

## Legislative Assembly of Alberta

**Title:** Wednesday, May 15, 1996 **1:30 p.m.**  
 Date: 96/05/15  
 [The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

Dear God, author of all wisdom, knowledge, and understanding, we ask Thy guidance in order that truth and justice may prevail in all our judgments.

Amen.

Please be seated.

head: **Introduction of Visitors**

MR. ROSTAD: Mr. Speaker, it's with great pleasure that I introduce to you and through you to the members of the Assembly a delegation from Alberta's twin province of Kangwon, Korea, led by Vice-Governor Nam Dong Woo.

Alberta holds in high esteem its sister province relationship with Kangwon, the first twinning of this kind undertaken by our province. In fact, it's been in existence for 24 years. During discussions that I had earlier today with Dr. Nam, we reaffirmed the value of the relationship and pledged to make it stronger by encouraging economic interaction between our provinces. Dr. Nam and his delegation will be focusing primarily on Alberta's approach to tourism development as this is an area of high potential in Kangwon. I can attest from personal experience that Kangwon is a beautiful part of Korea. Later in the week they've planned a tour through the mountains, which includes meetings with the tourism industry in Jasper and Banff, as well as being exposed to our strengths in high tech and research development.

I'd ask that the party stand and receive the acknowledgement of the Assembly.

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. I wish to file with the Assembly five copies of Alberta's Walleye Management and Recovery Plan.

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

MR. BRACKO: Thank you, Mr. Speaker. I'd like to table a letter signed by 110 St. Albertans. They're concerned about the state of health care in our province. They're opposed to any further cuts. They're very concerned about the cuts in continuing care facilities, and they want to make sure the Capital health authority is properly funded. There's also a copy for the Premier.

Thanks.

MRS. McCLELLAN: Mr. Speaker, during question period on May 13 questions were taken on notice on my behalf. I am pleased to table responses to these issues pertaining to health care transfer payments and health restructuring specific to physiotherapy and payment for corrective helmets.

Thank you, Mr. Speaker.

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

MR. SAPERS: Thanks, Mr. Speaker. With your permission today I would like to file with the Assembly four copies of a document entitled Working with Communities to Develop Health Care We Can Trust. This is the report on the Alberta Liberal caucus Dialogue on Health, which took place over the last year, and documents their concerns about the state of chaos and confusion our health care system has been thrust into.

MR. WICKMAN: Mr. Speaker, I wish to table four copies of a letter addressed to the Minister of Health requesting her consideration in providing "the necessary medical services for young Peter Jang."

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Calgary-Mountain View.

MR. HLADY: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you today 40 guests from the Forum for Young Albertans. These young Albertans are from across the province and represent many constituencies here today. Their group leaders are Paula Dubyk, Dan Popp, and Tanya Hrehir chuk. I'd like to ask them to please rise and receive the warm welcome of the Assembly.

MR. MITCHELL: Mr. Speaker, it's with great pleasure that I introduce to you and through you to Members of the Legislative Assembly Mr. Claude Ryan. He is sitting in your gallery today. He is the former leader of the Quebec Liberal Party, a former minister in the Bourassa government, and a distinguished and active advocate for a unified Canada. He is here to speak tonight at our Canadian Unity Forum, as he did last night. Tonight's forum is at Grandin school at 7 p.m. I ask that he rise in the gallery and receive our welcome.

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

MRS. GORDON: Thank you, Mr. Speaker. I wish to introduce to you and through you three individuals seated in the members' gallery: Brig Anderson, who's from Vancouver; Kay Brown, who hails from Lloydminster; and Anna Louise Kirton, who is a constituent of mine from Stettler. Anna Louise is very involved in the Stettler drop-in centre and is the author of the column that the club produces for the weekly newspaper. I would ask that they rise and receive the warm welcome of the Assembly.

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

MS HANSON: Thank you, Mr. Speaker. I'm pleased to introduce to you and to the Assembly three women who keep the Edmonton-Highlands-Beverly constituency office going at full steam, one of the best in the country. They are Susanne Glenn, who oversees the operation, Leona Parnell, and Isabelle Gratton, who is our bright STEP student. Please rise and receive the warm welcome.

MR. WICKMAN: Mr. Speaker, it's my pleasure to introduce to you and through you to Members of the Legislative Assembly 46 grade 6 students from St. Augustine school who are visiting us today touring the facilities. They're accompanied by their teachers Mrs. Louise Rogucki and Ms Juliet Letawsky and two parents, Mrs. Sharon Ferguson and Mrs. Barb Iwaniuk. They're

in the public gallery. If they would rise and receive the warm welcome of the House.

head: **Oral Question Period**  
**Seniors' Report**

MR. MITCHELL: Mr. Speaker, the Premier promised Albertans open and honest government. Another example of promises made, promises broken. To the Premier: how is it open and honest to shred a million-dollar seniors' report and then try to cover it up?

MR. KLEIN: Mr. Speaker, this is no longer even recent history; this is ancient history. The Liberal leader's colleague the hon. Member for Edmonton-Gold Bar tabled that particular report almost three years ago in this Legislative Assembly. Further copies were tabled in this Legislative Assembly yesterday.

I will explain once again. It was the opinion of the minister of the day that the report was unreadable, that it was bureaucratic. She undertook to consolidate that report to make it readable. It was released publicly. The rest of those documents became surplus. I will point out once again: there is not enough room in this city to store all the documents that are surplus to our needs. Now, I will reiterate, Mr. Speaker. Perhaps there will be a lot of empty space in the Langevin building when the Liberals vacate that building after the next election.

**1:40**

MR. MITCHELL: Mr. Speaker, why did the Premier promise in this 1993 election brochure to continue his support for seniors while shredding the document that outlined his real agenda?

MR. KLEIN: Well, Mr. Speaker, notwithstanding what was in that brochure – well, I'll say withstanding what was in that brochure, the people of this province said that we would like to elect I think it was 52 Conservatives and 31 Liberals. In other words, they lost and we won.

MR. MITCHELL: Mr. Speaker, how is it open and honest when the Premier says that the minister for science and research ordered that the documents be shredded and she denies it?

MR. KLEIN: I don't recall saying that. I don't know who delivered the actual order. I indicated to the press that I'll try and find out. The minister herself says that she didn't issue the order. People in my office say that they didn't issue the order. I didn't issue the order. I've checked back . . . [interjections] Just be quiet. Will they please button their lips, Mr. Speaker. It was alleged that I saw the document. The document apparently came to cabinet in November of 1992. At that time I was out of the cabinet loop. I had absolutely nothing to do with cabinet because I was running for the leadership.

**Release of Government Documents**

MR. MITCHELL: The Premier and his cabinet colleagues set up consultations, pay for committee reports with taxpayers' money, and then routinely ignore them and keep them secret. To the Premier: is it open and honest not to release the KPMG management audit of the maintenance enforcement division in his government?

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

MR. EVANS: Thanks very much, Mr. Speaker. We've had the maintenance enforcement program in Alberta for 10 years. We in this province were the first to initiate a maintenance enforcement program. I have asked for an internal review of the maintenance enforcement program for our department so that we can improve the very best program that we have in the country, and we are continuing to work on that.

MRS. SOETAERT: So you can ignore it. You've been ignoring it, Brian.

**Speaker's Ruling**  
**Interrupting a Member**

THE SPEAKER: Hon. Member for Spruce Grove-Sturgeon-St. Albert, the Chair would remind the hon. member that the Chair has said that if the hon. member persists in abusing the rules of this Assembly, some steps are going to be taken. We do not have to have chirping comments for every question. The hon. member better remember that, or she's going to have a little holiday from this Assembly.

**Release of Government Documents**  
*(continued)*

MR. EVANS: Well, just to conclude my comments very briefly, Mr. Speaker, an internal document that we're working on will prove to improve the system that we have now in this province, the best system in all of Canada.

MR. MITCHELL: To the Premier: is it open and honest government to not release the Forrest/Gunter report on health funding?

MRS. McCLELLAN: Mr. Speaker, I believe this was raised last week. I informed the Assembly at that time that I have not received the report. In fact, I met with the two chairs of this committee about a week or 10 days ago to talk about the progress of it, indicated to them that we were most anxious to have this report. I can assure you that there will be nothing in that report that I will not want to share with this Assembly. Until I have the report, it will be extremely difficult to release it.

MR. MITCHELL: Mr. Speaker, to the Premier: is it open and honest government to continue to suppress 20 pages of documents regarding the Premier's Multi-Corp activities while he was in the Far East?

MR. KLEIN: I understand that matter is being reviewed right now, Mr. Speaker. Again, history, almost old history.

**Openness and Honesty in Government**

MR. MITCHELL: Is it open and honest government to misrepresent the results of the government's own human rights poll by 30 percent in order to shore up the government's ill-conceived position in this policy area?

MR. KLEIN: Mr. Speaker, I'll tell you what it's about to be an open and honest government because I like to talk about this a lot. It's open and honest when you stand up and say to the people of this province that we are going to eliminate a \$3.4 billion deficit and do it. It's honest and open when we say that we're going to put in a program for the orderly pay-down of the debt and commit surplus dollars to accelerate that payment and do it. It's open and

honest when we say that we're going to produce quarterly reports relative to the well-being of this province and report to the public on a quarterly basis and do it. That's open and honest.

Mr. Speaker, it is also open and honest when we say that we will consult with Albertans and that we will listen to Albertans. We have consulted with Albertans and we have listened to Albertans relative to the future of this province. Over 70,000 Albertans told us what their dreams and their desires are for the future of this province, and we will take those comments and those thoughts into consideration as we prepare for the future. That is a promise, and that's what it is all about in terms of keeping promises: promises made, promises kept.

MR. MITCHELL: Is it open and honest government, Mr. Speaker, when the Premier promised to increase education funding and turned around and cut it?

MR. KLEIN: Well, Mr. Speaker, it was open and honest when we said that we were going to restructure the education system and take as much as we possibly could from administration and put those dollars into the classroom. It was open and honest when we said that we were going to equalize payments throughout this province to give kids an equal opportunity for a decent education in this province. Seventy-seven percent of communities in this province are now receiving more funding. It was open and honest to have a good hard look at ECS, the kindergarten program, and to restore the funding to that particular program. That was open and honest.

MR. MITCHELL: Is it open and honest for the Premier to say that health care spending has skyrocketed out of control when Alberta spends the lowest per capita on health care of all the provinces in Canada?

MR. KLEIN: Mr. Speaker, it was open and honest to say that there was too much administration in the system, too much overlapping in the system, that there were abuses taking place and overuse of the system. To take 200 health jurisdictions in this province and reorganize those health jurisdictions into 17 was open and honest and in accordance with our commitment to reduce administration. To really challenge the health authorities to cut down on overlap and duplication was open and honest, and the health authorities have been doing a tremendous job in meeting those challenges. To put in programs to combat the just horrendous amount of wasted drugs that go down the drains or go to Swan Hills during the annual roundup was open and honest.

All the programs that we have put in place are open and honest. The only thing about this that is not open and honest is the Liberal tactic of going around this province and spreading fear amongst the population. That's the only thing that isn't open and honest.

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

1:50

### Electric Power Generation

MR. MAGNUS: Thank you, Mr. Speaker. A year ago I introduced legislation in this Legislature on behalf of the Minister of Energy and the government of Alberta to restructure Alberta's electricity industry. At the time there were concerns expressed by some small power producers who felt that they may not be able to compete effectively in the new structure. The new electrical structure has been up and running for several months now. To the Minister of Energy: can the minister indicate whether the new

structure is in fact accommodating the small power industry?

MRS. BLACK: Mr. Speaker, as members will remember, we introduced the legislation last spring for the change of deregulation of generation within the province of Alberta. I might say that Alberta is the only jurisdiction in all of North America to have deregulated the electrical industry. This came into effect on January 1 of 1996, and I can say that as a result of this new structure there is an opportunity for everyone to compete on the generation side and to enter into the transmission pool. Right now we are faced with a situation in the province where we have an overabundance of electricity, but the competitive model that is in place is open to everyone whether they're small producers or major producers.

THE SPEAKER: Supplemental question.

MR. MAGNUS: Thank you, Mr. Speaker. Many of the small power projects not only deliver power but do it in an environmentally friendly way. Because of this they're known as green power. To the same minister: how is the Alberta government supporting green power?

MRS. BLACK: Mr. Speaker, in the province again we've led the way across Canada for having programs that have in fact supported renewable energy programs, such as our SWAREI program and our small power producers' program, whereby we encouraged people to investigate alternative measures for delivering electricity from different fuel sources other than the traditional means of coal and natural gas. These programs have been most successful, and today I'm able to say that over 100 megawatts of power have been allocated to small power producers. In fact, they are producing today into the grid quite successfully.

As a result of those programs I'd like to also say, Mr. Speaker, that some of the small power program producers have been recognized in different jurisdictions and have now been able to take their programs and put them in place in other countries and have been recognized for the work that they've done here in Alberta. I'm very pleased that they were developed in Alberta. The technology was developed here, the people were trained here, and now they're able to go into the global market arena.

MR. MAGNUS: Mr. Speaker, to the same minister: if there's no immediate demand for new power within Alberta, is there the ability for small power projects to develop here to supply power to other jurisdictions in Canada and the United States?

MRS. BLACK: Clearly, Mr. Speaker, Alberta is positioned now to be the leader in the interconnect into the integrated system throughout North America. Through the opportunities from free trade and NAFTA, Alberta's competitive model will have the opportunity to lead our power producers, whether they're small or large or renewable or traditional means, all the way through the interconnect through the United States and across Canada.

One thing that's very important is that because of the competition model that is there, it provides a low power cost to Albertans and puts us into this competitive arena where we in fact are best positioned to compete not only north/south but east/west. As we move into that arena with our surplus power and our linkage to the interconnect, we could in fact go east/west and compete against even Crown corporations on either side and all the way through the United States and all the way through to Mexico.

That model is available, and it applies to not only the large investor-owned utilities but to the small power producer as well.

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

### Human Rights Legislation

MR. DICKSON: Thank you, Mr. Speaker. Too many Albertans are still denied a job because of their skin colour. Too many Alberta women still experience sexual harassment at their workplace. Now, almost two months ago I'd introduced a set of 16 amendments to our human rights law to do what the Premier's own task force had recommended; namely, to make the Human Rights Commission in Alberta independent, to give that commission the tools to be able to combat discrimination and intolerance. Last night the government belatedly accepted only two of the 16 amendments. My question this afternoon would be to the hon. Premier. Now that the Premier finally admits, albeit tacitly, that his own Bill doesn't do the job, why will he not accept all of the amendments, all of the recommendations from his own handpicked task force?

### Speaker's Ruling Anticipation

THE SPEAKER: Hon. member, this Bill is scheduled for committee study later today and therefore does offend the rule against anticipation.

### Human Rights Legislation (continued)

MR. DICKSON: Mr. Speaker, I'm anxious to avoid Standing Order 23. My further question would be this to the hon Premier: how many more normal Albertans have to tell the Premier that his Bill is wrong and that his government agenda is wrong before he'll listen and act?

MR. KLEIN: Well, Mr. Speaker, we are listening. Yes, some people have expressed concerns relative to the Bill, and those concerns have been heard. The minister and members of Calgary caucus at least met with the Dignity Foundation. I understand that numerous members of this caucus have been meeting with various members of ethnic and other cultural and multicultural groups. So we have been listening to the people.

Of course, there are some other people who simply have no opinion whatsoever on this Bill. I was in Ponoka last night speaking to a combined meeting of the chamber of commerce and the Rotary Club and stood there for I guess it would be about a half an hour answering questions, and that question wasn't raised at all. So it is of concern in the minds of some, and it is of lesser concern in the minds of others.

MR. DICKSON: Mr. Speaker, since this Premier has been promising action in the human rights area for at least three years, will the Premier at least undertake that the Assembly will not adjourn for the summer until each of the Liberal amendments has been fully debated and voted on?

MR. KLEIN: Is he really saying that with a straight face? Does he really want to stay in here all summer, Mr. Speaker? Who in the world . . . [interjections] Well, you do? Fine.

Mr. Speaker, lookit; we have gone some distance to introduce amendments, which will be debated, and I can't really talk about

those today. We have made I think a concerted effort to meet with people and to hear their concerns relative to this piece of legislation. Just because all Liberal amendments are not accepted doesn't mean the Bill is wrong. I mean, these people are not perfect. Their thoughts and their ideas are not perfect. I mean, if we accepted everything the Liberals wanted us to do, this province would be in absolute chaos.

THE SPEAKER: The hon. Minister of Community Development wishes to augment.

