

## Legislative Assembly of Alberta

**Title: Wednesday, August 21, 1996**

**1:30 p.m.**

Date: 96/08/21

[The Deputy Speaker in the Chair]

head: **Prayers**

THE DEPUTY SPEAKER: Today's prayer is an excerpt from a prayer of the Nova Scotia House of Assembly.

Let us pray.

O Lord in Whom we trust and with Whose guidance and grace this land was founded, we pray that You will give to each of us the courage required to become servants of God through our service to this province.

Assist us in our deliberations so that our legislation will reflect a true spirit of justice and equity to all people.

Amen.

head: **Presenting Petitions**

THE DEPUTY SPEAKER: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. On behalf of the Member for Drumheller I present a petition signed by over 500 people who are from the Strathmore area in the constituency of Drumheller, along with several letters protesting electoral boundary changes.

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

MR. SAPERS: Thank you very much, Mr. Speaker. With your permission I'd like to present to the Assembly a petition signed by 237 Edmontonians. It reads as follows:

We, the undersigned residents of Alberta petition the Legislative Assembly to support Bill 214, The Victims of Domestic Violence Act.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to present a petition signed by 20 Albertans, both men and women, who have concerns with Bill 214.

head: **Reading and Receiving Petitions**

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

MR. BRACKO: Thank you, Mr. Speaker. I request that my petition of yesterday regarding the preservation of Catholic school boards be read and received.

THE CLERK ASSISTANT:

We the undersigned, residents of Alberta, petition the Legislative Assembly of Alberta to urge the government of Alberta to maintain Catholic school boards and to oppose any move to amalgamate Catholic and public school boards.

head: **Tabling Returns and Reports**

THE DEPUTY SPEAKER: The hon. Minister of Environmental Protection, followed by the Minister of Justice.

MR. LUND: Thank you, Mr. Speaker. In keeping with this government's accountability and openness, I wish to table with the Assembly four copies of information requested under Motion 188.

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

MR. EVANS: Thank you, Mr. Speaker. I am pleased today to table five copies, firstly, of the 23rd annual report for 1996 of the Alberta Law Foundation. I'm also pleased to table five copies of the annual report for 1995-96 from the Victims' Programs Assistance Committee, and I'm pleased to table five copies of a reply to each of written questions 181 and 187.

MRS. McCLELLAN: Mr. Speaker, I am pleased to table today with the Assembly two annual reports: first, the annual report for the Wild Rose Foundation and, secondly, the Glenbow-Alberta Institute. These reports are for the year ended March 31, 1996. Copies of these reports will be available at my office on request.

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

MS HANSON: Thank you, Mr. Speaker. This afternoon I'd like to table three letters, one from a resident of St. Albert written to the Minister of Justice, copied to myself, in strong support of Bill 214. The second one is from a member of The Fathers Advocate, the Alberta chapter, who does have some issues with the Bill and was asking for amendments. The other one is from the Edmonton Support and Advocacy Association for Abused Women in Alberta in very strong support for the Bill.

Thank you.

THE DEPUTY SPEAKER: The hon. Minister of Labour.

MR. SMITH: Thank you, Mr. Speaker. I wish to table from the Alberta Safety Codes Council their three-year business plan for 1996 to '98. I'll table four copies of that.

Thank you.

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

MR. WICKMAN: Thank you, Mr. Speaker. I have two tablings. The first tabling pertains to Bill 214 - I have four copies of it - from the Edmonton Council Against Family Violence urging support of Bill 214. In addition to that, I have a letter from the Municipal District of Brazeau No. 77 again supporting Bill 214 and commending the Liberal Party and the Member for Edmonton-Highlands-Beverly for initiating Bill 214 and pursuing it.

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

MRS. HEWES: Thank you, Mr. Speaker. I have four tablings today, with your permission. The first is from the Edmonton Women's Shelter. It's a letter to the Minister of Justice in support of Bill 214, with some suggestions to strengthen the Bill but offering support. The second is similar: from the Sikh Women's Association of Edmonton, offering their support and suggesting things to make the Bill even tougher. The third one is

from an individual by the name of Fran Wolver in support of the Bill and suggesting ways that it could even be improved to make it stronger. The last tabling is a second letter – I tabled one the other day – from Mr. Harry Bagot. Mr. Bagot is now responding to what he heard said in response to questions in regard to health care. He suggests that their response is no response and that the investigations of health care are hollow.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'd like to table this afternoon four copies of correspondence from a community organization, Mothers Without Children, addressed to the Liberal opposition, expressing support for Bill 214 and offering a number of suggestions for the improvement of the Bill.

MR. DECORE: Mr. Speaker, the Premier of our province challenged members of the opposition to prove the case that there was trouble in the health care system. I wish to table four copies of a letter from a constituent dealing with the chaos that she encountered in the home care area and in the area of health services. It needs to be read by the Premier.

MR. MITCHELL: I have some more reading for the Premier, Mr. Speaker: copies of a letter to the Premier outlining an Edmonton woman's long wait for breast cancer surgery and four copies of a letter from a concerned Edmontonian congratulating the Liberals for their emphasis on health care and pointing out concerns with the psychology department in a city hospital.

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

MS CARLSON: Thank you, Mr. Speaker. I would like to table today four copies of a letter from Robert Cooper, who lives in Barons, Alberta. It's dated August 19. It's to the attention of the Minister of Health, and he talks extensively about Alberta health care being degenerated over time to the level now of a Third World country.

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

1:40

MS LEIBOVICI: Thank you, Mr. Speaker. I'd like to table four copies of a document dated August 13, 1996, entitled The New Alberta Health, wherein it's evident that the cart has been put before the horse in the so-called restructuring of the Alberta Health department.

#### **Speaker's Ruling Tabling Documents**

THE DEPUTY SPEAKER: Hon. members, we've made the point on a number of occasions that tabling is that: a succinct comment of what the contents are, not an editorial speech, no matter how brief.

Edmonton-Glenora.

head: **Tabling Returns and Reports**  
(continued)

MR. SAPERS: Thanks, Mr. Speaker. I would like to table four

copies of a letter dated July 31 from a constituent by the name of Irene Payne to the Minister of Community Development responsible for seniors' affairs. The letter is copied to the Premier, the Treasurer, and the Minister of Health, none of whom chose to table it in the Assembly.

head: **Introduction of Guests**

THE DEPUTY SPEAKER: The hon. Minister of Advanced Education and Career Development, followed by the hon. minister responsible for science and research.

MR. ADY: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly three very dedicated Albertans who have devoted many years of their professional careers to improving adult learning in our province. They along with the hon. Minister of Public Works, Supply and Services served as part of our Alberta vocational Governance Review Task Force. They are seated in the members' gallery, and I would ask that they stand as I call their names: Mr. Marshall Williams, Mr. Dave Hubert, and Mr. Bill Workman. I'd ask all members of the Assembly to give these gentlemen the traditional warm welcome.

MRS. MIROSH: Mr. Speaker, I'd like to introduce to you and through you to Members of the Legislative Assembly a very dear friend of mine, a friend of all our party, who is very supportive in science and research, Ms Susan Green, who is the vice-president of the Alberta Cancer Board. I'd like Susan to rise and receive the warm welcome of this Assembly.

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

MRS. SOETAERT: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you a group of seniors from Lou Simon Village in Spruce Grove. I would encourage anyone to go out there and see how Lou Simon Village is set up. It's one of a kind in Canada, and I think the people are one of a kind in Canada. They're wonderful people. They are Gwen and Steve Walton, Seena Jensen, Pat and George Ebdon, Hans and Alice Leuzinger, Jean White, Norman and Jean Mercier, Doreen Drummond, and Margaret Gregory. I would ask them to please rise and receive the warm welcome of this Assembly.

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

MR. EVANS: Thank you, Mr. Speaker. I don't often have the opportunity to introduce constituents of mine, so it gives me great pleasure today to introduce to you and through you to members of the Assembly some constituents of mine from Lake Louise, Alberta. Diana McRoberts, who is a member of the board of directors of the Banff Mineral Springs hospital, is seated in the members' gallery along with her son Daniel and Daniel's friend Daniel Paquin from Edmonton. I would ask that all three of them rise and receive the warm welcome of the Assembly.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm delighted to present and introduce to you and through you to all members here a constituent worker that's been with me all summer. Her name

is Sonia Dhaliwal. She'll be returning to the University of Alberta to pursue her studies in psychology, and I hope she does just as well there as she has done in my office this summer. She's accompanied by my very able and competent assistant, O.J. McLean. They're seated in the public gallery. On behalf of all members please rise and receive our warm welcome.

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

MRS. SOETAERT: Thank you very much, Mr. Speaker, for allowing me to introduce again. I have in the gallery Heidi Park, who is my summer student. She, too, will soon be going back to university, in her second year of physiotherapy. She's been wonderful in our office. We've been very fortunate to have her. In fact, many people have told me, "Treat her right, Colleen, because she's the best." So I would ask Heidi to please rise and receive the warm welcome of this Assembly.

MR. WOLOSHTYN: Mr. Speaker, I'm very honoured and pleased to introduce to you and through you to the members of this Assembly a constituent, a supporter of this and previous governments, Mr. Yvon Brochu. He's here to view the festivities, shall we say, this afternoon. Would you show him the kind, warm welcome of this House.

MR. DINNING: Mr. Speaker, we're joined today in the members' gallery by a councillor from the city of Edmonton, a sensible, sound-thinking individual recently elected in last year's election. This is one councillor who doesn't advocate that his constituents skate to work in the wintertime on roads that have been iced. I'd ask members to welcome Councillor Jim Taylor and ask him to rise and receive the warm welcome of the Assembly.

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

MR. DALLA-LONGA: Thank you, Mr. Speaker. I'd like to introduce Nancy Cook, who's visiting here from Hamilton, Ontario. Mrs. Cook is taking a short vacation before finishing her honours degree in psychology at McMaster University. She's also the mother of Debbie Cook, who joins us here as well, who works in the Legislature Annex and with whom I have the privilege of working. At this point I would like to ask them to rise, and I would ask the members to give them a warm welcome.

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

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce to you and through you Karusha Naidoo. She is involved with the destination project, Integrated Training Centre for youth, and is working at my constituency office to gain experience in the work force. She plans to eventually complete a BA and pursue a career in law. If she'd please stand and receive the warm welcome of the House.

THE DEPUTY SPEAKER: The hon. Member for Redwater.

MRS. BALSILLIE: Thank you very much, Mr. Speaker. I'm pleased today to introduce to you and through you to the other members of the Assembly a constituency worker who worked for

Nick Taylor for many years in the Redwater constituency. Her name is Yvonne Byer. She is also a great community worker and has done a lot of work for me. Would you please welcome her.

THE DEPUTY SPEAKER: The hon. minister responsible for children's services.

MS CALAHASEN: Thank you very much, Mr. Speaker. It is indeed a great pleasure and a rare occasion when I get to introduce to you and to Members of the Legislative Assembly a constituent and a very, very dear friend of mine, Mrs. Kay Long. Kay is a longtime resident of Kinuso, Alberta, which is approximately 250 kilometres from Edmonton. Being a mover and a shaker and one of my great supporters, she is the president of the Lesser Slave Lake PC Association. She is seated in the members' gallery, and I'd ask all members to give her a great welcome.

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

MR. DICKSON: Thank you, Mr. Speaker. It gives me a great deal of pleasure this afternoon to introduce a new justice researcher associated with the Liberal caucus. Laurie Weir comes to us from Northwest Territories, where she's had a very distinguished career both in terms of legislative drafting and in the practice of law and a particularly noteworthy academic background. I'd ask Ms Weir to stand and receive the usual gracious welcome of the Assembly.

head: **Ministerial Statements**

THE DEPUTY SPEAKER: The hon. Minister of Advanced Education and Career Development.

### **Alberta Vocational Colleges**

MR. ADY: Thank you, Mr. Speaker. Today is an important occasion in the history of Alberta's four vocational colleges. Today I'm pleased and proud to announce that effective April 1, 1997, these colleges will become public, board-governed institutions. Our AVCs have a long and proud history of serving Albertans. Board governance will ensure their prosperity by allowing them increased flexibility and independence to meet student and community needs. The Colleges Act will be amended in the spring of 1997 and will reflect the very special mandate of these institutions.

**1:50**

To ease the transition to board governance, members will be appointed to interim governing boards for a period of at least one year. Resources will be reallocated from the Department of Advanced Education and Career Development and Public Works, Supply and Services. This decision has been made following major public consultation conducted by an independent task force committee of the now Minister of Public Works, Supply and Services and Mr. Dave Hubert and chaired by Mr. Marshall Williams, whom I've had the pleasure of introducing earlier in the Assembly. I offer them my sincere thanks for their hard work and thank all those Albertans who provided their input into this process.

The task force report contained many recommendations and commendations for the fine work of these colleges. They are unique in Alberta and Canada in that they exist to provide learning programs to primarily disadvantaged Albertans in areas

of academic upgrading, English as a Second Language programming, and short-term training programs.

I know that both sides of the Assembly will join me in paying tribute to the AVCs, who have done so much to improve the educational system for our citizens and who will continue to meet the needs of students in their communities under the new and exciting form of governance.

Campuses exist in Edmonton, Calgary, Lesser Slave Lake, and Lac La Biche. Through these and their satellite campuses they served 13,200 Albertans in 1995-96. This is an increase of 6.7 percent over the previous year and is the highest growth in enrollment in the postsecondary system. I'd like to commend the presidents and staff of these colleges on their fine service to Albertans in the past and wish them the very best in Alberta's newest public colleges.

Someone once said that AVCs are like the children of government. Well, if that analogy is correct, then they have earned the right through outstanding performance to leave home and begin a new life, and while I'll miss them, as most parents would, I promise to come and visit them.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. On behalf of the Official Opposition I would like to commend the government for today's announcement. Having visited AV centres in Edmonton, Calgary, Slave Lake, Lac La Biche, and Grouard, I know that this has been an unsettling time for staff, for administrators, and for AVC students trying to cope with reduced resources and awaiting the results of the task force that was reviewing their future. They will greet with relief this announcement that assures them that the very special programs for adult learners that they plan, deliver, and participate in will continue.

In 1965 vocational and academic upgrading programs were brought together in Edmonton, Calgary, and Fort McMurray with the birth of the Alberta vocational colleges. Since that time these colleges have been an anomaly in the postsecondary system by being under the direct administration of the department of advanced education and not board governed.

Today's announcement gives them governance equality with the other institutions and an autonomy many have long sought. While we are pleased with the announcement today that recognizes the unique contribution these colleges make to adult education in the province, we should be mindful that government-appointed boards serve at the pleasure of the government of the day and do not enjoy the independence of elected boards. The composition of those boards, as the minister learned yesterday, can be very controversial.

We congratulate the task force for the service they have rendered the province. We look forward to the benefits of the fine and unique work these colleges will bring to our province, and we look forward to future government action that will ensure the independence of all boards governing postsecondary institutions in Alberta.

Thank you.

head: **Oral Question Period**

**Career Designs Inc.**

MR. MITCHELL: An employee of Career Designs Inc. told the government in April of this year that this company completely

fabricated statistics on the number of people going through its welfare program because the government was not interested in tracking the welfare recipients. The government just wanted stats to show people leaving the welfare system. Despite the fact that this person clearly documented for the government dozens of false claims, the minister has done nothing and continues to pay on this \$1 million contract. Mr. Speaker, this is a cover-up. To the minister of advanced education, who is responsible for this and for this program: did he authorize this cover-up?

MR. ADY: Mr. Speaker, by no means have we authorized any cover-ups. When there are any irregularities reported to our department, clearly we move to investigate any type of irregularity. Certainly we do not act overnight on some report that may come forward from a newspaper article, but if it's a documented report, we will move to investigate, to clarify the circumstances, and act accordingly.

MR. MITCHELL: Mr. Speaker, it is a documented report. We have the documents right here. I'm sure the minister has them as well. If this isn't a cover-up, then why has the minister not, since April, called in the Department of Justice or the police to do a proper investigation of what can be a criminal matter?

MR. ADY: Mr. Speaker, we have people in our department who do investigations. In the event that the evidence is in fact sufficient, then certainly we would move to call in the Department of Justice, the police, or whatever is required to accomplish that.

