that will be published in June and September, the government is going to report the write-downs of capital assets below the net revenue and net expense lines and net it with the cost of disposal such that the province's net revenue and surplus will be neutral to the write-downs.

2:00

MR. FRIEDEL: Considering all the discussion on this matter to date, I wonder if the Provincial Treasurer could tell us when we might expect to see full costing procedures in estimates and public accounts so as to discourage the departments from holding onto assets which they cannot justify owning or occupying. In light of the answer to the first question, is that part of the same process?

MR. DINNING: Mr. Speaker, full costing information for the overall government will be in the public accounts for the first time in June, when the '95-96 statements are released. The member knows that in Agenda '96, the budget that we presented, the ministry consolidated statements included a number of significant strides toward full costing at the ministry level. Since expenses include amortization of capital assets, the expenses for things like processing of accounts payable and payroll transactions are now reflected by all ministries rather than by Treasury. The same is true in transportation. The same is true through the Public Affairs Bureau. Those costs are now being allocated to the departments to show the real costs of the services that are delivered by a specific ministry rather than laying off the costs and hiding them in one particular area of government, whether it's public works or the Public Affairs Bureau.

MR. FRIEDEL: Sort of following the line of the last question, I'm wondering if the Provincial Treasurer could advise us whether it would be possible to adopt in this full costing policy something that would encourage ministries to actively pursue interdepartmental operational ventures even beyond capital ventures as well as more private-sector subcontracting services.

MR. DINNING: Mr. Speaker, by including amortization as a ministry expense, we've taken a big first step to encourage ministries to look at those possibilities now and in the future. Specific actions taken as a result will be evident in future ministry business plans.

Mr. Speaker, the very reason why we've gone to the consolidated form of budgeting that we have – virtually everything within government is now contained within a ministry and within a ministry income statement which shows both the expenses and the income, so the true cost of delivering services within a government ministry are reflected in that ministry's income and revenue statement. Rather than being found in one particular area of government that's got a central responsibility, those costs are now shown in the cost of delivering that service on a ministry-by-ministry basis.

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

Gambling on Native Reserves

MR. WICKMAN: Thank you. Mr. Speaker, I accept the release of what I refer to as the Gordon report as a starting point for further negotiations with the First Nations and other key stakeholders. It is a good starting point, and there are some good issues, some good recommendations that are in the report. However, there are some flaws. The report states on the bottom of page 7:

A Band Council Resolution recognizing a native group and supporting its community program is an alternative to registration under the Societies Act.

To the minister responsible for lotteries: does this mean that this government is now recognizing that band councils should have the right to some form of self-determination?

DR. WEST: Mr. Speaker, I guess without further discussion the answer is no, not out of the context of formal discussions that we've already had.

MR. KLEIN: Mr. Speaker, the question is an exceptionally good one because I think it's fundamental to the issue; that is, the whole issue of the inherent right to self-government and whether Indian nations are in fact a government. I'll have to admit that we have taken some steps as a government, notwithstanding the failure of Meech, to achieve this inherent right to self-government. We have memoranda of understanding with various First Nations and treaty areas saying that we will deal with these nations government to government. So it's going to be an interesting point that perhaps will be argued down the road.

MR. WICKMAN: Mr. Speaker, my second question, again to the minister responsible for lotteries. The Premier's welcome to supplement of course. Will there be a process to allow native bands to determine which four get these nonprofit casinos?

DR. WEST: Most certainly, Mr. Speaker. We met with quite a few of the chiefs of First Nations here at 12 o'clock, before we met with the media and before the report was tabled here. We told them that over the next six weeks there's going to be ample time for discussion. We would like to have a policy decision by the end of June, but during that consultation period we will discuss how they are going to internalize the discussion among First Nations themselves to determine where charitable casinos would be situated in the province of Alberta. The answer to your question is yes, but there's going to need to be good stakeholder consultation with First Nations.

MR. WICKMAN: Mr. Speaker, my last question, again to the minister responsible for lotteries: did the minister consider the option of maintaining a level playing field by eliminating VLTs throughout the province rather than creating another 200 slot machines in these nonprofit casinos?

DR. WEST: Mr. Speaker, that question is totally redundant as it applies to the native gaming report, a good report that's just been put out for consultation with the stakeholders.

I find that that's the old tune being played over here. They had a Bill before the Assembly. The Leader of the Official Opposition brought it forward, and it was defeated in this Assembly. They still continue to beat on that area, and I'm afraid to say that I can't answer that in the context of native gambling.

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

Public Safety

MRS. LAING: Thank you, Mr. Speaker. Although we've heard recently that crime and violent crime has decreased in our province, Albertans remain concerned about their safety. My questions today are to the Minister of Justice. Would the minister please inform this Assembly as to what steps are being taken to improve crime prevention and provide assurance to Albertans that they and their families can live in safety?

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

MR. EVANS: Thank you, Mr. Speaker. First of all, it is becoming safer to live in the province of Alberta, notwithstanding some of the reports that we see on television, hear on the radio, and read in the print media. The statistics indicate that actually all types of crime, in particular serious and violent crime, are going down in the province. Notwithstanding that, we are working with the police services around this province to try to make things better. I think that the successes to date are because the police forces in the province have been very effective in dealing with criminal activity, and we've brought the communities into this picture as well. Community involvement breeds more awareness of what is going on.

What we did today in Red Deer was sign a notification protocol, which is one way that we can improve on the system. This is part of an overall strategy on serious and violent crime. Now, that protocol was signed by the police services in the province: municipal police forces, the RCMP, Corrections Canada, and the province of Alberta through the Department of Justice. It provides that we will delegate responsibility to notify when high-risk, serious offenders are being released from custody and notify the communities that are involved. We are delegating that responsibility, as is appropriate in the Freedom of Information and Protection of Privacy Act, to the police forces because we believe they are the best capable of dealing with this.

We are also going to set up a provincewide what we call SHOWCAP program that deals with serious habitual and significant-harm offenders. We want to be sure that information that is available on these individuals is passed on so that we can have effective investigation, we can have effective criminal proceedings, and deal with these individuals effectively to improve the safety of the public.

Finally, just as a third, I'd like to talk about the flagging of significant-risk offenders that began in this province last year. That's on the national police information service, CPIC. That, again, allows us to track individuals who can be of significant harm to the community.

2:10

THE SPEAKER: Supplemental question.

MRS. LAING: Thank you, Mr. Speaker. Again to the Minister of Justice. As recently as this morning there was a strategy announced, and I had a bit of concern with this because I noticed that domestic assault is included as a category 2 offence. Does this mean that this is regarded now as a lesser crime and that the offender who commits a domestic assault would be diverted from the formal justice process?

MRS. ABDURAHMAN: That's a good question.

MR. EVANS: No, Mr. Speaker. I heard from across the way that this was a good question, and indeed it is.

We wanted to be very clear in creating these three categories of offences that domestic violence was not going to be subject to alternative measures. In other words, all cases of domestic violence will go through the normal court process. It is extremely important that we get that message out, and therefore it's been excluded from those category 2 offences that could be subject to alternative measures.

What we are saying, though, is that as part of the court process, rather than incarceration for an individual who has been convicted, there may be ways of dealing with that individual effectively through anger management programs, through various probationary processes, again given the specific circumstances. We do not under this new agreement and this new strategy have a one-size-fits-all mentality. We have to be very case specific and very conscious of the real threat to families in this province if we allow domestic violence to go on unabated.

THE SPEAKER: Final supplemental.

MRS. LAING: Thank you, Mr. Speaker. I'm relieved to hear that.

As my final supplemental I'd like to ask the same minister to tell the Assembly how offenders are dealt with when they are diverted from the formal court process and are referred to an alternative measures program.

THE SPEAKER: The hon. minister.

MR. EVANS: Thank you, Mr. Speaker. Under alternative measures one of the primary criteria is that this would be a first-time offender or have a great deal of time between the first and second offences in limited circumstances. The diversion out of the normal court process would have an individual moved out of the court process and be given a number of responsibilities that are very much focused on victim restitution but, as well as victim restitution, paying back a debt that is owed to society. Recognizing that that individual doesn't challenge that he or she is guilty, community service programs, again anger management, and a number of those other kinds of programs are available.

Again I should be clear that when I say "anger management," that's in the broader context, because anyone who's guilty of a violent offence won't be subject to these alternative measures. However, we do want to recognize the case studies that show that for the lesser crimes it's much more productive to move people back into the communities and have them pay back their debt there than to have them sitting in jail over a period of time. It's a great place to learn criminal activity.

Seniors' Programs

MR. BENIUK: Mr. Speaker, sight and hearing are important in order to function on a daily basis, and as one grows older, these senses deteriorate. Hearing not only provides knowledge of what is going on around a person; it also is required for maintaining balance. Under the Alberta Aids to Daily Living program a senior citizen is able to obtain a subsidy to help cover the cost of one hearing aid every five years, but if a second is also required, the senior must bear the full cost of between \$1,000 and \$1,400. To the minister responsible for seniors: given that on the 1st of

January 1995 the government deregulated lodge rates, what is the current percentage of a senior's income that goes towards rental accommodation or room and board?

MR. MAR: Mr. Speaker, I can certainly look into the question of the percentage that an average senior spends on accommodation rates, but I can advise the member – and I'm certain he knows this – that in the budget for this year it was announced that there would be no further increases in long-term accommodation rates for the 1996-97 year and that the average monthly accommodation rates in the province of Alberta are the lowest in the country. Just as a brief survey of some of the provinces across Canada of monthly accommodation rates: Nova Scotia \$3,149, Newfoundland \$1,510, P.E.I. \$2,008, the province of Ontario \$1,475. In the province of Alberta it's \$811, the lowest in the country.

MR. BENIUK: Mr. Speaker, the minister actually responded to part of my second question, but I believe I have to raise something from my second question which has a bearing on my third. The single senior receives \$394.76 for old age security and up to \$467.13 for guaranteed income supplement bringing it to a total of \$861.89. Now, the minister has already said that the rate is \$811, so I'll just go on to my third question.

As a preventive measure in reducing falls and injuries that can lead to more costly hospitalization and loss of independence, would the minister recommend extending coverage of even part of the cost of a second hearing aid, given that seniors are on a very limited income, as he has just acknowledged?

MR. MAR: Well, Mr. Speaker, certainly we do want seniors to lead independent lives, and to the extent that we can provide assistance to them with programs like Aids to Daily Living or through the Alberta seniors' benefit program, we're certainly happy to do so.

With respect to a survey of overall seniors' programs across Canada, certainly the Alberta seniors' benefit program sets out assistance for those people who are at the lowest end of the income scale to give them assistance above and beyond their old age security and their guaranteed income supplements. So there is further flexibility even for those persons who are residents in lodges. I guess I'd also point out, Mr. Speaker, that the province of Alberta through the ASB program provides assistance to about 150,000 seniors. It's a model that's being followed by even the federal government.

With respect to Aids to Daily Living, eyeglasses and dental costs, we're the only province in Canada that I'm aware of that provides assistance for those sorts of things. I'll certainly take the question of the Aids to Daily Living program on notice for the Minister of Health.

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

Workers' Compensation Appeals

MR. HERARD: Thank you, Mr. Speaker. Yesterday the Minister of Labour tabled a document outlining the steps taken to date to implement recommended improvements to the operation of the Appeals Commission under the WCB Act. I understand that these recommendations came from an operational review of the Appeals Commission that was done about a year ago. So my question to the Minister of Labour is: who asked for this operational review, why, and what was to be accomplished?

MR. DAY: Well, Mr. Speaker, initially I think we can safely say that people of Alberta, constituents and injured workers, asked for the review and have been for a number of years. I think the WCB, it's fair to say, has been reviewed a number of different times over the years. This is a review of the Appeals Commission. I commissioned it. I requested it and, in consultation with the Appeals Commission, its chairman, and its commissioners, suggested that an independent review from somebody outside of the Appeals Commission would be appropriate. They agreed with that, and the review took place. So it was at my request and then in co-operation with the members of the commission itself.

THE SPEAKER: Supplemental question.

MR. HERARD: Yes. Thank you, Mr. Speaker. The backlog of appeals and operational methodologies have been problems to my constituents. Has the commission done anything at all to address these issues?

MR. DAY: Well there were some recommendations, Mr. Speaker, related to the backlog. That's been one of the ongoing concerns that has been expressed to me by the Member for Calgary-Egmont and of course other members. There were some recommendations in that report that was tabled yesterday. Some of those recommendations have already been acted on, and there's already been identified for this year an 11 percent reduction in terms of that backlog. So the recommendations went forward and have already been acted on.

THE SPEAKER: Final supplemental.

MR. HERARD: Thank you. To the same minister: did the report recommend changes to the way that appeals commissioners are appointed, and if so, what has the commission or the minister done in this regard?

2:20

MR. DAY: There were recommendations, Mr. Speaker, related to membership on the Appeals Commission itself. The recommendations were that it should be an open process, that it should be advertised, and that a panel would be put together of people representing the business community, the labour community, and the public at large. All of that was followed through with in one of the latest rounds of appointments to the commission, and I received favourable response back from those stakeholders – the business community, the public at large, and the labour representatives on that particular review panel – that this is now an open, advertised, and accountable process.

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

Regional Health Authorities

MRS. ABDURAHMAN: Thank you, Mr. Speaker. The Capital health authority approached the provincial health care commission requesting that Sherwood Park become part of the Capital health region. This proposal has created serious division, fear, and anxiety in all areas of the Lakeland regional health authority. It has resulted in one community being pitted against another community, neighbour against neighbour. In other words, divide and conquer. My questions are to the Premier. Before any decisions are made, will you commit to full disclosure and share

with the residents of Strathcona county and the city of Fort Saskatchewan all relevant information relating to this proposal, Mr. Premier?

MR. KLEIN: Well, Mr. Speaker, no changes to the boundaries of any regional health authority can take place without the consent of Executive Council. Those authorities were established through order in council, and in order for any changes to take place, that must come through Executive Council. I'll undertake now, if it will satisfy the member, that before any of these changes take place, there will be a full examination and full consultation with all parties involved. I haven't had the opportunity to speak with the Minister of Health regarding this matter, but as far as I know, there has been no formal proposal presented to government.

MRS. ABDURAHMAN: Mr. Speaker, I'd like to ask my further question to the Premier. Is this how regionalization is supposed to work, having regions vying for each other's resources due to the cutbacks and deficits in their own areas? Is this what it's all about, and is this how redistribution's going to take place?

MR. KLEIN: No.

MRS. ABDURAHMAN: Mr. Speaker, the Premier has made it clear that Executive Council will make the final decision, so I'd like to go back to my first question. Will you share all information with the residents of Strathcona county, the city of Fort Saskatchewan, and all other parts of the Lakeland regional health authority? Will you share that information and ensure that it will be shared?

MR. KLEIN: Well, I have no problem sharing the information insofar as it is the government's responsibility to share that information. I would think that the initial information should be shared by the Capital regional health authority. Mr. Speaker, as I say, no formal proposal has been submitted to the government. I guess that once we get that information or if we get that information, then I see no problem in sharing it with the residents of the county of Strathcona and city of Fort Saskatchewan.