MR. MAR: Just as a supplement, one of the examples of the types of amendments that the Liberals have been on record as saying that they would like debated is whether we should protect people based on their criminal records. Well, Mr. Speaker, I don't think any Albertans are suggesting that that would be an important thing to do, but those are the types of amendments that we have to deal with. So accordingly, while we may make some changes to improve our legislation, I don't think anybody is suggesting that it would be a good idea to include protection from discrimination on the basis of criminal records.

THE SPEAKER: Order. [interjections] Order please, hon. members.

The hon. Member for Lethbridge-West.

### 2:00 Youth Employment

MR. DUNFORD: Boy, my timing's always good; isn't it?

Mr. Speaker, on this Monday past I was asking questions of the Minister of Advanced Education and Career Development, and I will continue that today. I asked about youth employment for the summer, and in his answer he talked about the StatsCan statistics dropping from 11.9 to 11.1. What that tells us, of course, is that that's the number of youth that are looking for work. I wonder if we could ask the minister to advise us if we have any accurate numbers as to the youth that have simply dropped out of the job scene and are not seeking work at the present time.

MR. ADY: Well, Mr. Speaker, I just want to be clear that all of the Alberta employment and unemployment statistics are derived from the Statistics Canada labour force survey. This survey is conducted monthly, and because it's a sample, it is not 100 percent accurate. Not every person in this province is polled. It's a sample. However, Canada's labour force survey is ranked as one of the world's most accurate surveys, so we believe that it's relatively reliable.

We're encouraged by the change in youth unemployment over the past year. In April of 1995 Alberta's youth unemployment rate was 14.2 percent, Mr. Speaker. By April of 1996 the rate had fallen to 11.1 percent, and that's the lowest rate in Canada. This clearly shows that Alberta's employment opportunities for youth are improving. Youth participation rates, the percentage of young people who are involved in the labour market, along with youth employment levels have both increased the past year. Youth employment has increased from 208,000 in this province to 224,500 by April of 1996, so it's an increase of 16,500 in Alberta. I think that the Alberta advantage is working for the youth as well as others in this province.

THE SPEAKER: Supplemental question.

MR. DUNFORD: Yes. Thank you, Mr. Speaker. Given that

governments are not very skilled at creating jobs, what is this government doing to assist the private sector to create jobs for young people?

MR. ADY: Well, Mr. Speaker, we continue to look for ways to improve existing programs and services for youth, whether provided by the province or the federal government, in order to enhance their opportunity to find and retain meaningful employment. Recently I announced our annual launch of the 1996 summer temporary employment program. It creates 5,000 jobs in our province for our young people, and it also provides them valuable experience so that it will help them in the future when that program is exhausted for the season.

I've also previously announced the establishment of four federal/Alberta service delivery centres, one of which is specifically designed to provide employment-related services for youth. Our department continues to provide career counseling and employment preparation assistance for our young people through our network of career development centres and through a toll-free telephone number called the career information hot line. So we have services there for our young people, and obviously we do have some improvements.

THE SPEAKER: Final supplemental.

MR. DUNFORD: Thank you, Mr. Speaker. Will the minister support a task force made up of members of this Legislature and young people from Alberta in bringing forward recommendations to assist youth in gaining meaningful employment in this province?

MR. ADY: Mr. Speaker, although our youth unemployment in this province is the lowest in Canada, we do continue to seek improvement, and we recognize that youth unemployment and underemployment continues to be a serious concern for Albertans as long as there are any unemployed. Advanced Education and Career Development is providing leadership in development of a provincial human resource strategy, and youth-related issues will certainly be an important component of that. The development of the strategy will reflect the views of youth and MLAs as well as other Albertans. We want to ensure that young people have current information about changes in the economy and the workplace and can gain the skills and knowledge they require to fully participate in the economy.

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

### **Workers' Compensation Board**

DR. PERCY: Thank you, Mr. Speaker. Three points regarding the WCB fund. First, the basic rate structure of the WCB is not actuarially sound. A \$331 million operating surplus is confirmation that the rates are too high and amount to nothing more than a payroll tax. Second, the VIP program is performance based. It is built into the rate structure. It is a rebate. It does nothing to address the basic fact that the basic rates are too high. Third, the performance pricing review currently under way is again linked to performance and leaves the basic rate structure unchanged. My questions are to the minister responsible for the WCB. Will the minister tell this House when there will be a review of the basic rate structure of the WCB and a lowering of the rates faced by small business?

MR. DAY: Mr. Speaker, you know, I rarely have done this because the need hasn't arisen, but I'd like to extend a personal invitation to the Member for Edmonton-Whitemud before he departs from the Liberal caucus to join me on a tour of WCB and to sit down with the chairman of the board, the people who represent small business there, who are very excited about the developments towards small business, and the people who represent the unions, who are very excited about the ongoing improvements at WCB. I'd like to take him around to meet the industry task force, which has direct input into ongoing improvement at WCB. I'd like to take him to the chambers of commerce with members of the WCB board and do a little tour and possibly go through my file of letters from both workers' associations and employers, saying: good work on the ongoing improvement.

I don't know where he gets his information, Mr. Speaker. There is constant review of the rate structure, and there has been a constant decrease in the rates charged to employers. Now, I know it doesn't get widely reported. I've asked our friends in the media why they don't report that. It is announced very often; it's announced around the province. The feelings are very good on that. Maybe because it's not on the front page of his favourite newspaper every day, he doesn't see it.

I know he's very creative in his questions. In his next question, would he indicate to me if he would accompany me on that tour?

DR. PERCY: I'll repeat the question for the hon. minister. Why is the minister sitting on a \$241 million fund balance that properly belongs to the businesses that pay the rates? Why don't you do something about that?

MR. DAY: Mr. Speaker, again, I am excited to report that every one of the last three years since the unfunded liability – that's the bankrupt position of the WCB – was retired, every year again another surplus. Every year the question gets put to the industry stakeholders and to the representative workers: what do we do with the surplus? Every year an answer comes back that has resulted in a number of things. It has resulted in premium decreases to all of the employers. It has resulted in ongoing premium decreases. It has resulted in more benefits to the workers.

Other provinces have also attempted to decrease . . . [interjections] You know, they shriek and scream when it's good news, Mr. Speaker. They just can't stand it.

Other provinces, in some cases, have actually tried to improve their financial business by lowering the benefits to workers. Other provinces have done that by going from 90 percent of net of their salary down to 80 percent. The WCB in this province has not done that. It has increased benefits to workers and has continued to decrease premium rates to businesses.

Again, Mr. Speaker, this year another surplus is being reported. The same process will go forward, lowering rates once again. It's the same challenge we have here with our provincial budget. We report a surplus and immediately we say: do we lower taxes? This has happened every year with WCB.

DR. PERCY: I'm glad to see that the minister says that it is a tax and he's considering lowering it.

Mr. Speaker, how can the minister be so ill informed as to realize that the fact that year after year he has to pay rebates back to small businesses and the fact that the fund presently has a \$241 million surplus are evidence that the rates are too high? They're not actuarially sound, and the WCB is a vacuum cleaner sucking money out of the pockets of small business.

2:10

MR. DAY: It's a very strange way to say: "Congratulations. You've done a good job." But, still, I'll take it as a compliment.

He's exactly right. Every year there's a surplus, the only one in Canada for the last three years, and every year – now, I'm going to say it a little slower so he can grasp it. Every year small business . . .

DR. PERCY: Tell it to small business, Stock. You're taking money out of their pockets.

MR. DAY: You know, in basic about grade 9 debating class you're told that you can always tell when someone's lost the debate; they begin to shriek. That's what has happened over here. [interjections]

Mr. Speaker, above the shrieking I will continue to say that because of good management and industry associations lowering injury rates, every year now for the last three years a surplus has been reported. Every year the question goes out to small business, to manufacturers, to all business, and to labour associations saying: "We have a surplus. This is wonderful. We have a surplus. What should WCB do?" Every year the answer comes back: a variety of approaches, which are followed and have been every year.

One of the responses was: lower premium rates; lower the charges that business is paying. The rates continue to come down every year. Another thing that is addressed and has been addressed is benefits to workers. The pension plan of those who are disabled for life has increased. The maximum amount of earnings that can be insured has increased. Ongoing COLA adjustments every single year. This is such a good-news story I just can't stop, Mr. Speaker.

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

### Seniors' Report

(continued)

MRS. FORSYTH: Thank you, Mr. Speaker. We've heard a lot in the last couple of days about the seniors' report Looking to the Future. While the opposition talks about the shredding, I'd like to talk about the document. That report was the result of extensive public consultation with seniors and seniors' groups right across the province, including seniors in my constituency. This government has said that the major changes we have seen in seniors' programs in the past three years were based on the consultation. Now, it's pretty clear to me that this government . . . [interjections]

THE SPEAKER: Question please, hon. member.

MRS. FORSYTH: Mr. Speaker, I thought I was allowed three sentences.

Now, it's pretty clear to me that the government could not make the claim if the results of public consultation were not available somewhere in one form or another. What has been called into question is the . . . [interjections]

THE SPEAKER: Hon. member, will you please get to your question.

MRS. FORSYTH: My questions are to the Minister of Commu-

nity Development. Recent criticism from the opposition suggests that the government suppressed the 164-page report because it showed spending on seniors was declining. Does this mean spending on seniors in fact did not need to be . . . [interjections]

THE SPEAKER: Order please. [interjections] Order. I would like to hear the question, and I'm sure the minister would like to hear it, too. Would the hon. member please ask her question in a succinct manner?

MRS. FORSYTH: Does this mean spending on seniors in fact did not need to be cut?

MR. MAR: Well, Mr. Speaker, I did have difficulty hearing the question, but maybe I can ask her to repeat it again with a different preamble.

Mr. Speaker, I have taken a look at the document that was tabled in this House yesterday entitled Looking to the Future: A Discussion Paper on an Agenda for Older Albertans. I want to lay to rest this issue that was raised by the hon. member with respect to the levels of spending on seniors' programs.

Mr. Speaker, in examining this report, there's a number of different things that are contained within it. Just quoting from the executive summary here, it says that "it is a well known fact: Alberta faces a rapid increase in the number and proportion of older persons in its population." One can go through many portions of this report and look at page 55, as an example: "Scarce resources need to be re-allocated and targeted." On page 72 it says, "By the year 2000, expenditures on seniors would increase 30.1%." By the year 2015 at current levels the amount of money that we spend on seniors would double.

Mr. Speaker, one of the graphs that was not included in the final report that has been referred to by many different people is figure 7. These figures relate to the period from 1984 to 1990. It is true that graph 7 did demonstrate that the per capita spending on seniors did go down a little bit, but figures 8 and 9, if you look at those, show that, for example, in the area of home care, 19 percent was the increase in home care expenditures. If you look at figure 9, it shows that the overall percentage of spending on seniors' programs went up.

Mr. Speaker, it's clearly demonstrated throughout this report, in many pages in this report, that in fact there was a demonstrated need to re-examine seniors' programs, which were considered to be very good but very, very costly.

THE SPEAKER: Supplemental question.

MRS. FORSYTH: Thank you, Mr. Speaker. Were the opinions of seniors deleted in the shortened version of the report, as the reports charge that the government did not conduct an open and honest consultation process?

MR. MAR: Well, Mr. Speaker, the first thing that I wish to raise in answering this is with respect to the issue of the cost of this report. You know, the hon. Leader of the Opposition today suggested that somehow this report cost a million dollars, but in examining the books of public accounts from the years 1991-92 and '92-93, the entire budget for the seniors' directorate at that time was in aggregate \$1.4 million. So it's very, very incorrect to say that the cost of this report, its preparation, was a million dollars.

Was the research a waste, Mr. Speaker? Absolutely not. You

know, many of the findings that were contained within the discussion papers and within the text and recommendations in this report formed many of the bases and principles that we used to reform seniors' programs in the province of Alberta. If you look through this document, you'll find that chapter 4 of this document focused on the consultation process with seniors, and the results and recommendations are contained in the 36-page report. That was the shortened report that was ultimately used and found to be much more readable than this larger report, although there is much in the larger report that was found to be useful for future reference.

THE SPEAKER: Final supplemental.

MRS. FORSYTH: Thank you. Well, then, did the government waste money on a report that never went anywhere?

MR. MAR: Well, Mr. Speaker, the answer to that is clearly not. You know, this document was one of a number of documents that we used. It did not sit on the shelf, it was not a waste, and it was not destroyed either. We looked at the Bowker consultation that took place in 1993, the extended health benefits consultation that took place in 1995, and other consultations that have taken place both in this department and with the Department of Health. This has been a very, very valuable document as a starting point.

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

#### **Long-term Disability Program**

MS LEIBOVICI: Thank you, Mr. Speaker. The Minister of Labour points his finger at provincial employees insinuating that they're abusing the long-term disability plan. What he doesn't mention is that this government's poor management of the long-term disability program has placed the benefits fund in a liability position. That's only two sentences. Can the minister tell the taxpayers: what is the amount of the unfunded liability that they are on the hook for?

MR. DAY: Mr. Speaker, clearly that has nothing to do with the Department of Labour. I don't have those figures in front of me, but if she wants to send it over, I'll try and find the appropriate avenue to get that answer.

MS LEIBOVICI: It's unfortunate that he's the one talking about the government employees abusing the plan and he doesn't even know what's in the plan.

Perhaps the Provincial Treasurer can explain – and hopefully he's learnt the lesson given what's happened with the government employees' pension fund. Why does government continue to funnel the investment income from the management long-term disability plan – I'm saying it slowly for you – into the general revenue fund?

MR. DINNING: Mr. Speaker, I will have to get the answer for the hon. member. I don't have the numbers or the information at hand today.

MS LEIBOVICI: He doesn't know either.

Well, I'm sure that the taxpayers would like to know where the millions of dollars are that this government has collected with regards to the long-term disability program, and now that program is in a liability position. If you'd like to tell the taxpayers, they'd love to hear it.

2:20

MR. DINNING: As I say, Mr. Speaker, I don't have the numbers at hand. I can assure hon. members and especially those Albertans in receipt of funds through the long-term disability fund that those funds are secure, that the payments to those people will continue to be paid. But I can advise hon. members that if we were to take the Liberal way, this government would in fact be bankrupt. We couldn't make those same kinds of assurances. They're promising to spend over a billion and a half dollars that we don't have. They would prefer that we deficit finance the operations of the government and drive this province deeper and deeper into debt, and that's something that we on this side of the House will not do.

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

#### **Public Consultation on Fiscal Policies**

DR. TAYLOR: Thank you, Mr. Speaker. Yesterday the Provincial Treasurer tabled the results of Straight Talk, Clear Choices, a survey that asked Albertans' views on what to do with the savings from our reduced debt load. In my constituency, where we are going door-to-door with our own survey, it is very clear that my constituents want a reduction in personal tax. Further, they clearly do not want money put back into programs that feed big government and big bureaucracies. Rather, they take the sensible approach that money is best left in their back pocket where they control their spending. Question 1.

SOME HON. MEMBERS: Hear, hear.

DR. TAYLOR: Thank you, hon. members.

Was there a clear message expressed by Albertans in their responses?

MR. DINNING: Well, Mr. Speaker, indeed, I think we got a very balanced reaction from Albertans when 35 percent of the respondents said: pay down the debt. Another 30 percent, when given the option of pay down the debt, targeted spending, and tax reduction, said to us: we'd like a combination of all three. So I think that the member and his constituents are represented in that group as well as the other 8 percent of Albertans who said specifically that their top priority was reducing taxes. Twenty percent of Albertans said that their top priority would be further spending, especially in the areas of health and education. So I can say to the hon. member that I think he and his constituents can find their voice in the notion that 30 percent have said a combination of all three, 8 percent saying reducing taxes.

Now I think we've got a very balanced view from Albertans. Probably about half said yes, they like the plan that we had put out that called for a good payment on the debt, as well as half going to tax reduction and half going to targeted spending. So as I say, I think there's a balanced view there, and we certainly look forward to the debate that's going to ensue over the days and weeks ahead.

THE SPEAKER: Supplemental question.

DR. TAYLOR: Thank you. Does the Provincial Treasurer recognize that by the nature of the response and the sampling techniques in Straight Talk, Clear Choices, he has a selective result?

MR. DINNING: Mr. Speaker, we've never pretended or suggested that Straight Talk, Clear Choices was the definitive, scientific method of finding out what Albertans have said. You know, the hon. member across the way has just told us, going door-to-door as he does regularly in his constituency – he's a very, very good representative that way – listening to what his constituents have to say, that they want a personal tax reduction. But to suggest that 61,000 Albertans who took the time to respond somehow ought to be discounted, that some 34,000 who actually wrote letters and some 20,000 who took the time to pick up the phone and tell us their point of view – we can't discount their view. That, combined with what hon. members on both sides of the Assembly are hearing from their constituents, gives us, I believe, a very good balanced view about what Albertans want to see by way of reinvestment.