MR. MITCHELL: When individuals mislead the welfare system the government calls it fraud. What is it called when the government does it?

MR. ADY: Mr. Speaker, I suppose it's never received a name because I don't know of it ever happening.

MR. MITCHELL: Mr. Speaker, was it not the government's intention to set up this rigged process to get people off the welfare system and onto the federal employment insurance program to make provincial welfare statistics look better?

MR. ADY: That's really something that's off-the-wall, as far as what the member is saying. Mr. Speaker, I think the hon. member should talk to some of the people who have been through this program and have been given an opportunity to come off passive welfare, go through the training programs that are there, and move into an employment circumstance, sometimes the very first they've ever enjoyed in their lives. For him to say that this is some ruse to put people onto unemployment insurance - not so. People have to have had a work record in order to access unemployment insurance. Certainly that's not going to work. So really his question is redundant.

MR. MITCHELL: With this clearly documented evidence, Mr. Speaker, how can any Albertan now trust the government's statistics, the government's claims that they have somehow legitimately reduced welfare roles? They haven't. It's very, very questionable.

MR. ADY: I think that there's a great deal of credibility in the numbers that we have brought forward on the people who are involved in training and retraining to give them an opportunity as

opposed to passive welfare. Certainly we do have people who track clients through this process. Those who receive contracts for training have a responsibility to track them and to bring forward information about that. We have a process in place that in fact does audit those from time to time.

That's not to say that there may not be some anomaly sometime that will happen, and when that happens, Mr. Speaker, we move to investigate that in a responsible way. We'll continue to do that to ensure that this program stays in place for those disadvantaged Albertans who have not had an opportunity to be trained to enter the work force.

**2:00**

MR. MITCHELL: How many millions of dollars have to be paid out under these circumstances, how many altered documents have to be brought to the minister's attention before he will take concrete steps, bring in the police and the Justice Department to stop the perpetuation of what could in fact be fraud?

MR. ADY: Mr. Speaker, let me assure you and the House one more time that in the event that there are irregularities proven, we'll move in a very responsible way to involve the police department or whatever.

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

#### **Mental Health Board**

MR. SAPERS: Thanks, Mr. Speaker. The Minister of Health has now turned his back on a very public process which has created a plan for mental health services in the province of Alberta and instead has replaced it with a process that's shrouded in secrecy. The minister claims to still support the direction . . . [interjections]

THE DEPUTY SPEAKER: Order. Hon. members of the Government Six, would you please let the hon. Member for Edmonton-Glenora ask his question without all the hassle?

MR. SAPERS: Thank you, Mr. Speaker. The minister claims to still support the direction of the Provincial Mental Health Board, but in his very short time on the job he has done everything he possibly can to derail their plans. My questions are to the Minister of Health. Why has the Minister of Health refused to release the two plans that were developed by the Provincial Mental Health Board before he fired them?

MR. JONSON: Well, Mr. Speaker, the premise of the hon. member's question is incorrect. I have not refused to release the annual report of the Provincial Mental Health Board. That will certainly be released in due course. With respect to other reports, I'm not quite sure what reports he's referring to. There have been a number of research documents done with respect to mental health in the province. The inpatient assessment survey was done; that has been released. When the new board is in place and we get our administration restructuring done, which will be very soon, we will follow up on these matters.

THE DEPUTY SPEAKER: First supplemental, Edmonton-Glenora.

MR. SAPERS: Thanks. They're the two reports that detail, first,

one model with two catchment areas and the other model with three catchment areas, speaking to the future of Alberta Hospital Ponoka. They're on the minister's desk.

Mr. Speaker, my first supplemental question . . .

THE DEPUTY SPEAKER: Hon. members, we have been reminded from time to time over the past three years by members of the opposition that they get to ask questions and they're not obliged to answer questions. So would you please succinctly put your question to whomever.

MR. SAPERS: Thank you, Mr. Speaker. Why hasn't the Minister of Health endorsed the 10 points that the Provincial Mental Health Board says are essential to the future of mental health in this province? And if he hasn't seen those, I'd be happy to send a copy over to him.

MR. JONSON: Mr. Speaker, actually, in answer to a question a couple of days past, as I remember it, I did respond to a number of the points on that list. Certainly I do have a copy of it. I could take some time, if you'd allow me, to go through the whole list.

With respect to the list, first of all, there is a very important point I think, and that is that we need to work on the improvement of community-based services. I would like to add to the points of the Provincial Mental Health Board that were passed on to me that we need to make sure that we have a system of community care which works, which does provide service to the clients, and which has adequate backup. Yes, that general direction is certainly there.

Another direction is to work with other authorities in the province in the area of health care. In particular – and this would be something we certainly need to do, Mr. Speaker, which I do not feel has been addressed as well as it could be – we need to work with the RHAs, because it is our full intention to work with them in the delivery of care within their particular regions. I can go down the list. I am aware of the points, but I also have areas where I think there needs to be improvement, better direction, and we intend to work on that through the advisory board.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Glenora.

MR. SAPERS: Thanks. When exactly did the Minister of Health make up his mind to abandon the Provincial Mental Health Board and their strategic plan? Was it before or after he received the secret report prepared by the Member for Calgary-Fish Creek?

MR. JONSON: Mr. Speaker, as indicated very clearly in the news release with respect to the change in governance of mental health at the provincial level, the report of the MLA task force was a very, very important component in the overall decision that was made.

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

#### **Federal Transfer Payments**

DR. TAYLOR: Thank you, Mr. Speaker. Without a clear plan to balance the federal budget, the Liberals continue their attack on Albertans. The Liberals have acted in such a way as to penalize Albertans disproportionately. Can the Treasurer explain to the

House and my constituents what action he and this government have taken to deal with the impact of these Liberal transfer cuts?

MR. DINNING: Mr. Speaker, the hon. Member for Cypress-Medicine Hat has raised a point that the Liberals in this Assembly wouldn't dare comment on, because the fact is that the Liberal government in Ottawa has reduced its spending on health care, postsecondary education, and welfare in a significant way. What we did was try to build a fiscal plan that would work in good times and in bad times, and we set our priorities straight. We said that all departments of government would in fact have to take a cut of some kind, but we were smart enough to say that our priorities are what Albertans' priorities are, and that is health and education and looking after those who are badly in need. We were able to build a plan, a plan that was effectively a Liberal-proof plan that would protect Albertans from the cuts that we knew Ottawa was going to have to make.

Mr. Speaker, I think the hon. member needs to know so that he can tell his constituents that while our spending in health care since '92-93 has dropped in the order of about 10 and a half, perhaps 11 percent, the Liberal government in Ottawa will by the end of next year have cut their spending on health care in Alberta by 31 percent. We wouldn't dare do that to the health care system of Alberta. [interjections]

THE DEPUTY SPEAKER: Order. [interjections] Order. Hon. minister of economic development, if we could hear the second question, the first supplemental from Cypress-Medicine Hat.

DR. TAYLOR: Thank you. Mr. Treasurer, can you tell me what precautions this government is taking to ensure that my constituents and all Albertans are protected from further changes to this Liberal policy?

MR. DINNING: Mr. Speaker, we laid out a plan, and we said that we were going to reduce our spending over a period of three years, four years by a total of 20 percent at the bottom line of government. In fact, education has been reduced by approximately 6 percent, health care by 10 and a half percent, and the rest of government in the order of almost 30 to 35 percent. What we said was that when the Liberals in Ottawa cut their spending, as we had advocated that they cut their spending – the problem is that they chose to cut their spending on health care in Alberta by 17 percent this year and 31 percent by the end of next year.

Most Albertans don't know that, but that is the way the Liberal government in Ottawa has decided to do its expenditure cuts, by reducing spending on health care by 31 percent, whereas the rest of the federal government has experienced average spending cuts in the order of about 7 percent. So the hon. member could go home to his constituents this weekend and say: you know, folks, it doesn't seem to make an awful lot of sense that they would cut spending on health care by 31 percent and cut the CBC or cut public works or the National Capital Commission by only 7 percent. What are their priorities? They will cut health care deeply, whereas this Progressive Conservative government wouldn't dream of doing that, Mr. Speaker.

2:10

DR. TAYLOR: Mr. Speaker . . . [interjections] Please, Mr. Speaker, please. [interjections]

THE DEPUTY SPEAKER: Hon. members, we must be on a delicate topic or one near to our hearts.

The hon. Member for Cypress-Medicine Hat is prepared now to ask his final supplemental without preamble.

DR. TAYLOR: Can I request that the Treasurer repeat his last answer? I couldn't hear him.

THE DEPUTY SPEAKER: No. Your question, hon. member.

DR. TAYLOR: Given the fact that federal Liberals are out here helping their provincial children spread doom and gloom, can the Minister of Health tell this House how the government has dealt . . . [interjections]

THE DEPUTY SPEAKER: I think it's been said before that the word itself is not necessarily what offends the House, but it's the context in which it's asked. We'll go to the next question.

The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. It's unfortunate that the Provincial Treasurer doesn't have all the facts. Health care transfers have in fact gone up 4 percent.

### Health Department Restructuring

MS LEIBOVICI: Now, my question is to the Minister of Health. Yesterday the Minister of Health claimed that he would be monitoring the restructuring of Alberta Health and would only proceed when an effective plan was in place. Yet on August 13 a memo to staff indicated that the minister will be going ahead with the changes immediately and layoffs will begin as early as October. This contradiction, Mr. Speaker, only adds confusion to a system that's already in chaos.

SOME HON. MEMBERS: Question. Question.

MS LEIBOVICI: My question, for those who wish it, is to the Minister of Health. How can the minister claim that he has a plan in place when just a few weeks ago the layoffs were to be 175 and now they're more than 700? What kind of plan is that, Mr. Minister?

MR. JONSON: Well, Mr. Speaker, I thought that the hon. members across the way had received this message and been able to internalize it some time ago. For instance, the basis for the question is inaccurate, as they very well know. For example, the largest single component in our restructuring and in the shown reduction in terms of the component of Alberta Health is that approximately 400 workers in the field of mental health will be transferred through to the Provincial Mental Health Advisory Board, which is being created, and then, the plan is, on to the RHAs when proper plans and arrangements are in place. The magnitude that they're still quoting across the way, for whatever particular purpose I don't know, is just not there.

MS LEIBOVICI: I wonder how the minister can make the statement he just did when there's no transition plan for workers, when there's no transition plan for funding, and when he has just axed the Provincial Mental Health Board. Where is the plan?

MR. JONSON: Well, Mr. Speaker, first of all, again to try and be clear here, these employees are currently employees of Alberta Health. There is a plan to divest services out to the community

and into a very effective system of community care and service for the people of this province needing mental health care.

The other thing that I think we have to keep in mind, Mr. Speaker, is that this plan has been fully communicated to the staff of Alberta Health. The deputy minister has made very clear that in terms of severance requirements, the honouring of collective agreements, assistance with relocation, this is something that he and his management staff will be working on with the employees over the next period of months while this transition takes place.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. Will the minister, then, commit today to tabling the record of your discussions with the 17 regional health authorities, the health care unions, and other groups that support this new so-called plan that you have?

MR. JONSON: Mr. Speaker, this particular plan of action is in keeping with Alberta Health's overall business plan. It is something that is factored in. It is a matter of me as minister, as the representative of government in Health, taking charge of the situation in terms of restructuring my department, along with the advice of my deputy minister, and bringing about better service to the RHAs and the entire system in the province. [interjection]

THE DEPUTY SPEAKER: Edmonton-Meadowlark, let the minister answer the question.

MR. JONSON: What the RHAs and the other stakeholders in the health system want to have, Mr. Speaker, is good service, an efficient administrative structure, one that is not top heavy with administrators within the administration. This certainly is something that is part of that plan. The service is what our stakeholders are interested in, not a bloated bureaucracy. I'm not saying that it was terribly bloated, but it was certainly quite hierarchical.

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

### **Infection Control**

MRS. LAING: Thank you, Mr. Speaker. Over the past several days there's been considerable media coverage regarding increased infection rates in Edmonton hospitals as an indirect result of spending reductions in health care. Would the Minister of Health tell the Assembly whether there are similar concerns in Calgary hospitals?

MR. JONSON: Mr. Speaker, in terms of infection control across the province, particularly in the Edmonton area, this has been raised as an issue, and I'm satisfied to report that in the case of Calgary our information is that infection levels are at or below standards in Calgary, and below in this case is good. This has been reported on by the officials in charge there, and in all categories, as I understand it, they're meeting standards.

THE DEPUTY SPEAKER: Calgary-Bow, first supplemental.

MRS. LAING: Thank you, Mr. Speaker. If the concerns about infection rates are inaccurate, perhaps the minister could clarify for this Assembly the actual situation in Edmonton's hospitals.

MR. JONSON: Mr. Speaker, in Edmonton, as clarified recently by the doctor in charge of this area, the infection rates indicate that in areas such as cardiovascular surgery, in many of the other areas, the whole area of coronary artery surgery and the general area as far as infection control is concerned, the Capital health authority is meeting standards, below standards.

However, they do acknowledge that in the area particularly of NICU and renal dialysis they are slightly above national norms or national standards in this regard. They are working to correct that particular situation, although in the case of NICU the infection rate is low, something in the neighbourhood of .2 percent to .4 percent.

So the corrective actions when they occur – and they sometimes occur in the area of infection – are taking place in the Capital region, and as I just indicated, in Calgary they are reported as being quite satisfactory.

THE DEPUTY SPEAKER: Final supplemental, Calgary-Bow.

MRS. LAING: As well as infection rates, there's been some concern expressed regarding a possible increase in the incidence of TB in Alberta. Mr. Speaker, would the Minister of Health provide any reassurance to the Legislature with respect to these concerns?

THE DEPUTY SPEAKER: The hon. Minister of Health.

**2:20**

MR. JONSON: Yes, Mr. Speaker. This was raised yesterday. Tuberculosis, in terms of a disease, a medical condition, has plateaued in terms of increases across Canada, and I am pleased to report that last year was the lowest rate of reported cases ever for tuberculosis, only 126 cases, or 4.5 cases per 100,000 population. I think we have done a very good job nationally, yes, and particularly in Alberta with respect to addressing this particular communicable disease.

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

### **Health Care Funding**

MRS. HEWES: Thank you, Mr. Speaker. This government, incredible as it seems, has launched Alberta on a course of health care reform with no funding formula in place. The mind just boggles at the thought of the absurdity of it. The minister tells us that he is working on a funding formula, but in the meantime we lurch from one crisis to another. The minister knows that it's up to him to provide stability and a clear direction for health care, yet three years later in continuing chaos we still don't have it. My questions are to the Minister of Health. Is the minister having an open consultation with the RHAs and the municipalities before any funding formula is put in place?

MR. JONSON: Mr. Speaker, the regional health authorities were represented on the committee that developed the formula.

MRS. HEWES: Not an answer, Mr. Speaker. Perhaps the minister missed the question.

I'll try another one. Maybe this will be simpler. Will the minister commit that the funding formula that's created will ensure that money will follow the patient, no matter which RHA the patient goes to for medical attention? Just yes or no, Mr. Minister. That's an easy one.

MR. JONSON: Well, I thought my answer to the first question was better than the one she was asking for, but I'll answer that first question, if you don't mind, Mr. Speaker. Yes, the RHAs do have representation in the process of tying population statistics and the characteristics of population statistics to the actual formula that was released. I believe it was on June 24. In terms of its basis, it was based on a very extensive report, which was also released. So, yes, that is the case.

Mr. Speaker, one of the very important components of the funding formula is that it does address the issue of, as it is called in these technical terms, the import/export impact on regional health authorities.

MRS. HEWES: I thank the minister. Perhaps if he reads *Hansard*, he'll see that it still doesn't answer the first question.

Mr. Speaker, I'd like to ask the minister then: how is it that he justifies requiring managers now to submit a budget to him when they don't have a formula?

MR. JONSON: Mr. Speaker, the formula has been developed. Now, in terms of developing the statistical base for it, we need the most current information, of course, to provide the most accurate projections to the RHAs for 1997-98. We have committed to providing that detailed information to regional health authorities in November, and it will be, I think, in adequate time for them to integrate into their 1997 budgets.