You know, certainly I've heard rumblings. There are many people in Sherwood Park, for instance, who consider themselves from time to time to be part of Edmonton. [interjections] Well, when it's convenient. [interjections] Okay; I take that back. It's only when they're out of the country. Right? When someone asks them where they come from, they say, "Edmonton."

MRS. ABDURAHMAN: I don't think so.

MR. KLEIN: Oh, come on, Muriel. They do. Right.

Certainly for all intents and purposes the people of Sherwood Park – and there's no doubt about it. I don't think that they go to Fort Saskatchewan for most of their health care. No.

MRS. ABDURAHMAN: Strathcona county residents.

MR. KLEIN: Strathcona county. But, Mr. Speaker, I don't think that the people of Sherwood Park go to Fort Saskatchewan for their medical treatment. I would imagine that most of them would utilize the services of the Grey Nuns hospital and the hospitals in the city of Edmonton. Is that not correct?

Gambling on Native Reserves

(continued)

MRS. BURGNER: Thank you, Mr. Speaker. My constituents have continued to express concerns regarding the gambling in the province of Alberta, and they are very concerned about the Vegas-style casinos that are being considered by this province. The Lotteries Review Committee indicated that out of 18,500 responses from Alberta a full 89 percent were opposed to these Vegas-style casinos. The committee on native gambling has had the issue of native gaming under review for some time, and one aspect does include these casinos. Could the chairman of this committee on native gambling indicate what recommendations her committee has put forward on this very sensitive issue?

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

MRS. GORDON: Thank you, Mr. Speaker. The committee that studied native gaming released a report today. That report and subsequent recommendations were predicated on four guiding principles: to ensure consistency of all gaming operations, regulation and enforcement must remain the responsibility of the province; all native gaming issues should be on an equal or level playing field with the same rules, regulations, and legislation as other charitable gaming initiatives; enforcement remains a provincial responsibility; and all casinos in Alberta, including First Nations, must be government regulated and retain their nonprofit, charitable status.

THE SPEAKER: Supplemental question.

MRS. BURGNER: Thank you, Mr. Speaker. This is important to Albertans. What is the process now that you have made these recommendations?

MRS. GORDON: Today at noon, Mr. Speaker, we met with First Nations chiefs. All 45 bands were extended an invitation. We discussed and they were briefed on the document. We will be consulting over the next six weeks with First Nations. They will be taking the report back to their individual bands, meeting with the leaders and their community, and we in turn will be meeting with them.

THE SPEAKER: Final supplemental.

MRS. BURGNER: Thank you, Mr. Speaker. As native Albertans have had a serious interest in this issue, could the chairman of the committee please identify what was discussed at the meeting today with the First Nations representation?

MRS. GORDON: We basically, Mr. Speaker, went through the entire report so they could become familiar with it. A number of questions were asked. Certainly as I indicated, as has the minister responsible for lotteries, we will over the next six weeks be meeting with them, consulting with them, and bringing back that input to government.

Child Welfare

MS HANSON: Mr. Speaker, it's truly amazing what a few short weeks can do to the government's perspective on the turmoil in child welfare. When we released the memo from the supervisors detailing the dangerous crises in the child welfare system, the

Minister of Family and Social Services and the Premier dismissed concerns as nothing more than self-interest and political posturing. Curiously and thankfully the minister has relented and directed a \$6 million infusion into the child welfare system. My questions are to the minister. Will the minister explain how this \$6 million figure was arrived at, exactly what it's based on, and where the money is coming from?

MR. CARDINAL: Mr. Speaker, it is very unfortunate that any children have to be in government care, because that is not what we support. But the situation is there, and it's a very sensitive situation and needs to be handled and dealt with accordingly.

As far as availability of spaces for children in Alberta, the review actually started in November. It didn't start last week or the week before. It's an ongoing review.

I also would like to advise the members here, because the issue was in the Edmonton region, that in the Edmonton region itself right now we fund about 39 agencies for a total of 16 and a half million dollars and provide close to a thousand spaces, Mr. Speaker. Since the review started by my executive committee in November, they identified that additional spaces may be required in Edmonton. It's not new dollars. It's additional dollars transferred within the budget that would provide another 152 spaces in Alberta if they are needed. Because Edmonton is a very sensitive and high-needs area, close to 50 percent of the dollars, or 77 spaces, will go to the Edmonton area.

2:30

AN HON. MEMBER: How many?

MR. CARDINAL: Seventy-seven spaces. That should look after the needs.

Now, Mr. Speaker, we realize that this will look after the short-term needs, but I've also said that the process that is in place now, as we reform the children's services, will allow the community at the local level to not only determine the short-term needs of these sensitive areas but also develop a long-range plan of what we may require down the road. I've always asked the Liberals, for three years now, for three years, to come up with some detailed, specific recommendations as to what we need. They haven't given me anything.

AN HON. MEMBER: Again?

MR. CARDINAL: Again. There's a . . .

THE SPEAKER: Order. Supplemental question.

MS HANSON: Mr. Speaker, will the minister now admit, now that the dollars are committed, that there is a crisis in child welfare?

MR. CARDINAL: Mr. Speaker, like I said earlier, I wish we had a society that did not have to have any children in government care.

I just returned from a meeting in Victoria, in fact just the other day. All social services ministers from all jurisdictions in Canada attended the meeting. There are Liberal governments too. Their situations, their problems are the same as ours in Alberta. We all agreed that we would work together to try and find not only short-term solutions but long-term solutions as to how we deal with children in Alberta.

Again, Mr. Speaker, I asked the Liberals about three years ago

to come up with a plan in assisting us as to how we design children's services. They did come up with a plan: six pages and one is a blank, three years of work. And they're questioning this government as to what we are doing with children's services.

MS HANSON: Mr. Speaker, my last question is to the minister again. Will the secure treatment beds that have been closed by the government now reopen as a result of the new funding?

MR. CARDINAL: Mr. Speaker, of course, like I said earlier, in Edmonton we're already funding close to a thousand spaces through various agencies, and we fund 16 and a half million dollars . . .

AN HON. MEMBER: How much?

MR. CARDINAL: Mr. Speaker, \$16.5 million to 39 agencies to fund close to a thousand spaces. Of course with this new budget, in Edmonton we are targeting at least 12 additional treatment foster homes, at least 12. Now, we will continue reviewing it on an ongoing basis to make sure that we do accommodate the needs out there.

Again, I stress the fact that I ask the Liberals: if you have detailed recommendations as to how to deal better, provide better services for children, please, please provide that information.

THE SPEAKER: The hon. Member for Sherwood Park.

Grizzly Bear Population

MR. COLLINGWOOD: Thank you, Mr. Speaker. Well, instead of talking about the gopher, I'd like to talk about a majestic animal that is clearly in danger. The grizzly bear appears on the blue list in the Alberta status of wildlife report, meaning it is a species at risk. These animals continually suffer from human encroachment and habitat loss, and the estimated current population is below the provincial population goal. The minister himself has indicated his department's concern over the provincial grizzly population. My question is to the Minister of Environmental Protection. In your management of grizzlies in Alberta, how can the minister be certain that the current population estimates are based on breeding populations, cub mortality, and available habitat rather than on repeated sightings of the same bears by increased numbers of people in bear country?

MR. LUND: Well, Mr. Speaker, I don't know where to start on an answer. He's obviously indicating that the fish and wildlife folks that are responsible for these counts don't know what they're doing, and I really do take offence to that. We have very dedicated and very well-educated and committed staff. When people stand up and make very ridiculous comments about their work, I really take offence to it.

Mr. Speaker, we are very concerned, and we want to make sure that in fact the grizzly, which is indeed a majestic animal, has a good population. It's absolutely true that there are areas where there's not the population that the habitat could possibly support, and in those kinds of areas we are doing what we can to make sure that in fact the population does increase. But to ever suggest that our staff is making horrendous mistakes in their counts – it is absolutely unbelievable for someone to sit in this House and make those kinds of accusations.

THE SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'll take the minister's answer as he doesn't have clue.

My supplementary question to the same minister: as hunting accounted for at least half of the grizzly bear deaths between 1990 and 1994, why doesn't the minister do the right thing and place a moratorium on the hunting of this animal until it is no longer at risk?

MR. LUND: Well, you know, isn't that interesting. At one time he's criticizing that our staff doesn't know what they're doing when they're counting live bears. Now all of a sudden some numbers have come from somewhere – I'm not sure where he got them – and they're supposed to be accurate.

Mr. Speaker, there are areas where we do not allow any harvest of grizzlies. As I said earlier, we monitor very closely, and we look at the areas on a very specific basis. So in fact we are trying to get a population in all of the areas that can support grizzly bears.

THE SPEAKER: The minister of agriculture wishes to supplement the answer.

MR. PASZKOWSKI: Mr. Speaker, I think it's important to note and recognize the efforts of the hon. Minister of Environmental Protection in that indeed a program to work with the grizzly bear has been put into place, and that's called the predator compensation program. In the past where a predator was going about his business and devouring cattle and beef on the farm, they legitimately could be destroyed. Now, indeed the minister is implementing a program that's going to allow for predator compensation, which will look after needs such as those created by the grizzly bear.

So in fairness I think, indeed, programs such as that should be recognized. There are efforts being made, and I think it's important that this House recognize the programs that are being put in place as well.

THE SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I appreciate the supplemental answer from the Minister of Agriculture, Food and Rural Development, because my next question is looking for specifics, given the minister's answer. I'd like to ask him what other specific plans the minister is going to put in place to increase the viability of the grizzly bear so that it can be removed from the at risk list of species in Alberta.

MR. LUND: Well, Mr. Speaker, as I said earlier, we are continually monitoring the populations, and in areas where there is a low population, areas where we believe that in fact there could be an increase, we do not allow any harvesting. As the hon. Minister of Agriculture, Food and Rural Development has clearly stated, in the areas where there is a conflict between the agricultural community and the bear population, we believe that by putting in a compensation program like this rather than harvesting the animal when it becomes a pest, in fact we will have an opportunity to remove the animal and transplant it to another location.

THE SPEAKER: Before moving on, the Minister of Family and Social Services wishes to clarify an answer earlier given, but before he does that, following that clarification, would there be consent in the House to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

The hon. Minister of Family and Social Services.

Child Welfare (continued)

MR. CARDINAL: Thank you very much, Mr. Speaker. I just have additional information to the question – and it's an important issue – in relation to secure treatment and treatment foster homes. Out of the 77 additional spaces that are projected in Edmonton, three of those would be secure treatment and 12, treatment foster homes.

Thank you.

head: Introduction of Guests **2:40** (reversion)

THE SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. Earlier the Legislative Assembly will remember that I introduced some guests from l'école Dickinsfield school in Fort McMurray, Alberta. The remaining group of those guests have now joined us in the Legislative Assembly. They are accompanied by seven parents and by two teachers: Eve Shapka and Lee Nai Lo. I wonder if those members of that class from Fort McMurray might stand now and receive the warm welcome of this Legislative Assembly.

head: Members' Statements

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

Métis Settlements Accord

MS CALAHASEN: Thank you. Mr. Speaker, 1989 was a very special year: I was elected as the MLA for Lesser Slave Lake, and most significantly it was the year the Alberta/Métis settlements accord, that I was a part sponsor of, was completed. This was an agreement struck between eight settlements and the government of Alberta. Out of these eight, three Métis settlements are in my constituency: East Prairie, Gift Lake, and Peavine. Together they comprise over 22 townships and almost 2,000 people.

Mr. Speaker, seven years have come and gone since these events took place, and during that time many changes have occurred. A few individuals may not be aware of this important agreement. It did four things. First, it transferred a fee simple title of the settlement land to the Métis, and it protects that land in Alberta's Constitution. Second, it provided a framework for local self-government consistent with provincial jurisdiction. Third, it provided a secure funding foundation over a 17-year period. Finally, it resolved the long-standing litigation over the subsurface resources, and it provided for the co-operative management of subsurface resources by the province and the settlements. Taken together, these elements created a secure foundation and framework on which the Métis settlements could build self-reliant and viable communities.

Since 1990, as the terms of the accord have been implemented, these communities have taken on greater responsibility for their destinies and have developed community infrastructures that lay a solid community foundation for generations to come. While much remains to be done, these communities now have better

housing, potable water, and distribution systems and community facilities, many of which now meet a pan-Alberta standard.

One of the terms of the accord is that its financial adequacy be reviewed periodically in order to assess progress and look for improvements. Mr. Speaker, 1996 provides for such a review and is therefore a pivotal year for both the Métis settlements and for the government as the financial arrangements between the settlements and the Alberta government change fundamentally in the next year, when matching municipal grants are scheduled to be implemented. Discussions are under way, and I know that the Métis settlements are looking forward to working co-operatively, reaching something that will provide a foundation for future growth for the eight Métis settlements.

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

Multiculturalism

MR. ZWOZDESKY: Thank you, Mr. Speaker. I've spoken often and passionately, I hope, about Alberta's multicultural reality and about the importance for all of us as citizens of this great country, living in this great province, to understand and truly accept others regardless of race, colour, creed, ancestry, or country of origin. It is important to stress acceptance of others and not merely tolerance of others. Our culture in this province is the sum total of the many unique and diverse cultures that constitute our Alberta heritage, and that is an indisputable fact.

So why is this provincial government trying to kill our multicultural spirit and our multicultural reality by abolishing the Alberta Multiculturalism Act, by abolishing the Alberta Multiculturalism Commission, and just recently by totally annihilating funding for community-based international heritage language programs? Other countries, like the U.S.A., have now realized the many benefits and competitive advantages that come from increased cross-cultural communication and fluency in other languages.

Let me quote from the policy of the National Foreign Language Center at Johns Hopkins University in Washington, D.C.:

The United States has traditionally placed minimal emphasis on the importance of competency in languages other than English because there was little national imperative to do otherwise. Dramatic changes in the contemporary landscape, however, have now created conditions that offer compelling reasons for a sea change in U.S. attitudes towards cross-cultural communication. The reduction of trade barriers and the steady growth of immigrant populations have created an enormous need for effective communication among different groups of people. Never before has our economic and social well-being as a nation been so linked to our ability to function effectively in a multi-cultural environment.

Mr. Speaker, international heritage languages are important keys that help unlock knowledge and information about other people and about their cultural background. Encouraging and supporting the heritage languages of Alberta is a central part of promoting greater understanding and full acceptance of others. The provincial government must understand that, and it must stop its ideological assault on heritage languages and in general against the multicultural reality of our province.

Mr. Speaker, the phrase that best sums this up is this: the more we know about each other, the less we fear our differences. Let's learn it and live it.

Thank you.

Calgary Senior High School Athletic Association

MRS. BURGNER: Mr. Speaker, I would like to bring to the attention of this Assembly the efforts of the Calgary Senior High

School Athletic Association. This association has been in practice for over 83 years. It involves both the public and separate school boards, and that of course involves support from coaches, teachers, and parent councils. It sponsors 13 different sporting activities from track and field to football, and last year there were over 8,200 participants. These sponsoring activities are an integral part of our mandated high school curriculum.