DR. TAYLOR: When will we see implementation of a decision, and will this decision take into account other sources of information such as the survey of my constituents?

MR. DINNING: Mr. Speaker, I would point out to the hon. member just again that if he looks at the survey, the only response that had a majority, a majority favourable opinion – all the others were under 50 percent. Over 50 percent of the respondents said that they liked the tax plan. They like a reduction in personal income taxes. They like the employment tax credit. They like the elimination of the surtax, the flat tax. So I think, as I say, that the hon. member can take stock and that his constituents, I believe, are well represented in the results.

Last night we had an open meeting of the standing policy committee on financial planning, under the leadership of the MLA for Calgary-North Hill, Mr. Magnus. He led us through a meeting. We even had a representative from the Liberal Party. There were members there from the private sector who were there to listen to the debate that ensued. We'll have another meeting again on the 29th of May. I expect that by that time we'll have found some recommendations that we would then approve and send along to the Premier by June 1. Further decisions will then ensue from there, including Budget '97, Mr. Speaker.

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

### **Trucking Regulations**

MR. WHITE: Thank you, Mr. Speaker, and thank you, Cypress-Medicine Hat. As part of the government's policy to reduce costs, the department of transportation started a partners in compliance program which requires the members of the trucking industry to monitor their own mechanical safety on their vehicles while specifically restricting department staff from inspecting those vehicles while on the road. As a result of an accident which has sent a small boy to hospital, a trucker is now facing charges of failing to maintain a vehicle. Clearly self-regulation does not work. My questions are to the minister of transportation. How does the minister know that these trucks under this program in fact are safe?

DR. WEST: Mr. Speaker, we do and will continue to monitor these trucks.

MR. WHITE: Mr. Speaker, my next question, then, is simply this: how many hurt children does it take for the minister to admit that this self-regulation is simply not working?

DR. WEST: Mr. Speaker, the track record of the trucking industry in the province of Alberta and their accident rate and the fitness of their equipment will stack up against any jurisdiction in this country.

MR. WHITE: Mr. Speaker, then how does the minister justify his position versus the position of the Edmonton Police Service, who say that when they inspect vehicles coming into the city of Edmonton, they find that 75 percent of those fail your tests?

DR. WEST: Would the hon. member please submit that information to my office if he could?

Furthermore, Mr. Speaker, of all the accidents that take place on our highways involving trucks, driver error is the majority of the reason why there's a problem, driver error on both factors: those going into the trucks and the trucks themselves. Mechanical failure is a minimal cause of accidents. This is a very unfortunate accident. We'll continue to monitor the trucking industry, but for the thousands of tonnes that are transmitted on our highways each and every day, again I say that our track record will stack up against any other jurisdiction.

THE SPEAKER: The time for question period has expired. The Chair hasn't received any notices of points of order.

head: **Orders of the Day**

head: **Written Questions**

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

[Motion carried]

head: **Motions for Returns**

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places.

[Motion carried]

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

### **Bill 214**

### **Victims of Domestic Violence Act**

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

MS HANSON: Thank you, Mr. Speaker. Domestic violence within families is often a hidden social problem that creates untold damages to the lives of partners and parents and particularly children. Few victims want to talk about it. [interjections]

THE SPEAKER: Order. Hon. members, lower the volume of background noise a little bit.

Hon. member.

**2:30**

MS HANSON: Thank you. Adult victims are embarrassed. Children feel powerless, confused, and sometimes guilty. Because of this, perpetrators often continue to make their lives, the lives of their families, miserable for many years, sometimes causing



severe injuries and even death in the process.

Regretfully domestic violence against partners, whether male or female, and children appears to be on the increase in Canada and I believe in North America. The Alberta Council of Women's Shelters reports a total of 11,500 women and children admitted to shelters in Alberta in 1994, and that's an increase of nearly 28 percent since 1992.

It takes courage and determination for a parent to flee their home with their children, often only with the clothes they are wearing. Leaving the home and belongings as a result of domestic violence also means leaving the support of families and friends at this time of crisis.

Mr. Speaker, there are two civil remedies available at the present time to victims of domestic violence. The first one is a restraining order, for which the victim can apply to the Court of Queen's Bench as part of a civil action against the abuser. Such action may be by way of petition for divorce or statement of claim for assault and battery, but the duration is only three months, and then the victim must return to court for a further order. Although the Minister of Justice has removed the \$200 filing fee, the cost of the restraining order including legal fees is anywhere between \$1,000 and \$2,000 because it's usually the case that a victim of domestic violence requires more than just a restraining order. Therefore, under the present system it's necessary to incur filing and legal fees in order to apply to the court for other orders such as possession of the home or maintenance, that sort of thing.

The second remedy currently available is to apply to the Court of Queen's Bench under the Matrimonial Property Act for exclusive possession of the home, but this only protects the spouse from unwanted contact at home. As well, the court is not required to consider the applicant's personal safety or the respondent's past behaviour. A matrimonial property action must be initiated in conjunction with a divorce petition, and thus the filing fees alone are \$410, I believe.

Mr. Speaker, Bill 214 was developed in recognition that victims of domestic violence are generally in crisis, and they require a system that provides relief, that is simplified and less costly. In the Bill that we are debating today, the safety of the family can be ensured through a protection order which provides immediate protection for the victim. Either the Provincial Court or the Court of Queen's Bench is able to grant a protection order, and this means that both urban and rural victims will be able to apply easily.

The protection order under this Bill may include a number of provisions. It would include restraining the abuser from communicating or contacting the victim or members of the victim's family or from going to where the victim lives or works or goes to school. The order can give the victim exclusive possession of the home so that people are not homeless in a case like this, and it can order the abuser to pay compensation to the victim for monetary losses suffered as a result of abuse, such as lost earnings, medical bills. The order can specify custody and access to children as well as support, and this speeds up the process. It also gives support to people on a fairly timely basis rather than having to wait, and it eliminates having to go back to court every three months to get a restraining order.

Under Bill 214 a protection order can be ordered immediately, but it is not effective until the abuser has had notice. The protection order can remain in place for up to three years, rather than three months, and that's a crucial element of this Bill. Three months is simply not long enough, and it's too costly. The court may also issue a warrant of entry where there is concern that a

person is unable to act on his or her own and is suffering from domestic violence. The warrant authorizes entry into a building to examine the situation and, if necessary, to remove the victim.

Mr. Speaker, the law institute in Alberta has pointed out that protection orders need to be, in their words, cheaper, easier to interpret, be enforceable, and they need to be drafted with greater awareness of the real needs.

I understand from conversations with some members of the government that they have questions and concerns regarding certain clauses, and I would certainly be willing to entertain amendments in that regard.

I believe that it is time that we as legislators recognize that domestic abuse is increasing and that the existing laws and procedures do not serve victims well. I urge all members on both sides of the House to support Bill 214.

Thank you.

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

MR. MAGNUS: Thank you, Mr. Speaker. On occasion a private member's Bill is introduced in this Legislature that warrants careful consideration irrespective of party lines and in fact transcends politics. In my opinion this Bill does that. It's a Bill whose intent I certainly agree with.

I believe that several of the recommendations within the Bill are necessary to help address the issues of protection and financial responsibility that arise during a violent domestic dispute. The court's ability to grant victims of violence exclusive occupation of their residence, monetary relief for the children, and temporary custody of the children to the nonviolent party will go a long way toward protecting the victims of family violence. All too often victims of violence are further victimized by being forced to remain in dangerous situations because they don't wish to leave their children or they're unable to leave because financially they can't remove themselves from the situation. This Bill will prevent victims of violence from having to leave their home, children, and community, to remain safe from harm.

I have some problems with some aspects of the Bill. I've talked to the member who has introduced the Bill – and I commend her again for introducing the Bill – and with the conversation we are having, I'm hoping to see some remedies within the committee stage of this Bill, including increasing the maximum fine and the time of the jail sentence, but I'll get into that a little later, Mr. Speaker.

I have some problems with section 2(1)(k). It's a provision recommending – and it is a recommendation only by a judge – that the respondent, or abuser, receive counseling or therapy. Call it a philosophical difference, but frankly I simply don't believe that forced counseling or therapy is effective in any situation. Rather than forcing a perpetrator to seek counseling, I believe the courts can encourage the abuser to seek counseling through an incentive process, and that incentive is fairly dear. If you've lost access to your children, your spouse, and your residence, not to mention you're responsible for the funds that will be used for dental care or any other abuse that you've inflicted on the abused person, you'd be willing to consider counseling, I would think, to get your life back on track. If you're not willing to consider that counseling, you should not be allowed to re-enter that situation. I'm sure the process would be more beneficial for all involved if the individual is a willing participant in their own rehabilitation.

On another note, Mr. Speaker, the Bill states in section 5 that

it's an offence to fail to comply with terms of a protection order. I've mentioned it already. The \$1,000 and four months I agree is a princely sum and it's a long time to spend in jail. But, on the other hand, in extreme cases, serious, serious cases, it's not long enough and the fine is not large enough in any way, shape, or form. We're talking about abusers here that go into a family home or their home, I suppose, and are inflicting this kind of violence and abuse on the other parties in the home. It's simply not enough money. This can boil down to death, maiming. You name it; it can happen within this situation. That isn't a big enough fine considering the fines that we have put into a number of Acts in the last three years since I've been in this Legislature.

2:40

One other concern I have with the Bill relates to the definition of cohabitants. When we're talking about cohabitants, the definition within "cohabitants" includes "persons 16 years of age or older . . . residing . . . in the same residence as the victim." Since we already have a Child Welfare Act and a Young Offenders Act, I don't believe we need to address this age group, and it's not necessary to have this section in the Act. If a young adult 16 years of age is impacted by domestic violence either as a victim or as the perpetrator, the current legislation is adequate to deal with them.

I would again like to commend the hon. Member for Edmonton-Highlands-Beverly for the economic onus that this Bill puts on the perpetrator, the respondent in this case. The Bill has provisions for the perpetrator to be removed – removed – from the residence and requires that they "pay emergency monetary relief to the victim" and their children to support them. It also requires the respondent to pay "for monetary losses suffered" as a result of "domestic violence, including loss of earnings or support, medical and dental expenses . . . and legal expenses." Mr. Speaker, this is impressive when you consider that currently much of this is provided within women's shelters in this province today. Women's emergency shelters provide victims and their children with places to stay, medical and dental treatment, nonprescription drugs, food, and child care services amongst many other things. I had a very long conversation, I might add, with the chairman of the Sheriff King Home in Calgary, who just happens to be my oldest friend for about the last 35 years, and it was interesting to hear the number of things that he agreed with within this Bill, which was, frankly, most of it.

I would hope that the caseload at women's shelters would decrease with the passing of this Bill. In 1994, 5,267 women and 6,336 children were accommodated in women's shelters in Alberta. Another 2,364 were provided shelter in hotels or motels. We spent \$8.1 million; 93 percent of that went towards shelters within this province. What the hon. member is proposing in her Bill has potential to shift the burden off the taxpayer onto the perpetrator, where it belongs.

Alberta's a leader in terms of the work being done to relocate women and children who are at serious risk of being killed by their abusers. Currently protocols are being drafted by the office for the prevention of family violence to be used when this extreme measure is needed. In my opinion a situation should not be allowed to reach that point, and I believe that this Bill has potential to help save those situations.

Mr. Speaker, if I may, I would like to close with a personal comment. As I look around this room today, every single one of us in this room knows somebody, whether we're related to them – it may be a brother; it may be a sister; it may be a wife; it may be a mother; it may be coworkers. Think about it. Every single

one of us in this room knows somebody that is abused in this province today. I lost a sister on September 22, 1989. It is something that has affected my family for many, many years. I won't go on about it, but it was the worst case of abuse that I've ever heard of in my life, and my sister lost her life for it. I hope that every member in this room thinks about their sisters and their mothers and their relatives and their coworkers when they're voting on this Bill.

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

MR. HENRY: Thank you very much, Mr. Speaker, and to the Member for Calgary-North Hill, thank you as well. I don't know any words in this debate that can bring more focus and convince people more that they should support this particular Bill.

Mr. Speaker, I would like to commend the Member for Edmonton-Highlands-Beverly for not only bringing this Bill but doing all the work prior to that and convincing MLAs on both sides of the Legislature that this is an important issue that must get on the agenda. For the public record: although members here understand the process, I'm not sure all members of the public understand that there are sometimes 50 to 100 private members' Bills, and there's an estimate of about 20 Bills that actually get dealt with in a session. I don't want to say that there's a contest, but there is a process by which caucuses sit down and determine which Bills are a higher priority and should actually get on the agenda and actually get voted on. The Member for Edmonton-Highlands-Beverly in my caucus was instrumental in convincing myself and my colleagues that this had to get on the agenda and had to be dealt with in the legislative session and couldn't simply be put there for the record.

I thought back to when we first talked about this Bill, the Member for Edmonton-Highlands-Beverly and I, about a year ago. When I first decided to run for public office – and we all have a million reasons why we run for public office. We do our own soul-searching. It seemed to me that about five and a half years ago, when I made the decision, I said that if I were to do this with my life for a while, there were two things that I needed to really focus on: one thing was focusing on children growing up in poverty, and the second issue was focusing on domestic violence. I was convinced at that time and I remain convinced that if we do nothing else in our tenure in this Legislature except meaningful things to address those two issues, our time and our contribution would have been worth while here.

We talk about the victims of domestic violence, and I think all members will agree that in any situation the children are among the victims. It doesn't matter whether the child is the one who's receiving the physical blows or whether the child is watching the mother or father receiving those blows. In either case, in my view, that is abuse in terms of the child. We all know there's nothing more we can do than to provide hope for our children, especially those children who seem to have no hope for the future.

The Member for Edmonton-Highlands-Beverly has described this Bill and what it will do and what the potentials are, but I wanted to speak to a couple of issues that I've certainly seen as an employer. I've dealt with employees who have lived in abusive relationships and with friends, I daresay, and colleagues. Quite often I think we need to understand that when an individual is in an abusive relationship, that can seem all-entrapping. It is often that the individual is trapped in that situation. There are two lives for that individual: one when they go home and the other when they go out, to the rest of the world. Not always but often the

person who is being abused is sent out to earn the livelihood for the family, so it is crucial for them and their children to retain that livelihood. What is it about our workplaces and what is it about the kinds of environments that we all create in our workplaces that people who are abused in the sanctity of the home come to those workplaces and often have to try to pretend that nothing is wrong and often try to hide the fact that they are being abused or that their children are being abused from the people that they should be able to trust, their co-workers and their employers?

Working in mental health in this province, I also know and I've seen in my time a positive trend, I believe, in employers addressing issues of violence in the home in the workplace setting through employee assistance programs, through employers learning how to intervene when they believe an employee is being abused in their home and learning how to help that employee get the strength and support they need to leave that situation.

Often people who are abused go to work or go to school and their biggest fear is not going back to the home and getting abused again but having the abuser show up at the workplace or show up at the school and essentially blow their cover and make it more ugly and, because of attitudes that we have in our society, potentially put those jobs at risk or put the social security that comes with that job, the relationships, at risk. We also have to know that most of us are uncomfortable dealing with violence. Most of us are uncomfortable dealing with people who are in violent situations. We have in our head: why doesn't he or she leave? Why do they put up with it? That's the first question that often comes into our head.

For most of us we would rather not deal with those unpleasant-ries. We'd rather not engage. Quite often what we do – and we've seen it over and over; I'm sure all members have seen it, and I've seen it in the workplace that I used to be responsible for – is that once the fellow employees find out that someone is being abused, all the social contacts are very quickly cut off. "Oh, we don't want to get messed into that one. We don't want to interfere." But there is a trend where we are trying to become more educated and we are trying to make sure that people who are in need of protection get that protection.

**2:50**

I believe that in terms of legislation in this country and in this province we have not gone nearly far enough. There is absolutely no excuse for violence. There has been a recent trial that all members of the Legislature have watched in the media and whatnot that reflected spousal abuse. I don't want to comment on the outcome of the trial or as to which party, if either or both, was the victim or the perpetrator, but one thing that does continue to haunt me, Mr. Speaker, is that in all the publicity, in all of the interviews, neither partner who inflicted abuse on the other has ever expressed public remorse for that. That to me is the saddest part. It seems to me that that's the public question that we should be asking in situations like this. We should be saying: "Violence is wrong. Violence will not be accepted, and the state, the government – provincial, federal, or otherwise – will move in and deal with perpetrators."

