

Legislative Assembly of Alberta

Title: **Wednesday, April 30, 1997**

1:30 p.m.

Date: 97/04/30

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Welcome. The prayer today is taken from the Legislature of the Northwest Territories.

Let us pray.

Our Father, may Your spirit and guidance be in us as we work for the benefit of all of our people, for peace and justice in our land, and for constant recognition of the dignity and aspirations of those whom we serve.

Amen.

Please be seated.

head: **Introduction of Visitors**

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. I wish to introduce to you and through you to the Assembly the Hon. Dr. Mathews Phosa, Premier of the province of Mpumalanga in the Republic of South Africa. He is accompanied by the hon. Minister of Economic Affairs, Gaming and Tourism, Mr. Mabena; His Excellency Billy Isaac Modise, the high commissioner of South Africa to Canada; and other senior officials.

Mr. Speaker, in October of 1996 Premier Phosa and the ministers with him today came to Alberta, at which time Premier Phosa and I signed the Alberta/Mpumalanga memorandum of co-operation to strengthen ties between our two provinces. Now, six months later, Premier Phosa and his ministers are back with a 15-member trade and investment delegation to meet with Alberta companies to discuss specific arrangements for mutual economic co-operation. I understand that the trade and investment seminar went very well in Calgary yesterday, which bodes well for future relations between our two provinces.

Mr. Speaker, I ask that our honoured guests please rise to accept the warm welcome of the members of this Assembly.

Thank you.

MR. TANNAS: Mr. Speaker, it's a great honour and pleasure for me to introduce to you and through you to the members of the Assembly a good friend and former colleague of ours, Mr. Stan Schumacher, who is seated in your gallery today. Stan Schumacher has served Albertans with distinction since he was first elected to the House of Commons in 1968, and he served there as a Member of Parliament for the next 11 years. In 1986 he was elected to the Alberta Legislature, representing the constituency of Drumheller until the most recent election on March 11. Stan Schumacher served as our Deputy Speaker from June 1, 1989, until he became the first elected Speaker in this Assembly on August 30 of 1993. Mr. Schumacher has just returned from meetings with the executive of the Commonwealth Parliamentary Association, where he completed his final obligation to this Assembly.

Mr. Speaker, Mr. Schumacher is now standing, and I would ask all hon. members to give him the traditional warm welcome of this Assembly.

head: **Presenting Petitions**

MR. SEVERTSON: Mr. Speaker, I'd like to table a petition

signed by 19 residents of the Innisfail-Sylvan Lake constituency regarding VLTs.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills.

MR. MARZ: Thank you, Mr. Speaker. I'd like to table a petition signed by 77 members of the Olds-Didsbury-Three Hills constituency regarding VLTs.

head: **Tabling Returns and Reports**

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

MS BLAKEMAN: Thank you, Mr. Speaker. I rise today to table four copies of a letter signed by Grant Mitchell on behalf of the Liberal opposition to the board of directors of CKUA radio congratulating the board, staff, and volunteers for getting the station back on the air and wishing them success in the future.

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

MS OLSEN: Yes, Mr. Speaker. I rise today to table four copies of a letter written to Mr. Lyle Donald, acting president of Métis Nation of Alberta, on April 3, 1996, from the then minister of social services, Mike Cardinal.

MR. DAY: Mr. Speaker, yesterday in question period I gave an undertaking that I would table a response to a question by the Liberal finance critic. I indicated at that time that questions like this are fully explained in some detail in public accounts. The member may have had difficulty accessing his particular book, but it's page 226 of public accounts 1994-95 that I'm tabling, the very detailed explanation to the question which would have taken an inordinate amount of time for me to read out. I'll table that now.

Mr. Speaker, I'm also pleased to table the annual report of the Alberta Municipal Financing Corporation for the year ended December 31, '96, the annual report of the Credit Union Deposit Guarantee Corporation for the year ended December 31, '96, and the annual report for the Alberta Automobile Insurance Board for the year ended December 31, 1996.

THE SPEAKER: May we have the unanimous consent of the House to revert to Notices of Motions?

HON. MEMBERS: Agreed.

head: **Notices of Motions**

THE SPEAKER: Mr. Premier.

MR. KLEIN: Thank you. I apologize, Mr. Speaker, for being slow off the mark.

Mr. Speaker, I propose the following motion:

Be it resolved that the address in reply to the Speech from the Throne be engrossed and presented to His Honour the Honourable the Lieutenant Governor by such members of the Assembly as are members of Executive Council.

head: **Introduction of Guests**

THE SPEAKER: The hon. Minister of Energy.

DR. WEST: Yes. Thank you, Mr. Speaker. It's a privilege for

me today to introduce to you and to the rest of the members of the Assembly 41 students from grade 5 to grade 8 from the Delnorte school in Innisfree, in my riding. They're accompanied by two teachers, Mrs. Laurie Kirchmayer and Mr. Robin Roland. I just have to say that this community, located 70 miles east of Edmonton, has one of the stronger community spirits that I've seen in my constituency. As well, they have a greater proportion of Rutherford scholarships that come out of this school on a percentage basis, and it speaks well for the strength of this school. I would like to honour them today by asking them to stand – they're in the members' gallery – and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. STRANG: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you the Vanier community Catholic school of Edson. Today we are fortunate to have 45 students, and the teachers/group leaders with them are Mr. Caouette and Ms Buoy. Parents that are with them today are Mr. Mullin, Mrs. Rukavina, Mr. Dence, Mr. Lalonde, Mrs. Phinney, and Mr. Keast. I'd certainly like them to rise at this time and accept our warm welcome for them today on visiting our Assembly.

Thank you very much.

1:40

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

MRS. SOETAERT: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly a great group of students from Parkland village school in my riding. They are here with their teacher Ms Judy Humeniuk and two parents, Mrs. Tkachuk and Mrs. Protsak. I would ask them to please rise and receive the warm welcome of the Assembly.

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

MR. SEVERTSON: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to members of the Assembly 23 grade 6 students from the John Wilson elementary school in Innisfail. They are accompanied by their teacher Della Lastiwka and parents Linda Beaton, Leslie Quinton, Terry Natziger, Ron Waugh, and Judy deBeaudrap. They're in the member's gallery, and I'd ask them to rise and receive the warm welcome of the Assembly.

MR. WICKMAN: Mr. Speaker, I'd like to introduce to you and through you to all Members of the Legislative Assembly a constituent of mine, John Zobaric, who's accompanied today by his niece Selina Metez, who some day wants to sit in this House as part of the Liberal caucus but on the government side. If they would stand and receive the warm welcome of the House.

Secondly, Mr. Speaker, if you would permit me to pass on from all members of the House, including yourself, best wishes to my colleague from Calgary-Buffalo, who celebrates his 49th birthday.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. It is indeed a pleasure for me to rise and introduce to you and through you some guests that we have in the members' gallery. They are here with us to watch and listen to the proceedings of the House this afternoon and especially to the debates on Bill 203, which will take place later on. I would like them to rise and accept the very warm welcome of this House at this time.

Thank you.

head:

Oral Question Period

Calgary Board of Education

MR. MITCHELL: Mr. Speaker, at the Calgary board of education frustrated teachers are considering a strike, 98,000 students are trying to learn, grade 12 students are nervously preparing for final exams, parents are trying to raise money, and the Minister of Education's solution to all of this is to threaten to dissolve the locally elected school board. Calgary's Belvedere-Parkway School Council has a solution for the minister: "Stop manipulating the public by pitting parents, teachers and the Calgary Board of Education against each other" in a war over money. When will the Premier intervene to instruct his Minister of Education to stop pitting people against each other and to take constructive steps to solve the problems?

MR. KLEIN: Mr. Speaker, precisely the opposite is now occurring. The Calgary caucus – that is, all the government members from Calgary, which constitutes all but one of the elected people in this Assembly – met with I think virtually all the trustees of the Calgary board of education last Friday. It was a very productive meeting, and as a result of that meeting it was decided to put together a working group composed of some government MLAs and some trustees from the Calgary board of education to resolve some of the problems that now confront the Calgary board of education and indeed the government of Alberta and in particular the Minister of Education.

Relative to the situation as it pertains to Belvedere school specifically, Mr. Speaker, I will have the hon. minister supplement.

MR. MAR: Mr. Speaker, I think it's very important to note at the outset that there are some 65 school boards in the province of Alberta. These school boards are entities that we charge with the responsibility of delivering education to children and dealing with the parents of those children within those jurisdictions. It's important to note that many of these boards are able to do a very fine job of delivering education in the province.

The Calgary board of education has from time to time done good things, and we've been prepared to give them credit for doing those good things, but they should also be prepared to accept the responsibility of working within the budgets that we provide to them through grants just as every other single school board in this province does.

MR. MITCHELL: Mr. Speaker, to the Premier: what possible good does it serve for the Minister of Education to be threatening to dissolve the Calgary public school board just days after the Premier's own Conservative MLA task force has sat down with the public school board and begun to work out some of these problems in a far less confrontational manner?

MR. KLEIN: Well, Mr. Speaker, I'm not so sure it was a threat.

As a matter of fact, I didn't hear what the hon. minister had to say, but perhaps I will have him elaborate.

MR. MAR: Mr. Speaker, I want to make it clear that I do not wish to fulminate against the Calgary board of education. As the Premier has often said, we achieve more through co-operation rather than through confrontation. The establishment of an MLA/trustee task committee to deal with the issues that the Calgary board of education has to deal with is an appropriate measure.

With respect to the question, "Does the government of Alberta have the power to dissolve school boards?" the answer is yes, Mr. Speaker. That was the question to which I was responding the other day. In certain circumstances the province has in fact done that in the past. That is not being contemplated with the Calgary board of education, but the question was posed: does the province have the power to dissolve boards of education? The answer is yes, we do.

MR. MITCHELL: Mr. Speaker, will the Premier take the advice of the Capitol Hill Elementary School Council, who told him, "Restore some of the funding to the boards and . . . reinstate the boards' control over how those funds are distributed"?

MR. KLEIN: Well, Mr. Speaker, within the School Act the board has responsibility for funding education in the respective school districts. So it's not a matter of restoring funding. It's a matter of the trustee/MLA committee working out how those resources can be best allocated for the benefit of the most important people in the system: the students.

Treasury Branches

MR. MITCHELL: A recent report by Professor Glen Mumeey of the University of Alberta, Mr. Speaker, indicated that Albertans are no longer as dependent upon Alberta Treasury Branches for financial services as they were in decades past. The Flynn report of 1994, the Financial Review Commission of 1993, and Don Mazankowski have all indicated that the Alberta Treasury Branch will need at least \$500 million in additional capital if it is ever to be competitive. Of course, while banks in this country are making record, unprecedented profits, the Alberta Treasury Branch performance on a range of key indicators is abysmal. To the Premier: will the Premier start the process of selling off the Alberta Treasury Branch now?

1:50

MR. KLEIN: Now? Right now? This moment? Hardly. Hardly. Now. Mr. Speaker, the leader of the Liberal opposition said "now."

Mr. Speaker, certainly I stated publicly yesterday that some financial institutions have approached myself and, I believe, the Treasurer and the former Treasurer expressing an interest in the Alberta Treasury Branch, and that would be quite normal, I guess, for financial institutions who would want to take over a company that is perceived to be a good operation in the province and has served this province tremendously well for many, many years. But at this particular time there is no for-sale sign on the ATB, nor has there been a formal proposal to completely divest ourselves of the Treasury Branches.

Mr. Speaker, as you know, we have changed the form and the nature of the ATB's governance. For the first time the ATB now has a board of directors. This board is moving the ATB in new

directions to make the institution much more competitive in terms of provincial and national and international banking.

If there is to be any divestiture of ATB, it will not come about unless there is full consultation with Albertans, in particular the stakeholders of ATB, and those people of course are the people who are the borrowers from and the depositors with that institution.

MR. MITCHELL: To the Premier, who wants to get out of the business of being in business: is the Premier reluctant to sell the Alberta Treasury Branches because he is afraid that the real losses will become very apparent to the public or because he is afraid that he will lose the ability to provide his Conservative friends preferred loan arrangements?

MR. KLEIN: Well, it's good to see the old Grant back. You know, this is just an absolutely ridiculous and irresponsible statement. The leader of the Liberal opposition knows very, very well that the ATB operates at arm's length from the government of Alberta.

Mr. Speaker, this is an institution, as I said before, that has served Albertans so very, very well for many, many years, and before there is any divestiture of this institution, we want to make sure that we as a government are doing absolutely the right thing. As I said before and I'll repeat: we have received no formal proposal for the ATB. Yes, there have been some tire kickers, so to speak, but there is no for-sale sign at this particular time.

MR. MITCHELL: Mr. Speaker, will the Premier at the very least hire independent investment market analysts now to properly evaluate the Alberta Treasury Branch assets as a first step in selling off those assets?

MR. KLEIN: Well, Mr. Speaker, first of all, there is an assumption that we're going to do that, and that is a very, very bold assumption indeed. As I said before, there is no for-sale sign at this particular time, and perhaps there never will be.

Relative to the portfolio and the loan situation with respect to ATB, Mr. Speaker, I will have the hon. Provincial Treasurer supplement.

