

Legislative Assembly of Alberta

Title: Tuesday, May 7, 1996 **8:00 p.m.**
 Date: 96/05/07
 [The Deputy Speaker in the Chair]

THE DEPUTY SPEAKER: Please be seated.

head: Government Bills and Orders
head: Third Reading
Bill 6
Gaming and Liquor Act

[Debate adjourned May 7: Dr. Nicol speaking]

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

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure to rise this evening to address Bill 6. Actually it's not quite true that it gives me great pleasure to have to rise to Bill 6. The fact of the matter is that Bill 6 is a flawed Bill, and unfortunately the government has once again looked at the amendments we have put forward and has rejected those amendments more or less out of hand.

As we know, the Gaming and Liquor Act set out to do a number of things. Some of those things were to streamline the legislation of the Liquor Control Act, to expand the Interprovincial Lottery Act, which included a definition of video lottery terminals. It looked at basically amalgamating the Interprovincial Lottery Act with the Liquor Control Act and allowed for the continuation of the ALCB as the new Alberta Gaming and Liquor Commission.

Now, I think it's well known throughout the province that the Liberal opposition has taken a firm stand against video lottery terminals, or slot machines, and that that position has been well received by Albertans throughout the province. I know that just a few weeks ago I was in Lloydminster and picked up the local Lloydminster paper, and sure enough, one of the headlines was how gambling was undermining the fabric of the society in Lloydminster and that video lottery machines were one of the key components of that. We've even had various members of the government who have also indicated that slot machines have an adverse effect on individuals within our society.

One of the things that I think we need to look at is what the lottery machines have done. When you look at various documents, one of the groups that I know is very supportive of this government is the AFWUF group, and even in that particular spring '96 paper of the *AFWUF Voice*, it indicates that gambling is the "Fools gold" of the nineties" and that "5.4% of adult population or 130,000 people are experiencing problems." Key among those concerns are concerns of teenage gamblers. Now, within the particular document – and if anyone wants to look at it, it's on page 9 of volume 15, number 2, of the *Voice* – it goes on to say:

These rates [of juvenile gambling] are likely greater in Alberta because we have more legal gambling opportunities than Quebec and a higher per capita yearly gambling expenditure.

We've had presentations made to our caucus by groups that deal with the fallout of gambling, and what they have said very clearly is that the VLTs, the slot machines, are the most insidious form of gambling that can be put forward by a government and that in fact what is occurring is that the government through its advertising, through its promotion of gambling is using taxpayer dollars to have gambling promoted. Basically the only reason for that is

to line the coffers of government, to ensure that government has a revenue that comes in, and that that revenue is based on gambling.

Now, one of the major concerns with this particular Bill is that there is no incorporation in the Bill at all that indicates that VLTs will be phased out or that VLTs are not an appropriate method for providing funds for the government. I think this is one area that needs to be looked at very, very carefully, and it is one of the reasons that I will not be supporting the Bill.

There have been other issues that were addressed within this particular Act, issues with regards to liquor control, and some of those issues have been addressed by my colleagues this afternoon and throughout the debate that has been ongoing. One of the concerns has been with regards to the ability of individuals to produce wine in their own home and that there may be some misunderstanding provided by the legislation as it is currently outlined that indicates that if someone were to go to another adult's home, there may be a problem with regards to producing wine that is not for that particular adult's consumption but for the individual who's going to the home. The hon. Member for Edmonton-Manning, I believe it was, cited the case of his going to his father's home to produce wine and that he might be in contravention of the law. If it's unclear in the legislation, if it's unclear that this is a possibility, then I think it behooves the government to ensure that that is clarified so there are not potential repercussions that occur.

Now, one of the amendments that we had put forward, I believe, would have addressed that particular issue. We put forward other amendments that dealt with the ability of rules and regulations. This is, as I know the government recognizes, a standard amendment, but it is yet to be incorporated into any of the legislation that we have seen put in front of us by the government. That amendment deals with the Standing Committee on Law and Regulations. I would have hoped that the Member for Calgary-Shaw would have stood up and defended the opposition's position with regards to the Committee on Law and Regulations and that his colleagues, his other colleagues who are pounding on the table right now, would have also risen to the defence of the Member for Calgary-Shaw, who, it appears, is the parent of a committee that is destined never to meet and who, I'm sure, must be feeling rather neglected by his other colleagues who are not pushing for this particular committee to meet.

I think it's important when you look at what the regulations are that are able to be put forward.

THE DEPUTY SPEAKER: Order. We have several things going on here. We have someone who's trying to speak to Bill 6, we have House leaders that are trying to carry on a discussion, and now we have the hon. Member for Cypress-Medicine Hat rising on a point of order.

Point of Order Imputing Motives

DR. TAYLOR: Standing Order 23, *Beauchesne* 484, imputing false or unavowed motives. Just defending my colleague from Calgary-Shaw's honour. Imputing motives to this honourable gentleman, suggesting that he never wants to meet and call his committee to action – I would suggest that you have the member apologize, an abject apology, to our Member for Calgary-Shaw, please.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Meadowlark, on the purported point of order.

MS LEIBOVICI: I would indeed be more than willing to apologize if that's what I had said. The reality is that what I had said was not that he was unwilling to call the committee but in fact that the committee has not met ever and that we have come to his defence over and over again to try and get the committee within pieces of legislation so that it would have the ability to meet. That has not occurred. I never implied that the member was unwilling to call the meeting.

I do wish to thank the Member for Cypress-Medicine Hat for rising to the defence of the Member for Calgary-Shaw. I'm sure he's more than pleased to know that he's not alone in the government caucus on this particular issue.

THE DEPUTY SPEAKER: Well, the Chair would rule that since no motive was implied for either calling or not calling it, there is no point of order.

Would the hon. Member for Edmonton-Meadowlark continue?

8:10

Debate Continued

MS LEIBOVICI: Thank you very much. As I was saying, some of the regulations that would be looked at with regards to Bill 6 and would be able to be overviewed by the Standing Committee on Law and Regulations deal with establishing classes of registration in respect of gaming workers, people who . . .

THE DEPUTY SPEAKER: The hon. Government House Leader is rising on a point of order. Would you cite the citation? I can only guess.

Point of Order Relevance

MR. DAY: Certainly, Mr. Speaker. *Beauchesne* 659 is very clear on addressing a Bill in second and third reading. We're talking about the principle of the Bill, and *Beauchesne* is very clear when it says that it is not regular, it is not at all regular to be citing specific sections of the Bill. There are two things that the member opposite continues to cite. First of all, that little two-page speech which they circulate around to each one each time the other one sits down.

The second one, again she continues to cite very specific references from the Bill. I would also bear on your good judgment, Mr. Speaker, and suggest that relevance is also a factor here because every time they rise to speak on a Bill, they trot out the little speech on law and regulations. They haven't read the Bill. They don't know what else to talk about, so they regurgitate their little speech on the Law and Regulations Committee, which of course ever since we canceled our pensions against what the Liberals wanted to do, they've got nowhere to go to work to make any extra cash. So they want to get that eternal committee going.

Mr. Speaker, I implore you to draw upon your good wisdom to rule firmly, please, on this issue of regularity of what they're citing in the Bill. It's to address the principle. We have spent now nine and a half hours on this Bill. We have been discussing it for weeks. There has been no outcry from the public of Alberta. We have not been flooded with phone calls in our constituency offices. They continue to drag their feet, and we've said . . . [interjections] Oh, they get rattled so easily, Mr. Speaker. Look at them. Look at them.

THE DEPUTY SPEAKER: Order. For the benefit of the galleries, I would say that a point of order is to be made and the reason cited, but a debate is not really a part of it.

We'd now invite the hon. Member for Edmonton-Meadowlark on the point of order as raised by the hon. Government House Leader. [interjection] Oh, you're not finished. Okay, but this will be to the point of order as opposed to debate.

MR. DAY: Absolutely, sir.

THE DEPUTY SPEAKER: Okay.

MR. DAY: In conclusion, again we see them popping up like preset cuckoo clocks, Mr. Speaker, because they don't like the truth of the matter. The fact is that we've been over nine and a half hours on this Bill. There is no response from the public of Alberta in terms of the public saying that they don't want it. This is democracy, and it's freedom of speech, but we ask that they consider the responsibility that comes with democracy. They have totally failed to raise any negative reaction on this Bill. Let's have them get on with it, Mr. Speaker.

THE DEPUTY SPEAKER: On the point of order, Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. As usual when the hon. House leader doesn't have a point, he gets to be pretty offensive. The reality is that the House leader cited section 659. That's second reading. We are in third reading on the Bill, so there is no point of order.

MR. DAY: Mr. Speaker, she hasn't read *Beauchesne*. In *Beauchesne* second reading and third reading are both together on those principles.

THE DEPUTY SPEAKER: Order. You haven't been recognized hon. Government House Leader. [interjections]

Hon. member . . . [interjections] All this jumping up and down is exciting, I'm sure.

AN HON. MEMBER: He's one of yours, Mr. Speaker.

THE DEPUTY SPEAKER: I'm sure. Would he be yours? [interjections] It was an idle threat.

What I wanted to draw to your attention is that the hon. Member for Edmonton-Meadowlark was supposed to be speaking to the point of order and then sat down. Then we had the Government House Leader jump up and begin speaking when he wasn't recognized. However, the hon. member has raised a good point. *Beauchesne* 659 does instruct us that

the second reading is the most important stage through which the bill is required to pass; for its whole principle is then at issue and is affirmed or denied by a vote of the House. It is not regular on this occasion, however, to discuss in detail the clauses of the bill.

We've now moved, though, through second reading, and the vote has been cast and it was in favour. We then went through committee, which is clause by clause, and we're now on third reading. This does not really address directly third reading, although there is inference from there that this does apply.

The Chair has ruled on a number of occasions when this particular clause in *Beauchesne* has been referred to in terms of relevance. We have a problem in the sense that many of the Bills that it has been called on have been amendment Bills which amended various Acts or amended various sections within one Act. This one, however, is not quite so easy to define. The Chairs are instructed to give rather wide latitude as long as debate

is going on. However, there is a point and that is of repetition, which is the other side of relevance, and we do have a fair bit of that, wherever it comes from.

I just wondered whether or not we could stick to the generalities of the Bill as best we can. Some of the sections are sufficiently different from one another so you can certainly refer to those, but if we get into the specifics of the details, then surely committee was the place for that.

Generally speaking, the Chair then is ruling that there is some merit but some leeway at the same time, and if you can determine a course of action, please do so.

The hon. Member for Edmonton-Meadowlark to continue carefully on Bill 6, third reading.

Debate Continued

MS LEIBOVICI: Thank you, Mr. Speaker. What I was attempting to do was just illustrate the importance of the Committee on Law and Regulations by providing examples of some of the regulations that are able to be made under Bill 6.

MR. WOLOSHYN: On the Bill, Karen. On the Bill. Stay on the Bill.

MS LEIBOVICI: The hon. Member for Stony Plain says that I need to be specific to the Bill. Well, if he were just to turn to pages 44, 45, and 46, he would see that those pages are rife with regulations that can be made, the areas of the regulations. In fact, that is on the Bill. This is specific to the Bill. Whether the amendment is generic or not is a symptom of the inability of the government to recognize that there has to be input from all sides of the House when looking at regulations, and unfortunately the government likes to keep things close to the chest, so to speak, to ensure that there is no input from both sides of the Assembly.

There are other concerns with regards to the creation of gaming workers, and again those individuals are registered by the commissioner, exempted through the regulations, and again that indicates why we needed to have the committee on regulations.

8:20

There are significant changes that are being put forward through this Act. Perhaps the reason that there has been very little public input to the government side is their inability to reach out to people and provide time so that input can be given. I think that if people were to have a full understanding of the implications of this particular Act, then we might well find that there is more interest with regards to what's happening in this particular area.

Though not particular in a sense to the Bill, there has been an issue that has come up again and again, and that's with regards to the severance packages of those individuals who were formerly chairs of the Alberta Liquor Control Board or of lotteries, and the minister of lotteries has consistently refused to provide us with that information. I think that when one looks at setting up a new corporation, perhaps the conditions under which individuals are appointed to take over and become the board of the commission or the chair of the commission have to be put up front so that the taxpayer knows what the cost is, should the government again decide to do something different with a particular board. If we are going to provide severance packages to individuals who are appointed, then I think it's important that it is put up front what those packages are and what the conditions are with which individuals are provided those appointments.

There are a number of other issues that are at stake with this

particular Bill. I know, especially given the discussion that we've had up to this point in time, that there are numerous colleagues, perhaps on both sides of the Assembly, that would like to address this particular Bill. I think it's important to know why the backbenchers are so in agreement with the Bill, why the government backbenchers don't have some of the same concerns that the opposition has with regards to this Bill. If they have a degree of comfort with some of the issues that we've brought up, then I think it's important that they also let us know and perhaps explain what it's all about to the members on this side of the House who do have concerns with regards to the implementation of Bill 6.

Thank you.

THE DEPUTY SPEAKER: May we have unanimous consent to briefly revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

The hon. Member for Vegreville-Viking.

head: **Introduction of Guests**

MR. STELMACH: Well, thank you, Mr. Speaker. This evening I have the privilege of introducing members participating in the Forum for Young Albertans to you and through you on behalf of many Members of this Legislative Assembly who had the opportunity to enjoy a fine dinner in our Legislature cafeteria. [interjections] I'm being very polite. These are young future leaders of this province, young ladies and gentlemen from different parts of the province that have come to the city of Edmonton to study government. They are seated in both galleries, and I would ask them to rise and receive the traditional warm welcome of the Assembly.