We know that violence breeds violence. We know the majority of men who abuse their wives saw their mothers abused or indeed were abused themselves. We know that. This is not news. We know that. The one thing that we can do to stop violence is to use all forces in the law and all the means available to us to draw a line in the sand and say to perpetrators, "Violence against another person will not be tolerated in our society." We often get on the ideological right and left sides of issues, and one side in

this House calls the other one too hard and the other calls the other one too soft, but I think this is one issue that we can all agree on. Violence should not be tolerated, and we should come down very, very hard on those and send a very clear message that we have tolerated too long in our province and in our country. I don't particularly fault this government because I believe all 10 provinces and the federal government and the territories could all do more in this regard. I hope that all of us work towards this.

I also wanted to particularly focus on the provision in the Act that would allow authorities to enter into a place when they see that there's potential for abuse or where they suspect or have good reason to believe that there is abuse happening. That will be especially useful not just in terms of children, especially preschool children, but also in terms of elder abuse. We need to focus on that more and more as more of us live longer and become more dependent upon others to care for us. The fact of the matter is that in North America we're not going to have the same ratio of institutional care that we've had in the past and more of us are going to be in our homes and more of us are going to be more vulnerable. We all know, Mr. Speaker, you and all members will know that the vast majority of individuals looking after their parents or their spouses will take that care very seriously and provide dignity for that person and provide quality, loving care.

We've all seen examples. I remember when my grandfather became quite ill and for several years was at home. A member of the family stayed home with him and cared for him in the home, and he never had to see an institution. Families have done that and continue to do that. But in those small minority of situations where the vulnerable person is taken advantage of, is abused or neglected, we need to have a way to get in there, even if the owner of the home or the primary support person doesn't want you in there, if we've got reason to do that.

Now, one of the things that may come up in this Bill – and it has come up when I've discussed this issue with some individuals – is: "We don't want the state to have all sorts of powers. We don't want the police just running in there. We don't want Joe Blow just banging on the door and saying, 'I think you're abusing your kid and I'm coming in; I think you're abusing your mother and I'm coming in to look.'" That's why this particular Bill requires any such order to go to the Provincial Court or the Court of Queen's Bench. Goodness knows, Mr. Speaker, and as an officer of the court you will know that our court system is not perfect. It is far from perfect, but for those many members of this Legislature including myself that have experience with other judicial systems in other parts of the world, we have the best judicial system in the world, not perfect by a long shot, but it is the best, and there is a check and balance there. I think we've gone a long way in cleaning up the judicial appointment process in our country, and I feel I have no option but to put my faith in those who are appointed to the bench to weigh the evidence in front of them and make a responsible decision and know when it is that the evidence is there that we should move in and force entry, essentially, or in the other instance move in and move a perpetrator out of their home.

This Bill will go a long way to help stabilize families for children. The standard practice, if I can put it that way, is that when an abused person leaves their home with their children, quite often they leave with nothing except the shirts on their backs. They leave their furniture, the children's toys, the children's homework back in the situation. If we really believe that in our society children must come first, that we must put our future generation first, then we must make whatever intervention

has to happen as minimally disruptive for those children as possible. I know the Minister of Family and Social Services, when he's doing child welfare protection, often will say that we have to have the least intrusive means possible. So be it on this. We must make children's lives as stable as possible when we're intervening in an abusive situation. That's why we need the court to have the power to move in when there is an abusive situation, when the evidence is clear, when a judge has reviewed that evidence and has said, "Yes, there is abuse going on and the perpetrator must be removed." In that way, the children with that custodial parent can stay in those familiar surroundings and can try to pick up their lives and have less disruption than is the case now.

In addition, I don't know how many times I've sat with a woman who has been beaten or who has been threatened or who has been pushed around, and when she says, "I'm going to leave" or "I'm not going to put up with this anymore," the response from the abusive spouse is frequently, "You go, but you leave the children behind." Mr. Speaker, we all know that parents want to stay with their children. We all know that often parents will stay in an abusive relationship, if nothing else, to protect the children from getting abused. We must be able to give the court the power to award custody immediately, until our judicial system can fully kick in and a court with full evidence and psychological assessments, if necessary, and social workers' assessments can determine what's in the best interests of the children.

Mr. Speaker, I know that there are other members in this House who want to speak to this Bill. My plea to all members in this Legislature is, as the Member for Calgary-North Hill said: let's put aside our partisan hats. God knows, we spend too much time in this Legislature wearing them, I believe. Let's put aside our prejudicial hats, in terms of partisanship. Even if we don't like a particular section of the Bill, let's get this Bill into committee. Then we can do some more work on it if we need to amend sections, clear up some definitions that people are uncomfortable with. But remember the principle of this Bill. The principle of this Bill in my view is that children and families should not have to put up with an abusive situation, and it is incumbent upon us in the government to ensure that the courts and the police system have the tools to be able to move in on abusive situations and protect those who are being abused.

Thank you.

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

MRS. FRITZ: Thank you, Mr. Speaker. I'm speaking today, as well, in support of Bill 214, that was brought forward by the Member for Edmonton-Highlands-Beverly, which is titled Victims of Domestic Violence Act. You know, although we've been asked to put aside our partisan hats, so to speak, I really don't think it's necessary to do that. I think that we from both sides of the House can agree that victims of domestic violence should be protected, which is exactly what this Bill does. I quite frankly really do commend the member for bringing the Bill forward. It may appear to be a very simple Bill, but in reality when you read it and when you read it over and over again, which I've tended to do with this Bill, it's really quite powerful. I think it's an excellent initiative. It's actually one of the best I've seen come forward on this whole area of domestic violence since being an alderman as well as an MLA.

3:00

Mr. Speaker, over the past two and a half years the issue of community and family violence I believe has received consider-

able debate in this Chamber, whether that's been in our estimates or Bills or motions or whatever. I really think that we collectively as politicians recognize the gravity of the situation of violence against women and children. Bill 214, I believe, is offering a practical solution to an existing situation that hopefully will result in the safety of Albertans who really do find themselves, as we heard, in the very tragic situation of domestic violence.

Bill 214 has included the area of physical violence, and I think it's the first time in legislation that the area of emotional abuse has been included. I know that we all have our own definitions when we think of what physical and emotional abuse really mean. The definition of physical abuse appears to be straightforward, and I've heard both members mention their interpretation of physical abuse, and people add to that. They may not, you know, include exactly the same things as they speak of physical abuse. I know that we've often heard that it includes being beaten, kicked, punched, burned, threatened, even shot by a person that you have lived with or are currently living with.

Sexual abuse is a form of physical abuse. Sexual abuse I believe is abuse, whether it's being coerced or threatened or forced to engage in unwanted sexual activity. In fact, tragically, statistics show that one in four women will be sexually assaulted at some time in their lives, and half of those women will be sexually assaulted before the age of 17. I know we've had the Member for Calgary-Fish Creek bring forward an important initiative in the Legislature as well that's resulted in a recent task force being formed to deal with sexual abuse of our young women that are younger than the age of 17. Two in 10 women will be assaulted in an intimate relationship, and at least 50 percent of the children in homes will likely become perpetrators or victims of violence later in life. I can see that that's why the member has brought forward a protection order which deals with domestic violence. It deals with it directly in the home. It is a very serious problem, Mr. Speaker.

You know, Mr. Speaker, I also think it's really commendable that the Member for Edmonton-Highlands-Beverly included the area of emotional abuse. I realize that there's a definition within the Bill, but I really would ask that the member look at expanding that definition. She may wish to include constant criticism, ridicule, and even, I believe, isolation from the family, friends, and co-workers, which can lead to impaired psychological functioning. Often emotionally abused people, women and children, live in constant fear and suffer very high anxiety. They suffer from helplessness and depression. The whole area of abuse, whether it be physical or emotional, as we've heard, is about domination, power, and control of one human being over another.

This Bill asks that we protect people who are victims of violence. As I said, it's simple but it's powerful. It takes an existing violent situation and offers what I believe to be a very practical and cost-efficient way to deal with that situation. I recognize that some members of the House may be concerned about the public expenditure that's required to implement this Bill, and I'm sure we'll hear that in some debate later on today, especially the public expenditure in the areas of justice and social services. I truly believe that the majority of victims of domestic abuse are helpless and that at times there is a responsibility of society, and this is one of those areas where society should respond even if that is, as I said, a public expenditure requiring that response of society. So, yes, this Bill will cost money, but I don't think that that cost should be overstated but, rather, that

we should have a sensitivity to protecting Albertans who are battered and abused both emotionally and physically.

Mr. Speaker, as I read through this Bill, I thought it was almost unfortunate that we can't include the area of economic abuse within the context, because we've heard that discussed as well in the whole area of abuse, physical and emotional. There are other areas, but I wish economic could have been discussed in the context. It's not there, but I believe that if it were, it would show real leadership when it comes to assisting people who are being victimized.

We hear more and more situations, especially of our elderly who are experiencing physical, emotional, and economic abuse without much recourse. In fact, our elderly more than any other group believe in the sanctity and privacy of the family unit and of the home, and they'll not talk about the isolation that they're experiencing because of their economic abuse. Too often, as was said earlier, society tends to look the other way. I know that as a government we're addressing, I think, that whole area of elder abuse through the 1-800 line, that the Member for Calgary-Currie has often put forward to the Legislature, to caucus, and to members of the public. She has been looking at initiatives, and the 1-800 line does help to address that. Also, there are many gaps that I think exist within our current system, and those gaps allow violence to continue.

I really think that linkages must occur not just between agencies and organizations but also between government departments responsible for justice, social services, health, community development. The linkages must occur between all levels of government, whether they're provincial, federal, or municipal. The protection order as outlined in Bill 214, as was said earlier by the initiator of the Bill, is an immediate step, and it's an immediate step in more ways than one. It's an immediate step that I believe will assist in actually beginning to fill in the gaps that I mentioned earlier.

Mr. Speaker, I'm going to take a moment to address the relationship between violence against women and children and pornography. I believe that it must receive further debate than what I'll say with just touching on that today. I still think it's important to highlight. The Alberta courts have recognized that pornography does have an effect on attitudes and behaviours that lowers women's equality rights. Our primary source of pornography, as we know, is from the United States. Sadly, the largest consumer of pornography is young males between the ages of 12 and 17 years; 35 percent of those young males expressed a particular interest in watching sexually violent scenes of rape, torture, and bondage.

A shift has occurred in our society – and we're all aware of this shift – where homes are empty during the day because both parents are working to make ends meet, and our young people are renting pornographic videos from operators who do not ask for identification because they're interested in the almighty dollar. They take these pornographic videos home to watch, and many of those videos have not been screened by our censorship board. They're less costly than having that young person go to a movie, but at least the movies and the theatres are screened by the censorship board, whereas the videos are not. Many teens are not mature enough to have control over their choices. They don't realize that watching these terrible forms of violence really affects their overall attitudes and behaviours and that it can, quite frankly, affect how they deal with their siblings and their parents within the home.

That relates back to what's before us, victims of domestic

violence. They in essence are victims as well, the boys that are renting the videos. When we look at the area of prevention, simple measures in that regard I believe would be of assistance. They're victims of violence but in the sense of a societal contribution towards that with what happens with the operators of these video stores I think not being responsible. This Bill also, Mr. Speaker, will provide a way to improve the lives of Albertans that are victimized in their homes.

### 3:10

I've read this Bill, as I said, a number of times, and I do have some concerns. I was pleased to hear the Member for Edmonton-Highlands-Beverly say that she would listen to the concerns today and then hopefully she would respond to those in debate or as amendments could be put forward in second reading. I want to say that my concerns, although they are important, are relatively minor. To begin with, it was mentioned by the Member for Calgary-North Hill, but it would seem to me that section 1(b)(i) is in conflict with section 1(b)(iii). The way the subsections are worded indicates to me that children living in the house who are older than 16 years of age are not considered a part of the family, when really section 1(b)(i) is all-inclusive, where "cohabitants" is identified as "residing together in a family relationship." If you look at 1(b)(iii), it says:

Persons 16 years of age or older who are children of the victim and who are currently residing, or who normally reside, in the same residence as the victim.

That's relatively one and the same, but I know that sometimes when people write things in Bills, they do that to actually strengthen the Bill. Perhaps that is what you were looking for. I don't know, which is why I would ask you to please address that.

Also, when you go to the next page, page 2 – when I was reading about "forced confinement," I was really looking at what forced confinement is. As I said, we often symbolically have our thoughts when we read things, and I would look for a specific definition in legislation. For example, I wondered if forced confinement would include a child or teenager who's confined to their room as a form of punishment and what that could lead to. If you would look at that as well, please.

Also, I had a concern with the definition of a "specified place," which was listed in 2(1)(c), and that was on page 3. I wondered how you would list that, if you would actually have that listed in the protection order, and how you would go about specifying that there, if it would be possible for multiple locations to be looked at, and how regular attendance at that specified place will be determined. For example, I think of the woman who goes to the hairdresser, whenever, once a month, or goes to a certain gymnasium or takes their pets to veterinarians or whatever, how you would list that area in the protection order.

Also, in reading over the Bill, I have a concern, as I said, that the definitions aren't broad enough. I haven't gone right through and highlighted every one of those though, because I know that in hearing the debate today, you will go ahead and look at that. The Member for Edmonton-Highlands-Beverly had indicated she would look at some amendments hopefully in second reading.

Mr. Speaker, I also think the sponsor of the Bill has made the scope of it wide enough to not include just women who have been abused but also to include men and children, siblings, seniors. It's all-inclusive, and we mustn't lose sight of that. I am able to support the intent and the direction of the Bill, but at the same time, I do have apprehension concerning the limited scope of the definitions which I listed earlier.

Aside from those concerns, Mr. Speaker, I feel strongly about this Bill. It is a good piece of legislation. Quite often in this House legislation comes forward to us, and many of us don't take the time to actually read through it and think about it because we're all very busy and we have so much legislation that does come forward. I have read this legislation. I've read it a number of times, and I strongly support it, and I would also ask that my colleagues support it as well.

Thank you, Mr. Speaker.

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

MR. SEKULIC: Thank you, Mr. Speaker. I join in debate today on Bill 214, Victims of Domestic Violence Act, and I rise today because I'm so encouraged to hear the comments from my colleagues on both sides of the Assembly. In fact, I don't think there was a single word that I would disagree with that the Member for Calgary-Cross presented in her points in debate. I have the same questions in terms of the development of the Bill. However, I know that we can address many of those issues as we progress on and at the principle stage. I know that we all share a concern for the well-being of Albertans, particularly when the concern regarding their well-being is focused on violence that they may face, be it in their homes or in their workplaces.

My experience with this – and today we've heard in debate some of the members relating personal experiences – that I have to relate is as recent as last week when I had a constituent call my office with a concern. It was about domestic violence. It was three children in the custody of a parent who had a history of abuse, sexual abuse, in fact had a conviction. Nonetheless, there must have been an error in the system. Somehow there was a glitch. These children fell through the crack and were placed back in the custody of the abusive parent. It appears that the abuse had resurfaced, and there was a need to remove these children from danger. I have to say that it's not that often that I do come forward and commend the government for some of their positive actions, but that morning when I received that call – it was just before question period – I committed to the constituent that I would do everything in my power to ensure that these children would be safe by that evening. I came into this Assembly and during question period I wrote a three-page letter to the hon. Minister of Family and Social Services, and in fact I copied one to the Minister of Justice. I have to commend the Minister of Family and Social Services, because as a result of his actions and as a result of the work of his staff, those children are safe. So, Mr. Speaker, there are times when . . .

AN HON. MEMBER: He's a good guy.

MR. SEKULIC: I'm not discounting that at all. He did his job, hon. member, and I commend him for it. I have to say that what the minister does require – because I do believe he is well intentioned – are the tools to continue to intervene only when required to protect the safety of individuals from violence. I know there are examples that many of us will share where there are successes and where there are tragedies, but what we are speaking about here is the development of an additional tool for the government, be it this minister or any other, to utilize to ensure safety.

One of the arguments that may be raised against this Bill, as my colleague for Calgary-Cross has put forward, is the monetary issue. At some point, Mr. Speaker, when it comes to our own

homes and one of our family members is under threat, be it for health concerns or any other type of physical or emotional threat, we will extend as far as we can to ensure that they are safe and well. I think we as a government, as a collective conscience of those we represent, have the same onus here: obviously to ensure the safety and the primary focus while implementing such principles, to do it at the least cost and in the most effective and most efficient manner. I certainly would hope that those who would argue against cost would suggest likewise with other core programming. We know it must be delivered. That's not the question anymore. The question is how we deliver it. We can get beyond that if we get the principle passed into committee, and we can assess the Bill at that stage.