MR. DAY: Mr. Speaker, I'm pleased to see that finally the Liberals share our concerns related to the Treasury Branches. It's somewhat late in coming because it's been for some period of time now that our concern as a government has been expressed through taking certain key measures; for instance, as the Premier has already articulated, the establishment of a board to lay out the management principles that we believe and that Treasury Branches believe are necessary to operate and function on a level playing field with the banking institutions. It's for that reason that one of the directives that has been given to ATB is to do a proper loan loss and loan review analysis, one in which the risks have to be measured and evaluated in a way that is common and that is understood. We already know that because of that loan loss evaluation there may be a change. We have said that quite openly. Early indications, though we don't have a number: there may be a change in terms of their financials in June.

I would just like to close by saying, Mr. Speaker, that it's interesting that certain privatizations that have happened through this government over the last four years, that in some cases have taken as long as two or three years, the Liberals say: you move too quickly. Today they stood up and said: sell it today.

THE SPEAKER: Thank you, Provincial Treasurer. You do not have to give notice in closing in a response to a question, perhaps in a speech.

Third main Official Opposition question, the hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you, Mr. Speaker. As we all know, it's a clearly known fact that the Alberta Treasury Branches are in some serious difficulties in spite of some very prudent business practices brought in by the new arm's-length board. The fact is, however, that Alberta taxpayers are still backstopping the operations of the Alberta Treasury Branches to the tune of about \$8.2 billion. The report cited earlier by the Leader of the Official Opposition, the Alberta Financial Review Commission, as well as the Flynn and Mazankowski reports clearly do state that about \$500 million would be needed in capital to upgrade and become competitive. I would like to ask the Premier how he can expect the Treasury Branches to reverse their trend of poor performance compared to chartered banks when Alberta Treasury Branches do not in fact have any base of capital or any positive retained earnings position to access to facilitate that?

MR. KLEIN: Well, I don't know if that's altogether true, Mr. Speaker, but to provide more details I'll have the hon. Provincial Treasurer respond.

MR. DAY: Well, the dollar figures indicated, Mr. Speaker, just represent one of any number of evaluations, and part of the review that this board has put in place at a very important and critical time will bring forward reflections on the kind of challenges that the member has just enunciated. I think that if he'll be patient with us and wait for their report, we can work together to see what some of the best steps might be.

MR. ZWOZDESKY: Are you telling Albertans, then, that you are prepared to backstop this necessary \$500 million upgrade in addition to the \$51 million to get them out of the hole to bring this process forward and give Albertans the kind of service they need from the financial banking institution?

MR. DAY: Well, Mr. Speaker, the member has access to figures which I certainly don't at this time. We've been told by ATB that there will be a report in June on the financials, and I'm anxiously waiting for that. He's projecting some numbers; maybe he has direct access. I don't get directly involved with the management there. Perhaps he does and has some figures I'm not aware of.

MR. ZWOZDESKY: Mr. Speaker, I'd like to table for the Premier's elucidation and also the Treasurer's the Flynn report, which I'm sure you've seen. Just to refresh your memories, this is a report on the Alberta Treasury Branches from Mr. Flynn dated December, 1994.

As you're considering your options, Mr. Premier and Mr. Treasurer, to make ATB profitable, I wonder if you will now release the external study that was prepared for your government regarding the cash proceeds that taxpayers would expect to receive from the sale of ATB operations, which are cited and clearly enunciated on page 4, paragraph 9 of the Flynn report, which I just tabled. What's this operation worth? That's what Albertans want to know.

MR. DAY: I have not requested such a study, and anything that

is available to this point in time the member has access to. As we do more evaluations, because we are under considerable pressure to do that, Mr. Speaker, that will be made very much available.

Child Welfare

MS BARRETT: Mr. Speaker, earlier today I sent copies of what I'm about to file with the Assembly to the Minister of Family and Social Services. What I am filing are documents including information released by the office of the commissioner for children's services which contains unsubstantiated attacks on child protection workers, an article by the former Children's Advocate Bernd Walter which condemns the government's plans, and a position paper recently made public by child protection workers in the Lethbridge area. My question to the minister is this: why is it that those who oppose privatization and regionalization, the so-called redesign of children's services, are being excluded from the consultation process, including the workers themselves?

2:00

THE SPEAKER: Hon. member, is that addressed to the minister responsible for children's services or the Minister of Family and Social Services?

MS BARRETT: The latter.

DR. OBERG: Thank you, Mr. Speaker. What I will do is return that to the minister responsible for children's services.

THE SPEAKER: Okay. Thank you very, very much.
The minister of children's services.

MS CALAHASEN: Thank you, Mr. Speaker. First of all, I think there are two issues there. The first issue is to see whether or not the child welfare workers would be involved in the whole process. Throughout the whole initiative we have encouraged all child protection service workers and anyone who is within Family and Social Services to work with us, because we feel that it is very, very important when we're talking about the transition that we will need those professionals to be involved in this whole initiative. I think that's a key issue. I would like to encourage all child protection workers to be involved, because we are going forward and moving this initiative to make sure that the community is the driving force behind this whole initiative.

The second issue, I think, is the fact that there are many of the workers feeling as if they might lose their jobs. I think that's a very crucial issue, and we are trying to address that as we move forward on this initiative.

MS BARRETT: Mr. Speaker, if this minister or the Minister of Family and Social Services were in touch with the frontline workers, they would know that in the social agencies there is no support for this. In the face of that, why won't these ministers drop their plans for regionalization and privatization of child welfare services?

MS CALAHASEN: Well, Mr. Speaker, first of all, 12,000 people, community people who've been involved in this initiative, can't be wrong. Twelve thousand people: that's a grassroots movement. When they say that they are willing to take on some of the activity that is really, truly within their grasp and within their rein, there's no trouble in terms of them being able to take on this initiative. I feel that with 12,000 people all across the

province they are on the right track and that we must ensure that we are going to cater to the needs of the process. Thirty-five hundred meetings have been held so far to find out what the people have said. As a matter of fact, the commissioner of services for children, the department staff know that we have not catered to the needs of the community. We are finally starting to get to the needs, what the community wants, and I feel it's time for us to be able to work with that community to see what their needs are.

MS BARRETT: Is the minister responsible for child services hereby denying that there was a political setup when the government released this report, Child Protection, in which there is page after page of insults against the social workers in this province? It's a political setup.

MS CALAHASEN: Well, Mr. Speaker, I think the biggest issue is the fact that we have tried everything possible to make sure that we included the child welfare workers from every level and every region. I feel that whenever we're talking about some of the things that the community has come forward and wants to see done, it's time we responded to those needs. They have come to us over and over again and indicated that there are some problems. Government cannot be a parent. What do we do to make sure that community people and the people of this province – 12,000 of them, I might say – are saying: we are ready to take on that responsibility, it's our children, give us that authority, and let us go and move on.

School Fees

MR. DUCHARME: Mr. Speaker, my question is to the Minister of Education. My constituents pay educational taxes for their children to go to school in Alberta. These taxes are to ensure a fair and equitable school system and quality education. My question to the minister: why are some parents being forced to pay more through user fees?

MR. MAR: Mr. Speaker, first of all, our legislation does contemplate that these types of fees are chargeable by school boards, but nobody compels them to do so. The provincial government recognizes that there should be equitable provincial funding to all students throughout the province, but if parents are unhappy about the fees that they are charged by their schools – and, again, those schools make local decisions about fees – then they may want to examine how their school and their school board are allocating their funds. Right now most school boards are starting to table their budgets for the 1997-98 school year, so this is an appropriate time for Albertans and parents to be asking those types of questions of their board members.

MR. DUCHARME: Mr. Speaker, my first supplemental question is also to the Minister of Education. Why are school boards allowed to charge what amounts to tuition fees? Are they even legal?

MR. MAR: Mr. Speaker, the short answer is that schools are allowed to charge for certain types of things such as textbook rentals or instructional supplies, transportation, materials, but to be clear, public schools, separate schools, and charter schools are not allowed to charge tuition.

MR. DUCHARME: Mr. Speaker, my final question, again to the

Minister of Education. Some of my constituents have informed me that these extra fees are causing a real hardship to their family. Are there limits for families with several students in a school in regard to the user fees?

MR. MAR: Mr. Speaker, clearly all students have a right to a quality education. School boards do have in place within their policy manuals provisions that allow for the waiver of fees in circumstances that would create financial hardship for families. Accordingly, a parent's inability to pay fees must never keep a child from attending school.

THE SPEAKER: The hon. Member for Edmonton-Glenora, followed by the hon. Member for Olds-Didsbury-Three Hills.

Before rising, hon. Member for Edmonton-Glenora, do I take it, hon. Member for Spruce Grove-Sturgeon-St. Albert, that you're attempting to catch the Speaker's ear to get on the speakers' list?

MRS. SOETAERT: Thank you, Mr. Speaker. Not yet.

THE SPEAKER: Hon. member.

Tuberculosis Control Program

MR. SAPERS: Thank you, Mr. Speaker. Dr. Anne Fanning is a world-renowned expert on tuberculosis control. The former Minister of Health has even extolled the virtues of the program that she helped establish and her leadership in fighting this deadly disease. However, the current Minister of Health saw to it that her contract was not renewed. To the Minister of Health: why wasn't the contract between your department and the University of Alberta Faculty of Medicine employing Dr. Anne Fanning renewed?

MR. JONSON: Mr. Speaker, as the hon. member may recall, some months ago we commissioned an overall study and review of Alberta Health with respect to reorganizing the department in the most effective and focused manner. One of the initiatives based on that particular assessment that came forward was that of streamlining and bringing into direct departmental responsibility the overall oversight of certain aspects of public health, particularly the very, very important area of tuberculosis monitoring and treatment. In that particular reorganization there was a downsizing of the overall administrative structure. We have certainly, however, made sure that there are very qualified people involved in the leadership of that particular program.

MR. SAPERS: Thanks, Mr. Speaker. I wasn't asking about your internal review, Mr. Minister. I was asking about Dr. Anne Fanning, so maybe you could focus on that.

How does the minister respond to the Alberta Medical Association's censure motion condemning the government specifically for the dismissal of Dr. Anne Fanning and putting the tuberculosis control program at risk?

MR. JONSON: Well, Mr. Speaker, I think it's important that members of the Assembly, particularly the member asking the question, be aware that Dr. Fanning was and still is, it is my understanding, an employee of the University of Alberta. In her previous capacity regarding the tuberculosis program she was seconded to Alberta Health, and that arrangement was not continued. As I understand it, she still remains a qualified member of the faculty of the University of Alberta.

MR. SAPERS: The arrangement was not continued, Mr. Speaker. Those are more words.

Who made the decision not to renew Dr. Fanning's contract? Was it you, and if it wasn't you, Mr. Minister, who did it?

2:10

MR. JONSON: Mr. Speaker, I take responsibility for the overall direction of my department and its efforts to be more efficient and effective in terms of administering and providing leadership to the health system of this province, and I am confident in my deputy minister and those involved in reorganizing the department.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Calgary-Buffalo.

Health Care System

MR. MARZ: Thank you, Mr. Speaker. Yesterday the Canadian Medical Association released the results of a survey that was conducted in March of this year, which indicated that 65 percent of Canadians feel waiting times in hospital emergency rooms have worsened over the last couple of years. This compares to 54 percent who said that a year ago. Also, 63 percent believe that waiting times for surgeries are worse, compared to 53 percent a year ago, and 49 percent feel access to services from specialists is worse, compared to 40 percent a year ago. My question to the Minister of Health is: can you tell me if this survey also accurately reflects the concerns of Albertans?

MR. JONSON: I'm aware of the Canadian Medical Association's report, and I do acknowledge that some of the key areas that the report identifies are ones that are or have been of concern in Alberta. That is why, Mr. Speaker, we in Alberta Health and as a government are taking action to address some of the key concerns that were identified in that particular report.

One thing that I think is favourable as far as the Alberta situation is concerned is that we are, for the most part, well advanced in terms of our reorganization of the health system, our regionalization, our development of performance measures, and I think we are quite well positioned, Mr. Speaker, to deal with those particular concerns. [interjections]

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills has the floor.

MR. MARZ: Thank you, Mr. Speaker. My supplemental to the minister again: what has the provincial government done to address the concerns of Albertans?

MR. JONSON: Well, Mr. Speaker, we've been doing several things. One thing that we have done: we have been able to reinvest under the leadership of the Premier and his government money in the health care system particularly targeting some of the areas identified in the report, such as the waiting list for what we categorize as provincewide services. We have allocated some 41 millions of dollars into that area of need in the province, and we are establishing standards to make sure that waiting lists are brought to, generally speaking, medically required or accepted limits.

We have also invested money in the operation of the regional health boards, all receiving at least a 4 percent increase in funding this year, Mr. Speaker, and we have specifically targeted half of that money to the RHAs towards hiring frontline staff, another item identified in this report as being a need.

MR. MARZ: Again to the minister, Mr. Speaker: what have Alberta surveys indicated by comparison?

MR. JONSON: The report of the Health Council and also the very extensive report that we do annually now through Alberta Health had already really identified these particular areas as needing additional attention. As I've said, Mr. Speaker, we have taken action, particularly in the Action on Health announcement of November 24, 1996, on these particular areas of concern to Albertans.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Drayton Valley-Calmar.