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

Bill 6 Gaming and Liquor Act (continued)

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

DR. PERCY: Thank you, Mr. Speaker. I feel compelled to speak to Bill 6 in light of the hon. Government House Leader's comments. There are a number of issues of principle in this Bill that ought to be discussed. The first issue of principle one wants to discuss, of course, is consistency. That's an important principle when evaluating a Bill, and I'd like to point out a number of issues of consistency.

When one reads the Bill and assesses its various principles, one asks: does it deal with the gaming side in an equivalent fashion as it does with the liquor control side? One sees very clearly there is much greater focus on the regulation and control of liquor as opposed to the regulation and control of gambling. Now, one might ask, why is that? I suspect, Mr. Speaker, it's because of the revenue that's generated from that. Again one expects equivalent treatment, since in fact the other principle that has been discussed in this Bill was that the *raison d'être* was streamlining and consolidation of operations. Clearly, if you're streamlining and consolidating these functions, the regulatory framework that you're going to apply ought to apply equally to both arms of the new entity.

Again the issues that we see with regards to problem gambling, with regards to the addictions that exist, particularly with VLTs, are worthy of the same scrutiny that this Bill gives extensively with regards to the regulation of liquor. So that's an important principle that I think has not been addressed fully in this Bill. Why? I would think it's because of the revenues that are generated by gambling and the focus on regulation of liquor. This government has singled it out for specific treatment. On one hand we see a government that has argued: "We believe in the free operation of a market. We believe in competition, except when it comes to the sale of liquor. Then of course we can't have wide open competition with everyone in the marketplace being permitted to enter and sell liquor. No. Big stores can't. Small stores only."

Now, when you look, then, is that consistent with the principle in this Bill with regards to gambling and the allocation of permits? No, it isn't. Is it consistent with many of the other activities that this government has undertaken with regard to freeing up access into the market in a variety of areas? No, it isn't. Why? Well, perhaps there's a strong pressure group, Mr. Speaker. Perhaps, in fact, firms have entered because promises have been given. We were told a five-year transition, I believe, for small business and small retail liquor stores that went into this. Now it appears to be indefinite. It's not an issue that's addressed in here, why different sets of rules for this specific market, and it ought to have been.

So when you start assessing the Bill in third reading on issues of principle, you start asking: is it consistent? One finds that it isn't. If one asks about the importance of information and freedom of information, one finds that liquor information, which could include the price that the commission pays in order to purchase liquor products, would be deemed confidential. Why? Why would this information be deemed confidential? I mean, aren't consumers entitled to know what the various margins are as it goes through the distribution network? Is that privileged information? I would think not. But clearly in this Bill it is, again with no justification given for such an exclusion.

Now, the hon. Government House Leader has suggested that we have a set speech with regards to regulations and the role of the Law and Regulations Committee. Well, in point of fact, Mr. Speaker, he is absolutely correct, and that's because many of the Bills that come before this Legislature are merely skeletons with the flesh being given by regulation.

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

THE DEPUTY SPEAKER: The hon. Government House Leader is rising on a point of order. You'll share that with us?

Point of Order Relevance

MR. DAY: It's the exact point which I raised just moments ago relating to *Beauchesne* on relevance. They continue to lapse into this catatonic state and drop into this speech on regulations. Their regurgitated speech on regulations we've heard dozens of times. It is not the Bill. It is not related to the Bill at the third reading stage, and I would implore you, Mr. Speaker, to rule against them on the question of relevance. After the many hours we've had in debate on this Bill, they continue to talk about the Law and Regulations Committee.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-

Whitemud on the point of order.

DR. PERCY: Well, clearly, Mr. Speaker, the issue here is the principles embodied in the Bill. The point I was making is that in fact when you assess this Bill by certain criteria, one of which is the extent to which the various aspects of the Bill are dealt with through legislation and the extent to which it is fleshed out through regulation, I think that is clearly important in assessing the relevance of a debate, because in our view the elements of the Bill, to the extent that is possible, ought to be embodied in the legislation itself, because that allows a free and full discussion in the Legislature. When the Bill is fleshed out through order in council, it is after the fact; we can only respond afterwards. It just is inconsistent with the parliamentary process to have so much done through regulation as opposed to legislation.

8:30

A second principle that I think is relevant – again, the issue that the hon. House leader brought up was relevance and the principle of the Bill – is an overriding principle that we have on this side of the House of ensuring that the rules of the game are fairly known and that it's a level playing field. To the extent that the guts of a Bill are done through order in council, that makes it extraordinarily difficult for small businesses, for any business, to know the changing rules of the game.

It's difficult for the stakeholders in the industry to know how the rules are being changed. That's why we have always argued, Mr. Speaker, that the relevance of the Law and Regulations Committee is that it allows, then, all of the players in an industry to know if the rules are being changed, and it allows input. As it is, it's done through OC; firms know after the fact. So in terms of justifying why in fact we are referring to the Law and Regulations Committee, first, it's for clarity. We believe that to the extent that legislation is brought into this House, it ought to embody the rules of the game.

THE DEPUTY SPEAKER: We're at third reading of Bill 6. The Chair has ruled on a number of occasions that relevance is not an easy point to define. The Chair was endeavouring to listen to the words of the hon. Member for Edmonton-Whitemud and thought by and large that what he was saying was indeed relevant. On the regulations, because this Bill does contain provision for regulations, then presumably as long as we don't have the 20 minutes dealing with the repetition that we have heard on so many occasions about the Standing Committee on Law and Regulations, it seems to be quite relevant.

Therefore the Chair will ask the hon. Member for Edmonton-Whitemud to continue on this Bill.

Debate Continued

DR. PERCY: Thank you, Mr. Speaker. Having addressed the issue of relevance with regards to the Law and Regulations Committee, the other issue, of course, that I had addressed, in terms again of the principle, was on information and freedom of information. I had referred to the fact that liquor information in this Bill can be construed as being confidential, and I had suggested that that in fact wasn't appropriate by any criteria. That's clearly a reasonable principle.

A further issue, of course, relates to the annual report of the entity, the new gaming and liquor entity. Normally there are constraints on how timely annual reports are. This Bill calls for the release of an annual report. That's a good thing. We'd like

to know actually the revenues collected, how they're expended, administrative costs of the staff, et cetera. But there's no time limit on when it should be released. Again, timeliness in the provision of information is one of the hallmarks of the democratic process. It's relatively difficult to respond with vigour two years after the fact. There's no time limit here in terms of when the annual report should be released. Clearly, this is a principle, the overriding principle of timely release of information and transparency in operations. Timely release of the annual reports, timely release of the information with regards to liquor information are all relevant in terms of assessing the operation of this new entity.

There are a number of issues that I think we have tried to address, Mr. Speaker, in terms of second reading in principle and in terms of the various arrays of amendments that have been brought forward and which were in fact turned down by the House. I think there are clear principles that we have addressed and continue to address in third reading.

So with those comments, Mr. Speaker, I will take my chair.

SOME HON. MEMBERS: Question.

THE DEPUTY SPEAKER: The question is called.

The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I, too, want to make a few comments on the Gaming and Liquor Act, Bill 6, that's before us today. The Bill before us creates a new commission, gives it a new title, Gaming and Liquor Commission, and then proceeds to put into place a new bureaucratic structure. We have the commission, which will have a board. The board can create panels. The panels themselves can go ahead and have the same authority as if it's delegated to it, but maybe not. Depending upon what happens with the delegation of authority, can have the authority of the board, of the chairman of the commission, what have you.

Mr. Speaker, the concern with that particular structure is that it seems that what may happen with respect to this delegation, subdelegation, and so on of responsibilities is that we get down to a smaller and smaller group of individuals so that pretty soon instead of having a commission, which the Bill proposes to create, in fact you may have the responsibilities of all of this fall onto the shoulders of an individual. Now, the concern that I have with that is that that individual will then potentially carry a considerable weight on his or her shoulders in terms of the enforcement and administration of all of the regulations that are going to be created and the legislation that is created by Bill 6.

Now, Mr. Speaker, the concern there is that here we have a government that is, on one hand, clearly looking for revenue. In fact, that's a key stated principle of this Bill, that this commission is there to raise money for the government. It's going to do so primarily through two vehicles under this piece of legislation. One is through the sale of liquor and the collection of the taxes associated therewith. So we have the government, on one hand, saying, "Well, let's get out of the business of being in business," yet on the other hand they're firmly entrenching themselves in the sale of liquor business.

On one hand, they say, "Gee, we've privatized the whole thing," yet on the other hand we've got this commission that's going to administer all of that and going to be involved with the collection of taxes, decide who can sell liquor, in what kind of location they can sell liquor, where that can occur, and to a certain extent even determine, I guess, a floor price, if nothing

else, on the sale of that liquor. So we've got government still firmly involved with the business of liquor sales in the province. Yet on the other hand, the government says: "Oh, no. We're a political body. We're not really involved in business anymore." I would suggest, Mr. Speaker, based on what I see in this piece of legislation, that the government still hasn't made up its mind which it is and which it isn't.

The other area. That's a whole other section of the Bill, of course, dealing with gaming. That deals with part 2, gaming and provincial lotteries. The government is looking for a second source of revenue, a second source of income from the collection of their share of lottery revenues, VLT revenues, et cetera. Mr. Speaker, that revenue growth, as you're aware, has gone from as recent as only five years ago in the neighbourhood of \$25 million a year to an explosion of growth – most businesses would love to have this kind of increase in revenue – to well over half a billion dollars, \$500 million, of revenue to the provincial government. Now, that's a growth rate of which most businesses could only dream to have coming into their business as profit.

Mr. Speaker, again, the interesting thing here is that on one hand the government says, "Oh, we're out of the business of being in business," yet they hold the monopoly on all of the video lottery terminals that are distributed around the province, currently, I believe, hovering just under the number of 6,000 machines across the province. The revenues from those – I was speaking to an operator of a liquor establishment in my constituency. He's got the seven machines that are allowed, that he can have in his establishment under the current regulations. He tells me that he turns back to the province from his seven machines in the neighbourhood of almost \$1 million on an annual basis. That's from one establishment in the city of Calgary.

MR. DALLA-LONGA: How much?

MR. BRUSEKER: One million dollars net revenue back to the government from his seven machines in one location.

Now, the reason he's, dare I say it, happy to give the government a million dollars is because his net return on that is about \$25,000 per machine times seven machines. That is \$175,000 net revenue back to his business. So he had to do a little bit of renovation to his property, of course, to find spaces for those machines and have them wired up properly and so forth. He's even gone to the expense of putting nice bar stools there so the people that come into his establishment can deal with gambling, Mr. Speaker, in his establishment.

Of course, the government is the sole proprietor of all those gambling machines. In fact, there's even a section in here that deals with the fact that only government can be involved in the gambling business in terms of video lottery terminals. Now, again, my question to the government is: which is it? Are they involved in business or not involved in business? In a sense, through this Bill they are setting themselves up as partners in business with all of these establishments. Of course, all of the establishments that I'm talking about here are involved in both the sale of liquor and involved with the provision of, if you can call it that, gaming facilities, gaming locations.

So, Mr. Speaker, the issue here, the underlying principle that this Bill creates is that on one hand, contrary to the government saying, "Gee, we're getting out of the business of being in business," this firmly entrenches the government's involvement in two very lucrative areas of business within the province of Alberta: gambling and the selling of alcoholic beverages.

Now, there is a section in here, of course, that does allow for those individuals – and I have a number of good friends of mine who are involved in the making of wine at home for their own personal consumption. Of course, Mr. Speaker, it takes some time to produce a vat of wine and then bottle it and so forth. I know the hon. Member for Calgary-West has some experience in that venue and that the Member for Edmonton-Manning certainly has some experience in that venue, and I have to confess that I've imbibed myself on occasion. But you know what happens in a good number of cases is . . .

8:40

MRS. BURGNER: You didn't inhale.

MR. BRUSEKER: No, I didn't inhale the wine; that's true.

Of course, what often happens is one of them will make a red Cabernet Sauvignon, for example: a very nice red wine, nice and smooth. The next individual may choose to make a white German Piesporter. Someone else will make a Chardonnay, and then they'll swap a few bottles, just by way of example. Now, under this particular piece of legislation, Mr. Speaker, that's not going to be allowed anymore. So if you and I decide that we're going to share the fruits of our labour, so to speak, this particular Bill would prevent that. I'm surprised that we don't have the government asking home wine makers to register their vats so they can have liquor control at home as well, and we can charge more for imported wine or what have you.

The issue of course here, as it deals with the production of liquor, is very clear. It says that that's no longer going to be available. Now, it's interesting, Mr. Speaker, as I said, that the government is very clear and has made it abundantly clear in response to questions from the Member for Edmonton-Rutherford with respect to video lottery terminals. The government is committed to remaining in the business of being involved as the sole proprietor and owner of all of the video lottery terminals in the province of Alberta. Of course, that half a billion dollars of revenue that I referred to is pretty tough for the government to give up. One of the sections in here again makes it abundantly clear that no one may be involved with video lottery terminals or even possess a video lottery terminal unless it's been approved by the commission. Presumably, the purpose for that is so that the commission can get its cut. Of course, you're aware there's some dispute exactly as to how large the cut is that the government takes versus what is paid back out to those individuals who are doing the gambling.

Mr. Speaker, the other issue that I want to speak to a little bit here is dealing with the issue of problem gambling. The concerns that I had – and I would expect almost all Members of this Legislative Assembly have had letters or phone calls from constituents expressing concerns and some people, quite frankly, pleading for help to address their gambling addiction. I must say that I've had those kinds of communications from constituents, and I'm always, I guess, rather taken aback at the level of involvement that people have had. In all cases where people have come to me expressing those kinds of concerns, they deal specifically with video lottery terminals. I can tell you in all honesty that I've never had anyone come to me saying, "I'm addicted to 6/49 tickets" or to provincial lottery tickets. What people say to me is that they feel they are addicted to video lottery terminals. The other thing that I have heard is with horse racing, but that is a minor issue compared to video lottery terminals.