When I was in university, one of the courses that I took, expecting that some day I would age, was a gerontology course, and I learned something that up to that point, I have to quite frankly admit to you, I didn't realize was as large of a concern as was statistically shown to me to be the case, and that was the abuse of elders. In every different, I guess, environment, be it in centres where they're cared for or even by their own families in their own residences, the type of abuse that they were subjected to wasn't merely physical, although that appeared to be the largest type of abuse. There was also monetary, Mr. Speaker. I saw some evidence of this when I worked at the Alberta Hospital Edmonton many, many years ago as a high school student, but it just had never sunk in that this was as prevalent as it was in society. So when we as those elected to represent our constituents come forward with ideas, I would think that we would have an honest exchange of information across the floor.

3:20

We take a look at another group in society which is affected many times because they are more vulnerable by circumstance, and that would be the disabled. All too often statistics aren't put forward in the media because it may not be an issue that is the hot button or the trigger that would sell newspapers. Nonetheless it's there; it's prevalent. I think once again as elected officials we have a responsibility to voice even for those that don't have the strength of other segments of society.

The broadest category, of course, is that in any one of our constituents' homes you have individuals who are faced with violence, and although it's not every household – I'm not trying to impress upon the Legislature that that's the case – there are many vulnerable people, and we do owe them some degree of, I guess, representation greater than that which we would afford them in the financial areas.

MR. DUNFORD: Peter, don't hurt my bear. Don't hurt my bear.

MR. SEKULIC: I hear some comments coming from across the way, Mr. Speaker. I'd respond to them if only I could hear them. Huggy Bear has to speak up. It's interesting that there's such a socialistic name to such a right-wing member. They call him Huggy Bear.

Mr. Speaker, in closing my comments today, I want to remind members that we are debating purely the principle of the Bill. I can see some difficulties in terms of now carrying it to the implementation stage, but those are the areas that I think as a collective – that term scared some people in here – we can address at Committee of the Whole. So I would encourage all of my colleagues to take a look at this Bill purely in terms of the principle which it is attempting to achieve. I think that if they

look at it purely from that point of view, they too will support this Bill.

Thank you, Mr. Speaker.

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

MRS. LAING: Thank you, Mr. Speaker. I, too, would like to congratulate the Member for Edmonton-Highlands-Beverly for bringing Bill 214 into the House for debate. I'm very pleased to say that Bill 214 is a Bill which I am able to support in second reading.

I do have a few concerns with Bill 214, but most of them are minor and I think perhaps can be corrected with amendments when we get to the Committee of the Whole. The first involves section 9 of the Bill, relating to the warrant permitting entry. Under section 9 a warrant is issued by a court which

- authorizes the person named in the warrant to
  - (a) enter, search and examine the place named in the warrant and . . .
  - (c) seize and remove anything that may provide evidence that the cohabitant is a victim.

The "person may [also] remove the cohabitant from the premises." What is unclear to me is whether a court order is needed for entry.

Something that I would like to see included in the Bill is a definition of who can be named on the warrant mentioned in section 9. Should it be a police officer, a social worker, a crisis team, or can it be the neighbour next door? The provision allowing the person to remove evidence from a potential crime scene would lead me to believe that it is implied that it would be a police officer. However, I would like to see this clarified in the Bill.

The Bill also ensures that the victim is able to stay in their residence and the abuser is forced to leave. I think this is an excellent idea. Although we have some excellent shelters and programs in place, to run from your own home to find safety in a strange place can certainly be very stressful. Making legislation so the abuser has to leave would certainly reduce the stress that the victim feels and be especially, I think, good for the children.

I'm concerned about how we can ensure that the victim can stay in the residence. How can we protect them from further aggravation from the abuser? A protection order is not a wall, and there's nothing physically preventing the abuser from returning. A lot can happen in the five or 10 minutes that it takes the police to arrive at a residence after an emergency call has been made. Perhaps a provision calling for an upgrade of the victim's residential security could be included in the Bill, and this could be something as simple as the changing of the locks.

If a person has already suffered because of the actions of another, it would be cruel to bring them into unnecessary contact with one another again to prolong the suffering. It may take some creativity and perhaps a change in procedures, but there must be a way to prevent the victim from having to come into contact with the abuser.

Our justice system by nature tends to be more reactive than proactive, and we don't set out a law for everything simply because there's no way that legislators like ourselves can possibly anticipate all the bad things that people can do to each other. They certainly are in the minority, so we'd be punishing the majority for the sake of the minority. Instead, decisions made by judges are based largely upon precedent.

Mr. Speaker, in most cases the victim suffers from the effects of the abuse committed against them for much longer than the

criminal is penalized. Is that fair, or is that just? The way I see it, we can remedy this situation by simply imposing much longer sentences or by reducing the effect of the abuse on the victim. In the case of assaults, the body requires time to physically heal. This is time lost from work and normal routine. It may be costly as they have to hire child care workers. The victim suffers in a case emotionally and also economically. Emotional injuries may never heal and maim victims for the rest of their lives. Death, of course, is permanent.

While the victim can be reimbursed for time lost from work, there are many other things which are irreplaceable and which may be impossible to attach a price to. It would be preposterous to think that any amount of money could ever bring back the life of a loved one or ease the emotional trauma which has been inflicted upon the victim and his or her family.

Many children are raised without a parent because of abuse, and they also have the tragedy of the court cases and the consequences that follow. So they are a victim in two ways: they are damaged by the abuse, and then they also lose their parent.

As well, Mr. Speaker, it's rare that the victim alone is affected by the abuse. Friends and other family members often feel the pain and suffering inflicted upon them by domestic violence. As legislators we should ensure that the victims and their families receive the counseling and support necessary to help them recover their lives and their futures.

Mr. Speaker, fear is an epidemic among victims of violence. It denies victims sleep, causes them to change their habits and routines. It sometimes prevents them from continuing a normal life. They do not feel safe, and they live with the fear of being victimized again.

I brought a similar Bill to the House last fall, and the ideas behind my Bill 214 are similar to Bill 33. It asked for victims of crime to be treated fairly, with dignity and respect throughout every stage of their involvement with the justice system. Since this time, we've seen some very encouraging recognition of the need to ensure that victims are properly treated and cared for in their dealings with our justice system.

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

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

We do have some excellent initiatives currently in place, and among these are the police-based victim assistance units that have been set up across the province. These volunteer groups are trained by the police and provide victims of crime with information, assistance, and support during investigation and court proceedings. This is very valuable help, and it should be available to anyone in the province no matter where they live. There are currently 49 police-based victim assistance units in existence to provide services in a number of different areas of our

province, and these programs provide victims of crime with information, assistance, and support during investigation and court proceedings. Most police-based units have received funding through the victims' programs assistance fund.

Depending upon the seriousness of the abuse, victims are encouraged to provide the court with an impact statement. This can give the judge insight into the suffering that the victim has had to contend with.

### 3:30

On April 18 the Department of Justice announced its strategy to deal with serious and violent crime. This strategy was developed in connection with the RCMP and the Alberta Association of Chiefs of Police. Many of the initiatives dealt with violent crimes perpetrated against Alberta citizens in general, but several of these initiatives will benefit the women who are victims of abuse. These initiatives include maximizing the time in custody served by serious and violent offenders; emphasizing crime prevention, family violence, and victims' services; and providing guidelines for the Crown in seeking conditional sentences, as they are included in pending amendments to our Criminal Code.

In order for violence against women to end, abusers must be held accountable for their violent actions and the justice system must respond to violence against women as a serious crime. Intervention programs are available for assaultive men and sex offenders, and many of these have been very helpful and very beneficial.

In October of 1990 family violence policing initiatives were introduced by the government to address the crime of spousal abuse. Because it represents over 92 percent of spousal abuse cases handled in the criminal justice system, the initial focus was on wife abuse. The initiatives looked at five key areas: enforcement, police training, victim support, public awareness, and research. Since that time, initiatives have also been expanded to include the entire criminal justice system including policing, prosecution, and correctional services.

Counseling services for victims of domestic violence and for perpetrators of this type of violence have come under Alberta Health since 1991. There is at least one counseling program in each of the regional health authorities, and these counseling programs are funded through Alberta Health via the Provincial Mental Health Board funded agency grants.

There are some very good-news stories on the domestic violence front, and there is an increased emphasis on prevention and education, which was the focus of the Alberta Advisory Council on Women's Issues entitled *Desperately Seeking Certainty*. This was released in the past fall. I agree with this direction. Prevention should definitely be the focus. Prevention should be placed wherever possible in education and in treatment programs.

However, in the meantime, Bill 214 gives victims in abusive homes a tool with which to escape from their situation and regain control of their lives. No one deserves to be victimized. Family and Social Services believes in this also. The program philosophy of women's shelters states that all individuals have the right to security and protection under the law; they have the right to live free of assault, abuse, and violence, and no individual should have to remain in a violent or abusive situation because there are no alternatives; all individuals have the right to make their own life decisions. Apparently the Member for Edmonton-Highlands-Beverly believes in this as well, and I congratulate her for that.

I will be supporting the hon. member's Bill in second reading. I feel that the intent and the direction of the Bill is one that will

contribute to making fearful lives of many Albertans manageable again.

Thank you.

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

MRS. BURGNER: Thank you, Mr. Speaker. I didn't realize that there weren't going to be other speakers in support of the Bill from the House.

Mr. Speaker, I too would like to rise today to speak in favour of this Bill, and I'd like to open my remarks with some commentary from the Calgary women's shelter. I was invited last week to attend a fund-raiser on their behalf, and it was quite an interesting demonstration of both moral and financial support within the community of Calgary. In 1974 the shelter opened its doors in response to a growing awareness in our community. Women needed a safe place to escape from the violence occurring in their lives and the lives of their children.

Mr. Speaker, what began as a crisis service for women has grown to an organization that has served over 60,000 women and children since its inception. Today this shelter provides not only a safe environment but helps women and their families begin the process of re-establishing their lives, lives free from violence and abuse. The shelter provides a 24-hour crisis service, counseling by experienced professionals, and linkages back to the community. The outreach program supports women in transition and their children after a shelter stay. As well, the shelter offers a men's crisis service to counsel men while their partners are in the shelter and to promote safety for their families. The intent is to provide accessible, effective intervention in a continuing effort to end domestic violence.

Mr. Speaker, the nonabusive futures program provides group counseling services in schools and agencies to help adolescents change their attitudes towards the acceptability of violence and to relate in new ways that promote healthy relationships.

I highlight this particular commentary not to the exclusion of many of the other successful programs that exist all across this province to address this issue but simply to identify the fact that the community has firmly embraced its responsibility to assist victims of domestic violence, and Mr. Speaker, it is our legislative responsibility to do likewise. As I said initially, I'm pleased to offer my support, and I congratulate the Member for Edmonton-Highlands-Beverly for this initiative.

I would like to just make a brief personal observation on behalf of all of my colleagues. I'm not so certain that those in the real world outside the Legislative Assembly have an understanding of some of the issues that cross the desks of the MLAs on a daily basis, and perhaps one the most riveting and one that we feel most hopeless about is the issue of domestic violence. When those calls come through, we are grateful for opportunities to assist them, whether it's from a local community service, a shelter, a food bank, or the various ministries of social services or Justice. Mr. Speaker, I say that because I think there's a demonstrated understanding in the room this afternoon that we do have a knowledgeable awareness of this issue and do not treat it frivolously, and I'd like to share that on behalf of my colleagues, because on occasion MLAs aren't recognized for some of the social knowledge base that they have.

Also on a personal level, I have a very deep concern that we have misused and lost the ability to talk about the word "innocence," and innocence is a very precious treasure of our youth. Mr. Speaker, we're often very quick to criticize our young people



when they behave in unacceptable social fashions or when they don't perform in school, but when they have lost their innocence and when they have lost their ability to be youthful because of such serious situations like domestic violence, then we have to show them our support. This particular initiative does single out our need to be responsible in this fashion.

Family violence is any behaviour by one family member against another which may endanger that person's survival, security, or well-being, and this may include emotional or psychological abuse. It could also include economic abuse and physical abuse or neglect. Mr. Speaker, what forms of family abuse have in common is that they represent an abusive power and a violation of a position of trust. Again speaking of our young people, to me one of the most significant elements of the validity of this Bill is that domestic violence does abuse those positions of trust. Bill 214 provides victims of domestic violence with a way to obtain protection with a court order against cohabitants. I think it's clear that this particular initiative is taking those victims and putting them in a protective environment.

Such violence has significant impacts on our society. I've mentioned our young children, Mr. Speaker, but their age and domestic violence are inseparable. This can occur right through to their college days. We have to look at the impact of that violence not just on the children and their own social development but as accelerators on the impacts to the success of our education system, the need to use our health care system. We have a growing concern about the mental health of our communities. Domestic violence speaks at the heart of each one of these issues, because it destroys the ability for members of our families to actually utilize those services in a more productive way.

We are all very cognizant of the issues with young offenders, and we're all very concerned about initiatives like gun control legislation. Mr. Speaker, violence is not something that just happens. It has to be observed; it has to be taught; it has to be learned. We have to look at the core of that which occurs in these domestic situations.

We do have an outpouring of support in all aspects of reform in this area, and therefore I would like to just speak a little bit about some of the initiatives that have been mentioned earlier today, not just only on the prostitution issue but on issues like pornography and violence and gun control. We're looking at racial issues where violence is manifested in societal ways, and sometimes that is also learned in the home. We know certainly there are mentoring programs with respect to drug abuse and alcohol abuse, and these, Mr. Speaker, are very strong educative programs which assist us. So I'm wanting to share the responsibility for this issue not just within the Legislative Assembly but also with the community at large, and quite frankly the community has been a leader on this side of it.

### 3:40

It's been mentioned a little earlier the issue of elder abuse, and certainly that has been one that has surfaced. Some of the information on elder abuse is quite surprising. Elder abuse is the maltreatment of an elderly person by a family member or a close associate. It may include the infliction of physical injury, but it also includes restraint, financial exploitation, threats, ridicule, insult or humiliation, forced isolation, or forced change in living arrangements. It may also include neglect or failure to care for the individual, whether it's intentional or not.

Mr. Speaker, I do have to compliment some of the initiatives through community development. I know the 1-800 line has been spoken to a little earlier, but as recently as the opening of this

spring Legislature, in the Speech from the Throne and also in the budget discussions and the Premier's address on television in January the issue of elder abuse and the need to find ways to address that in a more public way have been supported by this government. So I compliment the minister for his support in that area.

In one study that was done with respect to elder abuse, 4 percent of seniors reported they receive some form of maltreatment by a family member. Material abuse was the most prevalent, followed by chronic verbal aggression, physical violence, and neglect. Unresolved family conflicts or abusive family interaction patterns are often at the root of elder abuse. The common view of older people as feeble, forgetful, and dependent weakens inhibitions against abusing them. Stress is often listed as a particular contributing factor to abuse, especially in those families caring for a dependent elderly person.

The Kerby Centre has a social services department, and it documents cases of elder abuse. They recently went through a major review called Synergy II. That Synergy program featured that some of the more significant elements of domestic abuse occurred between children and their parents, and Mr. Speaker, this was not something that was anticipated when they looked at their original process.

I would like to just highlight at this time that some of the work that's going on now with the co-ordination of children services through the Minister of Family and Social Services is an initial process to perhaps break that circle of violence and abuse so that where we do have children in home situations that are not productive, we do include the family in the fabric of that solution and hopefully build relationships that will not lead to continuing abuse as our children age and grow into more appropriate adult relationships.

As a society we need to start to take preventative action. We need to reduce the possibility that abusive behaviour is even an option among families. By working together in our communities, I'm certain we can reduce family violence.

We do have some concerns about victims' rights in the fact that not all victims of domestic violence, publicly or even privately, will acknowledge the situation. Reporting violent crimes is never an easy thing to do, and often feelings of guilt and shame get in the way. Statistics show that in about 35 percent of all domestic violence, the police are asked to drop the charges. They don't show up at court or refuse to testify or lay charges. Women are often afraid of reprisals. They're afraid for their children, and they're afraid of economic repercussions. Mr. Speaker, we can't take that situation lightly either. If we're going to break this cycle, we have to support the court process that allows women or men or children who are involved in these domestic situations to be supported.

In the 1993 report *Portrait of Families in Canada*, Statistics Canada reported that 43 percent of adult female victims of violence known to the police were victimized by a marital partner. This, Mr. Speaker, is compared to only 3 percent of adult male victims. I don't say that to minimize the abundance of domestic disputes and violence against males, but it is a factual and supported statistic that we can't ignore.