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

### Library Funding

MR. RENNER: Thank you, Mr. Speaker. The Medicine Hat public library, the Shortgrass regional library are integral components in the Alberta advantage in Medicine Hat and area. In order for these libraries to be successful, they have to have a consistent and predictable source of funding. Last fall the government's response to the Public Library Review Committee's report entitled Roles and Responsibilities recommended moving to a regional block funding approach for libraries on April 1, 1997. My question is to the Minister of Community Development. Can the minister indicate whether she plans to follow through on this recommendation?

MRS. McCLELLAN: Mr. Speaker, I've had the opportunity throughout the summer to visit a number of libraries in our province and to talk with the people who operate the library systems in the province. Most recently I had the opportunity to sit down with the Library Association of Alberta and the Alberta Library Trustees Association together. In those discussions, both with those associations and with the systems throughout the province as well as the libraries who do not belong to a system, it appeared that there were too many questions that we did not have answers for in the development of a funding formula. There were a number of concerns that had not been resolved. We concluded that it would be in the best interests that we do not move to a block funding formula until those questions have been addressed.

I have asked the Library Association of Alberta, the Alberta Library Trustees Association to be a part of a task group that would help develop that formula. I would intend that we should also have representatives from the municipalities, because they're involved in funding libraries, as well as from the school boards, because many of our libraries are multimanaged in our communities.

So, Mr. Speaker, the libraries will not be funded in a block funding approach at this time.

THE DEPUTY SPEAKER: First supplemental, Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. Can the minister indicate when she expects to have a decision on the future of funding for libraries?

MRS. McCLELLAN: Mr. Speaker, I've asked the group how quickly they could get to work on this. They suggested that early in the fall they could put some attention to it and that they would bring that information back to me probably mid October or late October.

THE DEPUTY SPEAKER: Final supplemental?

The hon. Member for Calgary-North West.

### Physiotherapy

MR. BRUSEKER: Thank you, Mr. Speaker. Over the past year Albertans have watched with amazement while the government bungled the restructuring of physiotherapy services, resulting in a patchwork of services and a reduction of patient choice. The government's recent botched run at the problem provides a definition of high-needs patients that is so vague it virtually includes 95 percent of all of those who are seeking treatment, and it would result in taxpayers either having to triple the amount of funding now provided for physiotherapy or seeing much, much longer waiting lists. My first question is to the Minister of Health. Is the government going to provide this huge increase in funding for physiotherapy services, or are you simply going to let the waiting lists grow longer?

MR. JONSON: Mr. Speaker, no, we will not be providing increased funding for physiotherapy due to an inadequate or improper formula. I would like to advise the hon. member that I think that an interpretation on the report has been made which goes quite a ways beyond what the report actually says.

Nevertheless, there is in process now a task force working on a definition for physiotherapy at the RHA level. It has on it two representatives, as I recall, of the physiotherapists' association, and it involves also meeting with a broader range of people, those who use the service in various categories and so forth.

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

### 2:30

MR. BRUSEKER: Thank you, Mr. Speaker. My supplementary question, also to the Minister of Health. The last two attempts at restructuring physiotherapy haven't worked. Why doesn't the government simply allow the physiotherapists themselves to determine which of their patients are high-needs patients?

MR. JONSON: Mr. Speaker, if I understand the hon. member's question correctly, he is saying that each physiotherapist should establish the high-needs level. With respect to physiotherapists, who I know are professionals in their field, you do have to have standard definitions. Nurses accept this as being the case. I, in fact, think that physiotherapists certainly feel that there should be a uniform definition across the system and so do other practitioners in the medical field. This is something we have to address and accomplish.

MR. BRUSEKER: My final supplemental, then, is: how long will it take before we finally have an approach and a real solution is provided that will end this patchwork of therapy services and give patients a choice of where to get the physiotherapy treatment that they require? How long?

MR. JONSON: Well, Mr. Speaker, I anticipate that a new definition will be in place for administration within the system for 1997, and in these matters I do want to resolve this matter as quickly as possible. On the other hand, it is a complex matter when we get into the details of certain types of physiotherapy needs. Therefore, we want to take a measured approach, as we do in other areas, to getting it right.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Mill Woods.

### Advanced Education Tuition Fees

DR. MASSEY: Thank you, Mr. Speaker. Tuitions that have almost more than doubled in a 10-year period, that bear no relationship to student income, and that force students into mortgage-sized debts have Alberta students upset. Yesterday they asked for relief from this fiscal nightmare. They asked . . . [interjections]

THE DEPUTY SPEAKER: Order. Hon. members of the front bench, we'd like to hear the question from the hon. Member for Edmonton-Mill Woods. Would you please give him that courtesy?

DR. MASSEY: They asked the government to legislate a tuition cap. My question is to the minister of advanced education. When you refused those students by saying, and I quote, that legislation would serve as a look-good, feel-good thing that would be easy to repeal, were you talking about advanced education or all of this government's legislation?

MR. ADY: Well, first of all, Mr. Speaker, there was no request that came to me yesterday to legislate tuition fees. I had a meeting with the CAUS group, which is the university executive students, and there was no mention of that issue to me. Now, the day before, ACTISEC, who are the college and institute student representatives, did make that request of me, and the request centred around placing in legislation the tuition fee policy that we presently have in place. There was no request for that tuition fee policy to be changed. I don't recall that.

My response to them was that, yes, in fact it is possible to enshrine it in legislation, but it's just as possible to repeal it and that would not necessarily mean, any more than the present policy, that it would not be changed. I could see no benefit to it and tried to point that out to the students.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Mill Woods, first supplemental.

DR. MASSEY: Thank you, Mr. Speaker. To the same minister: can you explain the inconsistency in government policy that is obsessed with the evils of debt yet encourages students to maximize their loans?

MR. ADY: Mr. Speaker, I really appreciate the member asking me that question because, first of all, we do not encourage

students to maximize their loans. In fact, it's a needs-based program, and they only receive funding based on their needs. I think that what the member is trying to allude to is the debt load that the students talked to me about, that they had some concern about. Frankly, college students have the protection of a cap on their loans. I think it's about \$10,000 for a two-year program in the colleges, and the government pays off the difference above \$10,000. For university students anything above \$18,300 the provincial government steps in and pays.

Frankly, Mr. Speaker, that's an accumulation of the loans received from Canada student loans, who has no remission policy for their share. We cover that off. This provincial government covers that off. The Liberal government in Ottawa does not have a remission policy. We have one that stops students from accumulating loans that they cannot handle. It prohibits them from coming out with a debt load that they're not able to handle, but only at the provincial level, and we cover it off even when the federal government has involvement there.

DR. MASSEY: The minister forgets that education is a provincial responsibility.

When will you present a long-term financing plan for postsecondary education that's based on something better than increasing tuition and massive student loans? When? When will we see a plan?

MR. ADY: We brought forward a two-year plan, announced June 24 of this year, outlining our grant process. But, Mr. Speaker . . . [interjections]

### Speaker's Ruling Decorum

THE DEPUTY SPEAKER: There's only one minister at this moment of Advanced Education and Career Development. He's endeavouring to answer the question posed by the hon. Member for Edmonton-Mill Woods. Would all those other people who are inclined to answer the question or to ask further questions at the same time cease and desist and let the minister answer the question.

### Advanced Education Tuition Fees (continued)

MR. ADY: Mr. Speaker, this government in 1993 set about bringing forward three-year business plans, and we have been very forthright about that. The postsecondary system and the students were involved in an extensive public consultation. We came forward with a plan. We have renewed it each year, and on June 24 we gave even additional information as to what the grants to the institutions would be. The tuition fee policy has remained constant.

Let me also say that we are covering off some \$85 million that the Liberals cut from postsecondary education to this province. We've covered that off. Where are they? It's like the health thing. They shoot and run. Where are they?

You know, Mr. Speaker, we have a clear policy in place. I committed to those selfsame students that I had no intentions of increasing the cap of the total of 30 percent of operating costs, no intentions of changing that. I had put in place an annual increment cap to protect the students from massive increases. I believe that the students are well served. They certainly were part of the consultation that brought that about. So I think that covers off the question.

### Video Lottery Program

MR. WICKMAN: Mr. Speaker, the minister responsible for VLTs has publicly stated that slot machines should have never been placed in bars, incidentally, advice that he was so kind as to pass on to Ontario. It's ironic that the minister feels that what's bad for Ontario is good for Alberta. Will the minister responsible for lotteries follow the honourable course and rid this province of all VLTs?

DR. WEST: Mr. Speaker, this hon. member has asked this question. I believe this is now the seventh time. I believe it's redundant.

2:40

MR. WICKMAN: Will the minister then consider restricting the VLTs to facilities operating nonprofit casinos?

DR. WEST: Well, Mr. Speaker, in some ways the question does now get to the heart of some of the conversations I did have with the minister from Ontario. I said that as you progress in Ontario to look at this program, you look at our charitable model, because many areas have appeared envious that we were able to put out a network of casinos that are driven totally by charitable groups, and of course we have now put VLTs in those areas. As we watch this evolve over the next several years, we'll see what impact this has socially and economically for charitable groups. The Ontario minister said that certainly they'd like to follow in those footsteps and experiment with charitable casinos in many locations in Ontario.

Notwithstanding that, in Alberta we responded to a report that came back, plus many thousands of submissions, after an exhaustive program that went out and asked 18,000 Albertans what they thought of the program. They told us to put a level of VLTs inside casinos. They also said to hold the level on the other VLTs. Although they said that the VLTs in the hotels and lounges were a threat to the charitable portion of it, they said that if you hold the line on those and hold them at the roughly 6,000 that you have out there and give us an opportunity in the casinos to maximize some return to the charities, that would be satisfactory.

They acknowledged that, yes, if you had your druthers and you could go back to the beginning of time, maybe we could restudy it and rethink it. The police themselves plus AADAC plus the people acknowledge that with no VLTs you'd have to deal, like B.C. and Ontario and others, with upward of 20,000 illegal gray machines, where nothing accrued to society but went underground or went to somebody else and that there were no controls for fraudulent manipulation of VLTs to the public. Therefore, our model – although it can be judged one way or the other – is the best that we can find as we go into that area where we must have some regulation.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. At the very, very least could I ask this minister to please follow his own advice and remove the VLTs from the bars?

DR. WEST: Mr. Speaker, perhaps I should come at this from another direction so that the hon. member might ponder about what I've said before and perhaps what 18,000 Albertans said.

To remove, as I said before, the VLTs from our society would bring in, of course, a level of underground machines, some of which we have had to deal with in the province of Alberta.

The other side of the coin is that if you deny a society like ours, people will access a level of entertainment or chance. To deny that is to deny where the world is going now. We have at the present time highly technical advancements – the Internet, satellites, and travel – where jurisdictions have gambling, have slot machines, have other forms of entertainment. As we studied this along with the police, with those who have been involved in social addictions and gambling, they said that you cannot in any society deny reality and then hide from it.

THE DEPUTY SPEAKER: The time for question period has expired. We had a couple of points of order during question period. One has signaled no. The other? You're wishing to supplement an answer? We do have a request here. The hon. minister of advanced education has asked to supplement an answer given to an earlier question during Oral Question Period.

The hon. minister.

### Career Designs Inc.

(continued)

MR. ADY: Thank you, Mr. Speaker. I just want to be clear on the record, because of the heat of the moment of question period and the confusion that may have reigned, that in fact, yes, this department was advised of a former employee giving information that there were some irregularities with Career Designs Inc. This department has moved forward with an internal investigation, and we will move forward appropriately to act on the findings of that investigation, whatever they might be.

MS CARLSON: Mr. Speaker, then that invites the question of why it's been just an internal review and why it won't be a public review. We're asking the minister to do that at this time and, in addition, to have the Auditor General review this and the other 50 companies that are receiving money in this program.

MR. ADY: Mr. Speaker, certainly the findings of this report will be made public, whatever we may find from it. They will be made public as soon as it's finished. I expect it will be finished within 30 days.

THE DEPUTY SPEAKER: Now we have points of order. The hon. Provincial Treasurer on his purported point of order.

### Point of Order Clarification

MR. DINNING: I refer to Standing Orders 23(i) and (l), which say that a member will be called to order by you, Mr. Speaker, if in your opinion that member "imputes false or unavowed motives to another member" or "introduces any matter in debate which offends the practices and precedents of the Assembly."

In response to a question from my learned colleague the Member for Cypress-Medicine Hat, there was some sidebar comment in the following question, Mr. Speaker, by the Member for Edmonton-Meadowlark when she suggested that I had not given the facts. It's clear from our public accounts that some \$1.251 billion of revenue came to the province of Alberta under the Canada health and social transfer in 1995-96, and it's clear from federal documentation that that will drop this year by \$259

million. On top of that, it will drop in the following year, '97-98, by some \$467 million. That is a fact that is in federal documentation, it is in our own documentation, but it's also been verified by the Liberal government in Ottawa. That is a fact, so when the member suggests that it is inaccurate, that it is wrong, or that I somehow might in some way be, as she might say or I would probably say, fertilizing the truth, it is in fact in federal and provincial documentation. I would ask her to withdraw any suggestion that I might be incorrect in any way.

THE DEPUTY SPEAKER: The hon. member for Edmonton-Glenora. [interjections] Order. The hon. members immediately to my left . . .

MR. DOERKSEN: I never said a word. It's the Liberals.

THE DEPUTY SPEAKER: You're speaking now. That's contempt. Let us have the hon. Member for Edmonton-Glenora speak on behalf of his colleague.

On the point of order, Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Speaker. On behalf of my colleague from Edmonton-Meadowlark. Clearly the Treasurer felt the need to stand up and perpetuate his act during this session. He rose under Standing Order 23 and cited the section about introducing a matter in debate. First of all, we were in question period, not debate. Secondly, the Member for Edmonton-Meadowlark did speak the truth and did talk about facts, and it would be nice if the Treasurer would talk about facts. He should tell Albertans the whole story when it comes to the Canada health and social transfer. For example, he should say to Albertans that the Canada health and social transfer protected as one of its priorities all the transfer dollars for health care. The envelope of funding for health care remained intact. Then it was up to the province that received that envelope of funds as to how they wanted to spend it. That was the gist behind the Canada health and social transfer, which I believe he's on record as supporting and his Premier's on record as supporting. So I would guess that the . . .

2:50

THE DEPUTY SPEAKER: Order. I think what we have is a point of order offered by the hon. Provincial Treasurer when really what he was wanting was a point of clarification. Both sides have had ample time to clarify that. In the days and weeks ahead we'll be able to do it further. A point of clarification at best, hon. members.

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 with the exception of motions 199, 200, 203, 204, and 205.

[Motion carried]

### Syncrude Project

M199. Mr. Dalla-Longa moved that an order of the Assembly do issue for a return showing copies of all working documents, studies, and reports prepared by or for the government, Syncrude Canada, Syncrude Canada joint venture, and the Syncrude management committee estimating accrued reclamation cost for the Syncrude project.

MR. DALLA-LONGA: I'm sort of disappointed to see that the minister has denied this motion. I would like to encourage the minister, in keeping with open government, to put forward these documents and allow the people to see what was involved in those reclamation costs.

Thank you.

MRS. BLACK: I didn't know I'd given an indication as to what my response to the motion would be. However, what I will say is that the documents the hon. member is requesting are available in part today. Their current conservation and reclamation plan is in fact public and is filed with the Alberta Department of Environmental Protection. However, it does not have the costs and the estimate of the cost of reclamation attached to it. That is commercial and rests with the partners in the Syncrude project. I would have to reject the motion, but I would turn you in the direction of where you can obtain the information, partly through the public document in Environmental Protection. Secondly, I'm sure that if you requested the financial information from the Syncrude project, that would be the best route for you to go on that. I don't have that kind of a document that ties both. So unfortunately, Mr. Speaker, I have to reject the motion.

[Motion lost]

### Athabasca Mining Reclamation Trust

M200. Mr. Dalla-Longa moved that an order of the Assembly do issue for a return showing a copy of the agreement to maintain the Athabasca mining reclamation trust between the government, Athabasca Oil Sands Investments Inc., and Montreal Trust Company of Canada.

MR. DALLA-LONGA: Once again I don't know if the minister has indicated whether these documents are available as well. We would like to have a look at them, and I would ask that they be forwarded to us.