Mr. Speaker, what is not present in this Bill and should be, in

my opinion, is some addressing of that issue of problem gamblers. Now, the chairman of AADAC is here this evening, and I know that she has been involved with the issue of problem gambling. My understanding, though, is that there's only a relatively small figure of \$1 million set aside specifically to deal with the issue of problem gambling.

MRS. LAING: It's \$1.8 million.

MR. BRUSEKER: Sorry; \$1.8 million. I stand corrected, hon. member; \$1.8 million being expended on behalf of problem gamblers, yet the government is bringing in excess of \$500 million. Now, in terms of arithmetic right off the top of my head, obviously that's less than one-half of 1 percent of all of the revenue brought in. Of that half-billion dollars of revenue brought in primarily by video lottery terminals, less than one-half of 1 percent of that revenue is being spent to assist those individuals who are problem gamblers. When I look at the statistics – and I don't know exactly how accurate the statistics are – it's pretty clear that the level of problem gamblers is greater than one-half of 1 percent of the population of the province. So if we start looking at that issue, at that concern, it seems to me that somewhere in here we should have some greater commitment, some greater reference, if you will, Mr. Speaker, to addressing the issue of problem gambling.

Now, when one looks at the Bill, it seems to me that in creating this commission and the board and the panel that is going to be sort of the pure middle effect, if you will, of the creation of this, it's going to allow that commission to virtually have unlimited control over any and all activities related to gambling and to liquor in the province of Alberta. My concern with that is the same as it has been with other pieces of legislation in that in delegating that responsibility, we are taking the authority out of this Legislative Assembly, Mr. Speaker, and we are giving it to a nonelected body, because the commission is going to be appointed by the minister. The commission of course, although it is going to be an agent of the Crown, is not an elected official, is not someone that is going to be responding to the public.

Certainly we in our roles as elected Members of the Legislative Assembly respond to our constituents on a daily and weekly basis. When we are in session, we go back to our constituencies on the Friday and get a chance to speak with individuals about issues of concern. That allows us to come back and relay, when we can be in this Legislative Assembly, those concerns that we have heard about, whether that's an issue with respect to gaming and liquor or any other issue across the province. But this commission that's going to be created is going to be one step removed, I guess, from that public response.

Again, what is unclear in here is exactly the criteria, how it is that the board is going to be set up in terms of the authority that it's going to have, in terms of exactly what it's going to do. One section here talks about limits or conditions, but there's no outline of criteria. There's no background that says that these are the points that the board must follow or that the commission must follow in establishing its policies and regulations. So it's wide open in terms of what the board may do. Again, that giving of the authority to a board that is going to be one step removed, if you will, from public input and public feedback I think is a concern with this Bill that should be addressed.

Mr. Speaker, a large section of the Bill deals with various licences and different ways and places and types of conditions under which liquor can be sold. On one hand, the government

says to you that they're getting out of the business of being in business, yet they're again creating conditions that talk about how liquor should be sold and where it may be sold and under what licensed conditions. It seems, again, that it's mixing and matching its metaphors in terms of either it's in business or it's not in business. From Bill 6, the Gaming and Liquor Act, it seems to me to be unclear exactly what the government's philosophy is. It would be nice should the government be able to find a way to declare exactly what its position is in terms of being involved with business.

8:50

Mr. Speaker, the role of government with respect to the sale of liquor and gaming in the province of Alberta is to create a variety of conditions that spell out exactly what may happen. Yet just this session, for example, we had a Bill – I believe it was Bill 16 – to repeal the Act that was called the Alberta Government Telephones Reorganization Act. The argument there was that the government shouldn't be involved with specifying conditions as to how many shares had to be owned in Alberta and where those shares could be in terms of an individual's personal holdings or collectively: inside the province, inside the country, outside the country, or what have you. So the government said, "We need to get out of any regulation of the telephones business," and completely backed off, and now we have an open and a clear competitive marketplace.

Yet on the other hand we have this Bill coming forward that page after page describes conditions, hints at regulations that may be coming in the future, and the overall thrust, the overall message behind Bill 6, the Gaming and Liquor Act, is that the government is very much involved with these two types of businesses within the province of Alberta. Now, as I said, Mr. Speaker, those two conditions or those two positions, if you will, seem to me to be rather contradictory.

The board itself may have hearings, and of course again we'll deal with how liquor is addressed and moved and transported. As the Member for Edmonton-Meadowlark referred to, we introduced a number of amendments that we felt would have cleared up some of the language, particularly with the issue of inspections and seizure. There's a whole section, part 5, that deals with inspections and seizure and review of licensed premises. There were some sections of the Bill we looked at during the committee stage that we felt, quite frankly, were within themselves somewhat contradictory. The government of course has said that they feel this is a wonderful piece of legislation, no problems, and everything will work blissfully well once it has passed third reading and receives Royal Assent.

I would suggest, Mr. Speaker, that when the Bill does come into force and some sections are starting to be applied, the government is going to see some difficulties. Quite frankly, I anticipate that in the spring session next year at the latest or perhaps even in the fall session of this year we will start seeing amendments coming back, and we will have a Bill with a new number on it, which will be the gaming and liquor amendment Act, at some point down the road. As the government sees some of the problems that we have pointed out in this Bill, it will be coming back again for corrections down the road. One only needs to look at today's Order Paper to see all of the amendment Acts that are before us today being improved upon from versions 1, 2, 3 or however many we've had in the past. I would suggest that there are still some problems with this Bill that will cause the government to come back with an amendment Act to this Bill in, I expect, the not too distant future.

Mr. Speaker, the positive side. I don't want to say that there is no positive side to this particular piece of legislation. I believe there is one positive side. I think that is that there is some streamlining which is proposed to occur here, that we're going to see a combining of two boards into one, the new one having the name the Alberta Gaming and Liquor Commission. So I think there may well be some cost savings to the government that will result.

So I think on that one good point to this piece of legislation, Mr. Speaker, I'll close my comments.

Thank you.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm going to make just a few brief comments with regard to Bill 6, that being the Gaming and Liquor Act as brought forward by the hon. minister responsible for this department. What sort of propels me to my feet this evening is the fact that this Act deals with the whole area of gaming and lotteries and VLTs and gambling and everything related thereto, which are all issues of great significance to the residents that I've heard from who are concerned about these kinds of issues, living in the Avonmore area. In fact, we had a number of letters and phone calls back when VLTs were first introduced.

One of the things that I tried to do was to issue a survey or a questionnaire which would counsel the opinions of my constituents with regard to the specific area of VLTs, which are covered by this Act. I was quite surprised by the results, Mr. Speaker, because not only did I get responses to that questionnaire, but I also got a lot of explanations from the constituents who had personally undergone some difficulties with regard to VLTs or who knew of family members or friends who had undergone great difficulties as a result of their playing VLTs. In fact, some of them actually became addicted to the VLTs, and this is by their own admission. So anytime we have a chance to comment on that and bring some of the views of our constituents forward, I think it's a responsible thing for us as MLAs to do just that.

So I'm concerned about what on the one hand appears to be a very laudable objective – that is, the streamlining of all the different aspects that the minister responsible for lotteries has done here – and on the other hand I see quite a lot of I guess flexibility and serious concern, especially with regard to some of the responsibilities that are brought about and given to the board or to the panels, and I'll get into that in just a moment.

Let me start by looking at this whole area of VLTs as suggested in section 46 of the Act, where it comments at some length about the distribution of video lottery terminals and who may possess them, who may not, and so on. I know that in my own case, Mr. Speaker, I must have heard from at least 30 individuals who were personally affected by the VLT phenomenon. While I have never played the machines myself, I have stood and watched people as they played them, and I can see how the addiction grows. We know that we have in some cases individual establishments actually holding chairs on a reserved basis for some of their so-called regular customers. Some of these people have gone in and dropped entire paycheques on a Friday, others have spent an entire month's allowance, and yet others have lost an entire down payment for a home. In some cases it has created tremendous family problems and great difficulties in relationships, in marriages, and some marriages have ended in disaster. So we should

be very vigilant when we are reviewing anything to do with gambling, which is taken at such a serious pitch here in our province.

[Mr. Herard in the Chair]

It's not that I myself am so much against VLTs as such, Mr. Speaker, as it is that I am against what the VLTs have done to individuals and specifically to families in my riding and elsewhere. I have said it before, and I'm going to just repeat it briefly for all members present that are listening. That is that if VLTs are to be here because they are a popular choice for some, and if they are to be here because the government wishes to offer people that choice, then perhaps the government should also consider placing these VLTs under some form of tighter scrutiny where they would be available but they would be restricted to certain areas. I wonder if the government has considered in its deliberations as they were preparing this Act or perhaps somewhere else the possibility of having VLTs available in the commonly referred to casino locations, which already exist and have a regulation factor to them and have different hours, perhaps, than a lot of the other establishments do. In so doing, perhaps they could issue some sort of a directive that would indicate the general phasing out or downsizing or whatever have you of VLTs for those people who have made the investment as private businesspeople. If you let people have about a three-year sunset, let's say, as an example, and tell them that they have that amount of time to make their money back from the purchase of these machines, I don't think too many businesses would object to that. It's amounted to a bit of a windfall for the businesses who were fortunate enough to get these machines, and I think that is all right. They took advantage of something. They played by the rules. Now we've seen some of the results and some of the consequences of that action, so perhaps it's time for the government to have a sober second thought and review whether or not they made the right decision with regard to ushering in VLTs so quickly and in such abundance.

9:00

We know, Mr. Speaker, that in other provinces where they've dealt with the very same issue of gaming and lotteries and VLTs, we have seen many instances where the provinces, particularly in the east, have actually capped the number of VLTs available to businesses and/or they have actually stopped producing them. At the very least they have tried some form of deterrence to try, I guess, to encourage people to not play them as frequently and to hopefully stop any addictions from being formed. They have done that by limiting the payouts. I thought maybe somewhere in this Bill, which I scoured quite carefully, I might see some reference to that very point, but it doesn't exist, and I was hoping perhaps that the government might consider some of the successes in that regard that other provinces in Canada have already achieved. Similarly, they might look at restricting or limiting the profits to the buyers. That might also have a deterrent effect on the numbers of machines that the private businesses would be purchasing.

All of this has come about, of course, in a very quick fashion in our province, and I think many individuals are reeling from it in a very serious way. I note, for example, an article called "Gambling: 'Fools gold' of the nineties," which was put out this spring - that is, the spring of 1996 - by the AFWUF, which if memory serves me is the Alberta Federation of Women United for Families. There's an interesting quote on the back, which I'll just

read quickly to you, Mr. Speaker. It says the following:

Governments who sponsor gambling to help finance public programs have a strong temptation to become promoters and protectors of gambling. Norman Cousins, editor of *Saturday Review* wrote:

The first thing that is obvious is that New York State itself has become a predator in a way that the Mafia could never hope to match. What was intended as a plan to control gambling has become a high-powered device to promote it. The people who can least afford to take chances with their money . . . are being cajoled into it by the state.

Now, that's a bit of a shocking statement on the state of gambling.

DR. TAYLOR: Nobody forces them to.

MR. ZWOZDESKY: I realize, hon. member, that nobody is forcing them, but what I'm saying is that gambling has the ability to be such a powerful and overpowering thing that, if it's left unchecked, it can very much become a detriment not only to the individual who is playing but also to all of society. I agree with the hon. member who is talking to me to my right here that it is the responsibility of the individual, but so, too, is there a responsibility on the part of government.

Everybody's a little different. Everybody responds differently to different temptations. That's why we have a certain amount of laws and regulations and guidelines and policies and so on, to help some people who really might have a problem. Sometimes they wander into it very innocently, not knowing it. So here in this Bill, Mr. Speaker, we have an opportunity, I thought, to address that, and I was hoping perhaps to see some reference to that. Unfortunately, it is absent.

The next portion I'd like to just comment on quickly is part 3 in the Bill. The subheading is liquor, and the specific section is 48(1), where we talk about:

The board may, with or without a hearing, issue a liquor licence to an applicant if

- (a) the board considers it appropriate to do so,
- (b) the applicant is eligible to receive the licence

and so on. It reminds me of a time back when my father was in the hotel business, and I guess I was involved, therefore, with him. I recall how difficult it was then to acquire a liquor licence in the province. It was a set of restrictions and requirements that had everything to do not only with the size of the premises, but it had to do with how many exits you had, how many chairs and how many tables, the location of the windows and the number of windows, where your dish-washing facilities were, whether the place was carpeted, the type and the number and the size of the glasses you had in the establishment. It was really a very, very thorough process.

It's a process which I'm not sure is still as abundant in the province anymore in terms of receiving a licence, and I'm wondering whether or not it wouldn't be something that the government members may wish to comment on, because it causes me some concern if there is a greater amount of ease without some sort of a check and a balance in place when applying for these licences.

The point I'm trying to make, Mr. Speaker, is that we must never let liquor licences be given out too easily without some form of serious application requirements. I'm not suggesting that there aren't any that are serious, because I'm sure there are. I'm simply saying that we shouldn't be getting too much in the way. We should also be very vigilant of the process through which licences are given, and there's not a great deal on that in this section. I realize there are applications that sometimes may be referred to the municipality and their reference to the Local

Authorities Election Act as referred to here in 54. Also, there's another reference where applications can be referred to the Métis settlements, and the Métis settlements in section 55 obviously have some of their own additional concerns in that regard.

One other section that is of concern to me, of course, is the board hearings that comprise part 4, section 88, where I see that there are very serious fines and/or punishments, if you will, that are brought to bear if anyone is not in perfect adherence with the board requirements or if they have somehow abrogated the laws or whatever. They can pay up to a fine of a hundred thousand dollars, and I think that's a sufficient detriment to impose and to have people abide by the laws.