One Canadian survey estimates that 15 such assaults occur for every 1,000 women age 15 and over, and this number escalates to 38 assaults for every 1,000 women who are separated or divorced from their spouse. Here in Alberta women are victims of violence by their partners at an alarming rate. In fact, our province has the second highest percentage of women who have

experienced violence since the age of 16, next to our neighbour British Columbia with 59 percent. Mr. Speaker, it doesn't matter which province. It is a shocking statistic.

I would like to touch briefly on the effects on our mental health process with respect to this particular issue. While the Bill speaks to an appropriate use of the domestic restraint, et cetera, through its legislation, in fact we do have other supporting elements that must be recognized. In an action committee against violence progress report from the mayor's task force a question was referred to our Mental Health Board, whether or not this initiative was one of their mandates. Yes, it is. Because emotional well-being is an aspect of mental health.

I'd like to just mention, Mr. Speaker, that Alberta Mental Health was looking at the issue of how they could support diminishing this situation. It was recommended that they encourage it as a pilot project to train therapists to work with male survivors of childhood sexual abuse in order that programs for this sector of our population could be commenced and built upon at the earliest possible date. That was the recommendation. The Calgary Women's Emergency Shelter was given \$80,000 for promoting healthy, nonviolent relationship programs, to implement and evaluate a program for 15- to 18-year-old males and females who are at risk of perpetuating violence or abuse in their relationship, and this program operates in schools and agencies. I think it is important to draw in all the segments of our community that deal with that. Also in the recommendations was the mandate of Mental Health as it applies to the emotional well-being of the clients of Mental Health. I just bring that information on behalf of that particular initiative.

This Bill speaks very carefully to the fact that domestic violence is not a gender-specific issue. It's about abuse that is exploiting positions of trust, and those trusts and those relationships vary across the gender and the age within our families. The ramifications to our social fabric in not recognizing the potential of abuse to our young males as they mature in society cannot be trivialized. We are certain and we are knowledgeable that a healthy heterosexual relationship, wherein males and females interact – that particular situation demonstrates to our young people roles and norms and mores for their own behaviour. We cannot diminish that particular family significance.

So, Mr. Speaker, if we don't include opportunities to support men in the issue of domestic violence, we would be remiss. I believe it's at the Sheriff King Home where they have some of their counseling now for domestic violence. The abused women of course have some segregated shelter, but the abusers, the male partners, are now invited to come on-site and share in the counseling process. Again, this builds on the issue that we have to deal with this situation holistically.

I've spoken briefly about the sensitivity within our court system and within Justice and social services to this very, very difficult issue. We have some very significant concerns with respect to policing, and some of those have been spoken to. I know that answering a 911 call for domestic violence is beyond – how can I say it? Normal policing policies are not anticipated because we're not dealing with hard-core criminals. We're often dealing with highly charged, emotional, violent situations that quite often are affected by alcohol and drug abuse.

Mr. Speaker, I would also like to recognize, then, the role of AADAC in this particular initiative, because if we don't educate ourselves and our families on the appropriate use of alcohol and the devastating effect of drugs, et cetera, and other substances, this leads to abusive behaviour, but it also leads to the potential

for date rape and things like that which can diminish self-esteem and then become the foundations of violence and sexual abuse in a relationship. We have to have the opportunity to recognize within our society that education on some of the initiatives that can condemn us to further abuse has to be addressed.

**3:50**

My colleague from Calgary-Cross spoke about pornography. Mr. Speaker, we cannot and should not ever hide from the enormous social impact that pornography has had with respect to our families and, as a consequence of that, to violence and violent behaviour. It goes beyond videos. It has a lot to do with what we see demonstrated on our televisions and in our film world, in our art, and in our literature. It behooves all of us in dealing with domestic violence to recognize parental responsibility in screening that kind of material, and I put that out again to reinforce the fact that this is a social initiative that needs responsibilities from all members of society.

Unfortunately, the outcomes of domestic violence don't change as easily as we can change the laws. Men and women and children do get hurt. Some even die because of their abusers' inability to deal with their hostility. It's statistics and reasons like these that the Alberta government has always taken a proactive measure to deal with the problems of violence against women in our society. We must all take responsibility for eliminating violence against women and children in our society, and the Alberta government has taken a lead in supporting and developing any initiatives to this important end.

In Calgary the Women's Emergency Shelter Association has a program called nonabusive futures for at-risk adolescents, and as the name says, we're dealing with intervening with young people when their anger has become unacceptable. We've talked a number of times in the House on processes of mediation. Mr. Speaker, we have to find other ways to deal with violence, even if that is their only known behaviour pattern. Anger management, those types of programs that are offered across the spectrum of our communities are becoming more and more common. I personally have knowledge of a course I took as a young mother, dealing with the fact that anger is a habit. We just express it like we do many other of our natural responses, and the more we exercise that, the stronger it gets and the more we rely on it, because it has that familiarity with it. When we can teach that violence and anger can be controlled by using other forms of expression, language, when we can look at conflict resolution as something that is a behaviour that is learned, we have a real opportunity to speak to this issue and resolve it.

Again, my compliments to the member, and I will be speaking in support of the Bill at third reading.

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

**MRS. ABDURAHMAN:** Thank you, Mr. Speaker. It had been my intent to defer to the mover, Edmonton-Highlands-Beverly, but I see there's still interest and other private members wish to speak to this Bill. I'm going to make my comments very short because I've been very impressed by the level of debate from private members in the House regarding this very important Bill.

There still is a lot of work to do in our communities when it comes to domestic violence. Just recently in my constituency a number of women had come to me because of the lack of adequate support systems in our community, four people who have removed themselves from or presently are still within

abusive relationships. From that contact with these individuals, we initiated a group called STAT, which is Stop Taking Abuse Today. Working in partnership with the community, we saw the evolution of the STAT group being formed, and that was done through working with the victim services unit of the Royal Canadian Mounted Police in the city of Fort Saskatchewan. Of course, it also takes care of part of our rural area of Strathcona county and the MD of Sturgeon, working with the city of Fort Saskatchewan.

One of the things that became quite evident was that while you could get the human resources, there was great difficulty in finding the financial resources to in actual fact support this group. So while we can create legislation like the hon. Member for Edmonton-Highlands-Beverly's Bill is doing, we have to have the resources to assist people to be able to remove themselves from abusive situations and have the support systems that will create that positive image back within themselves and also support the children within the family and the extended family. Domestic violence does not just affect a female or a male in the relationship; it also affects the children and also the extended family, who are looking at trying to support the individual in this situation. So it's indeed sad that we may have societal support for assisting people suffering from domestic abuse, but as I say, Mr. Speaker, too often we end up not having the financial resources.

I certainly have been disappointed to this point in time that we have not seen the government come forward in a way to ensure that there is some stability in funding the 55 victim services units around the province. Over and above these units we also have many other social agencies that also work hand in hand to ensure that we have the support there, and there's the same common complaint, Mr. Speaker, that unfortunately the financial resources are not forthcoming. I would urge this government and also the federal government that we've got to do a much better job of doing that. You know, it's not always legislation that we require. It's the political will and the societal values that have to shift.

It's of interest that back in March, Mr. Speaker, we saw the Alberta police-based victim services association being proactive and coming forward to bring their concerns to their MLAs, the Members of the Legislative Assembly. Certainly the co-ordinator of the victim services unit in my area did meet with me and was indeed asking: please, urge the provincial government, through the Minister of Justice, to come forward with consistent funding to allow these incredible volunteers to do their job. I would hope that through this private member's Bill we could also see that matching support for this Bill.

[The Deputy Speaker in the Chair]

Mr. Speaker, looking at the number of private members that are speaking to this Bill from both sides of the House, I think it bodes well for how the outcome of the vote is going to be, and I hope I'm reading that well. I don't want to prolong debate because it's been eloquently stated by members from all sides of the House why we should support this Bill. I would just ask government members in this instance to, you know, support this Bill as a private member. In the capacity of being private members within the government caucus, I would urge them: let's look at some consistent, ongoing funding to allow these victim services associations to do their job, because it's incredible volunteers that are an integral part of that and also through family and community support services. In all our communities, if it wasn't for those incredible volunteers, people who have suffered domestic abuse

wouldn't even get the level of support they are at this point in time, but quite frankly the level of support that's out there still hasn't reached the level that I would like to see it.

We need to do a lot more in educating, whether it's the family physicians when women turn up at emergency departments – at that point in time they're going to take actions against the person who has abused them, but by morning so often they've changed their minds. They've been having to go back into that abusive environment because the reality is that in a place like the city of Fort Saskatchewan we don't have a safe house because of the small size of our community, and it would be very difficult to keep them in a protective environment. So we have to recognize that there has to be an ability to ensure that that woman or man has the support system in the smaller communities that allows them to move out of that abusive situation without feeling threatened and unsafe. We do know, whether it's in British Columbia or Alberta or Ontario, that so often the stalker or the person that's committed the initial violence will find that individual, and we need resources to ensure that those things don't happen. We need the resources from our justice system, Mr. Speaker.

Thank you very much.

4:00

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

MR. DUNFORD: Thank you, Mr. Speaker. I want to rise and speak in support of this Bill at second reading and also add my compliments to the Member for Edmonton-Highlands-Beverly in bringing this forward.

Mr. Speaker, I don't have a record of, you know, speaking often in the House. When I do, I usually try to find some way to make it humorous or to have a little bit of fun, but in this case there's nothing funny about the issue that we're dealing with. Victims of domestic violence is something that – it's just beyond me how to comprehend this type of thing.

There were certain experiences that I had prior to becoming a member of the Legislature, and for most of them I've found a way in which to deal with them. As now an MLA trying to represent as best I can citizens within Lethbridge-West, I've become aware, then, of other situations. Some of them, whether they're economic or social or perhaps even cultural, I'm starting to gain some sort of understanding and appreciation for, but the one thing that comes to my desk that might as well be from Mars is how a man can beat on a woman or beat on his kids. It just absolutely is beyond me. It's not like I, you know, haven't sort of seen what goes on. I don't think I've been naive or have been simply moving around for 53 years with my eyes closed. [interjections] No, I'm not going to do this. I'm staying serious on this topic, on this Bill.

The background that I would bring to the debate is one of a childhood growing up in a general store in a small community. I realize *Hansard* may not appreciate this, but perhaps the members here in the Legislature can, that if the counter was that high when I was that high – I mean, you were waiting on people and trying to provide a service to the customers. I remember particularly a couple of women that would come in to do their grocery shopping. Of course, in a small town everybody gets to know everybody and actually gets to know their business, but I guess I was too young to know that. Because these were people of the town that my family belonged to, they deserved whatever respect and good service that I could provide them, but I would

notice at times that they would come in and there would be bruises on their faces.

I wanted then, of course, to speak to Mom and Dad, particularly Dad because he was the cowboy philosopher, really, of our family. He didn't have much education, but he's still the smartest man I've ever met. So I'd go to him, you know, to ask about this. Dad didn't beat around the bush very often and was a man of few words, and he just simply told me the situation. It really affected me, the comments he was making, but it also allowed him, I guess, an opportunity to try to educate this son of his. That was simply that you do not lay a hand on a woman and you do not lay a hand on a child in anger. Those are two areas – I may not have the most successful domestic life in the Legislature here, but those are principles I learned from my father that I to this day have never abused.

[Mr. Clegg in the Chair]

It's a very terrible, terrible thing for a woman to have to go out to a store in order to purchase food for her family and have to face the community in that kind of an extent. It must have been humiliating for her. So I tend to be one of these folks that certainly would advocate and promote zero tolerance for males in this kind of a situation.

I would say that about 15 years ago I had maybe a closer personal experience of this situation. I have to make sure I get my dates right, because I want to make sure it was a time when I was single. I guess it was more like 13 or 14 years ago. I was dating a woman at the time who seemed extremely happy, and we were enjoying each other's company when we had occasion to get together. I worked out of my home at that time as a self-employed person involved in labour relations and some marketing. I get a call in the middle of the afternoon, Mr. Speaker, and it's this woman. We had made arrangements to get together that particular night, and she's calling me from Harbour House in Lethbridge. I'm saying, "What are you doing down there?" Well, what had happened was that her ex had shown up early that particular morning and had started to lay a beating on her. She was able to get out of the house, get to a neighbour and phone for help, and ended up at Harbour House. Well, as soon as I hear this, I'm down to Harbour House in Lethbridge. I'm with her, and I'm saying, "Look; we're going right to the cops right now." Well, that wasn't what she wanted. I'm somewhat obstinate at times, but I finally relented in the sense that, well, I guess it was her life and we were going to have to treat it that way.

I know that people are afraid of change, and it must be an awful, awful thing for a woman who may have been dependent on a man for her survival, for her shelter, or for her food. The contemplation of a change in that kind of a situation must be awful to comprehend, you know, but I just plead to women here in the province of Alberta or women anywhere: when they get themselves into that kind of a situation, how could change possibly be worse? I can't contemplate a particular situation where a woman would find herself in a more desperate situation, and I would just ask them to recognize that life is all about changes. While we can't control what people sometimes – well, we can't control what people do to us anyway, but we have some control as to how we react. Certainly I would encourage women, when they're in this situation, to recognize early that this is a no-win situation for them and to proceed with all haste, if they can, to get themselves out of that situation.

4:10

I'm not trying to advocate marriage breakup here, but certainly anybody can predict this situation. If we've heard and read stories once, we've read them a thousand times about husbands promising to do better and promising to change and all that stuff, and I may have even used it a bit in my background for some of the habits that I had. But, you know, you don't change the colour of your spots or the colour of your stripes. We are what we are, and I think the woman in our life is the best person, probably, to recognize that. She knows, when she has now entered into a situation of domestic violence, that it ain't going to get any better; it's only going to get worse. I encourage her to get out of that situation.

I already mentioned that as an MLA some of the most difficult situations I have to deal with end up certainly in this area of social and domestic problems. There are two situations, Mr. Speaker, that I've found particularly difficult. Actually, both of them were situations that might be different than the norm. There has been an inference by many of the speakers this afternoon – and I myself have done that – in the sense that we're looking at a husband beating on a wife and the children. Well, we have two situations that I've been involved with in Lethbridge. It's a fine southern city. It is a city that is geared, really, for people to have families and to raise families in an extremely safe, secure, spiritual environment. It's just a wonderful place. One of the unfortunate things about becoming an MLA, though, is that you learn things about your community that perhaps you didn't know before. I'm not saying that you shouldn't be aware of them or that I shouldn't have known this was going on, but all of a sudden, bang, it's there in your face.

In both situations we had children who were in middle age who were beating up on their parents. This one poor woman – it was a constant situation in the emergency room. The police knew all about the situation. The doctors knew all about the situation. The then Minister of Justice in the province of Alberta knew all about the situation. But because this woman loved her son to such an extent, she just simply would not, could not bring herself to lay charges. So what do you have? You have a woman, who as a matter of fact has now passed away, in a situation that she was just emotionally and perhaps even physically unable to escape from. It is a sad, sad shame that we have these things going on.

So those are the sort of anecdotes that I wanted to bring to the debate this afternoon. As we look through this Bill and any Bill, of course there are pros and cons to the way the thing actually might be written, but I'm supportive of this Bill at second reading. The only thing that I think needs to have some discussion at committee level, that I'm a little nervous about, is this emotional abuse aspect in domestic violence. As soon as we start tinkering with the mind and what it is capable of, I think we start to get into a pretty soft and murky type of ground. I don't question the fact that there is emotional abuse, and I don't question the fact that the Member for Edmonton-Highlands-Beverly, who brings this forward, would be aware of situations of emotional abuse that probably deserve some kind of consideration, but I don't know how you will draw that line in the sand on that.

I just want to caution all members, as we review this Bill and as we think about possible amendments to come up in committee, that we take a look at emotional abuse. The reason I'm so nervous about things like that is that I'm a big fan of black words on white paper, and one of the things I've noticed – and it's come up in this House – is the word "discrimination." I would like to point out to all members that the word "discrimination" is actually

a neutral word. I can think of how I discriminate in some of the choices I make that are extremely positive, and of course we know where the word "discrimination" can be used in a particularly negative way. It's the use that society makes of a particular word that causes, then, the reaction to it. So now as soon as we use that word "discrimination," it no longer has any positive notions to it; it is simply negative.

I would want to be sure that if we were going to tie the word "abuse" to the word "emotional," we be very careful of it so that we don't turn the word "emotional" into something that now automatically leads to a negative. I got a little emotional here just a moment or two ago. I don't think there's anything wrong with that. There's more of a need today than there has been for people to be emotional so that we understand what their true feelings are. Certainly as an MLA I am getting extremely tired of people coming into my office with their agendas and their vested interest and hiding or trying to hide from me their true emotional feelings that they have about a particular situation. So I would simply ask the member to have a look at that.