Two years ago the Calgary public board withdrew its funding of the association, and the board protected two salaried positions but gave no operating budget. The separate board continued to give a grant. A private citizen last year donated \$75,000 to keep the program going for the last two years, and the public board this year recently agreed to provide up to \$35,000 in matching funds. Students do pay fees for extracurricular activities, and some pay as much as \$300 for those kinds of initiatives. The funding goes toward costs of field rentals, officiating, and the required safety measures.

Mr. Speaker, students who are of voting age in our community have had little or no voice in this decision. Parents who continue to support the extracurricular activities have not been able to influence this decision in any way, yet we know that extracurricular activities are a very important part of our young people's development. Indeed, the Conference Board of Canada notes such things as leadership and team building skills as an important aspect to future employment.

Mr. Speaker, I would like to bring to the attention of this Assembly that this funding has a serious effect on our students, and I inquire on their behalf why they are not entitled to the same long-range planning as they make choices about their education, which include maximizing their talents, some of which are athletic but some of which are also artistic and academic. I encourage both boards in Calgary to have a more full and public discussion about this decision that's been made on behalf of the students in Calgary.

Projected Government Business

THE SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. Under Standing Order 7(5) I'd like to ask the Government House Leader what his plans are for next week and in particular with respect to Bills 32 and 34, that were just introduced in the House today.

MR. DAY: Mr. Speaker, we are, as I said last week, at that point in the session where there are many Bills at second reading, committee, and indeed at third reading. I'll continue to work closely with the Opposition House Leader, as I did last week, to make sure we identify clearly ahead of time as much as possible what Bills we'll be doing that day.

On the particular question related to Bill 32, being the Alberta Heritage Savings Trust Fund Act, and Bill 34, Municipal Government Amendment Act, which are of particular interest to and, I'm sure, supported by the opposition, they will be scheduled next week, early in the week. We'll try and work with the opposition to co-ordinate the best timing on that.

Motions under Standing Order 40 Junior Hockey League Championship

THE SPEAKER: The hon. Member for St. Albert has given notice that he wishes to move a motion under Standing Order 40. The hon. Member for St. Albert on the question of urgency.

Mr. Bracko:

Be it resolved that this Assembly congratulate the St. Albert Saints on winning the Alberta junior hockey league championships.

MR. BRACKO: Thank you, Mr. Speaker. Pursuant to Standing Order 40 I rise to speak to the urgency of this motion, which I presented earlier today. The urgency comes to two points. First, the title was won last night, and secondly, I believe this Assembly should recognize this accomplishment.

THE SPEAKER: The hon. Member for St. Albert is asking leave of the Assembly to move a motion under Standing Order 40. All those in favour of this application, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The motion fails.

head: **Orders of the Day**
2:50
head: **Government Bills and Orders**
head: **Second Reading**

Bill 29
Employment Standards Code

MR. GERMAIN: You can't congratulate the St. Albert Saints.

MR. DAY: The St. Albert Saints were congratulated by the government today in exemplary fashion, and the entire Legislature agreed.

Bill 29, Mr. Speaker, has already had some good interest and some good input, which I appreciate. I'll just make some brief comments. The code has actually been rewritten – and this is important – without altering the current balance of rights and responsibilities that employers and employees have. This is a constant area of concern, that there be that balance between employee responsibilities and rights and employer responsibilities and rights, especially in a rapidly changing working environment. That has been a prime overriding consideration in terms of the new Employment Standards Code. Also, consolidating the legislation into a workable document for Albertans has been one of the key driving initiatives. A law is only as good as the understanding people have of it, so this has been made deliberately user friendly and accessible to Albertans.

Obviously there are many provisions, but there are a couple of things I want to say right off the top. No fees can be charged for the filing or the investigation of a claim. There were concerns by employee groups and representatives that perhaps fees may be charged, so that has been addressed in a very clear fashion in this particular Bill. It will also allow for the development of a more responsive and efficient appeal system, and that would include alternative methods of conducting appeal hearings. Again, flexibility to the employer and the employee is what is being looked at.

Also, it should be noted that the code will now apply to employers and employees covered by the Public Service Employee Relations Act. There were cases where there has been some falling between the cracks in that particular area. Previously, only the maternity and adoption sections applied, and now it will

apply to all of these sections.

I should also say that there is a process now to establish the development of competency levels for individuals who will be providing employment standards services. It's not just anybody in the province that can do that; they will have to be able to demonstrate certain competency levels. That will make sure that as the department looks at alternative service delivery, only qualified people will deliver employment standards services, that again being a key consideration for employers and employees.

Also, though we are using simpler language, which is again one of the main objectives of the Bill, there's no question that relationships in themselves are complex organisms. So there is still complexity in the code, though it's been largely reduced. The Department of Labour itself has been instructed to make available employment standards policy manuals that would include in those policy manuals practical examples to help employers and employees in their understanding of how the code works. So not only will it be simpler language, but in fact there'll be examples for them to follow in the manuals that will be made available to the public.

I think also that members will agree that the structure for the code is now more logical. All the core standards are going to be at the front and the administrative material in the back. It sounds simple, but it is something that in fact clears up a lot of questions and really assists everyday Albertans in terms of understanding the code. It's designed to make it easier to find these particular areas of interest and concern to Albertans.

Also, 15 separate regulations for the code have been consolidated into one. I know that will be especially warming to the Member for Peace River, who of course is charged with simplifying and overseeing the simplification of the regulatory process in Alberta. I'm sure that he shares some special joy in seeing the number of regulatory sections reduced.

One of the most perplexing aspects of the current legislation, which is now being changed, is the constant cross-referencing from one section to another, and that's been taken care of now by only using cross-references which in fact are going to help readers find particular items they're looking for and by identifying what the cross-reference refers to. That seems like something that should be obvious, but it hasn't been. Now it will be.

Most of the sections of the code are also shorter. The meanings are coming out more clearly and quickly. Repetition has been avoided, and regulation-making power, which actually in the current legislation takes up approximately four pages, is reduced by about 50 percent in the new code.

Mr. Speaker, those are some of the overriding considerations that have gone into this new Employment Standards Code. I want to thank the many people who've been involved, stakeholders across the province – employees, employer groups, members of the public, obviously officials within the department, and people within this Assembly – for their assistance in seeing this new and more accessible, more relevant Employment Standards Code. I'll look forward to input from all members of the Assembly if indeed there are areas that could still be improved on.

Thank you, Mr. Speaker.

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

MR. DICKSON: Thanks very much, Mr. Speaker. There are a number of observations I want to make at second reading on Bill 29. Certainly any effort to simplify an important piece of legislation – and indeed this is one of the more important provin-

cial statutes – is positive. I think that an attempt to assemble a statute in a way that's more comprehensible, that's easier to follow, is again positive. Goodness knows, the Act that it's to replace is difficult and has proven difficult to laypeople reading and interpreting it in the past.

One would have hoped, one would have thought that this minister might have been a little more ambitious in preparing this new Employment Standards Code. One would have thought that he would have gone a little further than simply cleaning up, changing the language, rearranging the format of the Bill. You may ask: what sorts of things am I suggesting could have been incorporated into this Bill?

Well, one of the things I find interesting is that we still have this anachronistic preamble. In 1996 one would have thought that we'd gotten to the point where if it's important to give direction to the court in terms of what the Legislature intended in passing an important statute like this, you'd have an object clause, an object clause such as appears, for example, in the Freedom of Information and Protection of Privacy Act, which sets out what the objectives of the Act are, what the goals are, what the mischief is that this Bill is to address and to remedy. And it's not there. That's a small point, but I raise it, just going through sequentially.

One would have hoped that the minister might have moved on a recommendation that's come from this caucus for at least the four years I've been part of it. That was to deal with a minimum wage review not every six years, not every 10 years and then there's a big catch-up period and all kinds of adjustment that employers throughout the province have to try and come to terms with. Why not do an annual review of the minimum wage? That doesn't mean necessarily a big change in the minimum wage, but it simply means that if there's to be change, it's done in modest increments. If there's one thing that businessmen tell legislators they want, it's: no big surprise. Yet that's exactly what we get by not dealing with minimum wage for long periods of time and then there's a major adjustment.

One would have expected that this minister, who certainly isn't known for lacking bold initiatives, might have contemplated something that came forward in Bill 204. This had to do with the fact that there is nothing which protects an employee – and Calgary-Currie had suggested otherwise in the debate on Bill 204 – who's not subject to a collective agreement, who is working, for example, as a secretary in a resource company in downtown Calgary, when her company suddenly announces that they're going to go through some kind of a re-engineering process and brings in some high-powered trainer from California to re-engineer the company. People are brought together in virtually an encounter group and asked to bare their souls, if you will, so that in some fashion this is going to lead to a new kind of attitude on the part of employees. This actually happens, Mr. Speaker. It actually happens.

3:00

It would seem to me that my colleague for Edmonton-Manning had put forward what I thought was a very constructive suggestion in Bill 204 that would have looked very good. It would have been a wonderful feature in Bill 29, and it simply said, if I can paraphrase, that an employee shall not be required to disclose all kinds of personal information, whether it's about their religion or how they'd been treated by their parents when they were children, any of those kinds of things, if it can't be proven to be directly related to the performance of the job. Now, the Bill of course was not successful, but it still seems to me that where more and more corporations are looking for a competitive advantage, a

competitive edge, you see more of these trainers coming in and working on employees to change their attitude.

At some point don't we have to say: wouldn't it be at least as important as a minimum wage, at least as important as maternity rights and packages and termination protection, to provide that if any of us is working in a job other than the current one – and I guess in our current job people can ask us just about anything, Mr. Speaker. We may have the one job description that doesn't qualify for this kind of protection. But one might think that for almost any other kind of employment, we would agree as reasonable men and women, as most Albertans I think would, that some things are verboten. Some things are beyond what any employer is entitled to know about an employee.

If an employee doesn't want to talk about the thing that frightens them most of all and they don't want to talk about what challenges they had as a child, why should they be put in a position where they have to respond to that kind of a question for fear of putting their job on the line? I think that that kind of protection could be introduced in Bill 29. I'll bet my friend for Edmonton-Manning will waive any copyright at all on this idea and be prepared to allow the Minister of Labour to embrace that, to tuck it in very neatly into Bill 29, and I'd encourage him to consider doing that.

There would have been an excellent opportunity for the minister again to consider putting in a whistle-blower protection provision here. If you look at the amount of money that corporations have been able to save by having that kind of protection, if you look at the kinds of safety hazards and waste hazards and so on – that's been a real problem in the past. That's something that could be saved if there were such a provision in Bill 29.

Those, Mr. Speaker, are the comments I wanted to make on the Employment Standards Code. There are some very positive elements in it, but I would encourage the hon. minister to look at being a little bolder, to look at some of these other things, ideas that would match his taste in ties. We'll certainly make sure he has the opportunity at the committee stage.

Thanks very much, Mr. Speaker.

THE SPEAKER: The hon. Minister of Education.

MR. JONSON: Mr. Speaker, I may have some comments on the Bill, but at this time I would like to move the adjournment of debate on Bill 29.

THE SPEAKER: The hon. Minister of Education has moved that debate be now adjourned on Bill 29. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: Carried.

Bill 24
Individual's Rights Protection
Amendment Act, 1996

THE SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you, Mr. Speaker. It's my pleasure today to move second reading of Bill 24.

Martin Luther King Jr. once said: we must learn to live together as brothers or perish together as fools. We've stood in this House and commemorated International Human Rights Day, the International Day for the Elimination of Racial Discrimination, Black History Month, Women's History Month, Persons' Day, Heritage Day, and many more designated days and weeks and months that remind us of the rich diversity of this society and the value that we place upon human rights and human dignity.

Every act of discrimination is a threat. For the victims it is a threat to their dignity and self-esteem. For the perpetrators it is a threat to their respect for human life, to part of their humanity, and to all of us. There are two components to eliminating discrimination: legal protection and education. Today we discuss Bill 24, a Bill designed to strengthen the legal protection and encourage that continued commitment to education. I want to be very clear about this, Mr. Speaker, because some would have us believe otherwise. Bill 24 takes nothing away from existing human rights protection in the province of Alberta, protection in which 80 percent of Albertans said that they were confident. What Bill 24 does do is add to that protection. We are incorporating the recommendations that this government accepted from the Human Rights Review Panel. I want to remind everyone that this government accepted 54 out of the 75 recommendations, or about 70 percent.

Bill 24 incorporates new grounds for protection by adding family status, recognizing native spirituality as a religion, and improving protection for domestic and farm workers. Bill 24 strengthens the Human Rights Commission in Alberta. It improves access for all Albertans. It improves processes for registering, investigating, and resolving complaints more effectively. It creates the human rights panels that will build a body of experience in adjudicating complaints and shorten the time that it takes for complaints to be heard. These panels create a quasi-judicial forum so that cases can be heard before a tribunal, and that is what Albertans have said they wanted.

Mr. Speaker, we've been criticized for not having a more elaborate commission that reports to the Legislature. For three years this government has spent a great deal of effort and energy on reducing and simplifying structures, not increasing or complicating them. Bill 24 does not change the reporting structure of the commission, because we do not need that kind of change. Except in the province of Quebec, all provincial human rights commissions report to a minister. It is a proven system of accountability.

We recognize the fundamental importance of education. We are amalgamating the educational functions of the Multiculturalism Commission and the Human Rights Commission to better address educational needs. Bill 24 establishes the human rights, citizenship, and multiculturalism education fund. We're allocating \$1.1 million to this fund to help eliminate discrimination, to promote awareness and appreciation of racial and cultural diversity, and to help ensure that all Albertans can participate fully and contribute to the cultural, social, economic, and political life of the province of Alberta.

This is an important Bill on a subject that touches the lives of every single Albertan. Mahatma Gandhi once said: you must be the change that you wish to see in the world. Mr. Speaker, Bill 24 reflects the change that Albertans want to see in this part of the world. I urge all members of the House to look carefully at the value of the proposed changes. They are the result of a great deal of thought and a lot of work, and they are designed to deliver the kind of enhanced protection that the people of Alberta want and deserve.

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

MR. DICKSON: Thank you very much, Mr. Speaker. I'm pleased to join debate on Bill 24. I'd start off by making the observation that from time to time we get Bills in this Legislative Assembly which are of such importance and significance that they truly serve to define the difference between the party in government and the party in opposition. This afternoon we're embarking on the legislative debate on exactly such a Bill. I think that one could not exaggerate the importance of this Bill, not only for what's within the four corners of the statute but for what it tells us and what it tells Albertans about the spirit, the value, the attitudes that motivate either the government or, in this case, the opposition.

3:10

In dealing with this Bill, I'm going to encourage members to read three different documents, three different instruments. The first one is a book called *Web of Hate*. It's a book written by Warren Kinsella, a former reporter with the *Calgary Herald* and I think for a time with the *Globe and Mail*, who documents the role and rise of Aryan Nations by white supremacist groups in this province. You know, it's a book that I encourage people to read, because there will be those who will say: this is Alberta; we don't have a problem here when it comes to tolerance and discrimination. You can't maintain that kind of attitude, Calgary-Varsity, once you've had a chance to read this particular book by Warren Kinsella.