Communicable Disease Control

MR. DICKSON: Thank you, Mr. Speaker. The World Health Organization is reporting that tuberculosis is killing more people now than at any other time in history. Yet at the very same time Alberta should be most vigilant, this government is dismantling our central disease control machinery. My specific question to the Minister of Health this afternoon would be this: why is the government dismantling provincial communicable disease control at the very same time that acknowledged experts like Dr. Cowie in Calgary, Dr. Romanowski in Edmonton are earnestly warning against it?

MR. JONSON: Well, Mr. Speaker, we are not in any way moving away from our concern for controlling communicable diseases. We are simply putting in place a more effective – yes, downsized but more effective – administrative structure for this particular program. We are working with the regional health authorities, particularly the two major ones, in terms of the actual service delivery in this particular area. We are still very much committed to high standards in this area of communicable disease control.

MR. DICKSON: Mr. Speaker, my supplementary question would be this: what does this minister know that his predecessor did not when she stood in the House and said on February 20, 1996:

We will continue to ensure that there is a provincial program in place that ensures that infectious disease control in this province is managed, as it always has been, in a . . . quality way?

MR. JONSON: Mr. Speaker, I agree with my predecessor's priority in this particular area. We are committed to providing high standards and strong leadership in this particular area.

MR. DICKSON: When it works, why attempt to fix it?

Mr. Speaker, my final question would be this. I would simply ask the hon. minister: what will happen to the microbial lab which currently exists at the University hospital, since the last \$12 million facility at the Royal Alex has been mothballed by your government?

MR. JONSON: Mr. Speaker, I can assure the hon. member that we will maintain adequate laboratory capacity to deal with communicable disease control in this province.

Thorsby High School

MR. THURBER: Mr. Speaker, the Thorsby high school basketball teams in my constituency are making Alberta's record books. This year for the first time in the school's 56-year history both

senior boys' and girls' teams have won zone titles in the same sport in the same year. I think this is marvelous. These same students have been in real need of renovations to their school and gymnasium for many years now. In spite of the fact that they were led to believe that if their project remained top priority in their district they would receive the needed funds, they have not received them. I would like to ask the Minister of Education if he could indicate to me why they did not receive this funding in the last round of allocations.

MR. MAR: Mr. Speaker, the budget for school capital throughout the province for the fiscal year 1998-99 is \$140 million. The school buildings branch did approve all of the top priority requests that were made by various school boards throughout the province to deal with things like health and safety and critical needs for space.

The new gymnasium at Thorsby, while it's important, was not the highest on the list of priorities. Thorsby high school did, however, receive in principle for 1998 \$1.5 million for some of their critical needs. That included ventilation, heating, flooring, and wiring upgrades for the entire school. Also, in 1996-97 the same school, Thorsby high, received about a half a million dollars in modernization funding to accommodate the new CTS curriculum.

MR. THURBER: Mr. Speaker, to the same minister: could you then explain to me how the process works? This project has been the top priority in this district for some number of years, and they continue to feel like they're being ignored in the needs of their community. Could you explain that process to me?

MR. MAR: Mr. Speaker, the manner in which the process works is that school boards put together their lists of capital requests in a priority order, and they are evaluated by the school buildings branch. As I said, the top priorities have all been satisfied in terms of health and safety and critical needs for space and, in a good number of cases, essential modernization. We do have to make sure of course that schools are as fully utilized as possible before we approve some of the capital renovations.

I think we also have to note that, not just in Thorsby but in the balance of the province as well, there are some 1,500 schools, and many of them, about two-thirds of them, are more than 25 years of age. So Thorsby's needs are important, but so too are they important in the balance of the province.

2:20

MR. THURBER: Thank you, Mr. Speaker. Mr. Minister, could you further indicate to me and to these exceptional students of Thorsby why there cannot be flexibility allowed in the money that you have indicated has been forwarded to them to allow for local autonomy and local needs to be met at this time?

MR. MAR: Mr. Speaker, we do try to accommodate all of the requests that are made by school boards, and they do put together their list of what is most important. In some cases, because of the nature of capital, we have been able to change some of the spending patterns in terms of moving projects from next year to the current year and moving projects from the current year to future years.

I think most importantly, Mr. Speaker, we do have to make better use of our capital dollars. We spend a great deal of money on these capital facilities that are sometimes open 12 hours a day, 200 days a year. Some of those capital facilities that we spend

millions of dollars on should be open 20 hours a day, 360 days a year. To that extent, I've asked the hon. Member for Innisfail-Sylvan Lake to head up a capital facilities task force to look at more creative ways of joint use of facilities and otherwise making better use of our dollars that we spend in this area.

THE SPEAKER: The hon. Member for Edmonton-Norwood, followed by the hon. Member for West Yellowhead.

Métis Nation of Alberta Association

MS OLSEN: Thank you, Mr. Speaker. According to a letter dated April 3, 1996, that I've tabled, the former Minister of Family and Social Services approved a grant of \$288,280 to the Métis Nation of Alberta Association to cover deficits incurred for the two financial years 1994 to 1996. To the minister responsible for aboriginal affairs: is it the normal practice of the department to finance deficits that have been incurred by the Métis Nation or any other group?

MR. HANCOCK: Mr. Speaker, the answer to that is obviously no. In fact there have been additional deficits, and we've asked the Métis Nation of Alberta to provide us with their own deficit reduction plan to show how they're going to eliminate their current deficit through their current budget process. So, no, we will not be financing additional deficits.

MS OLSEN: Could the minister tell me what special consideration may have led to the bailout of the Métis Nation when other organizations aren't allowed to run a deficit?

MR. HANCOCK: Mr. Speaker, in terms of what happened when other persons were ministers and were responsible for the department, I don't have the information that led them to make that determination at that time. Obviously we're concerned about the organization's having sufficient funds, but we have requested for the current year that they make a deficit reduction plan to deal with their deficit, and we will not be funding their current deficit.

MS OLSEN: If the minister could, I would appreciate him following up and letting me know.

Would the minister tell us which organization his department has refused to bail out in the past?

MR. HANCOCK: No, I can't tell you what organizations we've refused to bail out in the past because I haven't been dealing with the past in the last month. I'm trying very hard to get up to date with what's currently happening and what we're looking for for the future.

THE SPEAKER: The hon. Member for West Yellowhead, and then I have on my list the hon. Member for Edmonton-Riverview. There have been so many questions forthcoming from that section of the House, the Chair just wonders if the questions have already been raised earlier in question period.

MRS. SOETAERT: Oh, no. We have more.

THE SPEAKER: We're sure? We're sure?
The hon. Member for West Yellowhead.

Vehicle Safety

MR. STRANG: Thank you, Mr. Speaker. My question is to the Minister of Transportation and Utilities. The safety of Albertans

traveling around the province of Alberta is of utmost importance to all of us. It is my understanding that approximately 5,500 school buses operate in this province. My question is: will the minister ensure the safety of the students on buses in this province?

MR. PASZKOWSKI: Thank you, Mr. Speaker, and thank you to the hon. Member for West Yellowhead for the question. Certainly there is nothing more important in the minds of parents when their young people leave for school in the morning than that they arrive back safe and sound. Every morning we have over 200,000 children that are transported by school buses in this province, so obviously this is something that's on the minds of an awful lot of parents in this province.

We've taken action in the past to try and see that the safety of those children is top and foremost. The drivers are certainly licensed and checked, the buses are checked for maintenance, and we're taking further action now in that we're appointing an additional 28 officers to see that these buses and the method of transportation are as safe as can be achieved in this province to maintain the high degree of safety for the children in this province when they go to school.

MR. STRANG: Thank you, Mr. Speaker. My supplemental question. I'm pleased to hear that the safety of transportation for students is being given a high priority by the Minister of Transportation and Utilities, but I do have another concern that relates to transportation in Alberta. Are we doing anything to ensure that the owners and drivers of buses and trucks are aware that the government is very serious about maintenance requirements? What are the fines and other disciplinary actions on this?

MR. PASZKOWSKI: Yes, we are, Mr. Speaker. Certainly this is very important. The first and most important element in all of this is education. Indeed we have to make sure that everyone clearly understands the importance of safety, and with that we've restructured our department to set up an area that totally involves safety and is responsible for safety on the highways.

We've looked at our fine system, and indeed we've increased our fines from \$75 to \$300 for those that are not maintaining mechanical safety. We're also putting together a process that will identify an auditing process and indeed will penalize those who are consistently breaking with the tradition of high safety standards.

So, yes, we're concerned, and yes, we are taking action. Indeed it is our intention to make sure that every bus that's on the road today is totally safe.

MR. STRANG: Thank you, Mr. Speaker. My final supplemental question. As Alberta grows and continues to prosper, we're seeing more trucks and buses and also the horrific accidents in other provinces by lost wheels causing great damage and unfortunate tragedy to a lot of people. What will the Minister of Transportation and Utilities do to prevent such accidents on our highways and the roadways of Alberta?

MR. PASZKOWSKI: Thank you again. Indeed there's nothing more tragic than to have an innocent bystander affected by a process that indeed has not implemented proper safety in the carrier service.

With that in mind, over the next two months we plan on implementing a process that will deal specifically with the safety

of wheels that fall off vehicles, that fall off carriers. We'll be working together with the Alberta Trucking Industry Safety Association in implementing a process where indeed there will be an instruction period, a training period for those who inspect the carriers, whether they be self-inspected or custom-inspected. That will be put in place within the next two months, and it will be further audited by our inspectors as well. There is nothing more dangerous than driving down the road and having wheels fall off a vehicle and come towards you. It's our intention to deal with it immediately.

THE SPEAKER: The hon. Member for Edmonton-Riverview, followed by the Hon. Member for Redwater.

Child Welfare

(continued)

MRS. SLOAN: Thank you, Mr. Speaker. In researching a number of cases where children have died while in the custody of government, there is one common trend: these children are repeatedly, cyclically subjected to various forms of abuse and neglect, escalating over varying periods of time to their ultimate death. In 1993 this government's own Children's Advocate report, *In Need of Protection*, saw fit to highlight the realities that children in care in this province are abused, that the incidence of abuse is increasing and is underestimated and underreported. My questions are for the Minister of Family and Social Services. In 1995 the medical examiner reported the deaths of seven children in the care of the Ministry of Family and Social Services. A document sourced to the child welfare branch but not published shows 14. Can the minister explain the discrepancy in the numbers?

2:30

DR. OBERG: Thank you very much, Mr. Speaker. I cannot liberally explain the difference in the numbers that have been reported at the moment. I feel that it is important to say that the medical examiner has looked at all types of deaths of children in care, that 14 deaths, whether it was from SIDS, whether it was from some other type of ailment, have been done of the 10,000 people that are in our service at any one time. I must also say that we have looked at them, we have looked at the circumstances of them, and there have not been any that have been caused by neglect and abuse.

MRS. SLOAN: In the memory of Jason Carpenter I will proceed.

What is the status of the implementation, hon. minister, with respect to the Children's Advocate's recommendations in relation to who will monitor the regional health authorities' compliance with these recommendations in light of the budget reductions to the Children's Advocate branch?

DR. OBERG: Thank you, Mr. Speaker. As we move the Children's Advocate's branch down to the regional level, this is something that is very important. It is mandated from the federal government that the Children's Advocate does have to take place, that it does have to take place and be fully warranted, and the children's services, as they are put down to the community, will look after this.

MRS. SLOAN: In the instance this does not occur, will the minister commit that he will take action similar to that in other provinces, where suspicious or unusual deaths are referred to a

provincial court judge for whatever investigation and subsequent actions the judge deems necessary?

DR. OBERG: Thank you, Mr. Speaker. One thing that must be brought out is that any death of children in care that is brought forward is taken to the medical examiner so immediately the medical examiner is willing to take a look at that, decide what the cause is, and decide to go ahead. The case is already there that the medical examiner will look at them.

head: **Orders of the Day**

head: **Written Questions**

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

[Motion carried]

head: **Motions for Returns**

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

[Motion carried]

head: **Public Bills and Orders Other than**

head: **Government Bills and Orders**

head: **Committee of the Whole**

[Mr. Tannas in the Chair]

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

**Bill 201
Parenting After Separation Act**

THE CHAIRMAN: For the benefit of those in the gallery, this is the informal session of the Legislature which allows give and take, so it doesn't quite resemble the earlier Assembly.

I'd like to call upon first of all for committee stage the mover of the Bill, the hon. Member for Edmonton-Beverly-Clareview.

MR. YANKOWSKY: Thank you, Mr. Chairman. As in second reading it is again a real pleasure for me to rise and make some comments regarding Bill 201, the Parenting After Separation Act. I certainly feel that this is a very necessary and urgent piece of legislation. It's a Bill that we can all be proud of, because when passed, it will be groundbreaking legislation, the first of its kind in Canada. This will indeed send a loud and clear message that the Alberta Legislature is interested in the welfare of Alberta families. What better province to take the lead than the province with the highest divorce rate?

My thanks also to all who have engaged in debate since second reading. Yes, I did listen and I did take your concerns seriously, as you will see when we deal with the package of amendments. I understand that they are on your desks already.

Mr. Chairman, divorce and separation, as everyone in this House no doubt realizes, are extremely financially and emotionally draining on parents and especially children. Many times parents do not realize the financial cost of disputing access, custody, or support for their children, nor do they realize the emotional toll. Is there something wrong?

THE CHAIRMAN: Hon. member, just a clarification. Have you

moved the amendment yet, or are you still speaking on the main Bill?

MR. YANKOWSKY: No. I will move the amendment later.