Thank you.

MRS. BLACK: Again the hon. member has asked for something that doesn't exist. I would ask him that if he is looking for that which I have already committed to file and my staff will have ready - I asked them today where it is, if all the documents on the disposition of our interest in the Syncrude project are ready to come forward. But there is not a document that is between the government of Alberta, Athabasca Oil Sands Investments, and Montreal Trust. The reclamation trust agreement that was entered into, which was one of the conditions in the purchase agreement by Athabasca from the province of Alberta, was entered into between Athabasca Oil Sands and Montreal Trust directly. The government of Alberta was not party to that agreement, so I am not in a position to be able to give you that document. Again, I'm sure that if the hon. member wanted to look at that and made inquiries to either the trust company or Athabasca, he could

satisfy himself on that front. So again, Mr. Speaker, I will have to reject this motion.

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

MR. DALLA-LONGA: Yeah. I'd like to respond to the comments made by the minister. Mr. Speaker, I keep getting this argument presented to me that the government was not party to this agreement, particularly between Athabasca Oil Sands and the parties selling the interest to Syncrude. The reclamation trust is something that is fundamental to the interests of the people of Alberta. It's an environmental concern. It is a concern that I've been asked about, and I find it kind of puzzling that the government would not have at least an interest in what Athabasca Oil Sands' commitment is to these reclamation costs.

Thank you, Mr. Speaker.

[Motion lost]

#### Department of Labour Fees

M203. Ms Leibovici moved that an order of the Assembly do issue for a return showing a list of all licences, registrations, accreditations, goods and services for which the Department of Labour charges a fee and the amount or range of that fee.

MR. SMITH: Accept.

[Motion carried]

#### Occupational Health and Safety Records

M204. Ms Leibovici moved that an order of the Assembly do issue for a return showing the Department of Labour document entitled To the Workplace 2000 and any other documents or records the government possesses which list the companies whose occupational health and safety records are of concern to the government and/or are being closely monitored by the government.

MR. SMITH: Reject. The Department of Labour has no document entitled To the Workplace 2000, Mr. Speaker. Also, it's requesting the divulging probably of third party confidential information.

Just to back up on the motion, Mr. Speaker. In 1995 Alberta's work-related injury rate declined by 6.5 percent. That's the lowest injury rate ever recorded for the province, so you're in good hands.

Thank you.

MS LEIBOVICI: Mr. Speaker, whether the document is entitled To the Workplace 2000 or not I don't think is the point. The reality is that the government does have on record a list of companies whose occupational health and safety records are of concern. I know that the workers of Alberta would also more than appreciate that the names of those companies which are transgressing the laws with regards to occupational health and safety be made public. With the movement towards self-regulation there's more and more of a need for the public disclosure of companies that do not abide by the health and safety requirements of this province.

This particular government has made an issue over public

disclosure on a number of cases, whether it be the fact that sex offenders' names need to be made public or the fact that when we look at public health records of restaurants within different jurisdictions, those should be made public. The reality is that when a worker goes to apply at a particular company and that company is known to have a health and safety infraction, I believe it behooves this government to be able to say to those workers that this is a company that needs to be looked at very carefully and that in fact there are some consequences for transgressing and abusing occupational health and safety practices. By keeping the names of the companies secret, what in fact this government is doing is aiding and abetting those companies that are trying to increase their profit margins on the labour of workers who are trying in this economy to keep their jobs. This is not, I believe, acceptable.

Thank you.

[Motion lost]

#### 3:00 Workers' Compensation Board

M205. Mr. Kirkland moved that an order of the Assembly do issue for a return showing a list of all individuals, companies, and organizations the Workers' Compensation Board has made payment to for goods or services provided, complete with amount each individual, company, and organization was paid for the fiscal years 1993-94 to 1995-96.

MR. SMITH: I reject, Mr. Speaker. The motion's far too vague. The WCB has some 5,000 vendors receiving payments for various administrative goods and services. Perhaps if the member were to narrow down the information that he seeks and put that into a motion for a return, the arm's-length-of-government WCB would be prepared to entertain something that is more specific.

THE DEPUTY SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Speaker. Certainly I would follow through with the minister's suggestion here. I don't accept the fact that because there are 5,000 organizations or the likes of that, in fact we can't have that information forthcoming. As the Member for Calgary-Montrose would certainly attest, the Workers' Compensation Board is not forthcoming with solid information when it's requested.

One even looks, for example, at the activity of the \$80,000 board chairman. Public records show that her company, BGS Enterprises, has been a recipient of at least \$300,000 from other government departments, albeit I'll concede that it's not from the WCB. That and the closeness of operations like that do send up a red flag that suggests more scrutiny of the WCB's activities is required.

As an elected individual I consider myself to be a steward of the public dollar, and my request for individuals, companies, and organizations and the payment WCB made to them is not only to ensure that the employer-funded WCB is providing quality for money – particularly timely, I would suggest, in light of the fact that they have a \$400 million surplus – but it's also to ensure, Mr. Speaker, that the injured workers are receiving fair, quality programs that will move them back into the workplace. I think it's important to scrutinize these expenditures.

I would offer a couple of examples to illustrate it, Mr. Speaker. I would deal with the medical advisers. The medical advisers are

a key and critical component as to whether an injury is accepted by the WCB, a compensable injury from the WCB. Now, they receive substantial dollars from it. When you actually work with many injured workers, as I have in these last six months, and even deal with some of the case managers, it becomes a known fact that there are many medical doctors that have earned a reputation for recommending rejection of an inordinate number of claims. Knowing that those medical advisers draw a considerable part of their salary from the WCB, it puts them, I suggest, in a very tenable position. If they do not agree or, I shall say, embrace the philosophy of the WCB, then they put those dollars that they are earning from the WCB in jeopardy. I would suggest that's a conflict of interest.

The information I'm asking for, Mr. Speaker, would tell us and show us and indicate whether the medical advisers have lost their objectivity. It is a large concern. I would suggest that in all probability when we look at that, we will find some inordinately large payments, and if we tie and track the number of rejections, it is my submission that in fact you will see that those doctors are simply appeasing the WCB to ensure that their payment continues. I would go so far as to say that maybe the College of Physicians and Surgeons should have a close look at this operation.

I would suggest, Mr. Speaker, the same philosophy applies when we deal with the pain clinics or the job hunt clubs or the business programs or the computer training programs or the vocational programs.

Mr. Speaker, we heard a question put in question period today that indicated that all is not as well as it should be with some of the providers to the provincial government. I have that same concern about the WCB. There is no tracking to determine if a lot of these programs are successful. I think it's important that the employers and the injured workers of Alberta have the opportunity to ensure that they are receiving due and fair process for the dollars that enter the WCB.

There is one other area, Mr. Speaker. I want to speak about job clubs for just a minute to illustrate the point to the minister. Now, these job clubs, certainly when we look at the payment received from the WCB – that gives the WCB, I would call it, a large dollar club to hold over the head of some of those providers. I would suggest that they've lost their objectivity too. If I have the opportunity to look at the dollars that the WCB pays to some of these particular individuals or organizations or companies, I think we can see some clarity come to it. That is the reason and the rationale for the request.

One area, Mr. Minister, that I would also offer some concern on and perhaps direct your attention to, from our scrutiny, is what they call training-on-the-job clubs. If you look at the dollars paid, you'll see in some cases there is a clear example. Training on the job, just to clarify and make sure everyone understands it, is a situation where an injured worker goes to a job site. The Workers' Compensation Board pays his salary for a specific time period as he works back into a productive mode. You'll find there is a trend in some of those businesses after about five months whereby that individual is shown the door. Within a very short time frame another injured worker comes in. All they're doing is using it as a mechanism to have free labour within their business establishment. That's not achieving the objective of putting somebody back to work, Mr. Speaker. If we look at the dollars paid to some of these or even indicate that we intend to look at some of the dollars paid to such organizations or employers – and they're not all coloured with that brush, Mr. Speaker – I'm sure we will send out that notice to them that the program is

not to be abused. It's intended to bring the injured worker back into the workplace.

I would suggest, Mr. Speaker, that by providing that information – and I'll follow through with the minister's suggestion. I will narrow it down to some very specific companies, of course, that are rumoured to be practising these sorts of activities. I would suggest that if we look at it, some of the relationships have been so long-standing that I would describe them as incestuous. Clearly the time has arrived to cleanse that process. There is not an MLA in this Assembly that has not had a lot of difficulty with injured workers approaching their office seeking help to get what they considered due and fair entitlement from the WCB. This is only one step to attempt to achieve that.

I would apologize to the minister if it was too broad. I will follow his advice, and I certainly will narrow it down. I would hope that he would take it with sincerity and ensure that we do not have individuals that are simply in existence, singing from the song of the WCB, to ensure that their dollars are not jeopardized. I hope that he looks at it with the eye that we don't want to lose the principle, what the WCB is all about, and that is ensuring that injured workers are not penalized in the province of Alberta, that they're given the opportunity to move back into a productive stance, Mr. Speaker. So with the minister's direction and advice I will follow through and I will resubmit in a more definitive manner.

[Motion lost]

**head: Public Bills and Orders Other than  
head: Government Bills and Orders  
head: Committee of the Whole  
3:10**

[Mr. Clegg in the Chair]

THE DEPUTY CHAIRMAN: I'd like to call the committee together.

**Bill 214  
Victims of Domestic Violence Act**

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Chairman. I move this package of amendments. There are quite a few, so in the interests of efficiency and time I move them all together. These amendments represent three months of co-operative work between the opposition and government members and staff as well as many representatives of agencies, associations, and individuals from all walks of life in Alberta who have an interest in Bill 214. Both women and men have been well represented. We have listened to Albertans, and the proposed amendments represent our best efforts to develop good, effective legislation.

Bill 214 was written originally because we recognized that the widespread problem of domestic abuse was in need of change, and we were aware of the successful experience with similar legislation over the past year and a half. Mr. Chairman, the legislation is needed for a number of important reasons, specifically for the well-being of people living in family relationships. Too often what starts out to be family arguments or fights develops into violent situations where one or more members gets hurt or seriously hurt. Worse still and more damaging, the abuse becomes chronic in some families and results in abused persons

and in children feeling trapped and powerless. They're in a situation that can go on for many years. Children may grow up believing that violence or aggression is the only way to handle anger, and we need to take measures to break that cycle. We've been just ignoring it and trying to deal with it for too long without doing something specific.

This Bill is supplementary legislation to the Criminal Code. It provides a mechanism for meeting the needs of a family in a time of crisis and provides additional remedies for matters such as reimbursement of monetary loss, property issues, and restraining orders. The Bill protects family members, which could include elders, disabled people, all people who are residing together in a family relationship, so that people are safe from the risk of violence in their own homes.

In regard to the amendments, Mr. Chairman, I would like to speak a sentence or two to each one of them before we begin so that members have a clear picture of them. I realize there are many of them and it's fairly complicated.

Amendment A, which is at the top of your list – do you want me to wait? Does everyone have them? Yes? Okay. Thank you.

The title of the Bill has been changed for two reasons. Many people, including the court, felt that the term “victim” was not appropriate and that it has come to have a negative meaning. “Victim” will be replaced everywhere in the Bill with the term “complainant.” We also received several comments that the term “violence” was too narrow and that the term “abuse” would be more appropriate, as violence may only be one form of abuse suffered in domestic relations. So the title of the Bill now is the Domestic Abuse Act.

Amendment B, (a); that's for section 1 of the Bill. We're removing subsection (1)(b)(iii) as it was decided the paragraph was redundant and that older children living with the victim would be included in paragraph (i) as being part of the family relationship.

Amendment (b) for (c.1). As already indicated, we're removing the term “victim” and replacing it with “claimant,” so it's necessary to define that term. We've done that in (c.1).

On (c.2). In lengthy discussions with Saskatchewan it was determined that their Act works very well with about 20 specially trained justices of the peace. These people do nothing but this type of application on a 24-hour basis. A staff member of court services here who was on the committee is also of the opinion that specially designated justices of the peace would be the easiest and most economical way of having emergency applications heard in Alberta. Thus we have provided a mechanism for the justice of the peace to be utilized.

Clause (d). This definition has only been slightly changed. We are now using the term “injury” rather than “bodily harm” due to technical meanings which are associated with those words.

Clause (d)(i) has been reworded to make it clear that any damage to property must be for the purpose of intimidating a cohabitant, and merely throwing dishes or breaking dishes will not be sufficient.

We have also included financial abuse, as many individuals and groups have indicated that such abuse is often integral to part of the domestic abuse and can be very controlling and take away people's ability to leave a family relationship.

Section (e). We have changed the definition of “emotional abuse” to make it clear that there must be a pattern of behaviour. Simply saying something once in an argument will not give rise to the remedies of this Act.

Section (f) refers to financial abuse and is the definition of it. Financial abuse has been defined to ensure it is clear that the behaviour is intended to ensure financial dependency. We didn't want to make it look so broad that legitimate financial transactions could possibly be blocked.

The section (k) clause is deleted. The definition of “victim” is no longer required.

Amendment C. The new section 1.1 is taken from the Saskatchewan legislation so that more than just an abused individual can make an application. In Saskatchewan it is usually the case that a police officer makes the application over the phone to the justice of the peace, and then the officer hands the order to the respondent after the justice of the peace has gone through the process.

Amendment D covers section 2(1). A number of groups are concerned about the use of the word “shall” in section 2(1), and we are changing it to “may,” which really doesn't change the meaning of the section as it would be very rare when the court would find evidence of domestic abuse and not grant some remedies.

Section (b) under amendment D. The comment was made by lawyers and police that we made a provision for a restraining order, but we did not include a no-contact order. The new wording accomplishes both.

In (c) there were a number of concerns raised with the provision for exclusive occupation of the residence. To combat some of these concerns, we have indicated that such an order would be for a specified period, which would allow the victim to get re-established and to make plans for the future. Someone has suggested a 90-day time period. However, such a period may not be appropriate for all situations, and the court should have the flexibility to order what is appropriate.

### 3:20

Paragraph (d) under amendment D. This paragraph has been reworded so that the respondent cannot make the argument that they did not know that such a communication would cause annoyance or alarm and that that was not their intention. We have also included the concept that a respondent may not use someone else to get in touch with the victim or to communicate with them.

Paragraph (e). Concerns were raised with the wording of paragraph (g), so we have reworded it to make it clear that the court may order the respondent to pay emergency monetary relief and also interim maintenance. We are trying to give the court as much flexibility as possible.

Paragraph (f) refers to clause (h) on page 3. The term “compensation” was one that many people picked up on. It has a legal meaning which is akin to damages and which might require a full trial to be proven. The intention of the section was not to cover damages in this context but to reimburse the claimant for any out-of-pocket expenses, which would have to be proven by receipts.

Paragraph (g) covers 2(1)(k) on page 4. We had lengthy discussions regarding this paragraph with several groups of people. In the end it was decided to remove paragraph (k) for a number of reasons. First, there is no current agency which could provide counseling. Secondly, the counseling could be expensive, given that there are no agencies that can provide that kind of professional counseling. The counseling could be expensive, and it may be difficult for the respondent to pay for the counseling. Third, it is not clear that mandatory counseling would be beneficial. Fourth, if the court felt that any counseling would be appropriate, it could still order it under paragraph (m); that's

other orders that the judge may make.

Amendment E, still on section 2. In order to alleviate some of the concerns of groups, we have removed the presumption regarding custody from section 2(2). Rather than the child automatically going to the nonviolent party, the best interests and the safety of the child and victim must be considered. The wording of paragraph (b) was also changed, as much of the original wording appeared meaningless or redundant when read with the rest of section 2.

Amendment G. That's the ex parte section under section 3. Concerns were raised with the fact that a protection order could be granted on an ex parte basis, so we have tried to make it clear that the ex parte order will only be granted if there is an emergency. If it is not an emergency, the regular notice must be given to the respondent, and both parties would appear in court.

Still under amendment G, 3(1) provides the procedure where a protection order is granted by a justice of the peace. This again is based on the Saskatchewan procedure, where 95 percent of the orders are approved by the Court of Queen's Bench when they go to the justice of the Queen's Bench after they have been given. Such a procedure is also aimed at addressing some of the potential constitutional questions that may arise regarding the power of the justice of the peace.