The second instrument that I encourage members to read before they stand up to debate this Bill is the report called *Equal in Dignity*. This is the report from the task force appointed by the government – in fact, it had been appointed in December 1993 – chaired by Jack O'Neill, former deputy minister of the department of multiculturalism and then subsequently the government-appointed chief commissioner for the Alberta Human Rights Commission. The report itself was published in June of 1994. I encourage all members to look at that.

The third document or instrument I encourage people to look at that's hugely important when we debate Bill 24 is a government publication. This is one of those documents that innocuously is tabled by a minister, that appears on our desks. In this case it's the *Alberta International Trade Review, 1994*. What we see by looking through that is the fact that in 1994 the value of goods and services exported increased to \$25.1 billion. We're talking about trade that we export, products and services, to 150 different countries around the globe. So this is the third document I'd encourage members to look at when we're looking at this Bill and deciding what position we will take on it.

Mr. Speaker, it's an interesting and a tortured history that brings us to this particular point in dealing with this Bill. I just want to touch on some of the highlights because it's so relevant in terms of weighing the Bill and determining whether this is the sort of thing that would advantage Albertans. The Act itself, the original Act, had been proclaimed on January 1, 1973. Of interest to me, it was a former MLA for Calgary-Buffalo that had sponsored that Bill, now Senator Ron Ghitter.

On February 15 of 1994, when the *Equal in Dignity* panel was collecting submissions, I had an opportunity to make a submission on behalf of the Alberta Liberal caucus. I was proud to be able to make that submission, because this is an issue that touches on values that are important to people, and it's not often without controversy. I'm proud of the fact that my caucus supported the submission I made, reviewed it, gave me input, and when I went

in front of the Equal in Dignity task force and set out the recommendations from the Liberal caucus for change in this area, I was pleased to be able to do that with the support of my caucus.

To those who say it's a question of where are the ideas from opposition, I refer people to the submission we made. I'd be happy to share a copy with anybody in the Assembly. We tabled a copy at the time; it's in the sessional records. We laid out in some eight or nine pages specifically what changes we thought should be made to the workings and the structure of the Alberta Human Rights Commission. We talked about the amendments and the changes that ought to be made to the Individual's Rights Protection Act, and like it or hate it, as a caucus we set that out and put that in front of Albertans. I'm also proud to say that we've maintained the same position from February 15, 1994, when that submission was made, to this date. We may disagree over different elements of the proposal. Certainly there are some members, I know, who may not share my views on some of these things, and I respect that. I respect that because it is an important issue that speaks to personal values. I ask members to recognize on this initiative, on this issue, that the opposition has spoken with a single voice, and we've spoken consistently.

Now, with respect to some of the things that have happened, I just go back and say that in this province I think it's unfair that often people portray us in a stereotypical way as Albertans, in a way that doesn't do justice to the people in this province. I think there are too many people in Alberta who forget that, whether it was African-Americans from Oklahoma who came to settle in the Amber Valley, whether it was people seeking refuge from religious persecution in the United States, in a host of countries all over the world, they came and they made their home here. Why? Because there was a kind of respect for individual freedom. There was a kind of tolerance and an understanding that they couldn't find in their own home, whether it was a European nation or whether it was in parts of the United States. They found here a kind of tolerance they couldn't find anywhere else. I'd hoped that this Legislature would be imbued with no less a sense of commitment, no less a spirit of generosity than those early Albertans brought to this province long before in fact it became incorporated.

There are some specific things to be said in terms of the more recent history when we look at this. What I'd like to do now – I know that my friend the Minister of Transportation and Utilities is going to want me to take him through the key elements of the Bill so that he can read along, Mr. Speaker. I know he's going to be following this, so I'm going to sort of flag the provisions. I'm not going to do it section by section. What I wanted to do was go to some of the key issues, and I'll start off talking about the independence of the Alberta Human Rights Commission. This really touches in sections 14, 16, 18, 19, 21, 21(b).

I might just interject and say, Mr. Speaker, that this is one of those situations where not only did we lay out for Albertans and certainly for members of the Assembly in February 1994 what we thought should be done in this area, but we also some three weeks ago tabled a package of draft amendments. In fact, we did that on April 2, 1996. We came into the Legislature and said: we know the Bill hasn't come up for second reading, but we want to give the Minister of Community Development, every member in this Assembly ample time to see where we think the Bill misses the mark and how it should be changed. We've done that. Once again, you may agree or you may disagree, but we've set out for everyone's scrutiny the kinds of changes we thought should be made.

I just say as well that the 16 draft amendments that we have tabled as a sessional document would bring Bill 24 into full

congruence with the unanimous recommendations of the O'Neill task force. The minister, I don't know how many times, has told us that we've accepted a large number of the recommendations of the Equal in Dignity report. What I've had trouble getting him to acknowledge is that only some 47 percent of the recommendations of the Equal in Dignity report were accepted without modification, and as we will see when we go through the specific elements, what we'll find is that the minister has said: well, I accepted that recommendation. The reality, from my perspective – and I don't expect the minister to agree, but members can form their own judgment – is that many of those amendments have been revised, changed so that they bear little relationship to the original recommendation. But that's for debate later.

3:20

In terms of the independence of the commission, the effect of these sections effectively weakens the commission we have. That may be celebrated by some members, but I respectfully submit that that's absolutely counter to the recommendations of the Equal in Dignity report. In effect, what they will do is make a member and a minister I respect very much – I think we may call him the czar for human rights and multiculturalism. We may see this minister being as powerful as ministers in the past who had control over the lottery fund with vast and almost unfettered discretionary spending power. We find many of that same kind of lack of constraint, the same kind of enormous discretion invested in this minister spending the fund. Anyway, getting back to the whole question of independence. If one looks at section 16, you'll find that the cabinet appoints members of the commission, that the minister fixes their pay.

Section 14 makes it clear that the education fund is entirely under the control of the minister, not the commission. Now, why would that be? If, as the minister says, education is an absolutely key and critical part of combating human rights abuses – and I agree – why would we have that responsibility off and say: "We're not going to let the commission spend those moneys. The commission can't decide what's going to be done. The minister and the minister alone is going to have that sort of control"? It makes little sense. The commission now is to provide advice to the minister. This further underlines the reporting status of the minister. The minister must approve the commission bylaws.

Section 21 deletes the requirement to report to the Assembly annually. The only reporting now is from the commission to the minister. How can these elements be reconciled with the assertion of the minister on April 1, 1996: the commission is independent now and will continue to be independent. I'd like to see that happen, but you can't reconcile that kind of bold assertion with the content of the Bill. We have always consistently argued: why would the Human Rights Commission be given less independence than the Auditor General, than the Ombudsman, than the Ethics Commissioner, than the Information and Privacy Commissioner?

You know, the minister has often said and I'm sure we will hear it again in this debate: well, this is the way it's done in most other jurisdictions. When since June 15, 1993, has it been good enough in this Assembly to say that that's the way it's done in other places? I thought this was a government that wanted to chart a bold, new course. I thought this was a government that wanted to be innovative and wanted to be the pioneer. They've certainly attempted to do that in other areas. What happened to that resolve when it comes to the independent commission?

You know, it's interesting that this government has refused to renew the terms of outspoken human rights champions like Fil Fraser, Dr. Sayeed of Lloydminster, Jack O'Neill, Shirish

Chotalia an Edmonton lawyer. The government has refused to appoint to the commission people who have some tremendous credibility, people like Michael Greene,* Ed Webking, Brian Edy. Each of these people has been awarded the Suzanne Mah award for human rights leadership in Alberta, but the government won't appoint them to the commission. Why would that be?

It's interesting to note that at the time the Equal in Dignity report was written, 38 of the current complaints were against the provincial government. How many Albertans are going to feel some measure of comfort that this commission is going to be independent when it's under the thumb of a minister? You know, that's become a problem. Is it true that most other commissions report to a single minister? Yes, it is. What we've got: in Quebec and in Yukon they follow the Ombudsman model that we're promoting. The Cornish committee report in Ontario is a very, very comprehensive report. It recommends that the Ontario Human Rights Commission be independent of government in the way we proposed.

The second issue I wanted to deal with was the matter of education. Section 14 creates this new education fund. What we see, as I've said before, is that the funds can be spent on educational programs, but they can also be spent on services related to any of seven different purposes, including providing advice to the minister. The minister can spend that money by sending people to travel all around the world to attend conferences, and he can spend it on law students doing research over the summer. It's conceivable that the entire education fund could be exhausted without a single nickel of that money going to promote what I would consider or any member would consider to be promoting tolerance and understanding in high schools, in our school system. The 1991 study tracking attitudes of grades 8 and 11 students on human rights issues has never been followed up despite recommendations from educators to do exactly that. As I have mentioned before, the education budget is under the control of the minister, not under the control of the commission.

Look at grounds and areas of discrimination. The government accepted the recommendation – and this is positive – to include “marital status or family status.” They rejected the proposal to include source of income, sexual orientation, political belief, criminal record, and expanded definition of age. Each of those things was the subject of a unanimous recommendation of the O'Neill task force.

Let me go back. The minister talked in his opening comments about a great deal of consultation. Well, I'm not talking about consultation within his own caucus trying to find harmony or at least reconcile whatever problems he's got in his caucus. I thought what we should be talking about is what Albertans want. What do they want? Well, look at the O'Neill task force report: 1,700 written submissions, many, many more excellent verbal submissions. These people were appointed by the government. They were funded by the government. They came back and put forward a report, and the government now tends to reject the key recommendations from that. Each of these areas of discrimination are things that my caucus had submitted in our submission on February 15, 1994. I'll come back, and we'll talk more about that at another time.

I want to move on and talk about the fourth issue, and that's the human rights panel, Mr. Speaker. This is another one of these areas. In fact, this is instructive. This is one of the recommendations that the government said they would accept. We had said in the Alberta Liberal submission that there should be a standing adjudicative panel, independent – and I stress the word “inde-

pendent” – of the investigative process, to hear complaints and adjudicate. That, in fact, was consistent with the Equal In Dignity report. On page 9 of the document entitled Our Commitment to Human Rights, the minister said that he would accept this recommendation, but what we see is that there's no separation between adjudication and investigation. The Human Rights Commission does the investigation. They then change hats and say, “Oh, we're now going to be a human rights panel,” and they then make the decision. You have the judge and the investigating policemen being one and the same. That's not the kind of separation that was recommended by the O'Neill task force, not the kind of separation that's been encouraged by this caucus.

We've got problems with the complaint procedure, and I want to flag that now. It's interesting that the government says that six months is a reasonable standard for people to make complaints. Well, how could the government say that it's a reasonable standard when the O'Neill task force told this minister – they identified this as a problem. One suspects that this is indeed a very useful gate. It's a gate for the government to use to be able to reduce the number of complaints.

More to be said later, Mr. Speaker. Thank you.

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

MR. DOERKSEN: Thank you, Mr. Speaker. Today I would like to address the principles behind human rights legislation. I think it's important to frame the whole discussion of human rights into a logical set of parameters. I'm going to suggest today that the inclusion of classes of persons within human rights legislation should be able to meet a defined list of parameters or requirements.

[The Deputy Speaker in the Chair]

I have a list of five such parameters or requirements for consideration, and the five are briefly as follows. First, there must be a demonstrable pattern of discrimination. Second, discrimination must cause substantial injury. Third, it must be a class of persons with an unchangeable status. Fourth, it should contain no element of moral fault. Fifth, it must not be based on criteria that are arbitrary and irrational.

3:30

I would like to speak individually to these five points, these five parameters. The first parameter, Mr. Speaker, to be met is that there must be a demonstrable pattern of discrimination. It must be a clear pattern and not merely a collection of isolated instances. We have all been at the receiving end of discrimination and could share anecdotes of unfairly lost opportunity. For instance, persons who are allergic to smoke or fragrances through no choice of their own have to forego certain places of seating in restaurants, churches, and other public places. However, incidences such as these are not in themselves reasons to intervene through the coercive power of the law. Rather, we must look for a pervasive practice of discrimination throughout society before this parameter should be considered met.

The second parameter I am suggesting is that discrimination must cause substantial injury. It must be clearly evident, not merely conjecture or opinion, with substantiated evidence to make the case that injury has been caused. The Hon. Judge Anne Russell in her ruling on the Vriend case, in my opinion, ignored this requirement by assuming without evidence that homosexuals suffer discrimination. I quote from her judgment.

*This spelling could not be verified at the time of publication.

I am satisfied that the discrimination homosexuals suffer is so notorious that I can take judicial notice of it without evidence.

Judicial notice may be defined as the cognizance of certain facts which a judge may properly take and act on without proof because she already knows them to be true.

Mr. Speaker, it is that sort of conjecture, opinion, and logic which must be avoided.

The third parameter which I have suggested is that it must be a class of persons with an unchangeable status. Mr. Speaker, this is an important consideration and one that requires considerable attention. Each human being is born with immutable characteristics, distinctives which are unchangeable. Included among these are distinctives such as race, colour, gender, ancestry, and place of origin. Clearly, these cannot be changed and as a result are quite properly identified as things which should not of themselves be a reason for discrimination. Age, while not immutable, is determined by the date of birth, which of course is unchangeable; hence it also meets this test. Physical disability, while not necessarily present at conception, may be a result of some subsequent event and thus becomes an unchangeable status and clearly qualifies for inclusion.

Religious beliefs are a more difficult matter to deal with. However, if a person's religion is important to them, as it is to me, it is not merely whimsical preference. It is a set of deeply rooted, unchanging convictions that to a true believer are as unchangeable as his or her race and that he or she has decided to embrace no matter what the cost. This aspect and the whole notion of freedom of religion has been understood since Confederation.

What human rights laws should not do, Mr. Speaker, is protect preferences or behaviour. Based on this third parameter, the categories of marital status and family status are suspect for inclusion in human rights legislation. Clearly, marital status is a matter of choice and can hardly be considered immutable or unchangeable. Family status as it concerns the biological mother and the biological father is immutable, although the definition in the Act includes marriage and adoption, and these are obviously a matter of choice.

Furthermore, while not in this Act, the inclusion of sexual orientation, which, as suggested by some, may be introduced as an amendment, also fails this test. Some will no doubt argue that sexual orientation is an immutable characteristic, something present at birth. To date the evidence and studies for this case are merely conjecture and not good science. The debate around sexual orientation becomes absurd at the point that it includes bisexuality, yet bisexuality is often included in the same breath as sexual orientation. The report mentioned here in this House a few weeks ago titled *The Alberta Disadvantaged: State of Alberta's Children* concludes:

Governments, schools, social services and existing agencies have failed gay, lesbian, and bisexual youth.

Their solution is to include sexual orientation as a prohibited ground in Alberta human rights legislation. I assume that includes bisexuals.

Obviously, bisexuality is promiscuous by its definition. Or would they argue that it is, too, a genetic makeup? Of course, even those supporting sexual orientation would not go so far as to include pedophilia or bestiality, nor would they include it if it were proved that there was a genetic link to these behaviours. I use the term "behaviour" deliberately, Mr. Speaker, because it is behaviour which we are talking about. Certainly we can all agree that the sexual act is a deliberately executed event and not merely an animalistic, instinctive act beyond our control.