The section that I wanted to just comment on that I quite enjoyed reading was part 5, enforcement, where it says in section 95 that "the Commission may, in writing, designate any employee of the Commission or any other person as an inspector." I don't recall having seen that anywhere else before, "any employee." I could see perhaps somebody in the upper management of the commission being involved with that type of a responsibility, but I'm not sure it's a good idea to just allow "any employee." It suggests that it could be a full-time employee, it could be a part-time employee, it could be a casual employee. Who knows? I was wondering if somebody such as the minister or whoever might just comment and give us an answer to that question. Is it the intention of the government to in fact allow "any employee" to become so empowered that they would become an inspector and have all the powers that an inspector would have, including those that every police officer would have under this Act? It seems to me to be a bit of a stretch, Mr. Speaker, to allow just "any employee" to take on that particular role and that particular responsibility. So I would hope that they might take a look at that as well.

The final section that I wanted to just comment on briefly is section 11, which I believe is on page 10, if memory serves. That is the section that talks about

the Chair may designate any 2 or more members of the board, which may include the Chair, to sit as a panel of the board and may direct that panel . . .

and it goes on to describe some of the things it may do. It seems to me that allowing only two people to serve as a panel and make all the decisions that might come before it is just insufficient. Two individuals, in my view, dealing with all of the serious parts of this Bill that are dealt with here, which include the Alberta Liquor Control Board, the Alberta Lotteries, the Alberta lotteries and gaming, the Alberta gaming commission, the gaming control branch, and now the newly created Alberta Gaming and Liquor Commission, have quite a huge responsibility to carry out. To put that entire responsibility into the hands of as few as two people seems to me to be a bit of a surprise, and I'm not sure that it's very consistent with what Albertans would like to see because of the seriousness of the issues being dealt with here.

It says quite clearly on page 11, section 11(2) that "a quorum of a panel is 2 members." Now, the decisions or actions that this panel can take are so far-reaching and so extremely powerful that I'm sure the government would want to just revisit that or at least clarify for this member, if not for others, that what was intended there is not to allow simply two members to have such wide-ranging authorities that they could potentially take on any and all the responsibilities that come with the definitions and responsibilities of the entire board listed under section 8 and referred to for several pages, including licensing and registrations and other authorizations as designated to it by the chair. It just seems to me that there are so many things here that only two people would be empowered to do that it's a bit scary to me.

9:10

In conclusion, I want to say that at this stage it seems difficult for me to embrace this Bill, and some of the reasons I've given. I realize that there are many changes, Mr. Speaker, and some of them probably were necessary. I have never been opposed to cost-efficient streamlining or to effective elimination of duplication or waste in this province. I believe that we do have a responsibility whenever and wherever necessary to act in a very proactive way to ensure that the taxpayer dollars are being used wisely and that the decisions that we take in this House reflect those bits of wisdom.

At the same time I also think the government does have a responsibility to act on some of the other points I've mentioned. For example, nowhere in this Bill do I see any mention of problem gamblers. I realize that we have a commission called AADAC that looks into those matters, but I would have thought that somewhere in this Bill there would have been some mention of the impact of problem gambling on this province. I would have also thought that there would have been some mention of what it is that the government's responsibilities are with regard to controlling gambling in the province, because like the article from the AFWUF states, this is something that has the potential to overtake us even though we think otherwise.

I'm having some problems supporting this Bill. At this stage, because of the tremendous potential consequences to the detriment of all Albertans, I'm afraid I won't be able to lend it my support at this stage. With those quick comments, Mr. Speaker, I will take my seat. I'm sure there are others anxious to contribute their particular views on Bill 6.

Thank you.

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

MR. CHADI: Thank you very much. I want to of course thank the Member for Edmonton-Avonmore for allowing me this opportunity and not taking up the full time that was allotted to him so that I may be able to have an opportunity to speak as well.

Mr. Speaker, I of course feel compelled as well, and the hon. Minister of Labour is partly responsible for me rising to my feet today, because I heard him actually make a couple of comments earlier this evening. The comment that he made that compelled me to rise to speak to this Bill today is the fact that, in rising on a point of order, he did mention that the members across were passing around a couple of pages so that they'd all have the opportunity to speak to this Bill and repeat themselves over and over again. I'll have the hon. member know that I do not have . . .

Speaker's Ruling Relevance

THE ACTING SPEAKER: Excuse me, hon. member. Part of the discussion on the point of order was that we are in third reading. You must deal with what's in the Bill. So far I haven't heard anything with respect to what's in the Bill. We're redebating a point of order. Please keep your debate to the Bill. Anything that is not in the Bill, such as the standing committee on law and order and all of these things, is out of bounds because we are in third reading.

MR. CHADI: You're absolutely right. We must speak to the principle of the Bill, Mr. Speaker. I would ask that you be a bit patient. I'm gonna get there. I only responded to some of the

talk that went on, some of the debate that went on in the Legislature this evening. It's certainly not out of the ordinary to be able to respond to some of these things. Please allow me to carry on, and I will get to the pertinent parts of the Bill that cause me some concern and parts of the Bill that I think are very much legitimate and worthy of support.

Debate Continued

MR. CHADI: Mr. Speaker, the Gaming and Liquor Act somewhat amalgamates the lottery Act and parts of the Liquor Control Act. They're integrated within this Bill to create the amalgamation of the two functions.

The part that concerns me somewhat is the fact that VLTs in the province of Alberta initially – I recall that at the time VLTs were first introduced, there was a corporation in Alberta, an Alberta company, that wanted to build the VLTs initially and were offering a reasonably good deal to the province at the time. They were turned down, and I understand that in fact a company from the United States ended up doing the building of these VLTs and the supply to the province of Alberta. I wondered where the Alberta advantage was in there, because I notice that within the Bill itself we talk about video lottery terminals not being able to be made by any person, sold by any person, advertised by any person, or distributed by any person other than those that are approved by the commission and those that are registered to deal in VLTs in this province. I would have hoped that there would have been a provision in the Bill at one point in time or maybe even a provision within the regulations that would describe those individuals being Albertans. I think that to truly create an Alberta advantage I would like to see first chance given to Alberta manufacturers rather than go outside of this province, which has been the practice of this government certainly with respect to the VLTs in Alberta.

Another area of concern, especially when we talk about the amalgamation of the Alberta Gaming and Liquor Act – I mean, think about it for a second. We're talking about gaming, and we're talking about liquor, and those private operators that are out there today, Mr. Speaker, have no right to sell, as I understand it, lottery tickets in liquor stores. Now, it just doesn't make sense at all. Now, you know, one would think that if you're governed under the Alberta Gaming and Liquor Act, you'd be able to go and buy your liquor and your lottery tickets, your 6/49 ticket and your other – there are all kinds of things. There are those X's and O's. There are probably about 20 or 30 different kinds of scratch tickets nowadays that are sold throughout Alberta. You know, Mr. Speaker, you can't buy one in a liquor store, it's my understanding. I can buy a bottle of pop in a liquor store, which is something that couldn't happen before. It just doesn't make sense. I would have thought that it would be embedded in this Bill somewhere. [interjection] I know that, and I sense that.

The privatization of the ALCB has right now some pretty shaky or nervous owners and operators out there. Now, these individuals have a right to be concerned, because they honestly feel that it won't be long now that . . .

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

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

Point of Order Relevance

DR. TAYLOR: *Beauchesne* 459, Mr. Speaker. He's talking

about the privatization of the ALCB. He's talking about shaky operators that own these liquor stores apparently, and it has absolutely, absolutely, totally nothing to do with the Bill. I'd humbly request that you call him back to order and get him to talk to the Bill.

9:20

THE ACTING SPEAKER: On the point of order.

MR. CHADI: Yes, Mr. Speaker, on the point of order. As a matter of fact, if the hon. member stopped reading his novel long enough and picked up a copy of the Bill – and I am still speaking on the point of order; sit down – on page 3 of the index of Bill 6, he would see “Representatives of Liquor Suppliers,” registrations that are required. You'd see “Regulations of Licensees and Activities on Licensed Premises: Forced sales, Remuneration based on sales.” All of these are included within Bill 6, hon. member.

THE ACTING SPEAKER: Hon. members, I'm going to try one more time to clarify a couple of things. I'm hearing a lot of comments such as, “I would have thought that this would be in this Bill.” Well, it's a little bit late to be debating things that you thought ought to be in the Bill, because we've been through the principles of the Bill, we've been through committee, and we're now in third reading. So we have to debate what is in the Bill, not what you think ought to be in the Bill. So stick to the Bill, please.

DR. TAYLOR: Mr. Speaker, just a point of clarification. *The Death of Common Sense* here. I think that's exactly what we're hearing here: the death of common sense.

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

Debate Continued

MR. CHADI: Yes, Mr. Speaker. I was talking about very nervous individual operators of liquor stores, not that they were shaky, as the hon. Member for Cypress-Medicine Hat pointed out. I don't think that they're shaky as much as they are nervous: nervous that they could be out of business in the next little while if in fact the government of the province of Alberta decides that some of these big store operators should get licences and put them out of business.

When we talk about third reading and when we're debating third reading, please, I need your guidance on this, Mr. Speaker. I thought we were talking about this Bill and the principles in this Bill, whether it's in third reading or not. Everything that is encompassed within this Bill I can have the latitude to speak on. Otherwise, what could I speak about, I mean, if I couldn't speak on section by section? These are some of the things that the previous speaker spoke about. Section 46(1) clearly talks about video lottery terminals, and it says that “No person may make, sell, advertise” these without being registered in the province of Alberta to do so. That's exactly what I was talking about.

I'm very pleased to know that members in this Legislative Assembly tonight are actually taking notice and listening to the debate. I'm very much pleased to see that happening. I'm not pleased to see that they're not engaging in debate from the other side of this House, though.

An area of concern of mine in Bill 6 has always been and

always will be the payments into the lottery fund. It's the fact that there is a lottery fund at all, Mr. Speaker. I've always been an individual that's said we don't need another bureaucracy here looking after another bank account. We have a general revenue fund. That is our current account for the province of Alberta, and when section 26(1) talks about "the revenue received by the Commission from provincial lotteries under agreement with retailers," those funds would then

be deposited into the Commission's accounts.

(2) The Commission may pay from the revenue . . . retailers' . . . federal taxes . . .

(3) The revenue, less the amounts referred to in subsection (2), is to be transferred to the Lottery Fund.

See, I'm of the opinion that what should happen here is that those funds go straight into general revenue, thus eliminating a total bureaucracy looking after another bank account, quite similar, if you will, to the heritage savings trust fund. I mean, there's another whole bureaucracy in a fund which could be dealt with in the general revenue fund.

MR. DUNFORD: I thought you were a good and observant businessman.

MR. CHADI: I am. That's why you'd want to . . .

THE ACTING SPEAKER: Through the Chair, please.

MR. CHADI: That's right, Mr. Speaker. Through the Chair. The Member for Lethbridge-West says he thought I was a businessman. I think I'm much more a businessman than he is and may ever be.

MR. DUNFORD: Then why are you talking this way?

MR. CHADI: I could tell you, Mr. Speaker, that when you look at different bank accounts, a simple thing like a bank account for a corporation. Have two or three of them, and you'll find out how much the charges are, and then you'll say to yourself, "Why are we doing this?" and start amalgamating them.

Section 28 talks about "grant in lieu of taxes." It talks about how the municipalities get grants in lieu of taxes. Those come from the lottery fund. Now, that's an area of some concern to me as well. I think that Lethbridge-West should speak to this as well. It ought not come from a lottery fund. It should come from the general revenue fund. That's what's wrong with this. We've created a whole bureaucracy called the lottery fund. Let's consider doing away with that down the road because we don't need all of those funds. What we need is one, the general revenue fund.

Mr. Speaker, with those comments I'll take my seat and allow others to speak.

THE ACTING SPEAKER: The hon. Minister of Transportation and Utilities has moved third reading of Bill 6, Gaming and Liquor Act. Does the Assembly agree to the motion for third reading?

SOME HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE ACTING SPEAKER: So ordered.

[Several members rose calling for a division. The division bell was rung at 9:28 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

| | | |
|-----------|-----------|------------|
| Ady | Haley | Paszkowski |
| Amery | Havelock | Renner |
| Brassard | Hierath | Rostad |
| Burgener | Hlady | Sekulic |
| Calahasen | Jacques | Severtson |
| Cardinal | Laing | Stelmach |
| Day | Lund | Tannas |
| Dinning | Magnus | Taylor |
| Doerksen | McClellan | Thurber |
| Dunford | McFarland | Woloshyn |
| Friedel | Oberg | Yankowsky |
| Fritz | | |

Against the motion:

| | | |
|-------------|-----------|-----------|
| Bruseker | Henry | Sapers |
| Dalla-Longa | Leibovici | Sekulic |
| Dickson | Nicol | Zwozdesky |
| Hanson | Percy | |

| | | |
|---------|----------|--------------|
| Totals: | For - 34 | Against - 11 |
|---------|----------|--------------|

[Motion carried; Bill 6 read a third time]

head: Government Bills and Orders
head: Committee of the Whole

9:40

[Mr. Herard in the Chair]

THE ACTING CHAIRMAN: I'd like to bring the committee to order, please.

Bill 24
Individual's Rights Protection
Amendment Act, 1996

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

MR. DICKSON: Thank you very much, Mr. Chairman. I'm pleased to rise now that we're at the committee stage on Bill 24 and indicate that there are some initial observations that I want to make before dealing with some of the specific sections that require amendment and, at the very least, clarification.