THE CHAIRMAN: Okay. So we're still on the main Bill. Good. Thank you.

MR. YANKOWSKY: I'm just finishing up there with the effects divorce has on the children.

Mr. Chairman, Bill 201 addresses these problems, and as such, I am certainly honoured to sponsor this Bill. The purpose of Bill 201 is to provide an information and orientation course to couples who are disputing the interim custody, access, or support. In addition, this course – and I would like to table six copies of the course at this time – includes information about mediation as an option for resolving the parties' dispute.

2:40

Mr. Chairman, currently the parenting after separation course exists by way of a judicial practice note. I would also like to table six copies of the practice note and what we call appendix B, which includes the exemptions and also the application form for exemptions. This judicial practice note is issued by the chief justice of the Court of Queen's Bench, which states that every plaintiff in an action for divorce or judicial separation where there are children involved must attend the parenting after separation seminar offered jointly by the Department of Family and Social Services, the Department of Justice, and the Court of Queen's Bench. Currently the course is made mandatory in the judicial centre of Edmonton and is expected to be offered in the city of Calgary as of September 1, 1997, and then possibly in other judicial centres. Furthermore, the course has been mandatory in the city of Edmonton and an 80-kilometre radius surrounding Edmonton for over one year under a practice note.

In my speech at second reading, Mr. Chairman, I revealed the statistics from Madam Justice Trussler, who termed the results as astounding. They must certainly be doing something right here when 92 percent of those attending the course and who initially did not want to be there rated the course between 7 and 10 on a scale of 1 to 10 in their end-of-course evaluation. In fact, 22 percent gave it a 10. On top of this are glowing testimonials and reports of couples being reunited upon realization of the impact of their actions on their children.

Mr. Chairman, here a rather obvious question emerges: why, then, is legislation required if judges can make this course mandatory through a practice note? Well, after consultation with legal representatives of my caucus as well as the departments, there is a question whether the courts have the power to implement the current practice. Certainly there is no specific authority, so the court must rely on some general power. Practice notes are indeed actually only procedures. Such authority can be challenged, and if the challenge is successful, then the entire program goes down. Legislating the parenting after separation course provides the court authority and specifically eliminates this uncertainty. We as legislators in fact would be renegeing on our responsibility if we started allowing judges to write legislation. This is what our constituents elected us to do, and they would be very unhappy if we didn't do that.

A second reason for this legislation is to guarantee the resources to other judicial centres in Alberta. Clearly, without this legislation there is no guarantee that we can expand the course to other jurisdictions outside the city of Edmonton and possibly Calgary.

Without this legislation the courts have no clear mandate to implement the course in other jurisdictions. This course is for all Albertans, including those in other judicial centres provincewide. This legislation would provide direction to the courts, lawyers, and the average Albertan.

The statistics are clear, Mr. Chairman. A majority of people that took the parenting after separation course did not – did not – go on to the courts.

Mr. Chairman, our own federal government is realizing the enormity of the family breakup situation and is doing something about it, to their credit, I must say. Alberta, for example, is to receive \$250,000 over the next two years to help finance the parenting after separation course that Bill 201 proposes.

Mr. Chairman, I'm tabling six copies of an article that appeared in the *Edmonton Sun* on Monday, February 3, 1997, titled *Divorce, Canadian Style*, which talks about the proposals coming out of Ottawa to deal with this situation. Permit me to read some excerpts from this article.

Call it Divorce 101.

MPs on a parliamentary committee want to force couples to take a 12-week course before getting a divorce finalized.

To force couples to take a 12-week course, not a six-hour course.

And they're hoping at least some of those bent on busting up their marriage will have second thoughts as a result.

Liberal MP Paul Szabo, who came up with the idea, says Canada would have stronger families and fewer children in need, if people considered the consequences of divorce.

Now, we have certainly heard about child poverty and so on in the last few days, and here's at least a partial fix.

The committee recommends "that the minister of health, in collaboration with the minister of justice (implement) . . . measures like a mandatory 12-week course prior to any legal consideration of separation or divorce.

"Strong families make a strong country. Family breakdown costs us . . . health problems, social problems, criminal justice problems, the vast majority come from broken [homes]," Szabo said in an interview.

"Almost 50% of marriages end up in divorce. There's something wrong here. These aren't all battered-wives situations. These are 'I've met a girlie' or 'I think I need something more in my life' or 'Geez, you burned the toast too [often].' There's probably a lot of things there that people just need to realize it's not as bad as they think."

Reform MP Grant Hill also says:

"I do believe that there are some divorces that are done . . . in the heat of the moment. My view of that is that a course such as this could well decrease those divorces."

So you see, Mr. Chairman, a course such as is being proposed by Bill 201 is indeed timely and right in step with what the feds are doing.

Mr. Chairman, I also want to table six copies each of six endorsements from Alberta organizations interested in families. I did not solicit these; these arrived after Bill 201 was introduced. These organizations are the National Foundation for Family Research and Education, Calgary Youth for Life, Women Alive, Calgary Family Life Centre, the Edmonton chapter of Alberta Federation of Women United for Families, the Calgary chapter of Alberta Federation of Women United for Families. Now, a couple of these I recognize. The others I really don't know much about.

Permit me here also, Mr. Chairman, to outline very briefly what some of these organizations had to say in support of Bill 201. I'm only going to read an excerpt from one letter because it is the gist of all of the others.

MRS. SLOAN: A point of order, Mr. Chairman.

THE CHAIRMAN: Hon. member, the hon. Member for Edmonton-Riverview is rising on a point of order.

Point of Order Relevance

MRS. SLOAN: Mr. Chairman, I would raise a point of order as 22(2), relevance. I believe that the content of the discussion today is with respect to the merits and benefits of taking a course. With respect to the child relationship, the comments by the hon. colleague across the way and the organizations that he is citing in terms of their literature primarily advocate and magnify the merits of family. He appears to be suggesting that what we're trying to do by this Bill is to prevent divorce. I'm raising a question of relevance on that point with respect to the Bill before us.

2:50

THE CHAIRMAN: The hon. Member for Edmonton-Beverly-Clareview on the point of order.

MR. YANKOWSKY: Yes. Thank you, Mr. Chairman. All I did was just outline the organizations that did send letters of support for the Bill. All I'm trying to do is support the wellness of the child in the situation where it is raised. There is no point of order.

THE CHAIRMAN: Well, the Chair would say this: normally the proposer of a Bill knows whether his or her Bill and the speeches thereon are relevant. It's not usual for someone who is not a proposer of the Bill to call the proposer out of relevance to the chosen topic, that the mover of the Bill has made. If the proposer of the Bill can tie in the item that gave offence to the hon. Member for Edmonton-Riverview, then hopefully he will do so. Otherwise, continue on with your coverage of the items in the Bill.

Edmonton-Beverly-Clareview.

Debate Continued

MR. YANKOWSKY: Yes. Thank you, Mr. Chairman. I just want to read an excerpt out of one of the letters, and it's the gist of all of them.

We are in support of your efforts to improve family life in Alberta by the introduction of Bill [201].

This initiative is appreciated by all who are concerned with the deterioration of the family caused by the high divorce rate. Alberta children are experiencing increased problems because of instability in their families. These problems are causing problems in our communities in terms of increasing youth crime, drug use, teen pregnancy and abortion and even youth suicide. The breakdown of individual families hurts us all.

Our children need stable homes and this initiative will contribute to family stability.

My final tabling is six copies of a letter addressed to all MLAs from a lady who sat in the gallery and listened to second reading debate of Bill 201. This letter certainly contains some sober food for thought as we consider Bill 201. Thank you, Mr. Chairman, for allowing me to make these comments regarding Bill 201.

Now we can go right into dealing with the amendments, which I want to move at this time. The way I would like to do this is present the entire package of amendments, which members now have in front of them, stating the amendment, and then giving the rationale for the same. Is that acceptable?

THE CHAIRMAN: As the mover has suggested, this amendment, the whole package, both part A and part B, will be known as A1, amendment 1 to this particular Bill. Does everyone have a copy? To put it the other way, if there is anyone who has not yet received a copy, the pages will provide you with one. It would appear that everyone has a copy. So the hon. Member for Edmonton-Beverly-Clareview can speak to his amendment.

MR. YANKOWSKY: Thank you. Am I clear, Mr. Chairman, that they will be voted on as a package? Okay.

Introducing the amendments, first of all I want to deal with section 2. It is amended by the following. In subsection (1) we're striking out "the parties must" and substituting "the court in the designated judicial centre may require the parties to." The rationale for this is that this amendment addresses a concern that came up in second reading and will leave to the discretion of the designated judicial centre whether the parties are required to attend the course. The amendment also provides direction to judicial centres which decide to make the course mandatory.

In subsection (1)(b) we are adding "or support" after "custody." This amendment allows this legislation to follow the current practice note in Edmonton, which includes support. The party would be required to attend the course if they are disputing interim access, custody, or support. Then in subsection (2) we are striking out "The" and substituting "Where the parties are required to attend a parent information course under subsection (1), the." This amendment is in keeping with the amendments in subsection (1). In essence, if a party is required to take a course in section 2, subsections (2)(a) and (b), then exemptions and postponements apply.

In subsection (5) we are adding "when required to attend" after "parent information course." This is in keeping with the amendments in subsection (1). This amendment clarifies intent.

Then we're adding the following after subsection (6), which actually is subsection (7):

If the parties are required to attend a parent information course under this section, they are not required to attend the course together.

This amendment addresses a concern that was raised in second reading and will allow for parties to attend the course separately. This provision is also consistent with the current practice in the judicial centres of Edmonton and Calgary.

Going on to section 4, we have some amendments there. We are striking out clause (d) and substituting the following clause (d): "respecting the enrollment procedures for the parent information course." This amendment simply clarifies intent. Then we have another amendment that is clarifying intent, and that is where we're striking out clause (f) and substituting the following: "respecting the content of a parent information course."

Then our final amendment is adding the following after clause (f), and this is now clause (g): "governing fees that may be charged in respect of any matter under this Act." Currently the federal government is allocating \$250,000 over the next two years for the parenting after separation course. This amendment, then, allows the Lieutenant Governor in Council to, if deemed necessary, prescribe fees for the parenting after separation course.

Those are the amendments, Mr. Chairman. I now await debate on the amendments as introduced.

THE CHAIRMAN: Before I recognize the hon. Member for Edmonton-Highlands, I would just remind newer members that at this stage we now are limited to dealing only with the amendments that are before us.

With that, I'll call on the hon. Member for Edmonton-Highlands, followed by Calgary-Buffalo, followed by Calgary-Glenmore.

MS BARRETT: Thank you, Mr. Chairman. I'd like to speak in favour of the amendment, because I don't believe that in a modern democracy it is imperative that people be told what to do. In fact, I believe that I'm speaking in concert with the general theme of this government over the last 15 or 20 years when I say so.

Before I proceed, I have a question for the member sponsoring the amendment. When he was quoting from that newspaper, I wonder if he would identify the political stripe of the MP who was referring to various reasons for divorce, including burning the toast, please.

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

MR. YANKOWSKY: Yes. Unless I missed it, I'm sure that I did identify the person. That is Liberal MP Paul Szabo.

3:00

MS BARRETT: That's what I thought. Thank you. The federal Liberals are sponsoring legislation which is virtually dictatorial in contrast to what the member is sponsoring today. Well, isn't that interesting? I don't suppose it'll be the front of their red book in this federal election campaign. Mind you, Albertans and Canadians know what to do about the red book anyway; don't they? The New Democrats are pleased to always be the first out of the gate with our own federal platform, Mr. Chairman.

Back to the amendment. I can't see that I could ever have agreed to this Bill without this kind of amendment, because it's incorporating flexibility into the system. I understand from members from all sides of this House that the program itself is quite successful, and I believe that the statistics that the sponsoring member cited are probably pretty accurate. I have heard that people who are in dispute over the custody of their children usually find a solution having taken this course.

It's great that it's being made available. I think it's really important that people not be told to take it but that when a judge sees a gridlock, that the judge have the ability to order it. I mean, let's face it: gridlock is not going to serve anybody, including the court system. Mind you, I used to be married to a lawyer. I think they like that gridlock. Yeah, they do. I have that right.

In conclusion, I believe that probably this Bill is now in a reasonable format that does serve the public interest without implying that a government can tell you, particularly in your personal life – oh, there is a Liberal I do like. I like Trudeau. He was the one who said: get the state out of the bedrooms of the nation. I still believe that, Mr. Chairman. This is pretty important, I think. And consistent with that, allow people to choose. If there's gridlock, provide a system that can open up the gridlock, but don't tell people what to do.

Thank you, Mr. Chairman.

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

MR. DICKSON: Thanks very much, Mr. Chairman. I'm afraid I'm not going to offer any commentary on what's going on in the federal election. I think there are a lot of issues that surface in looking at Bill 201 that warrant some careful attention.

I'd start off by saying that I unequivocally support mediation,

that I unequivocally support providing parties to any kind of family law proceeding with as much information as we can possibly provide. I think that the way I approach this Bill is that our job as legislators, limited only by the division of powers, is to take a couple who are unable to resolve their own domestic problem and get them through a system which can at times be all too difficult and all too costly as quickly as possible, to ensure that there's a resolution that advantages the children, and to do so as inexpensively as possible. That's my perspective, and that would be my goal with any family law initiative.