We have added section 3.2(1), I think, in your last set of amendments. This allows a respondent to apply to the Court of Queen's Bench for a review. This should alleviate the concern of some people regarding ex parte, the fact that they can apply for a review. The protection order would remain in effect until the review was completed.

Amendment H. Section 4 has been reworded to address a couple of concerns. The original version referred to notice of provisions of the protection order, and we wanted to make sure that no argument could be made that a respondent did not have actual notice of the provisions of the order because they didn't read the order. It has been amended so that if the respondent has notice of the protection order, the respondent is deemed to have knowledge of the provisions. Notice is being left to the regulations as there will likely be a number of ways in which notice can be given, including orally by the court and personal service. We have also included in the regulations whom the protection order should be delivered to and how, because it may not be appropriate to rely on the victim to deliver such an order given, as it was stated in the original Bill.

We're on section 5, and this is amendment I. This is the offence amendment. While most people were pleased with the offence provision in the original Bill, we have decided to remove it. This was decided after a lot of discussion on what the effect of such a provision is and what the procedure would be. The decision was also based on what Saskatchewan is doing and the fact that their system is working well. If the offence provision remained, we would have had to include a number of other sections which would have given the police power to arrest and would have also set out the procedures so that the onus was not on the victim to ensure that something was done when an order was breached. The Criminal Code cannot be used where there are other provincial offences available. If we do not include the offence provision, then any respondent who breaches an order can be charged under section 127 of the Criminal Code.

This procedure is good for a number of reasons. First, the police can arrest on reasonable and probable grounds. Secondly, a Criminal Code offence is given more priority with the justice system than a provincial offence. Thirdly, section 127 is an

indictable offence, and anyone convicted is liable to be jailed for up to two years. Fourth, a criminal record may be more of a threat to respondents who are considering breaching an order. We have been advised that prosecutors have indicated they will prosecute section 127 offences if that is the way that the legislation is set up. So far we have all agreed that there will have to be extensive training provided to the police regarding this Bill. It will have to be emphasized to police that section 127 charges can and should be laid where the respondents are breaching a protection order.

Amendment J covers section 6. For the most part, everyone was happy with the three-year period of the order. However, we decided that the court should have the flexibility to make a longer order, so we changed the wording so that the court may make an order for any period, but if they do not specify the duration, it will be in effect for three years.

Groups were also happy with the provision that only the same judge could vary a protection order. However, the courts have a problem with that provision as it is often unworkable if the judge is tied up with other matters. We have changed the provision so that at least the same court must hear the variation order, and this will hopefully eliminate situations where a victim is dragged through various courts by a respondent who has unlimited resources.

Amendment K, section 7. The original wording of section 7(1) puts the onus on the victim to request confidentiality. A number of victims groups have pointed out that it would be likely the last thing a victim would think about in a time of crisis. We have reworded the section so the information is confidential unless the victim consents to the release of the information. The original section 7(2) is always within the power of the court.

### 3:30

Amendment L, section 9. This is two consequential amendments, one to remove a typo and the other one to remove a term. In (c), still under amendment L, subsection (3) is being removed as there were a number of constitutional concerns regarding the removal of someone from the premises. We came to the conclusion that the subsection was unnecessary as the police officer could simply make application for a protection order and avoid the removal of the victim.

Amendment M – that's section 11 – is a consequential amendment.

Amendment N was added after section 12, and it's added as 12.1. Primarily, groups of people were concerned with false accusations, so we have included a section that makes it an offence to make a false application. Arguably, any false applications could be dealt with using perjury provisions. However, it does appear that such provisions are rarely used by the courts.

Section 13 is amended, which strikes out the words – sorry; that's amendment O. They're all consequential amendments. Amendments P, Q, and R are consequential.

So that concludes my reading of the amendments. Thank you, Mr. Chairman.

THE DEPUTY CHAIRMAN: Hon. member, before I call the next member, do I understand that as these amendments will be going in, we'll call them A1? [interjection] Sorry; I can't hear you, hon. member.

MS HANSON: I'm sorry. I was speaking to another member.

THE DEPUTY CHAIRMAN: I just asked a question. Will we call these amendments A1, just for the record?

MS HANSON: Yes.

THE DEPUTY CHAIRMAN: Okay.

The hon. Member for Calgary-North Hill.

MR. MAGNUS: Thank you, Mr. Chairman. This is a Bill whose intent, its principle, and its philosophy I completely agree with. It proposes to address various issues in cases of domestic abuse and would hold abusers responsible for their actions, as they should be. Within this positioning, I guess, we're in the committee stage on this Bill and we're supposed to talk about specifics, and I'll get into the specifics of this Bill. When I look at it and as I go through the Bill – I had problems with it in second reading. I think I expressed those fairly clearly to this House in my speech in second reading. I still have some problems, but before I get into the problem areas, I would like to talk about those areas which I agree with. I would also like to commend the Member for Edmonton-Highlands-Beverly for her courage and her fortitude in bringing this Bill forward because, as I said, I do believe completely in the philosophy and the principle of this Bill.

One of the aspects I do agree with that the Member for Edmonton-Highlands-Beverly and I had chatted about while we were talking about this after the April session is the provision to remove abusers from a residence for a specified period of time. I'm still not totally thrilled with that. I would have preferred to have made that penalty very, very specific. She mentioned 90 days, which is the number that we had talked about. It's better than nothing, having a specified period of time, but I'm still having difficulties with leaving that wide open to a judge's whim.

One of the other good aspects of this Bill is the problem in rural areas finding a judge. Frankly, if you're Mr. and Mrs. Grundy out in Small Town, Alberta, and in a very serious, serious situation, an emergency situation, right now with the way the Bill was originally printed, it's virtually impossible for you to get an order that would keep that abuser away from you. By putting in the justices of the peace, I think we've made that problem a lot less than it was. I'm not sure; I think it's gone as far as it can. I don't really see how we can improve that any more than we have.

One of the things that I also disagreed with in the original Bill was the treatment for abusers in the sense of mandatory therapy or, as I believe the amendment still says – and we haven't had too much time with the amendments – that the judge may recommend therapy. To me – and I said it in second reading – if a person needs therapy, it has to be voluntary. They can't have a judge or somebody else say, "You must get therapy," or "You should get therapy." A recommendation from a judge, when in point of fact your household, your income, and everything to do with your life previous is in front of that judge – I simply don't think it's up to a judge to decide that therapy will do you some good at that stage of the game.

Another section that was taken out, which I do appreciate, was the section that referred to 16 year olds. There are at least three Bills within the Family and Social Services mandate that, frankly, already deal with this. My concern at the time – and I do appreciate the member taking it into consideration – was that perhaps an adult might use it as an excuse to get rid of some child between the ages of 16 and 18 years. As I say, there are simply other remedies that can be taken for an abusive child.

Mr. Chairman, I can support these aspects of the Bill and many, many others, such as restraining the respondent from subjecting the victim to further domestic violence, granting the

victim exclusive occupation of the residence, direction of the police to remove the abuser from the residence, requiring the respondent to compensate the victim for monetary losses suffered as a result of domestic violence. All of these things within this Bill and within the amendments I agree with totally. Again – I've said it before – I would commend the Member for Edmonton-Highlands-Beverly for bringing this forward because of those amendments and because of the way that this Bill treats those aspects of the Bill.

The other thing that this member has done, I think in a very clear fashion, is brought forward to public awareness the aspects of abuse in the home. This Bill is not a Bill that talks about gay rights; it's not a Bill that talks about gun legislation or gun seizure. This is a Bill about abuse. I think regardless of how this vote goes and where it goes in this Legislature in the next couple of weeks, she is to be totally commended for that.

I do still have a number of problems within the Bill on specifics, and the member and I have chatted about those as well. The ones that I'm having the most problem with are the definitions of emotional and financial abuse. When we get into emotional abuse – and I appreciate the attempt that was made, with some help from me I believe; I think the member would admit that – we have tightened up that definition. But when I read the definition of emotional abuse, it's:

a pattern of behaviour of any kind the purpose of which is to deliberately undermine the mental or emotional well-being of a cohabitant.

It's still too broad. It leaves everything here open to interpretation. What could be one person's abuse may be normal in another familial type of family situation.

When we get to the issue of financial abuse or economic abuse, I'm again having even more problems with that. This Act, as I understand it, was modeled somewhat after the Saskatchewan Act. Emotional abuse was not in that Act. Financial abuse is certainly not in the Act. When I look at the definition under financial abuse, even appreciating the fact that it's as tight as it can be – and I've certainly spent a lot of sleepless nights trying to figure out some way of tightening that up so it simply wasn't as broad – it says that it means

behaviour of any kind the purpose of which is to control, exploit or limit a cohabitant's access to financial resources so as to ensure the financial dependency of the cohabitant.

What on earth does that mean? I still haven't figured it out. As I say, I've spent many sleepless nights looking at it, and I still have no notion. It occurs to me that a judge looking at that portion of the Act, if it goes through, would also have the same difficulties that I'm having with it.

Mr. Chairman, the general gist of this Act – the principle, the intent, the philosophy – as I've said probably twice since I've started this, is admirable. I would dearly, dearly love to see this Act go through, with some changes to it, but I have some really, really basic problems with the Act. I'm sitting here looking at a 10-page Act that was introduced in this Legislature during the last session. It certainly saw an awful lot of debate, and right now in front of me I have seven pages of amendments. That's the equivalent of, as an example, Mrs. Gordon's Act, the Municipal Government Act, which was brought in in 1994 with 265 pages to it. We would have to basically bring in 200 pages of amendments to have the same ratio of pages of amendments as to the original Bill. I have real problems with that. I certainly don't put any of the responsibility for that on the Member for Edmonton-Highlands-Beverly because I know how hard she worked on this Bill in order to get it to this stage. As I say, no other private

member's Bill from an opposition party, as far as I'm aware, has ever gone this far in this Legislature.

3:40

I am somewhat dismayed, and I'd be remiss not to mention the press and the press's role in where this Bill has gone and where the public have gained their perception of what this Bill is trying to do. We've had a number of articles; I have one right here in my hand. It's an opinion piece that was written on July 28 of this year by an opinion writer with the *Calgary Sun*. I read various paragraphs in this, and quite frankly I wonder if this writer of this opinion piece has ever actually read the Bill. It talks about: however, the Bill's feminist advocates have done their work well, apparently having endured years of social services systems distorted by a bias towards men. That part I may agree with, Mr. Chairman, but it goes on. It says: it is now being revised so we can endure years of a system distorted by a bias towards women; the idea that any bias should favour the family has been dismissed as patriarchal. Well, quite frankly, this isn't a patriarchal Bill. It's not a Bill about men, and it's not a Bill about women specifically. This is a Bill about abuse in the home and those that would do it and inflict it on other people.

I'll give you one more paragraph out of here. It's actually a line. It talks about: we've accepted the feminist edict that only men should be held accountable for violent behaviour. The person who wrote this opinion piece, as I said before, didn't read the Bill, doesn't know what's in the Bill, and has no notion of what this Bill is trying to achieve. I've got to tell you, Mr. Chairman, it makes me furious thinking about it: that this kind of a coward, someone with one of the largest papers in this province, would write something like that piece of trash and leave so much public perception out there that is wrong, based on their opinion.

If I may, one of the things that I would like to talk about before I wrap this up is the lack of public consultation. I think we have before us what on the surface appears to be a very good Bill. There's no question about it. This House voted unanimously for this Bill in second reading a very few months ago; in April I believe it was. I know that we as a government have certainly taken flak from the Official Opposition in the sense that it's been said that we have too much public consultation. But I think this is a very good example and I hope, frankly, a lesson to the Official Opposition that sometimes when you get a good idea like this, you need to go to public consultation, and perhaps that backlash we've heard on radio shows and seen in newspapers from opinion writers would not be quite as severe and would not leave the wrong perception out there with the public. I'm not concerned about the public in this sense, in the fact that some of them have a wrong perception. I think it's up to us to correct that wrong perception.

Frankly, Mr. Chairman, I'm having a very difficult time with this because I've always thought that I could vote for this Bill, actually right up until about 10 o'clock yesterday morning when the amendments came in and I saw seven pages. I would have to say at this stage of the game and with this number of amendments that there is more work to be done. With the amount of public concern that has been expressed through those same radio shows and newspaper articles, I think we need to do some more homework on this.

Quite frankly, if this Bill fails, I would sincerely hope that it is brought back with a little more homework done on it and that we could get it through, because I personally believe that this Bill will save lives.

Thank you, Mr. Chairman.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Chairman. I'm going to make a few comments on Bill 214 and the amendments and keep them relatively short because of the number of members that will want to speak to this.

I, too, want to commend the Member for Edmonton-Highlands-Beverly for pursuing this Bill very aggressively, and it has been, I would expect, with a great deal of pressure, a great deal of effort, and a great deal of consultation from groups out there both for and against. I would assume, listening to some of the open-line shows, that it would have been a very, very trying experience. So, yes, the former speaker was correct in giving our Member for Edmonton-Highlands-Beverly credit for having the courage to pursue it, but it's a very, very difficult issue, domestic violence.

The amendments that are here, of course, are here in response to concerns that have been raised. The original Bill was not deemed to be appropriate by people in the community, so the member put together amendments in conjunction, in consultation with many, many groups in the community and with individuals. Thus we see these amendments.

It can be argued that there are still some areas that may not be a hundred percent, but can you really have the best of both worlds when we look at the whole area of domestic violence? Certainly the existing situation, which works against the female, is not acceptable. Some will argue that this is not gender neutral. It may not be a hundred percent gender neutral, but can it be argued that abuse is gender neutral in terms of equality? Some callers to me – and I've had many, many callers – have referred to studies and stats that show, in their opinion, that there is no greater abuse by male on female than vice versa. I have a hard time accepting that. Just the very physical makeup of men versus women leads me to believe that those comments are somewhat skeptical. Many of us, for whatever reason, based on comments we hear out there – some of us have possibly been victims of domestic violence or have witnessed it.

I want to talk about an incident that happened many, many years ago in my own family, something that I really have not talked about because there are still memories that hurt very, very much when I even think about it. My stepfather, when he entered the picture in the '40s, was a very, very violent and abusive man when he overindulged in alcohol, which happened on a regular basis. Whenever that occurred, we could count on a real knock-em-down, blow-em-out slugging match involving my stepfather and my mother, who of course didn't have the strength to stand up.

I can recall one instance in particular that I'll never forget. He had my mother down on the ground. Myself, I was six at the time. My older brother, Ron, was seven, and a younger half brother was three. We ran and hid in the bushes. We peeked through the bushes, and we watched as my stepfather, Eino, had my mother on the ground and slapped her repeatedly across the face. This was a number of years ago, when we lived along the Nipigon highway outside of what was then called Port Arthur, Ontario.

[Mr. Herard in the Chair]

We watched horrified, as young children, what was happening, and we were of course helpless. She screamed and hollered for

help. He got up and picked up a crock pot. The fear that went through me at that time was that he was going to smash her with this crock pot, but he chose to throw it through one of the windows of the two-room house that six family members shared. Then he took off, running across the highway down to the shores of Lake Superior. Shortly after that, I assume that somebody driving by saw what was happening and contacted the Ontario Provincial Police. They arrived, they found him, and they handcuffed him. They took him away in that police car.

What struck me as so strange – even at that age I had a hard time grasping what was happening – particularly in later years when I would think about that incident, that has never left me, were two things Mom said that were very remarkable. One that she said was that deep down Eino was a kind man. Otherwise, he would have thrown that crock pot through the other window, where my youngest half brother was sleeping, as a baby, in a crib. She said that in her mind he chose to throw it through the window so that it wouldn't hurt little baby Wayne. That was her justification. Secondly, the next day she packed us kids in the car and drove us into Port Arthur, where she took tobacco to my stepfather, who was in jail, and all the time she spoke about what a kind and decent man he was. Yes, he came back. He came back, lived with us, and the violence continued, though never to the same degree as that one particular incident.