The thing I want to raise firstly is that last Friday in the city of Calgary there was a meeting at McDougall Centre with some members of the Conservative caucus and representatives of the Alberta Coalition on Human Rights. As a result of that presentation by a number of distinguished Calgarians - people like Mr. Aaron Eichler; Jack O'Neill, the former deputy minister for the department of multiculturalism; Senator Ghitter, a longtime member of the Conservative Party and part of the original 1972 Lougheed gang - what I'd like to hear from the hon. minister responsible for the Human Rights Commission is: what issues, what questions does he still have outstanding? My recollection is that the minister is reported to have said that he had some questions about the concerns of the Dignity Foundation, and

perhaps the minister would be good enough to particularize and give us a specific inventory of concerns that still exist after that meeting.

The other matter I want to raise, Mr. Chairman, is that the minister still asserts that his interpretation of the Bill is the correct one and that somehow members on this side can't seem to quite get it right, that we can't understand what the Bill says. I'm wondering if the minister would indicate why it is that if the opposition misapprehend what the Bill is about, that same misapprehension is shared by the African Community Association of Calgary. Why is it that the United Way of the city of Calgary disagrees with the minister? Why is it that the Calgary Catholic Immigration Society has concerns with Bill 24? Why is it that the Council of Sikh Organizations can't seem to understand what the minister wants to do? Why is it that the University of Calgary Committee Against Racism seems, according to the minister, to have missed the boat? Why is it that the Alberta Federation of Labour is wrong, as the minister would suggest? How is it that the Caribbean Community Council of Calgary also doesn't get the minister's message? At some point don't we have to say that maybe the minister has it wrong?

One might ask: has the Unitarian Church of Calgary also fallen into the same trap as members of the opposition, that somehow we can't read these nuances and the invisible writing that appears in Bill 24? How is it that the Canadian Council of Christians and Jews, Alberta region, have the same difficulties that this member and other members of the opposition have with Bill 24? Maybe the minister would be good enough to explain how it is that the Alberta Association for Multicultural Education has problems with this Bill? The Southern Alberta Heritage Language Association can't seem to understand why the government wants to put Bill 24 forward. The YWCA of the city of Calgary has the same problem that members of the opposition have. The hon. Minister of Community Development attends the same annual general meetings, the same functions that I do at the Calgary Chinese Community Service Association. He knows, as I do, that those are competent and intelligent men and women.

Now, how is it that all of these groups and the opposition have it wrong and the minister alone has some kind of wisdom and some kind of insight that all of these other groups seem not to have?

How is it that the Connection Housing Society in the city of Calgary disagrees with the minister? Perhaps the minister can explain why it is that the Committee against Racial and Religious Discrimination and the Society for the Prevention and Elimination of Discrimination and Stereotyping disagree with the minister? Maybe the minister could indicate why B'Nai Brith, the Congress of Black Women of Canada, the Plains Indian Cultural Survival School, the Canadian Mental Health Association disagree with the minister and also don't get the message that he's trying to put forward in Bill 24.

Speaking of the Canadian Mental Health Association, why is it, Mr. Chairman, that the government continues to entertain at the same time that they put Bill 24 forward – what we know is happening is that they're continuing to look very seriously at a submission from the Canadian Mental Health Association, a report put forward called *Fractured Voices*, which talks about an independent commission, a commission independent of the Legislative Assembly. How is it that the government is having all of these discussions at the same time they assert that Bill 24 has the answers?

Well, Mr. Chairman, it seems relatively clear that nobody has any confidence in Bill 24. Certainly not the Canadian Council of the Blind, Alberta region, nor the Calgary Jewish Community

Council, the Canadian Jewish Congress, south Alberta region, the National Indo-Canadian council. Would the minister have us believe that all of these people are incompetent, are incapable of reading a statute and understanding it? Would the minister have us believe that he has some insight that none of these other groups of Albertans can share? Planned Parenthood Alberta, the Alberta Civil Liberties Association, and many, many more: all of these groups have problems with Bill 24. I'd like to have the minister tell us, while we're still in the committee stage, what insight he has that nobody else seems to share with him.

Now, the other thing I wanted to raise is the fascinating news release that was produced by the provincial government just the other day which has come out under the auspices of the Alberta Human Rights Commission. This is particularly curious, Mr. Chairman. The news release was May 3, 1996. What we have is the chief commissioner of the Alberta Human Rights Commission, that the Minister of Community Development insists is somehow independent of his government – and what do we see? In this news release, this first of the quarterly reports, what you see at page 1 is a commission that unabashedly, unashamedly represents itself as an apologist for the Minister of Community Development.

I won't take the time now, Mr. Chairman, to go though and read the quotes from that news release of May 3, 1996, but what it does is it basically falls into line in terms of supporting Bill 24. There is no critical analysis. If anybody wanted some evidence of why the Human Rights Commission in this province is not independent of the government and independent of this minister, one need only look at that news release issued by the commission itself to see exactly how subservient the Alberta Human Rights Commission is.

What we've got in fact is this comment on page 1 of the newsletter of January 1 to March 31, 1996, and I quote:

The protection afforded all Albertans and the operations of the Human Rights Commission will be improved substantially as a result of the changes being made.

Now, how is it, Mr. Chairman, that the so-called independent commission which produces this report isn't concerned about the fact that the education fund is totally under the control of the minister? How is it that the commission seems to have lost its voice when it comes to extending the time period for complainants to be able to file a complaint beyond the current restrictive six-month period? That's a major problem, in my respectful view, and I'm disappointed that the minister hasn't addressed that in any meaningful fashion at all.

9:50

The concerns that are outstanding that I started to go through by reference to section numbers on April 18 – there were some additional matters that we hadn't completed discussing, and the first one would be the complaint procedure. This is the matter which is identified at section 22 of Bill 24. What we've got is a continuation of the six-month time limit for complaints. Now, the Alberta Liberal caucus has always argued that six months is too narrow. The Equal in Dignity submission at page 80 says:

- the six month limitation period within which complaints must be taken should be extended to one year with discretionary power to extend this one year period where circumstances warrant.

What the minister responded in the release by the government of the document entitled *Our Commitment to Human Rights* was, and I quote: "Six months is a reasonable standard time period. It's best to have complaints dealt with while the facts are fresh in

people's minds." That appears on page 24 of the government's response. It was produced in December of 1995.

Why is it that just a scant couple of weeks ago we changed the law so that if you want to sue a physician, you will now have two years to do it? It used to be one year. It's now been extended to two years. Medical malpractice is the most serious kind of litigation I can think of, one of the kinds of cases where it's critically important that a witness have a clear recollection. Why is it that just a couple of weeks ago the government members had no qualms at all about extending the limitation period to two years for medical malpractice action, but when it comes to a six-month limitation period and extending that to one year, the government says: "No, no. Six months is a reasonable time period." Says who, Mr. Chairman? It contradicts the stand that this very government had taken no less than two and a half weeks ago. We might at least expect some consistency from the government on that.

The other point I wanted to deal with is the question of the purview and the scrutiny of the Ombudsman. Mr. Chairman, what we've got is this: section 25 is going to delete any reference to the Ombudsman Act and whether it applies to the commission. The minister asserted in question period, with a straight face, that in effect what we've got is: the Ombudsman Act still applies. But here's the tortuous path one has to follow to determine if in fact the Ombudsman can receive a complaint if you're dissatisfied with what the Human Rights Commission has done.

What happens first is you read the Ombudsman Act, and the Ombudsman Act doesn't say anywhere that the Alberta Human Rights Commission is subject to it. It doesn't say that anywhere. The Ombudsman Act says, however, that it applies to a provincial agency as defined by the Financial Administration Act. So an Albertan who tries to find out whether he can make a complaint to the Ombudsman then has to go to the Financial Administration Act, section 1. Section 1 of the Financial Administration Act defines "agency" as either "a Provincial corporation or a Provincial committee." Well, a provincial corporation clearly is inapplicable. A "Provincial committee," however, is defined as an unincorporated board, commission, council, or other body that is not a department or part of a department, all or a majority of whose members are appointed or designated . . . by an Act of the Legislature or regulations under an Act of the Legislature, by an order of the Lieutenant Governor in Council or of a Minister of the Crown or by any combination thereof.

That's at section (1)(m) of the Financial Administration Act.

So here's what the minister would have us do. He takes out a very clear and specific and unambiguous provision that says that if you've got a complaint against the Human Rights Commission, you've got recourse to the Ombudsman. What the minister would sooner have Albertans do – just follow this, Mr. Chairman, if you will – is have that Albertan in Drumheller or in Lacombe or in Medicine Hat go down to the provincial courthouse – because it costs money to see provincial statutes and this government likes to sell its provincial statutes, unlike most other jurisdictions in Canada that take a more enlightened approach – and if that citizen then gets a copy of the Ombudsman Act and looks through and he doesn't find his answer there, and if he's comfortable enough with reading legislation and he then goes to look at the Financial Administration Act and he can determine that the Alberta Human Rights Commission may fall within the definition a provincial committee, he may conclude that the Ombudsman has jurisdiction.

Well, this is the very same government that made a great to-do in the document *Our Commitment to Human Rights*, December 1995. This is where it was confirmed, and in fact the provision

says: the plain language recommendation in *Equal in Dignity*, number 33, "is consistent with new legislation. Legislative Counsel's office is now drafting all legislation in plain language."

Mr. Chairman, how can you describe that path, to find out whether the Ombudsman has jurisdiction, as plain language? It makes absolutely no sense, unless you really want to discourage people having recourse to the Ombudsman when they're dissatisfied with the work of the Human Rights Commission. That's not acceptable. I think we can see through it, and I think Albertans can see through it. If you look at the 84 organizations that have had their names published as supporters of the Dignity Foundation, the Alberta coalition for human rights, one quickly finds out that the government is in a minority position.

The other thing to deal with is the question of frivolous complaints. The new section 13 would have a provision that says, "No person shall, with malicious intent, make a complaint under this Act that is frivolous or vexatious." One might call this a Cypress-Medicine Hat amendment, because my understanding is that that's the source of this amendment. It certainly didn't come from the *Equal in Dignity* task force report.

Now, what's interesting here is that the current chairman of the Alberta Human Rights Commission has said: we don't have a problem with frivolous complaints. The past chairman of the Alberta Human Rights Commission has said: we don't have a problem with frivolous complaints. The past past chairman of the Alberta Human Rights Commission has said: we don't have and we didn't have a problem with frivolous complaints. In any event, the power isn't needed. Why? Well, for this reason: there's already the power to dismiss complaints at an early stage if they're frivolous or vexatious. See section 22 which provides the new section 20(1).

If the complaint gets to a human rights panel, the panel has the power to dismiss the complaint if it's without merit, section 22 again, this would be the new section 28(1)(a). There's also the power in the human rights panel that's created under section 22 – and this will be the new section 28(2) – for a human rights panel to award legal costs against the complainant if the complaint is frivolous or vexatious.

So what we've got are at least two different opportunities to dismiss complaints summarily. You have the power to award costs against a complainant who comes forward and makes a frivolous or vexatious complaint. What possible reason would there be for inserting section 13? Well, the only possible reason I can think of, Mr. Chairman, is that it can be used as a weapon to beat up a woman in an office who is the subject of sexual harassment. Her employer can go to her and say, "Don't you dare go and make a complaint to the Human Rights Commission because this is what's going to happen to you," and the employer can go and post on the wall this so-called frivolous complaint provision in section 7.

If one then goes and looks at that part of the Bill that sets out penalty, the woman may get legal advice to tell her that the Legislature is presumed to know the law. If you've got a provision in there that says that something shall not happen, there's a presumption that it's put in there for a specific reason. It's not there as wallpaper. It's not there as ornamentation. The courts will strive mightily to give it a meaning. If you look at the penalty provision, the provision for a \$10,000 penalty which appears in Bill 24 in section 36.2 on page 15, it says, "No person shall hinder, obstruct or interfere with the Commission." Now, in my respectful submission, Mr. Chairman, what may well be argued is that you read the other provision which deals with frivolous and vexatious complaints . . .

Mr. Chairman, if in fact I've run out of time, I'm going to have

to ask my colleague to pick up, and I'll catch it later on.

Thank you, Mr. Chairman.

10:00

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Avonmore.

MR. ZWOZDESKY: Thank you, Mr. Chairman. I have some comments which I would like to make during this stage of debate on Bill 24. While I realize that there are a number of issues that could be addressed here in regard to the general area of human rights and the abolition of the Women's Secretariat Act, I'm going to make most of my comments in relation to section 29, wherein it states that the Alberta Multiculturalism Act is repealed. My reason for doing so is because I'm not in favour of abolishing the Alberta Multiculturalism Act.

I want to say two things very clearly at the beginning. One, the government of Alberta must have a clearly stated multicultural policy via an Act which enunciates the concept and the principles of multiculturalism in this province and which also stipulates actions and directives to give effect to those principles and to that concept of multiculturalism which has served this province extremely well and which thousands of individuals input to the creation of. Secondly, I think the government should not dilute the effect of multiculturalism in this province by amalgamating the Multiculturalism Commission with any other body, such as is proposed in this particular Bill. This Bill has created a great amount of discussion in the community, Mr. Chairman, and it comes as no surprise to me nor to any members on this side of the House that it is not being received very warmly by the human rights people in the province nor by the people involved or engaged in the multicultural sector or people who at least believe in multiculturalism.