I can't help but say parenthetically that this is the reason why I drafted and introduced in the last session Bill 219, the Family Law Reform Act, that would have done it not on a piecemeal basis by fiddling around with access over here and fiddling around with maintenance over there but simply by consolidating all elements of family law proceedings in a single statute. There are at least a dozen statutes in this province that deal with family law matters, and what the Family Law Reform Act would attempt to do would be not only to roll in access but some other issues and bring them together in a single statute. I think the most compelling need we have in this province in this area is for an access enforcement co-ordinator parallel to the maintenance enforcement program we have in the province, to ensure that when you get access, in fact there are some mechanisms so that order can be enforced without enormous expense to the individual litigant. I think that's important.

It's interesting when we look at the amendments. Let's recognize that what is in Bill 201 was what purported to be virtually a universal information system. Everybody had to participate in the program. Now we're down to: the court "may require the parties to." I guess one of my questions to the sponsoring member would be this: what is it expected that will do in terms of the point where people go to the course? My own experience is that the earlier people get information the better. Once people have gone through the process and gone through a series of court applications, positions tend to be hard, rigid; there tends to be a whole lot less flexibility. I think for this kind of program to work, it's got to be accessed at the earliest possible point in the system.

When I look at this, the court's going to have to make a decision at some stage. The reality is that in a whole lot of family law proceedings, they go some distance before there's a chambers application. They go some distance before there is any kind of formal judicial involvement. Mainly it's two lawyers and two litigants. There would be nothing happening in a number of these cases for a while that would trigger the section 2(1) opportunity for a judge to order this. So let's recognize that it may mean some delays in that respect.

I also just want to say that the sponsor made a number of comments that I'm very uncomfortable with, as much as I support parenting information. I've talked to people who've gone through this course, and they tell me it's excellent. There's a fellow who comes into my constituency office and just talks about how powerful this experience was for him and other people he knew. But when the sponsoring member presented this part of the package, he made comments about people resorting to divorce in the heat of the moment. I just have to say to the hon. member that I practised family law for a long time, and what always struck me was how long people wait to attempt to take themselves out of a family situation that wasn't working for them or wasn't working for their children. I think there's a misconception, some mythology here that says: divorce is too easy. To use a silly example

that's been cited before: some little thing happens in the kitchen, and somebody runs down to see their lawyer.

The reality is that people go on living in dysfunctional, unhappy, miserable homes for a long time, for a very long time before somebody musters the courage – and it does take a lot of courage – to go down and take steps to end the relationship. So let's respect that, hon. member. Let's recognize that if the member suggests that this is somehow going to encourage people to stay in marriages, that somehow this is going to create a barrier, an impediment to people who want to get out of a relationship that doesn't work for them or their children, then I've got a real problem. I want to see fewer barriers, not more.

When I look at this Bill, to me the analysis is: does it make it tougher, does it make it longer, does it make it more expensive for people to get out of a relationship? Let's not talk about, you know, people trying to get out of relationships and seeking assistance from the courts in the heat of the moment. The reality is that that's not the way it works, hon. member. It really isn't.

As I look at the amendment package, I see a number of the amendments as being very positive overall, but I have a particular concern in terms of fees, consistent again with the bias I expressed at the top of my comments. Right now there's no cost to litigants. I think that's correct, hon. member. There's no cost to the litigants who participate in the program. Well, that's one thing, but I get a bit nervous when the member talks about now putting in a provision "governing fees that may be charged in respect of any matter under this Act." There's no provision here for waiving fees. A lot of the people, hon. member, live in low-income households. You know, we've got a lot of people lined up at the doors at Calgary Legal Guidance because they can't afford the cost of hiring a lawyer on a private retainer to act for them. They want to get out of a bad relationship, and they don't have access to the money to do that.

3:10

There's nothing in here that says that the fees must be reasonable. There's nothing in here that says that fees can be waived. The freedom of information Act is an Act passed not so long ago. We specifically built into the statute the power to waive fees, and it seems to me, with respect, Mr. Chairman, that that's absolutely essential. I guess I'm just concerned that if the Bill is passed, there's no requirement in this Act that the fees would ever be debated in any kind of an all-party forum. There's no provision that fees would ever be considered, given public scrutiny before they become law. We know that this province is one of the few jurisdictions in all of Canada where there's no all-party oversight of regulation. So once the Bill leaves this Chamber, once it's got third reading, is given Royal Assent, then it disappears into the shroud of secrecy, and then we see these regulations being grafted onto it.

My concern is: what kind of commitment could we get, hon. member, that we're not going to see fees grafted onto this, conceived in secret, that are going to present barriers to my constituents, many of whom are low-income Calgarians who want to get out of a desperate situation? I want to make it easier for them, Mr. Chairman, not more difficult.

I'd be very interested in the comments of the sponsor as to why we aren't building in a power to waive fees. Why is there no kind of stipulation or qualification in terms of how much the fees can be? I think that would be my principal concern. Since we're dealing with them in a package, I'd hope we would get those comments at an earlier stage rather than at a later one.

Thanks, Mr. Chairman.

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

MR. STEVENS: Thank you, Mr. Chairman. At the outset I would like to indicate that I agree with the Member for Calgary-Buffalo with respect to the attitude of the majority of people who seek a divorce. I, too, have practised family law and do not consider that the majority of people do it in the heat of the fight, that it is a considered thing after much water has passed under the bridge.

I do wish to commend the Member for Edmonton-Beverly-Clareview with respect to putting forward amendments which are responsive to the criticisms that have been expressed in earlier debate. In particular, I think it's important that the mandatory nature of the Bill as originally proposed has now been turned to a discretionary feature. From my perspective that is important, because the way it was originally drafted established a precondition to access federal legislation; namely, the Divorce Act. I think there is a real issue there as to whether or not this Legislature has the jurisdiction to create such a precondition to federal legislation. With the proposed amendment allowing for discretion in the court, it is my view that that particular concern has been remedied.

The Bill, in my view, has been initiated as a result of a successful program in the Court of Queen's Bench of Alberta, initiated in the judicial district of Edmonton, and that has been so successful that it is currently scheduled for expansion to the judicial district of Calgary. That particular program is an initiative of the court – in other words, judges – and has been sanctioned at that level as a result of a practice note. In my view, practice notes should deal with matters relating to the administration of court procedure. In fact, the impact of this particular practice note is that it deals with social policy, deals with substance rather than procedure, and deals with cost. It seems to me that if this amendment does not pass or if the amendment passes and the Bill as amended does not pass, then we will continue to have in this province, as a result of a practice note of the Queen's Bench of Alberta, this procedure available to some of the people in Alberta; namely, those who seek relief from the Queen's Bench in Edmonton and Calgary. So I believe it is the role of this Assembly to recognize that when it comes to social policy, it is legislation rather than practice notes that should deal with it, and as such, I urge the members of this Assembly to support the amendment put forward by the Member for Edmonton-Beverly-Clareview and, after that, the Bill as amended.

Thank you very much.

THE CHAIRMAN: The hon. Member for Edmonton-Norwood on the amendment.

MS OLSEN: Thank you, Mr. Chairman. Looking over the amendments that have been provided, I recognize that the parenting information course has in fact been a good opportunity for parents to get an objective view of what happens to their child while they're in the throes of divorce. I think that's very important. I'm not sure that the hon. member who's sponsoring the Bill has made it very clear, but I need to know that he's looking at this as an information course, not an opportunity for the instructors of this course to offer alternatives to divorce. In some of the readings that he tabled, which I wouldn't mind having a copy of, they were more alluding to keeping families together and alluding to children of divorced families being involved in youth crime. I think that that's not where the Bill was supposed

to be going, and I'm wondering what the undercurrent and the undertone of all that is.

So I just have some questions that maybe could be answered by the member. One, would he please table and provide a copy of the documents that he's tabled, his references. I just want to talk about the actual numbers he was quoting. I'm wondering how they were able to ascertain that 90 percent of the people who originally went to the course – and they went because they were ordered to go. How did you measure? What questions were asked to get their opinion on the course later? If you have that and if you could table those questions, I'd be interested in knowing that, because I think that's very important.

I'm concerned about the monetary costs. I believe the hon. member stated \$250,000 committed to two years. I'm wondering: what's going to happen after that? Who's going to bear the charges? Following that, I'm concerned about the judicial districts. Given that it's now mandatory in Edmonton and it is going to be mandatory in Calgary, when is it going to be mandatory throughout the rest of the province and how? I understand that there's some thought that this will be offered by videotape in remote jurisdictions. If that's the case, then why spend the \$250,000 in Calgary and Edmonton? Why not just have it on videotape for everybody? I think that before I would vote for these amendments, I need some answers to those questions certainly.

I also have to note that by the time people get to the courts and are looking at the courts for assistance in divorce or custody issues – judges have a lot of leeway now in what they can do. I'm not so sure that legislating this course is the way to go. Mediation is available. Minutials are available. The course itself at this point is available. Maybe given these options and offered by legal counsel, parents may in fact go to these courses.

3:20

I find it interesting that the government of the day – and I recognize this is a private member's Bill – dares not intrude on big business and the Alberta corporate elite. However, in family matters they're quite willing to stick their nose in. That doesn't seem to balance out for me.

Also, in terms of the fees, I'm concerned that there's nothing in here to waive the fees. Going into a courtroom, is it the judge of the day who decides, "Well, okay; you will go to this court," with your amendment "by striking out 'the parties must' and substituting 'the court in the designated judicial district may require the parties to'"? Well, what's the criteria? I mean, it's very broad. What makes one person any different from the next person in attending these sessions? Given all those inequities, I find it very difficult to support the Bill with the amendments and prior to that.

I also have a couple of amendments that I would like to put before the Assembly. I am concerned, given that some of these amendments affect regulations. Given that the Law and Regulations Committee never meets, we won't have any say or any debate on what those regulations should be. Of course, the direction that the hon. member has taken with this Bill, a parenting information course as opposed to a family unity perspective, where I believe he's coming from – I think that those comments just are not relevant to this Bill.

Thank you.

THE CHAIRMAN: The hon. Minister of Federal and Intergovernmental Affairs.

MR. HANCOCK: Thank you, Mr. Chairman. It's with pleasure that I rise to speak in favour of the amendments and the Bill brought forward by my colleague. Many times we hear people refer to children as our most important resource, and indeed they are in this province. We have to take great care to make sure that we have in place systems and processes which help our children when they need help.

We spend millions of dollars getting our children properly educated, and we spend millions of dollars helping children in need. When children really are affected most, in my view and from what I've been hearing from constituents and from people I've talked to, it's when there is marital breakdown. That's the time when children get caught in the squeeze, when children are thought of last in many cases, and that's the time when we need to make sure that parents are keeping in mind that what they're doing is affecting their children, affecting the children who are going to be the future of this province. It's very important that we do have in place programs such as is being promoted by this Bill to assist parents when they're going through the turmoil of divorce, when they are having marital problems between themselves, to deal with and remember their children.

The amendments to the Bill make this program one which can be ordered by the court. So it's not absolutely mandatory, but it can be ordered by the court. That's important. It's also an opportunity to make sure that these programs are available right across the province.

Mr. Chairman, I'm proud to speak in favour of the amendments and to support the Bill.

Thank you.

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

MRS. SOETAERT: Thank you, Mr. Chairman. I'm pleased to speak to the amendments. I fear sometimes that we sound rather righteous in this Assembly when we speak about parents getting divorced not caring about what happens to their children. That bothers me.

As Senator Nick Taylor used to say, if they can't get along in the bedroom, then don't ask them to get along anywhere else. Well, that's what this government is asking them to do. When people have already decided that they are in a divorce, do you think they made that decision lightly? I would beg to say that they don't. [interjection] I should never quote Senator Taylor, I know. It could get me into trouble.

It sounds like people are making judgments upon people who are getting a divorce, and I daresay that they've probably gone through a lot of heartache before they made that decision. I'm not against courses that help people get along, that help them resolve things, that help them to make decisions. But to force them – that's why I'm glad to see the amendment that says, “may require the parties to.” If it's a “may require the parties,” why do we have the Bill? You know, why are we legislating if it's a “may”? It sounds like a waste of time. I support the programs that help, but I feel it isn't going to be equitable across the province. It hasn't addressed people who live in rural Alberta, where these are not offered, and I don't see that.

My other concern is that if you're just putting this Bill forward to say, “Look; we help families,” that's not a good enough reason. There are more ways of doing it than just saying: let's put in a Bill that says that people may have to take a course. Maybe if we properly funded education and kids got more courses

within their school, if there were options for them there on self-esteem – maybe that's the area that you should be looking at. If this is just so you can pontificate and wax eloquent about how you care about families and that people should stay together – yeah, in some cases it would be wonderful if people could, but there are other cases where people divorce for very good reasons. Those are their reasons, not ours in this Assembly to judge.

My last concern on this amendment is, “governing fees that may be charged.” Once again I guess that's left up to regulation. I am opposed to charging people for this. If they're forced to take a course, how can you charge them a fee? The other day the Member for Medicine Hat said: well, what's 50 bucks in the whole case of a divorce? Well, excuse me; that's a lot of money. When you're looking at a divorce, you're already up to your ears in legal fees and legal dues and, 10 to 1, babysitting fees and everything else. Fifty dollars is a great deal of money. I object to that not being clarified, and I resent that it's going to be “may be” in the regulations or may be on an ad hoc basis with different levels across the province.