Perhaps another area we need to take a look at here. You know, we can support, of course, reimbursement for time lost, but if you venture away from sort of quantitative things into some qualitative matters, then I would simply advise once again that we're getting into extremely soft and murky ground on which we are trying to walk.

As perhaps a last little point that I would want to make in this area, last Friday evening I arranged with the city police in Lethbridge to be a ride-along. Actually, I have to indicate to you, Mr. Speaker, that about the only thing that was making me nervous wasn't that we'd run into a bunch of bad guys who were robbing banks or stealing cars. It wasn't that we'd run into a bunch of drunks, because after all it was Friday night, and I had particularly picked a Friday night because of that. The concern I had was, of course, the Friday night bar closing and then papa heading home and starting to beat on wife and child. I'm happy to say that in that particular ride-along, in the two different units I was with over a 10-hour period we did not enter into these situations directly. There were a few street goings-on and a couple of parties that got out of hand, but I was extremely nervous about getting into a domestic violence situation really as a layperson.

The reason it brings it to mind is that I think we have to have some empathy in whatever we do in any Bill as to what the legal ramifications are for the police. I've already indicated in my earlier comments that I would be supportive of zero tolerance, but having said that, I think we probably need some clearheaded, objective look at what we would expect, then, from our police and from the justice authorities to deal with this situation. I don't think any Bill is any good if it's unenforceable, so we need to look, with the possible passing of Bill 214, to having some sensitivity toward the enforceability of it.

Mr. Speaker, I think in summary and in conclusion, while I haven't dealt on the specifics of the Bill, I've tried to deal with the principle of it, which I believe is warranted at second reading. I've tried to bring to the Legislature a feel for some of the experiences that this particular MLA has been involved in, and I believe I've also been able to point out a couple of areas that both the sponsor and the supporters of this Bill may want to have a look at as we head into committee.

So thank you for allowing me to participate, Mr. Speaker, and I look forward to its acceptance.

#### 4:20

THE ACTING SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. It gives me pleasure this afternoon to rise and speak also on Bill 214, Victims of Domestic Violence Act. This is a Bill which we've heard a lot of comments on this afternoon, a lot of commendations on the wisdom with which it's been introduced and the need for this kind of a Bill.

The provision that comes up in a lot of the discussions that followed out of the community, in terms of discussing the Acts that were in front of the Legislature for this session, is really looking at the issue of violence and what constitutes violence in the context of dealing with protection from domestic violence. We look at it from the perspective of the most normally recognized act of violence, which is physical violence. When someone comes along with a black eye or a bruise, these are quite obvious and quite easy to pick up, yet in many cases they also lead to an isolation on the part of the victim. The victims in essence seclude themselves away from the public, not wanting to exhibit the kind of abuse they've been subjected to. When we look at the other kinds of violence that occur in the community as well, we have to deal with the ones that come up in terms of persecution, emotional violence.

One of the members previously had talked about economic violence. In a time now when so much of the relationship between individuals, especially in a domestic situation, is determined by economic opportunity and economic ability, economic persecution becomes an issue that we have to address, and I would hope that as we go into committee on this Bill, that kind of option is looked at as well. When we talk about a victim of violence, whatever form that may take, one of the things that in most cases almost prevents them from taking action on their own is their own economic ability to handle their independence or their flight situation. So when we deal with this, we've got to be able to look at the concept of: is a spouse being abused in the sense of not being given the opportunity to have the wherewithal to participate in the economic system and make their own judgments, their own decisions on how they want to participate in that system? It's important that we do look at all forms of abuse and violence that basically result in one individual having undue power, unacceptable power over another individual. That's the kind of situation that we have to look at when we're dealing with domestic violence, because it goes much beyond just, you know, the physical abuse concept that shows up as a black and blue mark, a broken leg, or, in some cases we've heard of prior, actual death.

The thing that this Bill really does that's quite good is it provides a real range of options that are available in terms of the protection order. It looks at the way we can facilitate an independence on behalf of the person who's abused, bring them out, give them a chance to become involved.

Thank you, Mr. Speaker. I guess the bell's ringing.

THE ACTING SPEAKER: Yes. I hate to interrupt the hon. member, but under Standing Order 8(5)(a), which provides up to five minutes for the member to close debate, I would ask the Member for Edmonton-Highlands-Beverly to close debate on Bill 214.

MS HANSON: Thank you, Mr. Speaker. The debate this afternoon has been one of the most positive that I have ever

experienced both in the House and before in my many arguments with people when I worked with agencies. The commitment of the members of the Assembly, the sensitivity to the issues, the whole obvious concern about violence of one human against another have been things that we've all been thinking about. They're not hard to solve, and they're not short-term to solve.

As far as children are concerned, several of you mentioned children as teenagers and how they grow up to be more violent as teenagers, depending on what kind of family they've lived in. I think the actions possible, the changes in the law or in the system in the way that domestic violence is handled will make a difference. Hopefully by the penalties – by people not being able to go back to their residences, paying fines, possible jail terms – gradually perhaps the public will become more conscious of this and know that there are solutions. Also, eventually I hope the children will not see as much violence in their homes, because that is the answer. Ninety percent of abused children grow up to be abusers because they don't know how else to deal with anger. They deal the way they have seen it at home. Another advantage in the long run, if we're really successful, would be fewer women's shelters, fewer broken homes, and perhaps less violence.

I would like to thank the members of the Assembly for the debate. I look forward to Committee of the Whole when we can talk about amendments, some of which were mentioned this afternoon.

I move second reading of Bill 214.

THE ACTING SPEAKER: All those in favour of second reading of Bill 214, Victims of Domestic Violence Act, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any, please say no. Carried.

MR. HENRY: Was that unanimous?

THE ACTING SPEAKER: Yes, it was unanimous.

[Bill 214 read a second time]

**4:30 Bill 215  
Crown Grazing Lease Statutes Amendment Act, 1996**

THE ACTING SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. Before I begin my comments on Bill 215, my private member's Bill, I'd just like to offer my congratulations to the Member for Edmonton-Highlands-Beverly on a job very well done with Bill 214. I'll extend my congratulations and thanks to the members of the Assembly who unanimously carried Bill 214 past second reading.

Mr. Speaker, we shift gears slightly and deal with an issue that has been a longstanding issue in the province of Alberta. It deals with the public's ability and entitlement to access public lands that are held under the disposition of a grazing lease. The Bill itself is a series of amendments to a number of pieces of legislation but ultimately and collectively are introduced in the Crown Grazing Lease Statutes Amendment Act, 1996, to address and deal with the issue of putting into legislation a balanced viewpoint of how the public can and ought to be able to gain access to Crown grazing leases.

What I do want to say at the outset, Mr. Speaker, is that the

proposal I'm putting forward in Bill 215 does not suggest in any way that there be unrestricted access to Crown land under a grazing lease disposition. My proposal is clearly for restricted access with very definite statements of what kind of access is allowed and what kind of access is not allowed.

Just to sort of set the scene, Mr. Speaker, the Bill is actually putting forward the recommendations of the 1987 task force that dealt with this issue of public access to Crown land held under grazing lease disposition. The recommendations that came forward from that 1987 government task force are essentially the empowering provisions of this Bill. That 1987 government task force created a report on grazing lease conversion policy. It consisted of five MLAs and two members of the public. It held extensive public consultation. The recommendations that came forward from the public consultation, from the 200 written submissions that were submitted to the task force indicated – and the task force recommended – that foot access be allowed at all times on these kinds of lands and that vehicle access be restricted to established roads or designated trails and/or by permission of the occupant to off-road lands.

Those are essentially the positions that I've taken in Bill 215, which are, through amendments to the Public Lands Act, to allow pedestrian traffic into Crown grazing leases and to have much more restricted access for vehicular traffic. I have done that by the definition of "highway," which would be "land held under grazing lease which has been prescribed by the Lieutenant Governor in Council as a designated trail or roadway." The reason I've done that, Mr. Speaker, is because, first of all, we do not want vehicular traffic on Crown land under grazing leases to be anywhere that is not on a particular roadway, and even with that, there can be roads that are on Crown grazing leases that would not be designated by the Lieutenant Governor in Council. So even if there was a particular road on a particular grazing lease, it may not necessarily mean that vehicular traffic is allowed on that particular road.

I have not dealt extensively in this Bill with the designation process, but I do leave it to the Lieutenant Governor in Council, who would in consultation with all stakeholders and in particular the grazing leaseholder then determine what would be the appropriate roads on a Crown grazing lease that could be designated and what would be the appropriate roadways that would not be designated.

One of the concerns of grazing leaseholders that I know of is the damage that can be done from unrestricted access of motorized vehicles and in particular all-terrain vehicles. We have substantial and tangible evidence throughout the province of Alberta that all-terrain vehicles that are moving around in the wilderness areas can cause significant damage, and certainly the Crown grazing leaseholders are not going to take kindly to having that kind of access allowed and having that kind of potential damage done on land that they hold under a grazing lease. So I do want to make it very clear that that is not what I'm advocating in this particular Bill. I am addressing the issue of the 1987 task force recommendations for foot access and for restricted vehicle access to the Crown grazing leases.

I do want to say, Mr. Speaker, that I think Albertans who advocate for access to public lands held under grazing leases and those Albertans who hold grazing leases in the majority act very responsibly in acting as good stewards of the land and in terms of communication and co-operation amongst those two user groups for access to the Crown grazing lease land. I think in terms of percentage something like 80 percent of grazing leaseholders will

grant access to anyone who would want to come in, for foot access in any event. When permission is requested, permission is granted for the most part.

It still does leave that whole issue out there of whether or not the ultimate decision does rest with the grazing leaseholder or whether or not the grazing leaseholder's rights are in fact and in law the right to use the land for the purpose of grazing cattle and are not the same kind of bundle of rights that exist for a fee simple ownership of that particular land. I mean, the argument is clear and the argument has been going on for many years that this is public land with entitlement to the public. There are other users who have specific rights and specific obligations. So how do we link those, how do we interconnect those, and how do we allow for a recognition that public land under a grazing lease is still public land and is not to be treated or considered by the grazing leaseholder as private land simply because of that grazing lease?

So while we have debated the issue over and over again – I think in 1990 there was another advisory body to the minister about access and/or trespassing on grazing lease lands. The same kinds of recommendations came forward with respect to that, to allow access. That report recommended that the Public Lands Act be amended so that the public would be assured of the right of reasonable access to public land under grazing lease disposition. We still haven't had any action taken on those recommendations. I guess I'd submit to you, Mr. Speaker, that this is my attempt to actually take some action on an issue that I know has been controversial. What I'm looking for in this Bill is a balance between the interests of all users who are looking for access to the Crown grazing leases.

I will take a few moments, Mr. Speaker, to go through the provisions as they occur. As I said at the outset, it is an amendment Bill that deals with amendments to a number of pieces of legislation, and I'll briefly highlight what those are for the benefit of the members.

The first amendment we propose is an amendment to the Environmental Protection and Enhancement Act which would allow the Environmental Appeal Board to deal with the matter of disputes relative to access to public lands. We have heard a number of times in debate in the Legislative Assembly that our court systems are clogged. We don't want to be forcing individual Albertans into litigation to have their issues resolved through the court system. I've attempted here to recognize that concern by allowing for some mediation approach, for some dispute resolution approach. By trying to avoid overlap and duplication, I have suggested that the Environmental Appeal Board would be an appropriate body to deal with dispute resolution for any issues that would arise – and I daresay, Mr. Speaker, they inevitably would arise – between the user groups for land under a grazing lease. So the amendments to the Environmental Protection and Enhancement Act deal with the resolution of a dispute through the processes and procedures of the Environmental Appeal Board.

The next one that I deal with is an amendment to the Occupiers' Liability Act. I would suggest to you, Mr. Speaker, that at this point the law on this whole issue is very unclear. There are legitimate concerns about the liability of a grazing leaseholder for any personal injury that might occur on land held under a grazing lease. I have attempted to address that issue by recognizing that a grazing leaseholder is not liable to someone who is an occupier of land except for gross negligence "in discharging the common duty of care." So if a grazing leaseholder was in the court's eyes grossly negligent, there could be liability, but for the normal

liability simply because someone is on the land, the grazing leaseholder has the benefit of this law, if this were to be law, that he or she cannot be held liable for personal injury that occurs where there is not gross negligence. The attempt here is to provide some level of assurance to the grazing leaseholders that they will not be liable. It's an attempt to address that concern they have, that those who occupy do so essentially at their own risk.

#### 4:40

The essence of the Bill is in amendments to the Public Lands Act, which was the recommendation to the minister from the grazing lease conversion policy task force. What it does, Mr. Speaker, is it amends the Public Lands Act by adding some definitions to deal with the whole issue of access by a pedestrian, access by a person operating a motor vehicle, and deals with some prohibitive sections as well.

I offer to all Albertans that pedestrians are "entitled to access to any land held under a grazing lease." We restrict that with

(3) A person is entitled to operate a motor vehicle . . . located on land held under a grazing lease.

(4) No person shall operate a motor vehicle on land held under a grazing lease, other than on a highway, without the written consent of the lessee.

So the way we structure this is that the Lieutenant Governor in Council has to designate those roadways that are allowed. Vehicle access is allowed on those roadways. It would be an offence for anyone to have a vehicle on anything that is not designated or if they go off road.

We have built-in provisions for both sides of this issue. If we recognize in this Bill that it is public land with the public being allowed to access public land, then it would be an offence for a grazing leaseholder to deny that access to a person who is entitled to the access as we have given it to them. On the other side we also say that it is an offence if someone takes a vehicle onto the public land and they do not follow the rules as set out for the use of the vehicle on the public land. If they go off the road, if they are on a nondesignated road in the grazing lease, that is also an offence. I'll point out to members that the Public Lands Act currently has an offence section in it, so if this were to be added to the Public Lands Act, we'd deem it to be an offence. There are offence sections that are already contained in the Public Lands Act.

I specifically have not dealt, Mr. Speaker, with the issue of hunting on Crown grazing leases. That's not the issue that I want to get into. I recognize that it is also a controversial area. I am talking about foot access for the purpose of other kinds of consumptive or nonconsumptive use, not for the purposes of hunting. So the access that we allow by virtue of the Public Lands Act does not include "rights with respect to hunting" and does not in any way, shape, or form take away from or exempt from the rules under the Wildlife Act.

I do add again that disputes may go to the Environmental Appeal Board.

There is one change to the Wildlife Act, and that allows the Lieutenant Governor in Council to make any decisions that are necessary relative to hunting vis-à-vis this access, but we do not in the legislation make provision for access for the purposes of hunting on the Crown grazing lease, because, as I say, Mr. Speaker, that's not the intent of this particular Bill. The intent of this particular Bill is to finally at some stage address the debate that has been ongoing and ongoing and ongoing.

While I think there is consensus or at least close to consensus

out there in terms of some kind of framework to allow access, because most grazing leaseholders will grant the access in any event, we do not try to give any greater rights or obligations to one party or any greater rights or obligations to another party. If you are simply looking for the opportunity to access land that is under Crown grazing leases – and I think there's a legitimate reason for wanting to do that, because, as I say, with good stewardship those are some very picturesque and beautiful areas of the province of Alberta and will be very attractive to many Albertans who enjoy outdoor recreational activities and look for a place like that to go. I think it goes beyond sort of the legal arguments about rights, and I think it goes to a real desire and a real want to be able to know that you have the opportunity to engage in these kinds of recreational activities in these locations if that's indeed what it is you want to do.

I have attempted in as many ways as possible to deal with the concerns that have been raised along the way. I know that there have been some concerns raised about the way this particular Bill is structured. I've attempted to address those by looking at a balance between the parties, by certainly making access available without limiting the grazing available for cattle. I don't think I have changed anything with respect to the grazing leaseholder's ability to use that grazing lease for the purposes they have entered into their agreement for, their contract for the grazing lease, which is to allow their cattle to graze for whatever period of time in the year is appropriate, and of course that depends on where the land exists in the province of Alberta.

Mr. Speaker, I think I have in my comments covered the essence of the Bill. I think I've covered why I am putting forward this Bill at this point in time. I have often in the past criticized the government for talking about issues and not doing anything about issues. This is, I guess, my attempt to actually do something about an issue that I know is controversial, that I know has been outstanding for some time, that I know can find some compromise between the various user groups who all have a vested interest in the good stewardship of this public land. If I'm going to say, "Do something about it," this is my way of doing something about it: addressing the issue head-on, coming forward with a piece of legislation to address it, and offering to the Assembly my solutions to the problem, which are based on public consultation and extensive public consultation that has been made to the government over the years.