That's just one incident, and if you go throughout society, if you go to individuals in this House, to individuals in the community, similar stories can be repeated over and over and over. It is not acceptable to have a society that allows that type of thing to happen. What I'm talking about happened almost 50 years ago, but it hasn't changed that much. It is still occurring out there. Yes, the member who spoke previously is right that awareness has come out of this whole process, but awareness is not enough. This demands action. The action has been placed here, and it demands the guts to pass this piece of legislation and give that protection that is deserved by those who suffer from domestic violence. If we have any decency in us at all, we will not find excuses to reject this Bill. We will pass this Bill because it far surpasses the existing situation.

On that note I'll conclude.

**THE ACTING CHAIRMAN:** The hon. Member for Olds-Didsbury.

**MR. BRASSARD:** Thank you, Mr. Chairman. I, too, am pleased to be able to speak today to Bill 214 and the amendments that are before us. I'd like to also join in the congratulations, or at least the congratulations from my colleagues, to the Member for Edmonton-Highlands-Beverly for bringing this forward and also for her responsiveness to the concerns that have been expressed to her, which are evidenced by these pages of amendments before us.

Mr. Chairman, the sponsor of this Bill has made the scope of the Bill wide enough to include not just women who have been abused but men, children, siblings, and seniors. I'm able to support the intent and direction of this Bill, but at the same time, as has been mentioned, I do have some apprehensions concerning the implementation. I'll just talk a little bit about that.

**3:50**

Although the Bill stipulates that the protection order may call for the respondent to cover legal costs, does this mean that they will be paying for the cost of both lawyers? I'm afraid that we're going to see an increased demand on our legal aid if this is indeed

the case. There'll also be additional duties and costs to the police, who'll be required to enforce the protection orders. This could include removing the respondent from the residence, carrying out warrants to enter the residence of the parties to search for signs of domestic violence, and serving the protection orders to the respondents.

I am pleased to see in the amendments that the section concerning the ex parte order has been significantly changed and in fact replaced. The amendment sets out the parameters within which the justice of the peace is to consider making the order. It also sends the order along with its supporting documents to be reviewed by a judge within three working days. The amendments also include a provision for the judge to direct a hearing if the granting of the order is in question.

I also appreciate seeing item N in the amendments, which addresses the problem of false or malicious applications for protection orders. The problem we are dealing with in this Bill is serious. Any applications which are frivolous or false are simply disrespectful of the real situations of abuse that some people face, and this should not be tolerated.

Mr. Chairman, I'm reminded that in 1993 alone there were 32,844 violent crimes committed against Albertans. That means there were a minimum of 32,844 victims of these crimes, because we all know that there were many more. Not only does violence affect the person that the act was committed against but the family and friends around those victims. In some cases these people are affected almost as dramatically as the victims themselves. We know that much family abuse happens secretly, behind closed doors. Family members in an abusive situation may not be aware that services are available or may be too fearful to reach out for help. As a result, the abuse continues and takes its terrible toll. I feel that Bill 214 has the potential to help avoid those situations in the security and protection that it offers to the victim. It takes a significant step towards ending this cycle of abuse.

Mr. Chairman, I can support the concept of this Bill for the fact that it attempts to empower the victims of domestic violence. It tries to give them the opportunity to regain control of their lives after what has been in most cases a very traumatic event. The bottom line is that no one deserves to be victimized. The program philosophy of women's shelters states that all individuals have the right to security and protection under the law, that they have the right to live free of assaults, abuse, and violence, that no individual should have to remain in a violent or abusive situation because there are no alternatives, and that all individuals have the right to make their own life decisions. Obviously the Member for Edmonton-Highlands-Beverly believes in this as well.

I'd like to read a statement from Saskatchewan's Minister of Justice that he made during the debate over their victims of violence Bill. He said: there are women living in our society who live in fear, who can't find safety, who can't find security, who cry out for help to make them safe and secure, and we have been so slow in responding, to our great shame.

It is a shame, Mr. Chairman, that so little has been done to remedy this situation. Not only are we challenged to do something about this problem in our society which is so significant, but it's often concealed by hurt and shame. We are challenged to give victims of abuse tools to aid them to release the shackles of their situation. More importantly, we have a duty to supply them with tools that they can use, with tools that work.

There is an ongoing consultation process as we speak, Mr. Chairman, chaired by the Member for Calgary-Bow, regarding the implementation of Bill 211, the Protection for Persons in Care

Act, a Bill that was passed by this Assembly, incidentally. In conversation with my colleague the chairman she stated that time and time again it was pointed out to her that things were backward, that the consultation process should have precluded the passage of that Bill to ensure that the concerns were then embodied in the Bill itself.

Mr. Chairman, it's imperative that this Bill in particular serve the best interest of those who will be impacted. It is the people of this province who are the best judges of this Bill we put into law. It is the police officer who goes into a domestic dispute not knowing what horrors he will find or even if he'll become a victim himself. It is the child who grows up feeling that they are somehow to blame for their parent's fighting. It is the spouse who dreads returning home after work. It's the senior who blames the broken or bruised limbs on a fall. It's the loved ones who ask from behind a vale of tears, "How could this have happened?" These are the people who will be using the tools we craft here today. I fear that we are going forward and will be enacting legislation without finding out what tools these people really need.

The problem of domestic abuse in Alberta needs to be addressed. I cannot emphasize that enough. However, I feel that the people of Alberta need to be involved in the process of addressing that problem. In my personal opinion I believe that more consultation with the public should be done before this Bill actually gets passed into law. Aside from those concerns, however, I think the amendments make Bill 214 a much better piece of legislation.

With that, I'll end my comments. Thank you, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. I would stand up to speak to amendment A1, as we've called it here, and I would echo the sentiments of Calgary-North Hill, Edmonton-Rutherford, and also the Member for Olds-Didsbury and compliment the Member for Edmonton-Highlands-Beverly for the Bill. As we all know, this is a very sensitive, a very complicated, and a very volatile area that this Bill attempts to address.

When we look at it, it has shown a tremendous amount of innovation. One of those innovative aspects – and I see it flow throughout the amendment itself – is the introduction of justices of the peace to administer and actually process a goodly percentage of this Act. Now, as I indicated, this is a very sensitive and complicated area. I have no question in my heart that I support the principle of what this Bill is attempting to achieve. The situation today is not satisfactory when it comes to attempting to deal with domestic violence and the difficulties of removing one and/or providing protection for those that have been subjected to violence.

Now, I would offer a caution at this point when we deal with the selection of justices of the peace to actually implement and carry through this Act: there has to be a very thorough training program that would encompass all components of it to ensure that in fact it is administered with the utmost of prudence. I would also issue a caution that when we look at the selection of justices of the peace, because it has been perceived, Mr. Chairman, that this Bill is somewhat gender biased towards the female sector, a counter to some of that concern could be the selection of justices of the peace that were very clearly of the male extraction, I would suggest.

Now, when I look at the Bill and I look at some of the amend-

ments that came forth, there was a concern expressed to me by one of my constituents, Bryan St. Germain\*, that initially a justice of the peace could actually issue a custodial order. I see in the amendments and I see in the Bill that a justice of the peace simply makes a protection order. That I think is a satisfactory change to the Bill. I look at a justice of the peace that makes a protection order and see that that protection order ultimately has to fall under the scrutiny of a court and that it must happen within three days. So I consider that to be a positive filter to the intrusion of a justice of the peace making a protection order and making it a protection order as opposed to a custodial order.

4:00

When I look at amendment (5), which states, "Where a judge directs that a matter be reheard," this clause indicates that the respondent must appear before the court, but it gives option to the claimant as to whether they would or would not appear before the court. I have to admit, Mr. Chairman, I'm somewhat troubled by that. When we're attempting to put two pieces of a puzzle together, it's very important to hear both sides. Even though that option gives the complainant the opportunity to participate, I would suggest that the wording could be a little stronger and ensure that the complainant is there so that the discussion is balanced somewhat.

When I further go through the amendments, I would compliment the member for ensuring that the confidentiality of the victim in this case has been safeguarded, and the amendment addresses that. There had been a concern expressed to me in my constituency that in fact there was not a penalty addressed or specified for "false or malicious" allegation. That has been included in the amendments. I think it makes it a stronger Bill as a result of it. I do understand that there are some precedents in law when we deal with perjury and charges of mischief that in fact could have addressed it. This brings a level of comfort to those that felt it was missing, and I would compliment the members that worked on it from both sides for ensuring that was evident there.

Now, I heard the Member for Calgary-North Hill indicate that he was somewhat concerned or disconcerted by the fact that there were seven pages of amendments to this particular Bill. He used the example of the Municipal Government Act, where there were 234 pages, I believe, and tried to tie that to a relative number of amendments to make that Bill somewhat suspect. I would just remind the member that Bill 19, that came into this Legislature, had as many pages of amendments as the Bill itself, and they did support that particular Bill.

There was one other concern here, and I guess I would look to the hon. members that are more well versed in this Bill than I. Just as I looked at the Bill, it struck me that we are in some areas intruding into the Maintenance Enforcement Act with this Bill. When I say that, as I read it, there are some areas where there can be an awarding of costs that are actually outside the Maintenance Enforcement Act or the act of providing maintenance itself. Now, that perhaps is not a large concern, but I would offer a caution that those would have to be well defined. I can think of what some of those costs might be: for example, relocation or perhaps some very significant psychological assessment costs. I think, as I indicated, that intrudes into the Maintenance Enforcement Act, and I'm not convinced that in fact it is not treading on the spirit of that Act.

Now, I've heard many members in the House indicate and relate the Bill to the Saskatchewan model. I've heard many members say that the Saskatchewan model works very effectively, and that comes in a verbal sense, Mr. Chairman. I have not seen

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

actual accurate statistical information to give me the level of comfort that I require in that area. Certainly when we introduce something as sensitive and complicated as this Bill and we are introducing justices of the peace – and I do have confidence that there are many Albertans that are capable of carrying that particular role well – I have to issue the caution one more time that we have to be very, very thorough in the training of those individuals. We're dealing with law, we're dealing with people's lives, we're dealing with violence, and we're dealing with volatility, police forces. So they would have to be very well versed.

I would support the Bill, Mr. Chairman, because it does provide improvement over what presently exists. Now, we are all aware that there is difficulty out there when it comes to domestic violence, when it comes to providing protection. We're all certainly familiar with women's shelters and many stories of women that have to run. I suspect there is the odd male that may be found in that same category as a result of the reciprocal type of abuse. I do believe – and the Member for Olds-Didsbury indicated that there were 32,844 acts of violence in Alberta last year – that we do have to make some steps forward to address it.

This may not, Mr. Chairman, be the absolute perfect Bill, and the amendments may not cover all of the concerns that have been addressed. But I don't think the member should lose sight of the fact that it is an attempt to address a sensitive situation. It takes a step in the right direction, as all legislation that comes through this Legislative Assembly. It's always open to be brought back and improved upon, and we have seen many Bills that have arrived at that state.

So with those comments, Mr. Chairman, I will yield to any other members that may want to add their comments.

**THE ACTING CHAIRMAN:** The hon. Member for Calgary-Currie.

**MRS. BURGNER:** Thank you, Mr. Chairman. I'd like to bring to the attention of my colleagues the fact that on August 30, 1993, we all met in this Chamber, some of us for the first time as legislators. There are a few moments and events and debates and votes over those three years that will forever be etched in my mind. Over the past three years the full weight of the responsibility of developing and crafting legislation has sat squarely on my shoulders, and I'm sure all of you have similar moments. Quite often after the work that I've done, I say to myself that I only have one vote, and if the decision doesn't reflect my way or the way my constituents would like me to support an issue, I can still feel confident that I did my best.

[Mr. Clegg in the Chair]

Today is different. It is different not because the process has changed in any way but because of the overwhelming implications of this legislation. Again, I would echo compliments to my colleague for Edmonton-Highlands-Beverly for this initiative. The domestic abuse Act, as amended, is in essence calling all of us as citizens to conduct ourselves in our most personal and intimate relationships – that is, in our domestic lives – in accordance with the laws of this land. Should we fail to do so and abuse in whatever form ensues, be it financial, verbal, sexual, or emotional, the full force of the law will be brought to bear not only on the abuser but in support of the victim into their homes, into their personal lives forever. These people, be they the abuser or

the victim, I would remind you all, are our wives and husbands. They are our mothers and fathers. They are our brothers and sisters, and indeed they are our sons and daughters. Every Albertan will be affected by this legislation.

Consequently, our deliberations today and the weight of this office, which I spoke of earlier, are before us all. My colleagues on both sides of the House have spoken to a number of the strengths and weaknesses in the legislation and in the tabled amendments. I would like to just file with the House at this moment a letter that I received from the Calgary Women's Emergency Shelter Association dated the 9th of August. This letter, written by a group of supporters and volunteers on this issue, has directed my thoughts. The final paragraph on the first page I'd just like to read to you. It says, "While there are other minor improvements . . ."

**THE DEPUTY CHAIRMAN:** Hon. member, it's not in order to file in committee, because it cannot be recorded.

**MRS. BURGNER:** Oh, I apologize. I'll just reference the letter. Thank you, Mr. Chairman.

While there are other minor improvements, the real effectiveness of the legislation will come forward when education and implementation begins so that judges, lawyers, police, and the public understand the protection afforded and the limits of the protection.

The key issue to the successful implementation of domestic abuse is public awareness. In reviewing the amendments, the most irresponsible scenario for us as legislators would be a course of action that polarizes the public on this issue instead of educating society.

My colleague spoke earlier about the media's response, but I also have to echo some concerns with respect to some of the public response. We've heard it on radio; we've seen it in letters. Many of us would reflect on the fact that this particular piece of legislation has generated an amazing number of comments. I would suggest that a number of them are ill-informed, ignorant, and continue to polarize the issue. I use the word "polarize" because in its inherent sense, polarized is a cold and frozen and intransigent state. Should we implement legislation that leaves society and indeed our Alberta community on either side of this issue frozen and intransigent, we will have failed in our responsibilities.

**4:10**

In considering the options in front of us, I would like to suggest some of the thoughts that have come to my mind. I believe this is a stand-alone piece of legislation dealing with one aspect of a much more extensive, broader social issue: abuse that we know and that is reflected in the legislation. We'll eventually have to deal with the abuse that we see in the elder community, with our children, in the protection of persons in care, that was spoken to a little earlier, in the disabled community as well. Consequently, I am firmly convinced that we must develop a co-ordinated process and not selectively look at one piece of the area of abuse. We need a co-ordinated approach to definitions, to processes, and to remedies.

We had talked earlier about a broader consultation. We know that through the Premier's response to elder abuse, with the protection of persons in care, and indeed with this piece of legislation, we are actually in the process of starting to develop this as probably a number one social issue for the province of Alberta. I'm quite convinced that rather than isolate one form of

abuse, we have a major responsibility to broaden that topic. I'm hesitant to legislate on one aspect of abuse and ignore others.

Another position that I would like to bring to your attention is the role of the police and the justice system, which is integral to the successful implementation of this legislation. They have not had the opportunity – and this is not a criticism; this is just reflecting on our legislative process – to respond, to mold, to formulate their experience and resources in light of the fact that these amendments are tabled before us today and the vote will be taken within these two hours. I believe that's a major flaw in the proceedings, not in the proposed legislation. Nor has further scrutiny been developed on current options in law. If we are looking at that broader aspect of abuse in all its forms, we have to have the justice system involved in a co-ordinated approach.

I would also like to recognize, in the fact that one can't even file a letter in the committee process, that our volunteer sector, our shelters, our crisis lines, our communities have not had a chance to respond to these amendments. We are remiss in not having an opportunity to give them that further voice.

I would also like to bring to your attention – and I think this is absolutely critical and germane – the role of our educating system. Our teachers are often the first-line people, dealing with the very significant aspect of our child abuse, particularly in light of sexual abuse and domestic violence. We have no way of identifying to them how they will be able to work with this particular piece of legislation in light of the confines of a two-hour debate on amendments. The inability to access that strength and resource pushes me to further the conversation in such a way that I want to remain on the record very committed to a broader consultation on the issue of domestic abuse in all its aspects, as I have outlined.

For these reasons, therefore, I would like to move that the Chairman do now leave the Chair.

THE DEPUTY CHAIRMAN: The motion is on the floor that the Chairman now leave the Chair. All those in favour of that motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed, if any?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: The motion is carried.