I have concerns about this Bill and concerns about the way some members are being very righteous in their speech about marriage breakdown. I wonder sometimes the motive behind some of the pontificating that's gone on by the sponsor of this Bill.

Mr. Chairman, with those few comments I think I've made my concerns known about 201. That amendment, “may require the parties to” – I'm glad it's there, but I also think: why have the Bill if it's a “may”? So we should encourage people to take the course. We should make it available, but why are we legislating it?

So with those concerns, I'll allow someone else the chance.

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

MRS. SLOAN: Thank you, Mr. Chairman. First of all, I'd like to acknowledge the efforts by the member, the efforts he has undertaken to provide amendments to the Bill. I'm certainly cognizant it takes a great amount of time to prepare a Bill and then subsequently to consult and amend the Bill. So on those points I would commend him. However, I would also raise some points of concern with respect to the body of the Bill as it stands amended. I would like to make reference to the . . .

THE CHAIRMAN: Hon. member, this is a proposal, a motion. So until we vote on it, it isn't a Bill as amended.

3:30

MRS. SLOAN: Right. I take that point of order.

In the tablings that the hon. member has provided as rationale for the Bill, I see actually only one organizational support letter, one single citizen's letter of support, and then an article from the *Edmonton Sun*.

THE CHAIRMAN: I'm sorry to interrupt again. We can only speak now to the amendment, not to the preceding material, until the amendment is either defeated or supported.

MRS. SLOAN: I recognize that, Mr. Chairman, but the member made these tablings presenting his amendments, so I would view them to be in order.

THE CHAIRMAN: Oh, you have the subsequent one; is that right?

MRS. SLOAN: Today's. I have the copies that the member presented and tabled today in the context of presenting his amendments.

THE CHAIRMAN: Okay. I withdraw the remark then.

MRS. SOETAERT: We don't argue with her either.

MRS. SLOAN: Thank you.

All right. You know, it leaves me wondering: where is the support for the amendments? With due respect to this one citizen and one organization, I think it does raise some questions in my mind with respect to the basis for it.

I would also then raise a question with respect to a page that is provided as rationale. It's not referenced; it's not sourced, Mr. Chairman. It's noted as practice note No. 8. Basically, it infers that citizens are required before application for interim support, custody of children, access to children – before those applications are undertaken, there must be an application through the "Divorcing Parents' Orientation [session] offered by Court Services." So the questions that arise in my mind are: is this in addition to the proposed amendments? How does this fit in relationship to the amendments as proposed? And because this particular referenced document only applies in the district of Edmonton, what about the rest of the province in relationship to this? The amendments do not make that clear.

I would like to, as well, lend my voice of concern to the undercurrent that I heard the hon. member make in his remarks in terms of the rationale for this Bill, the undercurrent that divorce is sometimes frivolous, that it's undertaken for minor or ridiculous reasons. The suggestion, citing from the *Sun* article, is people get divorced because one partner "burned the toast." I do not believe that to be the case. But the basic premise of all of those remarks combined was that it appears there is an impetus or intention to prevent divorce. While I think all of us in this Assembly will acknowledge that divorce is very difficult and damaging at some points and periods for both partners and children, I would submit, Mr. Chairman, that living a life of abuse or a life of neglect as a partner and as a child is also damaging. I do not agree with people that are in those situations being subjected and forced by government and with that by the courts to take a compulsory course.

I have reviewed the Parenting After Separation: Participant's Manual, that the hon. member provided, again in rationale to the amendments. It's an excellent manual, and I would highly approve and recommend that people in situations of divorce read and take those recommendations into consideration in how they are relating between themselves and their ex-partner and also with the children. It is not a matter, though, that the government should have some degree of muscle in implementing.

You know, I think that we on this side of the House again can acknowledge that it is very, very difficult to deal with conflicts and dysfunctional family relationships. We certainly know that from presenting the domestic violence Bill in the last session. We worked very hard on this side of the House to propose that. It had to some degree some of the same roots in trying to address these dysfunctional situations, create the best environment for women and children to be supported. It was not supported. It was not seen fit by the other members in this House to be supported. Now there are in a fragmented sense proposed amendments to a Bill that in a very, very small way is trying to do something about conflict, dysfunction, abuse, I would perceive,

in families, but I think it's approaching it from the wrong vantage point and, I would submit, with the wrong intentions.

The issue of costs is still one that I don't believe has been satisfactorily addressed. A question that has come to my mind since I last spoke in second reading: if citizens who are recipients of the government Department of Family and Social Services are forced to attend these sessions, will the department provide them with the additional allowance to pay for these courses? I know that many of the recipients of those services now, Mr. Chairman, do not have extra money for food let alone for courses. I don't see provisions in the amendments to address that. I would certainly consider it probably an oversight that that has not been identified. In the end, it still falls, then, to the individual to try and scrape together the funds to do it.

With that, I would propose those thoughts for my hon. colleague to consider and would voice my continued opposition to the amendments as proposed.

Thank you.

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

MS LEIBOVICI: Thank you for this opportunity to address this Bill in committee stage. I will acknowledge that the Member for Edmonton-Beverly-Clareview did bring in some amendments that did address some of the concerns that were put forward with regards to the Bill, but the bottom line still remains that these amendments are just trying to make an unpalatable Bill palatable, that in reality there is a principle at stake with regards to this particular Bill.

I just picked up a publication that I'm sure some of the members on the other side read. It's the *AFWUF Voice*, a publication of the Alberta Federation of Women United for Families. The first paragraph on the first page says:

"We want to be left alone." This is the cry of conservatives in general and pro-family advocates in particular. We want to be left alone to raise our children without interference from the state. We love private life, the quiet comforts of home, family, church and friends.

Yet I look at a Bill that's proposed, I know, by a private member, but once it is passed, it does become policy of this government. It does become policy of a Conservative government. In essence, as the member in the far left-hand corner indicated, what we are doing is working on a social policy issue. What we are defining and what we are putting forth and what we will be passing is a Bill that deals with social policy. In fact, if it is now the social policy of the Conservative government to interfere in people's lives, then I think that that is a reality that will be acknowledged upon the passage of this particular Bill with or without the amendments. All the amendments do is try to address some of the concerns with the Bill, but they do not address the first principle of the Bill. The first principle of the Bill is to interfere in a process, interfere when individuals are looking at separating or becoming divorced.

3:40

Now, the reality is that we have already heard that there will not be equal access across this province. We have already heard that there will be fees that will be charged and that individuals who may have difficulty financially in their procedures will now have an additional burden. We know that in fact this parenting course could just as easily be provided out of a lawyer's office. When parents come in for an application, they can be provided the

videotape, the six-hour videotape that the rural areas will be provided, or when someone is picking up their application forms for divorce – I believe it's from the registry branch; it may not be – they can also pick up the six-hour videotape, and they can then watch it at their leisure together or not.

There is absolutely no reason for this particular piece of legislation to be put forward in this Assembly other than perhaps it is a salve for the member's conscience. Perhaps he feels bad that he is sitting within the government benches and endorsing policies that see children go to school hungry, and that's why he feels he has to do something for children through this Bill. He is feeling bad that we have the third highest level of poverty in this province and that this is something that this government is putting forward.

THE CHAIRMAN: The hon. Government House Leader is rising on a point of order.

Point of Order Relevance

MR. HAVELOCK: Point of order under *Beauchesne* 459, relevance, Mr. Chairman. Why doesn't she stay on the topic as opposed to, quite frankly, making statements which will only cause a response to emanate from this side of the House? Stick with the topic for a change.

THE CHAIRMAN: The hon. Member for Edmonton-Meadowlark in reply.

MS LEIBOVICI: As the member knows, I always stick with the topic. The topic is to deal with children's rights, and that is exactly the reason that this Bill has been put forward by that member. It's to deal with the rights of children in this province. That is why we are looking at this Bill. If there is another reason, then let the hon. member let us know what that reason is. And if we are looking at children's rights, then we are looking at the whole gamut. And if we really want . . .

THE CHAIRMAN: Hon. member, the point of order, please.

MS LEIBOVICI: Thank you.

THE CHAIRMAN: What you've just said is undoubtedly in your belief so, but what we have before us is the amendment, so you must focus on what's in the amendment as opposed to the principle of the Bill. It's the amendments we're on. Would you please stay with the amendments for the time being.

MS LEIBOVICI: Thank you for keeping me on the straight and narrow, as you always do, and I quite appreciate that piece of advice.

Debate Continued

MS LEIBOVICI: The amendments, as I indicated, deal with trying to make this Bill passable. The amendments deal with the Bill that deals with, as one of the other members indicated, social policy. If we look at Budget '97: Post-Election Update and we look at the Family and Social Services update documents, then what is trying to be achieved in this Bill with the amendment is basically within the purview of the Family and Social Services department. If you look at page 166, the mission is to “help families to be responsible and accountable, help adults to be

independent, and keep children safe.” The vision is “an integrated, community-based delivery system for services to children and families.”

There's no need for these amendments; there's no need for this Bill. There is the requirement perhaps for the department to follow through with its mission and vision statements, because if in fact the department were doing its work, then you would have that six-hour video available to parents who are looking at separating and who are looking at becoming divorced.

What this Bill does – and we look at section 4 which had amendments to it – is provide regulations. Now, there's a member who sits to my right who's the member responsible for deregulation. Yet here we have a Bill that may well pass, and when it passes, even though it is a private member's Bill, it becomes government policy, and all of a sudden we have more regulations. Well, do we know what we're doing over there? Somehow I don't think so. Though the attempt to try and keep children safe, to try and ensure that children's rights are respected is laudable, the effort is anything but. I cannot, with or without the amendments, support this Bill.

Thank you.

[Motion on amendment A1 carried]

THE CHAIRMAN: Now we are back on the main part of the Bill.

The hon. Member for Edmonton-Norwood.

MS OLSEN: I would like to introduce two amendments to the Bill, and I'd like to introduce them separately, if I could.

The amendment that I'd like to introduce . . .

THE CHAIRMAN: Edmonton-Norwood, I would just say to make just a very brief comment, and when everybody gets them, then you can go and explain the whole bit.

MS OLSEN: Okay. My very brief comment is: you'll be getting the amendment right away. We'll go ahead as soon as you get it.

THE CHAIRMAN: I guess we're pretty well ready. Hon. Member for Edmonton-Norwood, this amendment that you propose is to be known as A2. Now, just so the Chair understands it, what part is it you are dividing?

MS OLSEN: Well, strike that comment. I have two amendments that I will introduce.

THE CHAIRMAN: Oh, okay. So this is known as A2. Good. Proceed.

MS OLSEN: Thank you. The amendment that I'd like to introduce – I believe we've attempted to do this from this side of the House on several occasions. The reason I am introducing this is because if this Bill goes forward and the regulations that exist require some amendment themselves, then we're excluded from that process. We're excluded because the Law and Regulations Committee, that I sit on, that I understand I won't be sitting on physically, doesn't meet. So I have some concerns about that.

3:50

If I want to address the concerns in the regulations, I have no vehicle to do that. Those amendments are in fact representative of constituent comments, of stakeholder comments, and I would

like those comments to be put forward through the Law and Regulations Committee. So I am moving that Bill 201 be amended by adding the following after section 4:

4.1(1) In this section, "Standing Committee" means the Standing Committee of the Legislative Assembly on Law and Regulations.

That's been established. The Premier has appointed representatives from both sides of the House to sit on that, and I think that every Bill and amendment that passes through needs to go to this committee.

4.1(2) Where the Lieutenant Governor in Council proposes to make a regulation pursuant to section 4, the Lieutenant Governor in Council shall cause to be forwarded to the Standing Committee a copy of the proposed regulation.

4.1(3) On receipt by the Standing Committee of a copy of a proposed regulation pursuant to subsection (2), the Standing Committee shall examine the proposed regulation to ensure that

- (a) it is consistent with the delegated authority provided in this Act,
- (b) it is necessarily incidental to the purpose of this Act, and
- (c) it is reasonable in terms of efficiently achieving the objective of this Act.

4.1(4) When the proposed regulation has been examined as required under subsection (3), the Standing Committee shall advise the Lieutenant Governor in Council that the proposed regulation has been so examined and shall indicate any matter referred to in subsection (3)(a), (b) or (c) to which, in the opinion of the Standing Committee, the attention of the Lieutenant Governor in Council should be drawn.

Really all we're asking for is the opportunity to address regulations provided in Bills that are put forward. Where the regulations in this Bill are of a concern to me is section 4(g): "governing fees that may be charged in respect of any matter." I would like the ability to speak to those. I feel that the democratic process is being hindered when we don't have the opportunity to meet, as we're assigned to the committee, and speak to the issues.

So that's the first amendment I have, and I'll leave it at that.

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

MR. DICKSON: Thanks very much, Mr. Chairman. Just by way of background with respect to this amendment – and of course I'm speaking in support of it – there's no question that we all understand that you can't do all lawmaking in here. I think every member understands that there are details that have to be dealt with in another forum and in another expedited fashion.

In virtually every other jurisdiction in Canada and in the United Kingdom and every other parliamentary democracy you can name, they've come up with a means to be able to make subordinate lawmaking but still in a way that there are some checks and balances and some oversight. The way they typically do that is they have some sort of a standing committee with representation from government and opposition that sits and reviews regulations, in some cases in draft form before they in fact become law, in other cases within 30 days or 60 days after they become law. In some forums like the Parliament of Canada they have a wonderful mechanism whereby they actually publish regulations under a number of statutes in draft form before they become law.