I hope that members of the Assembly will allow this Bill to pass into committee stage and deal with any specific issues. From the point of view of principle, Mr. Speaker, which we deal with at second reading, I think it is an attempt to finally come forward with legislation, not ignore but indeed recognize all of the concerns of the vested parties, deal with those concerns, explain those concerns in second reading, and then perhaps later on work through some of the details of that.

So with those comments, Mr. Speaker, I am very pleased to move Bill 215. I look forward to debate from other members. I look forward to support. I look forward to constructive criticism so that we can give it a second look if we move it into Committee of the Whole stage.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I'm pleased to rise this afternoon to speak to private member's public Bill 215, as it gives us an opportunity to discuss this important issue.

Mr. Speaker, a year or so ago the issue of petroleum exploration and possible development in the area of southwestern Alberta known as the Whaleback brought it to public attention. I was intrigued at the time by one of the naturalist conservation groups who described the area as pristine, which the *Oxford* dictionary will remind us means "in its original and unspoiled condition." Well, the Whaleback area, as all of the Eastern Slopes from Cochrane south to the Montana border, has been under grazing lease stewardship for well over 100, 110 years, so I'm interested that it's viewed that way. It shows an example of what the hon. Member for Sherwood Park has mentioned: the stewardship of the ranching families of that area.

4:50

Bill 215 contains an interesting set of proposals to open up the grazing leases to public use for recreation and hunting purposes. I propose, with your concurrence, Mr. Speaker, to put some of these proposals on the issue of the grazing lease in a historical context.

Mr. Speaker, food gathering and hunting animals for food is mankind's oldest form of survival since man first walked on the Earth. The raising of domestic animals is one of man's oldest and most honourable forms of livelihood. For example, the Masai of east Africa hold that God gave them the cattle, and they have for countless hundreds and indeed thousands of years developed a culture on cattle-keeping on the open range of the tropical savannah of eastern Africa.

In 1867, following confederation of the British North American colonies of Upper and Lower Canada, Nova Scotia, and New Brunswick, the new dominion of Canada sought control over the Hudson's Bay Company lands known as Rupert's Land. The end of the American Civil War and the acquisition of Alaska made this transfer of Rupert's Land to Canada in 1870 one of the most important events, because shortly after, British Columbia, Manitoba, and Prince Edward Island joined the new Canadian Confederation to make the northern part of this continent a dominion from sea unto sea.

Two amendments to the Dominion Lands Act of 1876 permitted the Governor in Council of the new North-West Territories to issue grazing leases to any person. It was not limited to farmers. Heretofore, grazing leases were only issued to farmers on a short-term basis for their domestic animals. This change allowed a closed or a certain time of tenure for grazing leases. Within a few years cattle were purchased from American ranches and herded north, and in 1882 forty-six large grazing leases, covering an area of something in excess of 2 million acres, were granted for periods of 21 years. It's important to grazing leases that this time-certain tenure be for longer rather than shorter periods.

Cattle-raising, Mr. Speaker, as you may know, in a climate like that of southern and southwestern Alberta is one of considerable risk which cannot be covered by risk insurance. It can only be covered by the ranching family over a long period of time matching the highs and the lows and the good times and the bad times. Time is the only insurance of a cattleraiser or rancher, and time comes from the security of tenure of the land for their cattle to graze on. This matter, then, of tenure was recognized by the dominion government, by the North-West Territories' council in its day, and is still recognized today by the province of Alberta.

Within a few years following the changes to the Dominion Lands Act in 1876, ranches were then established all along the Eastern Slopes of the Canadian Rockies in this part of Alberta, from Cochrane in the north to Highwood Valley in the central part and on down through the area known as Happy Valley and down



to the Montana border, through Pincher Creek and Lundbreck and Waterton.

I'm proud, Mr. Speaker, to represent many ranches in the western part of the constituency of Highwood, and I've discussed this issue over the last seven years, since I was first elected, the issue that's being raised today by the hon. Member for Sherwood Park.

One of the ranchers told me about his operation, that in the past year approximately 2,000-plus man-days of hunting alone has occurred on his ranch. They have a registration system where people coming and wanting to hunt register and note how long they're going to be and where they're going to go. There's no fee or anything, no charge, but just in case you have to go looking for them, if they're lost or whatever. They're also told where cattle and horses are so that they don't hunt there. By looking at the registration, Mr. Speaker, groups of hunters can determine whether or not a certain valley or area in the hunting zone is a good place to go. Not all ranchers take the time and effort, but being one of the oldest ranchers in that part of the world, they have taken this on as a public trust.

Most ranchers in my area allow walking or hiking and many allow horseback riding, but hunting is an entirely different matter. No rancher wants people hunting in the area where he has cattle or horses. Some people can't tell the difference between a moose and a horse, and it's dangerous to livestock.

I have some concerns about Bill 215: the dispute resolution board. Some recreationalists may target a few ranchers and literally tie them up with endless requests and appeals. The rancher, after all, is a businessperson with daily demands of looking after the cattle and horses and fences and all the other things on the ranch. This might turn into being just a tremendous amount of time demanded of the rancher.

The public land section, the proposed 117 change. I'm concerned about the roadway access issue as oil and gas well sites are on some of these ranches. I just wonder whether the sponsor of the Bill intended to allow the public to travel on these roads. How are they defined? Many of these roads are gated but not fenced, so once people are on them, they are not free by permission, but they are free by means of the vehicle they're in to travel all over the ranch. I intended to bring some pictures. I know you can't show them, Mr. Speaker, so I didn't bring them, but I could share with them what somebody can do hill climbing on a wet day. The damage that's done in just a few hours of joyriding across the grassland can last for 10 or 15 years.

Again the reference was made that a rancher may give written permission to go on these roadways. That in itself is a lot of time in being approached, in considering it, and in writing out these permissions. I would invite the hon. member to come to Highwood sometime to spend a day on some of the ranches in my constituency to learn firsthand what public pressures these ranchers have to contend with, how they, generally speaking, do contend with an awful lot with the public who want access to the grazing leases, what it means in terms of time, of money, of damage, and of hassle. There's the good side of it too: sometimes the lasting friendships that arise out of this.

One rancher spoke to me about a typical morning in hunting season. It's snowing, and it's 5 or 6 o'clock in the morning. Bang, bang, bang on the door, and you wake up to see a dozen or so trucks and horse trailers and four-wheel drives in the yard and a whole bunch of largely fellows walking around with their guns. They want permission to hunt that day on the ranch. How do you deal with that when you've also got problems of your own in

terms of attending to your cattle and horses?

Mr. Speaker, this is not a simple issue. In fact, it's a very complex, contentious issue, as the hon. member proposing it has alluded to. For me it means that we need to take time making a decision about changes. It also means that we have to have some serious and comprehensive public input. We need to find out what Albertans feel about access and a variety of other issues related to grazing lease lands, not to mention things like surface rights and compensation and rental rates and so on. I believe we should consult with the leaseholders to learn what experiences they have on a yearly basis and to learn what they are prepared to accept on the issue of public access and the terms and the conditions that they'd like to see as being reasonable, fair, and workable.

While I cannot support this Bill at this time, I do support the need to deal with some of the issues it raises and trust we have an opportunity to explore this matter in the near future. My understanding is that the Minister of Agriculture, Food and Rural Development has made a commitment to delve into this issue in depth with the public and through a program and policy review by the end of 1998. I look forward to that opportunity if and when it comes.

Thank you, Mr. Speaker.

5:00

THE ACTING SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I take this opportunity as well this afternoon to rise and speak to Bill 215 on the grazing leases. I guess the real issue that comes up when we start dealing with access to grazing leases and how we deal with grazing leases is the relationship between the public land part of Alberta and the private land part of Alberta. Do we have within the context of our grazing leases the implied rights that come with property right, with titled land ownership?

The management of the grazing leases in the past has basically been almost to the same extent as having a property right, a title, in the sense that the owner of a lease would have access to the land during the productive season from spring till fall for their grazing. They also have the management aspects of that land for the rest of the season as well. This is an issue that comes up, then, in terms of: how do we really make these grazing leases part of the public property of the province? How do we deal with the management issues that are necessary to make these leases viable, to maintain them in a productive form so that they'll contribute to the public good of Alberta, whether it's through generating economic income for ranchers or whether it's through the ability of the rest of Alberta to participate in their use, whatever form the rest of Alberta sees as desirable?

So this is where the debate comes up in terms of: how do we draw the line between these issues? I think the holders of these grazing leases in the past have to be commended in terms of the way they have dealt with them, the way they've managed them, the way they've held these lands in trust for Alberta. Now that other areas of the province are being set apart and restricted in terms of access for the public, we have to look at how we maintain a balance between the needs of all of the province and the good management of our public land. Bill 215 effectively takes one look at how this can be done in singling out the very narrow component in terms of access to the public lands within the context of these grazing leases.

Now, if we want to look at these lands as true public lands, we

have to look at the idea of multiple-use management. We can't deal with them solely in the context of the issue of grazing lands for the leaseholder. So how do we put that balance in place? How do we put this multiple-use balance into effect so that the public component of these lands has some degree of acceptability of use for the rest of Albertans? By putting in the restrictions that are suggested in Bill 215, this gives us an opportunity to look at a gradual redefinition of the power of the lease. It doesn't create a really high degree of traffic in the sense that what we have is basically a recognition that the public does have the right to use these, quote, public lands in the context of foot traffic. They can go in, they can hike, and they can travel across them.

Mr. Speaker, I think we have to look at the idea that 99.99 percent of all Albertans are responsible. The grazing lease holders have shown that in the past. The people who have had access to these grazing leases have shown it in the past. But there's always the exception, and we have to be able to recognize that that kind of issue comes up. The Member for Highwood talked about the damage that was done by an individual going in with a four-wheel drive and going off the road and tearing up the pasture because of carelessness or lack of appreciation for the right that that person had to use that land. Well, these kinds of things can't be controlled now under the current situation, so why is it an issue in terms of how they can be controlled under an alternative recognition of access?

A number of the grazing lease holders have done an exceptional job of, quote, sharing this resource, and it's a matter of creating a standard of this sharing that we have to look at. There are examples of users of these grazing leases who are in essence adopting the this-is-my-domain type of attitude, so we've got to make sure that there's a standard expectation across the province for this multi-use public relationship between the public users and the grazing lease users who want to use this as their economic resource to raise their cattle. I think we want to look at it in terms of the multiple use. I've talked about it now in the context of functional multiple use, whether it's grazing, whether it's a recreation facility for the general public.

We also have to look at it in terms of the seasonality of it. Most of the grazing leases are used from sometime in the midspring – late May, early June – when cattle are put out. Then the cattle are brought in again in the fall before snowfall, before the frost really reduces the productivity of the grasses. So what we've got there is basically a seasonality to this. What about the rest of the year? Are the leaseholders given control, management authority over those leases for the rest of the year? Is that necessarily part of the public interest if we want to deal with these from the perspective of multiple-use land areas of the province?

We have to start looking, then, at whether or not this off-season use is best served. There are a number of places along the Eastern Slopes of the Rockies where I know we've had a number of inquiries by people who want to go out and do cross-country skiing in the wintertime or want to do, you know, the same kind of activity that would be associated with foot traffic in the summer. These are the kinds of issues that need to be addressed. As I said earlier, I know a number of leaseholders who are doing a very good job of this, and we need to make sure that all leaseholders attain some degree of standard for access by the public.

Mr. Speaker, the other option, I guess, is to look at these lands from the perspective of how they're managed and how they're operated relative to the private land base of the province. If we're really going to make these leases into a property right, if

we're really going to make these leases into exclusive land access units, then I guess the extreme, then, is to privatize, to sell these leased lands to the private sector and allow them to operate them as they do any other titled land. I guess this has to become part of the debate. I think the general consensus is that these are sufficiently fragile lands along the Eastern Slopes and that we need to have a degree of public override, of public supervision to be associated with their management. What we want to do, then, is make sure that the options are there for the public and the grazing lease holder.

#### 5:10

The definition of access and any conflict that comes up associated with this access has to be dealt with in a way that everybody feels comfortable with, and the provisions of Bill 215 basically allow this to be handled through the Environmental Appeal Board. This can be looked at from the perspective of: how are they going to manage these resources in the best interests of the province? Are they going to look at them from the perspective of the management strategies that are required by a farmer or a rancher that's using these?

I think that within the guidelines in terms of access we're going to have to make sure that appropriate management strategies are still allowed for the grazing lease holder. This may mean that during certain periods of the year access has to be handled by a different mechanism than it is at other periods of the year. I would not like to see open access given to the public at a time when animals are just basically initially turned out into a grazing lease. They're in essence establishing a familiarity with their territory, and if a four-wheel drive comes down the road or a bunch of people are wandering through the bush, this creates trauma for those animal, and who knows which mountain they may end up behind? As they get adjusted to their territory, we're going to have to have a mechanism for judicious access. I think this is where the Environmental Appeal Board and where the regulations that are authorized through the Executive Council provide us with an opportunity to really facilitate and enable the management of this land in the best interests of the cattlemen and of the leaseholders, who have to look at their economic viability in terms of how productive this leased land is to their activities.

[The Deputy Speaker in the Chair]

By allowing for regulations that will control the different levels of access, this provides us with a good mechanism to deal with looking at possibly different levels of access on foot or vehicle by season, different levels of access for things like, say, a snowmobile, which is much more difficult to keep on a trail. We've got to be able to deal with these kinds of things, and I think the environmental appeal process and the regulation process that's outlined in this Bill provide a good mechanism to deal with that. This is going to be something that we're going to have to be very vigilant about over the three or four or five years as this process gets established, because we don't want to create a catastrophe for the leaseholders, just an open-ended access process. It's going to have to be done in terms of a gradual phase-in, and this I think is one of the good points about the Bill. It specifically excludes, or does not encompass, the aspect of how to deal with hunting.

We want to deal with kind of the nonthreatening aspects of access by the public initially to get an idea of how it works. I think in the regulations we could put in a very good permission aspect – not necessarily permission; that wasn't the word I was

looking for, Mr. Speaker – a notification type of aspect. The issue that the Member for Highwood brought up about being able to find somebody that goes out there and that if they don't come back at an appropriate time, they need to know about where they're at – these are common courtesies that should be extended to the leaseholder and are really only facilitated in situations when the leaseholder has their private property attached as an adjacent piece of property to a lease. If we end up with a lease that is quite separated from, you know, the private property residence of the rancher that's managing it, this issue of notification becomes much more of a problem I guess for the private user that wants to go in and look at the wilderness, commune with nature I guess is a way of putting it. So I think that the regulations have to be dealt with in the concept of how this goes in, because the interest of the cattlemen must be looked after but also the concept of multiple use, and the public has to be dealt with as well.

One other aspect of the Bill that I'd just like to address briefly is the issue that comes up: well, what happens if all of these publics are now suddenly given the right to enter into an area that is leased to a private operator? Then who is in essence responsible for any accident that occurs? I think we have to recognize the fact that in the concept of a lease it is public land. If people enter it as public land, they then are treating it as such and take on the same responsibility for their own safety that any person who would enter other public lands would also accept. That's why the exclusion is included in here for the liability of the lessee for anybody who wants to come onto the land.

Now, the provision is also there that if the lessee has in essence created a situation of gross negligence, then they are liable. Well, that's only a reasonable concern, because in any kind of a public situation if an individual is grossly negligent and someone is injured by that, they are liable. So that again creates a standard situation that makes the responsibility for potential harm associated with that access to the lease the same as access to any other public area.

Mr. Speaker, I think that what we want to do is look at Bill 215 as a transition point. It doesn't provide us with a real open-ended threat to the lessees. It provides an initial recognition that this is public land, that public access is part of the provincial right when we have public lands, and that we now have an option to develop a set of regulations that will bring forth some kind of supervision, some kind of acceptable discussion between the multiple-use managers of that land, whether it's the leaseholder in the concept of the cattlemen or whether it's the public in the concept of recreation, tourism, and other access means. As we move into this debate and deal with the aspects here, I think this is a very

good part of an agenda that we can deal with in terms of recognizing where the public stands relative to these leases but not really putting the cattlemen in a position where they are going to lose a productive resource that they've had and that they need so desperately to maintain their economic viability and their economic unit size in terms of the number of cattle that they need now to be viable in terms of grazing and a ranching environment.

So I'd like to ask that the members look at this Bill in depth, look at it in terms of the flexibility that exists within it, and that they all vote in favour of it. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. I move adjournment of the debate.

5:20

THE DEPUTY SPEAKER: The hon. Member for Innisfail-Sylvan Lake has moved that we now adjourn debate on Bill 215. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. I now move that we call it 5:30 and that when we reconvene at 8 o'clock, we do so as Committee of the Whole.

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

HON. MEMBERS: Aye.

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

[The Assembly adjourned at 5:21 p.m.]