If we were to allow Bill 24 to be passed in its current form, what we would really be doing, Mr. Chairman, is allowing this government to eliminate and to abolish the Alberta Multiculturalism Act, and the net effect of that elimination would mean the abandonment of many extremely important principles which comprise the Alberta Multiculturalism Act in its current form. I want to just read quickly for all members what those important principles are that would be abandoned if Bill 24 succeeds and does in fact abolish the Alberta Multiculturalism Act. Those principles as quoted in the Act are:

Whereas multiculturalism describes the diverse racial and cultural composition of Alberta's society; and

Whereas Alberta recognizes the importance of its multicultural heritage; and

Whereas the richness of life in Alberta is enhanced by sharing the knowledge and traditions of ethno-cultural groups that make up that heritage; and

Whereas it is fit and proper for the Legislature of Alberta to make a commitment to a policy that recognizes the multicultural heritage of Alberta and the contribution made by ethno-cultural groups to that heritage; and

Whereas this commitment is intended to encourage all Albertans to share in an awareness and appreciation of Alberta's multicultural heritage . . .

Mr. Chairman, those are the important points of preamble, points of principle that ushered in the Alberta Multiculturalism Act, and they need to be restated again somewhere in a self-standing Act by this government, not abandoned by the government.

[Mr. Tannas in the Chair]

By abandoning or eliminating the Alberta Multiculturalism Act,

the government is abandoning certain important functions and responsibilities that governments have – and in this province, once had – with regard to multiculturalism. In fact, the preamble that I just read uses the word “multicultural” at least five times, I think, yet in the preamble to Bill 24 we don't see the word “multiculturalism” used even once. We see references to diversity. We see references to racial and cultural composition. We see references to religious beliefs, colour, place of origin, and so on, but nowhere do we see the use of the word “multiculturalism.” I think that's a deliberate attempt by the government to cater to some kind of ill philosophy that pervades the government or many of its members at the moment. I don't know why it is that it's gotten to the stage where they are afraid of the word “multiculturalism” and don't want to see it used anymore in any of their legislation.

The other point that concerns me here, Mr. Chairman, is the discontinuance of the Alberta Multiculturalism Commission, which Bill 24, if accomplished, would have done. The Alberta Multiculturalism Commission ought to exist as a self-standing, arm's-length agency of the Crown, which in effect is what it is now. I don't think it's fair for the government to confuse the Human Rights Commission with the role of the Alberta Multiculturalism Commission, with some other organization looking after citizenship or any other issues, for that matter. The Human Rights Commission is an organization that we know we need as a self-standing, arm's-length body that reports with real power to and through the Legislature. It serves to protect. It serves to protect individuals against acts of discrimination, to create a just society, to create a society based on dignity and equality for all.

The Alberta Multiculturalism Commission has some other purposes. It has the purpose of promoting respect for each other's cultural heritage or background. It encourages us to look at and to study more deeply where it is that the many people of Alberta have come from and how it is that we live in this harmonious state as one large multicultural-thinking group. The Multiculturalism Commission fosters an environment within which all of these cultures take their proper place and contribute to the larger good of a multicultural province. The Alberta Multiculturalism Commission provides policies, it provides directives, and it provides direction with regard to the role and the development of Alberta's multicultural reality. In short, Mr. Chairman, the Alberta Multiculturalism Commission promotes a way of life. It promotes a way of thinking in this province that has served us extremely well. It has never been a detriment to this province. It has never created any divisiveness in this province. It is only a recognition of the fact that multiculturalism is a reality in this province and that we should be embracing it, so the roles of the different commissions are different.

So, too, should they be treated differently. They should not be lumped all together into one, as this Bill would serve to do under the guise of streamlining or efficiency or something to that effect. You cannot expect the full, proper functions of either of the commissions to be done to the extent that they need to be done if they are somehow rolled in together and the delineations are not clear enough. It's quite obvious to me that you will not have proper or effective service of the human rights area and neither will you have proper and effective service of the multiculturalism area. Perhaps that is the intent of the government by rolling it together. Maybe it is an attempt to confuse and to conquer.

When you have an Alberta Multiculturalism Act, a self-standing Act such as we have had up until now in this province, you not only have a statement of the values and beliefs and principles of

the multicultural reality that make up this province; you also have an extremely important marketing tool. If Alberta is going to continue vying for international business and trade – and I certainly hope we are planning to continue to do so – and especially if we are going to keep trying to attract major international events to our province, you can use a Multiculturalism Act as a tremendous tool for attracting those kinds of business ventures, those kinds of international festivals to come here. You will have proof positive in one Act that shows all the world what it is that we stand for, what we believe in, and how our welcome mat is always there for people from many, many countries, from all countries in the world, to feel welcome and to see themselves reflected here not just in the people they see on the street, Mr. Chairman, not just in the workplace where they go shopping, not just in the schools and in religious institutions but right here in the Legislature through an Act of government. They will see that as a very important thing.

10:10

I would challenge anybody in this House to tell me differently, because if you look back at how it was that we attracted major events such as Universiade 1983, which was the world university games that all of us were involved in – I had a large role in it myself, Mr. Chairman – or the Commonwealth Games of 1978, which again we were all involved in, or the Olympic Games in Calgary in 1988, another thing that I had the pleasure of personally being deeply involved in, or even the World Figure Skating Championships that took place here just a few weeks ago, you have to understand that part of the reason why we attracted those world events to this part of the world is because of our ability to receive people of the world. We understand those people from all over the world because we have people here from all over the world. It's been celebrated as a very positive contribution to our province. Being able to point to a Multiculturalism Act such as we have had, a self-standing piece of legislation, has been without question a very, very positive thing for us to be able to do. It reflects who we are as a people, it certainly reflects who we are as a government, and it should reflect a commitment from the government to that philosophy which, I reiterate, has served this province extremely well.

There are many, there are thousands of people who would tell you, Mr. Chairman, that it is that type of policy of understanding and fully accepting others, or at least trying to fully accept others, which forms the pillars upon which this province was built and developed and is now flourishing to the extent that it has. That multicultural policy has in no way impeded our progress. Quite the contrary; it has aided it a great deal and has sped it along.

The other point I want to make here is with reference to some of the things that we used to understand comprised multicultural policy in this province which sadly would be lost if this Bill were to succeed. I'm talking about some phrases like cross-cultural understanding. Now, I know we haven't used that in this House a great deal because it hasn't been fashionable in the province of Alberta or for that matter across the dominion of Canada to use phrases like multiculturalism anymore, to use phrases like cross-cultural understanding anymore, or to use phrases like cultural heritage anymore. There seems to have been an abandonment by governments of some of those underlying principles, but what cross-cultural understanding really does and really means is that it provides people with a deeper understanding of one another. It provides not only that, Mr. Chairman, but it also provides a deeper appreciation for others, regardless of our differences. It provides them with a better sensitivity to the needs and the wants

of other individuals, who all have an equal right to be here. No Albertan is any greater or any less than the person living next door to them. It leads ultimately to a greater acceptance of one another.

When we received in this House that beautiful gift from the Polish community just a few days ago, their centenary book, I was honoured to receive that and I know other members were too. I was grateful that the hon. minister of agriculture saluted the people up in the gallery when they brought that in. If you flip through that book, Mr. Chairman, you will see very clearly the tremendous contribution that that particular group of individuals have made to this province. And the Polish people are no different than the Vietnamese or the Chinese or the Japanese or the Arabs or the Ukrainians or the Germans or the French or the Scottish, and we could go on and on because we all have this composite background that comprises our multicultural reality.

I would conclude this portion by saying that our cross-cultural understanding is again best understood by a phrase that I created several years ago when I was developing multicultural education materials in this province, and that phrase was this: the more we know about each other, the less we fear our differences. That's why it's important to have not only a statement of belief but a clear statement of multicultural policy that manifests itself in the form of an Act of government, an instrument which we would call the Alberta Multiculturalism Act.

We should be very clear that we're separating out here multicultural philosophy from multicultural funding. I don't want anybody confusing the two. I'm talking about the principle and the concept of a reality that exists in this province called multiculturalism. We're saying that the government has to have a policy that attempts to serve all Albertans equally and evenly and that the only way to do that is by showing individuals in Alberta where it is that they are reflected in government policy and in government's commitment to the people it serves. Nobody is telling the government to throw money at multiculturalism; that's not what this is all about. We're talking about a fundamental respect, a fundamental philosophy, that people on both sides of this House surely can't argue about.

The government of Alberta should be proud and respectful of the cornerstones that built this province, those cornerstones being cultural understanding and appreciation of all the cultures upon which not only this province was built but obviously the entire country of Canada was built. So the government must look back and take a look at somehow saving a multicultural policy that is sadly vacant in this Act.

If you read through Bill 24 carefully, we have in the preamble, as it exists, a series of whereas clauses – I think three to be exact – and all three of them simply talk about recognition: “whereas recognition of the inherent dignity,” et cetera; “whereas it is recognized in Alberta,” et cetera; “whereas it is recognized in Alberta as a fundamental principle . . . of public policy,” et cetera. But nowhere does it state the same commitment to principles as the Alberta Multiculturalism Act does. Unfortunately, the government has decided to bring in this Bill 24 I would think somewhat hastily, and it would serve to eliminate the principles that we are trying so hard to preserve and protect because they are a very positive influencing factor on our society today.

The other thing I find is the government's action to eliminate the term “multiculturalism” from all of its policy except with regard to the multiculturalism fund. When it comes to money, of course, there's some anxiety to take it and roll it in for other

purposes under the human rights banner, because that area is sadly underfunded, I suspect. The government is not using that word anymore, and I find that multiculturalism is a very good word for the government to revisit. What they're doing now by not using it and purposely striking it from this current legislation is creating the sense that it is somehow a distasteful word or is some sort of a detrimental word to the evolution of Alberta. But multiculturalism exists everywhere. So I wonder why it is that the government is turfing the word "multiculturalism" and what it is that the government seems to be afraid of. We are not a nation of cultural purists, and we shouldn't allow any legislation which even hints at the possibility of that becoming more entrenched in this country than perhaps it may be in certain areas.

So what is multiculturalism? Simply put, Mr. Chairman, it is a concept that recognizes and celebrates the many different cultural heritages and ancestral backgrounds which, when taken together, comprise our great Canadian culture. Multiculturalism is a philosophy that promotes respect, understanding, and hopefully acceptance, full, unconditional, total acceptance of fellow human beings, of fellow Canadians, regardless of ancestral or racial or natural or spiritual roots. That is what multiculturalism is. Canada has been, is, and will continue to be receiving immigrants for years to come in the future. In fact, it's predicted that by the year 2004 about 80 percent of Albertans will cite an ancestral root as being something other than Anglo-Saxon.

Multiculturalism is not dozens of cultures portrayed in their fullest extent in the confines of Canada and covering all aspects that comprise any one particular heritage. We're talking about origins and ancestries and backgrounds and cultural heritages and making people feel welcome because they can practise any part of their cultural heritage here in this province. We're not talking about conversion, and we're not talking about forced assimilation.

10:20

I would challenge the government that if they're going to cancel the Alberta multiculturalism policy, what are they going to give us as an alternative? What alternative do you have in mind? If you're eradicating something, getting rid of something, what are you replacing it with? I don't see anything in here that would give me a level of comfort on that. I realize that we need some refining and some retuning, but I think multiculturalism is okay, and I would urge members to please not accept Bill 24 in its current form.

I hear the bell has gone, and I will pass on to someone else.

MR. WOLOSHYN: Mr. Chairman, I move that we adjourn debate.

THE CHAIRMAN: The hon. Member for Stony Plain has moved that we adjourn debate in committee stage on Bill 24. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

[Several members rose calling for a division. The division bell was rung at 10:23 p.m.]

[Ten minutes having elapsed, the committee divided]

For the motion:

| | | |
|-----------|-----------|-------------|
| Ady | Haley | Oberg |
| Amery | Herard | Paszukowski |
| Brassard | Hierath | Renner |
| Burgener | Hlady | Rostad |
| Calahasen | Jacques | Severtson |
| Day | Jonson | Stelmach |
| Dinning | Laing | Taylor |
| Dunford | Lund | Thurber |
| Friedel | Magnus | Woloshyn |
| Fritz | McClellan | Yankowsky |

Against the motion:

| | | |
|-------------|-----------|-----------|
| Bruseker | Hanson | Percy |
| Chadi | Havelock | Sapers |
| Dalla-Longa | Henry | Sekulic |
| Dickson | Leibovici | Zwozdesky |
| Doerksen | Nicol | |

| | | |
|--------|----------|--------------|
| Totals | For - 30 | Against - 14 |
|--------|----------|--------------|

[Motion carried]

Bill 26

Child and Family Services Authorities Act

THE CHAIRMAN: We were last on amendment A2 as proposed by the hon. Member for Edmonton-Highlands-Beverly. Stony Plain adjourned debate. Are you ready for the question?

The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Mr. Chairman, could I clarify the amendments that have come before, because on May 2 the Member for Calgary-McCall presented and we voted on two amendments, and they were called A. Then I presented two amendments which the Chair called A3 and A4. Is that correct? I recall the Chairman at that time describing it.

THE CHAIRMAN: The Chair called the amendment that was provided by the government as government amendment A1. You have a list of amendments. The first part, which is your section A, is being declared as A2. There are two parts to it. That one section 1(c)(i) and (ii), that's A2. The next one has not been moved. We can only have one at a time; right?

MS HANSON: Yes. Okay. So now we are ready to speak to the amendments or vote on them. I will take my place in case someone else would like to speak to amendment A2.

THE CHAIRMAN: Which is your capital letter A.

AN HON. MEMBER: Do you want to read out what the motion is?

MS HANSON: The first part of the motion is that section C be amended by striking out "may" and substituting "shall".

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

MR. DICKSON: Thanks, Mr. Chairman. Speaking in support of this amendment, it seems to me that one of the things we're trying

to ensure is a seamless, absolutely comprehensive regime for child services, family services throughout the province of Alberta. That would of necessity require that we not be dealing with excessive discretion, that in fact if we say that it's a question of putting children's interests first consistently, universally, then it would require or dictate in section 1(c) that the discretion would be replaced with a mandatory injunction that it shall include the following things.