The point, of course, is that we've seen in a Bill like 201 lots of concerns in terms of fees, lots of concerns in terms of unequal application. Here's a law that purports to be of provincial application, but it means that a citizen in Peace River, a citizen in Drumheller, or a citizen in Edmonton may have a different

process to follow to be able to get a divorce, to be able to get an order of judicial separation.

What happens, Mr. Chairman, is that increasingly in this jurisdiction we find more and more decision-making power is hived off to a process that all Albertans aren't part of, that all Albertans don't have a window into. In fact, this was the reason why, I think in about 1984, the Legislative Assembly of Alberta struck a select special committee that consisted of, I think, the president of the Law Society of Alberta, the Associate Chief Justice of the province of Alberta. We had Parliamentary Counsel. We had arguably the finest legal parliamentary minds in the province who set about looking at how we're going to govern subordinate lawmaking in Alberta, and they published a report. The report is available in the Legislature Library.

What the report recommended was a regulations Act, and they talked about a whole process, including a standing committee of the Legislative Assembly that would provide some oversight of regulations. Curiously, virtually all of the recommendations were accepted by the government of the day. We now have the Regulations Act that can be attributed back to that initial report. A lot of other regulatory reform in Alberta all stems from that report in the mid-80s, but the one recommendation that the government of the day wouldn't accept was to have a standing committee effecting oversight.

Now, what's happened since is that subsequent governments realized there was a problem with that, and they created the Standing Committee on Law and Regulations. But what's happened is that for at least 10 years the committee has never been called. It's never met; it's never been mandated to do anything. Notwithstanding, in every new session, immediately after an election, we go through the drill of tasking members to sit on different committees. Of course, in our caucus there's a furious fight, Mr. Chairman, to be on the Law and Regulations Committee, partly because of the inspired leadership of the Member for Calgary-Shaw. Then to the new members' everlasting disappointment, they found he ceased to be chairman of the committee. The many great admirers in the opposition caucus of the esteemed Member for Calgary-Shaw are disappointed again but still wanting to be on that committee.

It took a great deal of effort in our caucus to resolve which fortunate members would be on the Law and Regulations Committee for the current term. I'm one of the lucky ones. After a lot of tough lobbying in my caucus, I managed to get back on this committee. So here I am in the Assembly eagerly, enthusiastically waiting to have some regulations passed to us. I mean, we have nothing else to do but simply wait for the regulations to come forward so we can review them. Why? Because we want to be able to ensure that some bureaucrat isn't getting away with trying to create an empire that goes beyond what the mother statute would authorize. We wanted to make sure that each regulation was put to the test of whether it was going to achieve the mischief that the Bill was ostensibly to deal with and to solve. We wanted to make sure that it was going to be efficient. We continue in this province to pass probably about 800 regulations a year, a huge number of regulations – it keeps growing – passed in secret by order in council.

So as we lurch forward to the millennium, what we find is that once again MLAs in this province in some cases may as well be back in their constituency offices waiting anxiously for the *Alberta Gazette* to arrive by the government courier, because that's how they find out what laws are being made in this province. We could probably save the taxpayers of the province an enormous

sum of money by simply taking out all the chairs but the front row, the cabinet members opposite. Well, that would mean the government private members would be able to go back to Calgary-Glenmore and those other wondrous places around the province. They could sit there. They wouldn't have to put on a tie and a suit. They could sit there in a T-shirt and shorts and sandals, and they could be reading *Alberta Gazette* when it came through. Maybe we could put *Alberta Gazette* on-line, Mr. Chairman. I'm not sure if that's been considered yet. You know, we'd be able to read the regulations that way, and that's the way we'd find the laws of this province that are being made.

Anyway, the point I just want to make is this is an important amendment. I encourage members to support it for all the reasons that have been mentioned and many more set out in that report of the select standing committee.

Thanks, Mr. Chairman.

4:00

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

MRS. SOETAERT: Thank you, Mr. Chairman. I, of course, will support this amendment put forward by the hon. Member for Edmonton-Norwood. It's a simple issue of knowing what's happening. I think every member in this House should have cause for concern when we pass Bills in here and yet really don't know what the regulations are going to be, unless of course you discuss them secretly in one caucus. I don't know. Maybe you do. Then it gets passed by order in council, which is just the front bench, just a small part of that caucus. In secret it gets passed. That's just a few people and certainly not the entire caucus and certainly not the entire Assembly. I think as legislators we should feel responsible, and we should know what regulations are coming out.

What if a few people on the front bench decided that a good regulation for this would be that the fee be \$150. That fee is going to be left up to regulation. Now, how realistic is a \$150 fee to a lot of people? Do we know if that's going to happen? Do you know if that's going to happen, Edmonton-Beverly-Clareview? No, you don't. You've got to trust that front row. Maybe you do. I don't. So there has to be some cause for concern.

Maybe another regulation would be that children must accompany the parents. It's not in the Bill, but it might be regulation. Would that be fair? You don't think that would happen, but do we know? Do we know for sure it won't happen? No, we don't.

I urge members to support this. This would be one chance for a Bill where people would have to get together, that committee – who's the chair of that committee now?

AN HON. MEMBER: Janis.

MRS. SOETAERT: Oh, it would give the hon. Chairman an opportunity to chair another meeting.

AN HON. MEMBER: Banff-Cochrane.

MRS. SOETAERT: Oh, Banff-Cochrane is. Okay. There you go. It would give her an opportunity to do something unprecedented in this Legislature. [some applause] See the support for her, Mr. Chairman. She could call a meeting, show Calgary-Shaw what it's all about, and actually discuss regulations that affect this Bill. It would be a landmark. Why, it would be

headlines, I am sure. It's about time that that kind of committee met. We have members from our side. As you know, Calgary-Buffalo – well, it was quite the fight in our caucus. But being a great debater, he won the spot. I tried to be on it, because a committee that doesn't meet – you know, it looks good on a résumé, but you didn't have to do any work to get it there. I could put it in my next brochure. You could put: chaired the rules and regulations committee that never met. Heck of a résumé. I could say: sat on it. It never met, but it's there in black and white. It existed, but it didn't exist.

Mr. Chairman, why can't we see the regulations that are going with this Bill? Unless the Member for Edmonton-Beverly-Clareview doesn't know what they're going to be. Now, there's a fear of mine. He doesn't know what the regulations are going to be. I think it's time this Legislature does more with regard to regulations in public, in a public forum, and get rid of the secrecy of the front bench dealing with regulations. I'm sure they're far too busy to deal with all those regulations anyway.

I would suggest that we all support this amendment. I am sure the Member for Banff-Cochrane will, because she would like the opportunity to debate the regulations. [interjections] There you go. Calgary-Fish Creek as well.

Mr. Chairman, with those few comments I'm going to urge everyone to support this amendment. It would start definitely a new tradition in this House, something open in this forum of the Legislature. It would also encourage all of us to be more aware of the contents of a Bill that we pass.

So with those comments I will allow other people to speak to these amendments.

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

MR. YANKOWSKY: Yes. Thank you, Mr. Chairman. I cannot support this amendment. As the hon. member opposite knows, there is a committee in place, and if it's ever activated, Bill 201 may indeed be the first item of business. I really have no control over that, whether the committee sits or not. It wouldn't help if it was included in Bill 201. So I would urge all members to vote against this amendment, and I call the question.

MS LEIBOVICI: I would challenge the member on his last statement, that it wouldn't help to put the amendment into the Bill. Has he not read the amendment? The amendment quite clearly says in 4.1(2), "Where the Lieutenant Governor in Council proposes to make a regulation pursuant to section 4," which is section 4 of your Bill 201, "the Lieutenant Governor in Council shall cause to be forwarded to the Standing Committee a copy of the proposed regulation." It goes through it. Obviously, it would make a difference. It would force the standing committee to meet. Now, if the member is saying that there is no reason for the standing committee to meet, then that's a different ball of wax. But to say that these amendments do not force the standing committee to meet means that the member has either not read it or has not understood it.

Thank you.

[Motion on amendment A2 lost]

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

MS OLSEN: Okay. Well, I'm going to try again here with

another amendment, and before I comment on it, I'll make sure everybody gets it. This might be a little more amenable to people.

THE CHAIRMAN: Hon. Member for Edmonton-Norwood, I think we can begin. Most members have them, and the rest will soon get them.

4:10

MS OLSEN: Great. Thank you, Mr. Chairman. I'd like to introduce my second amendment to Bill 201. Would this be A3, Mr. Chairman?

THE CHAIRMAN: Yes. It'll be called A3.

MS OLSEN: I'd like to move that Bill 201 be amended in section 1, which is the definitions section of this Act, by adding the following after clause (e):

"Parent information course" means a seminar which provides information respecting the effects of separation on parents and children, methods for effective communication, the legal process involved, and available alternative dispute resolution services.

That really is in essence what this course does. It's not spelled out in the Act. I believe, as in other pieces of legislation, it should be spelled out what exactly this course is, what it is all about, so that it cannot be changed at the whim of the instructors. It provides guidelines, and it provides a specific course content so that we can't move away from the parenting information course to the let's stay together course, when in fact we shouldn't be. So I think this is a very important definition that needs to go into the Act, if it's to pass.

THE CHAIRMAN: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Chairman. Just for clarification, I'm wondering if the Member for Edmonton-Norwood could confirm for me whether or not this definition is consistent with what the courts have been ordering in the past and in particular with what Madam Justice Trussler has been working on and actually issuing through her courts.

MS OLSEN: This definition, I believe, fits very well with what Madam Justice Trussler is wanting. I believe that she's had a lot of input into the actual course and designing the course. These amendments specifically spell out what is already involved in the course. So I would suggest that these amendments are fitting with Madam Justice Trussler and those who deliver the course.

THE CHAIRMAN: The hon. Government House Leader.

MR. HAVELOCK: I'm sorry. I guess I should have asked two questions at once. Thank you, Mr. Chairman.

THE CHAIRMAN: Hon. government leader, I wonder if we can invite the minister to take his corresponding friends out, and then we can hear the hon. Government House Leader.

The Government House Leader.

MR. HAVELOCK: Yes. Has the Member for Edmonton-Norwood examined the present Bill with the amendments in which we have already actually voted on this afternoon to ensure that this definition again is consistent with what's in the Bill? I don't want to be in a situation where there is a definition and there are

other terms used in the Bill which are inconsistent with it. I think that would be important.

MS OLSEN: The term "parent information course" is simply identified throughout the entire Bill. Parenting After Separation Act is what it's called. Parent information course is identified in sub (5). Parent information course is referred to throughout the Bill. What in essence this amendment is doing is identifying what that course is. There's nowhere in this Bill that identifies what the course is.

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

MR. YANKOWSKY: Thank you, Mr. Chairman. Yes, I think this is a friendly amendment. From what I'm reading here, it does seem to be consistent with what is in the manual. It certainly won't hurt to define "parent information course," spell it out so that everyone can understand what it really is. It's a friendly amendment, and I'm prepared to support it and urge other members to support it.

I call the question.

[Motion on amendment A3 carried]

MR. DICKSON: I have a further amendment, Mr. Chairman, that I propose be marked A4. This is an amendment that deals with the one further shortcoming in Bill 201, and copies of the amendment are being distributed as I speak.

THE CHAIRMAN: The amendment that's been proposed by the hon. Member for Calgary-Buffalo will be called amendment A4. Calgary-Buffalo, you may begin.

MR. DICKSON: Thanks very much, Mr. Chairman. We've already had a lot of discussion about fees. You've heard the concern that's been expressed I think well by certainly some of my colleagues that fees can constitute a barrier. As we've done with the freedom of information Act and a whole series of other statutes, we're simply giving the court the discretion, in appropriate circumstances, to waive fees. Hopefully this will achieve what I think is a goal every member would support, which simply says that fees must not be a barrier to some woman who has no money, who desperately needs out of an abusive situation. She should be able to get into that process and get through it without us creating other fee barriers that would prevent her from getting that sort of access. We still leave it up to the court to exercise its discretion to ensure that fees are waived in appropriate cases. I think, frankly, this is a helpful amendment because I think the sponsor of the Bill talked about wanting to ensure that this would assist people who need to get out of bad situations. I think this amendment makes it easier to achieve that end.

Those are my comments, Mr. Chairman. Thank you.

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

MR. YANKOWSKY: Thank you, Mr. Chairman. I am not prepared to support this amendment. There are no fees being charged at the present time. There seems to be a terrible fear of fees being charged or imposed at some time by the Lieutenant Governor in Council. I would suggest that we pass the Bill in its

present form and wait and see if there will be any fees imposed. Then of course amendments can always be made later. So I call the question.

MR. DICKSON: I can hardly believe what I just heard the sponsor say. We just finished dealing with an amendment he brought in that created the power by regulation for fees to be fixed. That was his amendment, not mine, Mr. Chairman. For him now to stand up and say: well, we don't know whether there are going to be any fees – if there aren't going to be any fees, we don't have to worry about waiving fees in appropriate cases, but we don't get a chance to deal with it again.