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

[Mr. Clegg in the Chair]

**Bill 216**  
**Crown Contracts Dispute Resolution Act**

[Debate adjourned August 20: Mr. Havelock speaking]

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

MR. HAVELOCK: Thank you, Mr. Speaker. [interjections] I think I have just a couple of minutes left and . . . Could you ask Bebe Rebozo across the way to perhaps keep quiet while I make my remarks?

MS LEIBOVICI: A point of order, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Edmonton-Meadowlark on a point of order.

**Point of Order**  
**Provocative Language**

MS LEIBOVICI: Twenty-three (h), (i), and (j). The language just uttered by the not so hon. member from wherever he is from, Calgary somewhere, was meant to provoke debate and to do nothing else.

What it was also meant to do was to take away from the seriousness of the issue that we were just discussing. What this government has just done with Bill 214 is nothing short of despicable.

THE ACTING SPEAKER: I think the hon. Member for Calgary-Shaw will continue with debate on Bill 216. Obviously, Member for Edmonton-Meadowlark, you're bringing up another subject that has nothing to do with this Bill. It certainly may be a disagreement between the hon. members. There's been so much noise that I failed to hear exactly what he said. So, hon. Member for Calgary-Shaw, continue, and I'm sure that your remarks will be satisfactory to the House.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. If the hon. member found my remarks to be insulting or demeaning, then certainly I apologize. However, when I stood up to speak, I found it very difficult to continue with my speech because of the ranting and raving from across the way.

**Debate Continued**

MR. HAVELOCK: Yesterday, Mr. Speaker, I was dealing with . . .

**Point of Order**  
**Clarification**

MS LEIBOVICI: A point of order, Mr. Speaker: 23(h), (i), and (j). I would not say that I was ranting and raving. I was stating a point, that the actions of this government are despicable towards women, towards the elderly, towards anyone who has suffered abuse. [interjections]

THE ACTING SPEAKER: The hon. member obviously has the right to call a point of order, but with the noise in the House, again, I did not hear the hon. Member for Edmonton-Meadowlark. If we could have order, we will then proceed with the point of order.

The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. I'd like to reiterate the point that I made. The hon. member indicated that I was ranting and raving. I do not rant, nor do I rave. I stated a point, which was – and I will reiterate that point – that the actions of this government, of these private members, with respect to private member's Bill 214 are despicable.

THE ACTING SPEAKER: Obviously the Chair will not be doing any ruling on 214, because it's totally out of order at this time. I understand the hon. member bringing up 23(h), (i), (j), but the fact is that we haven't really got discussion on this Bill going yet. If the hon. Member for Calgary-Shaw would continue his remarks without reference to anything that happened on this side of the House.

MR. HAVELOCK: Thank you, Mr. Speaker. I'll certainly try to be much more sensitive to the needs, wants, and desires of the Liberal opposition.

4:20

**Debate Continued**

MR. HAVELOCK: Yesterday I was discussing alternate dispute resolution mechanisms and . . . [interjections] Mr. Speaker, please, please. [interjections] In any event, I'll try . . .

THE ACTING SPEAKER: We have no intention of continuing this. [interjections] Order. Please, let's get on with the debate on this motion.

The hon. Member for Calgary-Shaw.

MR. HAVELOCK: I guess fourth time lucky. Thank you.

In any event, Mr. Speaker, we were discussing alternate dispute resolution mechanisms yesterday and the concept in the Bill put forward by my colleague from Grande Prairie-Wapiti to incorporate the same in government contracts.

What the dispute resolution mechanism . . . [interjections]

**Speaker's Ruling****Decorum**

THE ACTING SPEAKER: Order. We'll give a little time for anybody who'd like to leave. This is past ridiculous. Let's do the business of the House. Let's get on with the business of the House. If people want to leave or come in, that's their perfect right.

The hon. Member for Calgary-Shaw, for the fifth time.

**Debate Continued**

MR. HAVELOCK: Thank you, Mr. Speaker. Let's start over. I think I'll go back to page 1, if that's all right.

MS LEIBOVICI: A point of order, Mr. Speaker.

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

**Point of Order****Clarification**

MS LEIBOVICI: It's a point of clarification, Mr. Speaker. Under Standing Order 8(5)(a)(ii) it indicates that

a public Bill other than a Government Bill shall retain its place on the Order Paper until such time as the Bill has been given . . . 120 minutes of debate in Committee of the Whole.

It has been our understanding that that would mean that as there is no other business that can occur this afternoon other than Bills – and that's under 8(3), which indicates that “on Wednesday afternoon after the daily routine, the order of business for consideration of the Assembly shall be Written Questions,” which we have done, “Motions for Returns,” which we have done, “Public Bills and Orders other than Government Bills and Orders,” which is where we were at right now when we were so rudely interrupted by the Member for Calgary-Currie, who adjourned the debate. My point of order and clarification is whether it is within the realm of this Assembly to adjourn debate without having the full 120 minutes of debate on this Bill this afternoon.

THE ACTING SPEAKER: There is not a point of order, because we were doing previous business when we were in committee, and

it's not legal that we would be discussing Bill 214. I suggest that you look under section 64(1). It's clearly stated that it was in order. I don't want to bring it up again. It is in order, and that's where we leave it as of today.

MS LEIBOVICI: A further point of clarification, Mr. Speaker.

THE ACTING SPEAKER: No.

The hon. Member for Calgary-Shaw.

**Debate Continued**

MR. HAVELOCK: Well, thank you, Mr. Speaker. I think we're still on Bill 216. This three-minute discussion has turned into a 20-minute diatribe. Oh, I'm down to one minute now. I'd better speak quickly.

Essentially, Mr. Speaker, what the hon. member's proposal does is it empowers individuals to settle a dispute on their own. I think this is one of the most critical and positive aspects of his proposal in Bill 216. In fact, in my view, it is clear that ADR, if properly implemented, has enormous potential. It enables our province to realize that potential without substantially altering our present system. It allows us the luxury of a trial run, if you will, for ADR to see if the advantages are real and worth pursuing. [Mr. Havelock's speaking time expired]

Mr. Speaker, due to the number of interruptions I obviously wasn't able to continue and finish my speech, and I regret that.

THE ACTING SPEAKER: Hon. member, I hesitate to interrupt. However, the Table officers, when there are points of order, do stop the clock. As you know, it did take 15 or 20 minutes to do this. I'm hesitant to interrupt you, hon. member, but under Standing Order 8(5)(a), which provides for up to five minutes for the sponsor of the private member's public Bill to close debate before all questions must be put to conclude debate on the motion for second reading, I would invite the hon. Member for Grande Prairie-Wapiti to close debate on Bill 216.

MR. JACQUES: Thank you, Mr. Speaker. I want to acknowledge the speakers during second reading. I have been encouraged by the general thrust and the general tone of the debate that has occurred. I also recognize that the majority of the debate has been participated in by hon. members who are members of the legal profession. They certainly have contributed a lot in terms of understanding the issues that are raised by Bill 216 and perhaps some corrective actions and changes that could be made at committee stage in terms of amendments.

There are a few issues, Mr. Speaker, if I may, prior to asking for the vote, that I would refer to. I did want to refer to a study that was prepared for Saskatchewan Justice by Prairie Research Associates Inc. It's dated March 12 of this year. You may recall that the Bill that we have before us in Bill 216 is to a very large extent modeled after the Saskatchewan Bill. Even though theirs was a pilot project in certain areas, they did indeed proceed, as I indicated, with an evaluation.

With your permission, Mr. Speaker, just a few things from this report I would just like to highlight for a matter of the record. It goes on to say – and this is under the summary and observation section of the report – that

there is evidence that this project is achieving some success in four out of six of its objectives: offering alternatives which are participatory; promoting consensual conflict resolution; providing access to methods which are more understandable to the public;

and, promoting the use of mediation through the initial orientation sessions.

If you recall, Mr. Speaker, in introducing the Bill on second reading, those were certainly some of the objectives that were stated in terms of Bill 216.

It goes on to say that

in general, the majority of clients, lawyers and mediators were quite positive toward the initial mediation session. Several lawyers said that at first they were skeptical of the pilot project, but now believe it is beneficial to their clients and the legal system. However, a few lawyers continue to be resistant.

The last quote out of this observation, Mr. Speaker, that I would like to leave with you is that

issues appear to be clarified for a larger proportion of the clients than lawyers after they attend a session, and this carries over to their decisions on how they wish to proceed with their cases. In other words, more clients are favouring mediation after the sessions.

I would also like, Mr. Speaker, to refer to a document that was recently prepared by Christine Hart. Ms Hart is the project director of the Ontario Court, General Division, ADR centre. The paper that she produced is titled *The Role of ADR in the Civil Litigation Process: Emerging Issues*. Again, I just want to refer to a very brief section in this total report, because it partly addresses one of the questions that was raised during the debate, and that is whether ADR should indeed be voluntary or whether indeed it should be mandatory.

There are a few sentences here, Mr. Speaker. Let me quote. It says:

Research in the U.S. and for the Ontario ADR project has shown a very low take-up on ADR programs that are purely voluntary. Saskatchewan mandates mediation by statute in all civil cases and a mediation orientation session in all family cases. Ontario mandates mediation for about half the Toronto civil, non-family cases unless all parties agree to opt out. Mandatory referral to the table can be justified in non-binding DR processes such as mediation because they represent a very low risk to the parties in return for a good chance that the dispute will be resolved. Also, if no settlement is achieved, no one's rights are altered as the process is all off the record and nothing is binding. The evaluation of the Ontario ADR project shows a significant approval level by parties and lawyers for mandatory referral to mediation, and the external evaluator recommends mandatory referral.

So indeed, Mr. Speaker, what we have in front of us in Bill 216 is exactly that. We're saying that in government contracts where a dispute arises that, prior to going to the actual trial stage, both parties would be required to at least have an orientation session in mediation and to make a decision as to whether they wish to proceed with that route or that of the final course.

With that, Mr. Speaker, I would like to take my place and encourage all members of this Assembly to vote for Bill 216.

THE ACTING SPEAKER: Just before I call the question, the hon. Member for Calgary-West is using a computer, and that's not allowed unless we're in committee.

[Motion carried; Bill 216 read a second time]

4:30

**Bill 217**  
**Law of Property Amendment Act, 1996**

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

THE ACTING SPEAKER: The hon. Member for Calgary-North West on a point of order.

**Point of Order**  
**Motion to Leave the Chair**

MR. BRUSEKER: Thank you, Mr. Speaker. I'm referring to *Hansard* yesterday wherein the Chair ruled that

when debate is continuing on a stage of a Bill or when the Bill is before committee and the time has not expired and the deadline for consideration of another Bill has not come, then the consideration of that Bill, in this case Bill 216, will be allowed to continue until completion or voted upon.

Mr. Speaker, we have Bill 214 in order of precedence. When we look at orders in determining what is the priority of business in this House, certainly rulings from the Chair and rulings from our Standing Orders take precedence over *Beauchesne*. Therefore, I would question why it is we are not proceeding with Bill 214, that has not had the time expired as per the Speaker's ruling of yesterday afternoon.

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

MR. EVANS: Well, thank you, Mr. Speaker. Referring to our Standing Orders, Standing Order 64, and then also referring to *Beauchesne* 905, it's quite clear that there is a procedural opportunity for an hon. member speaking at committee stage to make a motion. That motion once made is not debatable, and the matter is then voted upon. That's clearly what has transpired in this House, and I know that you're aware of that. I think it's important that it be mentioned for *Hansard* so it's on the record, and I'm sure you'll find accordingly.

AN HON. MEMBER: Mr. Speaker . . .

THE ACTING SPEAKER: No, we're not going to have an afternoon debate on a point of order. We've had somebody from each side.

On the point of order, as I quoted earlier, if you read section 64 – I don't have to read it out – it certainly was in order. If you look under *Beauchesne* 905 – you can read it again – certainly the motion was in order. The business of the day continues as we progress.

The hon. Member for Medicine Hat.

**Debate Continued**

MR. RENNEN: Thank you, Mr. Speaker. It's a pleasure for me to rise today to move second reading of Bill 217.

Bill 217 is a relatively short piece of legislation, and the principle behind this Bill is really very simple. I would like to discuss this afternoon the reason why I'm bringing forward this legislation. I would like to take an opportunity to explain to all members of the House the reason why the clauses that I have chosen to put into this legislation are there. Then of course I would encourage all members to support this legislation, and I look forward to hearing what other members have to say.

Mr. Speaker, this legislation has a somewhat lengthy history. If you remember correctly, there was a motion on the Order Paper under my name some time ago, in the last session, that dealt with this particular matter. There was also a Bill brought forward by the Member for Fort McMurray that, although went much further than Bill 217, dealt with many of the same types of issues that I'm attempting to deal with by bringing forward this legislation.

[The Deputy Speaker in the Chair]

Bill 217 does one very simple thing. It will require that the foreclosure proceedings on any piece of property take place in the court jurisdiction where the property is located. The reason for that, Mr. Speaker, is really very simple. This applies primarily to Albertans that are living outside of the main urban areas of Calgary and Edmonton, but it certainly could apply to Albertans who live in Calgary or Edmonton that are involved in one kind of a dispute or another in another area of the province.

If I can explain to members the process right now. If a mortgage goes into arrears and the lender sees fit to bring forward foreclosure proceedings, those proceedings are usually, not always but usually, conducted in either Calgary or Edmonton. They're conducted in the jurisdiction of choice of the lawyer who is hired by the lender to bring forward the action. In most cases, not all cases but in most cases . . .

MR. DICKSON: Point of order.

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

**Point of Order  
Precedence of Business**

MR. DICKSON: I am indeed, Mr. Speaker. The point of order I want to raise is a breach of a ruling by the Speaker. We heard a different point of order a few moments ago which related to the appropriateness, or the propriety, of an adjournment vote. I'm clearly not addressing that, and I want to make that clear at the outset.

My issue would be this. I look at Standing Orders, and I look particularly at Standing Order 1, which says that

the proceedings in the Legislative Assembly of Alberta and in all committees of the Assembly shall be conducted according to the following Standing Orders.

Then it's clear from the second standing order that the Speaker has been charged with the responsibility to interpret and apply the Standing Orders.

Now, the Speaker the other day, in fact on August 20, 1996, page 2248 of *Hansard*, addressed the question of the sequencing of public, nongovernment Bills, and it seems very clear to me, as I understood the Speaker's ruling which appeared on August 20, 1996, that the prior Bill, that Bill that had already received approval in second reading and was now at the committee stage, would have priority. That wouldn't prevent the House from moving perhaps to adjourn debate or to rise from committee, but it would clearly prevent the House from dealing with any further private member's Bill, because the sequencing is the key. We have a Bill that's been established to have priority once it comes into the process, and with respect, sir, it would be my submission that the House does not have jurisdiction to entertain the debate on the Bill that the Member for Medicine Hat now chooses to embark on.

So it seems to me that if we assign any meaning at all to Standing Orders 1 and 2, it means that we're bound to deal with that priority that was set out, which means that Bill 214 would be the matter that we would be dealing with this afternoon and not any other Bill. There's I guess the secondary question in terms of what happens if we're prevented from moving to deal with Bill 217, but I want to put that squarely in front of you, Mr. Speaker.

Thank you.

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader.

4:40

MR. EVANS: Thank you, Mr. Speaker. Well, to accept the analysis by the Member for Calgary-Buffalo would be to conclude that Standing Order 64 has no force and effect. This is a standing order that was worked out between both the government and the opposition. It does take precedence over the general rule for debate in this House with respect to Committee of the Whole, to which we're speaking now, and I would expect that it may have some reference to other committees as well, but certainly with respect to Committee of the Whole.

It is very clear that the motion can be made. It is just as clear that it is in order. It "is always in order," it "takes precedence over any other motion," and "is not debatable." Well, that motion was made. The motion was then voted upon, and consistent with *Beauchesne* 905 the procedure is very, very clear. It's very clear that once that vote has been taken and it's resolved in the affirmative, as it was, that

the Chairman will at once leave the Chair, and with no report having been made to the House, the bill or question disappears from the Order Paper.

Mr. Speaker, 905 in *Beauchesne*. It's extremely clear what the intent was. It's extremely clear in both Standing Orders and in *Beauchesne* what the effect is of that motion being offered, that motion being voted upon and voted upon in the affirmative.