The fourth parameter is that any recognition of a category to be included in human rights legislation should have no element of moral fault. This test, too, is worthy of thorough examination. Human rights laws were never intended to give social blessing to immorality. Moral fault cannot be attached to race, to colour, to gender, to physical disability, to mental disability, to age, to ancestry, or to place of origin. But, Mr. Speaker, we have elements included in the legislation which do engage moral debate and other elements which are certain to be introduced by opposition members. They might suggest that these elements are morally neutral and that religious beliefs are irrelevant to the debate, yet they have their own religious doctrine of relativism, which establishes their own moral code.

The 1973 *Humanist Manifesto* is a classic example. In it there is direct opposition to those who base their moral decisions on religious grounds. I quote from the third article of this manifesto which states: we affirm that moral values derive their source from human experience; ethics is autonomous and situational. So with that, Mr. Speaker, we would be debating the changing of a moral code. Inclusion of these elements in this legislation in effect changes a moral code which is held deeply in the hearts and minds of the majority of Albertans. It is for that reason that those elements to which moral fault could apply should not be included within human rights legislation. For that reason, I oppose the inclusion of sexual orientation, marital status, or family status as prohibited grounds within this Act.

The fifth parameter is that inclusion should not be based on criteria that are arbitrary or irrational. Human rights laws should not prohibit individuals from making decisions based on rational choices. Decisions such as employment decisions, lease agreements, et cetera, must be able to be made freely on the basis of character without regard to race, colour, et cetera. The law must not become coercive into forcing people to ignore facts that their common sense, moral convictions, and medical knowledge tell them are relevant.

Mr. Speaker, human rights legislation is an important element of Canadian practice, but it must be carefully crafted so as not to create the very discrimination it purports to prevent. That balance is very important.

So, Mr. Speaker, I will support Bill 24 at second reading, but I am asking the minister and will be looking to the minister for amendments to be introduced at the committee stage.

THE DEPUTY SPEAKER: Before the hon. member is recognized, I wonder if we might revert briefly to Introduction of Guests.

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

head:
3:40

Introduction of Guests (reversion)

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

MR. BENIUK: Thank you, Mr. Speaker. I notice in the public gallery Bill Pidruchney, who is a very active individual, a lawyer, has been involved in many projects that have greatly benefited his community. He also was the Progressive Conservative candidate in the last election in Edmonton-Mill Woods. I would ask that he rise and receive the warm welcome of this Assembly.

head: **Government Bills and Orders**
 head: **Second Reading**

Bill 24
Individual's Rights Protection
Amendment Act, 1996

(continued)

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. As always, a great pleasure to rise before you, in this instance of course to address Bill 24, which is titled the Individual's Rights Protection Amendment Act, 1996, as brought forward by the hon. Minister of Community Development. This particular Bill covers a number of very significant and extremely important aspects of daily life in Alberta. Among them are two that I'm going to comment on today: obviously, the Human Rights Commission and certain parts of the Bill which refer to that; also, the Alberta Multiculturalism Act, which is abolished through this proposed Bill.

Mr. Speaker, I think it goes without saying, but I'm going to say it again anyway because obviously some people in the House need reminding of these few facts from time to time: nothing is more important to the cause of democracy than freedom. Nothing is more important than the freedom to be able to speak our piece, to be able to express our piece, the freedom to be able to read what we want, the freedom to be able to worship how and where we want . . . [interjections] . . . the freedom to challenge others, such as members of the front bench are challenging me now. Those freedoms are extremely important and must never be taken lightly, but especially in the confines of this House they should never be taken lightly.

Central to the concept of freedom, of course, is human rights. [interjection] Along with human rights comes the dignity that we accord to one another, the respect that we show to one another, even when they're speaking, and the sensitivity that we must always exemplify in dealing with the backgrounds or the cultures of other people or their accessibility to true human rights. This Bill addresses much of that, and a lot of what is said in the Bill certainly speaks very well and very positively to that, and those parts of the Bill that do I certainly support.

Not long ago, however, it was the musing of the provincial government to consider abolishing the Human Rights Commission in spite of the tremendous need that every province and every country has for a body like a human rights commission. We must have a provincial human rights commission, Mr. Speaker, because it's far too costly and far too dangerous to a society to not have some kind of a quasi-policing body or at least a body to which these types of complaints about prejudice, discrimination, and/or other violations of human rights sometimes occur.

DR. WEST: Mr. Speaker, point of order.

THE DEPUTY SPEAKER: The hon. Minister of Transportation and Utilities is rising on a point of order.

Point of Order
Questioning a Member

DR. WEST: I request to ask a question in debate under *Beauchesne* 405.

THE DEPUTY SPEAKER: The hon. member just merely has to

say "Yes," "No," or "At the end of my speech."

MR. ZWOZDESKY: Mr. Speaker, if there's time at the end, I'll entertain his question. If he can hold it, please. I'm in the middle of my most salient points right now, and I don't want to be knocked off my stride anymore than I already have. Thanks anyway, hon. minister. Thank you.

Debate Continued

MR. ZWOZDESKY: We must have a provincial human rights commission, because without it, as I was saying earlier, it is far too dangerous for society to not have some checkpoints, some checks and balances. The mere fact that we have a human rights commission does a great deal to prevent even more violations of basic human rights than would otherwise be the case. So as we strive to protect individuals' rights and freedoms and as we strive to protect against some of the tremendous ills of society – discrimination, stereotyping, racism, and other things that fundamentally go against individuals' basic rights and freedoms of expression – we must ensure that a commission such as we're talking about has some real teeth and has some real power. The only way you can have real teeth and real power under this system is to create a commission that is truly independent of and away from the influence of and away from the shadow of, as much as possible away from the direct control of the provincial government.

So I read Bill 24 hoping to see something very firm along those lines. Unfortunately I did not see that. I'm hoping that as some of our amendments come forward a little later, the Minister of Community Development along with all of his colleagues will see fit to in fact embrace at least that particular concept. We must not allow any hammers to be held to the head of a body like the Human Rights Commission, because as we heard earlier from my eloquent colleague from Calgary-Buffalo, many of the complaints that come forward to the Human Rights Commission are in fact about government or something to do with government or against a government department. So how could somebody be given a fair hearing, as it were, if they're complaining against the body to whom ultimately that body must report? It makes no sense, Mr. Speaker. So it has to have teeth; it has to have power.

A human rights commission, to function properly, must also have adequate resources, adequate staff, adequate access, and it must be able to function with the kind of freedom that I began this afternoon's comments with. No other way will a human rights commission in this province be able to accomplish what all of us know in our hearts to be so fundamentally necessary to be in fact accomplished.

We hear about the backlog of complaints that currently sit before the Human Rights Commission. I know the Minister of Community Development has tried hard – I'm sure he has tried very hard to reduce the number of those complaints. I expect that if there were more support from other members of the caucus for the concept of a much broader net for the Human Rights Commission, those complaints would be reduced even further. Sadly, they are not being reduced quickly enough.

I want to turn now quickly to the aspect of human rights that deals specifically with the racial or ancestral side, because many of those complaints that arrive at the Human Rights Commission are somehow backgrounded in the area of racial or ancestral or national or ethnic or multicultural types of issues. I want to tie that in with another very important part of the Bill – and that is the very last page – which repeals or, in other words, abolishes

the Alberta Multiculturalism Act. I will never understand the thinking of a government that is trying to, in the Premier's words, eliminate or prevent racial discrimination, racism, and stereotyping, on the one hand, and abolishes some of the things, many of the things, that do so much to try and curb it in the first place, on the other hand.

The Alberta Multiculturalism Act, Mr. Speaker, talks about sharing knowledge and traditions of ethnocultural groups that make up our Alberta heritage. That will now be gone. It talks about policies that recognize the multicultural heritage of Alberta and the contribution made by ethnocultural groups to that heritage. The government is tossing that away. "To share in an awareness and appreciation of Alberta's multicultural heritage" is another part of the Act. It talks about encouraging respect for our multicultural heritage by promoting an awareness and a concept of understanding of the multicultural reality, which was the basis of my private member's statement earlier today. It talks about encouraging not only within the multiculturally visible communities, but it talks about all sectors. Yet this Bill seeks to wipe out that Multiculturalism Act.

Mr. Speaker, before we had this Act, we had forerunners. We had the cultural heritage Act, and before that we had something called culture, youth and recreation. Somewhere through all of that we had progressed to such an excellent state of affairs in this province that you could stand up and truly be proud of every single person in this province, and you weren't afraid to say it or to show it because we had a much deeper and different understanding of our multicultural fact. What are we talking about here? Something that is foreign to us? No. We're talking about Albertans, many of whom are represented here in this Legislature. It was a proud fact for us. This Bill 24, unfortunately, seeks to abolish that. I cannot support that in any way, and I will never support that in any way.

3:50

The Alberta Multiculturalism Act also talks about fostering "an environment in which all Albertans can participate in and contribute to that cultural, social, economic and political life of Alberta" through a multicultural acceptance of one another. I talked earlier about how important acceptance is, Mr. Speaker, as opposed to just tolerance. We had here, through this Act, opportunities to increase our understanding. By abolishing this Act, we are moving in a position, in a direction that is diametrically opposed to that particular statement.

The Act also covered the Alberta Heritage Day. Is there anybody in the House, is there anybody in the province who feels that the Alberta Heritage Day celebrations that take place in this province are somehow a detriment to our city, to our province, to our rural areas? Absolutely not, Mr. Speaker. Those are very positive type things that help people bridge the cultural gaps that unfortunately still exist in our society.

Mr. Speaker, earlier today I tabled this document called Remember When. I want to briefly refer to it because it's central to this Bill and it's central to the arguments that I'm making in favour of maintaining something to do with multiculturalism in a positive way in this province, as opposed to allowing its annihilation through the abolition of the Act as referred to in Bill 24. "Remember when . . . citizen involvement was the law." Remember when "respect for our diverse heritage was encouraged." Remember when "commitment was more than just a word." All of these principles were in the Alberta Multiculturalism Act. They are about to be abolished because the Alberta

government's Bill 24 repeals the Multiculturalism Act, amends the Individual's Rights Protection Act, repeals the Women's Secretariat Act, and so on.

This particular document, Mr. Speaker, hit the *Calgary Herald* today on page B11, and it's asking for individuals to send a completed copy of this ad to the Premier stressing how important it is for this government to not abandon something that took many, many decades to accomplish. There must not be a fear in this province about multiculturalism, and if there is not to be a fear of it, then so too is it appropriate for there to be some support for it from this government. Associations like the Northern Alberta Heritage Languages Association and the Southern Alberta Heritage Languages Association, the Edmonton Multicultural Society, the Calgary multicultural centre, the Edmonton Immigrant Services Association, and numerous others in this province have invested a great deal of their own time, effort, money, and expertise to help make Alberta a multicultural and a fully accepted province and a proud province in which to live because of our great understanding and respect for each other, and we should do everything we can to maintain that.

We're talking about fairness; we're talking about equality; we're talking about a sense of balance. But once the Alberta Multiculturalism Act is gone, along with it are gone some of those opportunities.

A few years ago, Mr. Speaker, this Act was amended and some basic words were thrown out of the Act. Words like "cultural retention" were thrown out of the Act. To this day I'll never understand why the government was embarrassed or couldn't support the notion of cultural retention. Is it some sort of threat to somebody that I can speak a number of other languages besides English or that I might on occasion celebrate something from my cultural heritage, that I might preserve or retain or pass on to my children something that was passed on to me by the people who helped build this province, passed on to me by the pioneers who fought for that reality, passed on to members on the front bench by those people who fought for this country that was founded on those principles of respect and understanding and full acceptance? Is there something wrong with that, hon. minister? I don't think so. Absolutely not. So let's not throw it all out. Let us not sacrifice it at some other ideological altar for the sake of expediency or for some other sake.

We are not a nation of cultural purists, Mr. Speaker. There are some who might think that. There are some who might think that we are somehow above others. Here we have an opportunity through this Act to do something very positive. Yet instead of doing that, we're moving in a direction that is absolutely contrary to what I would hope many members on the other side really believe and what they really stand for. We'll see how the debate goes and who else stands up to support some of this along the way, and I'm really looking forward to that.

I want to stress how important it is within this Act to focus on the educational aspect. If we are truly to come to an understanding of how to promote and how to further the notion, the concept, the belief that human rights are integral to our well-being, that human rights are so critical to be observed and supported in this province, as are the ideals and concepts and notions of a perfectly multicultural society, then we must take a look at how to get that message out there, not how to get rid of it but how to get it out there.

This Act should do a lot more to stress the educational component that is so critical. It is only through education that we can hope to impact this issue with the next generation. It may be too

late for some in this province, Mr. Speaker. Some people may be very rigid in their feelings about and against some of their fellow Albertans, so it may be too late for them. We'll forgive them, and we'll move on and try and impact the next generation, to make it a better place for them just like my ancestors, my predecessors, made or tried to make this province a better place for me. I think we must – we must – absolutely fully embrace those opportunities every time they arise.

Here, through this Act, if ever they were to allow the Alberta Multiculturalism Act to be abolished like Bill 24 calls for, we would be losing something extremely valuable. Our students, our future generations would look back on us and say: "What on earth did you guys do? Were you somehow ashamed of your background in this province? Were you trying to tell me that it isn't possible to be a good Canadian or a good Albertan at the same time as you're being a good Ukrainian or a good German or a good Arab or some other nationality?" It's absolutely possible. In fact, it enhances our well-being, as many speakers have said before and I hope many more will say soon after.

We must base our approach to human rights and to Alberta's multicultural reality on four basic premises. Mr. Speaker, we must fully understand that the first premise is awareness. We must create a much larger awareness of the tremendously positive benefits of, for example, multiculturalism in our province.

I spoke yesterday, the day before, and earlier today about competitive advantages in the heritage languages aspect of the multicultural policy, because the world is moving toward that globalized state ever so quickly and Alberta must be part of it. We must encourage more of those heritage languages to be learned and studied because our trading partners are expanding. Look at the tremendous expansion that has happened and the tremendous exchanges that have happened, for example, between Alberta and Ukraine recently in oil and gas and mining and energy and even diamond searching and agriculture and on and on. Why? Because Alberta is copartnered with them as a result of a strong, strong identity inside our own province with that culture. It's been well preserved and maintained, as have many, many others, and I know they have equal opportunities in the countries that gave origin to those language groups as well.

4:00

I see time is running away on me again. I want to just conclude here by quoting a couple of things from a document called the Future of Multiculturalism as State Policy in Canada, an address by Dr. Manoly Lupul, Professor Emeritus, University of Alberta, to the Ukrainian Canadian Professional and Business Association, Toronto, in March, 1996.

Is there a future for multiculturalism as government policy in Canada? This is the only real question, for as long as Canada continues to attract immigrants, its fundamental demographic reality will always be multicultural.

Let's learn it and let's live it. [Mr. Zwozdesky's speaking time expired]

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Minister of Transportation and Utilities is rising, presumably under 482, to make a statement. Am I interpreting that correctly, or were you entering into debate, in which case I had indicated to Cypress-Medicine Hat . . .