Now I'm really concerned. Why did we just deal with an amendment for fees if in fact there's no intention to have fees? Why didn't he come out and say that? That's one of the biggest concerns we've got, that fees are going to be a barrier. I'm mystified. If there's no intention of fees, why wouldn't the member have simply stood and said that? Why wouldn't he have just stated that, and we could have saved a whole pile of time this afternoon.

This only applies, hon. member, through the Chair, if fees exist. If fees don't exist, this just occupies a couple of lines in the statute. What possible reason would there be for not putting this in? It's a good companion to the other one. If you take out the fee enabling provision for regulation, this comes out.

4:20

MR. HAVELOCK: Then who pays the fee?

MR. DICKSON: The presumption is we don't know who pays the fee. All we simply say is that the fee can be waived in appropriate cases. [interjections]

Chairman's Ruling Decorum

THE CHAIRMAN: Order, hon members. Order, hon. Government House Leader. [interjection] Edmonton-Meadowlark. We're in committee stage and we have one person speaking. Committee does permit for one member to ask a question, sit down, receive an answer, ask another question, and someone gets up and responds to it. But it doesn't provide for across-the-aisle comments back and forth when an hon. member is speaking. We are witnessing here an engagement in crosscourt volleys by members who are experienced in this procedure. So we would hope that they would take that admonition and allow Calgary-Buffalo to pose his questions and hopefully someone to reply to them.

Calgary-Buffalo.

Debate Continued

MR. DICKSON: Thanks, Mr. Chairman. The point is simply this: without this amendment fees can become a barrier to Albertans, the constituents that we're paid by and have been elected to represent, to be able to get in and out of a family law proceeding as quickly and as inexpensively as possible. I can't think of why the sponsor would want to handicap this initiative in the rest of the province when it's worked well in Edmonton by allowing fees to become a deterrent, for fees to become a barrier. I've always been opposed to barriers for people to be able to access our court system. I can't possibly support any proposal that builds more doors. That's what refusal to accept this amendment does. I'd ask everybody: if this is indeed a free vote on the government side, let's see members vote in a way that their

constituents would want, which is to facilitate access, not obstruct access.

Thanks, Mr. Chairman.

THE CHAIRMAN: We appear to have a number of people wishing to speak, or at least they're standing. The hon. Member for Spruce Grove-Sturgeon-St. Albert, I take it.

MRS. SOETAERT: Thank you, Mr. Chairman. I want to take a moment to speak to this amendment. This amendment does follow the Member for Edmonton-Beverly-Clareview's first amendment, which says "governing fees that may be charged in respect of any matter under this Act." So all this amendment does is say that for the people who cannot afford it, that could be waived.

Now, surely everyone here in this Assembly can think of a constituent who has gone through a divorce or is going through a divorce who cannot afford legal fees. I bet everyone here could name someone in their constituency who can't afford to pay another fee. All this is saying is that it would amend it so that people who can't afford it wouldn't have to pay it.

Now, it's a simple amendment, I think it follows the member's first amendment, and it's necessary. It also opens the door so more people, if they must take this course, can at least access it without another barrier of paying money.

I don't know how many times I have to stand in here and clarify it. We all make a decent wage. There are people out there who aren't making a wage, who have children they have to support, and can't afford to pay this fee. So all this says is simply that if they can't afford it, don't make them pay it. It's a simple amendment, and I think it should be supported by everyone in this Assembly. I hope I speak long enough so that the member can think it through again and hopefully support it. [interjection] If I can speak longer, he may never get it, I know. But maybe other members will look at this amendment, think about their constituents, know that they can't afford it, and so support the amendment. Hopefully he is speaking to the Treasurer long enough to figure it out.

Well, Mr. Chairman, with those remarks I would just like to encourage everyone to look at this very friendly amendment that would make it possible for people who cannot afford the fee to at least access the program.

Thank you.

MS OLSEN: I just want to speak to this amendment. I think, Mr. Chairman, that it would be remiss of the hon. member not to consider this amendment. It merely reflects one of his own amendments that has been addressed earlier that just gives the judge more discretion, the discretion to either have people go to the course – and in fact they do and must go to the course – the discretion to those people who can't afford it.

One of the parties – either party, the petitioner or the respondent – may in fact not have the resources that the other does, so that would put them in the situation where they would have to pay. I think it would be very prudent of the hon. member to consider this amendment. It really does nothing to hurt his Bill and actually gives it some greater validity and makes the intent of the Bill more amiable.

THE CHAIRMAN: We have before us for our consideration amendment A4 to Bill 201 as proposed by the hon. Member for Calgary-Buffalo.

All those in support of this amendment, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

[Several members rose calling for a division. The division bell was rung at 4:27 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Tannas in the Chair]

For the motion:

Bonner	Hancock	O'Neill
Boutilier	Havelock	Paszkowski
Calahasen	Herard	Shariff
Cao	Klapstein	Sloan
Cardinal	Kryczka	Soetaert
Dickson	Laing	Stelmach
Ducharme	Leibovici	Stevens
Forsyth	Lougheed	Strang
Fritz	MacDonald	Tarchuk
Gibbons	McFarland	White
Graham	Nicol	Zwozdesky
Haley	Olsen	

4:40

Against the motion:

Burgener	Hlady	McClellan
Clegg	Jacques	Melchin
Coutts	Johnson	Pham
Day	Jonson	Renner
Doerksen	Langevin	Severtson
Dunford	Lund	Woloshyn
Friedel	Marz	Yankowsky
Hierath		

Totals: For - 35 Against - 22

[Motion on amendment A4 carried]

THE CHAIRMAN: We have then before us for our consideration Bill 201, Parenting After Separation Act. Are you agreed on the remaining clauses of Bill 201?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

[Several members rose calling for a division. The division bell was rung at 4:42 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Tannas in the Chair]

THE CHAIRMAN: Hon. members are reminded that we have under consideration Bill 201. This afternoon the committee has voted on a number of amendments, passing two and defeating

two, if memory serves me correctly. So when we're on to the Bill itself, the question is on the remaining clauses of the Bill, because we've already voted on some of the amendments amending some of the clauses. So that's what we're about now. We have the Bill in front of us. We've already approved a couple of the clauses in it, but now we're on the rest of the Bill.

For the motion:

Bonner	Graham	Nicol
Boutilier	Hancock	Olsen
Burgener	Herard	O'Neill
Calahasen	Hlady	Paszkowski
Cao	Jacques	Renner
Cardinal	Johnson	Severtson
Clegg	Klapstein	Shariff
Day	Kryczka	Stelmach
Dickson	Laing	Stevens
Doerksen	Langevin	Strang
Ducharme	Lougheed	Tarchuk
Dunford	MacDonald	White
Evans	Marz	Woloshyn
Forsyth	McClellan	Yankowsky
Fritz	McFarland	Zwozdesky
Gibbons		

Against the motion:

Black	Hierath	Melchin
Coutts	Jonson	Pham
Friedel	Leibovici	Sloan
Haley	Lund	Soetaert
Havelock		

Totals: For - 46 Against - 13

[The clauses of Bill 201 as amended agreed to]

THE CHAIRMAN: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Chairman. I'd like to move that in the event there is further division with respect to this matter, the ringing of the bells be changed to one minute.

THE CHAIRMAN: The Chair would remind hon. members this requires unanimous consent. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Opposed, please say no. Carried.

Now we have two more votes on this Bill. We're still on Bill 201, Parenting After Separation Act.

[Title and preamble agreed to]

THE CHAIRMAN: Shall the Bill as amended be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

MR. HAVELOCK: I move that the committee rise and report, Mr. Chairman.

[Motion carried]

[The Deputy Speaker in the Chair]

MR. CLEGG: Mr. Speaker, the Committee of the Whole has had under consideration a certain Bill. The committee reports Bill 201 with some amendments. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly. I would also like to table copies of documents tabled during Committee of the Whole this day for the official records of this Assembly.

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

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

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

5:00 **Bill 203**
Off-highway Vehicle Amendment Act, 1997

[Debate adjourned April 29: Mrs. McClellan speaking]

THE DEPUTY SPEAKER: The hon. Minister of Community Development.

MRS. McCLELLAN: Thank you, Mr. Speaker. I will conclude my remarks quite quickly, perhaps just by recapping some of the comments I made yesterday.

First of all, a commendation for the Member for Livingstone-Macleod for the intent of ensuring, as much as we can, that safety is paramount in the snowmobiling industry. While raising the concerns that I have outlined on the issue of infringing on a person's rights on private property, a concern that I am not sure I identified yesterday I would like to just place before us, the issue of enforcement, as these are off-highway vehicles.

Generally what I would like to sum up with though, Mr. Speaker, is a recommendation that we listen very carefully to the task force that the hon. minister of transportation has put in place with the industry and his department to ensure that all of the aspects of snowmobiling safety are looked at. When those recommendations come forward to us, we should examine them very carefully and seek solutions to elimination of some of the tragedies that occurred in our province last year.

Snowmobiling is a wonderful recreational activity. Many of us in this House have been snowmobilers or members of our families are. I think we have lost sight of the power that is now in those machines and the fact that a little training and education in running those machines would be in order.

Mr. Speaker, I will conclude my comments at this time and allow other members in the Assembly to put their points forward. Thank you.

THE DEPUTY SPEAKER: The hon. Member for Airdrie-Rocky View.

MS HALEY: Thank you very much, Mr. Speaker. It's with a

great deal of respect for the Member for Livingstone-Macleod that I rise today to speak to Bill 203. I have some serious concerns with this Bill. I worry about the intrusiveness of government into the lives of Albertans. I'm always concerned about government knowing what's best for the citizens rather than presenting information and letting them reach their own conclusions. I am concerned about the ability of our police force to enforce legislation of this type, particularly in farm and ranch country where they are riding on private land.

More to the point, Mr. Speaker, it has been brought to my attention that the Alberta Transportation and Utilities department has a snowmobile safety task force operating under the traffic safety initiative. In fact, they have been asked to address overall snowmobile safety issues. I'm very pleased to hear that the Member for Livingstone-Macleod is now a member of that task force, and I know he has a great deal to contribute to it. What this task force aims to do is to develop a good information and awareness program on the importance of different safety issues.

Mr. Speaker, what I would like to do is propose a motion to hoist this Bill until the Transportation and Utilities task force concludes their consultation and reports their findings so that we can focus our efforts more where they are needed.

The amendment I am proposing, which is being distributed now, reads: be it resolved that the motion for second reading of Bill 203 be amended by deleting all of the words after the word "that" and substituting the following:

Bill 203, Off-highway Vehicles Amendment Act, 1997, be not now read a second time but that it be read a second time this day six months hence.

With that, Mr. Speaker, I would ask all members to support this particular amendment. Like I said, it has been distributed now.

THE DEPUTY SPEAKER: This postponement motion as moved by the hon. Member for Airdrie-Rocky View is different from that which is known as a true hoist amendment. A hoist amendment is an actual amendment to the motion for second reading which, if passed, is tantamount to the rejection of the Bill. Members may wish to review *Beauchesne* at paragraphs 666 to 669 on the hoist. [interjections] This is the hoist? Okay. Please disregard the foregoing and treat this as the hoist. I'm just reading what's in front of me. Okay. The debate may commence.

The hon. Member for Edmonton-Meadowlark.

MS LEBOVICI: Just a point of clarification on the hoist. I don't have it in front of me, but it says: will not be read until six months hence. If there is no fall sitting, which is altogether likely from what we're hearing, in effect the Bill is dead. Is that what the intention of the mover is?

THE DEPUTY SPEAKER: The hon. Member for Airdrie - oh, you can't. You'd close debate.

MS LEBOVICI: Is that the intention?

MS HALEY: Do you want me to respond?

THE DEPUTY SPEAKER: If you're asking for a point of clarification from the Speaker, he's already muddled this up. If you recall the opening remarks that I was making, a true hoist is tantamount to the rejection of the Bill, so it has nothing to do with when the House may or may not sit. It's a kill, and that was the question.

The hon. Member for Livingstone-Macleod.

MR. COUTTS: Mr. Speaker, thank you very much. Inasmuch as I appreciate the intent, particularly in view of the fact that the task force is out there doing its job and talking with some of the stakeholders, from some of the comments I've heard not only from our own members but from members of the opposition, they're concerned about maybe bringing a bit more of a comprehensive package forward. I believe that the task force will address that, from my participation on that and some of the background work that we've done, particularly as far as snowmobiling on private lands.

Some concerns were raised around enforcement, particularly when it comes to people who need to use a snowmobile for their line of work and that type of thing, along with registration and that type of thing. I know that my involvement on the task force will bring these forward, as well as bringing some stakeholders on to the task force from across the province who would look at making this business and this industry a lot of safer. I look forward to bringing that forward at another time.

Thank you very much.

THE DEPUTY SPEAKER: The hon. Member for Airdrie-Rocky View has moved that Bill 203 "be not now read a second time." The effect of this is to reject the Bill. As we said, it's called a hoist.

[Motion on amendment carried]

THE DEPUTY SPEAKER: The Chair would make the observation that when the Speaker is standing, no one moves around. Okay?

5:10

MR. HAVELOCK: I move that we call it 5:30 and that the Assembly adjourn, to reconvene this evening at 8 in Committee of Supply.

THE DEPUTY SPEAKER: The hon. Government House Leader has moved that the Assembly do now adjourn until 8 p.m. and that when we reconvene, we do so in Committee of Supply. All those in favour of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[The Assembly adjourned at 5:11 p.m.]