One might ask: what possible reason would there be for not making it mandatory that (i) through (ix) would be included? I mean, (i) deals with "programs and services under the Child Welfare Act." That shouldn't be an optional item; that should be a mandatory element. Section 1(c)(ii), "programs and services under the Social Care Facilities Licensing Act": why would we ever view that as something other than a child and family service? "The provision of social allowance": once again, why would that be an opt in or opt out provision?

- (vii) financial assistance to eligible families needing out of home child care;
- (viii) assistance to families involved in child custody and access disputes;
- (ix) any other program or service prescribed in the regulations.

It seems to me that the Act purports to set out a new regime. We've got to be clear. Either you're in or you're out. You can't be in some kind of no-man's-land, in between the two. You're left with exactly that kind of no-man's-land if you simply have the discretionary "may" rather than "shall."

10:40

The other item that I think is key is the second part of the A amendment, and that's striking out subclause (iv), which deals with "the funding of women's shelters and other safe living arrangements for victims of family violence." The obvious question with respect to that, Mr. Chairman, is the fact that those things do not have a direct relationship with child and family services in Bill 26. It's a severable matter altogether and not tied in. So it seems to me on that basis that both of these amendments make good sense. They make it much clearer what presumably the minister intends in terms of bringing the Child and Family Services Authorities Act.

It would seem to me, with the greatest respect, that if there are members who think this isn't some kind of a typographical mistake, if there are members who think this was a specific, conscious, deliberate decision to make it discretionary, I'd invite those members to stand up and tell us why that would be, because there's nothing on the face of the Bill, nothing in the plain language of the Bill that would justify sort of a hit-and-miss basis and having some things subject to the Act and some things not, having some things included as a child and family service and some not. With the exception of the women's shelter, which quite rightly, it's proposed by my colleague, would come out, if you look at all the other elements, what else would they be if they weren't a child and family service? So it would seem to me that the amendment just makes good sense.

As I look at it, I suspect, Mr. Chairman, that perhaps that was intended, and it may just be an oversight in either Parliamentary Counsel's scrutiny or perhaps somebody else not following it closely enough, because it sticks out like a sore thumb. I think that the amendment that's been proposed by my colleague remedies what is a clear gap and flaw in the Bill.

I'm looking particularly at item (viii), "assistance to families involved in child custody and access disputes." In what circumstance would that not qualify as a child and family service, Mr.

Chairman? How could it be anything other than a child and family service? I can't imagine. The assistance might be mediation. It might be an amicus curiae. It might be, I suppose, a whole range of assistance. It might be, in some cases, the kind of mediation screening that we've heard a lot about in the last couple of weeks while we've been dealing with a private member's Bill. All of those things are in pith and substance a child and family service. How could they be anything else? So why would we allow that kind of discretion for the minister to decide whether they're in or out?

Then one might ask, if it's not a typographical error, Mr. Chairman, if in fact this is a conscious design on the part of the minister, what would the minister be intending by that? Why would he take services that on their face clearly would be child and family services and want to keep them out from under the scope of this Act? That's the curious thing. It's a bit of a misleading way to give the minister discretion in an Act which purports to be of general application. It's consistent with good drafting, it's consistent with a legislation of purportedly general application that we make these things mandatory, that we make them part of a mandatory definition of child and family services. As I say, if there are members who think otherwise, I'd challenge them to tell us why.

Now, there may be one qualification. That might be when we look at sub (ix) on page 3: "any other program or service prescribed in the regulations." There may be some opportunity for discretion there. We don't know exactly what the program or service would be, so we get into trying to second-guess the sponsor of the Bill. Second-guessing Bill sponsors is always fraught with difficulty. But it would seem to me to be something that certainly warrants clarification. I think those are my principal concerns.

The other items. I look at the one in terms of "education and prevention with respect to child abuse and domestic violence," and I ask: when would that not be a child and family service? "Financial assistance to eligible families needing out of home child care." Why wouldn't that be a child and family service? That makes no sense to me, Mr. Chairman. "Programs and services under the Child Welfare Act." How could that be anything other than a child and family service? "Programs and services under the Social Care Facilities Licensing Act." Once again, to me that's all key to the amendment.

I expect there are others that want to advance their concerns as well, so I'll take my seat at that point, Mr. Chairman. Thank you.

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

MR. HENRY: Thank you very much.

THE CHAIRMAN: On the amendment A2.

MR. HENRY: Yes, Mr. Chairman.

THE CHAIRMAN: Good.

MR. HENRY: On the amendment A2, specifically to the amendment. What I see in the Bill here and what I'm afraid of is that the minister has created what could be a recipe for disaster with regard to the structure of the regional authorities. I do want to . . .

MR. CARDINAL: The sky is falling. The sky is falling.

MR. HENRY: Should I sit down, Mr. Chairman, and allow the Minister of Family and Social Services to continue?

THE CHAIRMAN: You are elected to do as you wish. If you wish to speak, fine. If you wish to sit down and let others speak, that's fine too. I can't give general advice as to which to do.

MR. HENRY: I'll elect to continue, if that's okay.

The point to the minister is not that the sky is falling but that maybe he's made a fundamental error in the drafting of this Bill. Here's the problem as I see it. The way the Bill is drafted now – and I won't go through all the list – 1(a) and 1(b) describe the agreement and the authority. Section 1(c) goes into the kinds of programs that can be offered, and they're listed, subsection (i) through subsection (ix).

What we have here, though, and where the fundamental flaw might be is a situation where these services “may” be part of the agreement for the regional authority. Of course, what the amendment does is suggest that they “shall” be part of the agreement. Where I think we end up with a potential disaster here is that as the minister goes around the province and through regulation creates these authorities, we could have a hodgepodge of services and responsibilities from one region to another.

So to point it out specifically to the minister, I'm in Edmonton right now, and I'm going to look into the future. We have this Bill passed through by the government, Bill 26, and the minister goes off and creates the regional authorities, the way the Minister of Health has done with her regional authorities and that has been done with other jurisdictions as well. All of a sudden I've got a concern, because I'm a citizen of Edmonton, with regard to child welfare and the administration of child welfare in the region, and I find out that perhaps the Edmonton regional authority does have responsibility for child welfare. Then I know who to go to, and I express my concern and am able to have that resolved.

The next day I'm sitting in my office and somebody who works in downtown Edmonton but lives in Sherwood Park comes to me, as the MLA for where they work, with a problem with child welfare. I pick up the phone and phone the regional authority for the Sherwood Park area, for the Strathcona county area, and the first thing they tell me after I get halfway through the problem is: gee, we don't have responsibility for child welfare. I say, “But in Edmonton the local child and family services authority does have responsibility for child welfare.” They say, “Yeah, that's true in Edmonton, but it's not true next door.” So the point I want to make is that unless it's defined that these regional authorities “shall” have responsibility and not “may” have responsibility for particular services and programs, you could end up with a hodgepodge of responsibilities of authorities throughout the province.

I hate to awaken the minister and suggest to him that we've become increasingly mobile and, I daresay, increasingly urbanized in our province. People move around, and often we find that especially people whose children are in need of services and quite often protection tend to be quite more mobile because they tend to be looking for jobs more and whatnot. You're going to have in one area the potential for the child and family services authority to have certain responsibilities. If the family moves 20 miles away to get closer to a job or closer to a school for their children, to access the same services, they're going to have to go to maybe the provincial government and not the local authority to do that. That can happen under this particular Act the way it is structured now. So it seems to me that the minister should be rising in his

place – and I expect that he would – to endorse the amendment by the Member for Edmonton-Highlands-Beverly so that we have some consistency of services.

10:50

What would happen if you were a single parent, a divorced parent in one jurisdiction and there was a dispute with regard to child custody or access and you had a concern about how that was being administered? In one jurisdiction you might go to your child and family services authority and deal with it. Yet on the same issue your ex-spouse may be in another part of Alberta, and that authority may not have responsibility. They may have to go directly to the provincial government. So what you're going to have here is a real mix-up.

I'm sure the Member for Calgary-*Buffalo*, the Member for Calgary-*Shaw*, and others, who are more familiar with the legal profession, can tell you all the problems we have with interprovincial disputes with regard to child custody and access. Now we're going to have the potential for interregional disputes because we're going to have different mechanisms for responsibility of delivery of services from one city or town or village to the next in Alberta. It seems to me that the government would want to make sure that there was some consistency with regard to that.

As well, I could go on and describe how the Social Care Facilities Licensing Act may be administered, and perhaps I will. Let me give you a recent example. I know that the Member for Calgary-*Egmont*, who chairs the Social Care Facilities Licensing Board, will certainly appreciate the comments I'm making now. I had a situation in my constituency not too long ago where a constituent was very concerned about how his mother was being treated in a particular institution. Not being able to resolve that with the institution, he went to the social care facilities licensing board and asked them to investigate. Well, they did investigate, and they found something out. They made recommendations. They wrote back to myself and to the individual constituent and said: “Yes, we've looked into it. We've made recommendations, and everything's okay. Thank you very much for talking to us.” Well, we had the audacity to ask: “What recommendations did you make? What action was followed? How are you monitoring if those recommendations were indeed implemented?” Well, we're not allowed to find that out.

Under this particular Bill, because the Social Care Facilities Licensing Act will be administered by a local authority and may be by one authority and may not be by another authority, we're going to have potentially two sets of rules. With one authority, perhaps in Edmonton, a family may be able to find out exactly after an investigation what recommendations were made and what monitoring was put into place to ensure the recommendations were followed. Yet in another jurisdiction 20 miles away, you may have the family not being able to find out because you're going to have two separate ways of administering this.

[Mr. Herard in the Chair]

I think I've made the point, Mr. Chairman, that it seems to me we need to have some consistency around this province, not with regard to program, because I want to point out to the hon. minister and give the minister credit here. I think there does need to be a variance in program, depending on the community, because of the nature of that community. Whether that be an aboriginal community or a rural isolated community or an inner-city community, there needs to be different ways of delivering services. I acknowledge that the minister has tried to do some-

thing about that. But I want to say that in this Act what we need to do is have some consistency in terms of who is responsible for the delivery of the services, regardless of the mechanism, regardless of the particular program or service delivery model that's used.

The next issue I'd like to speak about, Mr. Chairman, has to do with subclause (iv), and that is that "the funding of women's shelters and other safe living arrangements for victims of family violence" deemed by this Act could – again, could – come under the authority of the local child and family services authority. I find it interesting, and I guess the question I would like to have the minister or the mover of the Bill answer when he returns is: what sort of consultation occurred with the association of family shelters in Alberta, and what sort of consultation was held with the users and operators of those services, the societies and the nonprofit groups, with regard to placing them under the authorities?

The reason I ask that is that I was very familiar with the Lurana Shelter in Edmonton, which was essentially started by the Franciscan Sisters Benevolent Society. I give them a lot of credit. I got to know them quite well. They developed that service, and they couldn't get government funding to run that service, but they did it themselves, and they did a fine job. Eventually the government relented and coughed up some operational dollars, and there were some capital dollars as well. In addition, the operators of the Lurana Shelter had to fund-raise a significant amount of money to complete the capital project for the Lurana women's shelter and consistently to this day continue to raise money for the operation. In fact, yesterday I received a request for a donation from that society to operate the shelter.

Now, here's a community group that rose to the occasion, saw a need in their community, went ahead and developed a service that was badly, badly needed in Edmonton, and finally pressured the government to come up with a few dollars to help operate the service. They continue to subsidize that particular service. Now, my question is: were they consulted with regard to the current contract that they have with the Minister of Family and Social Services? Were they at all consulted that that may be unilaterally moved to a local child and family services authority, or was it simply that they were left out of the picture? So with regard to this amendment that would delete subsection (iv) and that would suggest that the funding of women's shelters would happen on a provincial basis.

The other concern that I'd like to share, Mr. Chairman, with regard to the second part of the amendment is that women's shelters by definition tend to serve a very large region. I draw on my experience when I lived in central Alberta, when I was in Lacombe, and we did set up a series of safe houses in the community. The demand in terms of shelter, safe places for abused women, exceeded that, and eventually the Red Deer community – hats off to them – developed the Red Deer and District Women's Shelter. I remember being thrilled and actually trying to raise money in Lacombe for that service, because there would be a lot of women from Lacombe – because the community wasn't large enough to sustain a shelter of its own but needed the service – that I referred in and sometimes actually drove in to the shelter in Red Deer.

Now, my concern with regard to the authorities Act is that if the shelters come under the child and family services authority and if that authority's boundaries – and again, we've not seen the boundaries finalized – are simply the city and county of Red Deer, then what happens is we get into the same problem we have

that the Minister of Health is stuck with today with regard to funding formulas. If we fund on just a per capita basis, then what happens? The nature of the service is not unlike the specialty services in health. The nature of the family abuse services is that people tend to have to leave their communities to go to neighbouring communities, especially if they're larger.

11:00

So do we fund on a population base? Will the funding for the women in Lacombe who require that kind of service go to the authority out of Stettler or the authority out of Camrose? It seems to me that these things haven't been made clear, and I think that particular service is different from most other children's services, which tend to be local in nature and not regional or district in nature. So I believe that the amendment to not have women's shelters as a part of the child and family services authorities is a positive one, and I would like the hon. minister to perhaps explain the consultations he's had with the women's shelters regarding this. Is there agreement among them? My information is that some women's shelters are concerned that they're not going to have a direct relationship with the minister, and I'd like to have him address that particular issue.

The other, I guess, philosophical question that has to be addressed with regard to these amendments and particularly with regard to the funding of women's shelters is – and this is not an easy one, and I acknowledge that. When we're providing women's shelters, are we providing shelters for children and families, or are we providing shelters for women regardless of whether or not they have children and regardless of whether or not they are with their children if they do indeed have children? I think that's a subtlety that the minister should be very clear about when he supports this particular Act and I daresay when he defeats this amendment. By putting the responsibility for funding women's shelters under the child and family services authority, is the minister and the mover of this Bill by definition saying that women's shelters are only for abused women who have children and who have custody of those children? Is he saying that women who don't have children or who have children and don't have custody of those children are excluded from funding because this is the Child and Family Services Authorities Act?