DR. WEST: Yes, Mr. Speaker, I did want to make a comment, and under *Beauchesne* 482 I would like to entertain a position to

make that statement, because the question wasn't accepted when I asked it in the point of order.

In listening to his comments over here – when you started, you had talked about the rights needed in this country to protect people's freedoms. I just wanted to make the comment that although we can all support the intent of what you just said – and I by no means in my comment now am taking away from this Bill, because it's a government Bill and we support this – absolute rights without responsibilities is a breeding ground for anarchy in this country. To give you an example of that so clearly and a caution for this Bill and to those that administer it in the future, the Charter of Rights was brought in to protect individual rights also in this country. Not long ago a Supreme Court in its interpretation of those individual rights passed a decision that will give the Homolkas, the Bernardos, the Olsons, the Gingrasses – and I stopped over here today to see Ezio Faraone's cenotaph – the right to vote in the next election. When I was Solicitor General, I fought that. A lower court said that you can't; you must take the ballot boxes into the prisons and give the murderers, the rapists, and the violent criminals the right to vote in a democratic process.

This Act here says individual rights protection. Is that absolute rights? Should there be responsibility in here, too, on the part of the individual seeking their absolute rights? The comment I make is in response to some of your comments.

The caution: yes, we want to continue the strong history of this country and who came here, but don't ever forget, folks, that if you take absolute rights far enough, you'll destroy the fabric of my community and the society that I've been raised in.

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

DR. TAYLOR: Thank you, Mr. Speaker. I'd like to address this . . .

MR. WICKMAN: A point of order.

Point of Order Speaking Order

MR. WICKMAN: A point of order. You can't have two government members in a row. [interjections]

THE DEPUTY SPEAKER: Hon. members, the Chair was under the impression that the hon. Minister of Transportation and Utilities was exercising his right, in a sense, when he'd asked leave to make a statement because the hon. Member for Edmonton-Avonmore, when the hon. minister rose to ask a question, said he would accept it if there was time at the end. I did not hear the buzzer and didn't realize that the time was up and thought that the hon. minister was then taking this point, which, if you read the last part of 482, was making a statement, a brief statement within the time. I'm now informed that indeed the hon. Member for Edmonton-Avonmore went to his full time, so there isn't time.

The Chair apologizes. Not realizing it and not being able to hear the timer, that's why the Chair recognized the hon. Minister of Transportation and Utilities and why subsequent to that went to the next speaker, which is, as you know, not back and forth but continuation, because this was supposed to be a statement. However, I'm now informed that indeed Edmonton-Avonmore used the full amount of time, so when the Minister of Transporta-

tion and Utilities rose under 482, in actual fact, because the time was up, he was now making a contribution to the debate and would be counted as such. I guess that's the point of order of the hon. Member for Edmonton-Rutherford.

The Chair apologizes to Cypress-Medicine Hat and will make up for it subsequent to the next speaker on the other side.

The hon. Member for Edmonton-Glenora.

Debate Continued

MR. SAPERS: Thank you, Mr. Speaker. The Minister of Transportation and Utilities, before he entered debate, was musing quite out loud, at least so that this member could hear, that perhaps we didn't need a law to guarantee multiculturalism and of course we didn't need a law to guarantee human rights or individual rights. Of course, the minister, who we all know is very good at painting pictures in broad strokes and in black and white, in an absolute sense is correct. We don't need a law. Sometimes the presence of a law is an excuse. It's an excuse, and in fact it can be used as a shield to hide behind.

In my understanding of the legal history behind the legal changes in Nazi Germany in the '30s, in fact the constitution of that country was changed and subsequent laws were changed to make legal what the Nazis subsequently did. The arguments raised at the Nuremberg trial in defence were that it was legal, that it was constitutional. Those horrible, horrible actions that happened, that blackest chapter of human history was done with the right of law on its side. Of course, we know there are higher laws which were transcended by those acts, and we know there are higher laws that people were ultimately held accountable for.

So the absence or the presence of a law, Mr. Speaker, does not define whether or not the policy and the direction is good or bad or indifferent. The fact is that Alberta has almost a two-sided history when it comes to multiculturalism: tolerance; and its evil flip side bigotry and racism. On the one hand, I think we can all be proud of the great strides that were made in this province in the '70s with introducing multiculturalism and individual rights protection. I think we can all be proud that this province was in fact a leader in this country in recognizing the importance of these areas and bringing them to debate on the floor of the Legislature and passing subsequent laws.

At the same time, I think we have to hang our heads just a bit, Mr. Speaker, because Alberta is also known, unfortunately, as a hotbed of Holocaust denial for example. Alberta is infamous in the minds of many for certain activities, certain trials, and certain public statements. I think anybody who has ever felt the sting of racism or bigotry will agree that the most important aspect of there being a law, the most important aspect of there being a constitutional protection and a guarantee of rights is the message that it sends, is that it communicates to all those who care to be made aware that we are in a community of equals, that we live according to law, and that we treat one another always with dignity and respect. It is not good enough to say that that's just common sense, and it's not good enough to leave it to just the overarching statement that we live in a free country, because we must keep on reminding ourselves that those freedoms that we cherish are fragile.

4:10

Mr. Speaker, just yesterday I attended the 50th anniversary commemoration of the 6 million victims of the Holocaust. It's an international commemoration. The date is known as Yom Hashoa. When you listen to the stories of the survivors and you

listen to the struggles that the survivors of the Holocaust have gone through to rebuild their lives, then you cannot help but come to the conclusion that it is something far more precious to all of us than just the absence or the presence of a law. When you listen to the contributions that those individuals have made to this community and communities right across the world subsequent to the hardships they endured, then you realize that the human spirit must be buoyed, must be recognized, must be given that little extra boost it sometimes needs to overcome the adversity and to get past the pain and the memories.

Again, we can do that. We can do that. We are privileged in this Assembly in that we have the ability to do that, and of course the mechanisms for that, Mr. Speaker, are through the laws that we pass, the social policies that we develop, and through the tenor of debate in this House. There is an essential message that this Legislature can give to the people of this province. That is that we respect one another, and that is unconditional. We can do that by having the best human rights law in the country. We can do that by having the best multiculturalism legislation in the country. We can do that by not trying to draw divisions between us. We can do that by not saying that there are limits to those individual rights. We can do that by saying the stronger that each one of those individual rights becomes, the stronger we all become in collectivity.

We can do that by recognizing the plight of those people who depend on legislation to have their voices heard. There are those, Mr. Speaker, who unfortunately cannot, for whatever reasons, raise their voices to the same level as some others. There are those in this society that suffer at the hands of bigots and racists. There are those that cannot get the same head start that we all want to give our children, perhaps because of where they came from or what they look like or what language they speak. That's not appropriate. It's not right. It shouldn't be allowed to exist.

We can take a small step towards eliminating that by developing the best legislative package we can, and it's against that test that I look at Bill 24. Unfortunately, Bill 24 doesn't meet that test. It fails the test of whether or not this is the best legislative response that we could imagine coming from the intensive review of the Individual's Rights Protection Act in this province.

I want to focus the balance of my comments on really just one aspect, the independence of the commission. Reading this Bill and listening to the minister responsible, you would get the impression that this is in fact an independent commission. It isn't.

MR. MAR: Look in the Bill. The Bill speaks for itself.

MR. SAPERS: Mr. Speaker, you would get the impression, as the minister says, that the Bill speaks for itself and that it's clear that this is an independent commission. But it sure is an interesting definition of independence, because what you have is a commission that in every way is beholden to the minister. It reports to the minister, depends on the minister for its funding, depends on the minister for its continuation. The commission simply provides advice. The minister's not bound by it.

MR. MAR: Just like other provinces.

MR. SAPERS: I hear the minister responsible making some noises from his seat, which I interpret as saying: just like every other province. I hope the minister will enter debate and clarify that, because certainly Quebec and Yukon don't follow that model, and I think the minister, if he doesn't know that, should know that.

Mr. Speaker, the fact is that an independent commission is a bare-minimum requirement. It's an absolute necessity, and it's the least we could do. And if the minister is content that other provinces haven't taken this very productive step, well, then that's the minister's problem to deal with, because this member and my caucus are not content to follow the mistakes of other jurisdictions. We would like to see Alberta regain its place as being a leader in individual rights and multiculturalism, Mr. Minister. We don't want to capitulate to those who say that it's good enough, because it isn't. I think this is a time that we can stand and be proud to take a leadership role, instead of just saying, well, it works in other places. And you know what? It doesn't. Maybe the minister ought to get in touch with the commissioners of those other provinces whose path he wants to follow blindly, and maybe he'd learn from those experiences.

Now, Mr. Speaker, an independent commission is so important because of the work that it does. You do not want to do anything which would have a chilling effect on people raising human rights issues because those are the most intensely personal issues. Those are the most difficult ones. You cannot imagine the emotion that goes into a human rights complaint unless you yourself have felt cause to bring one. You can't imagine the sense of responsibility that comes with raising a human rights complaint. You are making yourself, as you bring a complaint of that type, the most vulnerable. You're exposing your weaknesses and your insecurities, and at the same time you are challenging somebody by definition who is in a power relationship with you. You are challenging somebody who is often in authority. You are challenging somebody who is in the majority. You are often challenging somebody who has a degree of control over your life. The last thing in the world you'd want to do is to create a framework which would have a chilling effect, which would place another obstacle in the path of bringing such a complaint.

Mr. Speaker, my submission is that by not having an independent commission, by having a commission that you know is beholden to the minister and therefore cabinet and therefore the political process, that becomes a barrier, and it will have that chilling effect. An independent commission is the best way to guarantee that that balance between rights and responsibilities will always be struck. An independent commission, something that is arm's length from the Legislature and free of political interference, is a commission that is unencumbered. That becomes a commission that can make a strong stand and say no.

This set of rights must be balanced by a reciprocal set of responsibilities. That would become a commission that would say, "Here we have a situation that requires legislation." Here we have a commission that depends on the Legislature to take subsequent action, but it is a commission that is free to say that to the Legislature without fear of reprisal, without fear that the commissioner who says that will be out of a job, without fear that their funding will be cut. That, Mr. Speaker, is the least we could do. An independent commission in the truest sense of the word needs to be a feature of this legislation. It is just not good enough to pretend that it's independent.

[Mr. Clegg in the Chair]

Why would we be afraid, Mr. Speaker, to give it true freedom? Why would we be afraid to rise above the rest of the mediocrity and say that Alberta wants to be a leader? Who in fact is it that has said that we need an encumbered and fettered commission? Who is it that made a submission to Mr. O'Neill's commission

and said that we want a commission that's beholden to the minister? Who is it that came forward and said that we don't want independence, that we want a chilling effect? Nobody. That was never raised. It was never raised. In fact, the recommendation, as the minister well knows, was to do just the opposite. It was to take the advice of Albertans from right around the province and create a truly arm's-length independent commission, a commission that would have a commissioner who was as free and independent as the Ombudsman, as free and independent as the Auditor General or the Chief Electoral Officer. Why would we want anything less? Well, we don't. Why does the minister want anything less? I have no idea, and I sure wish he'd explain it. But you know what, Mr. Speaker? I don't think he can, because it can't be justified in the kind of free and democratic society that we are trying to represent by very virtue of the parliamentary process and the fact that we all chose to participate in it.

4:20

Mr. Speaker, the minister isn't even content in this Bill to allow the commission the prerogative to set its own working policies. Do you know that in this Bill in section 19 – I know we're only supposed to be talking about the principle of the Bill – the minister wants control even over the bylaws of the commission? The minister wants to direct that level of detail. He wants to extend his hand into the commissioner's back pocket as though the commission would be operating on remote control to that extent. That is unbelievable. Why would he want to do that? Why?

The fact is that this gives us an opportunity to create a challenge and to overcome an attitude. The challenge is to ensure that this Legislature trusts the people of Alberta, and of course the opportunity is to do the right thing. That comes back to my opening comment, Mr. Speaker, which is to ensure that whatever Bill becomes law as a result of that intensive review of the Individual's Rights Protection Act it be the best possible. This is the time that we put aside any kind of partisan debate and we work together to bring the best possible law into this province and we remind ourselves that the reason why we have to do that is because of the message that it sends, because of the environment that it creates, because of how it communicates to the people of this province the kind of society that we as legislators are trying to participate in and are trying to help build. That's why we must hold this legislation up to the highest possible test, and that is why we must have, amongst other things, a totally, wholly, purely independent commission, and that is why, until that happens, I cannot support Bill 24.

Thank you.

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

DR. TAYLOR: Thank you, Mr. Speaker. I want to address the Bill in particular, but before I do that, I'd like to make some general comments first. I'd like to compliment the Member for Red Deer-South on his speech earlier. I think he made a very persuasive case and made some persuasive arguments in regards to this Bill. I believe it was an excellent speech, and I agree with his comments wholeheartedly.

I also would like to compliment both Calgary-Buffalo and Edmonton-Avonmore. I think many of the sentiments that they speak about, we can all agree with. Nobody believes in discrimination. Nobody has a problem with personal bilingualism. Nobody has a problem with multiculturalism, but the point is: how do you get there? The point is: whose responsibility is it?

I think that's the fundamental difference in philosophy from my philosophy to what they're saying.

In my philosophy it's not the government's role to provide multiculturalism grants to protect a culture. It's that own culture's role to develop and protect its own culture, and if the members of a particular culture are not interested in protecting it on their own, why should government be funding and putting money into those kinds of issues?

It's the same with bilingualism. You know, if members of a particular group are not interested in learning their native language, if it's some language other than English, why should the government be funding various groups, various heritage language schools to promote this? It is up to the parents of those groups to do that themselves. In fact, in my own family we have required that each one of our daughters – and we have four – be bilingual. I have two daughters that are bilingual in French and two daughters that are bilingual in German, and that's just a requirement of the family. I got no multicultural grant to do that, but it is a fundamental policy that we felt in our family, that bilingualism was important, so we stressed it with our children. Our children have studied overseas in Germany, in various places, so that they could attain this qualification.

MRS. FORSYTH: That's to be away from you.

DR. TAYLOR: Somebody suggested they studied overseas to be away from me, and it may partially be true.

I think the fundamental difference in the issue here is one of who's responsible. And it is not the government's responsibility. It goes back to the issue the hon. minister of transportation raised, one of freedom. Who is responsible? Freedom must come with responsibility, and responsibility is central to the concept of freedom, because if we don't have responsibility with freedom, we will have anarchy. Government cannot be responsible and take responsibility for all of these issues. Certainly we need to respect each other. I would not argue with that at all, but it is not the government's responsibility to legislate respect, Mr. Speaker. It is not the government's responsibility to legislate multiculturalism.

With those general comments, which will give you somewhat of a flavour of my comments in regards to the Bill, I will address specific aspects of the Bill. The first aspect I would like to address, just to reinforce what the Member for Red Deer-South has said, is classes of people and the danger with addressing classes of people. This is an individual's rights protection Act. We must be very careful when we start talking about classes and discrimination of classes. As the Member for Red Deer-South pointed out, in many cases there is no evidence that certain classes are discriminated against. I believe we set a dangerous precedent when we talk about classes as opposed to individuals, as is done in this Act. Red Deer-South commented very eloquently on that aspect, so I will leave that aspect.