Again, to come to any other conclusion would mean that the motion to leave the Chair in Standing Order 64 has no force and effect. That cannot be the intention of the House leaders who worked together very diligently to create these Standing Orders, which were approved in this House, and I would ask you to rule accordingly.

MR. BRUSEKER: On the point of order, Mr. Speaker.

THE DEPUTY SPEAKER: It's with some discomfort that the Chair rises, not to suppress debate on the point of order, although you're not allowed to bring up a point of order on a point of order. In fact, we're in Assembly, not in committee, and it would sound from the gist of the point of order that has been raised by the hon. Member for Calgary-Buffalo and responded to by the hon. Deputy Government House Leader that we're talking about what happened in committee. In a parliamentary sense the Assembly should not be addressing in this fashion what happens in committee. However, that sort of begs, I guess, the question that is being asked. The hon. member thought it was a breach of the Speaker's ruling, but that was a different subject.

Events occurring in committee are in a sense not the concern of the House as they did occur in committee. Nevertheless, I think the hon. Deputy Government House Leader has brought to our attention the fact that *Beauchesne* 905 addresses the issue which did occur in committee and why it isn't here now, as does Standing Order 64(1) and (2) deal with it. I think if hon. members would reflect upon that, it would explain why we are where we're at. So there is not a point of order, and we'll continue on with Medicine Hat.

The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. If I could just comment very briefly. I respect the right of private members in this Legislature to bring forward private members' Bills, and certainly I can understand the concern of some members who are

dealing with a Bill that was discussed previous to mine. But I have spent a good deal of time . . .

THE DEPUTY SPEAKER: Order. Hon. member, the issue has been addressed. It's done. Let's move on with the next item.

MR. RENNER: Precisely the point I was trying to make, Mr. Speaker. I'm trying to organize my thoughts, and if I am continually interrupted with points of order, it will be very difficult for me to bring forward a cogent argument for my Bill. I would ask members to give me the privilege of preparing my arguments in one succinct speech rather than a number of speeches interrupted by numerous points of order.

#### Debate Continued

MR. RENNER: Mr. Speaker, I was discussing Bill 217 and the logic behind Bill 217 and the reason why I brought this forward.

In the case of a foreclosure, for lack of a better example – because after all I am from Medicine Hat and I represent people who come from Medicine Hat, and in most cases this particular Act, this proposed legislation, would deal with people from Medicine Hat, but it would deal with people from across the province – if an individual owns a piece of property in Medicine Hat and for whatever reason gets himself or herself into a financial situation where they're unable to make their mortgage payments, then they deal with the lending institution on a one-on-one basis. Oftentimes the lending institution will try to work something out with them, but when that fails, there is no alternative for the lender but to institute and bring forward foreclosure proceedings.

Those proceedings, then, as I mentioned earlier, are normally held in a court jurisdiction, and the choosing of that is that of the lender, and because of the nature of financial institutions across this province, most of the regional offices are located in either Calgary or Edmonton. So that means that most of these foreclosure procedures are brought forward in a court in Calgary or Edmonton. Not all of them, Mr. Speaker, not all of them by far, but most of them.

What happens is that the individual who owns land in Medicine Hat or Lac La Biche or Grande Prairie gets a note from the lawyer of the financial institution requesting them to come to a hearing in Calgary or Edmonton, and that requires them to do one of two things. They then have the choice of either hiring a representative, a lawyer, in the city where that court is located, at substantial cost to themselves, or hiring a lawyer in the jurisdiction where they live and paying that lawyer's expenses to travel to the court, at substantial cost to themselves, or in fact traveling to the court themselves, again at substantial cost because of the distances involved. Remember that the reason that the case is in court is because the individual has found himself or herself in financial difficulty. So it really increases the burden on that individual, and it makes it extremely difficult for them to present their case to a judge in court.

Now, Mr. Speaker, I'm not a lawyer. I have not been directly involved in one of these foreclosure proceedings. But my understanding of the process – and I stand to be corrected by any members who are a little bit more familiar than I am – is that in most cases the actual foreclosure itself does not go to a complete trial. The individual, the plaintiff, is brought forward and explains to the judge the reason why they have not been able to make good on their financial commitment to the lender. Through an agreement they will be allowed to make some type of a plan, bring forward a plan whereby they can refinance, they can

reorganize their life, and the judge will give them maybe six or 12 months, then, to get their plans together, to reorganize. They don't end up losing their property during that reorganization process.

What this Bill very simply does – and it's in the very first clause of the Bill, which states:

Every action for foreclosure, sale under a mortgage, specific performance of a contract related to land or for the possession of land shall be commenced and tried and all related proceedings shall be heard in the judicial district in which the land is situated.

All I'm asking for, Mr. Speaker, is that the lender have all the rights that he is entitled to, but I am saying that it's an uneven playing field at this point in time because the debtor is put at a financial disadvantage in many cases. I am saying that the lender should bring forward that action in a court that is within the jurisdiction where the land is located. So if the land is located in Medicine Hat or in the immediate surrounding area around Medicine Hat, that proceeding would be brought forward in a Medicine Hat court. That gives the landowner the opportunity to come to court, explain his case, have his day in court, so to speak, and does not put him at a disadvantage to the same individual in the same circumstances who has land located around Calgary or Edmonton. The other side of the coin is that it may well be that even in the case of Calgary or Edmonton residents for one reason or another a resident of Calgary may be asked to appear in court in Edmonton and vice versa. So it's just leveling the playing field.

#### 4:50

I also recognize – and I'll go on to some of the other sections in this Act – that there are circumstances where by mutual agreement both the parties may agree to an alternate location. For example, if someone lived in Calgary and they owned land in Medicine Hat, it might well be convenient for them to agree with the lending institution that this hearing should take place in Calgary or it might well be that they would agree that the hearing should take place in another jurisdiction. There is provision in this Bill that where both parties agree, the hearing can take place in the jurisdiction of common agreement.

The other aspect of this Bill is that when you get involved in mortgages – we've all probably signed a mortgage at one time or another. They're very long contracts, and there's a certain amount of intimidation on the layperson that everything in that contract is something that the individual has to agree to. So there is a provision in this Bill that prevents the lending institution from doing an end run around the legislation by simply putting into the original mortgage contract a clause that would in essence say, "In the event of a foreclosure, notwithstanding Bill 217 and the legislation within, the debtor hereby agrees that the foreclosure proceeding will take place in such and such a jurisdiction." There is a clause in this Bill that would make such a clause in a mortgage null and void. I want to make it very clear that if there is going to be an agreement to move this hearing to another jurisdiction, it is done on the understanding that both parties have agreed and that it is to the benefit of both parties to make that move.

The other area in the Bill that I want to spend a little bit of time talking about – it is a very short Bill, but there is one more clause in the Bill that deals with a process whereby once the action has been instituted, once the individual has had his day in court, so to speak, if it's beneficial to both parties, they can move the proceedings to another jurisdiction after it's started.

Again, the purpose of this Bill from my perspective is to ensure that the average Albertan has his day in court, has his opportunity

to explain to the judge the reason or reasons why he or she is having financial difficulties, why he or she has been unable to meet the financial obligations that they have to a property mortgage. In no way do I want this Bill to inhibit the rights of the lender to collect moneys that are properly due to them, to foreclose, because that's the nature of a mortgage, that if the debtor does not fulfill his financial obligations, the lender has a right to that property.

This Bill in no way will prohibit the process from taking place. It just simply allows the debtor his day in court, his chance to speak to the judge and say: "Look, judge, this is what happened to me, this is what happened to me, this is what happened to me. I have a plan, a reasonable plan, and I want you to consider whether or not this plan makes some sense." The judge may or may not agree. The judge may say: "I don't think that makes any sense. You obviously are not in a position where you can reorganize your finances," and then the proceeding goes on. But in many cases an individual can have an opportunity to speak to a judge, explain the circumstances, and then have a length of time given to him to do some reorganization. That's in essence what this legislation is all about.

Mr. Speaker, I mentioned that it is short legislation. It's very simple in its intent. It's been before this Legislature before. It's received some positive comments from both sides of the House, both in the form of a motion and in the form of a Bill that was brought forward by the Member for Fort McMurray. I note that at that time there were some discussions on both sides of the House on whether or not the Bill brought forward by the Member for Fort McMurray was perhaps too all-encompassing. I have very specifically kept this Bill to mortgage foreclosures. That's it. It's very simple. It's very straightforward. I encourage all members to support this Bill.

Thank you.

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

MR. DICKSON: Thanks, Mr. Speaker. When we left Bill 214, I was most interested to see what Bill the government felt would be more important to talk about, would be more important to bring forward and deal with this afternoon than talking about domestic violence.

It was interesting to listen to the comments of the Member for Medicine Hat. I can't help but think that we have an idea that first came forward when my colleague the Member for Fort McMurray raised it two years ago in a more comprehensive fashion, and as a consequence of that leadership, action has already been taken. I'm surprised that the Member for Medicine Hat didn't talk to the Law Society of Alberta. If he had, he would have been advised that the Rules of Court Committee in the province of Alberta, which is made up of representatives of the Court of Appeal, the Court of Queen's Bench, and the Law Society of Alberta, has already decided. They're putting forward an amendment to the Rules of Court that does exactly what Bill 217 purports to do.

One would have thought that if members opposite who voted en masse, at least from their seats, to adjourn debate on Bill 214, despite all the rhetoric we heard about that, to rush to Bill 217 – and we find that what we look at is this two-page Bill which is redundant, because the committee that makes the Rules of Court has already responded to the issue, identified over two years ago by the Member for Fort McMurray. So, you know, one might ask: "What does that tell us about the priorities of the government, Mr. Speaker? What does that tell us about what the

members opposite think is most important?" When the Member for Calgary-Currie knocked the feet out from my colleague on Bill 214 and, aided and abetted by members of the government caucus, shut down debate on that Bill talking about family violence, talking about how we can advantage children . . .

### Speaker's Ruling Relevance

THE DEPUTY SPEAKER: Hon. member, the Chair has some difficulty with repeating references to an action earlier in the day in another setting, i.e. the committee. The committee did what it did. We are on private members' public Bills, and there are a number of characterizations that give us some discomfort. I wonder if you could proceed with the Bill that we have before us.

5:00

MR. DICKSON: Mr. Speaker, I'd be disappointed if the characterization didn't cause some discomfort opposite. It seems to me that in debate on Bill 217 I would hope I'm going to be allowed the latitude to question the motives of the government, to question their degree of research in terms of bringing forward a Bill idea. I should back up and say that I acknowledge that this is a private member's Bill, but from what we saw earlier, what's clear is that the government members are voting not as individuals but as a bloc. It seems to me that if we're going to make private Bills – if it's to be a sham, then maybe it's appropriate that that be identified in that fashion.

THE DEPUTY SPEAKER: I think, hon. member, that whether something is a sham or whether it is not perhaps is a good topic of debate when debating the whole point and process of private members' public Bills. I don't know that the Bill that we have in front of us, Bill 217, is the appropriate occasion to do that, so I was trying to gently move the hon. member on to the topic that we have at hand and expressed the wish that we go on.

With regard to the discomfort that perhaps some other members may or may not have, the Chair was only reflecting on the Chair's discomfort of dealing with an issue that was dealt with in committee, did come once again into the Assembly, was dealt with again, although really it ought not to have been brought forward, and now we're at it again.

Hon. member, would you just continue with the debate that we have on 217.

### Debate Continued

MR. DICKSON: Thanks very much for the direction, Mr. Speaker. The point I think I was trying to make, however clumsily, is that we have to wonder why Bill 217 is in front of us and why we're spending time dealing with something when the mischief was identified years ago. The remedy is already in place and well under way. Why do we fiddle with it now? I think – and I hope that you would agree – that I would be entitled to say if the emperor has no clothes or, in this case, if we're dealing with a Bill that isn't worthy of consideration because the mischief has already been addressed. I would hope you would agree that I'd have the freedom to make that observation.

The other point is that if we were to be logically consistent, Mr. Speaker – I heard some pretty curious language earlier this afternoon about the importance of public consultation. It may be that we're going to graft an informal addition to the Standing Orders that says that with private members' Bills put forward by private members without the resources of the government of the day, if we feel really strongly that there has to be some public

consultation first, before we can debate the Bills in the Assembly, there's going to be a whole lot of Bills that we're going to be able to move through.

I don't know what sort of consultation the Member for Medicine Hat has undertaken with respect to Bill 217. I might contrast that with what happened on Bill 214, and I say this only for the purpose of contrast, Mr. Speaker. On that particular Bill the Alberta Law Reform Institute had published a report in June of 1995. Now, I don't think there's a Law Reform Institute report behind Bill 217, and it would seem to me, just by way of comparison again, that with Bill 214 you have a report that comes from the Law Reform Institute that receives widespread consideration, a great deal of public notoriety. To me, that would be pretty significant, and one would expect that that would allow members to be able to deal with it as they've been elected and paid to do.

Bill 217. We've already heard from the mover from Medicine Hat. I wonder if there are some other colleagues of his that can speak to what kind of public consultation they require when they assess Bill 217. One would think that they'd want to be consistent. If they felt that they weren't in a position to address the questions of domestic violence and domestic abuse, what's the standard that those members use when they deal with Bill 217?

**Speaker's Ruling  
Relevance**

THE DEPUTY SPEAKER: Hon. member, I hesitate to get up. I was allowing the reference to 214 because there is a certain relevance to the resources that private members bring when they attempt to bring a private member's public Bill, of hearings and that kind of thing, but it seems to me that now you're getting back into the issue that has been decided in committee, has been brought up here in Assembly, although improperly in the sense that it was covered. I think that we've belaboured the point long enough. Could you please stick to Bill 217 without these reflections on what might have been in committee.

**Debate Continued**

MR. DICKSON: Certainly, Mr. Speaker. I'll take your admonition and suggest we move to vote on this Bill immediately.

THE DEPUTY SPEAKER: Hon. member, can you repeat your comment? I'm sorry; the Chair did not hear what you said.

MR. DICKSON: I was attempting to call the question on the Bill, Mr. Speaker.

THE DEPUTY SPEAKER: We are in Assembly in second reading, and we have a member standing.

The hon. Member for Grande Prairie-Wapiti.

MR. JACQUES: Thank you, Mr. Speaker. I've certainly listened with interest with regard to the hon. member preceding me and his comments relative to Bill 217. He did indicate that there was a process in place to implement this involving the Law Society, although I did not detect that indeed this has been put to bed conclusively. It's one thing to proceed along with a course of action; it's another thing to have implemented, to say that the Bill would be redundant.

Mr. Speaker, I would move at this time that we adjourn debate on Bill 217.

THE DEPUTY SPEAKER: The hon. Member for Grande Prairie-

Wapiti has moved that we adjourn debate on Bill 217. All those in favour of this motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no. Carried.  
The hon. Deputy Government House Leader.

MR. EVANS: Thanks, Mr. Speaker. I now move that we call it 5:30 and that we stand adjourned until 8 p.m.

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader has moved that the Assembly do now adjourn until 8 p.m. All those in favour of that motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.  
Call in the members.

[Several members rose calling for a division. The division bell was rung at 5:09 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Gordon	Mirosh
Amery	Haley	Oberg
Beniuk	Havelock	Pham
Black	Herard	Renner
Brassard	Hierath	Severtson
Burgener	Hlady	Shariff
Calahasen	Jacques	Smith
Cardinal	Jonson	Stelmach
Clegg	Kowalski	Thurber
Dinning	Laing	West
Dunford	Langevin	Woloshyn
Evans	Mar	Yankowsky
Friedel	McFarland	

5:20

THE DEPUTY SPEAKER: Hon. members, if you are in the Assembly, you must vote.

MR. CHADI: We can't abstain?

THE DEPUTY SPEAKER: No. You abstain by remaining outside. If you're inside, you vote.

Against the motion:

Bruseker	Doerksen	Taylor
Chadi	Germain	Wickman
Dalla-Longa	Hanson	Zwozdesky
Dickson	Sapers	

Totals: For - 38 Against - 11

[Motion carried]

[The Assembly adjourned at 5:24 p.m.]