I'd really like the minister to address that question and to let us know, because I think that regardless of whether or not they have children, regardless of whether or not they have their children with them, whether they have custody of those children, we have a responsibility to every woman in this province to ensure that safe places for abused women are available throughout this province. I don't want to go into the instances where I believe that the minister has fallen down in his responsibility on this.

So, again, in summary, with those amendments it seems to me that having a hodgepodge of services is asking for the same problem that the Minister of Health has right now with her health authorities, that she's trying to straighten out, and I don't envy her on that one. Perhaps we should be very clear as to what services are expected to be provided under the Child and Family Services Authorities Act. In addition, it's not clear from this Bill whether it is the minister's choice or the authorities' choice in terms of what responsibilities they will assume.

With those comments, Mr. Chairman, I will take my place, and I will anxiously await the minister's response. Thank you.

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

MR. SAPERS: Thanks, Mr. Chairman. I think it's clear from the

comments made by my colleagues from Calgary-Buffalo and Edmonton-Centre that it is definitely the opinion of members of the Liberal caucus that the Bill as presented must have a typo. I'll remind you and all members of the Assembly that this would not be the first time that the government has presented documents with typos. Some of them have become rather infamous, and the Premier himself has taken responsibility and in fact I think even offered one day to take a lie detector test if anybody doubted his version of the explanation of that letter with the curious typo in it.

Now, the minister of social services has been silent on the question as to whether this is a typographical error or not, but it's very clear that a Bill known as the Child and Family Services Authorities Act could not contain a clause that says that the Bill may only deal with areas of such core and central concern as those that are enumerated later on in the definition section. Obviously the Bill must deal with those areas, and that is why I am certain that when the minister does take to his feet, he will stand in his place and explain to the Assembly that, yes, there was a mistake in the drafting of the Bill and that, yes, the word should have been "may" and should not have been "shall." I know he won't mention anything about blank pages, and I know that he won't mention anything about consultations or how much money is spent on various programs. I know that he'll deal specifically with the substance of the amendment, as I am struggling to do, and I know that he will tell us that he will accept this very reasonable and important and I would say critical amendment, critical to the success of his own strategy both legislative and programmatic in dealing with child welfare reform.

The minister, if he chooses not to accept this amendment and chooses not to offer an explanation as to why, leads us all to speculate that they're really not committed to this kind of reform and they're really not committed to a legislative framework for dealing with children's services.

Now, the Bill will go on to create regions, and those regions will be responsible for child welfare services. I recall when a Bill known as Bill 20 was presented in this Legislature, which created the regional health authorities. It was a very thin Bill indeed and in fact enjoyed several pages of amendments, more amendments in fact in terms of length than the original length of the Bill. That is because that Bill was poorly drafted. That is because that Bill lacked sufficient detail. You would hope that the government would learn from its mistakes, Mr. Chairman, and in doing so would note the lesson from Bill 20, the legislation that created the regional health authorities, and would come to the Legislature fully prepared with a decent and adequate Bill to create the regional authorities for child welfare.

Now, it's really in that spirit that I offer my comments. We would like the reforms to go ahead, we would like to be able to give them life, but we would like that to happen in such a way that we can all be confident it's the best possible legislation. [A buzzer sounded] You'll notice that it didn't faze me; it didn't slow me down for a second.

So I think, Mr. Chairman, that what we would have to do is either see this amendment become a part of the legislation or get the benefit of a full and complete accounting from the minister as to why not.

What I'll do is at least momentarily take my place and give the minister an opportunity to respond, should he choose. Mr. Chairman, I hope you'll at least give me a three count to get back on my feet if the minister chooses not to, because I am very serious in hearing the minister's comments about this section as to whether or not this wording was accidental or on purpose.

THE ACTING CHAIRMAN: The hon. Minister of Family and Social Services.

MR. CARDINAL: Mr. Chairman, thank you very much for giving me the floor. I'll be reasonably brief. Listening to some of the amendments and the speeches made by a number of the members from the Liberal side, of course I feel they really do not understand the changes in redesigning the services to children and families. Therefore, I think that rather than trying to cover specific issues within the amendment, I'd like to quickly go through the plan itself briefly so they may understand and may learn something from it, because they do not understand what we are doing. It's very, very unfortunate, because they sit on the opposite side criticizing us day after day, pretending that they really care about children in Alberta.

11:10

MR. HENRY: Point of order, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Centre is rising on a point of order. Citation?

Point of Order Relevance

MR. HENRY: *Beauchesne* 459, relevance. We're dealing with the amendment, not the general principles of the Bill. I'm wondering if the Chair could be so kind as to instruct the minister to stick to the amendment.

Thank you.

THE ACTING CHAIRMAN: On the point of order.

MR. CARDINAL: Yes. In order for me to deal with the amendment – and there are a number of issues that have come from the amendment, Mr. Chairman. One of the major concerns seemed to be the role of the authorities. I know the health authorities were mentioned, and the concern on the authorities of the children's services. I just want to clear up one issue. What we're doing is transferring the responsibility to manage services to 17 community-based child and family service authorities with clear, legislated – and this is the concern you people had – accountability to the government through the Minister of Family and Social Services.

THE ACTING CHAIRMAN: Excuse me, hon. minister. Excuse me. I thought you were speaking to the point of order, and I think you are going beyond that. I am sure that you will of course bring this discussion to relevance with respect to the amendment.

Go ahead, hon. minister.

Debate Continued

MR. CARDINAL: Again, Mr. Chairman, the concern on the amendments is how some of the systems will be developed at a local level. I think that's where the concerns were. I just want to continue clearing that up, because it is a simple process, and I can do it within the next five minutes. Your objectives, I think, are the same as ours in relation to clearing up the issues, you know.

The services to local children and families will improve because of a number of areas, and I'll quickly outline those. Services will be planned and delivered at the local level, and that's simple. I

think that's what we all want out there. Service providers will work together to deliver . . .

MR. SAPERS: Mike, explain why it's not "must."

MR. CARDINAL: I believe that once I go through the process, that will explain what we are talking about here.

Service providers will work together in delivering services. Now, you can't have a better system than that, and you people, I know, would support that. Children and families will receive help early, before they reach a point of crisis. No doubt, by listening to you people, you'd support that process. Therefore, there shouldn't be any questions. Services will better reflect aboriginal culture and values. No doubt that is supported. The other important one is: families including extended families will have to be more accountable and responsible for their children, and I don't think we can question that.

The other one that's very important in the whole issue is the community planning process, because there's been some concern that we've given all the accountability and responsibility to the government. We haven't. The government will continue to have the legislation in the Child Welfare Act and will continue being responsible. What the government will do is basically set a broad program direction. The 17 steering committees oversee regional planning, and the community will have input into the planning process. All plans must be approved by the government by putting it to the standing policy committee, the cabinet, the caucus as part of my three-year business plans.

Therefore, the government will on an ongoing basis control, just like the department operates now, all aspects of the children's services. We are not releasing anything. That is why, when the issue, for example, of women's shelters comes up, nothing will change as far as responsibility. The ministry will still be completely responsible for the delivery of the women's shelters. All we're doing is bringing the local planning at the local level with the assistance of the communities. As far as the actual delivery system, the minister will continue being fully responsible for that. I believe services will be transferred gradually to the community as the communities become ready, but again we'll only transfer them when they are ready to deliver some of the services. The government will have ongoing control of the overall plan for children's services.

I think that may clear up some of the issues we've talked about.

MR. HENRY: A point of order, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Centre is rising on a point of order.

Point of Order Questioning a Member

MR. HENRY: I have been listening intently to the minister. I appreciate his comments, and I do appreciate him responding to the questions I've raised. I'm just wondering if he would entertain a very brief question so I'm really clear as to what he's talking about.

MR. CARDINAL: I have no problem. Sure.

Debate Continued

MR. HENRY: The minister has been talking about the services that will be provided. My question to him is: does that mean that all of the services listed under 1(c) will definitely be provided under a child and family services authority? He's been saying

that they will provide the services. Does that mean all these services will be provided?

The second part of my question to the minister is with regard to women's shelters. I just want to make sure I understand. Is he saying that essentially nothing will change, that he will retain control of services and it will simply be the local program planning that will be different?

MR. CARDINAL: Those are very good questions. That's exactly what will happen. The ministry will have complete and full control of a delivery system like we have now. All we are doing is moving some of the planning, some of the design of programs with the assistance of the local community. For example, in relation to women's shelters we don't have the opportunity now with the existing system to plan long term for women's shelters in Edmonton. It's not a co-ordinated plan. This system will allow us to develop a long-range, co-ordinated plan of what the needs are in relation to women's shelters. That's the real advantage of it. That whole plan will then have to be submitted to the service plans, to the three-year business plan, which will become part of my three-year business plan, which will automatically approve with budgets attached to it. I think that is a good process. I believe that probably answers your question.

MR. HENRY: You're going to be providing all these services?

MR. CARDINAL: Yes. All these services will be provided by the ministry. All we're doing with the authorities is giving them the authority to design and deliver some of the programs at the local level, keeping in mind that they report to the minister at all times.

Point of Order Questioning a Member

MR. HENRY: Again a point of order. Would the minister entertain just a brief follow-up question?

MR. CARDINAL: Yes. Sure.

Debate Continued

MR. HENRY: Then I just want to be sure. He's been saying that the authorities will provide those services. Is he saying that when we're finished the transition, all these services under 1(c) will be provided through the local authorities?

MR. CARDINAL: Yes, that's what will happen. What happens now is that the department, or divisions of the department, deliver these services. It's no different. In fact, it'll be better when the community delivers services at the direction of the minister and they in turn will report to the minister.

Mr. Chairman, if they're done with their questions, I'd like to call for the question on the amendment.

MR. DICKSON: Mr. Chairman, listening as closely as I could to the comments of the hon. minister, it seemed to me he was making the case for the very amendment that's on the table. What I was waiting for the minister to tell us was why we're using "may" instead of "shall." He went through telling us why this is going to be a uniform, standing requirement, and they're going to do it on a provincewide basis. That's the very point we've been trying to make on the amendment. If there's another reason, would the minister share that with us? Otherwise, he effectively makes the case that my colleague has in terms of moving the amendment.

[Mr. Tannas in the Chair]

MR. CARDINAL: Mr. Chairman, I think I've answered a lot of the questions tonight and cleared up a lot of the concerns. I believe the Bill, with the agreed amendments by the person sponsoring the Bill in consultation with the opposition, is sufficient at this time.

I'd like to move to adjourn the debate at this time.

11:20

THE CHAIRMAN: The hon. Minister of Family and Social Services has moved that we adjourn debate on Bill 26. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

The hon. Government House Leader.

MR. DAY: I move the committee rise and report.

[Motion carried]

[The Deputy Speaker in the Chair]

MR. HERARD: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills and reports progress on the following: Bills 24 and 26. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: **Government Bills and Orders**
head: **Third Reading**
Bill 28
Dependent Adults Amendment Act, 1996

THE DEPUTY SPEAKER: The hon. Member for Olds-Didsbury.

MR. BRASSARD: Thank you, Mr. Speaker. In moving Bill 28, I would just like to say that this is going to be of great assistance to an awful lot of people by providing further safeguards for dependent adults, increasing the efficiency of the courts, and reducing expenses for dependent adults. I would like to thank all members of this Assembly for having given this Bill unanimous consent both in second reading and committee stage, and I would like to move this Bill.

MR. DICKSON: Mr. Speaker, just speaking briefly to Bill 28, this in fact is an excellent example of responsive government. I also want to specifically point out that I appreciate that the Member for Olds-Didsbury in fact took the time to attempt to respond to questions that were asked at the committee stage. I'd encourage some of the ministers opposite to follow the sterling

example that's been provided by the Member for Olds-Didsbury, because I appreciate the effort to try and deal with good-faith questions and concerns raised.

I accept in terms of sections 6 and 14 that we're not going to be able to do the harmonization I spoke of. I think on balance this represents a very good piece of curative, remedial legislation that will make it simpler for those people who have reason to require either a trustee order or a guardianship order. I'd also like to applaud the collaborative effort involved.

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

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

Point of Order Decorum

MR. HENRY: The Minister of Agriculture, Food and Rural Development is terribly concerned that his lights are out, and it's causing some problems. I can't hear because people are reacting to that.

THE DEPUTY SPEAKER: The hon. Minister of Agriculture, Food and Rural Development on this enlightening problem.

MR. PASZKOWSKI: It's much better to have lights that do go out than not to have any lights at all, as the hon. member from Edmonton has.

THE DEPUTY SPEAKER: Thank you for those points of clarification.

We'll then invite the hon. Member for Calgary-Buffalo to conclude.

MR. DICKSON: I'll pass up the observation on where the dimmest lights might be found, Mr. Speaker.

Debate Continued

MR. DICKSON: I just want to say this. The other thing I think it's important to acknowledge is that Bill 28 may be a model piece of legislation for another reason. There's been a much better kind of collaborative effort in terms of seeking input from a wide range of interest groups than we see in a lot of other government Bills.

So for all those reasons I'm delighted to speak in support of the Bill at third reading and expect that this will again receive overwhelming support from members on both sides of the House.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Olds-Didsbury has moved third reading of Bill 28, Dependent Adults Amendment Act, 1996. Does the Assembly agree to the motion for third reading?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? Let it be recorded as unanimous. So ordered.

[Motion carried; Bill 28 read a third time]

[At 11:28 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]