Now, I'm going to refer to specific sections of the Act, so if members would like to follow along in their copies of the Act, they can do so. On page 2 of the Act section 2 is amended. What we have here, 2(1), says:

No person shall publish, issue or display or cause to be published, issued or displayed before the public any statement, publication, notice, sign, symbol, emblem or other representation

that discriminates on the basis of – in the bottom paragraph there are two I want to in particular refer to. One is age and the other one is family status.

In Medicine Hat we have a whole series of seniors' complexes.

We have hundreds of these apartments that are only for seniors, Mr. Speaker. You cannot live in those complexes if you're under a certain age. When they do their advertising in their bulletins, when they advertise in the newspaper, in their real estate advertising selling these condos and triplexes and duplexes or whatever they're selling, they quite clearly discriminate on the aspect of age because they say in their advertising quite clearly that no one under 55, depending on the complex, or no one under 60, whatever the complex is, can live in those complexes.

MR. CHADI: What about pets?

DR. TAYLOR: The member said, "What about pets?" I'm not really sure if there's a requirement for age on pets because most pets are dead by the time they're 50.

So, Mr. Speaker, I'd like the minister to respond to this when he has the opportunity, because I don't know the answer. Would this clause exclude people from advertising their seniors' condos on the basis of age, saying you must be 55?

The other question there is one of family status. These condos, many of them, also say "no children." In other words, if you're a married couple but have children still living with you at home, you cannot live in these condos. This concerns me a little bit as well, that family status is included here as a way for discrimination. So I wonder: if I'm a condo developer and I publish an ad that says, "We must have no children living with families," does that make it discrimination and can I be prosecuted under the terms of this Act?

4:30

In fact, there was a recent case in Ontario, Mr. Speaker, where exactly this happened. The elderly parents of a woman died, left the adult condominium to her. The adult condominium had certain requirements. They had a 55 age limit and no young children. I'm not sure what the age was on the children, but no young children could live in that condo. This woman who inherited the condo took this case to court. The court ruled, one, that yes, she could live in there even though she was under 55 and, two, that her child of course could live with her. So what we have is a situation where that particular ruling in Ontario interfered, from my perspective, with the rights of the other condominium owners and the developer to put requirements on who was able to live in that. So I have that concern with this Act at this time as well.

On page 3 of the Act, section 4, once again it says that no person shall

deny to any person or class of persons . . .

Once again we have the class of persons, and I pointed out the problem with that earlier.

. . . the right to occupy as a tenant any commercial unit or self-contained dwelling unit that is advertised or otherwise in any way represented as being available for occupancy by a tenant [with respect to]

and it goes on in the bottom paragraph, gives you a number of ones with respect to. I would be concerned about two of them: marital status and family status. I think this part of the Act could be used to challenge a person's religious freedom.

Now, we have in this Act the rights and responsibilities to respect religious freedom, but I think right here we have something that a person could use to challenge religious freedom. I'll give you a practical example of that, a very concrete example. If I or any other individual hold a kind of religious belief that says that it is not right for persons who are not married to live

together, if I believe that and I own a rental accommodation and somebody that is not married and is living together in a relationship comes to live in this accommodation, then I will not have the right, if I'm interpreting this Act correctly, to exclude those people from my accommodation even though their method of living, their way of living, is fundamentally opposed to my religious principles.

I would ask the minister to clarify this for us because if my interpretation of this is true, I see that as government's invasion of my religious principles. I'm using myself as not me in particular but as a hypothetical example. My religious principles would be quite clear and say that people who are not married should not be living together. Yet the state, the government, is saying to me, if I'm interpreting this Act correctly: "Sorry; your religious principles don't matter. It doesn't matter what your religion says. It doesn't matter what your religious principles are. It doesn't matter how deeply you believe those religious principles. The state is going to overrule your religious principles and insist that you allow these people to live in your accommodation." Mr. Speaker, that is wrong. [some applause] Thank you. We as a state should not be overriding and overruling the religious principles of people who live in our country. That is their right to hold these religious principles. So I'm very concerned about that, and if I'm interpreting it correctly – and I believe I am – I would ask that the minister bring forward an amendment that will allow people to practise their religious principles when it comes to this.

On page 4 of the Act, section 6, it says:

Where employees of both sexes perform the same or substantially similar work for an employer in an establishment the employer shall pay the employees at the same rate of pay.

Now, quite frankly I have no problem, Mr. Speaker, where it says, "Where employees of both sexes perform the same . . . work." Absolutely, they should be paid the same.

But it goes on, and we have a very subjective word in there. We have a word called "substantially" sitting right there. It says "or substantially similar work." Mr. Speaker, who is going to define what substantially is? In Ontario with the last government, the NDP government, they had something called pay equity, and I believe this is what this will lead to, pay equity. They had a huge bureaucracy that went about judging what similar work was, what substantially the same work was, and as a result there were all kinds of controversies and all kinds of difficulties.

It's a subjective judgment. This is a make-work project for judges. It's a make-work project for courts. It's a make-work project for these commissions and panels. So, once again, I feel that we're going to have a bunch of people running around trying to determine what "substantially" means, and this will only lead to court cases. It will only lead to great expense on behalf of both the individual and the businessmen, perhaps myself or some other member in the Liberal Party who may be charged with not paying somebody who does substantially the same work for the same pay. So it's going to have expensive and prohibitive costs to our society, and I think, Mr. Speaker, this needs to be taken out. These words "substantially similar work" need to be taken out of that section. Once again I would call upon the minister to bring forward an amendment which would take "substantially similar" out of that section of the Act, because it will simply lead to confusion, it will lead to expense, and it will lead to a lot of hard feelings within society.

I just have, Mr. Speaker, three or four more left that I want to comment on. On page 5 of the Act, section 11, it says that "No person shall retaliate against a person" because that person has

brought forward a case to the Human Rights Commission. [interjections] I hear members calling for more. Well, they'll get more. Now, "retaliate." This is a question that I would like to pose to the minister: if somebody brings a complaint against another individual, does this mean that the person who the complaint is being brought against has no right to go to the court and seek retaliation? If it does, it limits the legal rights of the person who the complaint is being brought against, and certainly people can bring complaints that are not justified. People can bring complaints forward that are frivolous, and I would think that if somebody brought forward a frivolous complaint in terms of this Bill, then we must allow that person, if he chooses, to retaliate by taking action in the court system, if the complaint is frivolous. Now, that's not after there's been a ruling, Mr. Speaker, which quite clearly can come to court, but that's before it even reaches the human rights panels. So I would ask the minister, as well, to clarify that issue for me, and if it does mean that a person who a complaint has been brought against cannot seek legal redress from the complainant, then I think that section needs to be changed as well.

I have on page 10, Mr. Speaker, section 20.1(1):

For the purposes of an investigation under section . . . an investigator may do any or all of the following:

- (a) subject to subsection (2), enter any place at any reasonable time and examine it.

Now, in subsection (2) it says that if that place is a room or a dwelling, there are certain requirements on it. Okay? That is, the requirement must be that you have to consent to the entry if you're the person whose residence is being entered or if it's been authorized by the judge, but that's only if it's a residence. If it's a business, it doesn't appear to me that those requirements apply; that is, you don't have to have the consent of the business owner to get in there and you don't have to have a judge's authorization to get in there.

4:40

If that is so, that raises a very great concern and should raise a concern to all business owners. What that means is that this human rights investigator can turn up at your place, demand to be allowed into it, and examine documents in your place of business. He doesn't have to have your consent, Mr. Speaker. He does not have to have the authority of a judge. I think that is fundamentally wrong. If as a businessman somebody wants to come to my place to examine certain documents, then I believe, one, that if I don't give him consent, I shouldn't have to allow him in, or two, if he doesn't have a judge's authorization, I shouldn't have to allow him in. I can assure you that there are many businessmen that feel the same as I do. In many cases if somebody came and asked to get into your business, you'd say no. But under this Act you perhaps don't have that opportunity as a businessman. So what I'm saying here is that subsection (2), where you have to consent to enter or you have to have the authorization of a judge, should also apply to places that are not residences. I would ask the minister to clarify that point as well, because if it only applies to residences, then I think he needs to make an amendment to be sure that subsection (2) applies to places of businesses and nonresidences as well.

If we go to page 15, section 36.1, it says, "No action lies against a member of the Commission," the Human Rights Commission, "or any person referred to in section 17 for anything" – now listen to this – "done or not done by that person in good faith while purporting to act under this Act." That's once again a very great concern, Mr. Speaker. If you go down just

two statements, it quite clearly points out that any other person who contravenes or causes problems for the Act is given severe penalties. I mean, there are fines of \$10,000 in here if I as an individual contravene the Act. But if any member of the commission contravenes the Act, it says quite clearly here, if I'm interpreting again correctly, that no action can be taken against him. [Dr. Taylor's speaking time expired] Could I ask for unanimous consent to continue, Mr. Speaker?

THE ACTING SPEAKER: The hon. Member for Cypress-Medicine Hat has asked for unanimous consent to continue his debate. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: Sorry. I was scared that was going to happen.

The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. It's a pleasure to follow the hon. Member for Cypress-Medicine Hat. There was an interesting dynamic in the House several times when the hon. member was speaking, but you know, because we're talking about individual rights and protection and the like and because I want to talk about my hometown a little bit, I will be drawing an analogy with professional and amateur hockey.

Before I break completely into the issues before me on this Bill, I want to rise in this House for a moment and congratulate the St. Albert Saints, the Alberta Junior Hockey League team that so graciously won . . . [interjections] Hon. members are saying to get to the issue of discrimination, and I'm going to do that. I'm going to do that on the back of this analogy, Mr. Speaker. [interjection] It is relevant because I'm going to talk about discrimination. The St. Albert Saints graciously played seven games . . .

DR. WEST: A point of order, Mr. Speaker.

THE ACTING SPEAKER: Yes, hon. minister of transportation.

Point of Order Relevance

DR. WEST: On relevancy to the debate.

SOME HON. MEMBERS: Citation.

DR. WEST: *Beauchesne* 459, relevancy. We had a Standing Order 40 that was brought before the Assembly today, and it was dealt with. Now this hon. member is seeking to enter into this debate, using it to fulfill the debate on Standing Order 40. I resent that.

THE ACTING SPEAKER: On the point of order, hon member.

MR. GERMAIN: I'm on the point of order. I want to caution the minister that if he wants to put words in my mouth, he should remember that that's unsanitary. I want to say that I was going to use the analogy of hockey teams as a little microcosm of

society and talk about issues of discrimination, about playing with disabilities, about playing with all of these similar issues, and that was my . . .

THE ACTING SPEAKER: We're not going to waste any more time on this point of order. Obviously, the minister has absolutely a point of order. However, I know that the hon. Member for Fort McMurray will get on to the Bill itself. You've proved your point. Now let's get on with the Bill.

Debate Continued

MR. GERMAIN: Well, in the course of those seven games that were played in that final, sir, in which Fort McMurray and St. Albert thrashed it out – and I congratulate St. Albert . . .

THE ACTING SPEAKER: Hon. Member for Fort McMurray, if you don't get on to the Bill, you will lose your turn.

The hon. Member for Fort McMurray.

MR. GERMAIN: Yes. As I look around crowds, Mr. Speaker, in public forums, in public arenas, and in public theatres, as I look around the crowds in those forums, I see sitting beside each other at hockey games and at sports facilities in Alberta and in Edmonton and . . .

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

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

Point of Order Relevance

MR. DOERKSEN: Mr. Speaker, you've ruled twice on this matter, and I think the hon. member should be reminded that three strikes and he's out.

MR. GERMAIN: I want to speak to this point of order, Mr. Speaker, because there was an allegation made.

MRS. FORSYTH: No.

MR. GERMAIN: I think I'm entitled to speak, Madam Speaker. I think I'm entitled to speak to a point of order raised against me. I'll let you rule, Mr. Speaker. Have I lost in this Assembly the right to speak to a point of order made against me by another hon. member?

THE ACTING SPEAKER: No.

MR. GERMAIN: Thank you, Mr. Speaker.

The hon. Member for Cypress-Medicine Hat took us at great lengths through special accommodations, through age preference accommodations to accommodations that discriminate in an indirect way about children and in the interests of preserving a lifestyle choice. I simply wanted to launch on and embark on the issue of all the other public forums and public arenas in a community such as mine, which can be genuinely referred to as a melting pot, and because we are in the hockey play-off situation right now at the National Hockey League level and because sports is something that this particular Assembly understands, I wanted to talk about the issue of public places and discrimination. Now, that's my response to the point of order.

THE ACTING SPEAKER: On the point of order. Obviously, I don't know the intention of the Member for Fort McMurray, but it's always been, when I'm in the Chair, to give every lenience possible. The hon. Member for Fort McMurray has mentioned hockey many times, and if he's in fact drawing up to something in this Bill, then let's get on with the Bill, hon. member.

MR. GERMAIN: Yes. Thank you very much, Mr. Speaker, for another excellent ruling, and I'll continue with my debate.

Debate Continued

MR. GERMAIN: I've coached hockey. I'm not very good at it, Mr. Speaker. I don't skate very well, and some people have suggested that I'm overweight, but I do try and coach hockey. [interjections] The hon. minister speaking from his chair, the hon. minister in charge of economic development, Mr. Speaker, before he gained weight I understand could play hockey as well.

AN HON. MEMBER: At least he can tie his ties right.

MR. GERMAIN: You see, Mr. Speaker, it's an interesting example of how some of the issues can be very hurtful. I hear members over there hollering that he knows how to tie his ties right, in reference that maybe I don't tie my ties right. Is that a form of discrimination? It's not protected in this particular Bill. Should it be? I mean, that's what this debate in this House today is really about. It's an issue of basic decency and basic protection.

4:50

You know, one of the most telling statements that I think was made in this Legislative Assembly on this issue was from the hon. Member for Calgary-Montrose. The hon. Member for Calgary-Montrose said in this Assembly that this type of legislation is like fire insurance. You hope you never need it, you hope it's unnecessary, but you still have to have it. When I was coaching hockey and when I see hockey teams play in sports arenas, I see blacks and I see North American native children and I see East Indian children and I see African children. I see children of all races, colours, and class. I see children taken there by single parents. I see children taken to the hockey rink by fathers. I see children taken to the hockey rink by mothers. I see children taken to the hockey rink by couples of all mixes. I think: why do we focus and why do we preoccupy ourselves with the private issues of what goes on behind closed doors? If my sexual preferences are not the same as yours, Mr. Speaker, if you like to do things that I don't think are appropriate, it is not, I respectfully suggest, for me to say, nor vice versa.

DR. WEST: But do you have to advertise it on the street?

MR. GERMAIN: Now, the hon. minister of transportation, he's enjoyed this debate. You know, we have a rule here that you can only debate once per second reading, but the hon. minister has circumvented that rule, Mr. Speaker, because he continues his debate sitting down there. I want to say to the minister that when the hon. Member for Cypress-Medicine Hat was talking about how religious preferences could give him the right to discriminate against other people, this Assembly was quite quiet. This Assembly fell rather silent, but there was obvious and marked applause coming from the hon. minister of transportation, joining with the hon. Member for Cypress-Medicine Hat, who basically

says that there are justifications for discrimination. That's what he says. I ask this Assembly if there can ever be a justification for any discrimination whatsoever.

DR. WEST: A point of order, Mr. Speaker.

THE ACTING SPEAKER: The hon. minister.

Point of Order Imputing Motives

DR. WEST: Yes. I listened here to what I call this nonsense in debate by going on and on. This hon. member here continuously thinks that it's clever in this House to be picking out individuals from their ridings and insinuating that they by some expression in the House or by some statement have a point of opinion on the debate from another member, and that's imputing false motives or intentions on behalf of a member in this House. He continuously gets away with it, and I want a point of order called on this member for doing that because he thinks it's a clever way of winning political points out there. What he does with these *Hansards*, I don't know, but I have a suggestion.

THE ACTING SPEAKER: On the point of order, hon. member.

MR. GERMAIN: On the point of order. I submit that I'm entitled to suggest what a member's actions and activities . . .

DR. WEST: That imputes false motives.

MR. GERMAIN: No. If there's one person applauding in this Legislative Assembly when a member says something, surely I'm entitled to draw my own conclusions from that and let others draw their own conclusions. That member can get up in his time. If I'm imputing a false motive, if the hon. minister stands up and says that at the point in the debate he was not the only person in this Legislature applauding or applauding the loudest and saying: "Right on. Exactly. Freedom" - if he gets up and denies that he made those comments and that he wants those comments attributed to him, then I'll certainly apologize to him and suggest I was wrong. But silence can be taken as constituting an admission of agreement, and if people don't want to get up after I speak and say, "The hon. member misinterpreted me," then it's up to the public to draw their own conclusions. There are 2 and a half million Albertans in this province. I don't go around telling them what to think.

DR. WEST: That's a bunch of nonsense.

MR. GERMAIN: If you think it's a bunch of nonsense, hon. minister, then all you have to do at your turn is stand up and say, "I don't agree with what the hon. member has said." But I'm going to continue to . . .

DR. WEST: You've imputed false motives on another member.

MR. GERMAIN: I am not imputing false motives unless you stand up and say . . . [interjections] If the hon. member says I misunderstood the reason for his applause in the middle of the debate of the hon. Member for Cypress-Medicine Hat, I'm happy to concede that I might have misunderstood it. He may have applauded because the debate was going on in a direction he didn't like or he wanted to interrupt the member.

DR. WEST: You shouldn't take liberty in this House.

MR. GERMAIN: It is not taking a liberty in this House.

DR. WEST: It is so.

MR. GERMAIN: It is not taking a liberty in this House to debate fully, and I intend to continue to debate fully in this Legislative Assembly.

THE ACTING SPEAKER: Obviously, there is not a point of order. There is certainly a disagreement and maybe some clarification from one member to the other, something that goes on in this House on a regular basis. The good Lord made sure that we don't all think alike, so we will obviously continue to have disagreements within the House, especially from one party to the other. I know that the hon. Member for Fort McMurray is going to continue on the debate of the Bill.

The hon. Member for Fort McMurray.

Debate Continued

MR. GERMAIN: Thank you very much, sir. Speaking to the debate again and speaking to the issue of the attitudes of the members of this House, we sometimes hear, Mr. Speaker, that much of this is not necessary because it's covered in the Charter of Rights and Freedoms of the federal government. The Charter of Rights and Freedoms deals with people's relationships between themselves and the Crown. It does not deal with the relationships between whether stores and restaurants and apartment buildings will serve people or will provide the same opportunities of access that they would presumably provide to an individual such as myself. Discrimination is a very real and very important issue in this province, and while people will disagree about where the line should be drawn, I agree completely with the hon. Member for Cypress-Medicine Hat when he says that all prevent discrimination.

Now, I ask if there are any opportunities when discrimination should take place, and the hon. minister says: of course there are. There are some discriminations that are built into the system for safety. For example, we don't let two year olds drive automobiles on the basis that we shouldn't discriminate against the very, very young, because there are obvious cogent safety reasons for doing it. But if we were to allow one two year old to drive an automobile, would there be any basis for us to prevent another two year old from driving an automobile on any other basis whatsoever? So then the hon. minister may say: "Well, of course. What if that two year old doesn't have good eyesight?" You can always find valid health reasons to have systemic discrimination, Mr. Speaker, but what this Bill and all the debate on this Bill talks about is: are there matters that people would, if they were uncontrolled and unbridled, discriminate against that don't matter, that don't amount to a hill of beans, that are private matters or private personal matters?

The second thing that I wanted to talk about in the overall debate on this Bill is that the hon. minister who sponsors this Bill has dealt with this issue for some considerable time, and I didn't hear him to say when he stood up in this House: "Hon. members, this Bill is not perfect, but it is the best I can do given the governmental and political situation that exists in Alberta now. It is the best I can do." The hon. member is a member of a profession, the legal profession, that has spent its entire career, since the first lawyer purported to carry that designation, fighting

against discrimination and discriminatory practices as a profession. That hon. minister is a member of the profession, himself a Queen's Counsel, and if he stands up and says here, "This is the best I can do," that's fine. But that begs this question: if the Bill is not presented because it is the best he can do, why am I getting correspondence from good credentialed organizations like the Dignity Foundation and from Conservative Senators in the Senate of this country?

5:00

DR. TAYLOR: Red Senators. Don't call them Conservatives.

MR. GERMAIN: Well, now, frankly we should have given the hon. Member for Cypress-Medicine Hat his extra time, Mr. Speaker. Incidentally, despite what the minister may say about imputing motives – and he seemed quite upset about that – it is indeed the case that when the hon. Member for Cypress-Medicine Hat asked this Legislative Assembly to extend the time by unanimous consent for his debate in this Legislative Assembly, the members on this side of the House were willing to do so, and other members purporting to support the government in advancing this Bill refused to do so, and that was an astounding situation.

Can the minister, then, at some point when he concludes this debate – I see the hon. minister of transportation has come back to hear some more of the commentary about this particular Bill . . .

AN HON. MEMBER: On the Bill, Adam.

MR. GERMAIN: I'm talking about the Bill, and I've been talking about the Bill.

DR. WEST: Point of order, Mr. Speaker.

Point of Order

Referring to the Absence of Members

DR. WEST: Members making comments on people's presence in the House is not allowed under parliamentary orders.

MR. GERMAIN: On the point of order, I meant it in the ethereal sense, sir – because he was commenting to me across the Table, I knew he was alive to the points that I was making again – and not on a physical issue.

THE ACTING SPEAKER: Certainly now the hon. Minister of Transportation and Utilities has got a point of order. It's not up to any member of this House to judge who's in the House and who's not in the House. I wish that the hon. Member for Fort McMurray would leave that out of his debate on the Bill.

The hon. Member for Fort McMurray.

Debate Continued

MR. GERMAIN: Thank you. I don't know why, with respect, the hon. minister of transportation – this is a difficult subject for all of the Assembly. I'm trying to present the thoughts that I have in the 20 minutes allowed, and we seem to be disagreeing on the quality of the debate this afternoon. I'll be happy to hear the other hon. members correct any suggestions that I have that are inappropriate.

So I ask the hon. minister: why do these organizations and why are these groups addressing the Bill in such a negative way publicly? I think this is a very important issue. [interjections]

THE ACTING SPEAKER: The hon. . . . Okay. Sorry. I thought there was a point of order from the hon. member. Go ahead, hon. member.

MR. GERMAIN: My own. Friendly fire, I guess you were suspecting.

AN HON. MEMBER: You never know.

MR. GERMAIN: It would mortify me, Mr. Speaker. It would mortify me.

So I hope that the hon. minister will explain why it is that some of these groups, including some Conservative Senators, are so riled up and concerned about this particular piece of legislation.

DR. WEST: One.

MR. GERMAIN: The hon. minister says, "One." Okay, but it's a Senator of extreme prominence in the province of Alberta and a Senator from the province of Alberta, and this is Alberta legislation. I mean, if you analyze how many Conservative Senators there are from the province of Alberta and how many are riled up about this Bill, it's a significant percentage. So I think it's an important issue, and I think that it has to be addressed.

MR. LUND: People don't elect Senators.

MR. GERMAIN: Well, people don't elect Senators. Now, you see, the House wants to engage me in debate on Senate elections, sir, but I'm going to resist that temptation and deal with Bill 24.

What we have is opposition to this Bill that does not just come from the Alberta Liberal opposition. When I look at the credentials of the people who sponsor and are behind the Dignity Foundation, I'm impressed by their credentials, and I'm impressed with their concerns. I think that this hon. minister has a duty to deal with those concerns or tell us frankly why he can't deal with them. If it is that this is the best that the political climate will allow today in the province of Alberta, stand up, say that. Other members of the cabinet have expressed a more liberal, lenient, and, I will submit, a futuristically enlightened view about issues of discrimination and the like in the province of Alberta. This Bill does not bring those items forward.

Let me deal a little bit with the tone and the concept of the Bill and some overviews of some of the areas of the Bill that deal with a policy that we should be concerned with. There seems to be the potential to create another statutory holiday in this Bill in paragraph 1.1, where we talk about Alberta Heritage Day. Now, earlier today and coincidentally, Mr. Speaker – and I know I won't get on to another Bill without someone very quickly raising a point of order – we did debate the Employment Standards Code Bill, that has a list of the statutory holidays in it, and this day is not provided but other days in the summer of each year are provided. I would be grateful if the hon. minister indicates that this is to become one of the designated statutory holidays or if this is simply a promotional issue day where we speak about some of the things that we should be doing 365 days a year.

So I would be grateful if the minister would do that and would deal with that when he makes his comments. In other words, is he setting the stage and does he envisage a time when there may be another statutory holiday in the province of Alberta in the month of August?

Now, the next issue that I want to talk about is the discrimina-

tion issue. There is in that particular paragraph the obvious exclusion of the issue of sexual preference. It is important that this Legislative Assembly debate that issue openly, debate it freely, and be prepared to vote on that particular issue that troubles Albertans and gives Albertans some concern to ensure that there is the least amount of discrimination possible and only that discrimination that is necessary because of health or safety issues.

For example, Mr. Speaker, in the area that I live in, there are technological oil sands plants that will not allow beards to be worn in some areas where it is a safety hazard. So for those people who have a religious requirement to wear a beard, they must try to work in another department of that organization. Perhaps it could be argued that it is discriminatory, but there is a safety override for it, and compensating factors are picked up to allow the work to go on elsewhere. Those are the kinds of issues that we have to discuss and debate in this particular Legislative Assembly.

The other issue is the issue of equal pay. The legislation has changed but has always intended that people doing like jobs would be given equal pay. That is a laudable objective, and it is one which the minister should be commended on. Now, the interesting thing that I would like to explore in this debate is: do the changes that the minister proposes satisfy the goal that the minister has in what he wants to accomplish there?

Now, I also want to ask everybody to look at section 13, if they don't mind. This is the no retaliation section. [interjections] Well, the minister appears to want to engage in debate at the same time, and if he does, I'm happy to . . .

DR. WEST: I can't. I've already been up once on this Bill.

MR. GERMAIN: All right. The minister says that he's been up on this Bill, but he'll have another chance at committee stage. He'll have a chance to debate some of the many amendments that may well come forward on this particular Bill. I know that at that time the minister will have some cogent advice to give his colleagues in the Legislative Assembly on what they should do on some of those amendments.

In the meantime, Mr. Speaker, if I might return to the issue of retaliation, the retaliation concept used to be defined in the old legislation. Now, it is an all-encompassing phrase of simply: shall not retaliate. Does that in fact leave open to ambiguities retaliatory measures that might not be encompassed as well as a full general definition together with an add-on clause; in other words: or any other form of retaliation? The minister would be, I'm sure, interested in speaking to that issue because the minister's concern is to prevent discrimination. The best way for him to do that is to have wide definitions of the things that he is concerned about in this Bill and tackle them.

[The Deputy Speaker in the Chair]

Now, in this retaliation section, Mr. Speaker, there is something important that is not here. One of the hardest things to do – and I can say this as a practising lawyer for 20 years – is to determine why somebody has been dismissed. It's often a multifaceted cause and effect, and it also often has many, many root causes. So should we, in fact, in this Legislative Assembly try to improve and enhance this Bill in those areas of discrimination that the minister agrees are important and that he can achieve politically by creating some deeming provisions in this section?

So if somebody loses their job within 90 days or 180 days of a discrimination complaint, can we deem that to have been caused by virtue of a breach of this Act?

5:10

It is too easy to say that employee Joe's performance has fallen off, and it is so hard to advance cases where people have indeed been discriminated against and are not being properly compensated. So I urge that on the minister from a concept point of view. If the minister wants to improve the provisions against discrimination in this province, that might be an issue that he should look at.

Now, one matter that has received considerable debate in this Legislative Assembly today and that I want to also join in the debate on . . . [Mr. Germain's speaking time expired] There were some points of order, Mr. Speaker. I think that eroded some of my time.

THE DEPUTY SPEAKER: The hon. member is out of time although I can't hear it. For points of order the clock is stopped, all hon. members. So it doesn't come out of your debate time. It just comes out of the total time in the Assembly.

I'd now like to call on Calgary-Cross.

MRS. FRITZ: Thank you, Mr. Speaker. I'm pleased to stand and speak to Bill 24, the Individual's Rights Protection Amendment Act, 1996. Just briefly, I'm going to begin my opening comments with a statement that was read into *Hansard* yesterday on a point of order by the Member for Edmonton-Avonmore which was really not a point of order. It relates directly to this Bill and the multiculturalism education fund. A statement was read into *Hansard* from a letter that was filed with the Assembly that the member had attempted to file the day before – the Speaker had even ruled that out of order – but was filed during this point of order which was not a point of order.

If members will refer to that letter, the statement that was read by the Edmonton-Avonmore representative was stopped at, I felt, a really crucial point, Mr. Speaker, because it does relate directly to funding. He had said in *Hansard* here, "In addition we will no longer be providing financial support to Heritage Language School programs," but he did not go on to read:

We will be meeting with the Ministers of Education and Advanced Education and Career Development in the near future to discuss possible options for supporting this important program.

That relates directly to funding that was being stated in this Bill.

With that, I would like to move to adjourn this debate. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: Hon. Member for Calgary-Cross, I didn't take it that you were making a point of order or challenging the Speaker's ruling on it.

MRS. FRITZ: No.

THE DEPUTY SPEAKER: You were just reflecting on the point of order . . .

MRS. FRITZ: And completing the statement.

THE DEPUTY SPEAKER: . . . as it was pertinent to the debate that we had before us.

MRS. FRITZ: Yes. And adjourning debate.

THE DEPUTY SPEAKER: Was that your . . . [interjections]

MRS. FRITZ: Yes. I did adjourn debate, Mr. Speaker. Thank you.

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

THE DEPUTY SPEAKER: It's not a debatable motion. It's a votable motion. The hon Member for Calgary-Cross has moved that we now adjourn debate on Bill 24. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[At 5:15 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

